

BEFORE THE BEHAVIORAL HEALTH
AND HUMAN SERVICES BOARD
CAUSE NUMBER: 2013 BHSB 011

IN THE MATTER OF THE LICENSE OF)
)
JENNIFER R. PEVERLY, L.C.S.W.)
LICENSE NUMBER: 34004893A (ACTIVE))
)
)



COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Deputy Attorney General Kelsie E. Duggan, on behalf of the Office of the Indiana Attorney General, and pursuant to Ind. Code § 25-1-7-7, Ind. Code ch. 25-1-5, Ind. Code § 25-23.6-2-7, the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3 and Ind. Code ch. 25-1-9, files its Complaint against the Indiana Licensed Clinical Social Worker license of Jennifer R. Peverly, L.C.S.W., ("Respondent"), and in support, states the following:

LICENSING FACTS

1. Respondent's address on file with the Indiana Professional Licensing Agency is 1450 West 800 South, Covington, Indiana 47932.
2. On or about February 12, 1999, Respondent was licensed as a social worker in Maryland, holding license number 10159.
3. On or about October 11, 2002, the Maryland State Board of Social Work Examiners ("Maryland Board") issued a Final Consent Order, in which it determined Respondent committed an "act of gross negligence, incompetence or misconduct in the practice of social work," engaged in "a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work," and failed to "maintain adequate records."

4. Respondent's Maryland license was suspended for three (3) months, however, the suspension was stayed, and Respondent was placed on probation and required to complete continuing education in ethics and record-keeping.

5. On or about November 14, 2003, the Maryland Board lifted the probation from Respondent's license; however, as requested by Respondent, the Maryland Board placed Respondent's license on inactive status.

6. On or about March 24, 2004, Respondent was licensed as a social worker in Illinois, holding license number 149010869, which expired on or about November 20, 2011.

7. Respondent applied for licensure as a clinical social worker in Indiana on or about July 16, 2004.

8. Respondent disclosed previous employment termination and discipline to her Maryland license on her application for licensure in Indiana.

9. On or about November 9, 2004, Respondent was licensed as a Clinical Social Worker in Indiana, holding license number 34004893A, which expired on or about April 1, 2012.

EMPLOYMENT FACTS

10. In May 1999, Respondent was hired as a part-time therapist at Granite House, located in Westminster, Maryland.

11. On or about May 31, 2001, Respondent's employment at Granite House was terminated due to Respondent's development of a dual relationship with a patient and failure to document significant events in that patient's notes.

12. Respondent failed to document the patient's romantic declarations, threats of suicide, and hospitalization in Respondent's treatment notes.

13. Respondent's clinical director at Granite House made a complaint to the Maryland Board.

14. On or about December 3, 2009, Respondent was hired as a therapist at Cummins Behavioral Health Systems, Inc. ("Cummins") located in Crawfordsville, Indiana.

15. On her application for employment with Cummins, Respondent stated she left Granite House to take a position at another facility for the "opportunity to obtain full time salaried position and higher salary."

16. On her Cummins application, Respondent also answered "No" to the question "Have you ever been fired from a job or asked to resign?"

17. On or about February 1, 2010, Respondent filled out a credentialing application with Cummins, and when asked "has your license to practice, in your profession, ever been denied, limited, suspended, revoked, or subject to probation or any conditions or limitations in any state?" Respondent answered "No."

18. Respondent also answered "No" to the question "have your clinical privileges at any hospital or other healthcare institution or organization ever been limited, suspended, revoked, not renewed, or subject to probationary or other disciplinary conditions, or have proceedings toward any of these ends been instituted or recommended by any hospital or healthcare institution, medical staff, or committee or governing board?"

INAPPROPRIATE CLIENT RELATIONSHIPS

19. On or about February 27, 2012, MT, a former patient of Respondent's, informed his probation officer that Respondent had behaved inappropriately during some of their counseling sessions.

20. MT stated that Respondent asked MT for pain pills on at least two (2) occasions.

21. MT reported that the first time Respondent asked for pain pills was over the telephone, and the second time was during a counseling session.

22. MT stated that Respondent gave MT Ten Dollars (\$10.00) for pain pills on the second occasion.

23. Respondent informed MT that Respondent's boyfriend had been giving her pain pills, but had recently stopped and that she was going through "withdrawals."

24. At no time did MT provide Respondent with the requested pain pills.

25. On or about March 19, 2012, CE, one of Respondent's patients, and CE's mother spoke to another social worker at Cummins about concerns they had about Respondent.

26. CE stated that Respondent asked her for pain pills on more than one occasion during sessions and over the phone.

27. CE stated that Respondent tried to "hook" CE up with another patient, JS, and shared private information about JS with CE.

28. CE's mother stated that Respondent encouraged CE to go out with a twenty-six (26) year old man, even though CE was only eighteen (18).

29. CE's mother also stated that Respondent told CE that it would be okay for CE to go to Las Vegas with this older man.

30. Around that same time, on or about March 5, 2012, JS ran away from home with Respondent's assistance.

31. Respondent took JS to one of Respondent's friend's home in Terre Haute, Indiana.

32. On or about March 9, 2012, JS returned to his parents' home in Crawfordsville, Indiana.

33. On or about March 13, 2012, JS was interviewed by a detective from the Crawfordsville Police station and a representative from the Indiana Department of Child Services.

34. During the interview, JS stated that he and Respondent had sexual intercourse at least six (6) but no more than nine (9) times from the period of March 9, 2012 through March 13, 2012.

35. After JS returned home, JS's mother obtained a protective order against Respondent.

36. From April 3, 2012 through September 27, 2012, Respondent and JS continued to communicate through telephone communication and Facebook, in violation of the protective order.

37. Respondent created fake Facebook profiles for Respondent and JS to use, and Respondent purchased JS a cellular phone so they could continue to communicate.

38. On or about November 29, 2012, Respondent plead guilty to one count of Contributing to the Delinquency of a Minor and one count of False Informing, both Class A Misdemeanors in Montgomery County Superior Court 2, cause number 54D02-1204-CM-001173.

39. On or about February 28, 2013, Respondent plead guilty of three counts of Invasion of Privacy, a Class A Misdemeanor in Montgomery County Superior Court 2, cause number 54D02-1212-CM-004615.

40. As a result, the Montgomery County Superior Court 2 sentenced Respondent to the Montgomery County Jail for a period of one (1) year and assessed court costs.

COUNT I

41. Paragraphs one (1) through forty (40) are repeated and incorporated herein by reference.

42. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(1)(B) in that Respondent has engaged in fraud or material deception in the course of professional services or activities. Specifically, Respondent was dishonest on her application for employment with Cummins and the Cummins Credentialing Application regarding her termination from Granite for engaging in a dual relationship with a client.

COUNT II

43. Paragraphs one (1) through forty (40) are repeated and incorporated herein by reference.

44. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice by violating 839 IAC 1-3-4(b)(6) which states that relationships with clients shall not be exploited by the clinical social worker for personal gain. Specifically, Respondent exploited her relationships with clients for personal gain when Respondent attempted to procure pain medication from MT and CE both during and outside of their therapy sessions.

COUNT III

45. Paragraphs one (1) through forty (40) are repeated and incorporated herein by reference.

46. Respondent's conduct as described above constitutes a violation of Ind. Code §25-1-9-4(a)(4)(B) in that Respondent has become unfit to practice due to failure to keep abreast

of current professional theory or practice by violating 839 IAC 1-3-4(b)(6) which states that a clinical social worker shall not violate such positions of trust and dependency by committing any act detrimental to a client. Specifically, Respondent violated her positions of trust and dependency by committing an act detrimental to a client when Respondent engaged in dual relationships with MT, CE, and JS.

COUNT IV

47. Paragraphs one (1) through forty (40) are repeated and incorporated herein by reference.

48. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice by violating 839 IAC 1-3-4(b)(8) which states that a clinical social worker shall under no circumstance engage in sexual activities with clients. Specifically, Respondent engaged in sexual activities with JS.

COUNT V

49. Paragraphs one (1) through forty (40) are repeated and incorporated herein by reference.

50. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(D) in that Respondent continued to practice although she had become unfit to practice due to addiction to, abuse of, or severe dependency upon alcohol or other drugs. Specifically, Respondent attempted to purchase pain pills from clients on multiple occasions and admitted to having symptoms of withdrawal.

COUNT VI

51. Paragraphs one (1) through forty (40) are repeated and incorporated herein by reference.

52. Respondent's conduct as described above, constitutes a violation of Ind. Code §25-1-9-4(a)(11), in that Respondent has engaged in sexual contact with a patient under her care.

COUNT VII

53. Paragraphs one (1) through forty (40) are repeated and incorporated herein by reference.

54. Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(A), in that Respondent has continued to practice although she has become unfit to practice due to professional incompetence. Specifically, Respondent violated Ind. Code § 25-23.6-6-1, which states that matters communicated to a counselor in the counselor's official capacity by a client are privileged information and may not be disclosed by the counselor to any person, when Respondent disclosed private information about JS to another patient.

WHEREFORE, the Petitioner demands an order against the Respondent that:

1. Imposes the appropriate disciplinary sanction;
2. Directs Respondent to immediately pay all costs incurred in the prosecution of this case;
3. Directs Respondent to pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund pursuant to Ind. Code § 4-6-14-10(b); and
4. Provides any further relief as the Board deems just and proper.

Respectfully submitted,

GREGORY ZOELLER
Attorney General of Indiana
Attorney Number 1958-98

By: *Kelsie E. Duggan*
Kelsie E. Duggan
Deputy Attorney General
Attorney No.: 26505-49

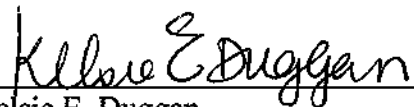
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CERTIFICATE OF SERVICE

I certify that a copy of the "Complaint" has been duly served upon the Respondent listed below, by United States mail, first-class, postage prepaid, on this 8 day of October, 2013.

Jennifer R. Peverly
1450 W. 800 South
Covington, Indiana 47932

Jennifer R. Peverly
Montgomery County Jail
600 Memorial Drive
Crawfordsville, Indiana 47933



Kelsie E. Duggan
Deputy Attorney General