

BEFORE THE SOCIAL WORKER,
MARRIAGE AND FAMILY THERAPIST,
AND MENTAL HEALTH COUNSELOR
BOARD
CAUSE NO. 2008 BHSB 0003

IN THE MATTER OF)
THE LICENSE OF)
MARK SMITH, LCSW)
LICENSE NO: 34001845A)



FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On January 26, 2009, the Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board (hereinafter "Board") held an administrative hearing in Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, to consider Mark Smith's (hereinafter "Respondent") request to withdraw probation from his license to practice clinical social work.

Respondent personally appeared before the Board. The State of Indiana was represented by counsel, Heather Kennedy, Deputy Attorney General.

The Board, after taking official notice of its file in this matter and considering the matters discussed during the hearing, issues the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Respondent's license was placed on probation by the Board's Order of June 26, 2008, pursuant to an agreement between the Board and the Respondent. The basis for the disciplinary action was Respondent's submission of insurance claims for services performed by an unlicensed employee.
2. The Board's order specified that Respondent would comply with the following terms and conditions:
 1. Respondent shall keep the Board apprised of his home address, mailing address and residential telephone number at all times;
 2. Respondent shall keep the Board apprised of his place of employment, employment telephone number and name of his supervisor at all times;
 3. Respondent shall keep the Board informed of his occupation title, work schedule, including the number of hours worked at all times;

4. Respondent shall provide a copy of all Board orders imposing discipline or limiting practice to any social work employer who shall sign and return a copy of such order to the Board within seven (7) days of employment or receipt of this order.
 5. Respondent shall be supervised by a Board approved supervisor twice a month for the length of his probation to discuss ethics and supervision. Said supervisor shall submit quarterly reports to the Board that Respondent is in compliance with the Order.
 6. Respondent shall complete 50% of his Continuing Education requirements, ten (10) hours for the 2008-2010 year in **Category I** supervision and billing.
 7. Respondent shall make quarterly personal appearances before the Board for the length of his probation. At each personal appearance, Respondent shall inform the Board that he is supervising employees in accordance with the applicable supervising statutes.
3. On December 11, 2008, Respondent petitioned the Board to withdraw the probation on this license.
 4. Respondent appeared at a hearing before the Board on January 26, 2009. Respondent's clinical supervisor, Rick Gustafson, also testified on behalf of Respondent.
 5. Respondent did not make a quarterly personal appearance before the Board because he was not aware that he needed to contact the Board to request that his appearance be placed on the agenda. Respondent has complied with the other terms of probation imposed by the Board.

CONCLUSIONS OF LAW

1. Indiana Code section 25-1-9-9(b) provides:

The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.
2. Respondent has complied with the terms of his probation to the Board's satisfaction, and the deficiency that required probation has been remedied.

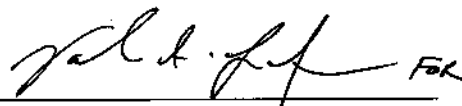
ORDER

Based upon the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the probation placed upon Mark Smith's license to practice clinic social work, license number 34001845A, is withdrawn.

SO ORDERED, this 3RD day of February, 2009.

SOCIAL WORKER, MARRIAGE AND FAMILY
THERAPIST, AND MENTAL HEALTH
COUNSELOR BOARD

By: 
Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

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RETURN RECEIPT REQUESTED

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