BEFORE THE INDIANA ATHLETIC TRAINER BOARD
CAUSE NUMBER: 2019 ATB 002

IN THE MATTER OF THE LICENSE OF:)
CAYLA PUSEY, A.T.)
LICENSE NO: 36002830A)
SUMMARY SUSPENSION)

FILED
APR 22 2020
Indiana Professional Licensing Agency

ADMINISTRATIVE COMPLAINT

The State of Indiana ("Petitioner"), by counsel, Deputy Attorney General Patricia Gibson, on behalf of the Office of the Attorney General, and pursuant to Ind. Code § 25-1-7-7, Ind. Code ch. 25-1-5, Ind. Code § 25-23-1-7, the Administrative Orders and Procedures Act, Ind. Code ch. 4-21.5-3, and Ind. Code ch. 25-1-9, files its Administrative Complaint against the Indiana Athletic Trainer license of Cayla Pusey, A.T. ("Respondent"), and in support alleges and states the following:

FACTS

1. Respondent is an Athletic Trainer ("AT") in the State of Indiana having been issued license number 36002830A on July 5, 2017.

2. Respondent's address on file with the Indiana Professional Licensing Agency is 11531 Parent Road, New Haven, Indiana 46774. Another known address for Respondent is 4485 Coventry Parkway, Fort Wayne Indiana 46804.

3. At all times relevant, Respondent was employed by Optimum Sports Performance ("OSP"), and assigned to DB's school as an athletic trainer.

4. On April 12, 2019, Respondent was charged in Allen County, Indiana with Child Seduction - Child care worker engages in sexual intercourse or other sexual conduct with a child, a Level 5 Felony; and Child Seduction - Child care worker engages in fondling or touching with a child 16-17 years of age, a Level 6 Felony; in Cause Number 02D06-1904-F5-000113. According to the charging information, DB was at least sixteen (16) years of age, but younger than eighteen

(18) years of age, between May 1, 2018, and September 12, 2018, when the contact between Respondent and DB occurred.

5. The probable cause affidavit alleged that DB was interviewed by the Grant County Sheriff's Department, and during the recorded interview DB disclosed the following information: Respondent met DB through her employment as an AT at DB's school; Respondent and DB exchanged contact information so DB could consult Respondent about a sports related injury; DB spent the night at Respondent's residence approximately five (5) through (10) times; DB and Respondent engaged in oral sex; and Respondent and DB exchanged nude photos over their phones.

6. The probable cause affidavit further alleged that a forensic examination of DB's phone revealed the following information: Respondent and DB exchanged nude photos; Respondent and DB exchanged sexually oriented and graphic text messages including graphic descriptions by Respondent of DB's penis, descriptions of sexual acts Respondent and DB planned to perform, and a request from Respondent that DB send her a nude frontal photo showing DB holding himself; and Respondent sent a message referencing DB's age, making plans for when they could be together, and commenting to DB that he should not "Grow up."

7. The probable cause affidavit further alleged the following information: Respondent contacted DB's mother ("Mother") in person concerning continuing her relationship with DB; Mother informed Respondent that continuing the relationship with DB was unacceptable; that Mother would not report Respondent if Respondent ended the relationship and all contact with DB, and requested OSP transfer her from DB's school; and at the time of their conversation Mother was unaware that DB's and Respondent's relationship was sexual.

8. The probable cause affidavit further alleged the following information: Respondent scheduled a meeting with OSP; Respondent requested to be transferred to another job location; Respondent informed OSP she had a relationship with a student, but would not give details; and

Respondent informed OSP that she had met the student outside of school hours and off school property.

9. On August 9, 2019, Respondent plead guilty to with Child Seduction - Child care worker in sexual intercourse or other sexual conduct w/child, a Level 5 Felony; and Child Seduction - Child care worker engages in fondling or touching with a child 16-17 years of age, a Level 6 Felony; in Cause Number 02D06-1904-F5-000113. The guilty plea was noted to be accurate and that there was a factual basis for the plea.

10. On August 9, 2019, Respondent was placed in a Deferral Program. Entry of judgment of conviction and the imposition of sentence were postponed for period of four (4) years. If Respondent successfully completes the Deferral Agreement, the criminal charges will be dismissed. The Deferral Agreement included the following terms:

a. Respondent was ordered to obtain a psychosexual assessment from Dr. Stephen Ross and comply with any recommended treatment;
b. Respondent was to continue counseling at Catherine Jantzen, LLC and provide written documentation as to her progress when requested;
c. Respondent was required to submit to random drug screens;
d. Respondent was required abide by the No Contact Order in favor of the victim for the entire term of the Deferral Agreement;
e. Respondent was prohibited from being employed in position requiring her to have contact with children for the entire term of the Deferral Agreement; and
f. Respondent was prohibited from engaging in any social media or electronic communication with any unrelated children for the entire term of the Deferral Agreement.

VIOLATIONS

11. By her conduct in pleading guilty to two counts of Child Seduction, Respondent has engaged in sexual conduct with a patient under Respondent's care, subjecting Respondent to discipline by this Board in accordance with Ind. Code § 25-1-9-4(a)(11).

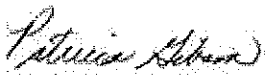
12. By her conduct in pleading guilty to two counts of Child Seduction, Respondent has engaged in a course of lewd or immoral conduct in connection of with delivery of services to the public, subjecting Respondent to discipline by this Board in accordance with Ind. Code § 25-1-9-4(a)(5).

ACCORDINGLY, Petitioner demands this Board enter an order finding that:

1. Respondent is subject to discipline according to Ind. Code § 25-1-9;
2. Imposes an appropriate disciplinary sanction;
3. Directs the Respondent to immediately pay all cost incurred in the prosecution of this case; and
4. Provides any further relief that the Board deems just and proper.

Respectfully submitted,

Curtis T. Hill, Jr.,
Attorney General of Indiana
Atty. No.: 13999-20



By:
Patricia Gibson
Deputy Attorney General
Atty. No.:12011-49

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Administrative Complaint" has been served upon the Respondent at the address listed below, by United States First Class Mail on this 23rd day of April, 2020.

Cayla Pusey
15934 State Road 37
Harlan, IN 46743

By:

Patricia Gibson
Deputy Attorney General

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