BEFORE THE INDIANA ATHLETIC TRAINER BOARD
CAUSE NUMBER: 2019ATB002

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

FILED
JUN 30 2020
Indiana Professional Licensing Agency

FINAL ORDER ACCEPTING PROPOSED SETTLEMENT AGREEMENT

The State of Indiana ("Petitioner"), by Patricia Gibson, Deputy Attorney General, and Kayla Pusey, A.T. ("Respondent"), signed a Proposed Settlement Agreement ("Agreement"), which was filed on or about June 22, 2020, and purports to resolve all issues involved in the action by Petitioner and the Indiana Athletic Trainer Board ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the June 24, 2020 meeting held telephonically and by video due to the pandemic, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement which is attached hereto and incorporated herein as Exhibit A and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 4-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law, and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby ORDERED to abide by all the terms of the Agreement.

SO ORDERED, this 30th day of June, 2020.

INDIANA ATHLETIC TRAINER BOARD

By: *Maureen Bennett*
for Larry Leverenz AT, President
Indiana Athletic Trainer Board

CERTIFICATE OF SERVICE

I certify that a copy of the "Final Order Accepting Proposed Settlement Agreement" has been duly served upon:

Cayla Pusey
15934 State Road 37
Harlan, Indiana 46743
Service by US Mail

Patricia Gibson
Indiana Government Center South, Fifth Floor
302 West Washington Street
Indianapolis, Indiana 46204-2770
Service by Email

June 30 2020
Date

Amy Hall, Board Director
for

Indiana Athletic Trainer Board
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-3022
Fax: 317-233-4236
Email: pla10@pla.in.gov

Explanation of Service Methods
Personal Service: by delivering a true copy of the aforesaid document(s) personally.
Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.
Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.

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)

FILED
JUN 22 2020
Indiana Professional Licensing Agency

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana ("Petitioner"), Patricia Gibson Deputy Attorney General, and Cayla Pusey, A.T., hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana Athletic Trainer Board ("Board") pursuant to Ind. Code § 25-1-9 et seq. and the Administrative Order and Procedures Act, Ind. Code § 4-21.5-3 et seq.

STIPULATED 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 15934 State Road 37, Harlan, Indiana 46743.

3. At all times relevant, Respondent was employed by Optimum Sports Performance ("OSP"), and assigned to DB's school as an athletic trainer. Respondent and DB exchanged contact information so that DB could consult with Respondent about a sports related injury.

4. 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.

EXHIBIT A

5. 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.

STIPULATED FACTS RELEVANT TO SANCTION

1. Respondent's Athletic Trainer license has been on Agreed Summary Suspension since April, 2019.

2. On September 20, 2018, Respondent began weekly counseling with Catherine Jantzen, LMHC, due to her relationship with DB.

3. On February 10, 2019, at the referral by Respondent's criminal attorney and her therapist, Catherine Jantzen, LMHC, Respondent underwent a psychological evaluation by Stephen Ross, PsyD., HSPP. Dr. Ross found no evidence of clinical psychopathology.

4. On September 10, 2019, Respondent returned to Dr. Ross for her court ordered psychosexual evaluation. Dr. Ross reviewed the pretrial diversion agreement, updated psychological testing was administered, and Dr. Ross interviewed Respondent. Dr. Ross found Respondent had recurrent episodes of anxiety, and relatively mild or transient depression. Dr. Ross stated, "[I]f she abides by the conditions of her diversion agreement, I would consider her to be less of a risk of re-offending."

5. On January 20, 2020, Catherine Jantzen, LMHC, noted Respondent participated fully in counseling, was highly motivated, had made positive changes to her thought processes, and the frequency of their sessions had decreased as Respondent had progressed. Catherine Jantzen, LMHC, requested Respondent's license be reinstated.

STIPULATED CONCLUSION OF LAW

The parties further stipulate:

1. 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, and violated Ind. Code § 25-1-9-4(a)(11).

2. 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, and violated Ind. Code § 25-1-9-4(a)(5).

AGREED DISPOSITION

It is now therefore agreed by Respondent and Petitioner as follows:

1. The Board has jurisdiction over Respondent and the subject matter in this disciplinary action.

2. The parties execute this Agreement voluntarily.

3. Both parties voluntarily waive their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law, including judicial review.

4. Petitioner agrees the terms of this Agreement will resolve any and all pending claims or allegations relating to disciplinary action against Respondent's Athletic Trainer license.

5. Respondent's Athletic Trainer license shall remain on **INDEFINITE SUSPENSION.**

6. **Prior to petitioning for reinstatement;**

   a. **No less than three (3) years from the date of the Final Order shall have elapsed; AND**

   b. **Respondent shall have successfully completed her Deferral Agreement in Cause Number 02D06-1904-F5-000113.**

7. Respondent shall continue to engage in individual counseling at Catherine Jantzen, LLC.

8. Prior to petitioning for reinstatement, Respondent's treating mental health professional shall provide to the Board written documentation as to Respondent's progress, and a recommendation regarding the need for continuing treatment.

9. Respondent grants permission to the Deputy Attorney General assigned to any petition for reinstatement hearing to review his Board file without complying with Indiana Trial Rule 34(C).

10. Respondent shall, within ninety (90) days of the Final Order, pursuant to Ind. Code § 4-6-14-10(b), pay a **FEE** of **FIVE DOLLARS ($5.00)** to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Office of the Indiana Attorney General
Attn: Executive Assistant, Consumer Protection Division
302 West Washington Street, 5th Floor
Indianapolis, IN 46204

11. Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

12. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of mental health counseling, or any violation of this Settlement Agreement may result in Petitioner requesting a summary suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

13. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews Respondent's license at a later date.

Cayla Pusey
Respondent

6/19/2020
Date

Patricia Gibson

Digitally signed by Patricia Gibson
DN: cn=Patricia Gibson, o, ou=Medical Licensing, email=patricia.gibson@atg.in.gov, c=US
Date: 2020.06.22 09:32:21 -04'00'

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

6/22/2020
Date