

MINUTES April 13th, 2015
LICENSED PROFESSIONAL COUNSELORS BOARD OF EXAMINERS
Approved May 15th, 2015

The meeting was called to order by L Choate at 12:20 p.m. A roll call was taken and a quorum was present.

Members Present:

L Choate P Millhollon
G Perkins K Steele

Members Absent:

E Augustin J Thomas
K Lammert J Mims
R Cathey E Cowger

Staff Present:

M Olsan

Guests Present:

S Murphy

Agenda

L Choate asked for a motion to amend the agenda to add the approval of an amended resolution for a contract with Breazeale, Sachse, & Wilson, L.L.P. G Perkins motioned to amend the agenda to add the approval of an amended resolution for a contract with Breazeale, Sachse, & Wilson, L.L.P. and to approve the amended agenda. K Steele seconded. All approved; no abstentions.

Approval of Legal Contract Resolution

M Olsan explained the expected need for additional work by Breazeale, Sachse, & Wilson, L.L.P. She further explained the revised resolution included an additional attorney, Joseph J. Cefalu, III to support James R. Raines as needed. G Perkins agreed the Board must have contracts in place for the future, expected legal needs of the Board. L Choate called for a motion to rescind the Breazeale, Sachse, & Wilson, L.L.P. Resolution adopted by the Board on March 20th, 2015. P Millhollon motioned to rescind the Breazeale, Sachse, & Wilson, L.L.P. Resolution adopted by the Board on March 20th, 2015. G Perkins seconded. G Perkins read the revised Breazeale, Sachse, & Wilson, L.L.P. Resolution and motioned to retain and employ Breazeale, Sachse, & Wilson, L.L.P. as special, disciplinary counsel. K Steele seconded. All approved; no abstentions.

Committee on Disciplinary Affairs – L Choate, K Steele

L Choate read the following statement regarding disciplinary case 14/15-64:

As you all are aware, the Board unanimously voted to summarily suspend the license of a Louisiana Licensed Professional Counselor on March 20, 2015, LPC case number 14/15-64, pursuant to Louisiana Revised Statute 49:961(C) which provides that a Board may summarily suspend a license if it finds that the public health, safety, or welfare imperatively requires emergency action.

At the time, the Board was informed that the LPC allegedly sexually molested a minor child/patient during at least one therapy session, which was a violation of Louisiana law and the Licensed Professional Counselors rules. The Disciplinary Committee informed the Board that the counselor had been arrested with respect to these allegations and that the District Attorney's office was investigating the matter. Although the LPC had been arrested, no formal charges had been brought against this LPC because investigation by the District Attorney's office remained on-going. As mentioned, whether the District Attorney's office decides to bring charges against the LPC will be determined only when their investigation is complete.

Based on the Board's vote, a hearing was scheduled before the LPC Board on April 13, 2015. For clarity, after a summary suspension is issued in emergency circumstances such as this one, the licensee is entitled to have a hearing set quickly because he or she is afforded the opportunity to respond to the allegations and present evidence on all issues involved. As opposed to moving forward with the hearing today, however, we convene a regular meeting for the purpose of reconsidering the summary suspension that was issued on March 20, 2015 and proposing to you that the summary suspension order be revoked for the following reasons.

Subsequent to the summary suspension order of March 20, 2015, our General Counsel has been in contact with the District Attorney's office with respect to this LPC. Through a cooperative relationship and multiple conversations, the District Attorney's office has informed counsel that if the Board were to move forward with the hearing against this LPC, it would have an extremely detrimental impact on their investigation and potential prosecution. This is due to several reasons including, but not limited to: (1) the fact that the child would be subpoenaed to the hearing when in an already precarious mental state; and (2) the fact that evidence is still being gathered and their investigation is in its infancy.

The Disciplinary Committee has exhaustively discussed the statement and information provided by the District Attorney's office to determine the most appropriate next step with respect to this counselor. At this time, we make the recommendation to the Board to revoke the summary suspension issued on March 20, 2015 for the following reasons:

1. We believe that the health, safety, and welfare of the public is best served by allowing the District Attorney's office to complete their investigation. This will allow the District Attorney's office to gather the best evidence and to proceed with an untainted prosecution in the event they decide to institute formal charges against the counselor.
2. Although there is no formal agreement with the Board in place, we have been informed that the LPC is voluntarily refusing to see minor patients while the complaint is pending.
3. Even if the District Attorney's office does not decide to formally charge and prosecute this individual, the Board may still proceed with its own disciplinary action against this LPC. In this respect, the complaint remains viable and the disciplinary committee will pursue its investigation and disciplinary action on an un-expedited basis.

L Choate stated that in addition to this being the recommendation of the disciplinary counsel, this plan of action also comes at the recommendation of the Executive Director and General Counsel. L Choate called for a motion. G Perkins motioned for approval of the Disciplinary Committee's recommendation to revoke the summary suspension order issued on March 20th, 2015 with respect to the LPC associated with disciplinary case 14/15-64 and to proceed with the complaint and related disciplinary action on an un-expedited basis. P Millhollon seconded. All approved; no abstentions.

Closing

G Perkins motioned to adjourn the meeting at 1:34 PM. K Steele seconded. All approved; no abstentions.

Respectfully Submitted by,

Mary Alice Olsan
Executive Director