

**LOUISIANA LICENSED PROFESSIONAL
COUNSELORS BOARD OF EXAMINERS**

IN THE MATTER OF

LALPCBE COMPLAINT

ALYSIUS ALLEN, LPC, LMFT

NUMBER 11/12-06

OPINION AND ORDER

The matter came before hearing on May 8 & 9th, 2014 in Baton Rouge, Louisiana, pursuant to written notice, at which time a quorum of the Board was present.

APPEARANCES:

DAVID VAUGHN, Counsel for Alysius Allen;

JESSICA MP THORNHILL, Assistant Attorney General and Disciplinary Counsel for the Board.

I. JURISDICTION

Jurisdiction for this hearing is vested pursuant to Louisiana Revised Statutes 37:1105 and 37:1110.

II. ADMINISTRATIVE COMPLAINT

This hearing was held pursuant to an administrative complaint filed by the Board.

III. FACTUAL BACKGROUND

1. Respondent, Alysius Allen, ("Mr. Allen") is a Licensed Professional Counselor (LPC), licensed by the Board to engage in the practice of mental health counseling in the State of Louisiana pursuant to the Louisiana Mental Health Counselor Licensing Act. Additionally, Mr. Allen is a Licensed Marriage and Family Therapist (LMFT), licensed by the Board.

2. Mr. Allen was engaged in the practice of mental health counseling at the times pertinent to the facts and matters alleged herein.

3. Mr. Allen is and at all time pertinent to the facts and matter alleged herein the owner and operator of Allen's Consultation and Training, Inc.

4. At all times pertinent to the facts and matters alleged herein, Mr. Allen employed several mental health counselors at his business.

IV. MATTERS AT ISSUE

1. Whether or not Alysius Allen forced his employees to "backdate" client files and fraudulently bill for services that the mental health counselors in the employee of Mr. Allen did not perform, which activity would be grounds for disciplinary action by the Board as established by La. R.S. 37:1110(A); LPC Rules §§ 2103, 2109 and 2113; LMFT Rules §§ 4701, 4709 and 4717.

2. Whether or not Mr. Allen threatened to withhold paychecks of employees until or unless they illegally "backdated" client files and billed for services which they did not perform, which threats would amount to an exploitative relationship with the employees, which is grounds for disciplinary action by the Board as established by La. R.S. 37:1110(A); LPC Rule § 2109; LMFT Rules §§ 4709 and 4711.

V. DISCUSSION OF TESTIMONY

During the course of the hearing, the Board heard from multiple witnesses. The prosecution presented multiple witnesses who claimed Mr. Allen instructed them to enter documentation for billing purposes on mental health counseling sessions which had not occurred. Further, prosecution's witnesses testified that Mr. Allen threatened to withhold their paychecks if they did not comply with his instructions to falsify billing records. The defense called multiple witnesses on behalf of Mr. Allen who essentially testified that the prosecution's witnesses were incorrect and Mr. Allen did not ever suggest false billing nor did he ever threaten to withhold paychecks from employees. It is sufficient to note that, prior to the filing of the Administrative Complaint against Mr. Allen, two witnesses for the prosecution had been the subject of disciplinary complaints filed by Mr. Allen with the Board. In those complaints, Mr. Allen alleged that the counselors in question had falsified billing records.

The testimony in this matter as presented by the prosecution and the defense was clearly contradictory. However, there was no corroborating evidence presented by the prosecution to substantiate the allegations made in the complaint. There was no evidence presented showing that any paychecks were withheld, nor was there any evidence showing that a counseling session had been scheduled and billed but not actually held with a patient.

VI. CONCERNS OF THE BOARD

At the conclusion of the hearing, the Board discussed all of the testimony and hard copy evidence entered into the record at the hearing. As a result of the testimony given, the Board has several concerns relating to the actions of Mr. Allen and the conduct of his business at Allen's Consultation and Training, INC. Those concerns include the following:

- a. Although the number of hours is not uncommon, the Board has concerns about the required number of hours per week that employees are expected to earn in direct client contact hours in addition to other work expectations. Specifically, an expected 32.5 hours of direct client contact during a 40 hour week that also includes a mandatory 2-3 hour staff meeting, travel to see clients, and appropriate documentation of sessions seems very difficult to maintain.
- b. The Board has concerns about verification procedures about actual contact hours and lack of consistency in procedures in verifying contact hours.

- c. The Board is concerned about procedures to ensure that all employees who should be registered by a Board are, in fact, registered with that respective Board.

VII. DECISION

Although the Board has concerns as expressed herein, and after a complete review of the evidence presented at the two day hearing, the Board finds that the prosecution has failed to prove, by a preponderance of the evidence, the allegations presented in the Administrative Complaint. Accordingly, the Board hereby dismisses the complaint filed against Alysius Allen in its entirety.

VIII. APPEAL RIGHTS

The Board's decision shall become final unless the aggrieved party files a petition for judicial review within thirty days of the issuance of this order, in conformity with La. R.S. 49:964, *et seq.*

Date: May 15, 2014

Getra Perkins, Ph.D.
Getra Perkins
Board Chair