

**LOUISIANA LICENSED PROFESSIONAL
COUNSELORS BOARD OF EXAMINERS**

IN THE MATTER OF

ADMINISTRATIVE COMPLAINT

JUNE M. DURIO, LPC, LMFT

NUMBER: LPC/LMFT 11/12-44

LPC No. 2209, LMFT No. MFT378

CONSENT AGREEMENT AND ORDER

WHEREAS, June M. Durio is a Licensed Professional Counselor (LPC) and Licensed Marriage and Family Therapist (LMFT) subject to the jurisdiction and rules and regulations of the Louisiana Mental Health Counselor Licensing Act (La. R.S. 37:1101, et seq.), the Code of Conduct for Licensed Professional Counselors (LAC 46:LX §2101, et seq.), Professional Standards for Licensed Marriage and Family Therapists (LAC 46:LX §2701, et seq.), and the rules regarding disciplinary proceedings (LAC 46:LX § 1301-1325); and

WHEREAS, pursuant to a complaint and administrative investigation, the LPC and LMFT, June M. Durio, has indicated her desire to resolve this matter through a Consent Agreement and Order as provided for in LAC 46:LX § 1311, LAC 46:LX § 3907, and La. R.S. 49:955(D) of the Louisiana Administrative Procedure Act; and

WHEREAS, the LPC and LMFT, June M. Durio, has admitted the following:

1. Respondent, June M. Durio (“Ms. Durio”), is and at all times pertinent to the facts and matters alleged herein a Licensed Professional Counselor and Licensed Marriage and Family Therapist registered by the LPC Board to engage in the practice of mental health counseling in the State of Louisiana, as evidenced by LPC No. 2209 and LMFT No. MFT378.
2. At all times pertinent to the facts of this case, Ms. Durio was actively engaged in the practice of professional counseling at Psychcare of Louisiana dba Shifa Community Health Center (“SHIFA”) and Serenity Center, LLC, (“Serenity”) in Baton Rouge, Louisiana.
3. Ms. Durio provided unnecessary counseling services to patients and falsified documentation regarding counseling services, particularly group therapy sessions, with the knowledge that this documentation would be used to submit false and fraudulent claims with Medicare.

4. On or about April 26, 2012, Ms. Durio pled guilty to one felony count of conspiracy to commit health care fraud (18 U.S.C.A. §1349).

5. As a result of her guilty plea, Ms. Durio faces a maximum sentence of ten (10) years imprisonment, a \$250,000.00 fine, or both. The court must impose restitution, and a special assessment of \$100.00. If Ms. Durio is imprisoned she may receive a term of supervised release after imprisonment for not less than two (2) years or more than three (3) years.

WHEREAS, by pleading guilty to conspiracy to commit health care fraud, 18 U.S.C.A. §1349, the LPC Board has the power to suspend or revoke the license of Ms. Durio, or otherwise discipline Ms. Durio, as established by La. R.S. 37:1110(A)(1)

WHEREAS, by the actions described above and pleading guilty to conspiracy to commit health care fraud, 18 U.S.C.A. §1349, Ms. Durio has willfully or negligently violated any of the provisions of the Louisiana Mental Health Counselor Licensing Act, as established by La. R.S. 37:1110(A)(9).

WHEREAS, by the actions described above and pleading guilty to conspiracy to commit health care fraud, 18 U.S.C.A. §1349, Ms. Durio has violated Section C.6.b (“Reports to Third Parties”) of the American Counseling Association, the Code of Ethics adopted by the LPC Board pursuant to La. R.S. 37:1110(A)(3).

WHEREAS, by the actions described above and pleading guilty to conspiracy to commit health care fraud, 18 U.S.C.A. §1349, Ms. Durio has violated Sections 3.2 (Professional Competence and Integrity) and 7.4 (Financial Arrangements) of the Code of Ethics of the American Association for Marriage and Family Therapy (AAMFT), pursuant to La. R.S. 37:1110(A)(3).

WHEREAS, the Ms. Durio has indicated her desire to resolve this matter through a Consent Agreement and Order;

WHEREAS, the undersigned Assistant Attorney General has conducted an interview with Respondent who has indicated her desire to resolve this matter through a Consent Agreement and Order;

WHEREAS, the Respondent, Ms. Durio, agrees not to repeat the misconduct mentioned in this Consent Agreement and Order, and acknowledges that any repeat of the

misconduct mentioned in this Consent Agreement and Order will be considered a violation of the terms of this Consent Agreement and Order and cause for further disciplinary action.

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the LPC Board by La. R.S. 49:955(D), the LPC Board orders and Ms. Durio accepts the following administrative action which is a final decision pursuant to La. R.S. 49:958:

1. Ms. Durio's LPC and LMFT licenses will be revoked for a period of five (5) years from the date that all parties sign this Consent Agreement and Order.
2. If, at the end of the five (5) year revocation period, Ms. Durio wishes to apply for her LPC license, she shall be required to meet any requirements that a new applicant would have to meet and satisfy to become an LPC, as described in the Louisiana Mental Health Counselor Licensing Act and Professional and Occupational Standards, Licensed Professional Counselors Board of Examiners, LPC Rules and Regulations.
3. If, at the end of the five (5) year revocation period, Ms. Durio wishes to apply for her LMFT license, she shall be required to meet any requirements that a new applicant would have to meet and satisfy to become an LMFT, as described in the Professional and Occupational Standards, Licensed Professional Counselors Board of Examiners, Professional Standards for Licensed Marriage and Family Therapists (Title 46 LX § 1301 *et seq.*).
4. In courses approved by the LPC Board in advance, Ms. Durio shall complete a total of twenty (20) hours of continuing education: six (6) hours on the subject of ethics, ten (10) hours on the subject of documentation and billing practices, and the remaining four (4) hours can be on the subject of Ms. Durio's choosing. Ms. Durio may begin to obtain these continuing education hours (CEHs) one (1) year before her license revocation is to end.
5. Ms. Durio shall pay investigative and legal costs associated with LPC/LMFT Complaint 11/12-44 in the amount of \$384.00¹ within one (1) year from the date that all parties sign this Consent Agreement and Order. The payments shall be made on a quarterly basis with the first payment due within thirty (30) days from

¹ Legal costs thus far total \$384.00. The legal costs in this Consent Agreement and Order could increase depending upon the additional time required to resolve this matter. A more accurate assessment of costs will be provided at such time the licensee is prepared to accept this Consent Agreement and Order.

the date that all parties sign this Consent Agreement and Order. There shall be no pre-payment penalty.

6. Ms. Durio shall pay a fine as authorized by La. R.S. 37:1106(D) for the above referenced violations in the amount of five hundred dollars (\$500.00) within two (2) years from the date that all parties sign this Consent Agreement and Order. Installment payments by certified check, money order, or credit card are allowable.
7. Ms. Durio specifically acknowledges that failure to comply with the terms of the Consent Agreement and Order may result in further disciplinary action taken by the LPC Board. The admissions contained herein, will be considered proven and the only issue will be failure to follow the terms of the Consent Agreement and Order.
8. By agreeing to the terms of this Consent Agreement and Order, Ms. Durio waives all rights to appeal this adjudication.

THIS CONSENT AGREEMENT AND ORDER shall take effect immediately upon adoption by the LPC Board and are a matter of public record. The terms of this Consent Agreement and Order may be published and reported in, including, but, not limited to, the LPC Board Newsletter, the National Board for Certified Counselors, and the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank (NPPDB-HIPDB).

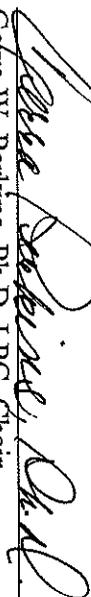
THE ADMISSIONS AND FINDINGS CONTAINED HEREIN are intended solely for the purpose of resolving the case at hand or in connection with other matters before the LPC Board involving Respondent.

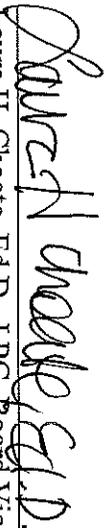
ORDER

The Louisiana Licensed Professional Counselors Board of Examiners, having examined the Consent Agreement and Order, Case No. LPC/LMFT 11/12-44, adopt the Consent Agreement and Order in this matter on July 20th, 2012.

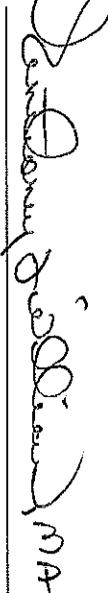
DATED this 20th day of July, 2012, at Baton Rouge, Louisiana.

LOUISIANA LICENSED PROFESSIONAL
COUNSELORS BOARD OF EXAMINERS


Geira W. Perkins, Ph.D, LPC, Chair

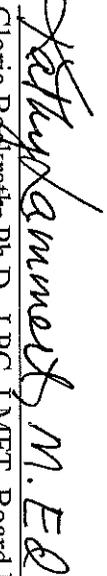

Laura H. Choate, Ed.D., LPC, Board Vice Chair


Penny Milkshon, MA, LPC, LMFT, Secretary


Anthony Williams, MA, LPC, LMFT, Board Member

Dustin S. Dowling, Member at Large


Alysis Allen, MA, LPC, LMFT, Board Member

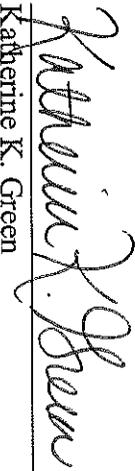

Gloria B. Strath, Ph.D., LPC, LMFT, Board Member


Mark Reynaud, MA, LPC, LMFT, Board Member

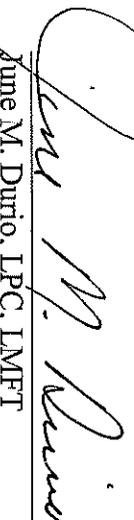
N. Tom Moore, MA, MMFT, LPC, LMFT, Board Member


Ernie Cowger, Ph.D., LPC, LMFT, Board Member

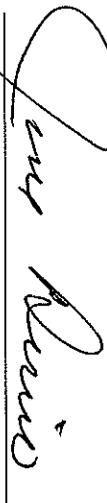
I, Katherine K. Green, Assistant Attorney General serving as Prosecutor, do hereby acknowledge negotiation and preparation of this Consent Agreement and Order in order to resolve, with prejudice, all matters for which the Licensed Professional Counselor and Licensed Marriage and Family Therapist, June M. Durio, could be charged under LPCLMFT 11/12-44; and further certify that this Consent Agreement and Order is consistent with the evidence, adequately addresses the complaint and represents a true and correct statement of that which could be proven at a hearing of this matter.


Katherine K. Green
Assistant Attorney General
Date 7/18/2012

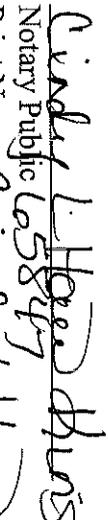
I, June M. Durio, Licensed Professional Counselor and Licensed Marriage and Family Therapist, make these acknowledgments and waivers in support of a final disposition of the pending investigation of LPCLMFT 11/12-44 by Consent Agreement and Order ("Order") pursuant to La. R.S. 49:955(D), in lieu of the institution and prosecution of formal administrative proceedings, and accordingly consent to the entirety of the Order set forth hereinbefore and further waive any right to which I may be entitled under the Louisiana Administrative Procedure Act or any other law to contest, in any court, my agreement to this Order. By my subscription hereto, I also hereby authorize the Assistant Attorney General to present this Order to the LPC Board for its consideration and to disclose to, and discuss with, the LPC Board the nature and results of the investigation of this matter. I herein waive any objection to such disclosure based on due process of law under either the State or Federal Constitution or under State statutory law, including La. R.S. 49:960. I expressly acknowledge that the disclosure of such information to the LPC Board shall be without prejudice to the Assistant Attorney General's authority to file a formal Administrative Complaint, or the LPC Board's capacity to adjudicate such Administrative Complaint, should the LPC Board decline to approve this Consent Agreement and Order. I further acknowledge my awareness that should the LPC Board approve this Consent Agreement and Order that the Order will become a matter of public record.


June M. Durio, LPC, LMFT
Date 7/10/2012

I, June M. Durio, Licensed Professional Counselor and Licensed Marriage and Family Therapist, have read the Consent Agreement and Order, understand it, and agree to be bound by its terms and conditions.

DATED: 7/10/2012

LPCLMFT NAME

SUBSCRIBED AND SWORN TO before me this 10 day of July,
2012, at Baton Rouge, Louisiana.


Cindy L. Hooper
Notary Public 655847
Print Name: Cindy L Hooper
My commission expires: 7/2013