BEFORE THE IDAHO STATE LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE & FAMILY THERAPISTS

ORIGINAL

In the Matter of the License of:	)	
	)	
STEPHANIE HUNTSINGER,	)	Case No. COU-P3-02B-02-055
License No. LPC-951,	)	
	)	**STIPULATION AND**
Respondent.	)	**CONSENT ORDER**
	)	

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WHEREAS, information having been received by the Idaho State Board of Professional Counselors and Marriage & Family Therapists (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Stephanie Huntsinger (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of professional counseling and marriage and family therapy in the State of Idaho in accordance with title 54, chapter 34, Idaho Code.

2. Respondent Stephanie Huntsinger is a licensee of the Idaho State Board of Professional Counselors and Marriage & Family Therapists and holds License No. LPC-951 to practice as a professional counselor in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 34, Idaho Code.

3. From approximately June 20, 2000, until her termination on August 31, 2001, Respondent was employed by Valley Crisis Center, a shelter for domestic violence, sexual and child abuse.

4. Approximately one month before Respondent's termination from Valley Crisis Center, Respondent told a group she was leading, "I don't have to take this shit" and left. Respondent did not return to the group.

5. Approximately September 4, 2001, four days after her termination from Valley Crisis Center, Respondent delivered a letter to the President of the Valley Crisis Center Board of Directors containing allegations about the shelter. The Board of Directors investigated Respondent's allegations and found they were not substantiated. In the letter, however, Respondent identified a client by name.

6. Respondent informed a former client she was being investigated by the Bureau of Occupational Licenses. The former client wrote a letter complaining about Valley Crisis Center, and Respondent delivered the letter to the Bureau investigator. In addition, Respondent periodically spoke with former clients by telephone.

7. Five of Respondent's client files from Valley Crisis Center failed to contain case plans, and in numerous cases, client appointments existed in Respondent's calendar but there were no case notes in the files for the appointments.

8. After she was terminated from Valley Crisis Center, Respondent deleted all files, software and the operating system off of Valley Crisis Center's computer, and sent letters to various funding agencies regarding her belief that a counselor at the Center was violating the law by practicing counseling without a license, unaware that the person was exempt from licensure.

9. When questioned about her use of prescription pain medications for a previous neck injury and migraine headaches, Respondent was not initially truthful with the investigator. Records from the Idaho Board of Pharmacy indicated that Respondent periodically received prescriptions for pain medications from different doctors at the same time, and the Board of Pharmacy notified Respondent's physicians that she was seeing multiple doctors. Many of Respondent's former doctors informed the investigator that they would not have continued prescribing pain medications for Respondent if they

knew she had been seeing other doctors at the same time. Respondent now believes that she made a mistake going from doctor to doctor and stated that she believes she has found the right doctor and has been correctly diagnosed, and that her pain level has steadily decreased since her surgery in April 2003.

10. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of professional counseling, specifically Idaho Code § 54-3407(5), IDAPA 24.15.01.350, and ACA Code of Ethics A.6.a, A.9.b., B.1.a, B.4.a, D.1.j, and D.1.*l*. Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent's license to practice as a professional counselor in the State of Idaho.

11. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against her license as set forth in Section C below.

B.

I, Stephanie Huntsinger, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice as a professional counselor in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of professional counseling in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. License No. LPC-951 issued to Respondent Stephanie Huntsinger is hereby suspended for a period of four (4) months. During the 4-month suspension period, Respondent shall not practice professional counseling in the State of Idaho. The 4-month suspension period shall commence 5 days from the date of entry of the Board's Order.

2. Respondent shall pay investigative costs and attorney fees in the amount of Four Thousand Three Hundred and No/100 Dollars ($4,300.00) within thirty (30) days of the entry of the Board's Order.

3. At the conclusion of the 4-month suspension period, Respondent will be eligible to apply to the Board for reinstatement of her license provided Respondent has completed the following conditions and can prove completion of the same:

a. Respondent shall obtain a drug evaluation from a qualified mental health professional specializing in pain management and shall comply with all recommendations as a result of that evaluation. A copy of this Stipulation shall be provided by Respondent to the licensed mental health care professional prior to the evaluation. Respondent shall provide a copy of the evaluation to the Board for its review in consideration of any requested reinstatement.

b. Respondent shall satisfactorily complete a three (3) semester hour (or the equivalent quarter hours) graduate-level class in ethics. Respondent must receive prior approval by the Board as to both the institution and coursework for which she is seeking credit. After completion of the coursework, Respondent will provide certified transcripts to the Board.

4. At the conclusion of the 4-month suspension period and provided Respondent has complied with Paragraphs 1 through 3 above, Respondent's License No. License No. LPC-951 shall be reinstated and placed on supervised probation for a period of one (1) year. The conditions of probation are as follows:

a. Both the supervisor and the site of the supervised practice must receive preapproval by the Board. Successful completion of the one-year program of supervised practice will be a prerequisite to reinstatement of Respondent's license without restriction.

b. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of professional counseling in the State of Idaho.

c. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

d. In the event Respondent should leave Idaho for three (3) continuous months, or to reside or practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place of business, and indicate whether Respondent intends to return. Periods of time spent outside Idaho will not apply to the reduction of this period or excuse compliance with the terms of this Stipulation.

e. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

f. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

5. At the conclusion of the one-year probationary period, Respondent may request from the Board reinstatement of License No. LPC-951 without restriction. Any request for reinstatement must be accompanied by written proof of compliance with the

terms of this Stipulation. The Board retains discretion to grant reinstatement of Respondent's license without restriction or to deny reinstatement and continue the period of probation.

6. All costs associated with compliance with the terms of this stipulation are the sole responsibility of Respondent.

7. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-2407. If Respondent violates or fails to comply with this

Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code §§ 9-337-50.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the

Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 6 day of August, 2004.

Stephanie Huntsinger
Stephanie Huntsinger
Respondent

I concur in this stipulation and order.

DATED this 10th day of August, 2004.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Stephanie N. Guyon
Stephanie N. Guyon
Deputy Attorney General

Approved as to form:
Dated this 9th day of August, 2004.
Attorney for Respondent.
By: Rebecca A. Broadbent
Finch + Broadbent, P.A.

ORDER

Pursuant to Idaho Code § 54-3404, the foregoing is adopted as the decision of the Board of Professional Counselors and Marriage & Family Therapists in this matter and shall be effective on the 5 day of October, 2004. **IT IS SO ORDERED.**

IDAHO STATE BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE & FAMILY THERAPISTS

By Bobbie A. Birdsall
~~Eric F. Jones~~, Chair
Bobbie A. Birdsall

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2004, I caused to be served a true and correct copy of the foregoing by the following method to:

Stephanie Huntsinger 14868 Hensen Drive Nampa, ID 83651-8230	☒ U.S. Mail ☐ Hand Delivery ☒ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
Rebecca A. Broadbent FINCH & BROADBENT, P.A. P.O. Box 1296 Boise, ID 83701	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
Stephanie N. Guyon Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	☐ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☒ Statehouse Mail
Michelle R. Points HAWLEY TROXELL ENNIS & HAWLEY 877 W. Main Street Suite 1000 Boise, ID 83701	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail

Rayola Jacobsen

Rayola Jacobsen, Chief
Bureau of Occupational Licenses