CONSENT AGREEMENT
BETWEEN
NINA M. KUCYK
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD

This CONSENT AGREEMENT is entered into by and between NINA M. KUCYK, hereinafter, "**KUCYK**," and the STATE OF OHIO COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD, hereinafter "**BOARD**," the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

KUCYK hereby acknowledges that she has read and understands this CONSENT AGREEMENT and has voluntarily entered into it without threat or promise by the **BOARD** or any of its members, employees or agents.

KUCYK is fully aware of her rights, including her right to be advised by counsel and her right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this CONSENT AGREEMENT.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulation, admission and understanding:

1. **KUCYK** is a licensed professional clinical counselor with supervisory designation (E.0003276SUPV) licensed in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of counseling as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. **KUCYK** received her counseling license on May 19, 2000.

2. **KUCYK**, while employed in her private practice, acted outside of her role as the treating therapist by making recommendations regarding custody and visitation in reports to the courts and in testimony dated July 10, 2012. This inappropriate conduct constitutes a violation of Ohio Revised Code Section 4757.36(C) (1) and Ohio Administrative Code Sections 4757-6-01(F)(1)&(2).

3. **KUCYK ADMITS** the allegation referenced in paragraph 2 above.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any other formal disciplinary proceedings, **KUCYK** knowingly and voluntarily agrees with the **BOARD** to the following terms and conditions:

1. Upon employment or at her current place of employment, **KUCYK** must be monitored in all aspects of her practice of counseling and receive face-to-face monitoring at the rate of one hour every two weeks for a two (2) year period. **KUCYK'S** monitor must be pre-approved by the **BOARD** and should not have a prior relationship with **KUCYK**. If a previous relationship exists, **KUCYK** must provide full disclosure of such a relationship in the request for monitor approval. All cost associated with monitoring will be at **KUCYK'S** expense. The request for monitor approval must be made in writing, include a copy of the monitor's vita and be submitted no later than two weeks after the signing of this consent agreement. Monitoring should focus on, but not be limited to, ethical decision making, custody and reports to the courts. Monitoring should be considered training in nature and should not be limited to simply approving and denying case plans. **KUCYK'S** monitor must submit quarterly reports to the **BOARD** for the entire two year period detailing topics discussed during monitoring sessions, areas of concern, areas of improvement and make a recommendation with regards to **KUCYK'S** suitability to practice. However, if **KUCYK'S** monitor is concerned with **KUCYK'S** practice at any time during the monitoring period the **BOARD** should be notified immediately. It is **KUCYK'S** responsibility to ensure that the **BOARD** receives all monitoring reports.

2. **KUCYK** is required to complete ten (10) additional hours of continuing education in child custody and record keeping, at her expense. The additional hours must be pre-approved by the **BOARD**. **KUCYK** must contact the **BOARD'S** investigative unit to seek pre-approval. The additional hours must be completed by January 30, 2015. These ten (10) additional hours may not be used for the renewal of her clinical counselor license.

It is hereby agreed by and between both parties that this CONSENT AGREEMENT hereby settles all issues concerning this matter.

By her signature on this CONSENT AGREEMENT, **KUCYK** acknowledges that in the event the **BOARD**, in its discretion, does not approve this CONSENT AGREEMENT, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **KUCYK** agrees that should the **BOARD** reject this CONSENT AGREEMENT and if this case proceeds to hearing, she will assert no claim that the **BOARD** was prejudiced by its review and discussion of this CONSENT AGREEMENT or of any information relating thereto. Should the licensee fail to comply with any provisions of this consent agreement, the Board in its discretion, may initiate further disciplinary action pursuant to OAC 4757-11-01C (21).

KUCYK hereby releases the members of the **BOARD**, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. All parties to this Consent Agreement

understand that this information will be sent to the United States Department of Health and Human Services' National Practitioner Data Bank 9NPDB0, pursuant to Title IV of Public Law 99-660, the Healthcare Quality Improvement Act of 1986, as amended; Section 1921 of the Social Security Act; and Section 1128E of the Social Security Act, as amended by Section 221(a) of the Health Insurance Portability and Accountability Act of 1996. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61 and Ohio Revised Code Section 2301.373(E), the **BOARD** may be required to provide **KUCYK'S** social security number to requesting governmental agencies.

The **BOARD** shall incorporate this CONSENT AGREEMENT into a formal journal entry at its January 2014 meeting.

This CONSENT AGREEMENT shall take effect upon the date of the last signature below:

THE OHIO COUNSELOR,
SOCIAL WORKER AND MARRIAGE AND
FAMILY THERAPIST BOARD

Nina Kucyk, Psy.D.
NINA M. KUCYK, PCC-SUPV

1/17/14
Date

Cheryl R. Stewart
Cheryl R. Stewart, Esq.
Counsel for Ms. Kucyk

1/17/14
Date

Mary J. Venrick LSW LPC
Mary J. Venrick, LSW, LPC
Chair, Counselor, Social Worker and Marriage and Family Therapist Board

3-21-14
Date

Melissa L. Wilburn
Melissa L. Wilburn, Esq.
Senior Assistant Attorney General
Counselor, Social Worker and Marriage and Family Therapist Board

1-21-14
Date