

Amended Consent Agreement between Diane J. Zieger and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

**AMENDED CONSENT AGREEMENT
BETWEEN
DIANE J. ZIEGER
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

This AMENDED CONSENT AGREEMENT is entered into by and between DIANE J. ZIEGER, hereinafter, "ZIEGER," and the STATE OF OHIO COUNSELOR, SOCIAL WORKER, 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.

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

ZIEGER 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 AMENDED CONSENT AGREEMENT.

This AMENDED CONSENT AGREEMENT contains the entire agreement between the parties, based on the Board's investigation, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this AMENDED CONSENT AGREEMENT.

This AMENDED CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

1. ZIEGER is a professional clinical counselor (E-0008223) licensed to practice counseling 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. ZIEGER received her professional clinical counselor license on January 19, 2007.
2. On July 22, 2011, ZIEGER entered into a Consent Agreement with the Board where she was required, among other provisions, to have one year of random toxicology screens. The July 2011 Consent Agreement is attached to this Amended Consent Agreement for reference. The toxicology screens began in November 2012. In July 2013, the lab report showed that ZIEGER failed the toxicology screen.
3. ZIEGER admits the allegation referenced in paragraph 2 above.

Amended Consent Agreement between Diane J. Zieger and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

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

1. ZIEGER must have monthly toxicology screens for an additional eight (8) months. The requirement would end August 1, 2014, as long as these additional screens begin in December 2013. Any further failures of the toxicology screens would be considered non-compliance and would result in a two year suspension of ZIEGER'S license.
2. ZIEGER must receive personal counseling from a BOARD pre-approved mental health practitioner for a period of one (1) year, at the rate of two (2) times a month. The practitioner must be independently licensed and must be certified and/or licensed in addictions counseling. All costs associated with this counseling are at ZIEGER'S expense. ZIEGER must submit the name, contact information, and professional resume or vitae to the BOARD'S Compliance Officer, Margaret-Ann Adorjan, no later than September 30, 2013, to obtain pre-approval. Once approved, the practitioner will provide the BOARD with reports every other month detailing issues discussed in counseling, including issues related to ZIEGER'S alleged addiction. At the end of the one year mandated counseling period, the practitioner shall provide the BOARD with a report encompassing the overall counseling period. It is ZIEGER'S responsibility to ensure the Board obtains the reports in a timely manner.

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

By her signature on this AMENDED CONSENT AGREEMENT, ZIEGER acknowledges that in the event the BOARD, in its discretion, does not approve this AMENDED 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. ZIEGER agrees that should the BOARD reject this Amended 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 AMENDED CONSENT AGREEMENT or of any information relating thereto.

ZIEGER 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 AMENDED CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61, and Ohio Revised Code Section 3123.41 et seq. the BOARD may be required to provide ZIEGER'S social security number to requesting governmental agencies.

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The BOARD shall incorporate this AMENDED CONSENT AGREEMENT into a formal journal entry at its September 2013, meeting.

This AMENDED CONSENT AGREEMENT shall take effect upon the date of the Board Chair's signature below:

Diane J. Zieger, MEd, LPCC
Diane J. Zieger, LPCC

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

9.13.13
Date

9-19-13
Date

**CONSENT AGREEMENT
BETWEEN
DIANE J. ZIEGER
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER AND MARRIAGE AND
FAMILY THERAPIST BOARD**

This CONSENT AGREEMENT is entered into by and between DIANE J. ZIEGER, hereinafter, "ZIEGER," 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.

ZIEGER 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.

ZIEGER 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. ZIEGER is a licensed professional clinical counselor (E.0008223) 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. ZIEGER received her counselor license on January 19, 2007.
2. On November 19, 2010, ZIEGER was ordered to submit to an impairment evaluation as set forth under Ohio Administrative Code Section 4757-11-02(B). Based on the results of the evaluation there is evidence to support that impairment exists.
3. ZIEGER 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, ZIEGER knowingly and voluntarily agrees with the BOARD to the following terms and conditions:

1. ZIEGER must complete a substance abuse treatment program from a BOARD approved provider. ZIEGER must complete the program and follow-through on all of the treatment recommendations. After care must include random toxicology screens for one (1) year. All costs associated with this program are at ZIEGER'S expense. ZIEGER must submit the name and contact information to the BOARD'S Deputy Director no later than August 12, 2011, to obtain pre-approval. Once approved, the practitioner will provide the BOARD with the results of the mandatory toxicology screens.

2. ZIEGER must receive personal counseling from a BOARD pre-approved practitioner for one (1) year. All costs associated with this counseling are at ZIEGER'S expense. ZIEGER must submit the name, contact information, and professional resume or vitae to the BOARD'S Deputy Director no later than August 12, 2011, to obtain pre-approval. Once approved, the practitioner will provide the BOARD with quarterly reports detailing issues discussed in counseling, professional ethics, boundaries and responsibilities, and other issues the practitioner deems appropriate. The first quarterly report is due to the BOARD offices by September 1, 2011. At the end of the one (1) year mandated counseling, the practitioner shall provide the BOARD with a report encompassing the one (1) year of counseling including areas of improvement, areas of concern (if any) and if in the practitioner's professional opinion, ZIEGER is able to function properly as a professional counselor.

3. At her place of employment or upon employment, ZIEGER 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. ZIEGER'S monitor must be pre-approved by the BOARD and should not have a prior relationship with ZIEGER. If a previous relationship exists, ZIEGER must provide full disclosure of such a relationship in the request for monitor approval. All cost associated with monitoring will be at ZIEGER'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, multiple relationships and standards of care. Monitoring should be considered training in nature and should not be limited to simply approving and denying case plans. ZIEGER'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 ZIEGER'S suitability to practice. However, if ZIEGER'S monitor is concerned with ZIEGER'S practice at any time during the probationary period the BOARD should be notified immediately. It is ZIEGER'S responsibility to ensure that the BOARD receives all monitoring reports.

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, ZIEGER 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. ZIEGER 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).

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

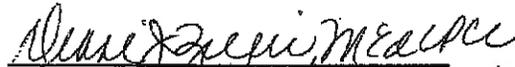
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This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61 and Ohio Revised Code Section 2301.373(E), the BOARD may be required to provide ZIEGER'S social security number to requesting governmental agencies.

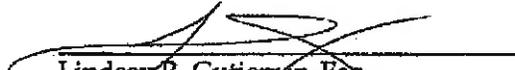
The BOARD shall incorporate this CONSENT AGREEMENT into a formal journal entry at its July 22, 2011 meeting.

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


DIANE J. ZIEGER, PCC

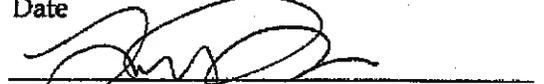
7.13.11
Date


Lindsey R. Gutierrez, Esq.
Counsel for Diane J. Zieger

7/13/11
Date

for 
Jennife Riesbeck-Dee, LSW
Chair, Counselor, Social Worker and Marriage and Family Therapist Board

7-22-11
Date


Leah V.B. O'Carroll, Esq.
Assistant Attorney General
Counselor, Social Worker and Marriage and Family Therapist Board

7/22/11
Date