



COPY

**STATE OF OHIO
COUNSELOR AND SOCIAL WORKER BOARD**

ADJUDICATION ORDER
in the Matter of:

Peter Prinz
5741 Wayside Avenue
Cincinnati, Ohio 45230

IN THE MATTER OF THE ELIGIBILITY OF PETER PRINZ TO BE LICENSED AS AN INDEPENDENT SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF PETER PRINZ CAME BEFORE THE OHIO COUNSELOR AND SOCIAL WORKER BOARD AT ITS MAY 1998 MEETING.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Peter Prinz by the Counselor and Social Worker Board on January 12, 1998. An administrative hearing was held on April 15, 1998, at 1:00 p.m. in the offices of the Ohio Counselor and Social Worker Board, 77 S. High Street, Columbus, Ohio 43266, pursuant to Chapter 119 and Section 4757 of the Ohio Revised Code. The State was represented by Assistant Attorney General Jonathan M. Bowman. Peter Prinz was present and not represented by counsel. Mr. Prinz waived his right to counsel when asked by the Hearing Officer.

The Board has reviewed the Hearing Officer Report and Recommendations prepared in this case following the administrative hearing. The Board has also reviewed the Objections to the Hearing Officer Report and Recommendations submitted by Mr. Prinz. Within his objections, Mr. Prinz made a written motion to address the Board. That motion was denied. In the letter sent to Mr. Prinz, by the Board on April 30, 1998, it states that oral presentations to the Board at the time they consider the Hearing Officer Report and Recommendations are not permitted except for the purposes of addressing matters which could not have been presented at the administrative hearing or in written objections. The Board concluded all issues raised in Mr. Prinz's objections could have been raised at the time of the administrative hearing or through written objections. The Board adopts in their entirety the Findings of Fact and Conclusions of Law in the Hearing Officer Report and Recommendations. A copy of the Hearing Officer Report and Recommendations is attached to this Adjudication Order. The Board also adopts the Hearing Officer's recommendation to revoke Mr. Prinz's license to practice social work in the State of Ohio.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER and in the attached Hearing Officer Report and Recommendations which is hereby incorporated, by reference, into this ORDER, the license of Peter Prinz (I-5228) to practice as an Independent Social Worker in the State of Ohio is REVOKED. This ORDER was approved by unanimous vote of the Members of the Board who reviewed this case.

Motion carried by order of the Counselor and Social Worker Board.

It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

APPEAL RIGHTS

Pursuant to Section 119.12 of the Ohio Revised Code, you may appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to the court in the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State of Ohio Counselor and Social Worker Board and the appropriate Court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

By Order of the State of Ohio Counselor and Social Worker Board.



Robert Moore
Chair

Certification

I hereby certify that a true and accurate copy of this Adjudication Order of the State of Ohio Counselor and Social Worker Board was mailed return receipt requested to Peter Prinz this 27th day of May 1998.

Beth Farnsworth
Beth Farnsworth
Executive Director

5-27-98
Date

7 337 619 104
Certified Mail Number
Return Receipt Requested

STATE OF OHIO

COUNSELOR AND SOCIAL WORKER BOARD

IN THE MATTER OF THE
LICENSURE OF

Peter Prinz

AS A SOCIAL WORKER
IN THE STATE OF OHIO

REPORT AND RECOMMENDATION OF
HEARING EXAMINER

April 27, 1998

FOR THE APPLICANT:

Peter Prinz

HEARING EXAMINER:

Ronda S. Shamansky
245 East Gay Street
Columbus, Ohio 43215-3210
614/224-9078

FOR THE BOARD:

Jonathan M. Bowman
Assistant Attorney General
Health & Human Services Section
30 E. Broad St., 26th Floor
Columbus, Ohio 43215
614/466-8600

FINDINGS OF FACT:

1. The hearing on this matter was held on Wednesday, April 15, 1998 commencing at 1:00 p.m. in the offices of the Counselor and Social Worker Board, 77 South High Street, Columbus, Ohio. The Board was represented by Jonathan Bowman. The licensee, Peter Prinz, represented himself. The hearing allowed the opportunity for direct and cross examination of witnesses, the submission of documents, and for arguments to be made.

2. The Board has proposed disciplinary action against Mr. Prinz's social work license for alleged violations of the Code of Ethics of the National Association of Social Workers, adopted by the Ohio Board at Rule 4757-21-01(B) of the Ohio Administrative Code. The Board contends that these violations stem from Mr. Prinz's alleged falsification of records. Specifically, the Board alleges that Mr. Prinz violated sections I(A)(2) and I(D) of the Code of Ethics of the National Association of Social Workers. Section I(A)(2) provides that the social worker should not participate in, condone, or be associated with dishonesty, fraud, deceit, or misrepresentation. Section I(D) requires the social worker to act in accordance with the highest standards of professional integrity and impartiality. The Board contends that Mr. Prinz violated these standards when he copied old Diagnostic Assessment Forms (DAF's) of clients seen on prior occasions by other therapists at his agency, and in one instance by himself, and that he resubmitted the same DAF's when those clients were later readmitted for treatment, changing only the pages containing the date and therapist's signature. In each instance, the Board contends that Mr. Prinz submitted a second bill for payment for those services. The Board claims authority under R.C. 4757.13 to take action against Mr. Prinz's license because of these violations.

3. The Board notified Mr. Prinz of its intention to take action against his license through its Notice of Opportunity for Hearing dated January 12, 1998. State's Exhibit 1. Mr. Prinz made a timely request for a hearing through his letter dated January 15, 1998. State's Exhibit 2. Mr. Prinz was given notice of the initial hearing date, notice of a continuance of that date, and notice of the hearing ultimately held on April 15, 1998. State's Exhibits 3, 4.

4. At the hearing, the State called Kenneth Drude, Ph.D., to testify about his knowledge of the alleged forgeries. Dr. Drude testified that he is a psychologist, and that at the time period in question, he was the clinical director of West by Northwest, the agency where Mr. Prinz was employed as a therapist in counseling services. As part of that agency's quality assurance plan, periodic reviews of client files were conducted by an internal committee. Dr. Drude testified that he was a member of that committee, and that he selected a sampling of Mr. Prinz's client charts to review. In the case of two clients who had been readmitted to the agency after a time period in which they were not seen for counseling, Dr. Drude noticed that the new Diagnostic Assessment Forms, ("DAF's"), purportedly done upon their readmissions, were merely copies of the original DAF's done by other therapists when those clients were first admitted for treatment. State's Exhibits 10(A), 10(B), 11(A), 11(B). In the case of one other client who had been readmitted, Dr. Drude noticed that the new DAF was merely a photocopy of an old DAF that Mr. Prinz had completed when he treated the same client on an earlier occasion when that client was admitted. State's Exhibits 9(A), 9(B). Dr. Drude testified that when he checked billing records, he found that new bills had been submitted to the county for payment on the photocopied DAF's, as though a new DAF had been completed for each of the three clients. State's Exhibits 9, 10, 11.
5. Dr. Drude testified that the DAF is a standardized assessment form detailing the client's history, current mental health condition, current medication usage, and diagnostic assessment based on the therapist's interview with the client. He testified that it is a very important document because it is the primary means of determining what services the client needs.
6. Dr. Drude testified that he wrote a memo to West by Northwest's executive director, Paul Guggenheim, summarizing his findings and recommending Mr. Prinz's termination. State's Exhibit 8. He testified that Mr. Prinz was subsequently terminated, with two weeks notice in which to transfer clients. On cross-examination by Mr. Prinz, Dr. Drude acknowledged that employees of that agency were usually

given four weeks notice to transfer their caseloads. He explained that he found Mr. Prinz's conduct so dishonest and unethical that he believed termination was in order as quickly as possible.

7. In the presentation of his own case, Mr. Prinz did not deny that he had photocopied the DAF's in question. He testified that he felt very pressured by the agency to complete paperwork requirements so that the agency could get paid, and that he believed the agency put more emphasis on paperwork than on therapists' relationships with their clients. Mr. Prinz testified that he believed his client caseload (25-30 clients) was too high, given the extensive paperwork requirements of the agency, and that copying the DAF's was the only way he could meet the demands of his employer. On cross-examination, Mr. Prinz admitted that new bills were submitted for each DAF, and admitted that the handwriting on two of the new "service tickets" indicating "do not bill" is not his handwriting. State's Exhibits 9, 10

8. Mr. Prinz testified that he is also licensed in Kentucky, and that since his termination from West by Northwest, he has been employed as a social worker with Northern Kentucky Psychiatry Associates in Ft. Mitchell, Kentucky.

DISCUSSION

There is no question in this case that Mr. Prinz photocopied old DAF forms and submitted them as though a new DAF had been completed upon the readmission of three of his agency's clients. Mr. Prinz does not deny those facts. I am persuaded by the testimony of Dr. Drude that this is a very serious matter, as the DAF is a document of great importance used by the agency to assess the client's needs. At the hearing, Mr. Prinz discounted the significance of copying the DAF's, indicating that he believed the client's problems were the same at the time they were readmitted as when they were seen previously at that agency. He asked hypothetically, "would it have made a difference if I had hand-copied them?" I find that this lack of understanding of why his conduct was improper evidences a lack of regard for the ethics of his profession and a lack of regard for his clients' care.

In reviewing the documents, I took into account both Dr. Drude's testimony about why the DAF is so important, and Mr. Prinz's testimony that the clients' conditions were unchanged. I read the DAF's of the three clients in question, and I find I am persuaded by Dr. Drude's testimony. The proper completion of the DAF appears to have a serious impact on the quality of the client's care. The three clients at issue are listed in Dr. Drude's memo of June 12, 1995, indicating the dates of both the original DAF and the photocopied one submitted by Mr. Prinz. In the case of the first client, the original DAF was done by therapist Betty Myers on January 5, 1994. The same DAF in photocopied form was submitted by Mr. Prinz on November 16, 1995, more than ten months later. The original DAF indicates that the client was unemployed with two sons to support, and had feelings of depression and hopelessness. It further indicates that although he had no current substance abuse problems, he had used alcohol to cope with his problems in the past, and had been an inpatient for 30 days at Turning Point for alcohol abuse in 1989-1990. State's Exhibit 11(A) Because of his stated history of depression, the original therapist recommended that he be evaluated for anti-depressants. Because the DAF was simply photocopied when this client was readmitted almost a year later, questions remain about whether this client's condition had in fact changed. Was he still unemployed? Had he begun using alcohol again? Was any evaluation done about whether he might benefit from anti-depressants, as recommended in the first DAF?

The second client's original DAF, done by Mr. Prinz on December 20, 1993 indicates that this client had at that time just lost her mother and was living with her pregnant daughter. State's Exhibit 9(A) She had problems such as depression, anxiety, low self-esteem, and a fear of her ex-husband. She was taking three different medications, the names of which are indecipherable to me as a layperson; however, the DAF indicates that two of the drugs were taken for pain and depression. The same DAF was photocopied and resubmitted upon her readmission September 8, 1994, almost nine months later. State's Exhibit 9(B) Mr. Prinz's testimony that her condition had not changed seems unlikely. By the time of this client's readmission, the death of her mother was no longer a very recent event. There is no indication of whether she had begun to cope with that grief more effectively with the passage of nine months. Also, since the client was living with her daughter who was pregnant at the time of the initial DAF, it is almost certain that her living situation had changed nine months later. If she was still living with the same daughter, it is quite possible that she had become responsible for helping care for a grandchild by the time of the second DAF,

which could very well have had an effect on both her mental outlook and her stress level. The fact that this client was taking medications for pain and depression at the time of the original DAF makes Mr. Prinz's photocopying of the second DAF particularly troubling. Verifying the client's current medication use would seem to be a matter of crucial importance to the effective treatment of this client's mental health.

Finally, in the case of the third client, the original DAF was completed by therapist Sue Brammer on September 26, 1990. State's Exhibit 10(A) It indicates that the client at that time was having panic attacks, dizzy spells, sleeping problems, feelings of "shakiness" inside, and a sensation that her heart was about to stop. It notes that she had been taking Valium since at least 1977, and that she was also taking Chloral Hydrates for sleep problems and hormones to deal with problems related to menopause. The client describes herself as drug-dependent, and indicates that she had seizures due to the abrupt discontinuation of her Valium when she served a prison term in the past. Finally, the DAF notes that the client has homicidal feelings toward her youngest son. Mr. Prinz admits photocopying the same DAF and submitting it when this client was readmitted for treatment on July 12, 1994. State's Exhibit 10(B) This was nearly four years later, and again, gives rise to serious questions about any changes in the client's condition. Was she still taking the same medications four years later? Were those medications having any effect on her mental status? Was she addicted to the Valium that was being prescribed for her, if indeed it was still being prescribed for her by that time? Had she had any physical exams concerning her dizzy spells or feelings that her heart was about to stop? Was she still having homicidal feelings towards her son?

It seems very unlikely that in all three of these clients' cases, nothing had changed, as Mr. Prinz claims. However, even if that were true, I am persuaded by Dr. Drude's testimony that copying the DAF without noting that it is a copy is still dishonest and unethical, particularly where it is accompanied by a second bill for the same service.

Mr. Prinz's refusal to acknowledge the inappropriateness of his conduct is, to me, the most troubling detail of this case. Rather than acknowledging that he made a serious mistake and taking responsibility for it, he continues to rationalize that it was his employer's fault for overloading him with paperwork, and that this was the only way he could have dealt with that burden. He refuses to acknowledge the dishonesty of his conduct. This causes me

great concern over whether he has the ability to practice within the confines of the Rules of Ethics. In addition, during the hearing Mr. Prinz was at times volatile and discourteous. It is true that a licensure hearing would cause any social worker a great deal of stress. However, Mr. Prinz's behavior was so unusual for a formal hearing of this type that it gives me concern over whether he is in sufficiently good mental health to practice competently in a profession that appears to me to be an emotionally demanding one.

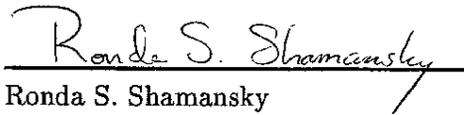
I find that Mr. Prinz did violate the ethical rules cited in the Board's Notice of Opportunity for Hearing. His conduct shows dishonesty and a lack of concern for his clients. Because Mr. Prinz does not seem to accept the fact that he did something inappropriate, I am inclined to recommend the revocation of his license. If he cannot understand why it was wrong to photocopy the clients' old DAF's and submit them as current ones, he lacks the ability to practice competently and ethically. I am further inclined to recommend revocation because of the fact that Mr. Prinz is licensed in Kentucky. If his license were merely suspended, Mr. Prinz would likely serve out any Ohio suspension while working in Kentucky, unless of course, the Kentucky licensing agency takes action based on this Board's action. Finally, if Mr. Prinz should ever apply for reinstatement of his license pursuant to R.C. 4757.36(B), I recommend that the professional standards committee require Mr. Prinz to be evaluated by a therapist of the Board's choosing, at his own expense, so that the Board can be assured that his mental and emotional health are adequate to practice as a social worker. I recommend that the Board impose this requirement upon him before it would consider reinstatement of his license in the future.

CONCLUSION OF LAW

I conclude that Mr. Prinz violated Sections I(A)(2) and I(D) of the Code of Ethics of the National Association of Social Workers by photocopying old client evaluation documents and resubmitting them with new dates and signature pages when the same clients were subsequently readmitted for treatment. His conduct violates Section I(A)(2) in that it is dishonest, fraudulent and deceitful, and misrepresents client data. It also violates the requirement of Section I(D) that the social worker act in accordance with the highest standards of professional integrity. Because of these violations of the Code of Ethics, adopted by the Board at Rule 4757-21-01, the Board has the authority pursuant to R.C. 4757.13(A) to revoke his license.

RECOMMENDATION

For the reasons detailed in this report, I recommend that the Board revoke Peter Prinz's license to practice as an independent social worker in the State of Ohio. In addition, I recommend that if he should ever apply for the reinstatement of his license, the Board require him to undergo an evaluation of his mental competence to practice, by a therapist of the Board's choosing and at his own expense, before the professional standards committee would consider accepting the application.


Ronda S. Shamansky
Hearing Examiner