



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

ADJUDICATION ORDER
in the Matter of:

Bruce M. Gierhart
1221 Terman Road
Mansfield, Ohio 44907

IN THE MATTER OF BRUCE M. GIERHART TO BE LICENSED AS A SOCIAL WORKER IN THE STATE OF OHIO.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice Of Opportunity for Hearing was issued to Bruce M. Gierhart by the Counselor and Social Worker Board on July 22, 1997.

Pursuant to O.R.C. 119.07 licensees are entitled to a hearing before the Board if such a hearing is requested within thirty days of the mailing of the Notice of Opportunity for Hearing. In this case, Bruce M. Gierhart did not request such a hearing, therefore pursuant to *Goldman v. State Medical Board of Ohio* (1996), 110 Ohio App.3d 124, 673 N.E.2d 677, a non-oral hearing was held before the Board on October 30, 1997. At this non-oral hearing the Board, by and through their Assistant Attorney General Jonathan M. Bowman, presented evidence in support of the Notice of Opportunity for Hearing in front of Hearing Officer, Ronda S. Shamansky. Bruce M. Gierhart was not present.

Summary of Evidence

State's Exhibits

1. Notice of Opportunity for Hearing issued to Bruce M. Gierhart, dated July 22, 1997, and copies of Certified Mail Receipt P348814806 showing receipt on July 24, 1997.
2. A letter dated October 7, 1997, sent to Mr. Gierhart by certified mail scheduling a hearing on October 30, 1997, pursuant to *Goldman v. State Medical Board of Ohio* (1996), 110 Ohio App.3d 124, 673 N.E.2d 677, and signed Certified Mail Receipt P348814913.
3. Certified Court records from the Court of Common Pleas, Crawford County, Ohio, indicating Mr. Gierhart had pled guilty on October 25, 1996, to a charge of Forgery in violation of O.R.C. Section 2913.31, a felony in the fourth degree.

4. Letter dated November 3, 1995, to Carolyn Lafferty from Bruce M. Gierhart showing a name stamp in which Mr. Gierhart used the initials LPC indicating he was a Licensed Professional Counselor.
5. Notarized letter dated October 20, 1997, from John E. Tatro of Community Counseling Services, Inc. stating that Mr. Tatro was Mr. Gierhart's supervisor and that Mr. Gierhart had told Mr. Tatro that he (Mr. Gierhart) was an LPC.
6. Notarized letter dated October 27, 1997, from Susan R. Buzza, where she states she and her family had seen Mr. Gierhart for counseling and Mr. Gierhart had not met their expectations and acted unprofessionally.
7. Letter received by the Board on July 28, 1997, from Bruce M. Gierhart requesting that his license be revoked and providing an explanation as to the allegations listed in the Notice of Opportunity for Hearing.
8. Notarized letter dated October 13, 1997, from Dr. Jane E. Cottrell, Psychologist, stating she had worked with Mr. Gierhart from June 1995 to March 29, 1996 and that Mr. Gierhart had not acted within normal professional limits and had refused to limit his activities in order to operate within state law.
9. Notarized letter from Sharon R. Altemus indicating she had been employed by Bruce Gierhart as an Office Manager and stating what she had observed while in his employ with regard to unethical and unprofessional conduct.
10. Letter dated October 20, 1997, from Dennis Lafferty stating he had seen Mr. Gierhart give patients medication that he had taken from other patients and that Mr. Gierhart had breached confidentiality.
11. Letter dated October 20, 1997, from Carolyn Lafferty stating she had been a volunteer at Crawford Psychological Services under Bruce Gierhart and that she had witnessed unethical and unprofessional conduct on the part of Mr. Gierhart including breaching confidentiality.
12. Form dated March 18, 1996, provided by Dr. Jane Cottrell where she has stated Mr. Gierhart forged her signature.
13. Form dated March 18, 1996, provided by Dr. Jane Cottrell where she has stated Mr. Gierhart forged her signature.
14. Testimony of William L. Hegarty, Investigative Supervisor, for the Ohio Counselor and Social Worker Board.

Findings of Fact

1. Through the testimony of Mr. Hegarty and the letters received from the various individuals outlined in the State's Exhibits section, the allegations stated in the Notice of Opportunity for Hearing have been substantiated. Based upon the testimony presented at the hearing, Mr. Gierhart: (1) Was convicted of a felony; (2) Forged the signature of Dr. Jane Cottrell; (3) Breached client confidentiality; (4) Held himself out as a Licensed Professional Counselor when he did not hold this license.; (5) Practiced social work without the required supervision; (6) Acted outside the scope of practice of a Licensed Social Worker by providing medication to individuals without a prescription; and (7) Missed

scheduled appointments, made clients wait while he was late, discussed his personal life with clients and shaved in front of them.

Conclusions of Law

1. O.R.C. Section 4757.13 provides that the Counselor and Social Worker Board may in accordance with Chapter 119 of the Revised Code, refuse to issue or renew, or may suspend or revoke, any license or certificate of registration applied for or issued under this chapter and rules adopted under it if the person has committed a violation of any provision of this chapter or rules adopted under it. Mr. Gierhart, as a licensed social worker, falls under the jurisdiction of the Ohio Counselor and Social Worker Board. Mr. Gierhart's actions constitute violations of O.R.C. 4757 and O.A.C. 4757.

Discussion

Mr. Gierhart violated the standards established in law for social workers with regard to service to clients and professionalism. Based on the evidence presented by the State, the Board believes discipline is appropriate. The Board has reviewed the Hearing Officer report and adopts the Hearing Officer's recommendation to revoke Mr. Gierhart's license.

As required in the case of *Goldman v. State Medical Board of Ohio* (1996), 110 Ohio App.3d 124, 673 N.E.2d 677, all cases where a Board issues a Notice for Opportunity for Hearing and the individual does not request a hearing or waives his right to a hearing, the Board still must review some evidence presented to it and make specific findings of fact. In this case, Mr. Gierhart did not request a hearing after receipt of his Notice for Opportunity for a Hearing.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER, the license of Bruce M. Gierhart (S-16381) to practice as a Social Worker in 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.

John J. Abraham
 Chair

Thank you for using Return Receipt Service.

Complete items 3, 4a, and 4b.
 Print name and address on the reverse of this form so that we can return this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requested" on the mailpiece below the article number. The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
 Bruce H. Gierhart
 1221 Terman Road
 Mansfield, OH 44907

4a. Article Number
 P 348 908 990

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise
 Certified
 Insured
 COD

7. Date of Delivery
 12/17/94

5. Received By: (Print Name)
Bruce H. Gierhart

6. Signature, Addressee or Agent
 Addressee if requested

102595-97-B-0179 Domestic Return Receipt
 PS Form 3811, December 1994