



COPY

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

ADJUDICATION ORDER
in the Matter of:

Sally Grosenbacher
1690 Cross Creek Lane
Defiance, OH 43512

IN THE MATTER OF SALLY GROSENBACHER TO PRACTICE AS A LICENSED
SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF SALLY GROSENBACHER CAME BEFORE THE FOLLOWING
MEMBERS OF THE SOCIAL WORKER PROFESSIONAL STANDARDS
COMMITTEE OF THE OHIO COUNSELOR AND SOCIAL WORKER BOARD: JANE
A. DAROFF, GLENN ABRAHAM, ROCKY BLACK, GWENDOLYN DACONS-
TAYLOR, AND CHESTER PARTYKA.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Sally Grosenbacher by the Social Work Professional Standards Committee on September 20, 1999.

Pursuant to 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, Sally Grosenbacher failed to make a timely request for such a hearing, therefore pursuant to *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals, 95 APE 10-1358 a hearing was held before Hearing Officer Ronda S. Shamansky, Esq. on December 9, 1999. At this hearing the Board by and through their Assistant Attorney General, David V. Patton, presented evidence in support of the Notice of Opportunity for Hearing. Sally Grosenbacher was not present.

Summary of Evidence

State's Exhibits

1. Notice of Opportunity for Hearing to Sally Grosenbacher, dated September 20, 1999, and copy of Certified Mail Receipt Z497505438.

2. Letter dated November 17, 1999, from the Board to Ms. Grosenbacher scheduling a hearing on December 9, 1999, pursuant to *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals, 95 APE 10-1358.
3. Complaint received by the Board regarding Ms. Grosenbacher from Mitchell J. Steils, signed April 23, 1999.
4. Letter dated June 29, 1999, to the Board from Tonie S. Ott regarding Ms. Grosenbacher.
5. Letter dated August 10, 1999, from the Board to Ms. Grosenbacher requesting an explanation regarding the complaint.
6. Letter received by the Board on August 24, 1999, from Ms. Grosenbacher requesting an explanation.
7. Summation of phone interview taken by William L. Hegarty, Investigative Supervisor, Ohio Counselor and Social Worker Board, on September 13, 1999, with Mitchell Steils.
8. Investigation Statement, with corresponding documentation taken of Mitchell J. Steils on August 9, 1999, by Assistant Attorney General Jonathan Bowman and William L. Hegarty.
9. Investigation Statement taken of Karen Bleeks on August 30, 1999, by William L. Hegarty and Peggy Fossett.
10. Testimony of William L. Hegarty, Investigative Supervisor, for the Ohio Counselor and Social Worker Board.

Findings of Fact

Sally Grosenbacher was terminated from her employment at Four County Family Center in Wauseon, Ohio for falsifying the patient record of three clients. The evidence presented at hearing was persuasive that Ms. Grosenbacher did falsify client records by overbilling for services provided.

Conclusions of Law

Ohio Revised Code Section 4757.36(A) and Ohio Administrative Code Section 4757-5-01(I)(1) provides that the Ohio Counselor and Social Worker Board may take disciplinary action against a licensee who has failed to ensure that documentation in client records is accurate and reflects the services provided.

Discussion

The Committee prior to rendering its decision, reviewed The Report and Recommendations of the Hearing Officer in this case and accepts it in its entirety. A copy of the Report and Recommendations is attached to this Adjudication Order. Ms. Grosenbacher is licensed as a social worker in the State of Ohio and as such the Committee has jurisdiction to discipline the license of Ms. Grosenbacher.

As required in the case of *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals 95APE10-1358, all cases where a Board issues a Notice for Opportunity for Hearing and the individual does not request a hearing, the Board still must review evidence presented to it and make specific findings of fact. In this case, Ms. Grosenbacher did not request a hearing after receipt of her Notice for Opportunity for Hearing.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER, the social work license of Sally Grosenbacher (S-18007) is REVOKED. This ORDER was approved by unanimous vote of the Members of the Social Work Professional Standards Committee who heard this case.

Motion carried by order of the Counselor and Social Worker Board

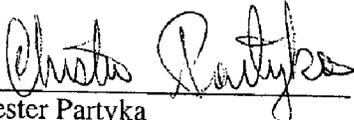
It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

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.



Chester Partyka
Chairman

STATE OF OHIO

COUNSELOR AND SOCIAL WORKER BOARD

IN THE MATTER OF THE
LICENSURE OF

Sally Grosenbacher

AS A SOCIAL WORKER
IN THE STATE OF OHIO

REPORT AND RECOMMENDATION OF
HEARING EXAMINER

January 4, 2000

FOR THE LICENSEE:

No appearance

HEARING EXAMINER:

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

FOR THE BOARD:

David Patton
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 Thursday, December 9, 1999 commencing at 9:30 a.m. in the offices of the Counselor and Social Worker Board, 77 South High Street, Columbus, Ohio. The Board was represented by David Patton. The licensee, Sally Grosenbacher, had not requested a hearing and did not appear. 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 Ms. Grosenbacher's license to practice social work because it alleges that she falsified records of three clients while she was employed at the Four County Family Center in Wauseon, Ohio. The Board alleges that this conduct violates Ohio Administrative Rule 4757-5-01(I)(1), the section of the Code of Ethical Practice and Professional Conduct that requires the social worker to take reasonable steps to ensure that documentation in records is accurate and reflects the services that were provided. The Board claims authority under R.C. 4757.36(A) to take disciplinary action against Ms. Grosenbacher's license, based on the violation of its administrative rule.
3. At the hearing, the Board called William Hegarty, the Board's investigative supervisor, to testify and identify documents. Mr. Hegarty testified that he was involved in the investigation of this case, which began with a complaint filed with the Board by Mitchell Steils. State's Exhibit 3. Mr. Hegarty testified that Mr. Steils is the Director of the Four County Family Center, and that his complaint concerned Sally Grosenbacher, one of that agency's social workers.
4. Mr. Hegarty identified State's Exhibits 8 and 9, the sworn statements of Mitchell Steils and Karen Bleeks. Those documents were admitted into evidence. In State's Exhibit 8, Mr. Steils testified that he filed a complaint against Ms. Grosenbacher with the Board after he became aware of her improper billing practices at his agency. (State's Exhibit 8, p. 8) In one instance, Four County staff member Tonie Ott reported that she saw Ms. Grosenbacher leave the office, saying that she was going to a 2-hour home visit. A short time later, Ms. Ott went to the

local Walmart to purchase some agency supplies, and saw Ms. Grosenbacher in the checkout line at 2:50 p.m. Ms. Ott reported this to the clinical manager, Karen Bleeks, who checked Ms. Grosenbacher's log when it came in and found that she had billed for a home session from 2:00-4:00 p.m. (State's Exhibit 8, p. 8-10) Mr. Steils testified that Ms. Grosenbacher had not been asked to buy anything for the agency on that day, and that she did not turn in any receipts showing agency purchases. (State's Exhibit 8, p. 10, 35)

5. In Mr. Steils's sworn statement, he testified that supervisor Karen Bleeks then began calling clients to check if the hours billed by the agency matched their recollection of the actual hours of service. It appeared that in several cases, family members reported the sessions as one hour sessions, when two hours of therapy had been billed for each meeting. (State's Exhibit 8, p. 10) Mr. Steils testified that when he learned this, he checked Ms. Grosenbacher's schedule for the day and decided to follow her to a client's home to observe how long she stayed. He observed Ms. Grosenbacher leaving the client's home after one hour, but testified that she submitted a bill the following morning for two hours of therapy. (State's Exhibit 8, pp. 11, 36) Mr. Steils confronted Ms. Grosenbacher with these findings, and she was discharged from her employment. (State's Exhibit 8, pp. 11-12)
6. Mr. Steils testified in his statement that he then contacted Ms. Grosenbacher's clients who were receiving home-based services, and asked several of them to review the agency's logs against their own records of when Ms. Grosenbacher had provided services to them. (State's Exhibit 8, pp. 11-14) Many discrepancies were found. In many instances, the clients indicated that the sessions lasted only one hour, instead of the two hour sessions shown by the agency's billing record. In some instances, the clients indicated that Ms. Grosenbacher had cancelled their sessions, despite the billing records indicating that one or two hours of therapy had taken place. (State's Exhibit 8, p. 11-14) State's Exhibits 8-9 and 8-10 are documents comparing the hours billed with the clients' recollections of the hours of therapy actually rendered. Mr. Steils testified that the amount Ms. Grosenbacher billed was the amount that the agency would then bill ADAMH or a private insurance company, at a rate of between \$70-\$80 per hour.

(State's Exhibit 8, pp. 19-20, 29-30) He testified that he calculated 57.5 hours that Ms. Grosenbacher overbilled. (State's Exhibit 8, p. 29-30, Exhibit 8-11)

7. In his sworn statement, Mr. Steils also testified that he found blank progress notes, already pre-signed by clients, in Ms. Grosenbacher's office when he cleaned it out. (State's Exhibit 8, p. 17, Exhibit 8-4) He explained that the client's signature on that document indicates agreement that the documentation is correct, but that to have such a document signed by a client before it is completed by the clinician violates the policy of the agency. (State's Exhibit 8, p. 17, Exhibit 8-4)
8. At the hearing, Mr. Hegarty identified State's Exhibit 6, which is the response the Board received from Ms. Grosenbacher to the charges against her. Ms. Grosenbacher denies that she intentionally overbilled for her services, explaining that she believed there was a policy in place permitting her to bill one hour for a 50 minute session, 2 hours for a 1 hour and 40 minute session, and 3 hours for a 2 hour and 30 minute session. However, she also indicates that she was directed by her supervisor, Karen Bleeks, that if she saw a client for more than 3 hours, she should bill for only 2 hours, and then "add the extra time" when she saw the client again. (State's Exhibit 6) In her statement, Ms. Grosenbacher does confirm that she was at the Walmart not on agency business the day Ms. Ott reported seeing her there. She explains in her letter that she went there because she was having a panic attack, which she has from time to time, and wanted to be in a place where there were other people in case she needed help. (State's Exhibit 6) She also explains some of the reasons she had to cancel clients' appointments, and indicates that she believes Mr. Steils' accusations are false and due to his inexperience as a director.
9. In his statement, Mr. Steils was asked about the "rounding" policy with respect to billing hours. Mr. Steils testified that the only rounding that he ever permitted was that within a 15-minute period, so that if the therapist spent more than 7.5 minutes of the quarter-hour with a client, that could be rounded up to the next 15 minute increment, and that if they spent less, it would be rounded down to the last 15-minute increment. (State's Exhibit 8, p. 37) Mr. Steils also testified that the

agency does not bill for the travel time of its clinicians who conduct sessions at clients' homes.

10. At the hearing, Mr. Hegarty introduced State's Exhibit 9, which is a sworn statement of Karen Bleeks, Ms. Grosenbacher's clinical supervisor at Four County Family Center. In it, Ms. Bleeks refutes the explanation of "rounding" client bills, offered by Ms. Grosenbacher in her letter to the Board. (State's Exhibit 9, pp. 8, 13) Ms. Bleeks testified in her statement that if a therapist sees a client for 2.5 hours, he or she should bill for exactly 2.5 hours. (State's Exhibit 9, p. 12) Ms. Bleeks did state that for part of the time she was at the agency, sessions were rounded to the nearest 10-minute increment instead of the nearest quarter hour, but she refuted Ms. Grosenbacher's claim that she was using an acceptable method of rounding "therapeutic hours." She also denied the allegation that Mr. Steils was inexperienced, noting that he had worked in other clinical settings before joining the Four County Family Center. (State's Exhibit 9, pp. 5-6, 10) Although Ms. Grosenbacher has not claimed to have billed for "travel time," Ms. Bleeks confirmed that she would have been made aware of the fact that therapists were not to bill for the time to get to and from a client's home.
11. In their sworn statements, both Mr. Steils and Ms. Bleeks were asked what could motivate Ms. Grosenbacher to overbill, since Mr. Steils testified that she was a salaried employee, paid by the agency and not by any individual client or insurer. (State's Exhibit 8, p. 30-31) Mr. Steils testified that overbilling would make an employee's productivity look higher than it actually was. Ms. Bleeks added that the standard salary increase is 3 percent, and that clinicians who don't meet the agency's productivity standards might not get a yearly increase. (State's Exhibit 9, p. 11)

DISCUSSION

I find that the State has presented more than adequate evidence to demonstrate that Ms. Grosenbacher overbilled for her services, and therefore, that she falsified her clients' records. I am not persuaded by Ms. Grosenbacher's explanation of how she "rounded" therapeutic hours, found

in her letter to the Board. (State's Exhibit 6) It has been corroborated by no one, and it simply does not sound plausible. Moreover, Mr. Steils testified in his statement that Ms. Grosenbacher only presented the "rounding" explanation after being told that Mr. Steils had followed her to a client's home to observe how long she stayed. When Mr. Steils first confronted her about billing clients for more hours than she actually provided, she asked him why he would take a client's word over hers. (State's Exhibit 8, p. 12) It appears that she was going to deny the clients' reports of how many hours she served, until she learned that the director of her agency had actually observed how long she stayed at a client's home. At that point, she offered the explanation of rounding therapeutic hours.

Mr. Steils testified that the clients he consulted appeared to have reliable recollections of how many hours of service, if any, were provided to them on various dates. In one example, a client told Mr. Steils that she distinctly remembered Ms. Grosenbacher having cancelled a session because the client's son was going to have surgery on the following day. She remembered Ms. Grosenbacher's saying that she had a cold and didn't want to expose the child to an illness before his surgery. Nonetheless, Exhibit 8-5 shows that Ms. Grosenbacher billed for two hours of therapy with that client on that day. Mr. Steils testified that the reasons clients told him that Ms. Grosenbacher had cancelled their sessions seemed to reflect knowledge of what was going on in Ms. Grosenbacher's life at that time, such as when she had an injured ankle and had told a client she would have to cancel because she couldn't go up their stairs. (State's Exhibit 8, pp. 23-25)

Finally, Ms. Grosenbacher has admitted that she was at the Walmart on the day another staff person saw her, and that she had cancelled a client session scheduled for that time. (State's Exhibit 6, p. 2) She acknowledges that she was not there on any agency business, and explains that she was having a panic attack and needed to be around other people. In his statement, Mr. Steils testified that he checked Ms. Grosenbacher's log for her services on that day and saw that she had billed two hours for this session that she admits having cancelled. (State's Exhibit 8, pp. 9-10) Thus, even if there was a legitimate personal reason that Ms. Grosenbacher felt she had to cancel the client's appointment and go to the Walmart, she should not have billed for a two hour session with that client.

All of these reasons taken together persuade me to believe that Ms. Grosenbacher engaged in a pattern of overbilling for the services that she

provided, and therefore, that she falsified the records of her clients.

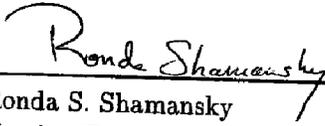
CONCLUSION OF LAW

I conclude that the Board has demonstrated that Sally Grosenbacher falsified client records by overbilling for services provided.

R.C. 4757.36(A) provides that the Board may suspend, revoke, or restrict a license to practice social work if the licensee has violated any of its laws or rules. I find that Ms. Grosenbacher has violated Rule 4757-5-01(I)(1) by failing to ensure that her clients' records accurately indicate the services actually provided. Therefore, the Board may take whatever action it deems appropriate against her license on this basis.

RECOMMENDATION

For the reasons detailed in this report, I recommend that the Board revoke Sally Grosenbacher's license to practice social work in the State of Ohio.



Ronda S. Shamansky
Hearing Examiner