



COPY

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

ADJUDICATION ORDER
in the Matter of:

Heather T. McAllister
PO Box 246
Wellsburg, WV 26070

IN THE MATTER OF HEATHER T. MCALLISTER TO PRACTICE AS A LICENSED
SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF HEATHER T. MCALLISTER 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 Heather T. McAllister by the Social Work Professional Standards Committee on June 8, 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, Heather T. McAllister 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. Heather T. McAllister was not present.

Summary of Evidence

State's Exhibits

1. Notice of Opportunity for Hearing to Heather T. McAllister, dated June 8, 1999, and copy of Certified Mail Receipt Z337614791.

2. Letter dated November 17, 1999, from the Board to Ms. McAllister 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. Certified copy of the Journal Entry regarding Heather McAllister from the Harrison County Common Pleas Court.
4. Certified copy of the Bill of Information regarding Heather McAllister from the Harrison County Common Pleas Court.
5. Certified copy of the Waiver of Indictment regarding Heather McAllister from the Harrison County Common Pleas Court.
6. Letter dated August 31, 1999, from the U.S. Department of Health and Human Services regarding Heather McAllister.
7. Copy of an August 19, 1998, article from *The Times Leader* regarding Heather McAllister.
8. Testimony of William L. Hegarty, Investigative Supervisor, for the Ohio Counselor and Social Worker Board.

Findings of Fact

On or about September 30, 1998, Heather McAllister was found guilty in the Harrison County Court of Common Pleas to a charge of Theft in violation of Ohio Revised Code Section 2913.02 which is a fifth degree felony in the State of Ohio.

Conclusions of Law

ORC Section 4757.36(A)(5) provides that the Ohio Counselor and Social Worker Board may take disciplinary action against a licensee who has been convicted of a felony.

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. McAllister was convicted of a felony in the State of Ohio and as such the Committee has jurisdiction to discipline the license of Ms. McAllister.

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. McAllister 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 Heather T. McAllister (S-19506) 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

RECEIVED
JAN 4 '00
COUNSELOR AND SOCIAL
WORKER BOARD

**IN THE MATTER OF THE
LICENSURE OF**

Heather T. McAllister

**REPORT AND RECOMMENDATION OF
HEARING EXAMINER**

**AS A SOCIAL WORKER
IN THE STATE OF OHIO**

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 9:00 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, Heather T. McAllister, 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. McAllister's license to practice social work because it alleges that she was convicted of a felony in the Harrison County Court of Common Pleas. The Board cites R.C. 4757.36(A)(5) as its authority to take action against her license because of the conviction. (State's Exhibit 1)

3. At the hearing, the State called William Hegarty to identify documents concerning the Board's investigation of this case. Mr. Hegarty testified that he had spoken with the people in the court system involved with Ms. McAllister's conviction, and that his understanding was that she was accused of taking money and other valuables from people who were in an inpatient setting where she was working. Mr. Hegarty also identified a newspaper article dated August 19, 1998, which indicates that Ms. McAllister was accused of stealing between \$500 and \$5,000 from patients at the Carriage Inn health care facility in Cadiz, Ohio over a five month period when she was employed there.

4. Mr. Hegarty identified State's Exhibit 3 as the Judgment Entry of the Harrison County Court of Common Pleas, indicating that Ms. McAllister had entered a guilty plea to a felony theft charge. State's Exhibit 3 also orders Ms. McAllister to pay restitution in the amount of \$3,803.76. The State also introduced State's Exhibit 6, a letter from the federal Department of Health and Human Services to the Counselor and Social Worker Board, advising the Board that Ms. McAllister was excluded from participation in all federal health care programs as a result of her conviction of a criminal offense related to the Medicaid program.

5. Mr. Hegarty testified that the Board has never received any response from Ms. McAllister since it began this action against her license.

DISCUSSION

It is clear from the documents admitted into evidence that Ms. McAllister was convicted of theft, a fifth degree felony, in the Harrison County Court of Common Pleas. On this fact alone, R.C. 4757.36(A)(5) authorizes the Board to suspend or revoke her license to practice social work. Because it appears that her crime was committed against her clients and in the scope of her work as a social worker, I recommend that the Board revoke the license.

CONCLUSION OF LAW

I conclude that Ms. McAllister was convicted of a felony in the Harrison County Court of Common Pleas. R.C. 4757.36(A)(5) provides that the Board may suspend, revoke, or restrict a license to practice social work if the licensee has been convicted of a felony. Therefore, the Board has the authority to take whatever action it deems appropriate against her license.

RECOMMENDATION

For the reasons detailed in this report, I recommend that the Board revoke Heather T. McAllister's license to practice social work in the State of Ohio.



Ronda S. Shamansky
Hearing Examiner