



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

ADJUDICATION ORDER
in the Matter of:

Nathaniel Johnson
2661 Wendee Drive #1903
Cincinnati, Ohio 45238

IN THE MATTER OF THE ELIGIBILITY OF NATHANIEL JOHNSON TO BE LICENSED AS A SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF NATHANIEL JOHNSON CAME BEFORE THE FOLLOWING MEMBERS OF THE COUNSELOR AND SOCIAL WORKER BOARD: GLENN ABRAHAM, JANE A. DAROFF, COLLEEN GALLAGHER, CARL F. GRAF, MAGGIE JACKSON, ROBERT MOORE, AND CHESTER PARTYKA. THE BOARD WAS REPRESENTED BY ASSISTANT ATTORNEY GENERAL ELIZABETH Y. COLLIS.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Nathaniel Johnson by the Counselor and Social Worker Board on January 22, 1997. An administrative hearing was held on March 20, 1997, at 3:00 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 4734 of the Ohio Revised Code. Mr. Johnson was present and chose to represent himself without counsel at the administrative hearing.

Summary of Evidence

State's Exhibits

1. A copy of the Notice of Opportunity for Hearing issued to Nathaniel Johnson on January 22, 1997, and received by Mr. Johnson on January 24, 1997, as evidenced by Certified Mail Receipt P348903772.
2. A copy of a fax transmission received by the Ohio Counselor and Social Worker Board on February 24, 1997, from Mr. Johnson requesting a hearing pursuant to the Notice of Opportunity for Hearing.

3. A copy of a scheduling letter dated February 21, 1997, sent to Mr. Johnson scheduling the administrative hearing set for March 20, 1997, and received by Mr. Johnson on February 24, 1997, as evidenced by Certified Mail receipt 348903761.
4. Copy of certified court documents, including indictment and sentence, concerning Nathaniel Johnson received from the Hamilton County Court of Common Pleas showing that on or about October 15, 1996, Mr. Johnson pled guilty and was found guilty of two counts of sexual battery in violation of O.R.C. Section 2907.03 (A)(6), and was sentenced to be imprisoned for a period of two years on each count, to be served concurrently, sentence suspended and Mr. Johnson was given five years probation.
5. Testimony of Nathaniel Johnson where Mr. Johnson states that he is currently a screening/referral worker at a social services agency screening clients and referring them to the appropriate social services agency. He has been with this firm since April 1, 1996. Prior to this, Mr. Johnson was a senior therapist at Talbert House, a court-appointed drug offender residential treatment facility. He had been at Talbert House since January 1994 but had been a senior therapist since August 1995. Mr. Johnson did chemical dependency counseling and individual, group and family counseling. Mr. Johnson is licensed by the Ohio Counselor and Social Worker Board but his license is currently lapsed. He has submitted the renewal information to the Ohio Counselor and Social Worker Board. Mr. Johnson met Jarvis James through his brother in 1989 and became reacquainted with him in the summer of 1995 when Mr. James was sent to Talbert House after a drug-related conviction. Mr. Jarvis was not on Mr. Johnson's individual case load but Mr. Johnson saw him at lectures where Mr. Johnson was lecturing and in group therapy. Mr. Johnson stated he had no direct responsibility over Mr. James. Mr. Johnson testified that Mr. Jarvis is a latent homosexual with a history of prostitution and drug offenses. Mr. Johnson stated he never had sex with Mr. James while at Talbert House but did begin an affair with him after Mr. James left Talbert House. Mr. Johnson stated that Mr. James was very co-dependent and it was an unhealthy relationship and Mr. Johnson broke it off. Mr. Johnson stated that in retaliation Mr. Jarvis, upon being arrested again for drugs, worked a deal with the Prosecutor's Office to bring charges against Mr. Johnson. Mr. James alleged that Mr. Johnson and he had an affair while Mr. James was at Talbert House. In order to spare his family concern and for his own health reasons, Mr. Johnson pled guilty to the plea bargain agreement. Mr. Johnson resigned from Talbert House before he was terminated.

Evidence presented by Nathaniel Johnson

1. Testimony of Nathaniel Johnson. Mr. Johnson stated that this was the first opportunity he had to be heard concerning the facts of this case. He stated he accepts responsibility for his actions and is trying to put his life back together and salvage his career. He stated that he is active in his church, is in a support group for co-dependency and is currently successfully completing his probation. Mr. Johnson admitted that Mr. James would be considered a client of his since Mr. James was a client of Talbert House.

Findings of Fact

Nathaniel Johnson was convicted on or about October 15, 1996, of two counts of sexual battery, each being a third degree felony, in the Hamilton County Court of Common Pleas subsequent to his being licensed as a Social Worker by the Ohio Counselor and Social Worker Board.

Conclusions of Law

1. Pursuant to R.C. Chapter 19 and Section 4757.13(E), the Counselor and Social Worker Board may refuse to issue or renew, or may suspend or revoke, any license issued or applied for if the person has subsequent to being licensed by the Counselor and Social Worker Board been convicted in Ohio or any state of any crime that is a felony in Ohio.

2. Mr. Johnson committed an ethical violation since he became sexually involved with an individual who he knew to have been a client at Talbert House where he was a senior therapist.

Discussion

Nathaniel Johnson received a felony conviction subsequent to his being licensed by the Ohio Counselor and Social Worker Board. Based on the evidence presented by the State and by Mr. Johnson, the Board believes discipline is appropriate.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER, Nathaniel Johnson's license to practice social work (S20949) in the State of Ohio is suspended for eighteen (18) months. It is further ORDERED that Mr. Johnson be evaluated, at his own expense, by a licensed individual, pre-approved by the Ohio Counselor and Social Worker Board, to determine if he understands correct boundaries in terms of professional practice and sexual relations. Such evaluation will not be performed prior to 90 days before the end of the eighteen (18) month suspension. It is further ORDERED that Mr. Johnson successfully complete his court ordered probation or present a letter of good standing from his probation officer at the end of the eighteen (18) month suspension.

This ORDER was approved by unanimous vote of the Members of the Board 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 1119.12 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.


Glenn Abraham
Chair



STATE OF OHIO COUNSELOR AND SOCIAL WORKER BOARD

ADJUDICATION ORDER
in the Matter of:

Nathaniel Johnson
2661 Wendee Drive, #1903
Cincinnati, Ohio 45238

IN THE MATTER OF THE ELIGIBILITY OF NATHANIEL JOHNSON TO BE
LICENSED AS A SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF NATHANIEL JOHNSON CAME BEFORE THE SOCIAL WORK
PROFESSIONAL STANDARDS COMMITTEE OF 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 Nathaniel Johnson by the Counselor and Social Worker Board on December 1, 1997. An administrative hearing was held on March 26, 1998, at 11:00 a.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. Nathaniel Johnson was present and not represented by counsel.

The Social Work Professional Standards Committee has reviewed the Hearing Officer Report and Recommendations prepared in this case following the administrative hearing. The Social Work Professional Standards Committee adopts in their entirety the Findings of Fact and Conclusions of Law in the Hearing Officer's Report and Recommendations. A copy of the Hearing Officer Report and Recommendations is attached to this Adjudication Order. The Social Work Professional Standards Committee disagrees with the Hearing Officer's Recommendation to further suspend Nathaniel Johnson's license to practice social work in the State of Ohio. Mr. Johnson knowingly and intentionally violated the Board's Adjudication Order of March 24, 1997, which suspended Mr. Johnson's license to practice social work in the State of Ohio for eighteen (18) months. The Social Work Professional Standards Committee does not believe further suspension is appropriate based on Mr. Johnson's previous disregard to a suspension of license.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this Adjudication Order the license of Nathaniel Johnson (S-20949) to practice as a Social Worker in the State of Ohio is REVOKED. This ORDER was approved by unanimous vote of the Members of the Social Work Professional Standards Committee who reviewed this case.

Motion carried by order of the Social Work Professional Standards Committee of the Ohio 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 Social Work Professional Standards Committee of the 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 Nathaniel Johnson on this 28 day of May 1998.

Beth Farnsworth

Beth Farnsworth
Executive Director

May 28, 1998

Date

2337 619 108

Certified Mail Number
Return Receipt Requested

STATE OF OHIO

COUNSELOR AND SOCIAL WORKER BOARD

IN THE MATTER OF THE
LICENSURE OF

Nathaniel Johnson

REPORT AND RECOMMENDATION OF
HEARING EXAMINER

AS A SOCIAL WORKER
IN THE STATE OF OHIO

April 9, 1998

FOR THE APPLICANT:

Nathaniel Johnson

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 Thursday, March 26, 1998 commencing at 11:00 a.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, Nathaniel Johnson, represented himself. The hearing allowed the opportunity for direct and cross examination of witnesses, the submission of documents, and for arguments to be made. The parties further agreed to leave the record open for five days so that Mr. Johnson could fax a character reference letter from his minister to the Board. Mr. Johnson indicated that he had mailed this letter to Mr. Bowman before the hearing, but Mr. Bowman said that he had not received it. The Board did receive the letter following the hearing, and it is now made a part of this record as State's Exhibit 11.
2. The Board has proposed disciplinary action against Mr. Johnson's social worker license for alleged violations of the Ohio Revised Code pertaining to the practice of social work. Particularly, the Board alleges that Mr. Johnson practiced social work during a time when his license was under suspension, violating R.C. Section 4757.02 and Rule 4757-19-01(D). The Board proposes further action against his license pursuant to R.C. 4757.36(A)(1), which gives it the authority to revoke or suspend a license for any violation of the laws or rules governing social work.
3. The Board notified Mr. Johnson of its intention to take action against his license through its Notice of Opportunity for Hearing dated December 1, 1997. State's Exhibit 2. Mr. Johnson made a timely request for a hearing through his letter dated December 10, 1997. State's Exhibit 3. Mr. Johnson was given notice of the initial hearing date, notice of a continuance of that date, and notice of the hearing ultimately held on March 26, 1998. State's Exhibits 4, 5.
4. At the hearing, the State introduced into evidence State's Exhibit 1, which is the Board's Adjudication Order effective March 20, 1997. That Order suspended Mr. Johnson's license for a period of eighteen months, and indicates that it was predicated upon Mr. Johnson's be-

ing convicted of sexual battery by the Hamilton County Court of Common Pleas. The Order describes the circumstances of the conviction, in pertinent part, as follows: Mr. Johnson was a senior therapist at Talbert House, a court-appointed drug offender residential treatment facility. He did chemical dependency counseling as well as individual, group and family counseling. One of the clients at that agency was a person that Mr. Johnson had known prior to his being referred to Talbert House. Mr. Johnson was not the individual therapist assigned to this client, but he did see this client in group therapy sessions and in lectures. Mr. Johnson admits that he had a sexual affair with this client, but contends that it began after he was no longer a client of the agency. According to Mr. Johnson, the former client was angry when he ended their relationship. The former client was subsequently arrested on drug charges, and Mr. Johnson believes that in retaliation, he "worked a deal" with the prosecutor's office to bring sexual battery charges against Mr. Johnson, by alleging that the affair took place while he was still a client. Mr. Johnson contends that he pled guilty to the charges to spare his family concern and because of his own health reasons. He was given a suspended sentence with five years of probation, and this Board suspended his license for eighteen months.

5. In the fall of 1997, the Board staff became aware that Mr. Johnson was possibly working as a social worker despite his license suspension. An investigation determined that he was indeed employed by University Hospital of Cincinnati, working part-time as a psychiatric social worker and part-time as a psychiatric emergency therapist. State's Exhibit 6 is a letter from Mr. Johnson's supervisor confirming that he was working in positions that required social work licensure during the time when his license was suspended.
6. At the hearing, Mr. Johnson admitted that he had practiced as a social worker during part of the time when his license was suspended, and that he had not made his supervisor aware of the license suspension. He testified that he never used initials indicating social work licensure after his name when he signed documents. However, he admitted that he was working in positions that required a social work license, and that his supervisor and coworkers were unaware that he had no license at that time.

7. Mr. Johnson was terminated from his employment at University Hospital on September 8, 1997, following the Board's notification that his license was under suspension as of March 20, 1997. State's Exhibit 6. Since December 12, 1997, Mr. Johnson has been employed by Garden Street Transitional House as the House Coordinator. Garden Street operates a transitional program for homeless ex-prisoners suffering from mental illness and/or chemical dependency. The position does not require a social work license, and State's Exhibit 8 indicates that this employer is aware of Mr. Johnson's conviction and the suspension of his license.

DISCUSSION

The evidence is clear and unequivocal that Nathaniel Johnson worked as a social worker during a time when the Board had suspended his license, and that to do so constitutes the unlicensed practice of social work in violation of R.C. Section 4757.02. The evidence is less clear as to whether Mr. Johnson held himself out as a social worker through the use of a title or abbreviation after his name; however, Mr. Johnson readily admits that he applied for and was working in a position that did require a social work license, and that those around him believed he was currently licensed. Moreover, he admits that he did not make his supervisor aware of the fact that his license had been suspended. Thus, there is no dispute over the fact that Mr. Johnson practiced social work at University Hospital in Cincinnati while his license was suspended by this Board and that through his holding this position, he held himself out as a social worker.

This fact pattern alone would typically suggest that revocation is the most appropriate sanction. However, because I find that extreme and unusual circumstances existed in this case, I am inclined to recommend instead that Mr. Johnson's original 18-month suspension be extended for an additional six months to one year beyond the eighteen months originally ordered, in the Board's discretion. This would mean that Mr. Johnson must first serve out the remaining six months of the original order, and then begin whatever additional suspension the Board orders.

Mr. Johnson testified candidly that he knowingly practiced social work while his license was suspended. While his reasons for doing so do not ex-

cuse his conduct, those reasons are so unusual that I believe they should be considered in determining the appropriate penalty against his license. Mr. Johnson admits in State's Exhibit 7 that he is HIV+, and he testified that the medications he uses to treat his condition are unusually expensive. He has not lived a luxurious lifestyle with the money he made while practicing without a license. He testified that he gave up his car and moved into his parents' apartment, and that he needed some income just to pay for the medication and treatments that are crucial to sustaining his own life.

More importantly, he testified that he desperately needed the health insurance that was provided to him by University Hospitals. With a serious pre-existing condition such as HIV, changing employers was not an easy option. Mr. Johnson emphasized that he spent all of his free time looking for another job that would provide health insurance, but that he was unable to find one. He also testified that he applied for several posted positions at the hospital that did not require a social work license, but that he didn't get any of those jobs. The State contends that losing one's job and one's insurance is a natural consequence of any license suspension, and that is true. However, in Mr. Johnson's case, it would have meant not just poverty but a death sentence.

In this case, I do not believe that an additional six months to one year of suspension would make a mockery of the Board's authority or the Board's previous order. To Mr. Johnson, who is suffering from a life-threatening health condition, an additional six to twelve months is quite a long time. Such a sanction still succeeds in sending a message that even where there are extremely unusual mitigating circumstances, one who violates a Board order can expect to have the original penalty increased substantially. Suspending his license for an additional six to twelve months means that he will have to struggle to find the means to pay for his medical bills for six to twelve more months—a far greater hardship than even revocation would impose upon a healthy person. Indeed, if his ability to pay for medical services and buy his medications is compromised for even that period of time, he faces the risk that he may not even survive.

Mr. Johnson is now working in a non-social work position as a housing coordinator for Garden Street Transitional House, a program for homeless ex-prisoners suffering from mental illness and/or chemical dependency. He testified that he does not have health insurance with this employer, and that his extended healthcare coverage under COBRA has expired or is about to

expire. He presented his mother, Rose Johnson, as a witness to testify that she has been paying the premiums for his insurance coverage under the COBRA statute, even though she is on a limited income. Mr. Johnson's parents, who were present to support him at the hearing, appear to be of at least the typical age of retirement.

This is an unusual and difficult case, and the Board, in its discretion, may properly decide to revoke the license, or impose a longer suspension than recommended by this hearing examiner. The Board may find that doubling the initial suspension is a more appropriate penalty, for example, so as to require an additional suspension of three years, following his serving out the eighteen months imposed by the first order. Such an exercise of judgment is entirely within the Board's discretion.

CONCLUSION OF LAW

I conclude that Mr. Johnson violated R. C. Section 4757.02 by practicing social work without a license during the time when his license was suspended by this Board. R.C. 4757.36(A)(1)) gives the Board the authority to suspend or revoke his license to practice social work, as it finds appropriate.

RECOMMENDATION

For the reasons detailed in this report, I recommend that the Board suspend Mr. Johnson's license for an additional six months to one year after he has completed the original eighteen month suspension. In addition, Mr. Johnson should be required to complete all the requirements of the Board's previous Order, including the successful completion of his probation or the submission of a letter of good standing from his probation officer, and an evaluation of his understanding of ethical professional practice standards by a licensed individual acceptable to the Board.


Ronda S. Shamansky
Hearing Examiner