



Counselor, Social Worker & Marriage and Family Therapist Board

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ADJUDICATION ORDER in the Matter of:

Abbey M. Barwick
1422 Race Street, Unit 6
Cincinnati, OH 45202

IN THE MATTER OF ABBEY M. BARWICK TO PRACTICE AS A LICENSED PROFESSIONAL COUNSELOR IN THE STATE OF OHIO.

THE MATTER OF ABBEY M. BARWICK CAME BEFORE THE FOLLOWING MEMBERS OF THE COUNSELOR PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON SEPTEMBER 24, 2015: DR. MATTHEW PAYLO, DR. OTHA GILYARD, DR. TERRI HAMM, MARY VENRICK, AND DR. CHRISTIN JUNGERS.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Abbey M. Barwick by the Counselor Professional Standards Committee on July 16, 2015.

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, Ms. Barwick 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 the case was presented to the Counselor Professional Standards Committee on September 24, 2015.

Summary of Evidence

State's Exhibits

1. Affidavit prepared by William L. Hegarty, Deputy Director, State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

2. Notice of Opportunity for Hearing to Ms. Barwick dated July 16, 2015.
3. Letter dated May 13, 2015, from the Board to Ms. Barwick.

Conclusions of Law

Ohio Revised Code Sections 4757.36(C) (1) and (6) provides that the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board may take disciplinary action against a licensee who has violated any provision of the Board's statute or rules as well as failing to perform properly as a licensed professional counselor due to the use of alcohol or other drugs. Ohio Revised Code Section 4757.36(C)(1) and Ohio Administrative Code Section 4757-11-01(C)(18) states that the Board may discipline a licensee who fails to cooperate in an investigation into their license. Ohio Revised Code Section 4757.36(C)(1) and Ohio Administrative Code Section 4757-5-09(B) states that the Board may discipline a licensee who does not take reasonable steps to ensure that documentation in records is accurate and reflects the services provided.

Discussion and Findings

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, Abbey M. Barwick did not request a hearing after receipt of her Notice for Opportunity for Hearing.

The Counselor Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Abbey M. Barwick was under the effects of alcohol while at work such that she could not perform properly as a licensed professional counselor. The Committee further finds that Ms. Barwick failed to cooperate into an investigation into her licensure by not attending a meeting to discuss the complaint or by otherwise communicating with the Board regarding the complaint. The Committee finally finds that Ms. Barwick falsified client records by documenting information in the records that was not accurate in that she documented services she did not provide. Based on this, the Committee orders that Ms. Barwick's license to practice as a licensed professional counselor (C.1300311) is **REVOKED**. As Ordered by the Counselor Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board. This decision was by a unanimous vote of the Board members who reviewed and voted on the case.

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

APPEAL RIGHTS

Ohio Revised Code Section 119.12 may authorize an appeal from this Order. Such an appeal must be commenced by the filing of a Notice of Appeal with the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board and in the court of common pleas of the county in which the licensee is a resident. If the party appealing from the order is not a resident of any County, the party may appeal to the court of common pleas of Franklin County. The Notice of Appeal must set forth the order appealed from and state that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with the law. The Notice of Appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. Both Notices of Appeal must be received at the office of the Board and filed with the applicable court within fifteen (15) days after mailing of this notice of the agency's order, and in accordance with the provisions of Ohio Revised Code Chapter 119.12.

By Order of the State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.



Brian P. Carnahan
Executive Director

October 5, 2015
Date

Certified Mail Receipt #7005 1160 0001 0331 1876 and by via Certificate of Mailing –
10/5/15