

Margery Shupe has completed the terms of the consent agreement as of 12/21/15

**AMENDED CONSENT AGREEMENT
BETWEEN
MARGERY J. SHUPE
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

This AMENDED CONSENT AGREEMENT is entered into by and between MARGERY J. SHUPE, hereinafter, "**SHUPE**," and the STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST BOARD, hereinafter "**BOARD**," the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

SHUPE hereby acknowledges that she has read and understands this AMENDED CONSENT AGREEMENT and has voluntarily entered into it without threat or promise by the **BOARD** or any of its members, employees or agents.

SHUPE is fully aware of her rights, including her right to be advised by counsel and her right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this AMENDED CONSENT AGREEMENT.

This AMENDED CONSENT AGREEMENT contains the entire agreement between the parties, based on the Board's investigation, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this AMENDED CONSENT AGREEMENT.

This AMENDED CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

1. **SHUPE** is a professional clinical counselor (E.0002995) licensed to practice counseling in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of counseling as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. **SHUPE** received her professional clinical counselor license on May 21, 1999.
2. On May 18, 2012, **SHUPE** and the **BOARD** entered into a Consent Agreement where **SHUPE** was required to be monitored and receive face to face monitoring at the rate of one hour every two weeks for a two year period. **SHUPE** has not complied with this requirement and is in violation of ORC 4757.36(C)(1) and Ohio Administrative Code Section 4757-11-01(C)(21)
3. As part of the Consent Agreement referenced in paragraph 2, **SHUPE** was also required to complete all after-care

recommendations following completion of a substance abuse assessment. SHUPE was required to obtain two (2) toxicology screens per month. SHUPE has not complied with this requirement and is in violation of ORC 4757.36(C)(1) and Ohio Administrative Code Section 4757-11-01(C)(21)

- 4 SHUPE admits the allegation referenced in paragraphs 2-3 above.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any other formal disciplinary proceedings, SHUPE knowingly and voluntarily agrees with the BOARD to the following terms and conditions:

1. Starting December 1, 2013, through December 1, 2014, SHUPE will be required to have two toxicology screens a month from a Board pre-approved facility. SHUPE will submit the name and contact information of the facility she would like to obtain these screens at to the Board's Investigative Unit no later than December 10, 2013. All costs associated with this requirement are at SHUPE'S expense. The toxicology screens must be negative to avoid non-compliance with this requirement. It is SHUPE'S responsibility to ensure any and all releases are signed with the facility. Should the BOARD not receive two toxicology screens per month for any reason, SHUPE will be considered non-compliant with this requirement.
2. SHUPE must be monitored in all aspects of her counseling practice and receive face to face monitoring at the rate of one hour every two weeks for a two-year period. SHUPE'S monitor must be pre-approved by the Board and should not have a prior relationship with SHUPE. All costs associated with the monitoring are at SHUPE'S expense. The request for monitor approval must be made in writing, include a copy of the monitor's vita and be submitted no later than December 10, 2013. Monitoring should focus on, but not limited to, ethical decision making, personal accountability and treatment issues.

Monitoring should be considered training in nature and should not be limited to simply approving or denying case plans. SHUPE'S monitor must submit bi-monthly reports to the BOARD for the entire two year period detailing topics discussed in monitoring sessions, areas of concern, areas of improvement and make a recommendation with regards to SHUPE'S suitability to practice.

It is SHUPE'S responsibility to ensure that the BOARD receives all monitoring reports. If at any time SHUPE'S monitor believes

that SHUPE'S ability to practice as professional clinical counselor is compromised, s/he must report this to the BOARD immediately. SHUPE'S failure to obtain the mandatory monitoring at the required rate shall be considered non-compliant with this requirement.

3. Should SHUPE not fully comply with all requirements of this AMENDED CONSENT AGREEMENT, the BOARD will initiate further and likely more severe penalties.

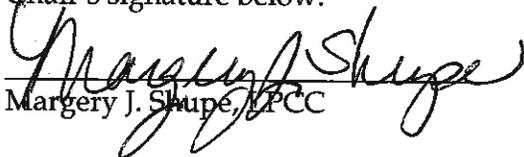
It is hereby agreed by and between both parties that this AMENDED CONSENT AGREEMENT hereby settles all issues concerning this matter.

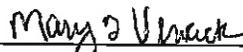
By her signature on this AMENDED CONSENT AGREEMENT, SHUPE acknowledges that in the event the BOARD, in its discretion, does not approve this AMENDED CONSENT AGREEMENT, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. SHUPE agrees that should the BOARD reject this AMENDED CONSENT AGREEMENT and if this case proceeds to hearing, she will assert no claim that the BOARD was prejudiced by its review and discussion of this AMENDED CONSENT AGREEMENT or of any information relating thereto.

SHUPE hereby releases the members of the BOARD, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

This AMENDED CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. All parties to this Consent Agreement understand that this information will be sent to the United States Department of Health and Human Services' National Practitioner Data Bank (NPDB), pursuant to Title IV of Public Law 99-660, the Healthcare Quality Improvement Act of 1986, as amended; Section 1921 of the Social Security Act; and Section 1128E of the Social Security Act, as amended by Section 221(a) of the Health Insurance Portability and Accountability Act of 1996. The BOARD shall incorporate this AMENDED CONSENT AGREEMENT into a formal journal entry at its November 2013, meeting.

This AMENDED CONSENT AGREEMENT shall take effect upon the date of the Board Chair's signature below:


Margery J. Shupe, LPCC


Mary J. Venrick, LSW, LPC
Chair, Counselor, Social Worker, Marriage and Family Therapist Board

11-4-13
Date

11-21-13
Date

**CONSENT AGREEMENT
BETWEEN
MARGERY J. SHUPE
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER AND MARRIAGE AND
FAMILY THERAPIST BOARD**

This CONSENT AGREEMENT is entered into by and between MARGERY J. SHUPE, hereinafter, "**SHUPE**," and the STATE OF OHIO COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD, hereinafter "**BOARD**," the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

SHUPE hereby acknowledges that she has read and understands this CONSENT AGREEMENT and has voluntarily entered into it without threat or promise by the **BOARD** or any of its members, employees or agents.

SHUPE is fully aware of her rights, including her right to be advised by counsel and her right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this CONSENT AGREEMENT.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulation, admission and understanding:

1. **SHUPE** is a licensed professional clinical counselor (E.0002995-SUPV) licensed in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of counseling as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. **SHUPE** received her clinical counselor license on May 21, 1999.
2. On November 18, 2011, **SHUPE** was ordered to submit to an impairment evaluation as set forth under Ohio Administrative Code Section 4757-11-02(B). Based on the results of the evaluation there is evidence to support that impairment exists.
3. **SHUPE ADMITS** the allegation referenced in paragraph 2 above.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any other formal disciplinary proceedings, **SHUPE** knowingly and voluntarily agrees with the **BOARD** to the following terms and conditions:

1. **SHUPE** must complete a substance abuse treatment program from a **BOARD** approved provider. **SHUPE** must complete the program and follow-through on

all of the treatment recommendations. After care must include random toxicology screens for one (1) year. All costs associated with this program are at **SHUPE'S** expense. **SHUPE** must submit the name and contact information to the **BOARD'S** Deputy Director no later than June 18, 2012, to obtain pre-approval. Once approved, the practitioner with provide the **BOARD** with the results of the mandatory toxicology screens.

2. **SHUPE** must receive personal counseling from a **BOARD** pre-approved practitioner for one (1) year. All costs associated with this counseling are at **SHUPE'S** expense. **SHUPE** must submit the name, contact information, and professional resume or vitae to the **BOARD'S** Deputy Director no later than June 18, 2012, to obtain pre-approval. Once approved, the practitioner with provide the **BOARD** with quarterly reports entailing issues discussed in counseling, professional ethics, boundaries and responsibilities, and other issues the practitioner deems appropriate. The first quarterly report is due to the **BOARD** offices by September 1, 2012. At the end of the one (1) year mandated counseling, the practitioner shall provide the **BOARD** with a report encompassing the one (1) year of counseling including areas of improvement, areas of concern (if any) and if in the practitioner's professional opinion, **SHUPE** is able to function properly as a professional counselor.
3. **SHUPE'S** supervisory credential is suspended for one (1 year). Upon the end of the one (1) year suspension **SHUPE** may have the supervisory credential re-instated. **SHUPE** must continue to obtain the continuing education requirements and renew the supervisory credential if she wishes to have the credential re-instated.
4. At her place of employment or upon employment, **SHUPE** must be monitored in all aspects of her practice of counseling and receive face-to-face monitoring at the rate of one hour every two weeks for a two (2) year period. **SHUPE'S** monitor must be pre-approved by the **BOARD** and should not have a prior relationship with **SHUPE**. If a previous relationship exists, **SHUPE** must provide full disclosure of such a relationship in the request for monitor approval. All cost associated with monitoring will be at **SHUPE'S** expense. The request for monitor approval must be made in writing, include a copy of the monitor's vita and be submitted no later than two weeks after the signing of this consent agreement. Monitoring should focus on, but not be limited to, ethical decision making, personal accountability and treatment issues. Monitoring should be considered training in nature and should not be limited to simply approving and denying case plans. **SHUPE'S** monitor must submit quarterly reports to the **BOARD** for the entire two year period detailing topics discussed during monitoring sessions, areas of concern, areas of improvement and make a recommendation with regards to **SHUPE'S** suitability to practice. However, if **SHUPE'S** monitor is concerned with **SHUPE'S** practice at any time during the probationary period the **BOARD** should be notified immediately. It is **SHUPE'S** responsibility to ensure that the **BOARD** receives all monitoring reports.

It is hereby agreed by and between both parties that this CONSENT AGREEMENT hereby settles all issues concerning this matter.

By her signature on this CONSENT AGREEMENT, SHUPE acknowledges that in the event the BOARD, in its discretion, does not approve this CONSENT AGREEMENT, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. SHUPE agrees that should the BOARD reject this CONSENT AGREEMENT and if this case proceeds to hearing, she will assert no claim that the BOARD was prejudiced by its review and discussion of this CONSENT AGREEMENT or of any information relating thereto. Should the licensee fail to comply with any provisions of this consent agreement, the Board in its discretion, may initiate further disciplinary action pursuant to OAC 4757-11-01C (21).

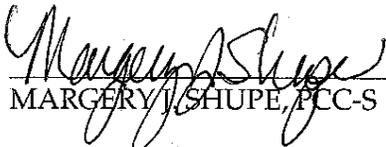
SHUPE hereby releases the members of the BOARD, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61 and Ohio Revised Code Section 2301.373(E), the BOARD may be required to provide SHUPE' S social security number to requesting governmental agencies.

The BOARD shall incorporate this CONSENT AGREEMENT into a formal journal entry at its May 18, 2012 meeting.

This CONSENT AGREEMENT shall take effect upon the date of the last signature below:

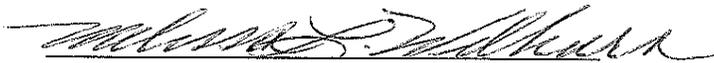
THE OHIO COUNSELOR,
SOCIAL WORKER AND MARRIAGE AND
FAMILY THERAPIST BOARD


MARGERY J. SHUPE, PCC-S

4/30/12
Date


Tommie Robertson, LIMFT
Chair, Counselor, Social Worker and Marriage and Family Therapist Board

5-18-12
Date


Melissa L. Wilburn, Esq.
Assistant Attorney General
Counselor, Social Worker and Marriage and Family Therapist Board

5-18-12
Date