

**CONSENT AGREEMENT
BETWEEN
THOMAS E. BURKHARDT
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER AND MARRIAGE AND
FAMILY THERAPIST BOARD**

This CONSENT AGREEMENT is entered into by and between THOMAS E. BURKHARDT, hereinafter, "BURKHARDT," 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.

BURKHARDT hereby acknowledges that he 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.

BURKHARDT is fully aware of his rights, including his right to be advised by counsel and his 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. BURKHARDT is a licensed independent social worker (L0004405) with training supervision designation licensed in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of social work as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. BURKHARDT received his independent social work license May 19, 1990.
2. BURKHARDT, while employed with a mental health center in Mansfield, OH, from approximately August 13, 2014 through October 2, 2014, failed to maintain sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future. This inappropriate conduct constitutes a violation of Ohio Revised Code Section 4757.36(C) (1) and Ohio Administrative Code Section 4757-6-09 (C).
3. BURKHARDT admits the allegations referenced in paragraph 2 above.

Consent Agreement between THOMAS E. BURKHARDT and the State of Ohio Counselor, Social Worker and
Marriage and Family Therapist Board

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

1. BURKHARDT'S license to practice independent social work is hereby suspended for one (1) year beginning September 25, 2015, through September 25, 2016. It is BURKHARDT'S responsibility to renew his license when appropriate if he intends to return to practice.
2. BURKHARDT agrees to dismiss with prejudice Richland County, Ohio, Court of Common Pleas Case Number 2015 CV 1283, no later than five (5) business days after the date the Board ratifies this Consent Agreement.

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

By his signature on this CONSENT AGREEMENT, BURKHARDT 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. BURKHARDT 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 4757-11-01.C (21).

BURKHARDT 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 14943 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. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61 and Ohio Revised Code Section 2361.373(E), the BOARD may be required to provide BURKHARDT'S social security number to requesting governmental agencies.

The BOARD shall incorporate this CONSENT AGREEMENT into a formal journal entry at its November 2015 meeting.

Consent Agreement between THOMAS E. BURKHARDT and the State of Ohio Counselor, Social Worker and Marriage and Family Therapist Board

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


Thomas E. Burkhardt, LISW-S

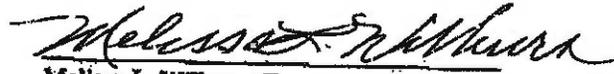
11-18-2015
Date


Margaret A. Knerr, IMFT-S
Chair, Counselor, Social Worker and Marriage and Family Therapist Board

11-20-15
Date


Robert D. Noble, Esq.
Counsel for Mr. Burkhardt

11/20/15
Date


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

11-20-15
Date



Counselor, Social Worker & Marriage and Family Therapist Board

77 South High Street, 24th Fl
Columbus, Ohio 43215
614-466-0912 & Fax 614-728-7790
<http://cswmft.ohio.gov> & cswmft.info@cswh.state.oh.us

ADJUDICATION ORDER in the Matter of:

**Thomas E. Burkhardt
205 Helen Street
Mansfield, OH 44905**

**IN THE MATTER OF THOMAS E. BURKHARDT TO PRACTICE AS A LICENSED
INDEPENDENT SOCIAL WORKER IN THE STATE OF OHIO.**

**THE MATTER OF THOMAS E. BURKHARDT CAME BEFORE THE FOLLOWING
MEMBERS OF THE SOCIAL WORKER PROFESSIONAL STANDARDS
COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE
AND FAMILY THERAPIST BOARD ON SEPTEMBER 24, 2015: ERIN MICHEL,
LISA HABERBUSCH, DR. CARL BRUN, AND STEVEN POLOVICK.**

FINDINGS, ORDER, AND JOURNAL ENTRY

**This matter came for consideration after a Notice of Opportunity for Hearing was issued
to Thomas E. Burkhardt by the Social Worker Professional Standards Committee on July
17, 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, Mr. Burkhardt 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 Social Work
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 Mr. Burkhardt dated July 17, 2015.

Conclusions of Law

Ohio Revised Code Section 4757.36(C)(1) provides that the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board may take disciplinary action against a licensee who has committed a violation of any provision of the Board's law and rules. Ohio Administrative Code Section 4757-5-09(C) states that the Board may discipline a licensee who fails to include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.

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, Thomas E. Burkhardt did not request a hearing after receipt of his Notice for Opportunity for Hearing.

The Social Worker Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Thomas E. Burkhardt falsified his client billing records while he was employed as an LISW in Mansfield, Ohio compromising the continuity of care for these clients in the future. The times he purported to having seen clients do not match when the clients were actually present in session. Based on this, the Committee orders that Mr. Burkhardt's license to practice as an independent social worker (I.0004405) is **REVOKED**. Dr. Carl Brun recused himself from the vote and discussion of this case. As Ordered by the Social Worker Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

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 1883

