



Counselor, Social Worker & Marriage and Family Therapist Board

50 West Broad Street, Suite 1075
Columbus, Ohio 43215-5919
614-466-0912 & Fax 614-728-7790
<http://cswmft.ohio.gov> & cswmft.info@cswb.state.oh.us

ADJUDICATION ORDER in the Matter of:

Elizz A. Rainspirit
14300 Detroit Avenue, #616
Lakewood, OH 44107

IN THE MATTER OF ELIZZ A. RAINSPIRIT TO PRACTICE AS A LICENSED
INDEPENDENT SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF ELIZZ A. RAINSPIRIT 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 NOVEMBER 18, 2010: TIM BRADY,
JENNIFER REISBECK-LEE, DONALD MCTIGUE, AND ROBERT NELSON.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Elizz A. Rainspirit by the Social Worker Professional Standards Committee on September 28, 2010.

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. Rainspirit 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 November 18, 2010.

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. Rainspirit dated September 28, 2010.
3. Consent Agreement, entered into by Ms. Rainspirit and the Board, dated November 21, 2008.
4. Communication between Jennifer Kreinbrink, Board compliance officer, Bill Hegarty, Board Deputy Director, and Ms. Rainspirit.

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 4757-11-01(C)(21) states that the Board may discipline a licensee for failing to comply with a Board approved consent agreement.

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, Ms. Rainspirit did not request a hearing on her Notice for Opportunity for Hearing.

The Social Worker Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Ms. Rainspirit did not comply with the provisions of the Consent Agreement. Based on this, the Committee orders that Ms. Rainspirit's license to practice as an independent social worker (I.0010117) is **REVOKED**. 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

Under the provisions of Ohio Revised Code Section 119.12, any party adversely affected by an order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a license, or revoking or suspending a license, may appeal from the order of the agency to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If any such

party is not a resident of and has no place of business in Ohio, the party may appeal to the court of common pleas of Franklin County

This *Order* may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing the original Notice of Appeal with the Ohio Counselor, Social Worker, and Marriage and Family Therapy Board, 50 West Broad Street, Suite 1075, Columbus, Ohio 43215, and also a copy of that Notice of Appeal with the Court of Common Pleas in the county of the party's place of business, or in the county in which the party is a resident. The Notice of Appeal shall set forth the Order appealed from and the grounds of the Party's appeal. Such Notice of Appeal and copy shall be filed and must be delivered within fifteen (15) days after the mailing of this *Adjudication Order*.

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



James R. Rough
Executive Director

11-19-10
Date

Certified Mail Receipt #7002 2030 0000 7127 8683

CSVMFTB

2008 OCT 20 A 10: 34

**CONSENT AGREEMENT
BETWEEN
ELIZZ RAINSPIRIT
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

This CONSENT AGREEMENT is entered into by and between **ELIZZ RAINSPIRIT**, hereinafter, "**RAINSPIRIT**" 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.

RAINSPIRIT 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.

RAINSPIRIT 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 stipulations and, understandings:

1. **RAINSPIRIT** is an independent social worker (I-0010117) licensed to practice social work 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. **RAINSPIRIT** received her independent social worker license on July 16, 2004.
2. While employed at Bellefaire JCB, in Shaker Heights, Ohio, from between October, 2007 and December 2007, **RAINSPIRIT** falsified billing time on four occasions, on a client's home visit sessions. This action constitutes a violation of O.R.C. 4757.36 (A)(1) and O.A.C. 4757-5-03 (A)(4)(d).
3. From a period between July 16, 2008, and October 16, 2008, **RAINSPIRIT** practiced social work without holding a current license. This action constitutes a violation of O.R.C. 4757.36 (A)(1) and O.A.C. 4757-7-02.
4. **RAINSPIRIT** admits the allegations referenced in paragraphs 2 & 3.

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

1. **RAINSPIRIT** must work under supervision for one (1) year with a minimum of one hour of face-to-face supervision per week or two hours of face-to-face supervision, two times per month, beginning on the date that the supervisor is approved. The supervisor must be pre-approved by the Board Deputy Director or his designee. The supervisor must submit monthly reports regarding the supervision. Supervision should focus on, but not be limited to, areas of concern, areas for improvement, record keeping practices, and ethical decision making. If **RAINSPIRIT'S** supervisor is concerned with **RAINSPIRIT'S** practice at any time the Board should be notified immediately. **RAINSPIRIT** is responsible for the submission of the reports to the Board. All cost associated with the supervision is the responsibility of **RAINSPIRIT**. Once **RAINSPIRIT** successfully completes this supervision, **RAINSPIRIT** must ensure verification of completion is sent to the attention of the Investigation Unit at the Board office.
2. **RAINSPIRIT** must take an additional twelve (12) hours in social worker ethics continuing education. All hours must be pre-approved by the Board's Deputy Director or his designee. Once **RAINSPIRIT** successfully completes this continuing education, **RAINSPIRIT** must send verification directly to the attention of the Investigation Unit at the Board office. The certificates verifying completion are due in the Board office no later than March 18, 2009. The credit earned from the workshops may not be used toward the thirty (30) hours of continuing education required for license renewal. All costs associated with the continuing education are at the expense of **RAINSPIRIT**.

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**, **RAINSPIRIT** 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. **RAINSPIRIT** 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.

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

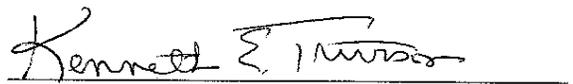
This **CONSENT AGREEMENT** shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61, and Ohio Revised Code 3123.41 et seq., the **BOARD** may be required to provide **RAINSPIRIT'S** social security number to requesting governmental agencies.

The **BOARD** shall incorporate this **CONSENT AGREEMENT** into a formal journal entry at its November, 2008, meeting.

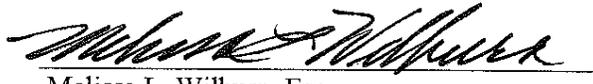
This **CONSENT AGREEMENT** shall take effect upon the date of the Board Chair's signature below:


Elizz Rainspirit, LISW

10-15-08
Date


Kenneth E. Trivison, PCC, IMFT
Chair, Counselor, Social Worker, Marriage and Family Therapist Board

11/20/08
Date


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

11-21-08
Date