



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

ADJUDICATION ORDER
in the Matter of:

Cheryl A. Lucchesi
200 New Castle Street
New Wilmington, Pennsylvania 16142

IN THE MATTER OF THE ELIGIBILITY OF CHERYL A. LUCCHESI TO BE
LICENSED AS A SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF CHERYL A. LUCCHESI CAME BEFORE THE FOLLOWING
MEMBERS OF THE COUNSELOR AND SOCIAL WORKER BOARD AT ITS
NOVEMBER 1997 MEETING: THE BOARD WAS REPRESENTED BY ASSISTANT
ATTORNEY GENERAL JONATHAN M. BOWMAN.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Cheryl Lucchesi by the Counselor and Social Worker Board on January 22, 1997. An administrative hearing was held on August 5, 1997, at 10:00 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. Ms. Lucchesi was not present at the administrative hearing.

Summary of Evidence

State's Exhibits

1. A copy of the Notice of Opportunity for Hearing issued to Cheryl A. Lucchesi on January 22, 1997, and received by Ms. Lucchesi on January 27, 1997, as evidenced by Certified Mail Receipt P348903774.
2. Letter dated January 28, 1997, and received by the Board on February 3, 1997, from Ms. Lucchesi requesting a hearing pursuant to the Notice of Opportunity for Hearing.
3. A copy of a scheduling letter dated June 12, 1997, sent to Ms. Lucchesi scheduling the administrative hearing set for August 5, 1997, and received by Ms. Lucchesi on June 18, 1997, as evidenced by Certified Mail receipt P348814782.

4. Copy of scheduling letter dated February 3, 1997, sent to Ms. Lucchesi originally scheduling an administrative hearing for February 12, 1997, and then postponing it pursuant to O.R.C. 119.09, received by Ms. Lucchesi on February 5, 1997, as evidenced by Certified Mail receipt P348903784.
5. Letter from Ms. Lucchesi dated June 25, 1997, and received by the Board on June 28, 1997, whereby Ms. Lucchesi asks to withdraw her request for a hearing.
6. Testimony of William L. Hegarty, Board's Investigative Supervisor, who testified to the State's exhibit's previously listed.
7. Testimony of Susan Nyitray who testified she was a co-worker of Ms. Lucchesi while they were employed at Valley Counseling Services. Ms. Nyitray testified as to the procedures used at Valley Counseling for in-coming crisis hotline calls and how Valley Counseling had established policies with regard to "first on call" duties. Ms. Nyitray testified that on April 3, 1994, she was the "first on call" employee and she received a call at home from a hotline volunteer telling her that he had received a call from a person in crisis who claimed to have AIDS, to have been using alcohol and drugs in combination, and threatening suicide. The volunteer told Ms. Nyitray that he had broken procedure by calling Ms. Lucchesi at her home because the crisis caller had stated she was a client of Ms. Lucchesi and the caller did not want to speak to anyone else. The volunteer told Ms. Nyitray that he had spoke to Ms. Lucchesi and Ms. Lucchesi had told him she knew who the caller was but would not provide him with the name and told the volunteer he should call Ms. Nyitray since she was "first on call" that day. Ms. Nyitray testified that she and the volunteer than attempted to have the caller's call traced but were unsuccessful. Ms. Nyitray testified she then phoned Ms. Lucchesi directly, left a message with Ms. Lucchesi's daughter, and received a call back from Ms. Lucchesi a short time later. Ms. Lucchesi told Ms. Nyitray that she was not feeling well and was on her way out. Ms. Lucchesi told Ms. Nyitray she did not want to handle the call and to check the client's file. Ms. Nyitray told Ms. Lucchesi that in order to do so she would need the client's name. Ms. Nyitray testified that Ms. Lucchesi then became angry and refused to provide any information. Ms. Nyitray testified that Bonnie Cole called her since Ms. Cole was "second on call" and Ms. Cole told her the client's name, location at a current hotel and other background information. Ms. Nyitray testified that she assumed Ms. Lucchesi had called Ms. Cole to give Ms. Cole the information. An ambulance was dispatched and the caller, who had hung up by this time, was taken to hospital and admitted. A period of several hours had lapsed between the original call and the arrival of the ambulance.
8. Testimony of duly-qualified expert Dean Sparks who testified that he had reviewed the materials and had heard Ms. Nyitray's testimony. Mr. Sparks testified that in his opinion Ms. Lucchesi had violated several provisions of the Code of Ethics of the National Association of Social Workers which is incorporated into O.A.C. at 4757-21-01. Mr. Sparks cited the sections that pertain to the social worker's primary responsibility to clients and that social workers should cooperate with colleagues to promote professional interests and concerns. Mr. Sparks that in his opinion if a social worker can provide a need, especially in an emergency situation, the social worker has a responsibility to assist.

Evidence presented by Cheryl A. Lucchesi

A. Written statement provided by Ms. Lucchesi providing her recall of the events and a belief that the caller was manipulative and disputing that she was uncooperative. In her letter, Ms. Lucchesi indicates that the volunteer and Ms. Nyitray should have used established office procedures with regard to "on call" issues and that had this been done the caller would have received the necessary assistance in a timely manner. Ms. Lucchesi

stated she told the volunteer at his initial call to her to use established office procedures and she further told that to Ms. Nyitray when Ms. Lucchesi spoke to her. Ms. Lucchesi stated she was not trying to be uncooperative or had the intention of withholding relevant information. Ms. Lucchesi in her letter stated that Ms. Nyitray did not ask for the client's name or any identifying information about the client. She also stated she was not able to fully discuss the situation with her employer before she was relieved of her duties by her employer.

Findings of Fact

By refusing to provide the name or other background information regarding the client, Cheryl Lucchesi further endangered the client since medical assistance was delayed while efforts to locate the caller were attempted.

Conclusions of Law

1. Pursuant to O.R.C. Chapter 119 and Section 4757.13(A), 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 licensee or registrant has committed a violation of the laws and rules pertaining to social work and counselors as outlined in O.R.C. 4757 and O.A.C. 4757.
2. Ms. Lucchesi violated O.A.C. 4757-21-01 and the Code of Ethics of the National Association of Social Workers Sections II(F)(1), III(J)(1), III(J)(3), and VI(P)(2).

Discussion

Ms. Lucchesi violated the standards established in law for social workers with regard to service to clients and professional cooperation. Her actions needlessly caused delay for a client in crisis to have needed medical treatment. Based on the evidence presented by the State and by Mr. Johnson, the Board believes discipline is appropriate. The Board has reviewed the Hearing Officer report and adopts the Hearing Officer's recommendation to revoke Ms. Lucchesi's license.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER and in the Hearing Officer's report and recommendations, Cheryl A. Lucchesi's license to practice social work (S-13113) in the State of Ohio is REVOKED.

This ORDER was approved by unanimous vote of the Members of the Board who reviewed this case material.

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 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 State of Ohio Counselor and Social Worker Board.



Glenn Abraham
Chair