



Counselor, Social Worker & Marriage and Family Therapist Board

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ADJUDICATION ORDER in the Matter of:

Gabrielle Fassman
45 Silo Lane
Warwick, NY 10990

IN THE MATTER OF GABRIELLE FASSMAN TO PRACTICE AS A LICENSED SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF GABRIELLE FASSMAN 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 22, 2017: ANNA BOMAS, ERIN MICHEL, LISA HABERBUSCH, AND DR. CARL BRUN.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Gabrielle Fassman by the Social Worker Professional Standards Committee on July 21, 2017.

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. Fassman 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 Worker Professional Standards Committee on September 22, 2017.

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. Fassman dated July 21, 2017.

3. Consent Agreement between the Board and Ms. Fassman dated November 17, 2016

Conclusions of Law

Ohio Revised Code Sections 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 violated any provision of the Board's statute or rules.

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, Gabrielle Fassman did not request a hearing after receipt of her Notice for Opportunity for Hearing.

The Social Worker Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Gabrielle Fassman failed to complete the requirement regarding a mandated continuing education course set out in a previously negotiated settlement agreement between the Board and Ms. Fassman. Based on this, the Committee orders that Ms. Fassman's license to practice as a licensed social worker (S.1502487) is **REVOKED**. As Ordered by the Social Worker 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 Carnahan
Executive Director

September 22, 2017

Date

Certified Mail Receipt #7005 1160 0001 0337 9890

CONSENT AGREEMENT
BETWEEN
GABRIELLE L. FASSMAN
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD

This CONSENT AGREEMENT is entered into by and between GABRIELLE L. FASSMAN, hereinafter, "FASSMAN," 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.

FASSMAN 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.

FASSMAN 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, admissions and understandings:

1. FASSMAN is a social worker (S.1502487) 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. FASSMAN received her social work license on November 10, 2015.
2. In 2016 FASSMAN was employed as a social worker at an agency in Springfield, Ohio. She provided social work services to a client from January through March 2016. According to the case notes, FASSMAN would work with the client several times a week. FASSMAN left the employment of the agency in March 2016. In about May 2016, FASSMAN blurred her professional boundaries with a former client in violation of Ohio Revised Code Section 4757.36(C)(1) and Ohio Administrative Code Section 4757-5-04(C).

3. **FASSMAN** admits the statements referenced in paragraph 2 above.

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

1. **FASSMAN'S** license to practice social work (S.1502487) is indefinitely suspended for a minimum of two years beginning on November 18, 2016. **FASSMAN** must continue to renew her LSW during the period of suspension if she intends to return to the profession. After a minimum of two years of suspension has been completed, **FASSMAN** can petition the Board in writing to lift the suspension.

2. During the period of suspension, **FASSMAN** must receive one (1) year of personal counseling from a **BOARD** approved mental health practitioner. **FASSMAN** is required to meet with this mental health practitioner for a minimum of three (3) one hour sessions a month. All costs associated with this counseling are at **FASSMAN'S** expense. **FASSMAN** must submit the name, contact information, and professional resume or vitae to the **BOARD'S** Deputy Director at least 30 days before beginning any personal counseling to obtain pre-approval per this requirement. Once approved, the practitioner will provide the **BOARD** with quarterly reports detailing issues discussed in counseling and other issues the practitioner deems appropriate. At the end of the one year mandated counseling period, the practitioner shall provide the **BOARD** with a report encompassing the overall counseling period including a recommendation as to **FASSMAN'S** ability to return to the social work field. It is **FASSMAN'S** responsibility to ensure the **BOARD** obtains the reports in a timely manner. The **BOARD** will consider the information obtained through these reports in determining whether the suspension discussed in paragraph 1 above should be lifted.

3. **FASSMAN** must take, at her expense, the on-line continuing education course entitled "Ethical Documentation in Clinical Practice" offered by Heisel and Associates, www.heiselandassoc.com/home-studies **FASSMAN** will have until January 31, 2017, to complete this requirement. The hours earned from this training may not be used to renew her LSW in the future. Upon completion of this requirement, **FASSMAN** will provide the Board with a certificate of completion.

FASSMAN may take a different course of a similar nature in lieu of this stated course but this would have to be pre-approved in writing in advance by the Board's investigation department.

4. **FASSMAN** must take, at her expense, the on-line continuing education course entitled "Ethics and Risk Management" offered by Heisel and Associates, www.heiselandassoc.com/home-studies **FASSMAN** will have until May 30, 2017, to complete this requirement. The hours earned from this training may not be used to renew her LSW in the future. Upon completion of this requirement, **FASSMAN** will provide the Board with a certificate of completion. **FASSMAN** may take a different course of a similar nature in lieu of this stated course but this would have to be pre-approved in writing in advance by the Board's investigation department.

5. Should **FASSMAN** 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).

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, **FASSMAN** 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. **FASSMAN** 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.

FASSMAN 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. 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 CONSENT AGREEMENT into a formal journal entry at its November 2016, meeting.

Consent Agreement between Gabrielle L. Fassman and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

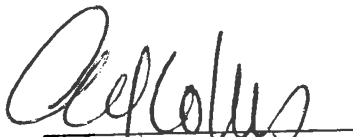
This CONSENT AGREEMENT shall take effect upon the date of the Board Chair's signature below:



Gabrielle L. Fassman, LSW

10-17-16


Date



Elizabeth Y. Collis, Esq.
Counsel for Ms. Fassman

10/17/16


Date



Matthew J. Paylo, Ph.D., LPCC-S
Chair, Counselor, Social Worker, Marriage and Family Therapist Board

11-17-16

Date



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

October 17 2016

Date