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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF SOCIAL WORKERS,
MARRIAGE AND FAMILY THERAPISTS,
AND PROFESSIONAL COUNSELORS**

TIME: 10:59 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

October 11, 2022

1 State Board of Social Workers,
2 Marriage and Family Therapists,
3 and Professional Counselors
4 October 11, 2022
5
6

7 BOARD MEMBERS:
8

9 Joy E. Corby, Ph.D., LMFT, Chair
10 Arion R. Claggett, Acting Commissioner, Bureau of
11 Professional and Occupational Affairs
12 Michelle Santiago, Psy.D., LPC, Vice Chair
13 Eric DeCriscio, MA, LPC, ACS
14 Kimberly Early, LSW
15 Erika Evans, Ph.D., LMFT - Absent
16 Christian Jordal, Ph.D., LMFT - Absent
17 Linda A. Martin, LCSW, RN
18 Cindy Moyer, LCSW
19 Marilyn L. Painter, Public Member
20 Mayte Redcay, LCSW, LCADC, SAP, CEAP - Absent
21
22

23 BUREAU PERSONNEL:
24

25 Megan E. Castor, Esquire, Board Counsel
26 Carolyn DeLaurentis, Deputy Chief Counsel,
27 Prosecution
28 Division
29 Nathan C. Giunta, Esquire, Board Prosecution Liaison
30 Adam J. Williams, Esquire, Board Prosecutor
31 Kelsey Ashworth, Esquire, Board Prosecutor
32 Sarah E. McNeill, Board Administrator
33 Holly Hoffman, Law Clerk, Department of State
34 Marc Farrell, Deputy Policy Director, Department of
35 State
36
37

38 ALSO PRESENT:
39

40 Tayler Flores
41 Lisa Durler
42 Daniel Walinsky, Ph.D., Associate Professor of
43 Instruction, Temple University College of Education
44 and Human Development
45 Kathryn Witherow
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1 ***

2 State Board of Social Workers,
3 Marriage and Family Therapists
4 and Professional Counselors

5 October 11, 2022

6 ***

7 [Pursuant to Section 708(a)(5) of the Sunshine Act,
8 at 9:00 a.m., the Board entered into Executive
9 Session with Megan E. Castor, Esquire, Board Counsel,
10 on behalf of Tyesha C. Miley, Esquire, Board Counsel,
11 for the purpose of conducting quasi-judicial
12 deliberations and to have attorney-client
13 consultation. The Board entered into public session
14 at 10:59 a.m.]

15 ***

16 The regularly scheduled meeting of the State
17 Board of Social Workers, Marriage and Family
18 Therapists, and Professional Counselors was held on
19 Tuesday, October 11, 2022. Joy E. Corby, Ph.D.,
20 LMFT, Chair, called the meeting to order at 10:59
21 a.m.

22 ***

23 Introduction of Board Members
24 [Chair Corby requested an introduction of Board
25 members.]

1 ***

2 Introduction of Attendees

3 [Sarah E. McNeill, Board Administrator, provided an
4 introduction of attendees.]

5 ***

6 [Megan E. Castor, Esquire, Board Counsel, reminded
7 everyone that the meeting was being recorded, and
8 those attending today's meeting were giving their
9 consent to be recorded.]

10 ***

11 Approval of minutes of the September 6, 2022 meeting

12 CHAIR CORBY:

13 I believe that we need to approve the
14 draft minutes. Do I hear a motion for
15 that?

16 MS. PAINTER:

17 So moved.

18 MS. MOYER:

19 Second.

20 MS. MCNEILL:

21 I'll do the roll call vote.

22

23 Corby, aye; Claggett, aye; Santiago,
24 aye; DeCriscio, aye; Early, aye;

25 Martin, aye; Moyer, aye; Painter, aye.

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[The motion carried unanimously.]

Report of Board Prosecutorial Division

[Nathan C. Giunta, Esquire, Board Prosecution Liaison presented the Consent Agreement for Case No. 21-69-018251.

Mr. Giunta explained how prosecution arrived at that sanction given the nature of the offenses. He explained that their office looked at what the Board accepted in the past, trying to be consistent with the Board, public, and licensees.

Mr. Giunta noted looking at the mitigation, where there were several respected members in the community who spoke of the respondent and her ability to practice without ignoring the fact there was this criminal charge. He also looked at the respondent taking this seriously and paying almost \$200,000 in restitution and her cooperation with the Attorney General's office and prosecution.

Mr. Giunta also explained that a Medicaid fraud conviction puts someone on a five-year exclusionary ban and the respondent will not be able to provide or bill any insurance for five years. He stated that she would need a supervisor in order to practice and

1 would not be able to be a solo practitioner. He
2 noted that even with 36 months' probation, a year
3 active suspension, an additional \$5,000 civil
4 penalty, and 24 hours of additional CE, the
5 respondent still wanted to hold her professional
6 license.

7 Ms. Martin requested additional information
8 regarding the actual fraud because there were no
9 specific details about the actual billing fraud and
10 one of the letters stated the respondent shredded
11 documents before the regulated timeline.

12 Mr. Giunta noted prosecution was not
13 acknowledging the accuracy of the mitigation. He
14 stated that the mitigation was provided by her
15 counsel but speculated what happened, where there is
16 a time period in which someone is required to keep
17 records. He believed the allegations stem from 2020
18 into 2021, where there may have been billing for
19 services or time that was not rendered and documents
20 may not have been kept to show the actual hours or
21 specific time.

22 Mr. Giunta stated there were no allegations from
23 the charges, which were the basis of the consent
24 agreement, that indicate there was a fraudulent
25 patient being created and she was probably billing

1 for services that were not rendered or for additional
2 time.

3 Ms. Martin noted that it is difficult for her to
4 make a good decision without knowing the exact
5 conviction.

6 Mr. Giunta stated that is why one of the charges
7 for this was just that they were felony charges
8 related to the profession, which was the fraud and
9 the billing. He mentioned that everything was
10 submitted by respondent's counsel as far as the
11 agreement and is why the Commonwealth neither
12 confirms nor denies the truthfulness of what was in
13 those letters.

14 Ms. Martin stated the Board had fraud cases come
15 before them in which the party actually spent time in
16 jail for false billing but this licensee did not
17 spend time in jail even though they were felony
18 charges. She noted not understanding what she did
19 and what the court did by giving some licensees
20 actual jail time and some not.

21 Mr. Giunta speculated that it is because the
22 person had no past criminal history other than this
23 and guidelines called for probation up to nine months
24 in jail, where it was based on payment in full of
25 restitution and mitigation witnesses as far as the

1 respondent not receiving any jail time and only a
2 probationary period.]

3

4 Report of Board Counsel - Proposed Adjudication and
5 Order

6 [Megan E. Castor, Esquire, Board Counsel, on behalf
7 of Tyesha C. Miley, had nothing to report.]

8

9 Report of Regulatory Board Counsel

10 MS. CASTOR:

11 I believe the Board would entertain a
12 motion to adopt the proposed annex and
13 release an exposure draft of the
14 proposed annex of 16A-5925 to
15 interested parties and stakeholders for
16 comment.

17 MS. PAINTER:

18 So moved.

19 MS. MOYER:

20 Second.

21 MS. MCNEILL:

22 Corby, aye; Claggett, aye; Santiago,
23 aye; DeCriscio, aye; Early, aye;
24 Martin, aye; Moyer, aye; Painter, aye.

25

1 [The motion carried unanimously.]

2 ***

3 Report of Board Chairperson

4 [Joy E. Corby, Ph.D., LMFT, Chair, announced today
5 would be her last official Board meeting. I have
6 enjoyed serving on the Board for almost nine years
7 and have learned a tremendous amount. Thank you for
8 the opportunity to service.

9 Several Board members thanked Chair Corby for her
10 service and wished her well.]

11

12 Report of Acting Commissioner

13 [Arion R. Claggett, Acting Commissioner, Bureau of
14 Professional and Occupational Affairs, thanked Chair
15 Corby for her service.]

16 ***

17 Report of Board Administrator

18 [Sarah McNeill, Board Administrator, also noted
19 appreciating Chair Corby's service to the Board.]

20 ***

21 Review of Applications

22 MS. CASTOR:

23 Number 4 on the agenda. I believe the
24 Board would entertain a motion to deny
25 the Professional Counselor by

1 Examination Application for Alissa
2 Messina.

3 MS. PAINTER:

4 So moved.

5 MS. MOYER:

6 Second.

7 MS. MCNEILL:

8 Corby, aye; Claggett, aye; Santiago,
9 aye; DeCriscio, aye; Early, aye;
10 Martin, aye; Moyer, aye; Painter, aye.

11

12 [The motion carried unanimously.]

13

14 MS. CASTOR:

15 Number 5 on the agenda. I believe the
16 Board would entertain a motion to
17 approve the Professional Counselor by
18 Examination Application for Emily Bray.

19 MS. PAINTER:

20 So moved.

21 MS. MOYER:

22 Second.

23 MS. MCNEILL:

24 Corby, aye; Claggett, aye; Santiago,
25 aye; DeCriscio, aye; Early, aye;

1 Martin, aye; Moyer, aye; Painter, aye.

2

3 [The motion carried unanimously.]

4

5 MS. CASTOR:

6 Number 6 on the agenda. I believe the
7 Board would entertain a motion to deny
8 the Professional Counselor by
9 Examination Application for Marcy
10 Tocker.

11 MS. PAINTER:

12 So moved.

13 MS. MOYER:

14 Second.

15 MS. MCNEILL:

16 Corby, aye; Claggett, aye; Santiago,
17 aye; DeCriscio, aye; Early, aye;
18 Martin, aye; Moyer, aye; Painter, aye.

19

20 [The motion carried unanimously.]

21

22 MS. CASTOR:

23 Number 7 on the agenda. I believe the
24 Board would entertain a motion to deny
25 the Professional Counselor by

1 Examination Application for Taylor
2 Flores.

3 MS. PAINTER:
4 So moved.

5 MS. MOYER:
6 Second.

7 MS. MCNEILL:
8 Corby, aye; Claggett, aye; Santiago,
9 aye; DeCriscio, aye; Early, aye;
10 Martin, aye; Moyer, aye; Painter, aye.
11

12 [The motion carried unanimously.]

13 ***

14 MS. CASTOR:
15 Number 8 on the agenda. I believe the
16 Board would entertain a motion to
17 accept the education for Pearl Winckler
18 and authorize the Board administrator
19 to send a discrepancy letter.

20 MS. PAINTER:
21 So moved.

22 MS. MOYER:
23 Second.

24 MS. MCNEILL:
25 Corby, aye; Claggett, aye; Santiago,

1 aye; DeCriscio, aye; Early, aye;
2 Martin, aye; Moyer, aye; Painter, aye.

3

4 [The motion carried unanimously.]

5

6 Act 41 Review

7 MS. CASTOR:

8 Number 9 on the agenda, the Act 41
9 Review. I believe the Board would
10 entertain a motion to approve the
11 Professional Counselor by Endorsement
12 Application under Act 41 for Daniella
13 Muller.

14 MS. PAINTER:

15 So moved.

16 MS. MOYER:

17 Second.

18 MS. MCNEILL:

19 Corby, aye; Claggett, aye; Santiago,
20 aye; DeCriscio, aye; Early, aye;
21 Martin, aye; Moyer, aye; Painter, aye.

22

23 [The motion carried unanimously.]

24

25 Correspondence

1 [Megan E. Castor, Esquire, Board Counsel, referred to
2 companion House Bill 2852 regarding the National
3 Counseling Compact for the Board's review. She noted
4 it to be a companion bill to Senate Bill 1348 that
5 was also introduced. She explained it is a proposed
6 bill that was referred to the Professional Licensure
7 Committee in September. She noted it is a sine die
8 year and would have to be reintroduced.

9 Dr. Santiago requested names of the members of
10 the Professional Licensure Committee.

11 Ms. Castor offered to ask Ms. Miley to provide
12 that information at the next meeting.

13 Ms. Martin requested information regarding the
14 process of the Senate and House bills.

15 Ms. Castor explained that Governor Wolf's Office
16 of Policy moves legislation but the bureau is often
17 asked to comment. She stated the Board would be
18 tasked with drafting regulations to be able to
19 implement the compact if it passes. She noted the
20 governor would have to sign them into law if they are
21 enacted and then a lengthy process would begin on
22 implementing the compact.

23 Ms. Early asked whether the Board could submit a
24 letter to the Professional Licensure Committee as it
25 moves.

1 Ms. Castor explained that the administration
2 comments on legislation, and the Board as a whole
3 cannot advocate in favor of or against any
4 legislation but could speak to how they feel about
5 it. She noted it would be the job of the Office of
6 Policy and Office of Legislative Affairs, which
7 filters down from the governor's policy and
8 legislative objectives.]

9

10 Miscellaneous - Approval for Travel for Board Counsel
11 and Board Administrator

12 [Sarah E. McNeill, Board Administrator, requested
13 approval for travel to attend the American
14 Association of State Counseling Boards (AASCB) Annual
15 Conference February 6-8, 2023, in New Orleans, LA,
16 along with Board Counsel.]

17 CHAIR CORBY:

18 Do I have a motion to accept this
19 approval?

20 MS. PAINTER:

21 I make a motion to approve item 11 for
22 travel for Board Counsel and the Board
23 administrator to the AASCB Annual
24 Conference in February.

25 MS. MOYER:

1 Second.

2 MS. MCNEILL:

3 Corby, aye; Claggett, aye; Santiago,
4 aye; DeCriscio, aye; Early, aye;
5 Martin, aye; Moyer, aye; Painter, aye.

6

7 [The motion carried unanimously.]

8

9 Appointments

10 [Megan E. Castor, Esquire, Board Counsel, noted item
11 14 on the agenda was withdrawn.]

12

13 [A Formal Hearing was held from 11:30 a.m. until
14 12:27 p.m. in the Matter of the Application for a
15 License by Examination as a Marriage and Family
16 Therapist of Margaret Kim Peterson, Case No. 22-69-
17 002395.]

18

19 Miscellaneous - Board Member Elections

20 ACTING COMMISSIONER CLAGGETT:

21 I would like to nominate Dr. Michelle
22 Santiago as chair.

23 MS. CASTOR:

24 Do we have a second?

25 MS. MOYER:

1 I would second that.

2 MS. MCNEILL:

3 Corby, aye; Claggett, aye; Santiago,
4 aye; DeCriscio, aye; Early, aye;
5 Martin, aye; Moyer, aye; Painter, aye.

6

7 [The motion carried unanimously.]

8

9 Miscellaneous (cont.) - Board Member Elections

10 [Board members discussed the vice chair position and
11 decided to place it on the agenda for the next
12 meeting. Kimberly Early agreed to serve as vice
13 chair temporarily until a replacement is appointed.]

14 MR. DECRISCIO:

15 I would like to nominate Kimberly.

16 MS. EARLY:

17 I'll do it until whoever we put in.

18 MS. CASTOR:

19 The motion would be for Kimberly to
20 serve as vice chair until there is an
21 opportunity to elect a replacement.

22 MS. PAINTER:

23 So moved.

24 MS. MOYER:

25 Second.

1 MS. MCNEILL:

2 Corby, aye; Claggett, aye; Santiago,
3 aye; DeCriscio, aye; Early, aye;
4 Martin, aye; Moyer, aye; Painter, aye.

5

6 [The motion carried unanimously.]

7

8 [The Board discussed having someone other than Dr.
9 Santiago as a member of the Probable Cause Screening
10 Committee because of her new role as chair and the
11 need for a decision on a new alternate at the next
12 Board meeting.]

13

14 [Pursuant to Section 708(a)(5) of the Sunshine Act,
15 at 12:38 p.m., the Board entered into Executive
16 Session with Megan E. Castor, Esquire, Board Counsel,
17 for the purpose of conducting quasi-judicial
18 deliberations. The Board entered into public session
19 at 1:13 p.m.]

20

21 MS. CASTOR:

22 Pursuant to Section 708(a)(5) of the
23 Sunshine Act, the Board entered into
24 deliberations on quasi-judicial
25 matters, and we are now back in open

1 session.

2 With regard to the hearing that was
3 at number 13 on the agenda, the record
4 is being held open in that matter for
5 counsel for the applicant to submit
6 additional information to the Board.

7 ***

8 MS. CASTOR:

9 I believe the Board will entertain a
10 motion to reject the Consent Agreement
11 at Case No. 21-69-018251.

12 MS. EARLY:

13 I move that we reject the Consent
14 Agreement.

15 MS. CASTOR:

16 Do we have a second?

17 MR. DECRISCIO:

18 I second.

19 MS. MCNEILL:

20 Corby, aye; Santiago, aye; DeCriscio,
21 aye; Early, aye; Martin, nay; Moyer,
22 nay; Painter, nay.

23 [The motion carried. Linda Martin, Cindy Moyer, and
24 Marilyn Painter opposed the motion.]

25 ***

1 Adjournment

2 CHAIR CORBY:

3 Do I hear a motion for adjournment?

4 MS. EARLY:

5 I move that we adjourn.

6 CHAIR CORBY:

7 Do I hear a second?

8 MS. MOYER:

9 Second.

10 CHAIR CORBY:

11 Everybody agree, just say aye.

12 [The motion carried unanimously.]

13 ***

14 [There being no further business, the State Board of
15 Social Workers, Marriage and Family Therapists, and
16 Professional Counselors Meeting adjourned at
17 1:17 p.m.]

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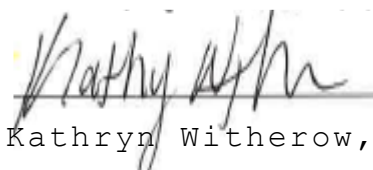
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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors meeting.



Kathryn Witherow,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

1 STATE BOARD OF SOCIAL WORKERS,
2 MARRIAGE AND FAMILY THERAPISTS,
3 AND PROFESSIONAL COUNSELORS
4 REFERENCE INDEX

5
6 October 11, 2022
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8	9	10	11
	TIME	AGENDA	
11	9:00	Executive Session	
12	10:59	Return to Open Session	
13			
14	10:59	Official Call to Order	
15			
16	10:59	Introduction of Board Members	
17			
18	11:00	Introduction of Attendees	
19			
20	11:01	Approval of Minutes	
21			
22	11:02	Report of Prosecutorial Division	
23			
24	11:13	Report of Regulatory Counsel	
25			
26	11:14	Report of Chairperson	
27			
28	11:15	Report of Acting Commissioner	
29			
30	11:17	Report of Board Administrator	
31			
32	11:18	Review of Applications	
33			
34	11:22	Act 41 Review	
35			
36	11:22	Correspondence	
37			
38	11:27	Miscellaneous	
39			
40	11:30	Appointments - Formal Hearing -	
41		Margaret Peterson	
42			
43	12:27	Miscellaneous (cont.)	
44			
45	12:38	Executive Session	
46	1:13	Return to Open Session	
47			
48	1:17	Adjournment	
49			
50			