

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF SOCIAL WORK
DISCIPLINARY SUBCOMMITTEE

In the Matter of

EILEEN AVENI SAPPINGTON, L.M.S.W.
License No. 68-01-020495

Complaint No. 68-18-149550

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint dated March 1, 2019, was filed with the Disciplinary Subcommittee of the Board of Social Work, charging Eileen Aveni Sappington, L.M.S.W. (Respondent), with having violated sections 16221(a), (b)(i), (b)(vi), (c)(iii), and (h), and 16201(3) of the Public Health Code, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated section 16221(c)(iii) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for a minimum period of 1 year, not to exceed 3 years, commencing on the effective date of this order. Reduction of the period of probation shall occur only while Respondent is employed as a social worker. Respondent shall be automatically discharged from probation upon the

Department's receipt of satisfactory written evidence of Respondent's successful compliance with the terms and conditions as provided below, provided compliance occurs within 3 years. If Respondent fails to complete any term or condition of probation as set forth in this order within 3 years of the effective date of this order, Respondent will be in violation of Mich Admin Code, R 338.1632 and section 16221(h) of the Public Health Code. The terms and conditions of the probation are as follows:

- A. MEETING WITH BOARD-APPROVED REVIEWER. Respondent shall meet quarterly with a licensed master's social worker approved by the Board Chairperson or the Chairperson's designee, or other licensed therapist pre-approved by the Board Chairperson or the Chairperson's designee or other pre-approved entity, to review Respondent's professional practice, including at least 5 of Respondent's client records. The initial meeting shall occur at the end of the third month of probation, and subsequent meetings shall occur every third month thereafter until the period of probation ends.

Within 30 days of the effective date of the order, Respondent shall contact the Department to request approval of a proposed reviewer. When requesting approval of a proposed reviewer, Respondent shall provide a copy of the proposed reviewer's curriculum vitae to the Department. Respondent shall provide a copy of this order and the complaint dated March 1, 2019, to the proposed reviewer before submitting a request for approval to the Department. Respondent shall not work in any capacity for which a license to practice social work is required until Respondent receives written confirmation from the Department that the proposed monitor was approved.

The initial meeting shall occur at the end of the third month of probation, and subsequent meetings shall occur every 3 months thereafter until the end of the probationary period. Respondent shall be responsible for scheduling the time and place of the meetings with the approved reviewer. Respondent shall submit all requests required by this subsection to the Department at the address listed below or by fax to (517) 241-9280.

- B. BOARD-APPROVED REVIEWER CHANGE. If, at any time during the period of probation, the Board-approved reviewer is unable to review

Respondent's professional practice, Respondent shall report this information in writing to the Department within 15 days of such change and request approval of another reviewer. Respondent shall submit the request for approval of the proposed reviewer to the Department at the address listed below or by fax to (517) 241-9280.

- C. BOARD-APPROVED REVIEWER REPORTS. Respondent's approved reviewer shall file reports on the form prescribed by the Department, advising of Respondent's work performance. If, at any time, Respondent fails to comply with minimal standards of acceptable and prevailing practice or appears unable to practice with reasonable skill and safety, her approved reviewer shall immediately notify the Department.
- D. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.
- E. CONTINUING EDUCATION CREDITS. Within 90 days of the effective date of this Order, Respondent shall successfully complete 3 hours of continuing education credits in the area of **telehealth**, and 3 hours of continuing education credits in the area of **DSM and diagnosing mental disorders**. These credit hours *shall not* count toward the number of credit hours required for license renewal.

Respondent must seek and obtain advance approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall mail requests for approval of a course and proof of successful completion of a course to the Department at the address set forth below. If the proposed course indicates that it is approved by the Association of Social Work Boards (ASWB), then Respondent does not need to seek approval from the Chairperson of the Board or the Chairperson's designee. Respondent must submit sufficient evidence to the satisfaction of the Department and Board chairperson that the course is ASWB approved and covers the above-listed areas.

- F. REPORTING PROCEDURE. Unless otherwise provided above, all reports required by the terms of probation shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports every three months until Respondent is discharged from probation. In addition to receiving reports as required above, the Department or its authorized representative may periodically contact the reporting individuals or agencies to inquire of Respondent's progress. By accepting the terms of this consent order and stipulation,

Respondent has authorized the release of all necessary records and information.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED \$1,000.00 to be paid by check, money order, or cashier's check, made payable to the State of Michigan (with complaint number 68-18-149550 clearly indicated on the check or money order), and shall be payable within 6 months of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to:

Department of Licensing and Regulatory Affairs Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

If Respondent fails to timely pay the fine, her license shall be suspended until payment is received. If Respondent's license remains suspended for longer than six months and one day, reinstatement is not automatic. If Respondent petitions for reinstatement of her license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and Mich Admin Code, R 792.10711. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character; (2) the ability to practice the profession with reasonable skill and safety; (3) satisfaction of the guidelines on reinstatement adopted by the Department; and (4) that it is in the public interest for the license to be reinstated.

Counts I, II, III, and V of the complaint, alleging a violation of sections 16221(a), (b)(i), (b)(vi), and (h), and 16201(3) of the Public Health Code, are DISMISSED.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective thirty days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 26 Nov 19

MICHIGAN BOARD OF SOCIAL WORK

By WJ Miller
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint. Respondent understands that, by pleading no contest, she does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.

2. Respondent understands and intends that, by signing this stipulation, she is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

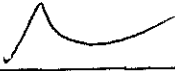
3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Brian Philson, L.M.S.W. Mr. Philson or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Mr. Philson and the parties considered the following factors in reaching this agreement:

- A. Respondent obtained her license to practice social work approximately 30 years ago and has had no history of prior disciplinary action.
- B. At a compliance conference, Respondent explained that she has several years of experience in working with victims of human trafficking and individuals with dissociative identify disorder. Respondent explained that she has consulted with a number of professionals in those particular areas to effectively treat these type of clients.
- C. Respondent reported that because of her 30 years of therapeutic experience and her collaborative approach with other health care providers, Respondent reached out to L.F.'s health care providers to discuss and educate them on L.F.'s issues as needed to allow for a holistic approach to L.F.'s treatment and therapy. Respondent reported that she believes that at the time of her contact with L.F.'s health care providers, her license was wrongfully posted as "lapsed", which may have influenced them. Respondent explained that this was demonstrated when L.F. reported to Respondent that those healthcare providers indicated that Respondent didn't have a license and that was how L.F. learned that Respondent's license was listed as "lapsed."
- D. Respondent also explained that she was not treating L.F.'s roommate as a client but that L.F. had wanted her roommate present during sessions. Respondent submitted evidence showing that L.F. authorized the release of her protected health information to her roommate.
- E. Respondent submitted evidence of recently completing continuing education in "Screening for Human Trafficking: Guidelines for Administering the Trafficking Victim Identification Tool."
- F. Respondent has been fully cooperative with resolving this complaint.

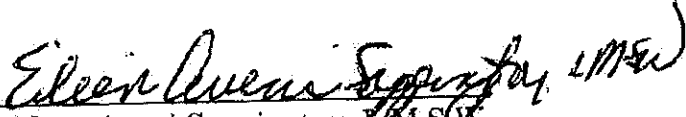
By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

AGREED TO BY:




Rose P. Kleff (P80185)
Assistant Attorney General
Attorney for Complainant
Dated: 10/30/19

AGREED TO BY:



Eileen Aveni Sappington, L.M.S.W.
Respondent

Dated: 10/29/19



Donna J. Craig (P34336)
Attorney for Respondent
Dated: 10/29/19

LF: 2018-02302 46-B/Sappington, Eileen Aveni/Consent Order and Stipulation/2019-08-26

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ADMINISTRATIVE COMPLAINT

Attorney General Dana Nessel, by Assistant Attorney General Rose P. Kleff, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this complaint against Eileen Aveni Sappington, L.M.S.W. (Respondent), alleging upon information and belief as follows:

1. The Board of Social Work, an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee (DSC).
2. Respondent is currently licensed to practice as a master's social worker pursuant to the Public Health Code.
3. Section 16221(a) of the Code allows the Disciplinary Subcommittee to take disciplinary action against a licensee for a "violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, or any

conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully engage in the practice of the health profession."

4. Section 16221(b)(i) of the Code allows the Disciplinary Subcommittee to take disciplinary action against a licensee for incompetence. Section 333.16106(1) of the Code defines incompetence as "a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession, whether or not actual injury to an individual occurs."

5. Section 16221(b)(vi) of the Code allows the Disciplinary Subcommittee to take disciplinary action against a licensee for lack of good moral character. Section 333.16104(6) of the Code and MCL 338.41 to 338.47 define "good moral character" to mean "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

6. Section 16221(c)(iii) of the Code allows the Disciplinary Subcommittee to take disciplinary action against a licensee for practicing outside the scope of a license.

7. Section 16221(h) of the Code allows the Disciplinary Subcommittee to take disciplinary action against a licensee for a "violation, or aiding or abetting in a violation, of this article or of a rule promulgated under this article."

8. Section 16201(3) of the Code provides that if a license is not renewed within 60 days after it expires, the license is considered null and void and the licensee shall not practice or use the title.

9. Section 16226 of the Code authorizes the DSC to impose sanctions against a person licensed by the Board if, after opportunity for a hearing, the DSC determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

FACTUAL ALLEGATIONS

10. At all times relevant to this complaint, Respondent worked in private practice, providing master's social work services to clients in Michigan. Respondent did not possess a license to practice medicine or other advanced clinical license that would allow her to direct medical treatment.

11. In August 2016, Respondent began treating client L.F.¹ Per Respondent, L.F. sought treatment specifically from Respondent because Respondent specialized in extreme abuse and sex trafficking and L.F. was a sex-trafficking victim.

12. After a few months of psychotherapy, Respondent diagnosed L.F. with dissociative identity disorder. Respondent also noted that L.F. continued to be a sex-trafficking victim and was under the control of "handlers." Respondent did not question L.F.'s claims.

13. Despite indicating that L.F. was a part of a sex ring, had "a price on her head all the time," and was in "life-threatening danger from her abusing group," Respondent failed to communicate to law enforcement or any other authority that L.F.'s health, safety, and welfare was at risk by these handlers or abusing group.

¹ Initials used to protect patient privacy.

14. On April 30, 2017, Respondent's license to practice as a master's social worker lapsed. Respondent admitted to the Department that she knew her license had lapsed due to not completing the proper continuing education requirements.

15. Respondent's license was reinstated on February 20, 2018. While her license was lapsed, Respondent failed to transfer the care of her clients to another therapist and treated L.F. and at least 2 other clients either in person in Michigan or by video conference from Respondent's location in Virginia on several occasions.

16. Before and during this time, L.F. had also sought treatment from Community Mental Health in Ludington, Michigan, and/or Crystal Lake Clinic in Manistee, Michigan.

17. Respondent reported that in September 2017, she and Crystal Lake Clinic determined that L.F. should be weaned from the medication Xanax.

18. During the weaning process, Respondent reported that L.F. recalled a distressing set of memories which caused L.F.'s prior eating disorder to arise.

19. Respondent, however, failed to treat L.F.'s eating disorder or refer her for treatment, noting that L.F.'s "personality parts stopped the eating disorder and agreed never to do it again."

20. In December 2017, a court ordered L.F. to undergo an inpatient psychological examination at Forest View Psychiatric Hospital (Forest View) in Grand Rapids, Michigan.

21. Subsequently, Respondent discussed her treatment of L.F. with one of the therapists at Forest View by phone. Respondent also submitted a letter to

Forest View detailing her treatment of and recommendations for L.F. Respondent recommended which medications should and should not be prescribed to L.F. and recommended that L.F. should not be involuntarily committed to Forest View, that L.F. was being misdiagnosed, that contact between L.F. and her family must cease, and that L.F. should not restart treatment with Community Mental Health.

22. Further, Respondent reported that L.F. had received "electronic stalking burns" by her handlers. Respondent explained that she believed L.F. was being burned as she had another client who was experiencing this type of abuse. Respondent instructed L.F.'s roommate, who Respondent was also treating, to submit a letter to Forest View regarding the burns and forward them information about electromagnetic weapons.

23. Respondent notified the Department that she last heard from L.F. in January 2018 when L.F. reported that she had to leave Michigan to escape her abusing group.

COUNT I

Respondent's conduct, as described above, constitutes negligence or failure to exercise due care, or any conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully engage in the practice of the health profession, in violation of section 16221(a) of the Code.

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COUNT II

Respondent's conduct, as described above, constitutes Respondent's failure to conform to minimal standards of acceptable and prevailing practice for a social worker, in violation of section 16221(b)(i) of the Code.

COUNT III

Respondent's conduct, as described above, constitutes Respondent's lack of good moral character, in violation of section 16221(b)(vi) of the Code.

COUNT IV

Respondent's conduct, as described above, constitutes Respondent's practice outside the scope of her license, in violation of section 16221(c)(iii) of the Code.

COUNT V

Respondent's conduct, as described above, constitutes Respondent's unlicensed practice as a social worker, in violation of sections 16201(3) and 16221(h) of the Code.

THEREFORE, Complainant requests that this complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from receipt of this complaint to submit a written response to the allegations contained in it. Pursuant to section 16192(2) of the Code, Respondent is deemed to be in receipt of the complaint 3 days after the date of mailing listed in the attached proof of service. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general.

Further, pursuant to section 16231(9) of the Code, failure to submit a written response within the 30 day-period shall be treated as an admission of the allegations contained in the complaint and shall result in transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully Submitted,

DANA NESSEL
Attorney General



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Fax: 517-241-1997

Dated: March 1, 2019