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STATE OF NEW HAMPSHIRE
BOARD OF LICENSING FOR ALCOHOL & OTHER

DRUG USE PROFESSIONALS
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April 1, 2013

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to RSA 332-G, the Board of Alcohol and Other Drug Abuse Professionals (the Board) requests an additional appropriation of \$20,000 in FY 2013, to pay the Attorney General's Office/Administrative Prosecutions Unit for unanticipated investigations and possible adjudiciary proceedings. 100% General Fund

The account to be appropriated additional funds is 05-0074-074-749210-74920000 - Health and Social Services, HHS Admin. Attached Boards, Board of Alcohol and Other Drug Abuse Professionals

| Account | Class | FY 13 |
|--------------------------------|-----------|----------|
| Transfer to Other State Agency | 49-500294 | \$20,000 |

EXPLANATION

The Board has been informed that several of their licensees are suspected of unprofessional conduct according to RSA 330-C:27. The Board has requested assistance from the Administrative Prosecutions Unit of the Attorney General's Office, who in turn has requested funds for the investigations and possible adjudicatory proceedings. The Board feels these offenses are serious enough to warrant the appropriation of funds and is requesting an additional \$20,000 from funds not otherwise appropriated.

Thank you for your consideration and attention to this matter.

Sincerely,
Jacqui Abikoff, LICSW, MLADC
Jacqui Abikoff
Chairman of the Board



TITLE XXX OCCUPATIONS AND PROFESSIONS

CHAPTER 332-G GENERAL ADMINISTRATION OF REGULATORY BOARDS AND COMMISSIONS

Section 332-G:3

332-G:3 Investigatory and Legal Expenses. – Notwithstanding any other provision of law, a board or commission may retain expert witnesses or other qualified persons to assist with any investigation or adjudicatory proceeding. Members of the board or commission are not eligible for retainment. The board or commission may also retain special legal counsel in instances when recommended by the attorney general. To the extent the existing appropriation of the board or commission does not include funds covering such expenditures, the board or commission may request the governor and council to expend funds not otherwise appropriated on the condition that such funds be considered in the next budget of the board or commission when the board or commission sets its fees so as to produce estimated revenues equal to 125 percent of its direct operating expenses for the previous fiscal year.

Source. 1995, 257:2, eff. July 1, 1995.



TITLE XXX

OCCUPATIONS AND PROFESSIONS

CHAPTER 330-C

ALCOHOL AND OTHER DRUG USE PROFESSIONALS

Section 330-C:27

330-C:27 Disciplinary Action; Misconduct. –

- I. The board may undertake investigations and disciplinary proceedings:
 - (a) Upon its own initiative.
 - (b) Upon written complaint of any person which charges that a person has committed any acts of misconduct under this section and which specifies the grounds for such complaint.
- II. All written complaints received by the board shall be recorded and contain the following information:
 - (a) Licensee's or certificate holder's name.
 - (b) Name of the complaining party.
 - (c) Date of complaint.
 - (d) Brief statement of complaint.
- III. Misconduct sufficient to support disciplinary proceedings under this section includes:
 - (a) Violating any provision of this chapter or any substantive rule adopted under this chapter or order issued by the board.
 - (b) Engaging in the practice of substance use counseling, co-occurring disorders counseling, or supervision in a manner harmful or dangerous to the client or public.
 - (c) Fraud or deceit in procuring or attempting to procure a license, certification, or other authorization to practice substance use counseling or co-occurring disorders counseling in this or another state or territory of the United States.
 - (d) Engaging in sexual relations, soliciting sexual relations, or committing an act of sexual abuse or sexual misconduct with a current client or with a person who was a client.
 - (e) Failing to remain free from the use of any controlled substance or any alcoholic beverage to the extent that the use impairs the ability of the licensee or certificate holder to conduct with safety to the public the practices authorized by this chapter.
 - (f) Conviction of a felony which has not been waived by the board.
 - (g) An act or omission causing another state or territory of the United States to revoke or suspend a license, certification, or other authorization to practice substance use counseling or co-occurring disorders counseling or to discipline the person authorized to practice by placing him or her on probation.
 - (h) Failing to maintain confidentiality pursuant to RSA 330-C:26.
 - (i) Engaging in false or misleading advertising.
 - (j) Having a mental disability which significantly impairs professional ability or judgment to the extent that it impairs the ability to conduct with safety to the public the practices authorized by this chapter, unless the board finds that measures have been taken to control the effects of the disability.
- IV. The board, after notice and a public hearing, or as part of a settlement, may take disciplinary action against a licensee or certificate holder in any one or more of the following ways:
 - (a) Revocation of license or certificate.
 - (b) Suspension of license or certificate for a period of time determined as reasonable by the board.
 - (c) Censure.
 - (d) Issuance of a letter of reprimand.
 - (e) Placement on probationary status. The board may require the person to submit to any of the following:
 - (1) Regular reporting to the board concerning the matters which are the basis of the probation.
 - (2) Continuing professional education until a satisfactory degree of skill has been achieved in those areas which

are the basis of probation.

(3) Submitting to the care, counseling, or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.

(4) Practicing under the direct supervision of another licensee for a period of time specified by the board.

(f) Refusal to renew a license or certification

(g) Revocation of probation which has been granted by the board and imposition of any other discipline provided in this section if the requirements of probation have not been fulfilled or have been violated.

(h) Assessing administrative fines in amounts established by the board which shall not exceed \$2,000 per offense, or in the case of a continuing offense, \$250 for each day the violation continues.

V. The board may reinstate any person to good standing under this chapter if, after hearing, the board is satisfied that reinstatement is in the public interest.

VI. Upon the suspension or revocation of a license or certification issued under this chapter, a licensee or certificate holder shall surrender the license or certificate to the board.

Source. 2008, 189:1. 2010, 249:21, eff. Sept. 4, 2010.