

THE STATE OF NEW HAMPSHIRE
Board of Mental Health Practice
Concord, New Hampshire 03301

In the Matter of:
Anita Mendes., LICSW
(Misconduct Allegations)

Docket No. 10-003

DECISION AND ORDER

By: Joan Staigers Haley, Presiding Officer; David Sundell, D.Min., Gail Mears, Psy.D.,
David Braiterman, Thomas Boulter, *Board Members* .

Not participating: Sheila Renaud-Finnegan, LICSW, Deborah Warner, Ph.D.

Appearances: Sarah Blodgett, Assistant Attorney General. as *Hearing Counsel*.

Not present: Anita Mendes, Ph.D., Respondent

Background Information

The New Hampshire Board of Mental Health Practice ("the Board") issued a Notice of Hearing in the above-captioned case on March 24, 2010. That Notice set out the procedural history of this matter and specifically identified numerous issues to be adjudicated by the Board, including the allegations of professional misconduct by the Respondent licensee, Anita Mendes, Ph.D.

On June 4, 2010, in Concord, the Board held a hearing on this matter. Dr. Anita Mendes was not present at the hearing and was not represented by counsel. The Board determined that proper notice of the hearing was sent to Ms. Mendes at the address on file for her with the Board. Further, the Board found that an earlier communication to that same address had been responded to by Ms. Mendes. The Board finds that Ms. Mendes received sufficient notice of this hearing.

The Board heard testimony of its Professional Conduct Investigator Gary Eager, LICSW on the matter and arguments of Administrative Prosecutions Unit (APU)

Attorney Sara Blodgett.

The Board finds and rules as follows:

1. Pursuant to RSA 330-A:27, I; RSA 330-A:28; RSA 330-A:29; and Mental Health Practice Administrative Rule (“Mhp”) 206 and 210, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by mental health practitioners.
2. The Board first granted Respondent a license to practice social work in the State of New Hampshire on November 13, 1992. Respondent's licensed number was 464. Respondent's license expired June 30, 2010.
3. Between April 2008 and April 2009 Respondent failed to provide DV with dates of his daughter's treatment in violation of National Association of Social Workers (“NASW”) Code of Ethics 1.08 (a) and Mhp 502.02.
4. Beginning June 5, 2009, Respondent failed to provide the Board with a complete treatment record for EV in violation of RSA 330-A:28, VII.
5. Beginning April of 2008 failed to create and/or preserve EV's treatment record in violation of NASW Code of Ethics 3.04 (a), (b), and (d).
6. Beginning June 5, 2009 through October 15, 2009, Respondent failed to provide the Board with a response to the complaint against her in violation of RSA 330-A:28, VII.
7. Evidence was presented that called into question Ms. Mendes' competence: i.e. not renewing her license, not responding to Board requests for a written response,

contacting the police department and landlord, and having no records. The Board found Respondent to have been impaired and lacking competence to practice beginning April 2008. RSA 330-A:27; NASW Code of Ethics 4.05 (a) and (b).

The Board does not find:

1. Beginning in April of 2008, that Respondent provided treatment to EV in an area in which Respondent was not competent in violation of NASW Code of Ethics 4.01 (a) and (b).
2. Beginning July 1, 2009 Respondent continued to treat clients despite her license lapse in violation of RSA 330-A:23.
3. Between April of 2008 and April of 2009 Respondent had inappropriate communications with the GAL, regarding recommendations for custody and visitation in violation of NACS Code of Ethics 1.06 (c) because no evidence on this point was presented.
4. Between April of 2008 and April of 2009 Respondent had inappropriate communications with the GAL regarding DV and communications made to DV in violation of NASW Code of Ethics 1.06 (c) because no evidence of this was presented.

The Board neither finds nor rejects the allegation that Respondent failed to notify the Board of her change in practice location when she closed her business in violation of RSA 330-A:38, VI.. The Notice of Hearing cited the incorrect statute, and given the Respondent's default no adverse finding outside the scope of the properly noticed charges is made.

THEREFORE, BASED ON THE FOREGOING, IT IS ORDERED, that Ms. Mendes' clinical social work license indefinitely **suspended**, but for a minimum of three years from the date of this Order.

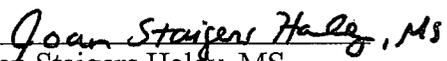
Upon request for re-application or reinstatement from Ms. Mendes, the Board will consider whether or not the Respondent demonstrates, at a minimum, that she:

1. Has taken steps towards remediation of her impairment;
2. Has obtained a fitness to practice assessment by a licensed mental health practitioner; and
3. Has made efforts to maintain her skills and knowledge in the field of social work.

Further to be considered at that time is whether Ms. Mendes should practice under supervision for a period of time to be determined.

By Order of the Board

Dated: September 17, 2010


Joan Staigers Halley, MS
Board Chairperson