

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

**BOARD OF LICENSING FOR ALCOHOL AND
OTHER DRUG USE PROFESSIONALS**

**In Re: Sarah Johnston,
CRSW #0308**

Docket No.: 2022-ALC-024

FINAL DECISION AND ORDER OF 11/10/22

I. ATTENDEES

**Kelly M. Luedtke, MLADC, Board Chair and Member
Alexandra H. Hamel, MLADC, Member
Jessica G. Carter, CRSW, Member
Joni O'Brien, MLADC, Member
Traci Weber, Board Administrator
Lauren Warner, Board Counsel
Nikolas Frye, Esq., Presiding Officer of the Board
Sarah Johnston, MLADC, Licensee**

II. CASE SUMMARY/PROCEDURAL HISTORY

For the current renewal cycle, the Board of Licensing for Alcohol and Other Drug Use Professionals ("Board") selected Sarah Johnston, CRSW ("Licensee") for a random audit, pursuant to N.H. Admin. R. Ann., Title Alc 410.01 ("Rules"). In furtherance of the audit, the Board sent the Licensee a letter on 05/11/22 requesting documentation demonstrating compliance with applicable continuing education, supervision, and/or peer collaboration requirements contained in Rules 400 et seq. The Board also appointed a Peer Review Committee to review the audit responses that were due back from the Licensee on 06/30/22. The Committee's review revealed the Licensee lacked documentation of certain continuing education, supervision, and/or peer collaboration requirements. On 07/14/22, the Board sent a

follow-up letter to the Licensee requesting additional information be submitted to the Board by 07/30/22. On 08/11/22, the Board determined that the Licensee had still failed to document the missing requirements and voted to hold a show cause hearing to obtain further information from the Licensee before rendering a decision as to whether the Licensee meets the applicable requirements of licensure under RSA 330-C:22 and RSA 330-C:24 and Rules 400 et seq. At the request of the Licensee, the matter was continued from the 09/08/22 meeting. The Board held a final show cause hearing in this matter on 10/13/22. After a show cause hearing, a non-recused quorum of the Board reviewed the additional documentation at its 10/13/22 meeting and determined that the Licensee still failed to meet the requirements for licensure, even though she is actively licensed. Consequently, the Board voted on 10/13/22 to initiate a disciplinary proceeding to further address this matter. The final adjudicatory hearing occurred on 11/10/22. This Final Order and Decision follows.

III. SUMMARY OF THE EVIDENCE

The Board received the following evidence pursuant to RSA 541-A:33 and Alc Rule 212.03 (“Rules”):

- a. Exhibits were submitted by Board, numbered as follows:
 1. None.
- b. Exhibits were submitted by Licensee as follows:
 1. None.
- c. Sworn testimony was received from:
 1. Sarah Johnston, Licensee (called by Board and Licensee)
- d. There being no objection, the Board to administrative notice of the Licensee’s licensing file and docket # 2022-ALC-005, *In re Sarah Johnston*.

IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED

At her request, the Licensee appeared via Zoom for the hearing. The issues presented in this disciplinary adjudicatory hearing were delineated in the Notice of Hearing at Section II.c. Pursuant to Rule 212.01, The Board has the burden of proving its case by a preponderance of the evidence. At the outset of the hearing, the Presiding Officer took administrative notice of the Board's licensing file for the Licensee, as well as Docket # 2022-ALC-005. The credible evidence presented at the hearing allows the Board to find the following facts.

Licensee

The Board had previously made the following findings of fact with respect to the Licensee's testimony in Docket # 2022-ALC-005:

Before the hearing, the Licensee had provided the Board with documentation that she had completed some supervision as required by Rules 400 et seq. during the reporting cycle. The Board accepted these documents as full exhibits. The Licensee was also sworn in under oath at the hearing and provided the following relevant testimony. She candidly admitted that she had not provided sufficient documentation that she meets the requirements of Rule 404.01(b). She took full responsibility for the fact that she lacked such documentation and explained that the reason was a time-management issue. She described conditions at work that had resulted in it being difficult for her to consistently get 2 hours of supervision per month through her former supervisor during the reporting period. Specifically, she stated there were too many individuals at the facility where she worked who needed supervision and only one supervisor. Given those circumstances, she testified that she would often sacrifice time that might have been used for her to have supervision for those working under her, as she mostly acted in a managerial capacity and those individuals were working directly with clients. She also explained that this issue became worse when the supervisor was sick for some time and was unable to provide as much availability as he normally would. The Licensee's testimony also revealed that she controlled the supervision schedule at that time. She clarified she now works for another supervisor with whom she meets with regularly since May of 2022.

Upon Board questioning, the Licensee acknowledged that she had informal communications with her former supervisor but candidly admitted that she did not consider them to be the equivalent of supervision and could not definitively say the communications occurred for two hours per month. She also acknowledged she had not documented those conversations and neither did the supervisor. She also noted that during the renewal cycle, she was part of a formal scheduled meeting to discuss an ethical situation, but her supervisor was not part of that meeting. Nonetheless, she took the position that none of these things really fit into the category of supervision.

See Ord of 10/17/22 in Docket #2022-ALC-005.

The Licensee was the sole witness called by the Board at the 11/10/22 disciplinary hearing. Her testimony confirmed that the same circumstances that had led to the Board initiating disciplinary action with respect to Docket #2022-ALC-005 in fact occurred. She confirmed that she still has Martha Huckins acting as her supervisor, who has been in that capacity since May of 2022. The Licensee explained the details of that supervision, which includes meeting at least twice per month for a one hour session to discuss non-clinical supervision related topics pertaining to being a CRSW. Her testimony revealed that she desires to keep her CRSW license and pursue a LCMHC license. She stated she may also someday pursue a LADC license. The Licensee testified that she took full responsibility and ownership for her failure to meet the supervision requirements for her licensure as a CRSW. She described this experience as being humbling.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the evidence and accounting for the presentation and demeanor of the witness, the Board finds, by a preponderance of the evidence, that the Licensee has committed professional misconduct. Central facts that establish the Licensee committed professional misconduct are clear and undisputed: the Licensee did not meet the supervision requirements for licensure as a CRSW described in Rule 404.01(a) for the 2020-2022 renewal cycle.

In addition to the findings of facts and conclusions of law already made herein, the Board specifically finds the following facts and makes the following conclusions of law based upon the evidence presented:

- 1) The Board find and concludes the Licensee violated RSA 330-C:27(III)(a) by failing to comply with supervision requirements in Rule 404.04, as demonstrated through a random audit and subsequent adjudicatory process relating to the 2020-2022 renewal cycle.
- 2) Upon a finding of misconduct under RSA 330-C:27, III, the Board takes the following disciplinary action against the Licensee:

- a. Pursuant to RSA 330-C:27, IV(e), the Licensee's license is placed on **PROBATIONARY STATUS**, and subject to the following for the remainder of the 2022-2024 renewal cycle:
- i. The Licensee shall continue receiving supervision with Martha Huckins in the manner to which the Licensee testified or is otherwise compliant with Board Rules—namely, twice per month one hour sessions, discussing appropriate subjects for CRSW supervision; and
 - ii. The Licensee shall provide the Board with quarterly supervision logs documented and maintained in accordance with Board Rules; and
 - iii. Within 30 days of the signed date of this order, file a completed and signed supervisory agreement entered into with a CRSW supervisor listed on the Board's approved CRSW supervisor list, who is willing to serve as a backup supervisor for the Licensee in the event that Martha Huckins is permanently or temporarily unable to serve as supervisor for the Licensee.
- 3) In assessing the sanctions in Paragraph 4 above, the Board considered and applied the enumerated factors in Rules 413.02(f),(g), and (h).

VI. ORDER

The Board concludes the Licensee has committed professional misconduct and her license as a CRSW is placed on **PROBATIONARY STATUS** as described herein.

SO ORDERED.

DATED: 11/14/2022

/s/ Nikolas K. Frye, Esq.
Nikolas K. Frye, Presiding Officer
Board of Licensing for Alcohol and
Drug Use Professionals
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301