

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

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

**In Re: Sarah Pepper,
CRSW Licensee
License # 0159**

Docket No.: 2022-ALC-0023

**FINAL DECISION AND ORDER ON
DISCIPLINARY HEARING OF
11/10/22**

I. ATTENDEES:

**Kelly M. Luedtke, Board Chair and Member
Alexandra H. Hamel, Board Member
Jessica G. Carter, Board Member
Joni O'Brien, Board Member
Nikolas Frye, Presiding Officer and OPLC Hearings Examiner
Lauren Warner, OPLC Board Counsel
Traci Weber, Board Administrator
Sarah Pepper (via Zoom), 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 Pepper, 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 not responded to the request 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. After a show cause hearing, the Board entered an interim order providing additional time for the Licensee to provide more documentation to show she meets the requirements. 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. An interim order followed the disciplinary hearing held on 11/10/22 granting additional time for the Licensee to provide any further documentation she might want to consider before it voted on the issues presented in the Notice of Hearing in the disciplinary hearing. The submission deadline passed without the Board having received any further documentation from the Licensee. This final and order and decision follows.

III. EVIDENCE PRESENTED AND FINDINGS OF FACT:

The Board took administrative notice of 1) its licensing file for the Licensee, including all documentation and correspondence related to the random audit of the Licensee's continuing education, supervision, and peer collaboration requirements relating to Rules 400 et seq.; 2) the pleadings, exhibits, orders, and testimony in *In re Sarah Pepper*, Docket # 2022-ALC-008. The Licensee had no objection. The Board's sole witness was the Licensee, who was sworn in under oath and questioned by the Board. Pursuant to Rule 212.01, the burden of proof was on the Board to establish:

- 1) [w]hether or not Licensee violated RSA 330-C:27(III)(a) by failing to comply with all of the applicable continuing education, supervision, and/or peer collaboration requirements contained in Rules 400 et seq., including Rules 404 et seq. (i.e., 404.01, 404.02, and/or 404.04)

and/or 409.02) as demonstrated through a random audit and subsequent adjudicatory process relating to the 2020-2022 renewal cycle. *See Rules 403.01 and 410.01*”

- 2) If the Board determines that the Licensee has committed misconduct pursuant to RSA 330-C:27(III), what, if any disciplinary action the Licensee should be subjected to pursuant to RSA 330-C:27(IV) and/or RSA 310-A:1-m, I.

10/17/22 NOH at II(c).

The Licensee also presented testimony on her own behalf. Based upon the credible evidence presented, the Board makes the following findings of fact.

The Board adopts as findings of fact the “Case Summary/Procedural History” as outlined above in this order and incorporates it by reference herein. After the 09/08/22 non-disciplinary adjudicatory hearing on the random audit of the Licensee’s renewal requirements for the 2020-2022 renewal cycle, the Board entered a written Interim Order dated 09/19/22 providing the Licensee additional time to provide missing documentation for her CRSW supervision that occurred between 2020 and 2022. The Board had provided the Licensee additional time because she was in an all-day training on the day of the hearing but testified that she could submit the documentation that night. Despite her representation, the Licensee untimely submitted the documentation she was referencing. Nonetheless, the Board still considered the late submission at their 10/13/22 regular meeting in deliberating how to finally rule upon the 09/08/22 non-disciplinary adjudicatory hearing. The documentation the Licensee had submitted was a supervision log from the correctional facility she worked at during the 2020-2022 renewal cycle period. By written order dated 10/17/22, the Board determined that, even when considering the supervision log, the Licensee had not shown, by a preponderance of the evidence, that she met the requirements of CRSW supervision, citing Rules 404.02 and 404.04(c)(2). Since the Licensee was not pending renewal, the Board voted to initiate a disciplinary proceeding pursuant to RSA 330-C:27, I to address the Licensee’s apparent failure to meet all the CRSW renewal cycle requirements under the rules.

At the disciplinary hearing, which was held on 11/10/22, the Board called the Licensee as a witness. The Licensee testified that she had a difficult time in obtaining her supervision log from her former employer because she is no longer employed there. She stated that she had provided the log to the Board as soon as she received it. When questioned whether she knew that the logs she had submitted do not cover the entirety of the renewal cycle period, she said “I did not review what I sent in.” She later clarified that “I did look at it briefly when I received it.” She explained that she assumed that her former employer had provided her with everything that was needed for the Board’s review. The Licensee also acknowledged that the supervision log was for “clinical supervision” as opposed to supervision for a CRSW. She clarified that she was anticipating applying for licensure as a LADC at the time the supervision occurred. The Licensee also testified on her own behalf that her certification expires in another year, and she no longer works in New Hampshire.

Following the disciplinary hearing, the Board issued an interim order dated 11/15/22 in which it provided the Licensee another 14 days to provide any documentation she desired in relation to the disciplinary hearing before it made final determinations on the legal issues presented in the notice of hearing. The Board’s record shows that it has received no additional documentation from the Licensee as of 01/12/23.

II. ORDERS:

After reviewing all the evidence, and accounting for the demeanor and credibility of the witness, the Board finds, by a preponderance of the evidence, that the Licensee has committed professional misconduct. The facts in this matter are rather straight forward— the Licensee never obtained CRSW supervision hours for the 2020-2022 renewal cycle. Instead, she obtained clinical supervision to become a LADC and presented it to the Board as its equivalent, which the Board finds it is not. Further, the facts demonstrate that the Licensee knew at the time she was accumulating the clinical supervision that it was

in anticipation of becoming a LADC and thus not supervision for a CRSW. Based upon the evidence presented and findings of fact facts, the Board concludes the Licensee has engaged in misconduct as defined at RSA 330-C:27, III(a) by violating Rules 403.01(a) and (d), 404.01, 404.03, 404.04, 410.01(a)(2) and (c)(1) when she failed to obtain and document CRSW supervision hours in the manner specified in those rules during the 2020-2022 renewal cycle.

In considering what disciplinary sanctions are appropriate, the Board considers the factors contained in Rule 413.02. The Licensee’s offense is serious in that she fails to meet qualifications to hold her current certification. The Board notes that the purpose of the rules and statutes governing continuing education, supervision and peer review is to ensure that licensees and certificate holders are qualified to have licensure and/or certification so that the public is protected from potential harm. *See* RSA 330-C:1. While the Licensee has no disciplinary history, the very fact that she has no documented supervision for the most recent two-year period means she cannot demonstrate “... satisfactory proof of completion of continuing education requirements pursuant to RSA 330-C:24.” RSA 330-C:22, I. *See also* RSA 330-C:9, III.¹ Given the misconduct involves the Licensee’s failure to meet the basic requirements for certification— and the missing requirement involved is not something that can simply be “made up” quickly by the Licensee— the Board determines the only appropriate sanction is revocation of the Licensee’s certification pursuant to RSA 330-C:IV(a). In making this decision, the Board notes it has a statutory duty to ensure that its licensees and certificate holders meet the basic requirements of licensure and certification to protect the public health and safety. *See* RSA 330-C:1.

DATED: 1/19/2023

_____/s/ Nikolas K. Frye, Esq._____
Nikolas K. Frye, Esq., Presiding Officer

¹ Authorizing the Board to establish “Eligibility requirements, training requirements, and other criteria for the issuance of certification, renewal of certification, and reinstatement of certification for certified recovery support workers and certified recovery support worker supervisors.” *Id.*

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