

**State of New Hampshire
Board of Mental Health Practice
Concord, New Hampshire 03301**

In the Matter of:
Lindsey Bergeron
No.: 817
(Misconduct Allegations)

COPY

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the mental health profession, the New Hampshire Board of Mental Health Practice (“Board”) and Lindsey Bergeron (“Respondent”), a Clinical Mental Health Counselor licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 330-A:27, I, 330-A:28, and 330-A:29, and Mental Health Practice Administrative Rule (“Mhp”) 207 and 208, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by mental health practitioners. Pursuant to RSA 330-A:28, VIII, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice as a Clinical Mental Health Counselor in the State of New Hampshire on July 26, 2010. Respondent holds license number 817. Respondent practices at Spidaliere Psychological Associates in Nashua.
3. On April 5, 2017 the Board received a written complaint from a non-attorney representative of the mother of two juvenile Spidaliere clients alleging that Respondent and other Spidaliere counselors had inappropriately disclosed

confidential information in violation of the statutes, rules and ethical codes governing the mental health profession in New Hampshire.

4. In response to this, the Board conducted an investigation and obtained information from various sources pertaining to Respondent's disclosure of confidential information gathered during the course of treating a client.
5. The Board's investigation revealed and Respondent freely admits to the following facts OR Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would prove that Respondent engaged in professional misconduct, in violation of RSA 330-A:27, II (i) by the following facts:
 - A. Respondent was employed as a mental health counselor at Spidaliere Psychological Associates ("Spidaliere") in Nashua.
 - B. In August of 2014, Respondent began treating a female juvenile client. The juvenile's parents were divorced. The juvenile had a younger sister, who later began treatment with another counselor at Spidaliere.
 - C. Respondent had interactions with both parents as each had brought the juvenile to sessions over the course of counseling.
 - D. Over the course of treatment of the juvenile, conflict increased between the juvenile's parents. As a result of the conflict, the juvenile's father requested documentation of what was occurring in treatment sessions.
 - E. Between February of 2015 and January of 2017, Respondent wrote six (6) letters for the father. Most of the letters were addressed "To whom it may concern", one was addressed to the father directly, one to the father's attorney. Those letters detailed deficiencies in the mother's parenting abilities based on

information gathered from the juvenile during counseling as well as Respondent's own observations of the mother during interactions with her.

F. Over time, Respondent became aware that the father was using the letters to gain an advantage in his ongoing legal challenges with the mother. She did not provide the mother with copies of the letters at the time they were prepared, as she mistakenly believed that the juvenile's father was providing them to the mother.

6. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 330-A:27, II (i) by violating provisions of the AMHCA Code of Ethics (dated 2010) I. A. 2 (b), I. A. 2 (d), and I. C. 1 (a), which are binding on New Hampshire licensees under Board rules Mhp 501.01 and Mhp 501.02.

7. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's mental health practitioner license in the State of New Hampshire.

8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 330-A:27, III:

A. Respondent is **reprimanded**.

B. Respondent is required to meaningfully participate in a program of ten (10) hours of **continuing education** in the areas of ethics and/or counseling in high-conflict family situations. These hours shall be in addition to the hours required by the Board for renewal of licensure. These hours shall be completed within one (1) year of the effective date of this *Settlement Agreement*, but

Respondent shall be given credit for continuing education hours in the areas of ethics and/or counseling in high-conflict family situations that were completed during one (1) year prior to the effective date of this *Settlement Agreement*. Respondent shall notify the Board and provide written proof of completion within fifteen (15) days of completing these hours, or, in the case of courses already completed, within fifteen (15) days of the effective date of this *Settlement Agreement*.

- C. Respondent shall bear all costs of the education and reporting required by this *Settlement Agreement*, but she shall be permitted to share such costs with third parties.
- D. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.
- E. Within ten (10) days of the effective date of this *Settlement Agreement*, as defined further below, Respondent shall furnish a copy of the *Settlement Agreement* to any current employer for whom Respondent performs services as a licensed mental health practitioner or work which requires education, training or a degree in counseling or directly or indirectly involves patient care, and to any agency or authority which licenses, certifies or credentials counselors, with which Respondent is presently affiliated.
- F. For a continuing period of one (1) year from the effective date of this *Settlement Agreement*, Respondent shall furnish a copy of this *Settlement Agreement* to any employer to which Respondent may apply for work as a

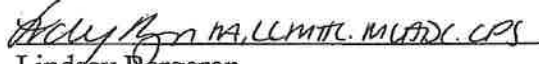
licensed mental health practitioner or for work in any capacity which requires education, training or a degree in counseling or directly or indirectly involves patient care, and to any agency or authority that licenses, certifies or credentials mental health counselors, to which Respondent may apply for any such professional privileges or recognition.

9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 330-A:27, II (c), and a separate and sufficient basis for further disciplinary action by the Board.
10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
13. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.


14. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
15. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with her decision to enter into this *Settlement Agreement*.
16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* have prejudiced her right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
17. Respondent is not under the influence of any drugs or alcohol at the time she signs this *Settlement Agreement*.
18. Respondent certifies that she has read this document titled *Settlement Agreement*. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, she waives these rights as they pertain to the misconduct described herein.
19. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

Date: 1-2-19


Lindsey Bergeron
Respondent

Date: 1-7-19


Andrea Daly
Counsel for Respondent

FOR THE BOARD/*

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 2-25-19


(Signature)

Michelle L Thibeault
(Print or Type Name)
Authorized Representative of the
New Hampshire Board of
Mental Health Practice

1*Dr. Hufford Board members, recused.