

STATE OF MAINE
BOARD OF COUNSELING PROFESSIONALS LICENSURE

In re:)
LESLIE JOY SIMMONS, L.C.P.C.) CONSENT AGREEMENT
Complaint No. 2008-COU-4430)

INTRODUCTION

This document is a Consent Agreement ("Consent Agreement") concerning disciplinary action against the clinical professional counselor license of Leslie Simmons. The parties to the Consent Agreement are: Leslie Joy Simmons ("Ms. Simmons"); the Maine State Board of Counseling Professionals Licensure ("Board"); and the State of Maine Office of the Attorney General ("Attorney General"). The Consent Agreement is entered into pursuant to 10 M.R.S.A. § 8003(5)(A)(C), 32 M.R.S.A. § 13861(1), and Chapter 8 of the Board of Counseling Professionals Licensure's Rules.

FACTS

1. Ms. Simmons is licensed as a clinical professional counselor in the State of Maine.
2. On June 9, 2006, Ms. Simmons submitted her application for renewal of her license for the 2006 - 2008 biennial licensure period. As part of her renewal application, Ms. Simmons attested that she had completed the continuing education requirements necessary to be eligible for renewal. In reliance upon Ms. Simmons's attestation, the Board renewed her license for the 2006 - 2008 biennial licensure period.

3. The Board randomly audits ten (10) per cent of its licensees' continuing education submissions. Ms. Simmons's submission was one of those audited. Although Ms. Simmons submitted 64 hours of continuing education, the audit revealed that 26 of those hours were obtained in a subject area not directly related to the theory or practice of counseling. Ms. Simmons later offered 6.5 hours of acceptable continuing education, but remains 19.5 hours short of the 55 hour requirement. As a result, the Board filed this complaint ("Complaint").

4. Pursuant to Chapter 7, Section 1(D) and Chapter 8, Section 4(A) of the Board's Rules, all applicants for renewal of licensure with the Board must demonstrate satisfactory completion of fifty-five (55) hours of continuing education during the preceding licensure biennium.

5. Pursuant to Chapter, Section 4(A)(1) through (3), of the Board's Rules the 55 continuing education hours must be allotted as follows: 4 in professional counseling ethics; 15 in professional counseling supervision; and 36 in the theory and practice of professional counseling.

6. Pursuant to 32 M.R.S.A. § 13861(1)(I), a violation of any provision of the Board's laws or Rules is subject to discipline by the Board.

7. The parties have agreed to resolve the Complaint through the Consent Agreement.

COVENANTS

In order to resolve fully the Complaint against Ms. Simmons's clinical professional counselor license without further legal proceedings, it is agreed to among the parties that:

1. Ms. Simmons admits that she failed to complete all of the required 55 continuing education hours during the preceding licensure biennium;
2. Ms. Simmons agrees to submit proof of satisfactory completion of the 19.5 hours of continuing education for which she was deficient for her 2006 - 2008 license biennial renewal within 90 days of the date upon which she signs the Consent Agreement. Ms. Simmons agrees that these 19.5 continuing education hours will not be eligible for credit toward any future continuing education renewal requirement and that she is responsible for all costs associated with the continuing education of the Consent Agreement;
3. The Attorney General and the Board agree that no further agency or legal action will be taken against Ms. Simmons's license based on the facts described herein, except in the event that Ms. Simmons does not comply fully with the terms of the Consent Agreement. Any violation of the Consent Agreement will be an additional ground for discipline before the Board;
4. The Consent Agreement is not subject to appeal;
5. The Consent Agreement is not subject to amendment except by written agreement of all parties;

6. The Consent Agreement is a public document within the meaning of 1 M.R.S.A. § 402 et seq.;

7. Ms. Simmons understands that the execution of the Consent Agreement is completely voluntary and that she has the right to consult with an attorney before signing the Consent Agreement; and

8. Ms. Simmons understands that her signature indicates that she has read and understands the Consent Agreement and that she enters into it of her own free will.

DATED: 6/30/08 Leslie Joy Simmons L.C.P.C.
LESLIE JOY SIMMONS, L.C.P.C.

DATED: 8.25.08 Theodore E. Chaffee
THEODORE E. CHAFFEE
Board Chair

DATED: 8/25/08 Judith M. Peters
JUDITH M. PETERS
Assistant Attorney General