

1 **BEFORE THE ARIZONA BOARD OF BEHAVIORAL HEALTH EXAMINERS**

2 **In the Matter of:**

3 **Lorraine A. Land, LPC-18574,**
4 **Licensed Professional Counselor,**
5 **In the State of Arizona.**

6 **RESPONDENT**

CASE NO. 2021-0079

**FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER OF REVOCATION, CIVIL
PENALTY AND ASSESSMENT OF COSTS**

7 On April 13, 2021, the Arizona Board of Behavioral Health Examiners ("Board") held a
8 formal hearing in the above matter for the purpose of determining whether good cause exists for
9 the Board to discipline Lorraine A. Land, holder of License No. LPC-18574 pursuant to A.R.S. §
10 § 32-3251 *et. seq.* and A.A.C. R4-6-101 *et. seq.* Assistant Attorney General Mona Baskin
11 appeared on behalf of the State. Assistant Attorney General Carrie Smith was present to
12 provide independent legal advice to the Board. Respondent was not present.

13 The Board delayed the hearing until 8:20 a.m. in order to allow Respondent additional
14 time to appear. The Board recognized that on April 12, 2021, Respondent submitted a request
15 for a continuance of the hearing. The Board considered the report of Board staff regarding
16 notice provided to Respondent and information regarding the request for continuance. The
17 Board additionally considered arguments from AAG Baskin. Based on the arguments and
18 information, the Board voted unanimously to deny Respondent's request for a continuance.

19 AAG Baskin introduced 34 exhibits¹ and the testimony of two witnesses- Tobi Zavala,
20 the Board's Executive Director and Kathy Stratton, AmeriHealth Caritas Credentialing
21 Department Manager. After having considered all the testimony and evidence presented, the
22 Board issues the following Findings of Fact, Conclusions of Law and Order for License
23 Revocation, Civil Penalty and assessment of costs.

24 _____
25 ¹ Exhibits 6, 27, 29 and 30 were accepted under seal as confidential documents.

1 FINDINGS OF FACT

2 1. Respondent is the holder of License No. LPC-18574 for the practice of
3 counseling in the state of Arizona.

4 2. On 06/20/19, Respondent submitted an application with the Arizona Board of
5 Behavioral Health Examiners ("Board") to obtain LPC licensure in the state of Arizona.

6 3. Respondent made misrepresentations when answering the following background
7 questions during the application process:

8 a. Question 2: Other than complaints filed by this Board, have you ever been or
9 are you currently the subject of any complaint, investigation or disciplinary
10 action against your license, certificate, registration or membership by any
11 state regulatory board, any professional or occupational credentialing
12 authority or any professional association in Arizona or any other state? If yes,
13 please provide copies of the complaint and all final actions.

14 b. Question 4: Have you ever been arrested, charged with, convicted of or pled
15 nolo contendere to a criminal offense, other than a minor traffic violation (DUI
16 history must be reported), in any city, county, state, federal or tribal court, or
17 in any other country? If yes, please provide copies of the police and court
18 documents such as the police narrative, complaint, the pleadings and final
19 order(s). You must answer "yes" even if you received a pardon, the charges
20 were dropped, the conviction was set aside, the records were expunged, or
21 your civil rights were restored.

22 c. Question 6: Have you ever been or are you currently a defendant in any type
23 of civil or criminal action related to any professional services (i.e.,
24 malpractice)? If so, indicate whether you entered into a settlement agreement
25 or were ordered to pay damages and whether such a suit is currently

1 pending. Provide copies of the original complaint and response, any
2 judgment entered and any settlement agreements.

3 4. Respondent answered "NO" to question 2; however, Respondent failed to
4 disclose being licensed in Pennsylvania ("PA") or the following disciplinary action by the
5 Pennsylvania Board of Social Workers, Marriage and Family Therapists and Professional
6 Counselors ("PA Board"):

7 a. On 02/13/12, PA Board issue the following Findings of Fact:

- 8 • On or about 01/29/09, a Criminal Complaint was filed in Chester County,
9 PA, charging Respondent with the following:
 - 10 ➤ One (1) misdemeanor count of Theft by Deception – False
11 Impression.
 - 12 ➤ Two (2) misdemeanor counts of Theft by Deception.
 - 13 ➤ One (1) misdemeanor count of Tampering with Records or
14 Identification.
 - 15 ➤ One (1) misdemeanor count of Receiving Stolen Property.
 - 16 ➤ **NOTE:** The above-referenced charges involved allegations that
17 Respondent was documenting false patient therapy reports and
18 submitting the reports for payment.
 - 19 ➤ **NOTE:** Court documents reflect that Respondent was declared a
20 fugitive on 09/08/09.
- 21 • On or about 12/13/10, a Guilty Plea Colloquy was entered in the Chester
22 County Court.
 - 23 ➤ Respondent pleaded guilty to one (1) misdemeanor count of Theft by
24 Deception.
 - 25 ➤ Respondent was placed on probation for one (1) year.

- Respondent was ordered to pay \$100 in costs.
- Respondent was ordered to perform 50 hours of community service.
- Respondent's conduct occurred in the practice of her employment as a licensed professional counselor.
- Respondent billed for services she did not perform.
- In response to the following question, "In support of his plea the defendant admits that the following facts did occur" the Guilty Plea Colloquy contains the following handwritten answer, with the Respondent's signature at the bottom of the page:
 - "Between 7/31/2008 – 9/24/2008 Lorraine Land did create false records..."

b. On 02/13/12, PA Board issued the following Conclusions of Law:

- Respondent violated Section 11(a)(1) of the Act, 63 P.S. § 1911(a)(1) in that she was convicted of a crime of moral turpitude.
- Respondent violated 18 Pa. C.S.A. § 9124(c)(2) of the CHRIA, in that Respondent was convicted of a misdemeanor which relates to the trade, occupation or profession for which the license is sought.

c. On 02/23/12, the PA Board ordered the indefinite suspension of Respondent's license until such time as Respondent can show she is fit to practice.

d. Additionally, the PA Board reasoned that Respondent's "conviction of Theft by Deception is a very serious and egregious betrayal of the public trust and her profession."

5. Respondent also had her behavioral health licenses suspended in two (2) other jurisdictions, the District of Columbia ("DC") and Delaware ("DE").

...

1 a. On 08/17/20, the DC Board suspended Respondent's license based on the
2 following:

3 • Charge I

- 4 > Respondent's PA license was suspended in 2012.
- 5 > The suspension is still in effect.
- 6 > Respondent never disclosed this fact when Respondent renewed her
7 license.

8 • Charge II

- 9 > Respondent has engaged in an apparent pattern of non-disclosure
10 and dishonesty.
- 11 > This pattern presents an imminent danger to the health and safety of
12 the residents of DC for the following reasons:
 - 13 ❖ Respondent pleaded guilty to Theft by Deception – False
14 Impression.
 - 15 ❖ Respondent failed to disclose this conviction when renewing her
16 license.
 - 17 ❖ In 05/19, a complaint was filed with the DC Board alleging
18 Respondent compiled a psychological assessment without
19 interviewing the subject.
 - 20 ❖ In 6/19, Respondent admitted she did not meet the subject.
 - 21 ❖ In 05/20, a complaint was submitted to the DC Board alleging that
22 on at least eight (8) occasions, Respondent:
 - 23 ✓ Falsified notes in her employer's medical record system.
 - 24 ✓ Fraudulently charged clients' credit cards.

25 ...

1 ✓ Illicitly submitted insurance claims for sessions that did not
2 occur.

3 b. On 10/22/20, the DE Board suspended Respondent's license based on the
4 following:

5 • Count I

- 6 ➤ Failure to report previous discipline by the PA Board.
7 ➤ In 08/19, Respondent applied with the DE Board for licensure.
8 ➤ Respondent listed her DC license, but did not list her PA license.
9 ➤ Respondent falsely answered "no" when asked if she received
10 administrative penalties in other jurisdictions.
11 ➤ Respondent falsely answered "no" when asked if she "engaged in an
12 act which involved consumer fraud or deception."
13 ➤ In 09/20, after being notified of the complaint for fraudulently
14 submitting a DE licensure application, Respondent submitted a
15 renewal application claiming she was not aware of the PA Board
16 suspension.

17 • Count II

- 18 ➤ Failure to report suspension by the DC Board.
19 ➤ Respondent's conduct in DC violated:
20 ❖ 24 Del. C. § 3009(a)(1)
21 ❖ 24 Del. C. § 3009(a)(5)
22 ❖ 24 Del. C. § 3009(a)(7)

23 • Count III

- 24 ➤ Between 04/20 and 05/20, Respondent created multiple fraudulent
25 notes while working for a DE behavioral health agency ("TW").

- Respondent documented telehealth sessions that did not occur.
- Respondent submitted the fraudulent progress notes for billing to insurers through TW.
- In 05/20, Respondent was terminated from TW after an internal investigation.
- This conduct constitutes consumer fraud or deception.
- Respondent's above referenced actions present a "clear and immediate danger to the public health, safety, and welfare..."

6. In her 06/20/19 application, Respondent answered "YES" to question 4 and listed DC and DE charges that were less serious in nature and not related to professional services she provided under her behavioral health licensure.

7. However, Respondent failed to disclose the following:

- a. Five (5) misdemeanor charges in PA.
- b. Her guilty plea to one (1) misdemeanor count of Theft by Deception in PA.

8. In her 06/20/19 application, Respondent answered "NO" to question 6; however, Respondent failed to disclose the following:

- a. Five (5) misdemeanor charges in PA related to professional services.
- b. Her guilty plea to one (1) misdemeanor count of Theft by Deception in PA, which the PA Board described as "a very serious and egregious betrayal of the public trust and her profession."

9. Additionally, despite being asked in the application to list current or previous licenses issued by a state regulatory board "ever held in the practice of behavioral health," Respondent intentionally and willfully omitted her DE and PA licenses.

10. Furthermore, Respondent signed her application under the penalty of perjury, which included the following:

1 a. "I, Lorraine Land, certify under the penalty of perjury that all information
2 contained in my application, including all supporting documents, is true and
3 correct to the best of my knowledge and belief, and with full knowledge that
4 any false statements or misrepresentations made in the application may be
5 grounds for refusal, subsequent revocation or suspension of my license(s), or
6 other disciplinary action."

7 b. "...Additionally, I will report to the Board any updates to the information
8 provided in this application after submission including, but not limited to:
9 contact information, employment changes, and answers to my background
10 information questions."

11 c. "I certify by submitting this application for licensure, I have read and
12 understand the Board's rules and statutes and agree to abide by them as an
13 applicant and as a licensee in the event I am approved for licensure."

14 11. Despite her above-referenced certification under the penalty of perjury,
15 Respondent submitted her application for licensure with the aforementioned misrepresentations.

16 12. Additionally, the Director of National Practitioner Data Bank ("NPDB") confirmed
17 the self-query Respondent provided Board Staff during the application process is not the
18 document that was provided to Respondent in 06/19 by the NPDB.

19 13. A one-time query response from the National Practitioner Data Bank requested
20 by Board Staff revealed the following missing entries when compared to the same timeframe as
21 the 06/19 self-query submitted by Respondent:

22 a. PA Board:

- 23 • Initial Action: Suspension of License.
- 24 • Date of Action: 02/23/12.

25 b. Unabridged State Licensure Action – PA Board:

1 • Type of Adverse Action: State Licensure.

2 • Basis for Action: Criminal conviction.

3 • Date action was taken: 02/23/12.

4 • Length of action: Indefinite.

5 • Reasons for actions taken and description:

6 > Respondent's license is indefinitely suspended until such time as
7 Respondent appears before the PA Board to show she is fit to
8 practice as a professional counselor.

9 > Respondent pled guilty to one misdemeanor of theft by deception.

10 > Date of original Submission: 03/01/12.

11 14. Furthermore, on 09/03/19, during the pendency of the Boards consideration of
12 her application, Respondent submitted a Medicaid CAQH Provider Application ("Provider
13 Application") in DE, which included the following:

14 a. Respondent answered "yes" to question 1, "Has your license, registration, or
15 certification to practice in your profession, ever been voluntarily or
16 involuntarily relinquished, denied, suspended, revoked, restricted..."

17 b. Respondent provided the following explanation to her "yes" answer to
18 question 1:

19 • "...According to the National Provider Database my expired license in
20 Pennsylvania was then suspended in 2012..."

21 c. Respondent answered "yes" to question 13: "To your knowledge, has
22 information pertaining to you ever been reported to the National Practitioner
23 Data Bank or Healthcare Integrity and Protection Data Bank?"

24 d. Respondent provided the following explanations to her "yes" answer to
25 question 13:

- 1 • "I was a Licensed Professional Counselor in the State of Pennsylvania
- 2 (PC004240). My license expired on 02/28/2009. My license was then
- 3 suspended in 2012..."
- 4 • "I did not know about this suspension until October of 2019 when it was
- 5 brought up in this credentialing process.
- 6 • "Apparently charges were lodged against me..."
- 7 • "A human resources representative at [TW] pressed misdemeanor
- 8 charges against me sometime in 2009 or 2010..."

9 15. Respondent's answers to the questions in the Provider Application indicate she
10 was aware of the following during the pendency of her Arizona application:

- 11 a. Respondent was aware that the NPDB displayed her PA Board license as
- 12 suspended.
- 13 b. Respondent was aware that the NPDB contained information regarding her
- 14 2010 theft by deception conviction.

15 16. Despite being aware of the information contained in the NPDB, Respondent
16 knowingly and willfully:

- 17 a. Did not include her PA Board suspension and 2010 conviction on her Board
- 18 application.
- 19 b. Did not update her Board application during the pendency of the Board's
- 20 consideration of her application.
- 21 c. Provided the Board with an altered NPDB self-query that excluded the PA
- 22 Board suspension and 2010 conviction.

23 17. Despite being aware of the information contained in the NPDB, Respondent
24 knowingly and willfully made the following statements during a 12/03/20 special Board meeting:

- 25 a. "As far as the charges in Pennsylvania they were all dropped."

1 b. Referencing the suspension of her PA Board license, Respondent stated:

2 • "...it was my understanding that that license was simply expired"

3 • "I didn't think to report it because it was expired..."

4 c. Referencing the NPDB self-query submitted with her 06/19 application for
5 licensure, Respondent stated the following:

6 • "I can't comment on that..."

7 • "...I can't confirm or deny anything."

8 18. Furthermore, on 04/12/21, one day before her scheduled formal hearing,
9 Respondent sent an email requesting a continuance based on a letter purportedly from her
10 children's' school district, prepared and signed by the school nurse.

11 19. The letter indicated the following:

12 a. Respondent had to take one of her children to the emergency room.

13 b. They would likely remain in the emergency room for several hours.

14 c. "Please excuse [Respondent] and her family from outside activities."

15 20. Board staff's investigation revealed that Respondent fabricated the letter based
16 on the following information:

17 a. The name of the school nurse who allegedly prepared and signed the letter
18 was misspelled.

19 b. During a telephonic conversation, the school nurse advised Board staff that
20 she did not prepare the letter.

21 c. Upon being sent and reviewing the letter, the school nurse verified she did
22 not prepare the letter, nor did she have any contact with Respondent or her
23 child.

24 21. But for her misrepresentations during the application process, Respondent would
25 not have been approved for licensure in Arizona.

1 5. The conduct and circumstances described in the Findings of Fact constitute a
2 violation of A.R.S. § 32-3251(16)(ii), violating any federal or state law, rule or regulation
3 applicable to the practice of behavioral health as it relates to:

4 A.A.C. R4-6-208, Conviction of a Felony or Prior Disciplinary Action

5 **ORDER**

6 Based upon the foregoing Findings of Fact and Conclusion of Law, the Board issues the
7 following order:

- 8 1. The Board's December 3, 2020 summary suspension of Respondent's license
9 LPC-18574 is affirmed.
- 10 2. Respondent's license, LPC-18574, is hereby REVOKED, effective immediately.
- 11 3. For each of the above violations, Respondent is assessed a \$1000.00 Civil
12 Penalty for a total assessment of \$4000.00. The Civil Penalty shall be paid, by
13 certified funds, within 90 days of the effective date of this Order.

14 **FINDING OF EMERGENCY**

15 Pursuant to A.A.C. R4-6-1002(I), the Board has found in this matter that emergency
16 action is necessary to protect the public health, safety and welfare. Accordingly, this Order is
17 issued as a FINAL DECISION, immediately effective without an opportunity for a rehearing or
18 review. Respondent may apply for judicial review of the decision in accordance with A.R.S. §
19 12-901 et seq.

20
21 Dated this 19th day of April, 2021

22
23 By: 

24 TOBÍ ZAVALA, Executive Director
Arizona Board of Behavioral Health Examiners

25 **ORIGINAL** of the foregoing filed
This 19th day of April, 2021 with:

1 Arizona Board of Behavioral Health Examiners
1740 West Adams Street, Suite 3600
2 Phoenix, AZ 85007

3
4 **COPY** of the foregoing mailed via Interagency Mail
This 19th day of April, 2021, to:

5 Mona Baskin
Assistant Attorney General
6 2005 North Central Avenue
Phoenix, AZ 85004

7
8 Carrie Smith
Assistant Attorney General
2005 North Central Avenue
9 Phoenix, AZ 85004
Attorney for the Board of Behavioral Health Examiners

10
11 **COPY** of the foregoing mailed via
Certified mail no. 9489 0090 0027 6193 9709 42,
12 This 19th day of April, 2021, to:

13 Lorraine A. Land
Address of Record
14 Respondent

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1 staff also learned that on December 13, 2010, Respondent was convicted following her
2 guilty plea to theft by deception in Pennsylvania, related to falsifying patient therapy
3 records and billing. Board staff was unaware that Respondent held a professional
4 counselling license in Pennsylvania, was unaware of the three disciplinary actions and
5 was unaware of Respondent's theft by deception misdemeanor criminal conviction
6 because of Respondent's failure to disclose this information on her June 2019 Board
7 endorsement application. Based on this information, Board staff made an inquiry into
8 Respondent's nondisclosed criminal conviction and the status of Respondent's
9 licenses in Delaware, DC and Pennsylvania. Board staff also reviewed Respondent's
10 2019 Arizona license application.

11 3. Following receipt of the information from the Delaware Board on
12 November 17, 2020, Respondent spoke with Board staff and confirmed that all her
13 statements made and documentation provided in conjunction with her Board
14 application were true and correct.

15 4. A review of Respondent's June 2019 endorsement application revealed
16 multiple nondisclosures and false statements. Respondent disclosed on her
17 endorsement application, received by the Board on June 20, 2019, that she was
18 licensed in Delaware and the District of Columbia ("DC"). Respondent failed to disclose
19 to the Board that she was licensed in Pennsylvania as a professional counselor
20 license, License No. PC0004240 and that the license was indefinitely suspended on
21 February 23, 2012. Respondent failed to disclose that her Pennsylvania license was
22 indefinitely suspended on February 23, 2012, based on her criminal charges involving
23 falsification of patient records, fraudulent billing and cashing client checks for work not
24 performed that resulted her misdemeanor criminal conviction of theft by deception on
25 or about December 13, 2010, in Chester County, Pennsylvania.

1 5. Respondent failed to disclose, in response to a background question, her
2 December 13, 2010, criminal charges for three counts of theft by deception, one count
3 of tampering with records or identification, and one count of receiving stolen property
4 and subsequent misdemeanor criminal conviction for theft by deception in Chester
5 County, Pennsylvania. Respondent failed to disclose that she was sentenced to one
6 year probation, with a \$100.00 fine, restitution and community service. Respondent's
7 conviction for theft by deception relates directly to her practice as a professional
8 counselor and constitutes a crime of moral turpitude.

9 Additionally, Respondent provided documentation with her application
10 purportedly from the National Practitioner Data Bank ("NPDB") indicating that on June
11 4, 2019, "No Reports Found" relating to disciplinary action. On November 30, 2020,
12 Board staff confirmed with the NPDB that the self-query document Respondent
13 provided to the Board was altered and was not the document that the NPDB provided
14 to Respondent in June 2019.

15 Finally, Respondent submitted her application to the Board, containing
16 nondisclosures and false documentation, after signing the application on June 5, 2019,
17 certifying under the penalty of perjury that all of her statements and documentation
18 provided was true and correct. Respondent's conduct is indicative of her motive of
19 self-interest and intent to deceive the Board in order to obtain an Arizona license.

20 6. Respondent is licensed as a professional counselor in the District of
21 Columbia ("DC"), License No. PRC14110. Respondent's DC license was issued on
22 July 12, 2010 and is currently suspended. On August 17, 2020, the Government of the
23 District of Columbia Department of Health & Health Regulation License Administration
24 ("DC Board") summarily suspended Respondent's DC license. On or about November
25 12, 2020, the DC Office of Administrative Hearings issued a final order affirming the

1 summary suspension of Respondent's license to practice professional counseling the
2 DC.

3 7. Respondent is licensed as a professional counselor of mental health in
4 Delaware, License No. PC-0000956. Respondent's Delaware license was issued on
5 August 29, 2019 and was renewed on September 30, 2020. On October 22, 2020, the
6 Delaware Board issued a Complaint and Motion for Temporary Suspension,

7 8. Respondent is licensed as a professional counselor, License No.
8 PC004240 in the Commonwealth of Pennsylvania. Respondent's Pennsylvania license
9 was issued on August 8, 2006 and is currently indefinitely suspended. On or about
10 February 23, 2012, the Pennsylvania Board issued a disciplinary order indefinitely
11 suspending Respondent's license based on Respondent's December 13, 2010
12 misdemeanor criminal conviction for theft by deception where she fraudulently billed
13 and collected fees for professional counselling services that she did not perform.
14 Respondent's conviction for theft by deception relates directly to her practice as a
15 professional counselor and constitutes a crime of moral turpitude.

16 **Commonwealth of Pennsylvania v. Lorraine Anne Land**
17 **Criminal Action No. CR-03698-2009**
18 **(Conviction of Theft by Deception)**

19 9. On or about September 17, 2009, in the Court of Common Pleas Chester
20 County, Respondent was charged by criminal information with: Counts 1-3, theft by
21 deception, in violation of 18 Pa. C.S.A. Section 3922 (a)(1)(2)(3); Count 4, tampering
22 with records or identification, in violation of 18 Pa. C.S.A. Section 4104 (a); and Count
23 5, receiving stolen property, in violation of 18 Pa. C.S.A. Section 3925 (a).

24 10. A March 17, 2009, Affidavit of Probable Cause, from the Commonwealth
25 of Pennsylvania County of Chester Police Department, alleged that from July 31, 2008
through September 24, 2008, Respondent, while working as a sub-contractor/mobile

1 counselor, completed false mobile therapist weekly reports and submitted them for
2 payment. The reports documented patient therapy for visits that Respondent did not
3 attend. Respondent received and cashed checks totaling \$654.00 for work not
4 performed thus deceiving her employer. The affiant for the Affidavit of Probable Cause
5 requested a warrant for the arrest of Respondent.

6 11. On or about December 13, 2010, Respondent was convicted, following
7 her guilty plea, to Count 1, misdemeanor theft by deception, in violation of 18 Pa.
8 C.S.A. Section 3922 (a)(1), in the Court of Common Pleas Chester County,
9 Pennsylvania. Respondent admitted to committing the crime and that "Between
10 07/31/08 – 09/24/08, [Respondent] did create false records" related to her employer,
11 "in the amount of \$654.00."

12 12. Respondent was sentenced to one year of probation with terms to
13 include restitution of \$654.00, \$100 fine, and 50 hours of community service.

14 13. Respondent failed to disclose this misdemeanor criminal conviction
15 involving moral turpitude on her June 20, 2019, endorsement application to the Board.

16 **Commonwealth of Pennsylvania, Bureau of Professional and Occupational**
17 **Affairs v. Lorraine Anne Land, LPC**
18 **Docket No. 0830-69-11**
19 **(Indefinite Suspension of License)**

20 14. On February 23, 2012, following a formal hearing, the Pennsylvania
21 Board indefinitely suspended Respondent's license until she is able to show she is fit to
22 practice as a professional counselor. The Pennsylvania Board found that Respondent
23 had been given proper notice of the proceedings and that she filed an answer to the
24 Order to Show cause.

25 15. The Pennsylvania Board found, in part, the following Findings of Fact. On
January 29, 2009, Respondent had been charged by criminal complaint with three

1 counts of theft by deception, one count of tampering with records or identification and
2 one count of receiving stolen property. The criminal complaint alleged that Respondent
3 documented false patient therapy reports and submitted them to her employer for
4 payment. On or about 12/18/10, Respondent pled guilty to one misdemeanor count of
5 theft by deception. Respondent was sentenced to one (1) year probation, ordered to
6 pay \$100 in costs, and perform fifty (50) hours of community service. The Board found
7 that Respondent's conduct occurred in the practice of her employment as a licensed
8 professional counselor, specifically, she billed for services she did not perform.

9 16. The Pennsylvania Board found the following Conclusions of Law:

10 Licensee was adequately notified of the charges against her and was given an
11 opportunity to be heard.

12 Licensee was convicted of a crime of moral turpitude.

13 Licensee had been convicted of a misdemeanor which relates to the trade,
14 occupation, or profession for which the license is sought.

15 Respondent's violations of Section 11(a)(1) of the Act, 63 P.S. § 1911(a)1) and
16 section 9124(s)(2) of the CHRIA authorize Pennsylvania Board to impose disciplinary
17 sanctions against her.

18 17. In its discussion, the Pennsylvania Board found that Respondent
19 received notice of the charges filed against her and answered the order to show cause.
20 Respondent's guilty plea to the misdemeanor charge of theft by deception is a crime of
21 moral turpitude based on the elements of the crime and the crime involving theft and
22 the conviction related to the profession of professional counseling. Respondent's
23 conviction of theft by deception is a very serious and egregious betrayal of the public
24 trust and her profession.

1 Respondent received and cashed checks totaling \$654.00 for work not
2 performed and completed false "mobile therapist weekly reports" submitted to her
3 employer for payment. Respondent documented mobile therapist weekly reports for
4 patient therapy visits that patients did not attend.

5 **Government of the District of Columbia Department of Health & Health**
6 **Regulation License Administration: In the Matter of Lorraine Land, LPC**
7 **Notice of Summary Action to Suspend License**

8 18. On August 17, 2020, the DC Board summarily suspended Respondent's
9 professional counseling license. On September 8, 2020, the DC DOG served
10 Respondent a Notice of Summary Action to Suspend License. Respondent's license to
11 practice professional counseling in the District of Columbia, License No. PRC14110,
12 was suspended, effective immediately, upon Respondent's receipt of the Suspension
13 Notice.

14 19. The DC summary suspension of Licensee's professional counseling
15 license was based on the following charges:

16 Charge One: Licensee's license to practice the same profession or occupation
17 was suspended in another jurisdiction and has not been reinstated within that
18 jurisdiction:

19 On 02/23/12, the Pennsylvania Board indefinitely suspended Licensee's
20 professional counseling license and the suspension remains in effect.

21 Respondent failed to disclose the Pennsylvania order of indefinite suspension
22 when she renewed her DC license on 11/02/12.

23 The DC Board did not learn of the suspension against Licensee's Pennsylvania
24 license until 05/26/20 when a complaint was filed against her DC license.

1 Charge Two: Respondent's pattern of non-disclosure and dishonest conduct
2 presents an imminent danger to the health and safety of residents of the District for
3 which Respondent's license may be suspended:

4 Factual allegations from Charge One are incorporated in Charge Two.

5 On 12/13/10, Licensee pled guilty to Theft by Deception – False impression and
6 was sentenced to one year of probation.

7 Respondent failed to disclose the conviction on Licensee's 11/02/12 renewal
8 with DC Board, Respondent answered "no" two renewal application questions that
9 required disclosure.

10 In May 2019, a person complained to DC Board alleging Respondent compiled
11 a psychological assessment report about a subject's competency. Respondent's report
12 indicated the subject had "probably incapacity and incompetency" without interviewing
13 the subject. In a 06/10/19 letter to the DC Board, Respondent admitted she compiled
14 the report "regarding [an attorney's] client's psychosocial history and functioning but did
15 not meet [the client]."

16 A May 2020 complaint submitted to DC Board concerns Respondent's actions
17 from March through May 2020 when she worked as an independent contractor for a
18 counseling agency in Delaware. The 05/20 complaint alleges that on at least eight (8)
19 occasions, Respondent falsified notes in the agency medical records system, for
20 counseling sessions that did not occur, fraudulently charged clients' credit cards, and
21 illicitly submitted insurance claims.

22 **Lorraine Jurdana-Land v. District of Columbia, Department of Health**
23 **Case No. 2020-DOH-00031**
24 **Office of Administrative Hearings**
25 **(Summary Suspension of License Affirmed)**

1 20. On November 12, 2020 following a formal administrative hearing which
2 Respondent attended, the summary suspension of Respondent's DC License No.
3 PRC14110 to practice professional counseling was affirmed with a finding that the
4 Government met its burden of proof. D.C. Official Code § 3-1205.15(a)(1)(A).

5 The Order included the following Findings of Fact:

6 i. Respondent holds License No. PRC141100, to practice professional
7 counseling in the District of Columbia.

8 ii. Respondent also holds a license to practice professional counseling the
9 Commonwealth of Pennsylvania (License No. PC004240).

10 iii. On February 23, 2012, the Pennsylvania Board indefinitely suspended
11 Respondent's professional counseling license in Pennsylvania.

12 iv. There is no evidence that Respondent's suspended license in
13 Pennsylvania has been reinstated.

14 v. The Government and Respondent together filed the Joint Status Report
15 on October 9, 2020, confirming that Respondent's professional counseling license in
16 PA is suspended, and that the District has met its burden for suspension of
17 Respondent's license under Charge 1 of the Suspension Notice.

18 vi. The Government also confirmed its intent to dismiss Charge II without
19 prejudice.

20 The Order included in part the following Conclusions of Law.

21 Pursuant to 17 DCMR 411.8.7, in order to affirm a summary suspension of a
22 health professional's license, the Government must prove by substantial evidence that
23 the action was necessary pursuant to D.C. Official Code § 3-1205.15(a)(1)(A).

24 In the Joint Status Report, the Government and Petitioner affirmed that the
25 summary suspension of Petitioner's license was made in accordance with D.C. Official

1 Code § 3-1205.15(a)(1)(A) as set forth in Charge 1 of the Suspension Notice.
2 According, the judge concluded that the Government has met its burden of proof and
3 the September 8, 2020 summary suspension is affirmed.

4 **Before the Delaware Board of Mental Health and Chemical Dependency**
5 **Professionals**
6 **In Re: Lorraine Anne Land**
7 **License Number PC-0000956**
8 **Case No. 33-04-20**

9 21. On October 22, 2020, a Complaint and Motion for Temporary Suspension
10 was filed against Respondent's Delaware License No. PC-0000956. The Complaint
11 contained the following procedural history of Respondent's licensure status in other
12 jurisdictions.

13 Respondent's 08/08/06 Professional Counseling license in the State of
14 Pennsylvania is currently suspended.

15 Respondent's 07/12/10 Professional Counseling license in the District of
16 Columbia ("DC") is currently suspended.

17 Respondent is also licensed as a professional counselor in the State of Arizona,
18 License No. LPC-18574. Her license was issued on November 1, 2019, expires on
19 October 31, 2021 and is currently active.

20 The Delaware Board alleged the following three counts to support the summary
21 suspension.

22 22. Count One: Previous Discipline and Failure to Report:

23 In January 2009, Respondent was charged by the State of Pennsylvania with
24 multiple counts of theft by deception, tampering with records and receiving stolen
25 property. The state alleged Respondent was documenting false therapy reports and
submitting them to a government entity for payment. On or about December 18, 2010,

1 Respondent pled guilty to one count of misdemeanor theft by deception and was
2 sentenced to one year probation, community service and fined \$100.00.

3 On 02/23/12, the PA Board issued an Order suspending Respondent's license
4 indefinitely until such time Respondent petitioned the Board for reinstatement. The PA
5 Board determined Respondent had been given adequate notice of the hearing, though
6 she failed to attend, and further found she violated several provisions of Board statutes
7 and her conviction was a "very serious and egregious betrayal of the public trust and
8 her profession."

9 In her 08/08/19 application for licensure in Delaware, Licensee listed her DC
10 license. In response to the question, "have you ever held a license to practice as a
11 mental health professional in any jurisdiction other than Delaware?" Respondent listed
12 her DC license and failed to disclose her PA license.

13 Respondent falsely answered "no" to the following two questions in her 08/08/19
14 application for Licensure in Delaware:

15 "Have you received any administrative penalties regarding your practice of
16 professional mental health counseling in any jurisdiction?"

17 "Have you engaged in an act which involved consumer fraud or deception,
18 restraint of competition, or price fixing?"

19 On 09/30/20, after being notified of a complaint against her license for
20 fraudulently filling out a Delaware licensure application, Respondent submitted a
21 license renewal form claiming she was not aware of her Pennsylvania license
22 suspension or the Pennsylvania Board Order.

23 Respondent failed to report or disclose her PA suspension to the DPR or
24 Delaware Board of Mental Health and Chemical Dependency Professions.

25

1 Respondent's conducted violated 24 Del. C. §§ 3009(a)(1) by fraud or material
2 deception order to acquire a license and failed to notify the Board that her license in
3 another jurisdiction had been subject to discipline, suspended or revoked.

4 Respondent's conducted violated 24 Del. C. §§ 3009(a)(7) in that she failed to
5 notify the Board that her license in another jurisdiction had been subject to discipline,
6 suspended or revoked.

7 23. Count Two: Summary Suspension in DC:

8 On 8/17/20, Respondent's professional counseling License in DC was
9 suspended on the following grounds: Respondent's PA license suspension;
10 Respondent's December 2010 guilty plea; Respondent's failure to disclose her guilty
11 plea to the HRLA in her November 2012 license renewal; A complaint from a member
12 of the public who stated that Respondent compiled a competency report on him without
13 actually meeting him; an allegation that Respondent admitted; and allegations
14 concerning Respondent's conduct in Delaware.

15 Licensee failed to disclose the 08/17/20 summary suspension of her
16 professional counseling License in DC until "well after a complaint was filed against her
17 license."

18 The above allegations constituted a violation of 24 Del. C. § 3009(a)(1) (5)(6) &
19 (7).

20 24. Count Three: Fraudulent Billing:

21 Between 10/19 and 05/20, Respondent worked as an independent contractor
22 and counselor for Psychological Services, PA d/b/a Thriveworks Newark
23 ("Thriveworks"). Between 04/20 and 05/20, Respondent created multiple fraudulent
24 progress notes documenting telehealth sessions with clients that did not occur.
25

1 Respondent submitted fraudulent progress notes for billing to insurers through
2 Thriveworks. In May 2020, Respondent was terminated from Thriveworks after an
3 internal investigation revealed billing fraud.

4 Respondent violated 24 Del. C. § 3009(a)(4) in that she engaged in acts which
5 constitute consumer fraud or deception. Respondent violated 24 Del. C. § 3009(a)(5)
6 in that she violated the following provisions of the Code:

7 Directive 43, in that Licensee failed to provide accurate reports based on direct
8 experience with individuals.

9 Directive 44, in that Licensee failed to accurately note in clients' records all
10 information necessary for the provision of services; and

11 Directive 86, in that Licensee failed to adhere to legal standards and state board
12 regulations.

13 25. Based on Licensee's falsification of her licensure application form, her
14 failure to disclose past and present convictions and/or disciplinary actions in other
15 jurisdictions, her fraudulent billing, and her disregard for the ethical standards of the
16 profession, Licensee presents a clear and immediate danger to the public health,
17 safety, and welfare, requires emergency action such that the Board should issue an
18 Order temporarily suspending her professional counselor of mental health License in
19 Delaware. Respondent's Delaware license is currently suspended.

20 **Arizona State Board of Behavioral Health Examiners Endorsement Application**
21 **Applicant Lorraine Land – Professional Counselling Licensure**
22 **Submitted June 20, 2019**

23 26. On June 20, 2019, Respondent submitted an endorsement application to
24 the Board to obtain a professional counselling licensure in the State of Arizona.

25 27. Following receipt of the information from the Delaware Board on
November 17, 2020, Respondent spoke with Board staff and confirmed that all her

1 statements made and documentation provided in conjunction with her Board
2 application were true and correct.

3 28. On the application, Part IV Federal Data Bank Self-Query required
4 Respondent to provide documentation as follows:

5 The National Practitioner Data Bank (NPDB) retains information on behavioral
6 health professionals. A self-query from NPDB is required to process your
7 application. The self-query cannot be date more than 90 days prior to applying
8 for licensure.

8 Respondent checked the box preceding the statement, "I have attached a self-
9 query from the NPDB that is dated not more than 90 days prior to my application."

10 29. Respondent proved a self-query document and represented to the Board
11 that it was generated and thereby provided by the NPDB. The document Respondent
12 provided indicated a process date of 6/4/19. The middle section of document has the
13 following language, "No Reports Found." The Board relied on the NPDB report,
14 purporting to confirm that Respondent did not have any disciplinary actions entered, in
15 its decision to issue a license.

16 30. On November 24, 2020, Board staff accessed the NPDB system and
17 printed a one-time query response for Respondent. The 12-page NPDB document
18 queried and obtained by Board staff is in stark contrast to the document Respondent
19 provided with her 2019 application. The NPDB report discloses all licenses described
20 above and the disciplinary action associated with each license. Respondent's PA
21 license and indefinite suspension is contained in three pages and indicates that the
22 date of action for the license suspension was 3/23/12 and a criminal conviction was the
23 basis for the action. The report indicates that the date of original submission was
24 03/01/2012 and the date of the most recent change was also 03/02/2012. The dates
25

1 confirm that this information was contained in the NPDB databank at the time of
2 Respondent's 6/4/19 self-query.

3 31. On November 24, 2020, Board staff contacted the Lead Help Desk
4 Representative ("NPDB Representative") at the National Practitioner Data Bank and
5 discussed the discrepancy between the self-query NPDB report Respondent submitted
6 with her 2019 application and the NPDB report Board staff queried. The NPDB
7 Representative confirmed that Respondent was sent a six (6) page report that included
8 one reported action from 03/23/12. When Board staff shared the document submitted
9 by Respondent with her 06/20/19 LPC application, the NPDB Representative
10 confirmed it did not match the report that was sent to Respondent in June 2019. NPDB
11 was unable to provide Board Staff with the copy of the report sent to Respondent
12 because it was specific to Respondent's payment/request but could confirm that it did
13 not match the copy Respondent provided to Board Staff.

14 32. Board staff then contacted NPDB to inquire about the veracity of the
15 NPBD self-query document that Respondent provided in support of her 2019
16 application. The Director of the Division of Practitioner Data Bank Bureau of Health
17 Workforce with NPDB ("Director") after reviewing Respondent's "NPBD self-query
18 document" that she provided to the Board in 2019, confirmed that Respondent's
19 document did not have its origin with NPDB. On November 30, 2020, the Director
20 followed up by email with the following statement:

21 While I cannot provide you with a copy of the self-query the National Practitioner
22 Data Bank provided to Ms. Land, I can confirm that the document you sent me is
23 not the document that we provided to her in June 2019. As you noticed, the
24 bottom of the document is different from other "no reports" self-queries around
25 that time. Attached is a sample of the redacted "no reports" self-query we pulled

1 from the same day that Ms. Land's was processed (June 4, 2019) that displays
2 how the language would have looked had it come from us.

3 Based on the NPDB Representative's and Director's statements and emails,
4 Respondent provided an altered NPDB self-query report to the Board with her 2019
5 application to avoid detection of her PA license and its disciplinary suspension based
6 on her criminal conduct. Respondent's conduct is indicative of her motive of self-
7 interest and intent to deceive the Board in order to obtain an Arizona license.

8 33. On the application, Part VI Professional Credentials, required
9 Respondent to disclose her professional credentials. The application provided as
10 follows:

11 Please list current or previous licenses or certifications issued by a state
12 regulatory entity held as follows: any license or certification ever held in the
13 practice of behavioral health; and any professional license or certification NOT
14 in the practice of behavioral health held in the last ten years. **Failure to
disclose all licenses, certifications or registrations as required above may
result in denial of your application or other appropriate action.** (Emphasis
added.)

15
16 Despite the cautionary language advising Respondent of the disciplinary
17 consequences of failing to disclose, Respondent failed to disclose her Pennsylvania
18 professional counselor License No. PC004240, that was issued on August 8, 2006 and
19 indefinitely suspended on February 23, 2012, based on her criminal charges involving
20 falsification of patient records, fraudulent billing and cashing client checks for work not
21 performed that resulted in a misdemeanor conviction of theft by deception on or about
22 December 13, 2010. Respondent's failure to disclose her PA license on this section of
23 the application coupled with her providing an altered NPDB self-query that did not
24 contain information regarding her PA license and its suspension based on criminal
25

1 conduct required conscious aforethought and is indicative of her motive of self-interest
2 and intent to deceive the Board in order to obtain an Arizona license.

3 34. On the Board application, Respondent answered "no" to the following
4 background question.

5 **Question 2:** Other than complaints filed by this Board, have you ever been or
6 are you currently the subject of any complaint, investigation or disciplinary action
7 against your license, certificate, registration or membership by any state regulatory
8 board, any professional or occupational credentialing authority or any professional
9 association in Arizona or any other state? If yes, please provide copies of the complaint
10 and all final actions.

11 Respondent failed to disclose to the Board that she held a PA license that had
12 been indefinitely suspended on February 23, 2012 based on her 12/13/2010 criminal
13 conviction for misdemeanor theft by deception based on her conduct where she
14 completed false mobile therapist weekly reports, submitted them for payment and
15 received and cashed checks totaling \$654.00 for work not performed thus deceiving
16 her employer.

17 35. On the Board application, Respondent "yes" to the following background
18 question but failed to accurately disclose her criminal background to the Board.

19 **Question 4:** Have you ever been arrested, charged with, convicted of or pled
20 nolo contendere to a criminal offense, other than a minor traffic violation (DUI history
21 must be reported), in any city, county, state, federal or tribal court, or in any other
22 country? If yes, please provide copies of the police and court documents such as the
23 police narrative, complaint, the pleadings and final order(s). You must answer "yes"
24 even if you received a pardon, the charges were dropped, the conviction was set aside,
25 the records were expunged, or your civil rights were restored.

1 Respondent responded in the affirmative to this question and disclosed the
2 following information: a 2010 fugitive from justice arrest charge, 2016 disorderly
3 conduct charge, 2016 harassment charge, 2018 disorderly conduct charge, and 2018
4 harassment charge.

5 Respondent failed to disclose her charges for three counts of theft by deception,
6 one count of tampering with records or identification, and one count of receiving stolen
7 property in Pennsylvania. Respondent failed to disclose her subsequent guilty plea and
8 conviction on 12/13/2010 for misdemeanor theft by deception based on her conduct
9 where she completed false mobile therapist weekly reports, submitted them for
10 payment and received and cashed checks totaling \$654.00 for work not performed thus
11 deceiving her employer.

12 36. On the Board application, Respondent answered "no" to the following
13 background question.

14 **Question 6:** Have you ever been or are you currently a defendant in any type
15 of civil or criminal action related to any professional services (i.e., malpractice)? If so,
16 indicate whether you entered into a settlement agreement or were ordered to pay
17 damages and whether such a suit is currently pending. Provide copies of the original
18 complaint and response, any judgment entered and any settlement agreements.

19 Respondent again failed to disclose her criminal charges for three counts of
20 theft by deception, one count of tampering with records or identification, and one count
21 of receiving stolen property in Pennsylvania. Respondent failed to disclose her
22 subsequent guilty plea and conviction on 12/13/2010 for misdemeanor theft by
23 deception, a crime of moral turpitude, based on her conduct where she completed false
24 mobile therapist weekly reports, submitted them for payment and received and cashed
25 checks totaling \$654.00 for work not performed thus deceiving her employer.

1 before the Board within 60 days after the issuance of this Order. The suspension of
2 Respondent's license shall remain in effect until the conclusion of the hearing. A.R.S. §
3 32-3281(C).

4 3. The Board's Executive Director is instructed to schedule this matter
5 before the Board for the purposes of holding a formal administrative hearing which
6 shall be commenced as expeditiously as possible from the date of the issuance of this
7 Order, unless stipulated and agreed otherwise by Respondent.

8
9 Dated this 3rd day of December, 2020.

10 By: _____



11 TOBÍ ZAVALA, Executive Director
12 Arizona Board of Behavioral Health Examiners

13 **ORIGINAL** of the foregoing filed
14 this 3rd day of December, 2020 with:

15 Arizona Board of Behavioral Health Examiners
16 1740 West Adams St., Suite 3600
17 Phoenix, AZ 85007

18 **COPY** of the foregoing mailed via Interagency Mail
19 this 3rd day of December, 2020, to:

20 Mona Baskin
21 Assistant Attorney General
22 2005 North Central Avenue
23 Phoenix, AZ 85004

24 **COPY** of the foregoing mailed via
25 Certified mail no. 9489 0090 0027 6266 5169 85,
this this 3rd day of December, 2020, to:

Lorraine Land
Address of Record
Respondent

9127789