

**LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS**

IN THE MATTER OF

COMPLAINT NUMBER 2012-130

TODD D. ULMER

LICENSE NO. 3782

CONSENT AGREEMENT AND ORDER

WHEREAS, Todd D. Ulmer (“Mr. Ulmer”) is a credentialed social worker subject to the jurisdiction and rules and regulations of the Louisiana State Board of Social Work Examiners (the Board); and

WHEREAS, pursuant to a complaint and an administrative investigation, the social worker, Mr. Ulmer, has indicated his desire to resolve this matter through a Consent Agreement and Order as provided for in Rule No. 907 of the Board’s Rules, Standards and Procedures and La. R.S. 49:955(D) of the Louisiana Administrative Procedure Act; and

WHEREAS, the social worker, Mr. Ulmer, has admitted the following:

1. Respondent, Mr. Ulmer, is and at all times pertinent to the facts and matters alleged herein a Licensed Clinical Social Worker (“LCSW”), licensed by the Board to engage in the practice of social work in the State of Louisiana pursuant to the Social Work Practice Act, La. R.S. 37:2701 et seq., as evidenced by License No. 3782.
2. At all times pertinent to this administrative complaint, during in or around 2005 through in and or around 2011, Mr. Ulmer was actively engaged in the practice of social work, employed by Psychcare of Louisiana dba Shifa

Community Health Center (“SHIFA”) and Serenity Center, LLC (“SERENITY”) in Baton Rouge, Louisiana as a therapist tasked with conducting group therapy sessions.

3. At the direction of management, Mr. Ulmer falsified group notes and other patient records for Medicare beneficiaries at SHIFA and/or SERENITY who did not receipt Partial Hospitalization Program (“PHP”) services, as well as for beneficiaries who were not eligible for PHP services.
4. On the basis of the falsified records, SHIFA and SERENITY fraudulently billed Medicare for PHP services that were not provided and for PHP services that were not clinically appropriate.
5. On or about April 26, 2012, Mr. Ulmer pled guilty to a Bill of Information charging the defendant with conspiracy to commit health care fraud (18 U.S.C. §1349).

WHEREAS, by pleading guilty to conspiracy to commit health care fraud, 18 U.S.C.A. § 1349, the Board has the power to revoke or suspend the license of Mr. Ulmer, or otherwise discipline Mr. Ulmer, as established by La. R.S. 37:2717(A)(1).

WHEREAS, by the actions described above, and by pleading guilty to conspiracy to commit health care fraud, 18 U.S.C.A. § 1349, Mr. Ulmer has violated an order, rule, or regulation adopted by the board, such conduct which is cause for disciplinary action by the Board, as established by La. R.S. 37:2717(A)(5).

WHEREAS, by the actions described above, and by pleading guilty to conspiracy to commit health care fraud, 18 U.S.C.A. § 1349, Mr. Ulmer has deceived or defrauded

the public by making, submitting or causing to be submitted any false or deceptive claims, reports, charges, assessments, or opinions regarding any client or service provided to any client, insurance company, health care provider, third-party payor, company, individual or any governmental agency for the purpose of obtaining payment or anything of economic value, such conduct which is cause for disciplinary action by the Board, as established by La. R.S. 37:2717(A)(10).

WHEREAS, the credentialed social worker has indicated his desire to resolve this matter through a Consent Agreement and Order;

WHEREAS, the undersigned Assistant Attorney General has conducted an interview with the respondent who has indicated his desire to resolve this matter through a Consent Agreement and Order;

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the Board by La. R.S. 49:955(D), the Board orders and Mr. Ulmer accepts the following administrative action which is a final decision pursuant to La. R.S. 49:958:

1. Mr. Ulmer's license will be revoked for a period of three years from the date that all parties sign this Consent Agreement and Order.
2. Mr. Ulmer will have ten days from the date all parties sign this Consent Agreement to provide his clients with reasonable notice of the termination of services, consistent with Rule 111(H). Thus, as of August 24, 2012, he may not see any new clients, and must terminate relationships with any existing clients by September 4, 2012.

3. If, at the end of the three year revocation period, Mr. Ulmer wishes to apply for his LMSW, he shall be required to meet any requirements a new applicant would have to meet for becoming a LMSW, as described in the Louisiana Social Work Practice Act and the Rules, Standards and Procedures.
4. If, at the end of the three year revocation period, Mr. Ulmer wishes to apply for his LCSW, he shall be required to meet any requirements a new applicant would have to meet for becoming a LCSW, as described in the Louisiana Social Work Practice Act and the Rules, Standards and Procedures.
5. Upon re-entering the workforce and once again practicing social work, Mr. Ulmer shall complete one (1) hour of supervision of his social work practice every other week for a period of twenty-four (24) months by a LCSW-BACS pre-approved by the Board. Mr. Ulmer shall submit to the Board the name of the potential supervisor and his/her resume within fifteen (15) days of resuming the practice of social work. The potential supervisor shall submit a letter to the Board stating his/her acceptance of the provision of said supervision and stating he/she is not, nor previously has been, professionally or personally affiliated with Mr. Ulmer prior to this request for supervision. The supervisor shall submit quarterly supervision reports to the Board documenting dates met for supervision, topics addressed and progress made in supervision. Mr. Ulmer is responsible for all costs associated with supervision.
6. In courses approved by the Board in advance, Mr. Ulmer shall complete a total of thirty (30) hours of continuing education: six (6) hours on the subject of ethics, six (6) hours on the subject of documentation and billing practices, ten (10) hours

of clinical, including diagnosis and treatment, and the remaining eight (8) hours can be on the social work subject of Mr. Ulmer's choosing. Mr. Ulmer may begin to obtain these continuing education hours six months before his revocation is to end, and may receive up to ten (10) hours of continuing education credits online.

7. Mr. Ulmer shall pass the Board's Open Book Examination on the Social Work Practice Act and Rules, Standards & Procedures within ninety (90) days of applying for his license.
8. Mr. Ulmer shall pay a fine for the above-referenced violations in the amount of two thousand dollars (\$2,000) prior to reapplication for a social work credential. Such fine is authorized by La. R.S. 37:2717(B)(5). Installment payments by certified check, money order or credit card are allowable. There shall be no pre-payment penalty.
9. Mr. Ulmer shall pay the legal costs associated with Complaint 2012-130 in the amount of \$360.00 prior to reapplication for a social work credential. There shall be no pre-payment penalty.

Resolution of Matter. This Consent Agreement and Order resolves all matters between the Board and Mr. Ulmer arising out of Mr. Ulmer's guilty plea in the U.S. District Court for the Middle District of Louisiana, Docket No. 3:12-cr-00066. Specifically, the Board acknowledges that any future sentencing related to the aforementioned case will not be cause for the Board to impose additional sanctions on Mr. Ulmer.

Waiver of Rights. Licensee is aware that he/she has the right to consult with an attorney of his/her choice and understands he/she has the right to an administrative hearing on the facts in this case. He/she understands and agrees that by signing this Agreement, he/she is waiving his/her rights to a hearing. Further, he/she understands and agrees that he/she is relieving the prosecutor of any burden it has of proving the facts admitted above. Licensee further understands and agrees that by signing this Agreement he/she is voluntarily and knowingly giving up her right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against him/her, and to appeal the Board's decision.

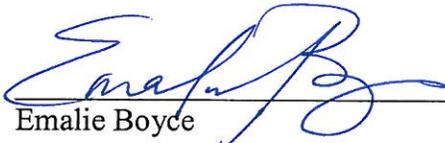
Effect of Non Acceptance of Agreement. Licensee and the prosecutor agree that this Consent Agreement and Order is subject to the approval of the Board. They agree that, if the Board rejects this agreement, it will be void, and an Administrative Complaint may be filed. If this agreement is rejected by the Board it will not constitute a waiver of licensee's right to a hearing on the matters alleged in an administrative complaint and the admissions contained herein will have no effect. Licensee agrees that, if the Board rejects this agreement, the Board may decide the matter after a hearing, and its consideration of this agreement shall not alone be grounds for claiming that the Board is biased against him/her, that it cannot fairly decide the case, or that it has received ex parte communication.

Address of Board. All payments ordered and any reports required by this Consent Agreement and Order shall be addressed to: Louisiana State Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, Louisiana 70809.

IT IS HEREBY FURTHER ORDERED that this Consent Agreement and Order shall take effect immediately upon its adoption by the Board and is a public record of the Board. The terms of this Consent Agreement and Order may be published and reported, including but not limited to, the LABSWE Newsletter, the Association of Social Work Boards (ASWB), and the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank (NPDB-HIPDB).

The prosecutor acknowledges negotiation and preparation of this Consent Agreement and Order in order to resolve, with prejudice, all matters for which the social worker could be charged under Complaint 2012-130, and further certifies that this Consent Agreement and Order is consistent with the evidence, adequately addresses the complaint, and represents a true and correct statement of that which could be proven at a hearing of this matter.

DATED: 24 August 2012


Emalie Boyce
Assistant Attorney General
Prosecutor

I, Todd D. Ulmer, have read the Consent Agreement and Order, understand it, and agree to be bound by its terms and conditions. I specifically acknowledge that failure to comply with the terms of the Consent Agreement and Order may result in further revocation or suspension of my license. The admissions contained herein will be considered proven and the only issue will be failure to follow the terms of the Consent Agreement and Order.

DATED: 8.24.12


Todd D. Ulmer

ORDER

The Louisiana State Board of Social Work Examiners, having examined the Consent Agreement and Order, Case No. 2012-130, adopted the Consent Agreement and Order in this matter.

DATED this 24th day of AUGUST , 2012 in Baton Rouge, Louisiana.

LOUISIANA STATE BOARD OF SOCIAL WORK
EXAMINERS



Judith Haspel, LCSW

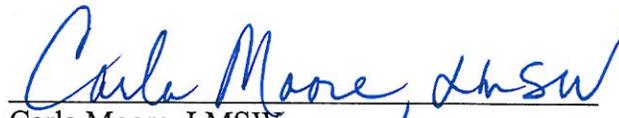


Michael Hickerson, RSW



Lisa Lipsey, LCSW

John McBride, LCSW



Carla Moore, LMSW



Parker Sternbergh, LCSW