

BEFORE THE IOWA BOARD OF BEHAVIOR HEALTH PROFESSIONALS

<b>IN THE MATTER OF</b>  <b>TINA MINER</b> License No. 093026  <b>RESPONDENT</b>	<b>DIAL No.: 24IDPHBSW0002</b>  <b>Case No.: 22-0014</b>  <b>ORDER AFFIRMING DECISION OF ADMINISTRATIVE LAW JUDGE</b>
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**NOW** on the 12<sup>th</sup> day of December, 2024, the Iowa Board of Behavioral Health Professionals, formerly the Iowa Board of Social Work, reviewed the appeal of the administrative law judge's decision in this matter.

**PROCEDURAL HISTORY**

On May 8, 2023 the Iowa Board of Social Work issued a Notice of Hearing and Statement of Charges charging the Respondent, Tina Miner, with six charges involving allegations that Respondent improperly billed clients and their insurance providers for therapy sessions not performed. The Board delegated the matter to the Administrative Law Judge and a hearing was held on August 12, 2024. Respondent, Tina Miner, appeared with her counsel, Jerry Foxhoven, and the State was represented by Assistant Attorney General Samantha Wagner and Lindsey Browning. The hearing was open to the public at the request of the Respondent, pursuant to Iowa Code Section 272C.6(1) and 481 IAC 506.19(10). At hearing, the entire administrative file was admitted into the record, including State's exhibits 1-4 and Respondent's exhibits A-E. Post hearings briefs were submitted by the parties on or before October 1, 2024.

On October 9, 2024, Administrative Law Judge, Rachel Morgan, filed the decision in this matter finding the State established by a preponderance of the evidence that Respondent had violated 481 IAC 504.2(6) by falsifying client records and 481 IAC 504.2(6) by fraudulently billing for client visits that she did not attend. The Respondent's Iowa Social Work license no. 093026 was ordered suspended for a period of no fewer than three years. Respondent was further ordered to complete a class in the area of medical ethics and professionalism and at least four hours of continuing education in the area of documentation and billing.

Notice of Appeal was timely filed October 30, 2024 by Respondent. The parties submitted written arguments on or before December 5, 2024. The matter was submitted to the Iowa Board of Behavioral Health Professionals on December 12, 2024.

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

After hearing the evidence, the administrative law judge found “In sum, the preponderance of the evidence establishes that Respondent did not visit any clients at Humboldt, Friendship, or Laurens in December 2021. Despite not visiting any clients, Respondent created and edited progress notes for the clients wherein she falsely stated that she held sessions with clients in December 2021. Respondent’s actions constitute falsifying client records and is in violation of 481 IAC § 504.2(6).” It was further found that the preponderance of the evidence established Respondent violated 481 IAC §504.2(6) by fraudulently billing for client visits that she did not attend.

Respondent does not dispute the findings of fact or the conclusions of law found in the Order filed October 9, 2024. Respondent submitted an appeal of the sanction imposed only. Respondent argues her license should not be suspended, but instead should be placed on a probationary period with supervision. The State resisted this argument stating “Such behavior illustrates Miner’s need for rehabilitation before she resumes providing therapy services....Given the vulnerability of clients receiving therapy, the public rightly places a great trust in licensees providing those services and the Board has wide latitude to impose discipline.” Citing *Doe v. Iowa B d. of Med. Exam’rs*, 733 N.W.2d 705, 712 (Iowa 2007). The Board “may impose...as licensee discipline...revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section...147.55.” *Iowa Code* §272C.3(2)(a).

The Board finds the State’s arguments to be compelling. The Board would agree that it does not take lightly the issue of suspending an individual’s license to practice a profession. However, the acts committed by Respondent were egregious. The Board further agrees with the Administrative Law Judge, that the Respondent submitted exhibits containing misleading information at the hearing in which she was alleged to have engaged in fraud. This is concerning to the Board and shows a lack of understanding of the extent of the charges against Respondent.

**IT IS THEREFORE ORDERED** that the decision of Administrative Law Judge, Rachel Morgan, entered October 9, 2024 is hereby **AFFIRMED**.

So Ordered the 12<sup>th</sup> day of December, 2024.

**IOWA BOARD OF BEHAVIORAL  
HEALTH PROFESSIONALS f/k/a  
IOWA BOARD OF SOCIAL WORK**

*Aaron L. Culley, LISW*

Aaron Culley, LISW  
Board Chair  
Board of Behavioral Health Professionals  
6200 Park Avenue, Suite 100  
Des Moines, IA 50321

## BEFORE THE IOWA BOARD OF SOCIAL WORK

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IN THE MATTER OF:	)	DIA NO. 24IDPHBSW0002
	)	CASE NO. 22-0014
	)	
TINA MINER	)	
License No. 093026	)	PROPOSED DECISION
Respondent	)	

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On May 8, 2023, the Iowa Board of Social Work (Board) filed a Notice of Hearing and Statement of Charges (Statement of Charges) charging Tina Miner (Respondent) with six charges stemming from allegations that Respondent improperly billed clients and their insurance providers for therapy sessions not performed. The charges are as follows:

Counts I - III: Falsifying client records in violation of 645 IAC § 283.2(8).

Counts IV - VI: Acceptance of any fee by fraud in violation of 645 IAC § 2.83.2(9).

A hearing was held on August 12, 2024. Respondent Tina Minor appeared with her counsel, Jerry Foxhoven. Assistant Attorney General Samantha Wagner and Lindsey Browning represented the State. The hearing was open to the public at the request of the Respondent, pursuant to Iowa Code § 272C.6(1) and 645 IAC § 11.19(10). The entire administrative file was admitted into the record, including State's exhibits 1-4 and Respondent's exhibits A-E. The State's exhibits were entered under seal due to the exhibits containing confidential patient records. The parties submitted post-hearing briefs on or before October 1, 2024.

### FINDINGS OF FACT

#### A. Background

Respondent holds social worker license number 093026 to practice social work in the State of Iowa. Respondent's license expires on December 31, 2024. *See* Statement of Charges.

On June 28, 2021, Respondent began working for Bridges Community Services, LLC (Bridges). Respondent provided therapy services to residents in nursing homes or residential care in rural locations. Ex. 1A at 15. As part of her duties, Respondent created a treatment plan for each patient and entered “progress notes” after each therapy session. *Id.*; Ex. 1D at 561-573.

Bridges uses a computer program, SimplePractice, to schedule appointments, record therapists’ “progress notes,” and generate invoices after therapy sessions for billing. Ex. 1D at 561-573. When Respondent began her employment with Bridges, she was provided with training regarding charting procedures and scheduling clients in SimplePractice. *Id.* If a patient was not seen for a scheduled session, the therapist was to make a note and email the office by the end of the day letting the office know the patient had cancelled. If a patient was seen, the therapist was to complete a “progress note” for the session within seven days. *Id.* When the therapist finished a progress note, the therapist signed the note and “locked” it in SimplePractice. When a therapist “locked and signed” a progress note, it signaled to Bridges that the therapist was finished charting for the patient and the session could be reviewed and invoiced for insurance payment. Tr. 173:4-174.

SimplePractice records when changes are made to a client’s account in an “Account Activity” log. The log documents the date and time when an individual makes changes to a client account, including when a therapist adds a progress note, changes or deletes the progress note, and signs and locks a progress note. *See e.g.* Ex. 1A at 116-17. Respondent testified that once a note is “locked,” she could not modify or unlock the note without permission from her supervisor. In addition, Respondent was informed during training and on two additional occasions that if a client was not seen, she should make a note of that in SimplePractice and send an email to the office manager by the end of the day because SimplePractice automatically creates invoices at the end of the day. Ex. 1D 561-573, Ex. 1B at 442, 444.

On or about January 4, 2022, Bridges received notice that an insurance company denied payment for one of Respondent’s therapy sessions because the client, Client 3, was deceased at the time of the appointment. Ex. 1A at 26. When Bridges questioned Respondent about Client 3, Respondent stated that she had meant to create a progress note for a different individual, Client 2, and had accidentally charted for Client 3. *Id.* at 25. Bridges then reviewed the patient records for Client 2. Bridges learned that, like Client 3, Respondent had entered progress notes for a therapy session for Client 2 after Client 2 had passed away. *Id.* at 27-28. In light of

Respondent charting for two deceased individuals, Bridges audited Respondent's charting and billing for the previous few months. As part of its audit, Bridges contacted several facilities and requested that they review their records to determine whether Respondent had signed their sign in sheets, completed COVID-19 screening, or if there were notes in client charts indicating that Respondent visited their facilities. See 1B at 322-27.

Three facilities reported that they had no record of Respondent being at their facility in December 2021: Humboldt County Hospital (Humboldt) located in Humboldt, Iowa; Friendship Haven (Friendship) located in Fort Dodge, Iowa; and Laurens Care Center (Laurens) located in Laurens, Iowa. *Id.* Despite the fact that the facilities had no records of Respondent being at their facilities in December 2021, as discussed in detail below, Respondent created progress notes for fourteen clients located at the facilities reflecting in person visits in December 2021. Ex. 1A, 1B.

## **B. Clients Allegedly Seen by Respondent in December 2021**

### **1. Humboldt Hospital**

In December 2021, Respondent was scheduled to visit four clients, Clients 1, 5, 9, and 10, residing in Humboldt Hospital. On January 2, 2022, Respondent added progress notes for Clients 5, 9, and 10 for therapy sessions that allegedly occurred in person on December 23, 2021. Ex. 1A at 135-60, 170-83; Ex. 1B at 256-68. On that same date, January 2, 2022, Respondent added progress notes for Clients 1, 5, 9, 10 for therapy sessions that allegedly occurred in person on December 30, 2021. *Id.*; Ex. 1B at 224-30. For Clients 5 and 10, Respondent entered different progress notes for the sessions held on December 23 and December 30. Ex. 1B at 256-68, Ex. 1A at 135-60. For Client 9, Respondent added identical progress notes for Client 9's December 23 session and December 30 session. Ex. 1A at 170-83.

After drafting progress notes for the clients, Respondent locked and signed the notes. Respondent locked and signed notes for all December 2021 sessions for the four Humboldt clients on January 2, 2022, indicating that the clients could be invoiced and billed for all sessions in December 2021. *Id.* Based on Respondent's progress notes, Bridges invoiced insurance for the sessions. Exs. 1A at 145-150, 181-183; 1B at 229, 266-268. However, Humboldt has no record of Respondent coming to its facility in December 2021. See Ex. 1 at 325 (Email from Humboldt to Bridges indicating that it does not have any record of Respondent undergoing a COVID-19 screening or visiting the hospital on "any dates in Dec.").

## 2. Friendship Haven

Respondent was scheduled to visit seven clients at Friendship Haven in Fort Dodge on December 12-13, 2021. Respondent added progress notes indicating in person visits and “locked and signed” the notes indicating that the sessions scheduled for December 12 and 13 could be invoiced by Bridges. Thereafter, Bridges issued invoices to insurance for the therapy sessions. Exs. 1A-1B.

However, Friendship has no record of the Respondent visiting its facility in December 2021. Ex. 1 at 323-24. Instead, a representative for Friendship reported that the last time Respondent visited Friendship she was “panicked,” “upset,” and “freaking out.” The representative stated that Respondent “begg[ed]” the representative to email her “boss” [Bridges] and report that she had been coming to Friendship. Ex. 1B at 323.

Bridges also learned that Respondent had entered progress notes for two clients (Client 3 and Client 2) that were deceased on the dates that Respondent allegedly visited them. For example, Client 3 passed away in November 2021. However, Respondent “added” progress notes for two visits with Client 3 in December 2021. Respondent’s December 23 note indicated that she met Client 3 in person. Respondent “locked and signed” both notes indicating both sessions could be billed. Ex. 1A at 126-134.

On January 4, 2022, Bridges informed Respondent that she made progress notes for Client 3 after he passed away. Ex. 1A at 26. Respondent requested that Bridges “unlock” the progress note so she could change the note. *Id.* at 25. Respondent told Bridges that she had meant to enter a progress note for Client 2, not Client 3. *Id.* On January 4, 2023, Respondent “changed” Client 3’s progress note for the December 12 session, stating, “Patient passed away session should be cancelled.” Ex. 1A at 127, 131.

On January 5, 2022, Bridges informed Respondent that Client 2 had also passed away in November 2021 and Respondent had entered progress notes for visits in December 2021 for Client 2 indicating that she had met Client 2 in person. Ex. 1A at 27-28. On January 7, 2022, Bridges informed Respondent again of their confusion regarding her entering progress notes for Client 2 and Client 3 in December 2021 when both clients passed away in November 2021. *Id.* at 25-29.

After receiving Bridges' email on January 7, 2022, Respondent changed her notes for both Client 2 and Client 3 indicating that the clients had passed away. Ex. 1A at 112-17, 126-34.

### **3. Laurens Care Center**

Respondent was scheduled to visit three clients at Laurens on December 13, 2021 and December 27, 2021. Respondent added progress notes and "locked and signed" the notes indicating that the in person sessions scheduled for December 13 and 27 could be invoiced by Bridges. Bridges issued invoices to insurance for the clients. Exs. 1A at 56-77; 1B at 208-24, 239-54

However, like Humboldt and Friendship, Laurens does not have any record of the Respondent visiting its facility in December 2021. Ex. 1B at 327. Laurens informed Bridges that everyone who enters their facility is "screened" by an attendant at the front door. Laurens has no record of Respondent entering its facility on December 13, 2022. Laurens also stated that Respondent has not been to the facility "in quite a while." Ex. 1B at 327.

### **C. Respondent Resignation and Board Investigation**

When Bridges questioned the Respondent about the above clients, Respondent began changing her progress notes in SimplePractice. Once Bridges learned that Respondent was changing her notes, it requested that Respondent not "fix" any more of her progress notes. Ex. 1C at 508. Eventually Bridges removed Respondent's access to SimplePractice and Respondent's employment was terminated. Ex. 1A at 15.

Bridges filed a complaint with the Board and the Board conducted an investigation. During its investigation, the Board's investigator, spoke to the Respondent and Bridges' President Hayley Venard. The Board's investigator also reviewed documentation provided by Bridges and Respondent regarding the clients at issue. Ex. 1A at 1-6.

When the Board investigator interviewed the Respondent, she stated that she believed Bridges' complaint was filed because Bridges was upset she left and she had exposed unethical procedures at Bridges. Respondent believed that if she incorrectly billed for a client, her supervisor should have caught the discrepancies.



Respondent blamed some of the billing mistakes on Bridges' schedulers, arguing that they failed to remove clients from her schedule. Ex. 1A at 4-6.

Ultimately the investigation led to the Board filing charges against the Respondent on May 8, 2023. The Board alleged that Respondent falsified client records and accepted a "fee" by fraud. *See* Statement of Charges.

#### **D. August 12, 2024 Hearing**

On August 12, 2024, a hearing was held. At the hearing, Respondent made two general arguments. First, Respondent admitted that she did not have sessions with the deceased clients and with the clients who resided at Humboldt. However, she argued it was Bridges' fault the clients were invoiced and billed. Respondent testified that SimplePractice automatically copies progress notes from one session to another once a client is scheduled. She alleged she told Bridges to remove the deceased clients and the Humboldt clients from her calendar. When Bridges incorrectly placed the deceased clients and the Humboldt clients on her calendar, a progress note was automatically generated and the clients were invoiced and billed. Tr. 116-17.

In regards to the other clients residing at Friendship and Laurens, Respondent argued that she did, in fact, visit and hold sessions with the clients. Respondent testified that she has handwritten notes and visitor stickers to prove she was at both facilities in December 2021.

### **CONCLUSIONS OF LAW**

The Iowa legislature has directed the Board to adopt rules relating to standards required for licensees engaged in the practice of social work. Iowa Code § 272C. The Board has adopted rules prescribing "Grounds for Discipline" for licensed social workers at 481 IAC § 504.2<sup>1</sup> which prohibit drafting false client records and accepting payment based on misrepresentation and fraud. Iowa Administrative rule 481 IAC § 504.2 provides in relevant part:

**481-504.2 Grounds for discipline.** A board may impose any of the disciplinary sanctions provided in Iowa Code section 272C.3 when

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<sup>1</sup> The Board's rules were previously found at 645 IAC § 282.2. On July 31, 2024, the rules moved to Chapter 481.

the board determines that the licensee is guilty of any of the following acts or offenses . . . :

...

**504.2(6)** Falsification, alteration or destruction of client or patient records with the intent to deceive.

**504.2(7)** Acceptance of any fee by fraud or misrepresentation.

### **COUNTS I, II, and III**

A preponderance of the evidence establishes that Respondent violated 481 IAC § 504.2(6) by falsifying client records. As discussed above, the State presented evidence that Respondent did not visit clients at Humboldt, Friendship, and Laurens during December 2021. However, despite not visiting such patients, Respondent created progress notes for the clients indicating that she had visited them and then “locked and signed” such notes indicating the clients’ insurance could be invoiced and billed for sessions that never took place. *See* Exs. 1A, 1B.

In response to the State’s arguments, the Respondent made two general arguments. First, Respondent admitted that she did not visit six clients. Three of those clients resided at Humboldt, two of the clients, Client 3 and Client 2, resided at Friendship, but were deceased at the time of the alleged appointments, and one, Client 1, was in hospice care. In regards to these six clients, Respondent alleges that Bridges was at fault because it failed to remove the clients from her schedule and therefore SimplePractice automatically created progress notes, not her. For the remaining clients, Respondent alleges that, contrary to the facilities’ records, she did visit the clients. Neither one of Respondent’s arguments are credible for the reasons discussed below.

#### **A. Clients Not Seen by Respondent**

##### **1. Clients 5, 9 and 10**

Clients 5, 9, and 10 all resided at Humboldt and had therapy sessions scheduled with Respondent in December 2021. SimplePractice account activity logs for the clients show that on January 2, 2022, Respondent “created” and “locked and signed” progress notes for Client 5 and Client 10 for sessions that allegedly occurred on December 23 and 30, 2021. The progress notes indicate that

Respondent met with Client 5 and Client 10 in person at Humboldt. *See* Ex. 1A at 136-37; 140-41; 152; Ex. 1B at 264-265, 260-61.

Respondent explains the existence of the progress notes by claiming SimplePractice automatically created progress notes. However, if, as alleged by the Respondent, SimplePractice automatically copied her notes from one session to another, Respondent's progress notes should be identical for the two days that she was scheduled to visit the clients located at Humboldt. However, Respondent's progress notes are not identical. For example, on January 2, 2022, Respondent "added" a progress note and "locked and signed" it for Client 5 for a session that allegedly occurred on December 23, 2021. The note indicated as follows: "[Respondent] met with Client 5 in her room. Client 5 appeared happy and was waiting sitting in her chair. Client 5 his particle blind [sic]. Client 5 denies any depression and anxiety currently." Ex. 1B at 256. On January 2, 2022, Respondent added a progress note for Client 5's December 30, 2021 session. The note for the December 30 session is not identical to the December 23 note because it contains the following additional phrase: "*Worked on discharge plan.*" Ex. 1B at 264. If Respondent had already told Bridges that Client 5 was discharged and if the system automatically created progress notes, the activity log for SimplePractice would not have recorded Respondent "adding" and "locking and signing" progress notes for the December sessions and the progress notes should have been the same, not different. *See* Ex. 1B at 256, 264.

The same discrepancies exist for Clients 9 and 10. On January 2, 2022, Respondent created progress notes for Clients 9 and 10 for sessions that allegedly occurred on December 23 and December 30. If Respondent had previously told Bridges prior to December 2021 that Client 10 was discharged and she was not going to visit Client 9, it is not clear why Respondent would "add" progress notes for Clients 9 and 10 on January 2, 2022 for sessions that allegedly occurred in December 2021. *See* Ex. at 1A at 135-60, 170-83. Further, the progress notes for Client 10 are not identical, which undermines Respondent's argument that SimplePractice automatically copies progress notes. Ex. 1A at 136, 140. Rather, the documentation instead supports the State's argument that Respondent created progress notes for Clients 5, 9, and 10 to make it appear that she visited them and held therapy sessions when she did not. Exs. 1A, 1B.

## 2. Clients 1, 2, and 3

Clients 1, 2 and 3 all resided at Friendship. Clients 2 and 3 both passed away in November 2021. Client 1 entered hospice care. Like Clients 5, 9, and 10, Respondent argued that SimplePractice automatically created progress notes for the clients when Bridges failed to remove them from her schedule. SimplePractice documentation does not support Respondent's argument.

In regards to Client 3, SimplePractice documentation indicates the following:

- Client 3 passed away in November 2021. Ex. 1A at 26.
- December 12, 2021 Session: Respondent was scheduled for a session with Client 3 on December 12, 2021. On December 13, 2021, Respondent added and "locked and signed" a progress note for Client 3. Respondent knew that when she "locked and signed" a note, her documentation was finalized and may be billed after her supervisor reviewed her documentation. Ex. 1A at 132; Tr. 173:4-174. On January 4, 2022, Bridges emailed Respondent to ask why she submitted progress notes for Client 3 in December 2021, after he had passed. Bridges stated it would "unlock" the progress note so Respondent could update the note. Ex. 1A at 25-26. On January 4, 2022, after receiving Bridges' email, Respondent changed her progress note for the December 12 session, indicating that Client 3 had passed, and "locked and signed" it. Ex. 1A at 132.
- December 23, 2021 Session: On January 2, 2022, Respondent added and "locked and signed" a progress note for Client 3 for a December 23, 2021 session. Ex. 1A at 128, 132. Respondent's original progress note made no mention that Client 3 had passed, but instead stated, "LMSW met with Client 3 in his room today for his individual session, Client 3 was dressed and well groomed." Ex. 1A at 128. On or about January 10, 2021, after questioning by Bridges, Respondent changed her progress note for the December 23 session to indicate that Client 3 had passed. Ex. 1A at 130.

In regards to Client 2, on December 13, 2021, Respondent added a progress note for Client 2 for a session that occurred on December 12, 2021. The progress note indicated that Client 2 was alive stating that he was "in his room today . . . dressed, well-groomed and appeared happy." Ex. 1A at 113. Respondent locked and signed the note on December 13, 2021. After receiving an email from Bridges that

Client 2 had passed away, Respondent accessed Client 2's progress note for December 12, 2023 and changed the progress note to indicate that Client 2 had passed away. Ex. 1A at 115-16. Respondent noted in Simple Practice, "[w]rong information on this client, client passed away on [sic] November." Ex. 1A at 116.

At the hearing, Respondent testified that, like Clients 5, 9, and 10, she sent an email informing Bridges that Client 2 and 3 had passed away and Client 1 had entered hospice. However, Respondent's testimony is not credible. If Respondent had told Bridges that Client 2 and Client 3 had passed on December 13, 2021, it is unclear why Respondent locked and signed a progress note for Client 2 for a December 12, 2021 session that did not reflect his passing and why she locked and signed a progress note for Client 3 for a December 23, 2021 session that did not reflect Client 3's passing. Exs. 1A at 126-34; 1B at 224-30. Further, Bridges was unaware of Client 2 and Client 3's passing until January 2022 when it was notified by insurance that Client 3 had passed. Although Respondent submitted an email that she alleged she had sent to Bridges notifying them of the clients' passing, Respondent had previously admitted that she never actually sent the email; it was located in her draft folder. Ex. 1C at 491; 1A at 28.

Further, like Clients 5 and 10, if SimplePractice automatically created progress notes for clients there would presumably be no need and thus, no record of, Respondent adding progress notes in SimplePractice. However, the account activity log indicates that Respondent "added" and "locked and signed" progress notes for Client 2 and Client 3 on December 13, 2021. She also "added" and "locked and signed" progress notes for Client 3 and Client 1 on January 2, 2022. *See* Ex. 1A at 131-132.

Reviewing the record as a whole, Respondent's explanations regarding her actions with Clients 1, 2, 3, 5, 9, and 10 are not credible. Rather, the evidence supports a finding that Respondent did not visit these clients in December 2021 and did not cancel the appointments or otherwise inform Bridges that she was not holding sessions with the clients.<sup>2</sup> Instead, Respondent improperly created false progress notes making it appear that she did, in fact, visit the above clients. When Bridges learned that Respondent did not visit the clients, Respondent attempted to cover up her actions by altering the clients' therapy records. The State has proven that Respondent created false client records in violation of 481 IAC 504.2(6).

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<sup>2</sup> In addition to her initial training, Respondent was informed twice that she needed to let the office know when a client cancelled an appointment. Ex. 1B at 442; 444.

**B. Clients Allegedly Seen by Respondent.**

Respondent's second argument is that she did, in fact, hold sessions with the remaining clients residing at Friendship and Laurens and therefore she correctly charted and billed for such clients. Respondent's argument is not credible.

The State entered into evidence progress notes "locked and signed" by the Respondent for eight clients (Clients 4, 6, 7, 11, 12, 13, 14, and 18) who resided either at Friendship and Laurens for sessions that allegedly occurred in person during December 2021. Exs. 1A, 1B. However, neither Friendship nor Laurens have records, including sign in sheets, COVID-19 screenings, or patient records, that indicate that Respondent visited their facilities in December 2021. Further, a Friendship representative notified Bridges that Respondent had requested that she falsely state that Respondent visited its facility in December 2021. Ex. 1B at 323, 327.

In response, Respondent testified that she had handwritten notes and visitor stickers that indicate that she was at both facilities on the days in question. However, neither the visitor stickers nor Respondent's notes were entered into the record and there is no indication that the visitor stickers have dates printed on them or otherwise demonstrate that Respondent was at the facilities on the dates at issue here. These items have little evidentiary value and do not rebut Friendship's and Laurens' own records that the Respondent was not at their facilities in December 2021.

In addition, Respondent's own financial records do not establish that she was at Friendship located in Fort Dodge or in Laurens, Iowa on the dates at issue. Respondent submitted five exhibits to corroborate that she visited clients at Friendship and Laurens. Exhibits A and B are titled "Bank Statement for November 2021" and "Bank Statement for October 2021." Although the exhibits are titled "Bank Statement," at the hearing, Respondent clarified that Exhibits A and B are not bank statements from her bank, but were assembled by Respondent "from three sources, two different bank accounts and [Respondent's] record of cash transactions." Tr. at 233:21-24. When creating Exhibits A and B, Respondent cut and pasted transactions from her bank statements into a new document. The transaction entries contain a transaction number, a store name, and location. Respondent then modified the transactions to reflect that she used cash. Tr. 233:21-235:18. When questioned about the entries, Respondent testified that she put the

exhibits together “in a rush” to send to Bridges in an effort to establish that she was in Fort Dodge and Laurens, Iowa. Tr. 236:8 – 236:17.

The undersigned finds Exhibits A and B of little evidentiary value. It cannot be overstated how misleading the “Bank Statements” are. Indeed, the undersigned can find no reason why Respondent chose to copy entries from bank statements, paste the entries into a new document, alter the entries to show cash transactions, and then submit the documentation to her employer in an attempt to establish her whereabouts other than to mislead Bridges into thinking that a third party, *i.e.*, her bank, had created such documents, not her.

Respondent’s Exhibits C-E are no more credible than Exhibits A and B. Exhibits C-E are labeled “Tax Expenses.” Respondent admitted that she created the documents herself and she offered no receipts to corroborate the “expenses” listed on Exhibits C-E. Tr. 124:21-125:19, 247:24-248:1. In light of the misleading nature of Exhibit A and B, the undersigned has significant doubts as to the credibility of Exhibits C-E.

In sum, the preponderance of the evidence establishes that Respondent did not visit any clients at Humboldt, Friendship, or Laurens in December 2021. Despite not visiting any clients, Respondent created and edited progress notes for the clients wherein she falsely stated that she held sessions with the clients in December 2021. Respondent’s actions constitute falsifying client records and is in violation of 481 IAC § 504.2(6).

#### **COUNTS IV, V, VI**

##### **Fee by Fraud**

The preponderance of the evidence also establishes that Respondent violated 481 IAC § 504.2(6) by fraudulently billing for client visits that she did not attend. Although there are no cases interpreting 481 IAC § 504.2(6), common law fraud requires a false misrepresentation, knowledge of the misrepresentation, and an intent to deceive. *See Lamasters v. Springer*, 99 N.W.2d 300, 302 (Iowa 1959).

For all the clients discussed above, Respondent “locked and signed” progress notes indicating that she visited the clients in person in December 2021 when she, in fact, did not. Respondent admitted that she understood that once she “locked and signed” a progress note, such action notified Bridges that the session was ready to be billed to insurance. Tr. 173:4-174. In reliance on Respondent’s locking

and signing progress notes, Bridges did bill for Respondent's December 2021 sessions. *See* Exs. 1A; 1B. Upon learning of Respondent's actions, Bridges had to return fees collected to insurance companies. Bridges eventually calculated that Respondent "stole" 124 hours from Bridges for sessions that were not provided in December 2021. Ex. 1A at 9-12; 1B at 307. Respondent's actions of adding progress notes reflecting an in person session that she knew did not occur and locking and signing the progress notes knowing that Bridges and insurance providers would rely on her notes, constitutes an intent to deceive Bridges and insurance providers and is fraudulent billing.

Respondent argues that she was not financially benefitted by falsely stating that she attended client sessions because she met the required number of sessions to constitute a full-time employee even without including the sessions at issue. It is unclear whether Respondent met the required number of hours to be a full-time employee or not. However, Respondent was benefitted from falsely stating that she held sessions with clients. Respondent obtained additional personal time and good will from her employer for allegedly traveling to rural facilities. *See* Ex. 1 at 2 (Bridges' principal, Hayley Venard, telling the Board investigator that Respondent was a "great employee as she agreed to travel to many rural towns.").

In sum, Respondent knew that invoices would be created and clients would be billed when she "locked and signed" her progress notes. Tr. 173:4-173:21; Ex. 1D at 561-73. Respondent, knowing that her progress notes would be used for payment purposes, intentionally documented that she had in person sessions with clients and signed her notes despite never providing services to the clients. This constitutes fraud and is in violation of 481 IAC § 504.2(6).

### DECISION AND ORDER

Pursuant to 645 IAC 283.2(12), the Board is authorized to discipline Respondent for her violations of the Board's rules of conduct, including the prohibition of unethical conduct and dual relationships.

IT IS THEREFORE ORDERED that license number 093026, issued to Respondent Tina Minor, is hereby suspended for no fewer than three years. After that time, Minor may apply for reinstatement of her license subject to the conditions below and in accordance with Iowa law.



IT IS FURTHER ORDERED that prior to filing a request for reinstatement, Minor must complete a class in the area of medical ethics and professionalism and at her own expense. Minor must also complete at least four hours of continuing education in the area of documentation and billing. Minor must submit proof of completion of the above classes to the Board prior to reinstatement.

IT IS FURTHER ORDERED that Minor is responsible for all costs of compliance with this Decision and Order.

cc:

Tina Minor, Respondent (Via US Mail)

Jerry Ray Foxhoven, Attorney for Respondent (By AEDMS)

Lindsey Browning, Assistant Attorney General (By AEDMS)

Tony Alden, IDPH Board of Social Work (By AEDMS)

Emily DeRonde, Attorney for IDPH Board of Social Work (By AEDMS)

### **APPEAL RIGHTS**

Decisions issued by an administrative law judge are proposed decisions. A proposed decision issued by an administrative law judge becomes a final decision if not timely appealed or reviewed. Any adversely affected party may appeal a proposed decision to the board within 30 days after issuance of the proposed decision. The board may initiate review of the proposed decision on its own motion at any time within 30 days following the issuance of the proposed decision. An appeal of a proposed decision is initiated by the filing of a timely notice of appeal with the board.

**Case Title:** SOCIAL WORKER INDEPENDENT LEVEL LICENSE OF TINA  
MINER  
**Case Number:** 24IDPHBSW0002  
**Type:** Order

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Rachel D Morgan". The signature is written in a cursive, flowing style.

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Rachel Morgan, Administrative Law Judge