

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

BOARD OF MENTAL HEALTH PRACTICE

**In Re: Denis Callahan
LICSW
Lic. # 1608**

Docket No.: 24-MHP-026

**NOTICE OF DISCIPLINARY
ADJUDICATIVE HEARING -
12/13/2024 @ 9:00 AM**

I. CASE SUMMARY/PROCEDURAL HISTORY:

On 08/22/24, The Office of Professional Licensure and Certification, Division of Enforcement (“OPLC Enforcement”) filed a “Verified Petition for Emergency Temporary Suspension of Licensure Pursuant to RSA 310:12, IV and N.H. Code Admin.R.Title Plc 206.07” concerning Denis Callahan (“Licensee”). Shortly thereafter on the same day, the OPLC Administrative Law Judge and Presiding Officer called for an emergency meeting of the Board of Mental Health Practice (“Board”) pursuant to RSA 91-A:2. At an emergency meeting held on 08/23/24, the Board voted to suspend the Licensee’s privilege to practice as a licensed clinical social worker in New Hampshire on an emergency basis pursuant RSA 541-A:30(III); RSA 310:12, IV; and N.H. Code Admin. R., Title Plc 206.07 (“Plc”) (“Rules”). On 09/13/2024 the Presiding Officer issued an order continuing the emergency suspension of the Licensee’s license pending the final adjudicative hearing. This Notice of Disciplinary Adjudicative Hearing follows.

II. ORDERS:

(a) Pursuant to RSA 310:10, X and N.H. Code Admin. R. Plc 206.06(a) (“Rules”), the Board hereby notifies the parties that the Board has scheduled an **adjudicative/disciplinary hearing** for:

Date: 12/13/2024

Time: 9:00 am

Place: The New Hampshire Department of Safety, 33 Hazen Drive, Concord, NH 03305.

Please advise if this hearing is anticipated to last longer than 3 hours by filing a motion explaining with particularity the necessity for the additional time.

(b) STATUTORY AUTHORITY: This adjudicative/disciplinary hearing shall be conducted pursuant to RSA 310:10 and Rule 206.06 et seq. To the extent that the Plc rules do not address an issue of policy or procedures, the Board shall rely upon RSA 317-A, RSA 541-A, RSA 310, and N.H. Admin. R. Ann., Title Jus, Part 800.

(c) ISSUES PRESENTED: Pursuant to Rule 206.06(b)(3), the issues to be considered at the hearing in this matter are as follows:

- (1) Whether between approximately August 23, 2019 and August 23, 2024, Respondent, a licensed clinical social worker, engaged in any unprofessional conduct or dishonorable conduct, unworthy of and affecting the practice of the profession, by using cannabis during working hours in violation of RSA 330-A:27, II(c).
- (2) Whether between approximately August 23, 2019 and August 23, 2024, Respondent, a licensed clinical social worker, engaged in negligent or willful acts performed in a manner inconsistent with the health and safety of persons under the care of the licensee, by using cannabis during working hours in violation of RSA 330-A:27, II(d).
- (3) Whether between approximately January 1, 2024 and August 23, 2024 Respondent, a licensed clinical social worker, engaged in any unprofessional conduct or dishonorable conduct, unworthy of and affecting the practice of the profession, by sending antagonistic and/or threatening email communications to others while identifying himself by licensure credentials granted by the Board in violation of RSA 330-A:27, II(c).
- (4) Whether, having had his clinical social worker license suspended on August 23, 2024, Respondent continued to represent himself as a licensed clinical social worker in email communications, such representations constituting unlicensed practice in violation of RSA 310:13.

(d) PRESIDING OFFICER: Pursuant to RSA 310:10, IV, V, and VI and Rule 206.03 et seq., an individual employed as Administrative Law Judge with the New Hampshire Office of Professional Licensure & Certification shall act as the presiding officer in this proceeding with the authority to do, among other things, the following: preside, regulate and control the course of a hearing; issue oaths or affirmations to witnesses; rule on questions of law and other procedural matters; issue final orders based on factual findings of the Board; issue subpoenas; hold prehearing conferences; render legal opinions; and make conclusions of law.

(e) HEARING COUNSEL/ADMINISTRATIVE PROSECUTOR: Pursuant to RSA 310:10, III, the Chief Prosecutor, OPLC Division of Enforcement, 7 Eagle Square, Concord, N.H., 03301 (or his/her designee) shall serve as Hearing Counsel to represent the public interest.

(f) ATTORNEYS: Pursuant to RSA 310:10, XI and Rule 206.06(b)(10), each party has the right to have an attorney represent them at the party's own expense.

(g) VOLUNTARY EXCHANGE OF DOCUMENTS: Pursuant to Rule 206.18, the parties shall attempt to agree among themselves concerning the mutual exchange of relevant information. If these efforts prove unsuccessful, upon motion, discovery shall be further ordered when the parties cannot adequately address said issues voluntarily.

(h) MOTIONS: Pursuant to Rule 206.12, parties shall file any motions or other requested relief in this matter with the Presiding Officer's Office and provide a copy to the other parties. Unless good cause exists, all motions shall be filed at least ten (10) days before the date of any hearing, conference, event or deadline which would be affected by the requested relief.

(i) OBJECTIONS: Pursuant to Rule 206.12(d), any responses or objections to motions or other requested relief shall be filed in similar fashion within ten (10) days of receipt of such motion or other requested relief.

(j) EXHIBITS: Pursuant to Rule 206.18(d), parties shall provide a final witness list, including a brief summary of their testimony, a list of proposed exhibits, and a copy of any proposed exhibits to the Presiding Officer's Office and the other parties no later than fourteen (14) days prior to the hearing. Respondent's exhibits shall be pre-marked for identification with capital letters; Hearing Counsel's exhibits shall be pre-marked for identification with Arabic numerals.

(k) MAILING ADDRESS FOR THE PRESIDING OFFICER'S OFFICE: Pursuant to Rule 206.10(a), any and all petitions, motions, pleadings, proposed exhibits, or other documents shall be filed with the Presiding Officer:

Thomas Pappas, Jr., Hearings Clerk
The Presiding Officer's Office
7 Eagle Square
Concord NH 03301
hearingsclerk@oplc.nh.gov

(l) COMMUNICATIONS WITH THE BOARD AND PRESIDING OFFICER: Routine procedural inquiries may be made by contacting Thomas Pappas, Jr. Any other communications with the Board or Presiding Officer must be in writing and filed as provided above. *Ex parte* communications (meaning "without the other party present and/or included") with the Presiding Officer and/or Board are specifically forbidden by law. *See, i.e.*, Rule 206.10(b) and RSA 541-A:36.

(m) EMAIL COMMUNICATIONS: The parties and the Presiding Officer's Office have the option to agree to exchange e-mail addresses and the parties may agree that e-mail service of any and all documents going forward may be considered in compliance with Rule 206.11(a)(3) and 206.11(b)(3).

(7) Possible changes to the standard procedures that would otherwise govern the proceeding;
and

(8) Other matters that might contribute to the prompt and orderly conduct of the proceeding.

(r) RECORDING: A recording of the hearings shall be taken and preserved. Each participant has the right to have the board provide a certified shorthand court reporter at the participant's expense and notify all participants that any such request be submitted in writing at least 10 days prior to the proceeding, as provided in RSA 541-A:31, III(f).

(s) FINDINGS OF FACT: Pursuant to RSA 310:10, VII: Boards shall be the triers of fact in all disciplinary and non-disciplinary proceedings. If, based upon the Board's findings of fact, the Presiding Officer concludes the Licensee has committed professional misconduct, the Board shall determine what if any sanctions to impose. *See* RSA 310:12.

(t) All prior consistent orders remain in full force and effect.

DATED: 11/4/2024

_____/s/ Nik K. Frye, Esq. _____
Nik K. Frye, Esq.
Administrative Law Judge
Presiding Officer
New Hampshire Office of
Professional Licensure & Certification
7 Eagle Square
Concord, NH 03301