STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF PSYCHOLOGY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

MELISSA ANN SHARNOWSKI, Ph.D., Ed.Ltd. Complaint No. 63-16-141488
License No. 63-01-014173

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

A superseding administrative complaint was filed with the Disciplinary Subcommittee of the Board of Psychology on August 3, 2017, charging Melissa Ann Sharnowski, Ph.D., Ed.Ltd. (Respondent) with having violated sections 16221(a), (b)(i), (b)(v), (b)(vi), (c)(iii), (d)(i), (d)(iii), (e)(i), (h), 18211(1), 18211(2), and 18212(2) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 et seq.

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(a), (b)(i), (b)(v), (d)(iii), (h) and 18211(1) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:
Respondent's license to practice doctoral educational limited psychology is REVOKED.

Due to Respondent no longer being eligible to seek reinstatement of her lapsed doctoral educational limited license in psychology pursuant to Mich Admin Code, 338.2553(4), Respondent may file a petition for reinstatement of her limited licensed psychology license. However, Respondent may not petition for reinstatement of her limited licensed psychology license sooner than three years from the effective date of this order.

Reinstatement of her limited licensed psychology license is not automatic. If Respondent petitions for reinstatement of her limited licensed psychology license, the petition shall be in accordance with section 16245 and 16247 of the Public Health Code and Mich Admin Code, 792.10711. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character; (2) the ability to practice the profession with reasonable skill and safety; (3) satisfaction of the guidelines on reinstatement adopted by the Department; and (4) that it is in the public interest for the license to be reinstated.

Respondent is FINED $15,000.00 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 63-16-141488 clearly indicated on the check or money order), and shall be payable prior to applying for reinstatement. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and
Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Counts IV, V, VI, VIII, X, and XI of the complaint, alleging a violation of sections 16221(b)(vi), (c)(iii), (d)(i), (c)(i), 18211(2), and 18212(2) of the Public Health Code, are DISMISSED.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 14 Sep 17

MICHIGAN BOARD OF PSYCHOLOGY

By Chairperson, Disciplinary Subcommittee
STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint. Respondent understands that, by pleading no contest, she does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.

2. Respondent understands and intends that, by signing this stipulation, she is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 et seq., to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Eric D. Ozkan, Ph.D. Dr. Ozkan or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.
4. Dr. Ozkan and the parties considered the following factor in reaching this agreement:

   A. Respondent has represented closing her practice, Inspired by Ma Psychological Wellness, and ceasing practicing psychology in any capacity immediately upon receipt of the underlying administrative complaint.

By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREEED TO BY: ___________________________  AGREED TO BY: ___________________________

Jessica A. Taub (P77540)  Melissa Ann Sharnowski, Ph.D., Ed.Ltd.
Assistant Attorney General  Respondent
Attorney for Complainant
Dated: 8/16/17

Dated: 8/15/17

Nicholas Roumel (P37056)
Attorney for Respondent
Dated: 8/11/17

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF PSYCHOLOGY  
DISCIPLINARY SUBCOMMITTEE

In the Matter of  

MELISSA ANN SHARNOWSKI, Ph.D., Ed. L. td  
License No. 63-01-014173  

Complaint No. 63-16-141488

FIRST SUPERSEDING ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General, Jessica A. Taub, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this first superseding administrative complaint against Melissa Ann Sharnowski, Ph.D., Ed. L.td. (Respondent) alleging upon information and belief as follows:

1. The Board of Psychology, an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 et seq, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee.

educational limited license in psychology, and according to Mich Admin Code, R 338.2543(d), Respondent is not eligible to be a fully licensed psychologist until she successfully passes the Board approved licensure examination.

3. Section 16221(a) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for violations of a general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals whether or not injury results or any conduct, practice or condition which impairs, or may impair, the ability to safely and skillfully practice in the field of psychology.

4. Section 16221(b)(i) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for incompetence, defined by MCL 333.16106(1) to mean: "A departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession whether or not actual injury to an individual occurs."

5. Section 16221(b)(v) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for being convicted of a misdemeanor punishable by imprisonment for a maximum term of two years. A certified copy of the court record is conclusive evidence of the conviction.

6. Section 16221(b)(vi) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for lack of good moral character. Good moral character is defined in MCL 338.41(1) as "the
propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

7. Section 16221(c)(iii) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for practicing outside the scope of his or her license.

8. Section 16221(d)(i) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for unethical business practices, including false or misleading advertising.

9. Section 16221(d)(iii) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for the use of fraud or deceit in obtaining or attempting to obtain third party reimbursement.

10. Section 16221(e)(i) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for unprofessional conduct, including misrepresentation to a consumer or patient or in obtaining or attempting to obtain third party reimbursement in the course of professional practice.

11. Section 16221(h) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for aiding or abetting in a violation of this article or a rule promulgated under this article.
12. Section 18211(1) states a person shall not engage in the practice of psychology, as defined under section 18201(1)(b), unless licensed or otherwise authorized by this article.

13. Section 18211(2) states that the following words, titles, or letters or a combination thereof, with or without qualifying words or phrases, are restricted in use only to those persons authorized under part 182 of the Code in the way prescribed under part 182 of the Code: "consulting psychologist", "psychologist", "psychological assistant", "psychological examiner", "licensed psychologist", and "limited licensed psychologist".

14. Section 18212(2) states a limited license for an individual in postdoctoral training shall require that the individual be under supervision of a licensed psychologist and confine his or her practice and training to a hospital, clinic, institution, or other arrangement approved by the board for the training.

15. Section 16226 of the Code authorizes the Disciplinary Subcommittee to impose sanctions against persons licensed by the Board, if, after opportunity for hearing, the Disciplinary Subcommittee determines that the licensee violated one or more of the subdivisions contained in section 16221.

**FACTUAL ALLEGATIONS**

16. Respondent owns Inspired by Me Psychological Wellness, located in Plymouth, Michigan. Inspired by Me was founded in approximately March 2015.

17. Respondent provided psychological services at Inspired by Me, treating individuals suffering from mental illness in one-on-one therapy sessions.
18. Respondent previously held a doctoral education limited license in psychology. However, this license lapsed on August 31, 2015, and as of March 2016, Respondent was continuing to treat patients. In addition, as of April 18, 2016, Respondent was still advertising herself to the public that she was a doctor of psychology with the intent of providing psychological treatment.

19. During all times relevant to this complaint, Respondent was providing psychology services without the supervision of a licensed psychologist.

20. In addition to continuing to treat individuals, Respondent was billing insurance companies, specifically Blue Cross Blue Shield of Michigan, for treatment sessions she provided, as well as submitting bills for treatment sessions she never performed. Respondent submitted all of these claims to Blue Cross under a different psychologist’s billing identification number.

21. Starting in approximately September 2015, Blue Cross Blue Shield started receiving complaints from some its customers that they were being billed for treatment sessions from Respondent they never received. Upon receiving these complaints, Blue Cross Blue Shield opened an investigation into Respondent’s practice on October 14, 2015.

22. Subsequent to opening its investigation into Respondent, Blue Cross Blue Shield reviewed the bills of the initial customer complainants.

23. Blue Cross investigators first reviewed the billing history for patient E.N. (initials used to protect confidentiality). When Blue Cross reviewed patient
E.N.'s bills from Respondent, it was discovered that Respondent billed for the following sessions that never occurred:

<table>
<thead>
<tr>
<th>Patient</th>
<th>Date of Service</th>
<th>Amount Billed</th>
<th>Amount Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.N.</td>
<td>August 2, 2015</td>
<td>$200.00</td>
<td>$84.80</td>
</tr>
<tr>
<td>E.N.</td>
<td>August 5, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>August 8, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>August 12, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>August 15, 2016</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>August 18, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>August 22, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>August 25, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>August 27, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>August 29, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>September 5, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>September 12, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>September 14, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>September 18, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>September 20, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td>E.N.</td>
<td>September 26, 2015</td>
<td>$150.00</td>
<td>$82.26</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>16 Sessions</strong></td>
<td><strong>$2,250.00</strong></td>
<td><strong>$1,318.70</strong></td>
</tr>
</tbody>
</table>

24. Respondent submitted all of these claims to Blue Cross Blue Shield under the previously mentioned psychologist's billing number.

25. Blue Cross Blue Shield investigators then reviewed the bills submitted by Respondent for patient S, who last sought treatment from Respondent in February 2015. Patient S.'s mother explained to Blue Cross investigators that patient S. and her family ceased coverage with Blue Cross Blue Shield on July 1, 2015; however, the family received statements for the following sessions allegedly performed by Respondent:
<table>
<thead>
<tr>
<th>Patient</th>
<th>Date of Service</th>
<th>Amount Billed</th>
<th>Amount Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.</td>
<td>August 19, 2015</td>
<td>$200.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>S.</td>
<td>August 29, 2015</td>
<td>$150.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>S.</td>
<td>September 2, 2015</td>
<td>$150.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>S.</td>
<td>September 9, 2015</td>
<td>$150.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Total</td>
<td>4 Sessions</td>
<td>$650.00</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

26. Respondent submitted all of these claims under the previously mentioned psychologist’s billing number.

27. Blue Cross Blue Shield investigators also discovered that Respondent was submitting claims for treatment allegedly received by her children. Again, these claims were submitted using the other psychologist’s billing ID.

28. From September 2, 2015 to February 26, 2016, Respondent submitted the following claims to Blue Cross:

   a) For Respondent’s daughter Al S., Respondent submitted 26 claims to Blue Cross, totaling $2,129.78 in reimbursement.

   b) For Respondent’s daughter An.S., Respondent submitted 32 claims to Blue Cross, totaling $2,737.70 in reimbursement.

   c) For Respondent’s son, J.S., Respondent submitted 32 claims to Blue Cross, totaling $2,623.08 in reimbursement.

29. After reviewing the bills submitted by Respondent for her children and patients E.N. and S., Blue Cross conducted three undercover investigations of Inspired by Me. During each of these investigations, the undercover Blue Cross investigator received one-on-one therapy treatment from Respondent. These undercover treatment sessions with Respondent occurred on January 11, 2016, February 11, 2016, and March 3, 2016. All of these sessions were captured on video.
30. Respondent submitted reimbursement to Blue Cross Blue Shield for the investigator's three treatment sessions using the previously mentioned psychologist's billing ID.

31. The psychologist, whose billing ID was being used by Respondent, was interviewed by Complainant's investigator on August 16, 2016. This psychologist reported that she never gave Respondent permission to use her billing ID, she never provided treatment to Respondent's children, and she never worked for Inspired by Me or acted as a consultant for Inspired by Me.

32. The psychologist also told Complainant's investigator that she never received any of the insurance payments from Blue Cross for the claims submitted by Respondent.

33. One of Complainant's investigators spoke with Respondent by phone on July 21, 2016. During this phone conversation with Respondent, Respondent admitted that she had continued to see patients after her license expired, and that she had been submitting bills to insurance providers using a different doctor's billing ID number.

34. On June 15, 2017, based on Respondent's continued practice as a psychologist after her license expired, Respondent pled to one count of Health Profession - Unauthorized Practice (Attempt) in the Third Circuit Court in Wayne County, Michigan (Case No. 17-002217-01-FH). Respondent's sentence includes one year probation with fines and costs, as well as paying restitution to the third party insurer impacted by her underlying conduct.
COUNT I

35. Respondent’s conduct as described above, constitutes negligence in violation of section 16221(a) of the Code.

COUNT II

36. Respondent’s conduct as described above, constitutes incompetence in violation of section 16221(b)(i).

COUNT III

37. Respondent’s conviction, as described above, constitutes a violation of section 16221(b)(v) of the Code.

COUNT IV

38. Respondent’s conduct as described above, constitutes a lack of good moral character in violation of section 16221(b)(vi) of the Code.

COUNT V

39. Respondent’s conduct as described above, constitutes practice outside of the scope of her license in violation of section 16221(c)(iii) of the Code.

COUNT VI

40. Respondent’s conduct as described above, constitutes the use of false or misleading advertising violation of section 16221(d)(i) of the Code.

COUNT VII

41. Respondent’s conduct as described above, constitutes the use of fraud or deceit in obtaining or attempting to obtain third party reimbursement in violation of section 16221(d)(iii) of the Code.
COUNT VIII

42. Respondent's conduct as described above, constitutes misrepresentation to a consumer or patient or in obtaining or attempting to obtain third party reimbursement in violation of section 16221(e)(i) of the Code.

COUNT IX

43. Respondent's conduct as described above constitutes engaging in the practice of psychology, as defined under section 18201(1)(b), without a valid license contrary to section 18211(1), in violation of section 16221(h) of the Code.

COUNT X

44. Respondent's conduct as described above constitutes the use of the following words, titles, or letters or a combination thereof, with or without qualifying words or phrases, as restricted to those persons authorized under part 182 of the Code in the way prescribed under part 182 of the Code: "consulting psychologist", "psychologist", "psychological assistant", "psychological examiner" "licensed psychologist", and "limited licensed psychologist", contrary to section 18211(2), in violation of section 16221(h) of the Code.

COUNT XI

45. Respondent's conduct as described above constitutes a lack of supervision by a licensed psychologist in Respondent's practice and training, contrary to section 18212(2), in violation of section 16221(h) of the Code.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from receipt of this complaint to
submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(9), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.
FURTHER, the administrative complaint previously filed against Respondent on December 22, 2016 is hereby WITHDRAWN and replaced in full by this superseding complaint.

Respectfully Submitted,

BILL SCHUETTE
Attorney General

Jessica A. Taub (P75540)
Assistant Attorney General
Licensing & Regulation Division
525 W. Ottawa, 3rd Floor, Wms Bldg.
P.O. Box 30758
Lansing, Michigan 48909

Dated: August 3, 2017