

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 17th
day of January, 2019, by a majority of the Board considering this case:

ORDERED that commencing on the effective date of this Consent Order, the Respondent's certification to practice as a Certified Associate Counselor – Alcohol and Drug (CAC-AD) in the State of Maryland is **SUSPENDED** for a period of ninety (90) days, all stayed; and it is further

ORDERED that the Respondent shall be **REPRIMANDED**; and it is further

ORDERED that commencing on the effective date of this Consent Order, the Respondent shall be placed on **PROBATION** for a period of at least one (1) year, and until he has satisfactorily complied with the following requirements:

- a. The Respondent shall successfully complete a Board-approved **COURSE** focusing on supervision and ethics in alcohol and drug counseling. The course must be equivalent to 18-20 Continuing Education Units (CEUs) or a three-credit college-level course, and may be counted toward the Respondent's annual CEU requirements; and it is further

ORDERED that immediately after the one (1) year period of probation, the Respondent may petition the Board to terminate probation, provided that he has been fully compliant with the terms of probation and does not have any pending complaints filed against him; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing, before the Board otherwise, may impose any

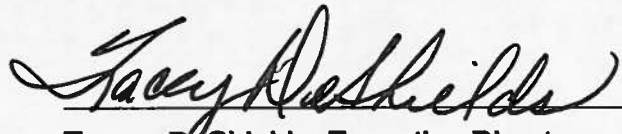
sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

ORDERED the Respondent shall practice in accordance with the Maryland Professional Counselors and Therapists Act and all applicable laws, statutes and regulations pertaining to the practice of counseling; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't. § 10-6117(h) (2009 Repl. Vol.).

1/17/2014
Date

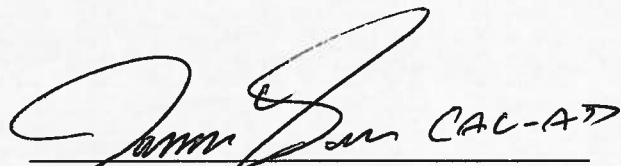

Tracey DeShields, Executive Director
Maryland State Board of Professional
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Phone: 410-764-4732
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CONSENT

I, James A. Goines, CAC-AD, acknowledge that I have had the opportunity to consult with counsel at this and all stages of this matter but freely and voluntarily have elected

not to do so. I understand that this Consent Order will resolve the Charges issued against me in this matter. By this Consent, I agree to be bound by the terms of this Consent Order. I acknowledge under oath that I in fact committed the specific violations as set forth above and in the *Charges*. I acknowledge under oath the accuracy of the Findings of Fact and the validity of the Conclusions of Law contained in this Consent Order. I acknowledge that for all purposes, they will be treated as if proven and/or as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these Findings of Fact and Conclusions of Law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I waive my right to any appeal in this matter. I affirm that I have asked and received satisfactory answers to all my questions regarding the language, meaning, and terms of this Consent Order. I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, and terms of this Consent Order.

12/27/13
Date _____



James A. Goines, CAC-AD
Certification Number AC0048

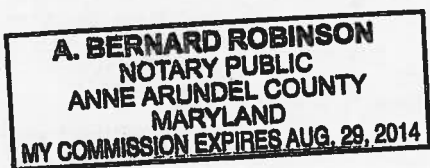
NOTARY

STATE OF Md.

CITY/COUNTY OF Prince Georges

I HEREBY CERTIFY that on this 27 day of Dec., 2013,
before me, a Notary Public of the foregoing State and City/County personally appeared
James A. Goines, and made oath in due form of law that signing the foregoing Consent
Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



[Signature]
Notary Public

My commission expires: 8/29/14

IN THE MATTER OF

JAMES A. GOINES, CAC-AD

Certification No. AC0048

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BEFORE THE MARYLAND

BOARD OF PROFESSIONAL

COUNSELORS AND THERAPISTS

Case Number: 2013-35

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CHARGES UNDER THE MARYLAND PROFESSIONAL COUNSELORS AND THERAPISTS ACT

On or about November 19, 2013, the Maryland State Board of Professional Counselors and Therapists (the "Board") issued charges against **JAMES A. GOINES, CAC-AD** (the "Respondent") (D.O.B. 8/16/1950), for violations of the Maryland Professional Counselors and Therapists Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 17-101 *et seq.* (2009 Repl. Vol. and 2012 Supp.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

§ 17-509. Denial, probation, suspension or revocation of certificate applicant or holder

Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if Trainee A, licensee, or certificate holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, or certificate holder or for another;
- (8) Violates the code of ethics adopted by the Board;

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- (13) Violates any rule or regulation adopted by the Board;
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy;

Under Health Occ. §17-509(8) & (13), shown above, the Board based its charges on the following provisions of the Code of Ethics adopted by the Board, codified at Code Md. Regs. ("COMAR") 10.58.03.00 *et seq.*:

COMAR 10.58.03.04 Ethical Responsibilities.

B. A counselor may not:

- (2) Participate in dishonest, fraudulent, or deceitful activity in the capacity of a counselor.

On December 17, 2013, a Case Resolution Conference ("CRC") was held before a committee of the Board. As a resolution of this case, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. Background

1. At all times relevant hereto, the Respondent was certified to practice as a Certified Associate Counselor – Alcohol and Drug (CAC-AD) in the State of Maryland. The Respondent was initially licensed in Maryland on March 17, 2000, under Certificate Number AC0048. The Respondent's certificate is current through January 31, 2014.

2. At all times relevant hereto, the Respondent practiced as a CAC-AD at an in-patient drug and alcohol treatment center located in Crownsville, Maryland ("Facility A").¹
3. On or about April 2, 2008, the Board granted *Alcohol and Drug Trainee Employment Authorization* (the "Authorization") to an individual ("Trainee A"), who listed the Respondent as her supervisor.
4. The Board requires each Trainee to keep the Board informed of the identity of his/her designated supervisor. For the entire period of the Authorization, Trainee A's supervisor was the Respondent. The Authorization permitted the Trainee A to practice alcohol and drug counseling pending completion of the requirements for certification in alcohol and drug counseling.
5. At all times relevant hereto, Trainee A worked as a Counselor Trainee at Facility A.
6. On or about July 12, 2012, the Board received an Application for Certification as a Certified Associate Counselor – Alcohol and Drug (CAC-AD) (the "Application") submitted by Trainee A.
7. As part of the Application, the Board also received the required "Alcohol and Drug Supervision Verification Form CAC-AD" (the "Verification"), which was completed and signed by the Respondent on or about June 18, 2012.
8. On the Verification, the Respondent attested that Trainee A had completed 2200 hours of supervised experience under the Respondent's supervision, which more than satisfied the requirement of 2000 hours. On the Verification, the Respondent detailed

¹ For confidentiality purposes, the names of individuals, patients, clients, and facilities are not disclosed in this document, however the Respondent is aware of their identities.

that these hours included, *inter alia*, 200 hours of group counseling, 100 hours of individual counseling, 50 hours of family counseling, 100 hours of case management, 50 hours of crisis intervention, 150 hours of referral, 250 of assessment and diagnosis, and 150 hours of treatment planning.

The Complaint

9. In a letter dated November 26, 2012 (the "Complaint"), a colleague of Trainee A's at Facility A (the "Complainant") expressed serious concerns to the Board regarding Trainee A's level of experience and training. The Board's licensee profile for the Complainant confirmed that the Complainant has been licensed as a Certified Associate Counselor – Alcohol and Drug (CAC-AD) in Maryland since 2001.

10. According to the Complaint, in mid-2012, Trainee A approached the Complainant at Facility A and requested a letter of reference in support of the Application. The Complainant was startled to learn that Trainee A was applying for certification because Trainee A lacked the 2000 hours of supervised experience required for certification as a CAC-AD. In fact, according to the Complaint, Trainee A's role at Facility A was as "a clerical worker."

11. Accordingly, the Complaint stated that Trainee A "has never worked directly counseling clients," "has never had a caseload," "has not undergone observation," and "has never written treatment plans or learned documentation requirements."

12. In the Complaint, the Complainant set forth a credible basis for her negative appraisal of Trainee A's training, stating "I have watched many Trainees go through the supervisory process over the years and I am well aware of the level of commitment required of both the Trainee and the Supervisor; in the case of [Trainee A] this process

has never occurred.” For these reasons, the Complainant determined that she could not ethically provide the requested letter of reference for Trainee A.

13. Based on the Complaint, the Board opened an investigation.

II. Board Investigation

Supervision Records

14. On or about February 26, 2013, in furtherance of its investigation, the Board issued subpoenas to Facility A and to the Respondent for Trainee A’s supervision records as well as treatment records for fifteen random clients of Trainee A.

15. The records received in response indicate that Trainee A was hired at Facility A on or about March 30, 2009 as a part-time Counselor Trainee whose primary duties were “filling in for didactic group sessions and monitoring clients as a Treatment Aide, completing intakes, and discharge paperwork.” The specified duties did not include client counseling.

16. According to the records, Trainee A was hired full-time as an Associate Counselor Trainee on or about February 19, 2013, after the Application had been submitted to the Board, and Trainee A was not responsible for direct counseling of clients before February 21, 2013.

Treatment Records

17. Although the Board’s February 26, 2013 subpoena requested a random selection of fifteen of Trainee A’s clients, Facility A only provided records for three of Trainee A’s clients (“Clients A, B, and C”). Trainee A had no other clients.

18. According to the progress notes contained in the treatment records, Trainee A began individual counseling with her first client, Client A, on February 21, 2013. She began with Client B on February 26, 2013, and with Client C on March 1, 2013.

19. The progress notes are dated between February 21 and March 6, 2013. All told, they document that Trainee A's direct counseling experience amounted to a combined total of:

- a. 6 hours and 40 minutes of individual counseling; and
- b. 3 hours and 45 minutes of group counseling.

20. Notably, all of these hours were gained *the year after* the Application was submitted to the Board.

21. Nevertheless, the Verification, signed by the Respondent on or about June 18, 2012 and submitted with the Application, attested that Trainee A had completed 2200 hours of supervised experience, and in particular:

- a. 100 hours of individual counseling; and
- b. 200 hours of group counseling.

Interview with the Respondent

22. On or about June 4, 2013, the Board Investigator interviewed the Respondent under oath.

23. Under questioning, the Respondent admitted that in his attestation regarding Trainee A's hours of supervised experience he had not been candid with the Board. He revealed that at the time of the Application, Trainee A "did not have a caseload, so she did not do some of the services [attested to on the Verification], like referral services directly."

24. The Respondent also confirmed the Complainant's allegations that from the time the Application was submitted until being hired full time in February of 2013, Trainee A held a mainly clerical position, which involved client contact in the form of intake, education, and orientation, but not actual counseling.

25. When asked why Trainee A had not been able to gain the required 2000 hours of experience in counseling functions, the Respondent explained, "It would be impossible to give a trainee those amount [sic] of hours without a case management position," which Trainee A did not start until February of 2013. He further explained that at Facility A, "there was not a [case management] position open at that time, a counseling position. That was the primary issue..."

26. When confronted with the disparity between Trainee A's actual level of experience and his unqualified attestations on the Verification, the Respondent equivocated:

Again, it wasn't that I was attesting that she had performed, I had – I was attesting to my oversight with her in the period of time that she's worked there at Hope House, *that she had gotten the direction from me* about the core functions – *not that she had provided direct services.* [Emphasis added.]

27. Later in the interview, the Respondent struck a conciliatory tone: "I didn't see this as how you're explaining it to me now, about [Trainee A] needing that direct service, because I could not or would not attest to [Trainee A's experience] if that had been my understanding of what the Board wanted, you know, I would not have done that."

28. The Respondent finally apologized, stating that he knew he needed "to do better" in his oversight of trainees, and that "this is certainly a wake-up call for me to be more

diligent in making sure that the trainees are getting their direct-care hours before I sign off on them.”

29. The Respondent assured the Board Investigator that “all of the other trainees that I’ve ever signed off on have worked in direct care with clients, as counselors.” He also expressed his awareness that based on the erroneous attestations in the Verification, the Board “may want to revoke my license.”

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent’s conduct, as described above, constitutes violations of the Act, as cited above, including:

- a. Fraudulently or deceptively attempting to obtain a license or certificate for another; in violation of Health Occ. § 17-509(1); committing an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy, in violation of Health Occ. § 17-509(16); and participating in dishonest, fraudulent, or deceitful activity in the capacity of a counselor, in violation of COMAR 10.58.03.04B(2).
- b. In addition, the Respondent’s violation of the referenced COMAR provision additionally constitutes: a violation of the Code of Ethics adopted by the Board, in violation of Health Occ. § 17-509(8); and a violation of a rule or regulation adopted by the Board, in violation of Health Occ. § 17-509(13).