

IN THE MATTER OF	*	BEFORE THE STATE BOARD OF
KATHLEEN LATTEA, LCPC	*	PROFESSIONAL COUNSELORS
Respondent	*	AND THERAPISTS
License Number: LC0367	*	Case Number: 2010-15

* * * * *

CONSENT ORDER

On June 8, 2012, the Maryland State Board of Professional Counselors and Therapists (the "Board") charged **KATHLEEN LATTEA, LCPC** (the "Respondent"), License Number LC0367, with violating the Maryland Professional Counselors and Therapists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 17-101 *et seq.* (2009 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under H.O. § 17-509:

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 certificate of any certificate holder if the applicant, licensee, or certificate holder:

- (8) Violates the code of ethics adopted by the Board; [and]
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

Additionally, the Board charged the Respondent with violating the following provision of Code Md. Regs. ("COMAR") tit. 10 § 58.03.04 – Ethical Responsibility:

B. A counselor may not:

* * *

- (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

On July 6, 2012, a Case Resolution Conference was held before a panel of the Board. As a result, 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:

1. At all times relevant hereto, the Respondent was a clinical professional counselor licensed in the State of Maryland. The Respondent was originally licensed in the State of Maryland on or about March 28, 1999.

2. On or about July 5, 2010, the Board received a complaint from Patient A¹, a former patient of the Respondent, alleging that the Respondent had initiated a friendship with her after serving as her family's therapist for nearly a decade. Based on receipt of the Complaint, the Board conducted an investigation, the results of which are set forth *infra*.

3. The Respondent treated Patient A from May 1999 until May 2000; September 2002 through Spring 2003; and September 2006 until January 2008. The Respondent also provided Patient A and her husband, Patient B, with couples counseling from 1998 until 1999, and treated Patient A's daughter, Patient C, for anxiety from January 2008 until August 2008.

4. According to Patient A, the Respondent contacted Patient A via telephone in September 2009 inquiring whether Patient A would be interested in a friendship with the Respondent. According to Patient A, the Respondent stated that she was involved

¹ The names of the individuals identified herein are confidential.

in a break-up with a romantic partner and feared for her own safety. The Respondent asked if she could send Patient A a package in the mail containing information in the event that the Respondent was harmed by her former romantic partner.

5. The Respondent and Patient A met for dinner on several occasions and corresponded via telephone and electronic mail frequently for approximately two months. At that point, the Respondent's behavior became erratic and needy demanding more time and attention from Patient A including sending multiple emails and texts, and placing multiple telephone calls to Patient A.

6. As part of its investigation, the Board obtained numerous electronic mail communications between Patient A and the Respondent supporting Patient A's allegations. The Board also subpoenaed the treatment records of Patients A, B, and C from the Respondent to confirm that the Respondent had provided treatment to Patient A and her family.

7. In an interview with Board staff on December 6, 2010, the Respondent acknowledged that she had provided therapy to Patient A's family. In her interview, the Respondent admitted contacting Patient A in September 2009 asking that she hold a package for her because she knew that Patient A's husband was a former special forces member. The Respondent denied that she asked Patient A to engage in a friendship.

8. During her investigative interview, the Respondent admitted engaging in numerous email exchanges with Patient A and admitted that Patient A had requested that the Respondent stop contacting her.

9. In an interview with Board staff on or about October 8, 2010, Patient B

confirmed Patient A's versions of events related to the Respondent. According to Patient B, the Respondent initiated and requested a friendship with Patient A. Patient B indicated that the Respondent had been to Patient A and B's home approximately six times and had called, emailed, and texted Patient A with increasing frequency. Patient B stated that his wife attempted to end the relationship with the Respondent but the Respondent continued to contact her.

10. As a result of the interaction with the Respondent, Patient A was distressed and suffered panic attacks, and sought and received treatment from Therapist A.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct, as set forth above, constitutes: violating the code of ethics adopted by the Board, in violation of H.O. § 17-509(8); committing an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy, in violation of H.O. § 17-509(16); and entering into relationships that could compromise a counselor's objectivity or create a conflict of interest, in violation of COMAR 10.58.03.04B(3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of August, 2012, by a majority of the Board considering this case:

ORDERED that the Respondent's license to practice as a Licensed Clinical Professional Counselor ("LCPC") shall be **SUSPENDED** for **THIRTY (30) DAYS**, with the suspension immediately **STAYED**; and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a minimum period of **EIGHTEEN (18) MONTHS**, to begin on the date the Board executes this Consent Order, subject to the following terms and conditions:

- a. Within **twelve (12) months** of the date of the Board's execution of this Consent Order, the Respondent shall take and successfully complete an online or classroom Board-approved comprehensive 3 semester credit hour or 5 quarter credit hour course in professional ethics at an accredited college or university. The Respondent shall submit the course description/syllabus to the Board for approval prior to enrolling in the course. The Board reserves the right to require the Respondent to provide further information regarding the course she proposes, and further reserves the right to reject her proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and the duration of the course adequate to fulfill the Respondent's ethical needs;
- b. This course shall be in addition to any course required to satisfy the continuing education requirements for the applicable 2-year licensure renewal period;
- c. The Respondent shall be responsible for all costs incurred in fulfilling the professional ethics course requirement and for submitting written documentary proof to the Board of her successful completion of the course;
- d. The Respondent is responsible for ensuring that she completes the required ethics course in a timely manner; and it is further

ORDERED that during the **18-month period of probation**:

- a. The Respondent's practice shall be supervised, at her own expense, by a Board-approved licensed clinical professional counselor with experience and expertise in the field;
- b. As part of the approval process, the Respondent shall submit to the Board the name and professional credentials of a licensed clinical professional counselor to supervise her practice. The proposed

supervising counselor shall not be associated with the Respondent through any current or past personal, collegial, professional or academic affiliation;

- c. The Respondent shall provide the Board-approved supervising counselor with a copy of this Consent Order, and whatever other written materials the Board deems relevant;
- d. The supervising counselor shall notify the Board in writing of his/her acceptance of the supervisory role of the Respondent. Supervision of the Respondent's practice shall commence following Board approval;
- e. At a minimum, the supervising counselor shall meet with the Respondent once a month for ONE (1) HOUR. The purpose of supervision shall be to monitor the Respondent's practice, and to focus on the Respondent's potential ethical issues and overall practice standards. The supervising counselor shall communicate at any time with the Board, if, in the discretion of the supervising counselor, such communication is needed;
- f. The supervising counselor shall submit quarterly reports to the Board detailing the ethical issues discussed and the Respondent's progress. The report shall include, but not be limited to, a report of the Respondent's participation in the supervisory process.
- g. Upon completion of the supervision period, the Respondent shall ensure that the supervising counselor submit a final report to the Board assessing the Respondent's practice;
- h. The Respondent has sole responsibility for ensuring that the supervising counselor submits the required quarterly reports and the final report in a timely manner;
- i. The Board has sole authority over any changes in supervision and must approve and ratify any changes in supervision or the frequency of supervision;
- j. In the event that the Respondent's supervising counselor discontinues supervising the Respondent's practice for any reason during the 18-month supervisory period, the Respondent shall immediately notify the Board. The Respondent shall be solely responsible for submitting a replacement candidate to serve as her supervisor under the terms specified above;

- k. If the Respondent fails to complete the supervision in a timely manner as set out above, the Respondent will be deemed in violation of probation and this Consent Order;
- l. An unsatisfactory report from the Respondent's supervisor may constitute a violation of this Consent Order; and it is further

ORDERED that the Respondent may submit a written petition to the Board requesting termination of her probation **no earlier than eighteen (18) months** from the date of commencement of the probationary period, but only if she has fully and satisfactorily complied with all of the terms and conditions of this Consent Order, including all terms and conditions of probation, and including the expiration of the eighteen (18) month period of probation, and if there any no pending complaints against her related to the issues in this case; and it is further

ORDERED that the Respondent's failure to comply with any of the conditions of this Consent Order, shall be considered a violation of probation and a violation of this Consent Order; 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 material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any other disciplinary sanctions that the Board may have imposed in this case, including additional probationary terms and conditions, reprimand, suspension, revocation and/or monetary penalty; and it is further

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

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

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (2009 Repl. Vol.).

8/10/12
Date


Richard M. Hann, LCPC
Board Chair
Maryland State Board of Professional
Counselors and Therapists

CONSENT

I, Kathleen Lattea, LCPC, acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order 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 allegations. 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 am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

7/18/12
Date

Kathleen Lattea
Kathleen Lattea, LCPC

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 18th day of July, 2012, before me, a Notary Public of the foregoing State and City/County personally appear Kathleen Lattea, LCPC, License Number LC0367, 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: 07/12/15