

IN THE MATTER OF * BEFORE THE BOARD OF
DAVID J. SEMANCO, CAC-AD * PROFESSIONAL COUNSELORS
RESPONDENT, * AND THERAPISTS
LICENSE NO.: AC2104 * CASE NO. 2015-18 .

* * * * *

CONSENT ORDER

The Maryland Board of Professional Counselors and Therapists (the "Board") issued to **David J. Semanco**, ("**Respondent**"), **Certified Associate Counselor-Alcohol and Drug ("CAC-AD")**, Notice of its intent to **REVOKE** his certification to practice as a certified associate counselor-alcohol and drug for violations of the Maryland Professional Counselors and Therapists Act (the "Act"), codified at Md. Code Ann., Health Occ. II ("H.O.") § 17-101 et seq. (2014 Repl. Vol. & 2016 *Supp.*).

A Case Resolution Conference ("**CRC**") was held in this matter before a Board committee on June 13, 2017. The Respondent represented by counsel, and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of negotiations at the CRC the parties agreed to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

The pertinent provisions of the Act are as follows:

§17-406. Practicing without- license or certification — alcohol and drug counselors.

- (a) (1) In this section the following words have the meanings indicated.
 - (2) "Approved alcohol and drug supervisor" means:
 - (i) A certified professional counselor—alcohol and drug;
 - (ii) A licensed clinical alcohol and drug counselor; or
 - (iii) A health care provider licensed or certified under this article with documented expertise in alcohol and drug counseling, as approved by the Board.
 - (3) "Under the supervision of an approved alcohol and drug supervisor" means engaging in an ongoing process that includes direct, on—site, face—to—face, individual or group meetings with an approved alcohol and drug supervisor focused on quality of delivery of alcohol and drug counseling services and improvement of counseling skills for a minimum of 1 documented hour for each 40.-hour workweek but not less than 2 documented hours per month for less than a 40—hour workweek.
- (b) (1) An individual may practice clinical alcohol and drug counseling without a license for a limited period of time, as determined by the Board, if the individual is working as a trainee under the supervision of an approved alcohol and drug supervisor while fulfilling the experiential or course of study requirements under § 17-302 of this title or § 17-403 or § 17-404 of this subtitle.
 - (2) An individual may practice alcohol and drug counseling without certification for a limited period of time, as determined by the Board, if the individual is working as

a trainee under the supervision of an approved alcohol and drug supervisor while fulfilling the experiential or course of study requirements under § 17-302 of this title or § 17-403 or § 17-404 of this subtitle

HO § 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 the applicant, licensee, or certificate holder:

- (8) Violates the code of ethics adopted by the Board;
- (9) Knowingly violates any provision of this title;
- (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;

Further, Respondent is charged with violating the Board's corresponding regulations under Code of Md. Regs. ("COMAR") tit. 10 § 58.03., as indicated below in relevant part:

.03 Professional Competence.

- A. A counselor shall:
 - (1) Practice only within the boundaries of a counselor's competence, based on education, training, supervised experience, and professional credentials[.]

.04 Ethical Responsibility.

A. A counselor shall:

- (11) Be familiar with and adhere to this chapter[.]

COMAR tit. 10 § 58.12.

.06 Supervisors - Qualifications and Responsibilities.

A. Before providing supervision to a supervisee, a supervisor shall:

- (1) Be:
 - (a) Licensed by the Board as a:
 - (i) Clinical professional counselor;
 - (ii) Clinical marriage and family therapist; or
 - (iii) Clinical alcohol and drug counselor; or
 - (b) A licensed mental health care provider as defined in Regulation .02B(4) of this chapter;
- (2) File with the Board the supervisor approval form and provide the supervisee with a copy of this form;
- (3) Have a license that is unencumbered and without restrictions or conditions due to disciplinary action for the 2 years preceding the application for approved supervisor status;
- (4) Be approved as a supervisor by the Board;
- (5) Have completed:
 - (a) 2 years of active clinical practice experience in professional counseling, marriage and

family therapy, or alcohol and drug counseling after obtaining a license as a:

- (i) Clinical professional counselor;
 - (ii) Clinical marriage and family therapist; or
 - (iii) Clinical alcohol and drug counselor, or
- (b) 2 years of active clinical practice experience as a professional counselor, marriage and family therapist or alcohol and drug counselor licensed or certified in another state, territory, or jurisdiction that has requirements that are equivalent to or exceed the requirements of Health Occupations Article, §17-302, 17-303, or 17-304, Annotated Code of Maryland; and
- (6) Have completed one of the following education and training experiences not later than December 31, 2015:
- (a) 2 years of documented experience providing counselor supervision;
 - (b) At least 3 semester credit hours of graduate-level academic coursework that includes counseling supervision;
 - (c) A Board-approved continuing education program in counseling supervision, that includes a minimum of 18 direct clock hours with the trainer or trainers;
 - (d) The National Board of Certified Counselors (NBCC) Approved Clinical Supervisor (ACS) credential; or
 - (e) Supervision training as defined in Regulation .02B(9)(a) and (b).

FINDINGS OF FACT

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. At all times, relevant to the charges, the Respondent was employed at an alcohol and drug counseling facility ("Facility A") in the State of Maryland.

2. The Respondent was originally issued a license to practice as a CAC-AD in the State of Maryland on November 3, 2014; the Respondent was licensed as a supervisor on January 11, 2017.

3. The Respondent is the Clinical Director of Facility A, and he currently supervises staff and provides group therapy services for clients.

4. The Board initiated an investigation after receiving a Complaint dated February 4, 2015, from a Complainant, hereinafter, "Witness A," who alleged that the Respondent was providing individual and group counseling to clients and supervising other counselors without a supervisor's license.

5. According to Witness A, the Respondent was identified as a Clinical Director, in official communications from Facility A, and Witness A

reported extensive interaction with the Respondent, whom she states was functioning as a supervisor.

6. The Respondent states he did not consider himself a clinical supervisor and his duties were mostly administrative. He stated that in his administrative capacity he participated in performance evaluations and observed some counseling sessions, but that the clinical supervision was provided by other staff members who were certified as supervisors.

7. In furtherance of the investigation on or about March 3, 2015, Board staff issued a subpoena to Facility A requesting personnel records for the Respondent, including but not limited to supervision; clinical supervision; performance; disciplinary; termination records; and case logs identifying client/patient appointments and/or any group sessions during the past 120 days.

8. On or about March 13, 2015, the Board received a Response from The Director of Facility A, hereinafter Witness B. Witness B admitted in the letter that the Respondent had been allowed to facilitate group therapy sessions before Respondent received his CAC-AD license from the Board. Witness B stated:

Mr. Semanco holds a Master of Science in Human Services with an emphasis in Addiction Treatment, which we feel makes him more than qualified to provide education to our clients. Prior to receiving his Maryland CAC-AD licensure in November 2014, he did a limited number of educational groups as a part of our interview and onboarding process to ensure that he was going to be a good fit clinically for our facility.

9. Witness B attached a roster of group counseling sessions facilitated by the Respondent, beginning in October 2014, and ending in November 2014.

10. Board staff issued a Subpoena Ad Testificandum on February 16, 2016, requiring the Respondent to report to the Board on March 1, 2016. The Respondent failed to appear. The Respondent contends he did not receive notice of the subpoena and did not knowingly fail to appear. Furthermore, Respondent believed these calls were in reference to a complaint he had filed with the Board and in which he was fully cooperating with that investigation

11. Respondent acknowledges that he did not meet with Board staff to discuss the allegations in the Complaint, but states he incorrectly assumed the investigation had been closed.

12. After issuing the subpoena Board staff attempted to contact the Respondent to arrange an interview by leaving messages at his place of

work. The Respondent answered one phone call from a Board staff member, but insisted that he did not have time to talk.

13. The Respondent states he recalls receiving a phone call and telephone messages from a Board staff member, but did not realize that the Board was attempting to contact him about a disciplinary matter involving the complaint filed against him with the Board.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board assumes as a matter of law that the Respondent violated the following statutes and regulations:

- (a) H.O. § 17-406;
- (b) HO: 17-509 (8);
- (c) H.O. 17-509 (9);
- (d) H.O. 17-509 (13);
- (e) H.O. 17-509 (16);
- (f) COMAR tit. 10 § 58.03.03A (1);
- (g) COMAR tit.10 § 58.03.04A (11); and
- (h) COMAR tit.10 § 58.123.06A.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law,

it is this _____ day of _____ 2017, by a majority of the quorum of the Board considering this case hereby:

ORDERED that effective the date of this Consent Order, the Respondent shall:

1. Complete a Board-Approved Continuing Education Course in ethics for alcohol and drug counselors within one year of the effective date of the Order:

(a) The course required under this Consent Order shall not count towards the courses required to maintain the Respondent's license in Maryland;

(b) The Respondent shall submit the course description/syllabus to the Board for approval prior to enrolling in a course required under this Order. The Board reserves the right to require the Respondent to provide further information regarding the course he proposes, and further reserves the right to reject the proposed course and require submission of an alternative proposal.

(c) The Board will approve a course only if it deems the curriculum and the duration of the course to be adequate to fulfill the Respondent's requirements under this Order. The Respondent shall be responsible for all costs incurred in fulfilling the course requirements and for submitting to the Board written documentary proof of his successful completion of the course;

The course completed under this Order cannot be used to satisfy the continuing education requirements for the applicable licensure renewal period; and The Respondent is responsible for ensuring that he completes the required course in a timely manner.

BE IT FURTHER ORDERED that the Respondent's failure to comply with any of the conditions of this Consent Order in a timely manner as set out above, shall be considered 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 probationary terms and conditions, reprimand, suspension, revocation and 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; 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 is a **PUBLIC DOCUMENT** pursuant to Md. General Provisions §§ 4-104 *et seq.* (2104).

October 20, 2017
Date

Risa Ganel, LCMFT
Risa Ganel, LCMFT
Chair
Board of Professional Counselors and
Therapists

CONSENT

I, David J. Semanco, CAC-AD, License No. AC2104_____, by affixing my signature hereto, acknowledge that

1. I am represented by counsel, Robert Cawood, Esquire, and I have consulted with counsel in this matter. I have knowingly and voluntarily agreed to enter 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.


2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Health Occ. I, Code Ann. § 4-315 (2014 Repl. Vol.) and Md. State Gov't II, Code Ann. §§ 10-201 *et seq.* (2014 Repl. Vol.).

3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have 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 as provided

by law. I am waiving those procedural and substantive protections.

4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.
5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice as dentist
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

8/31/17
Date


David J. Semanco
Respondent

NOTARY

STATE OF VIRGINIA

COUNTY OF FAIRFAX

I HEREBY CERTIFY that on this 31st day of August, 2017, before me, a Notary Public of the State and County aforesaid, personally appeared David J. Semanco, CAC-AD., License Number AC2014, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal:


Notary Public

My Commission expires: May 31, 2020

