

IN THE MATTER OF	*	BEFORE THE MARYLAND STATE
THOMAS DASCH, C.A.C.-A.D.	*	BOARD OF PROFESSIONAL
Respondent	*	COUNSELORS AND THERAPIST
Certificate Number: AC1837	*	Case No. 2012-55

\* \* \* \* \*

**CONSENT ORDER**

On March 12, 2014, the Maryland Board of Professional Counselors and Therapists ("the Board") issued a Notice of Charges Under the Maryland Professional Counselors Act (the "Charges") to **THOMAS DASCH, C.A.C.-A.D.** (the "**Respondent**"), **Certificate No.: AC1837**, based on alleged violations of the Maryland Professional Counselors and Therapists Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 17-101 *et seq.* (2009 Repl. Vol. and 2013 Supp.).

Based upon the allegations made in the Complaint and the Board's investigation, the Board charged the Respondent under the following provisions of the Act:

**H.O. § 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; to wit:  
 COMAR 10.58.03.04B A counselor may not: (2) Participate in dishonest, fraudulent, or deceitful activity in the capacity of a counselor;
- (9) Knowingly violates any provision of this title; to wit:

**H.O. § 17-401 Certification required; representations to public.**

(b) *Certified professional counselors and certified associate counselors - Alcohol and drug.* - (2) An individual shall be certified as a certified associate counselor-alcohol and drug by the Board before the individual may:

- (i) Use the title "certified associate counselor-alcohol and drug";
- (ii) Use the initials "C.A.C.-A.D." after the name of the individual;
- (iii) Represent to the public that the individual is certified as a certified associate counselor-alcohol and drug.

(16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

**H.O. § 17-603. Prohibited Acts - Certified alcohol and drug counseling, professional counseling, marriage and family counseling.**

Except as otherwise provided in this title, unless an individual is certified to practice alcohol and drug counseling, marriage and family therapy, or professional counseling, the individual may not:

- (1) Represent to the public by title, description of services, methods, or procedures, or otherwise, that the individual is certified by the Board to provide counseling or therapy services in this State;
- (2) Use any title, abbreviation, sign, card, or other representation that the individual is a . . . certified associate counselor-alcohol and drug . . . ; or
- (3) Use the title . . . "C.A.C.-A.D." . . . or the words "certified associate counselor-alcohol and drug" . . . with the intent to represent that the individual practices alcohol and drug counseling.

On May 21, 2014, a Case Resolution Conference was convened in this matter. After negotiations between the State and the Respondent, through counsel, the Respondent agreed to enter into this Consent Order, including Findings of Fact and Conclusions of Law, and sanction.

## FINDINGS OF FACT

The Board finds the following:

1. The Respondent was initially certified to practice as a Certified Associate Counselor - Alcohol and Drug ("C.A.C.-A.D.") on November 8, 2011. His license is current and scheduled to expire on January 31, 2015.

2. Prior to receiving his certification, the Respondent was an Alcohol and Drug Trainee ("trainee") until January 1, 2010 when his trainee status expired.

3. At all times relevant, the Respondent was employed at Facility A, a methadone treatment facility located in Frederick, Maryland.

4. On or about June 15, 2012, the Board received information from the Alcohol and Drug Abuse Administration ("ADAA") that a compliance review of Facility A revealed that Facility A employed three unlicensed individuals, including the Respondent, as counselors.

5. Thereafter, the Board initiated an investigation.

6. On or about March 11, 2011, the ADAA conducted a compliance review of Facility A. In a letter to the Program Director of Facility A, dated March 25, 2011, the ADAA provided the results of the compliance review.

7. According to the ADAA's Summary of Findings, it was revealed that "there were three individuals who were employed as counseling staff who had no certification, license or trainee status." The Respondent was one of the three individuals.

8. Further investigation revealed that the Respondent began working as a trainee counselor on April 4, 2005.

9. In January 2009, Facility A staff informed the Respondent that he could apply to the Board for an extension of his trainee status to enable the Respondent to finish his certification requirements.<sup>1</sup>

10. On January 1, 2010, the Respondent's trainee status expired.

11. According to a letter in the Respondent's personnel file, Facility A's Program Director instructed the Respondent's supervisor to inquire with the Board about an extension and to continue to sign off as supervising the Respondent's practice.<sup>2</sup>

12. The Respondent's request for an extension of his trainee status was denied on June 22, 2010 because he failed to provide evidence that he took any steps toward obtaining his certification during his five year trainee period. However, Facility A's director allowed the Respondent to continue working as a trainee.

13. The Respondent's personnel file contains an e-mail dated June 22, 2010 from a Board staff member in which the Respondent was notified that "without an alcohol and drug trainee letter, you are not authorize [*sic*] to work as an alcohol and drug trainee counselor."

14. Despite this knowledge, the Respondent continued to practice without a license from January 2, 2010 until approximately March 25, 2011.

15. In March 2011, ADAA's compliance review of Facility A brought the Respondent's expired status to the attention of Facility A's Executive Director, who removed the Respondent from all counseling duties and reassigned him to an information technology position.

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<sup>1</sup> Due to financial hardship, the Respondent was unable to afford to continue taking the required coursework necessary to complete his training.

<sup>2</sup> Facility A's Director signed off on the Respondent's supervision while the Respondent's supervisor was on maternity leave from January through March of 2011.

16. In November 2011, the Respondent completed his required coursework, obtained his CAC-AD certification and resumed counseling duties at Facility A.

17. The Respondent's conduct constitutes a violation of H.O. §§17-509(8) to wit: COMAR 10.58.03.04B(2); (9) to wit: H.O. § 17-401(b); and (16); as well as H.O. § 17-603.

### **CONCLUSIONS OF LAW**

18. Based on the foregoing Findings of Fact, the Board concluded that, if proven true, the factual allegations would support a finding as a matter of law that the Respondent violated H.O. §§17-509(8) to wit: COMAR 10.58.03.04B(2); (9) to wit: H.O. § 17-401(b); and (16); as well as H.O. § 17-603.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, and the agreed upon terms of the resolution of the Charges by consent, on this 17<sup>th</sup> day of July, 2014, by a majority of the full authorized membership of the Board considering this case, it is hereby

**ORDERED** that the Respondent's certificate is hereby **REPRIMANDED**; and it is further

**ORDERED** that within six (6) months of the date of this Consent Order, the Respondent shall pay a monetary fine in the amount of **\$1,500 (one thousand five hundred dollars)** to the Board; and it is further

**ORDERED** that within six (6) months of the date of this Consent Order the Respondent shall enroll in and successfully complete a Board-approved course on professional ethics. Final selection of the course will be made by the Board in

consultation with the Respondent. The Respondent is solely responsible for furnishing the Board with adequate written verification that he has successfully completed the course; and it is further

**ORDERED** the Respondent may not use any continuing education credits earned through taking the required course to fulfill any continuing education requirements that are mandated for licensure renewal in this State;

**ORDERED** that if the Respondent violates any of the terms and conditions of Probation and this Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case, including a probationary term and conditions of probation, reprimand, suspension, lifting the stay of suspension, revocation and/or a monetary penalty, said allegations of violation of the terms and condition of this Consent Order shall be proven by a preponderance of the evidence; and it is further

**ORDERED** that the Respondent is solely 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. State Gov't Code Ann. §§ 10-611 et seq. (2009 Repl. Vol. and 2013 Supp.), and is reportable to any entity to which the Board is obligated to report.

7/17/2014  
Date

Carol A. Deel, PhD  
Carol A. Deel, LCMFT, LCPC, Board Chair  
Maryland Board of Professional Counselors  
and Therapists

**CONSENT**

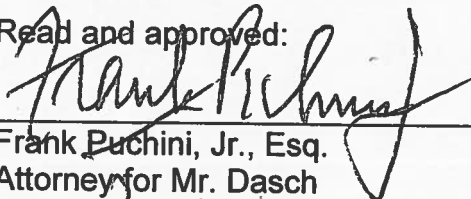
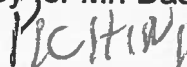
I, Thomas Dasch, acknowledge that I have consulted with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

6/24/13  
Date

  
Thomas Dasch, C.A.C.-A.D.

Read and approved:  
  
Frank Puchini, Jr., Esq.  
Attorney for Mr. Dasch  


**NOTARY**

**STATE OF MARYLAND**

**CITY/COUNTY OF Frederick :**

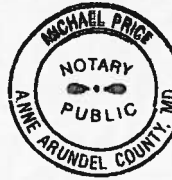
I HEREBY CERTIFY that on this 24 day of June, 2014, before me, a Notary Public of the foregoing State personally appeared Thomas Dasch, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.



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Notary Public

My Commission Expires: 6/28/2015



Michael Price  
NOTARY PUBLIC  
Anne Arundel County  
State of Maryland  
My Commission Expires  
6/28/2015