

<p>IN THE MATTER OF</p> <p>ADRIAN A. MILBURN, TRAINEE</p> <p>Respondent</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE BOARD OF</p> <p>PROFESSIONAL</p> <p>COUNSELORS AND</p> <p>THERAPISTS</p> <p>CASE NO. 2013-16</p>
<p>* * * * *</p>		

FINAL ORDER TO RESCIND TRAINEE STATUS

On Friday January 16, 2015, the Maryland Board of Professional Counselors and Therapists (the "Board") notified Alcohol and Drug Trainee, Adrian Milburn (the "Respondent"), of the Board's intent to rescind his trainee status to practice alcohol and drug counseling under the supervision of an approved alcohol and drug supervisor pursuant to the Professional Counselors and Therapists Act (the "Act"), for violations of the Act, codified at Md. Code Ann., Health Occ. ("H.O.") § 17-101 *et seq.* (2009 Repl. Vol., 2013 Supp.)

The pertinent provisions of the Act under H.O. § 17-101 are as follows:

H.O. § 17-205. Powers and duties.

(b) Additional duties. ----- In addition to the duties set forth elsewhere in this title, the Board shall:

(3) Adopt a code of ethics that the Board considers to be appropriate and applicable to the counselors or therapists currently licensed or certified by the Board and all individuals currently working as trainees in accordance with § 17-406(b) of this title.

H.O. § 17-406. Practicing without license or certification – alcohol and drug counselors.

(b) Permitted under certain conditions. ----

(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.

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;
- (9) Knowingly violates any provision of this title;
- (13) Violates any rule or regulation adopted by the Board.

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

.04 Ethical Responsibility.

A. A counselor shall:

- (11) Be familiar with and adhere to this chapter;
- (14) Take reasonable precautions to protect clients from physical or psychological trauma.

B. A counselor may not:

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

.05 The Counseling Relationship.

A. Client Welfare and Rights.

- (2) A counselor may not:

- (a) Place or participate in placing clients in positions that may result in damaging the interests and the welfare of clients, employees, employers, or the public;
- (d) Foster dependent counseling relationships.

B. Dual Relationships.

- (1) A counselor shall:
 - (a) Avoid dual relationships with clients; and
- (2) A counselor may not:
 - (a) Exploit trust and dependency in relationships with supervisees, employees, research participants, students, or volunteers.

.09 Sexual Misconduct.

- A. A counselor may not engage in sexual misconduct with a client or supervisee. Sexual misconduct includes but is not limited to:
 - (1) Inappropriate sexual language;
 - (2) Sexual exploitation;
 - (3) Sexual harassment;
 - (4) Sexual behavior; and
 - (5) Therapeutic deception.
- B. Concurrent Sexual Relationships. A counselor may not engage in either consensual or forced sexual behavior with:
 - (1) A client;
 - (3) An individual with whom the client has a close personal relationship, including but not limited to a relative or significant individual in the client's life, if there is a risk of exploitation or potential harm to the client.
- C. Relationship with Former Clients.

- (1) Except as set forth in §C(3) of this regulation, a counselor may not engage in sexual behavior with a former client.
 - (2) A counselor may not terminate professional services or a professional relationship with a client in order to enter into a nonprofessional, social, or sexual relationship with a client or an individual with whom a client has a close personal relationship.
- D. **Prior Sexual Relationships.** A counselor may not provide professional services to an individual with whom a counselor has previously engaged in sexual behavior.
- F. **Therapeutic Deception.** A counselor may not:
- (1) Engage in sexual activity with a client or an individual in a close personal relationship with a client, on the pretense of therapeutic intent or benefit;
 - (2) Represent to a client or individual in close personal contact with a client that sexual contact or activity by or with a counselor is consistent with or part of a client's therapy; or
 - (3) Suggest, recommend, or encourage a client to engage in a sexually provocative act, including but not limited to:
 - (a) Sexual contact with a counselor;
 - (b) Genital stimulation by or of a client or counselor;
 - (c) Undressing, by or of a counselor in the presence of a client, or of a client in the presence of a counselor.

FINDINGS OF FACT

The Board rescinds the Respondent's trainee status based on the following facts that the Board has reason to believe are true:

1. At all times relevant to the charges, Adrian Milburn, the Respondent was an Alcohol Drug Trainee ("AD Trainee") practicing alcohol and drug counseling under the supervision of an approved alcohol and drug supervisor while fulfilling the Act's experiential or course of study requirements. Md. Code Ann., § H.O. 17-406 (b)(2).

2. In or about January 2011, the Respondent was granted Trainee authorization by the Board; the authorization expires on January 31, 2016.

3. At all times relevant to the charges, the Respondent was employed as an AD Trainee at Facility A.¹

4. The Board received a Complaint (the "Complaint") from a Client, "Client A,"² who received services at Facility A. Client A complained that while she was a Client at Facility A she had a sexual relationship with the Respondent.

5. The Board initiated an investigation after receiving the Complaint.

6. The Board's investigation included, but was not limited to, conducting witness interviews, conducting interviews with Client A and the Respondent, and reviewing client treatment records.

7. On or about August 8, 2013, Board staff interviewed Client A. She stated that she was in the inpatient program at Facility A in 2012, and that the Respondent was a counselor, who provided group therapy for a group that she attended.

8. Client A stated that in or about May 2012, she was allowed off restriction and permitted to leave the inpatient program at Facility A, and that she began a sexual relationship with the Respondent. She reported that she frequently stayed at the Respondent's apartment and that he purchased her clothes and a cell phone, and paid bail money after she was arrested on an outstanding warrant.

¹ The name of Facility A is not included in this document, in order to protect the privacy of the Facility. This information will be made available to the Respondent upon request.

² The name of Client A and other witnesses are not included in this document in order to protect the privacy of Client A and other witnesses. This information will be made available to the Respondent upon request.

9. She reported that she and the Respondent took a trip to Atlantic City and attended various social functions together. She provided Board Staff with photographs that she had taken with the Respondent during these social activities.

10. Client A stated that she left the program at Facility A, because she did not want the Respondent to get in trouble if their relationship was discovered.

11. Client A stated that her relationship with the Respondent ended after she discovered that he was romantically involved with other clients that he counseled. She stated that her relationship with the Respondent continued for approximately a year and a half.

12. Client A reported that she experienced relapse subsequent to the termination of her relationship with the Respondent.

13. Board staff interviewed the Respondent regarding the allegations of Client A on or about October 10, 2013.

14. The Respondent stated that he and Client A socialized together before she became a client at Facility A. He denied that he had a sexual relationship with Client A. He admitted that he and Client A attended a Narcotics Anonymous (NA) social event, where pictures were taken of the two of them together, but denies that they were ever a couple.

15. The Respondent admitted that he and Client A took pictures together at a party given by one of his relatives, but he claimed this was only because Client A was well acquainted with his family members, had social contact with family members and was included as a guest at some family social functions.

16. The Respondent also stated that he and Client A took pictures together in Atlantic City. He states, however, that they traveled to Atlantic City separately, and their meeting was unplanned.

17. The Respondent admitted that he signed paperwork to help Client A make bail after her arrest on an outstanding criminal warrant, but denied that he assumed any financial obligation.

18. The Respondent's supervisor ("Witness A"), provided documentation to the Board that he received a report in or about December 2012, that two women who had a history of receiving services at Facility A argued over the Respondent at a NA public event, both claiming to be involved in a relationship with the Respondent.

19. According to Witness A, the Respondent admitted that one woman was a prior acquaintance, and that he knew the other woman because she lived in his neighborhood and they sometimes rode the same bus. He denied that he had an inappropriate relationship with either woman.

20. The supervisor, however, informed the Board that he requested the Respondent's resignation, because the Respondent had some level of involvement with the women and was present during the argument.

21. On or about December 7, 2012, the Respondent submitted a letter of resignation to Facility A.

22. The Board's investigation determined that there was cause to believe that the Respondent engaged in an inappropriate sexual relationship with Client A.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provisions of the Act and Regulations:

H.O. § 17-509 (8), (9), and (13); COMAR tit.10 § 58.03.04A (11), (14); tit. 10 § 58.03.04B (3); tit.10 § 58.03.05A (2), (a), (d); tit. 10 § 58.03.05B (1), (a), and 2 (a); tit. 10 § 58.03.09A (1), (2), (3); (4),(5); tit. 10 § 58.03.09B (1), (3); tit. 10 § 58.03.09C (1) and (2); tit.10 § 58.03.09D; tit.10 § 58.03.09F (1), (2), (3)(a), (b), and (c).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of January, 2015, by a majority of the quorum of the Board hereby:

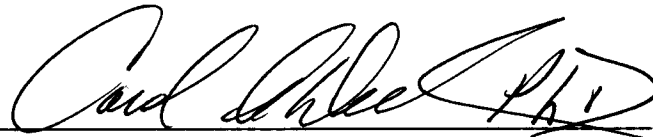
ORDERED that the Respondent's trainee status to practice alcohol and drug counseling under the supervision of an approved alcohol and drug supervisor in the State of Maryland is hereby **RESCINDED**; and it is further

ORDERED that for the purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617 (h) (2009 Repl. Vol. and 2013 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2009 Repl. Vol. and 2013 Supp.).

1-16-2015

Date



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