

IN THE MATTER OF

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BEFORE THE

KENYA DAVIS

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MARYLAND BOARD

Certificate # SC1739

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OF PROFESSIONAL COUNSELORS

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AND THERAPISTS

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FINAL DECISION AND ORDER OF REVOCATION

I. PROCEDURAL BACKGROUND

On or about March 25, 2011, the Maryland Board of Professional Counselors and Therapists (the "Board") received a complaint regarding Kenya Davis, (the "Respondent"). As a result of this complaint, the Board initiated an investigation. During the course of the investigation, it was discovered that Respondent had fraudulently billed patients and their insurers for services not rendered and had failed to notify Employer A and the Board of pending criminal charges. Based on the information provided to the Board during the investigation, by letter to Respondent dated May 2, 2013 (the "Charges"), the Board charged the Respondent with violations of the Professional Counselors and Therapists Practice Act, specifically Md. Code Ann., Health Occ. Art. ("H.O.") § 17-509:

- (6) Willfully makes or files a false report or record in the practice of counseling or therapy;
- (9) Knowingly violates any provision of this title'
- (12) Submits a false statement to collect a fee;
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy;

The Charges also notified the Respondent of her opportunity to request an evidentiary hearing before the Board regarding the Board's Charges against her. The Charges further

advised that if the Respondent failed to request a hearing with thirty (30) days of the date of the Charges, the Board would deem that the Respondent waived her right to a hearing. The Charges advised that in the event of such a waiver, the Board would issue a default order pursuant to section 10-210(4) of the Administrative Procedure Act, Md. State Gov't Code Ann., §§ 10-201, *et seq.*, wherein the Board could, pursuant to H.O. § 17-509, sanction the Respondent's certificate. The Respondent failed to request a hearing. On November 15, 2013, a quorum of the Board was present and a hearing was held. Natasha Wesker, administrative prosecutor, presented the case on behalf of the State of Maryland.

SUMMARY OF THE EVIDENCE

A. Documents

The following documents were admitted into evidence.

- State's Exhibit No. 1 - Complaint filed by Beth Jones
- State's Exhibit No. 2 - Employment Records
- State's Exhibit No. 3 - Client Billing Records
- State's Exhibit No. 4 - Annual Criminal History Check Affidavit and Statement of Respondent
- State's Exhibit No. 5 - Interview with Respondent, May 17, 2011
- State's Exhibit No. 6 - Settlement Agreement, dated June 3, 2011
- State's Exhibit No. 7 - Statement of Charges
- State's Exhibit No. 8 - Licensure Profile
- State's Exhibit No. 9 - Report of Investigation
- State's Exhibit No. 10 - Notice of Charges, dated January 18, 2013
- State's Exhibit No. 11 - Returned mailing envelope, February 19, 2013
- State's Exhibit No. 12 - Notice of Charges, dated May 2, 2013

- State's Exhibit No. 13 - Returned mailing envelope, dated May 28, 2013
- State's Exhibit No. 14 - Notice of hearing (with charges attached), dated October 21, 2013
- State's Exhibit No. 15 - Returned envelope, dated November 11, 2013

II. FINDINGS OF FACT

The Board makes the following findings of fact based upon the entirety of the record:

1. At all times relevant, the Respondent was certified to practice as a Certified Supervised Counselor-Alcohol and Drug ("CSC-AD"). Her certification expired on January 31, 2012.
2. On or about March 25, 2011, the Board received a complaint regarding the billing practices and pending criminal charges of Respondent.
3. During the course of the investigation initiated by the aforementioned complaint, it was discovered that Respondent failed to inform her employer of pending criminal charges on her yearly employment statement, as required, and had improperly billed patients.
4. On March 30, 2011, Respondent signed an Annual Criminal History Check Affidavit and stated that she had knowledge of pending criminal charges. Respondent admitted to failing to properly inform her employer of these charges on her yearly employment statement and stated that she was unaware of the requirement to report pending criminal charges to her employer. (State's Ex. 4 and 5)
5. Copies of client billing records illustrate that Respondent had billed patients for sixty minute counseling sessions that had not occurred. The records reveal that these patients received urine tests and not counseling. (State's Ex. 2)
6. Based on the foregoing, the Board finds that Respondent knowingly failed to inform her employer of pending criminal charges on her yearly employment statement, as

required by her employer, and which clearly involves is an act of immoral or unprofessional conduct in the practice of nonclinical counseling or therapy, in violation of § 17-509 (16) of the Professional Counselors and Therapists Practice Act. The Board also finds that the Respondent fraudulently billed her clients for counseling sessions that did not occur, thereby submitting a false statement to collect a fee and willfully filing a false report or record in the practice of counseling or therapy, a violation of § 17-509 (6), (9) and (12) of the Professional Counselors and Therapists Practice Act.

7. The Board finds that the Respondent's actions merit the sanction of a revocation.

III. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. §17-509 (6), (9), (12) and (16).

- (6) Willfully makes or files a false report or record in the practice of counseling or therapy;
- (9) Knowingly violates any provision of this title'
- (12) Submits a false statement to collect a fee;
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy;

IV. ORDER

Based upon the forgoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the certificate of Kenya Davis (the "Respondent"), Certificate Number **SC1739**, to practice as a supervised counselor in alcohol and drug in the State of Maryland is hereby **REVOKED**; and be it further

ORDERED that this document is a **PUBLIC DOCUMENT** under Md. State Gov't Code Ann., § § 10-611, *et seq.* (2009 Repl. Vol.).

12/20/2013
Date



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

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Code Ann., Health Occ. § 8-6A-10(a) may take direct judicial appeal within thirty (30) days as provided by Md. Health Occ. Code Ann. § 8-318, Md. State Gov't Code Ann. § 10-222 and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").