

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>NINA DILLENBECK, CAC-AD, LGPC</b>	*	<b>STATE BOARD OF PROFESSIONAL</b>
<b>Respondent</b>	*	<b>COUNSELORS AND THERAPISTS</b>
<b>Certification No.: AC1186;</b>	*	
<b>License No.: LGP4551</b>	*	<b>Case No.: 2012-53</b>
* * * * *		

**CONSENT ORDER**

On or about July 1, 2014, the Maryland State Board of Professional Counselors and Therapists (the "Board") issued *Charges Under the Maryland Professional Counselors and Therapists Act* (the "Charges") against **NINA DILLENBECK, CAC-AD, LGPC** (the "Respondent") (D.O.B. 1/23/1952), alleging violations of the Maryland Professional Counselors and Therapists Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 17-101 *et seq.* (2009 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

§ 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 Trainee A, licensee, or certificate holder:

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

On October 30, 2014, a Case Resolution Conference was held before a committee of the Board. As a resolution of the case, 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 finds the following facts.

#### **I. Background**

1. The Respondent was originally certified to practice as a Certified Associate Counselor – Alcohol and Drug (CAC-AD) in the State of Maryland on May 3, 2007, Certificate Number AC1186. The Respondent's certificate is current through January 31, 2015. In addition, the Respondent was originally licensed to practice as a Licensed Graduate Professional Counselor (LGPC) in the State of Maryland on July 26, 2012, and her license is current through July 31, 2016.

2. At all times relevant hereto, the Respondent was employed by a county health department in Maryland (the "Department") and worked in a Department substance abuse treatment program (the "Program") at an adult detention center ("Facility A").<sup>1</sup> The Respondent's duties included providing alcohol and drug counseling services to inmates selected for inclusion in the Program.

#### **II. Complaint**

3. On or about May 29, 2012, the Board received a written complaint (the "Complaint") from the director of the Program (the "Complainant"), regarding an incident

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<sup>1</sup> For confidentiality purposes, the names of individuals, patients, clients, and facilities are not disclosed in this document.

that involved an allegation that the Respondent had failed to use good professional judgment by confronting an agitated client.

4. According to the Complaint, on or about March 29, 2012, the Respondent had had a disagreement with an inmate (the "Client") during a group counseling session in a locked cell block of approximately 24 inmates. Following the group counseling session, the manner in which the Respondent engaged the client fell below professional standards.

5. Based on the Complaint, the Board opened an investigation of the Respondent.

#### Video Recordings

6. Facility A produced video recordings showing the incident. Although the quality of the recordings is somewhat poor, they capture the entire group session and continue until the Respondent left the cell block. They do not contain audio. The following is a summary of the video recording.

7. The Respondent enters R-Block, a large windowless concrete room ringed with doors to approximately 12 cells. The inmates, including the Client, sit on plastic chairs in a circle.

8. The Respondent sits outside the circle at a metal table near the door and begins the session. The inmates pass around a clipboard, apparently signing an attendance log.

9. The Client wears a gray T-shirt, instead of the red and white striped uniform the others wear. For the entire group session, except when signing the attendance log, the Client keeps his arms crossed inside his shirt. At least one other inmate also puts his arms inside his shirt. During most of the group session, the Client appears unengaged.

At approximately 8:08 a.m., Facility A officers enter the room, and the group breaks up. The inmates, including the Client, stack their chairs neatly against one wall and return to their cells. The officers appear to conduct a head count, going cell to cell.

10. Following the head count, the officers exit, and the inmates mill around the common room. The Client walks to the telephone and sits down. At this time, the Respondent is standing with her back to the telephone, speaking with another inmate. A trash can sits between the Client and the Respondent. The Client picks up the receiver and places a phone call.

11. At approximately 8:11 a.m., the Respondent turns, walks to the locked door near where the Client is seated, and addresses him. The Client looks up at the Respondent and puts the telephone receiver down against his left knee. The receiver appears to be tethered to the telephone by a standard metal cord. He shifts in his chair several times, and the two appear to have an uncomfortable conversation.

12. After approximately one minute, the Respondent exits the room. The Client continues to shift in his chair several times after the Respondent has exited the room.

#### The Audio Recording

13. The Board also obtained an audio recording relevant to alleged incident. The audio recording was created by Facility A and records the telephone call the Client placed after the group session ended, and some of the Client's words directed at the Respondent.

14. The following is a summary of the relevant parts of the audio recording.

15. The call begins with the Client greeting his wife in a calm tone. However, within seconds, the conversation is interrupted by the Respondent. The Respondent's words are not audible, but the Client responds,

"How was I inappropriate? I was being honest. [Then, to his wife:] Excuse me. [The Respondent speaks.] I was being very honest with you. Rigorously honest, that's what you asked for. Can't I be honest about my feelings? [The Respondent speaks.] I can't? I cannot? Who can tell me I can't be honest about my feelings? [The Respondent speaks.] Well, you can't tell me about my feelings. You're not going to tell me about my feelings. You cannot. Okay. [The Respondent speaks.] Yes you did. You said I couldn't be honest because I told you how I felt. That's what you said. [The Respondent speaks.] What?"

16. At this point, the conversation with the Respondent ends; the door unlocks and the Respondent leaves the cell block.

#### **CONCLUSIONS OF LAW**

17. The Board concludes as a matter of law that the Respondent's conduct, including approaching and engaging a client who was known to be in an agitated state, constitutes violations of the Act, as cited above, including:

- a. Committing an act of . . . unprofessional conduct in the practice of clinical or nonclinical counseling or therapy, in violation of Health Occ. § 17-509(16).

#### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is by a majority of the Board considering this case hereby:

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

**ORDERED** that the Respondent shall fully and satisfactorily comply with the following terms:

- i. Within **eighteen (18) months** of the effective date of this Consent Order, the Respondent shall, at her own expense, successfully complete a **BOARD-APPROVED COURSE**, equivalent to three (3) graduate credits, focusing on counseling ethics and shall submit written verification that satisfies the Board of the successful completion of the course within 30 days of completion of the course. The course may be an online/internet course, provided that it otherwise merits Board approval;
- ii. The course mentioned above shall be of the kind ordinarily worth forty-five (45) continuing education (CE) credits. However, upon completion, the Respondent shall receive instead twenty-five (25) CE credits;
- iii. For the period of **twelve (12) months** commencing on the effective date of this Consent Order, the Respondent shall, at her own expense, engage in therapy with a Board-approved therapist in good standing with the Board, who shall submit monthly reports to the Board. Prior to beginning this therapy, the Respondent shall present to the therapist a copy of this Consent Order;
- iv. For the period of **twelve (12) months** commencing on the effective date of this Consent Order, the Respondent shall, at her own expense, receive supervision from a Board-approved supervisor in good standing with the Board, who shall submit quarterly reports to the Board. Prior to beginning this supervision, the Respondent shall present to the therapist a copy of this Consent Order; and
- v. The Respondent shall comply with the Act; and it is further

**ORDERED** that **twelve (12) months** from the effective date of this Consent Order, provided that the reports from her therapist and supervisor are satisfactory, as determined by the Board, the Respondent shall be eligible to apply for additional licensure or certification with the Board without limitation, and the Board will provide the Respondent with a letter of good standing.;

**ORDERED** that if the Respondent violates any term of this Consent Order, then the Board, in its discretion, after notice and opportunity for a show cause hearing, may

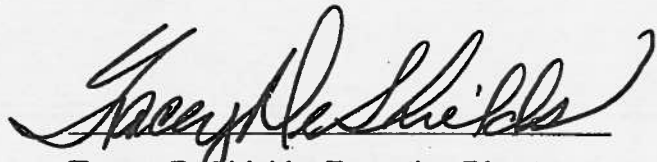
impose additional sanctions authorized under the Act, including suspension, probation, a monetary fine or revocation of the Respondent's license; and it is further

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

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provisions, § 4-101 *et seq.* (2014).

*April 10, 2015*

Date



Tracey DeShields, Executive Director  
Maryland State Board of Professional  
Counselors and Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215-2299  
Phone: 410-764-4732  
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**CONSENT**

1. By signing this Consent, I hereby affirm the findings of fact and conclusions of law contained herein and agree to be bound by this Consent Order.
2. By signing this Consent, I waive any rights I may have had to contest the findings and conclusions of this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

5. I sign this Consent Order knowingly and voluntarily, having had the opportunity to consult with legal counsel.

February 27, 2015  
Date

Nina Dillenbeck, CAC-AD, LGPC  
Nina Dillenbeck, CAC-AD, LGPC  
The Respondent

**NOTARY**

STATE OF Maryland

CITY/COUNTY OF Carroll

I HEREBY CERTIFY that on this 27 day of February,  
<sup>2015 JH</sup>  
~~2013~~; before me, a Notary Public of the foregoing State and City/County personally appeared Nina Dillenbeck, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal



Joseph A. Helou  
Notary Public

My commission expires: 3/22/18