

IN THE MATTER OF	*	BEFORE THE MARYLAND
JENNIFER N. HAMERSKY, LCPC	*	STATE BOARD OF PROFESSIONAL
Respondent	*	COUNSELORS AND THERAPISTS
License Number: LC3230	*	Case Number: 2016-63

* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland State Board of Professional Counselors and Therapists (the “Board”) hereby **SUMMARILY SUSPENDS** the license of **JENNIFER N. HAMERSKY, LCPC** (the “Respondent”), License Number LC3230, to practice as a licensed clinical professional counselor in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t II § 10-226(c)(2014 Repl. Vol.), concluding that the public health, safety or welfare imperatively requires emergency action. In addition, the Board takes such action pursuant to its authority under Md. Code Regs. (“COMAR”) § 10.58.04.10, concluding that there is substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe the following facts are true:¹

¹ The statements regarding the Board’s investigative findings are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice clinical professional counseling in the State of Maryland. The Respondent was originally licensed to practice clinical professional counseling in Maryland on July 30, 2009, under License Number LC3230. The Respondent's license is current until January 31, 2019.

2. At all times relevant hereto, the Respondent was employed as a mental health and substance abuse counselor at a counseling facility (the "Facility")² located in Anne Arundel County, Maryland. The Facility was under contract to provide mental health and substance abuse services for the United States Probation and Pretrial Services Office ("USPO"). The Respondent's responsibilities at the Facility included providing mental health and substance abuse services for USPO to pretrial offenders and supervised release defendants in the United States District Court for the District of Maryland.

3. On or about November 1, 2016, a psychologist (the "Complainant") licensed to practice psychology in Maryland telephoned a Board investigator and filed a written complaint with the Board reporting that one of his patients disclosed during a therapy session that he, the patient, had a sexual relationship with his court-appointed drug counselor, whom the Board investigator later identified as the Respondent. The patient further disclosed to the Complainant that the Respondent had had sexual relationships with her other clients as well.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and facilities referenced in this document by contacting the administrative prosecutor.

BOARD INVESTIGATION

4. In the course of the investigation, a special agent of the Federal Bureau of Investigation contacted the Board investigator and advised that he was investigating the Respondent for having violated federal offenses.

5. On or about March 16, 2017, a Federal Grand Jury for the District of Maryland issued a seven-count indictment (the "Indictment") against the Respondent in the United States District Court for the District of Maryland, captioned *United State of America v. Jennifer Hamersky*, Criminal Number JKB-17-0147. The indictment charged the Respondent with:

Count One (Conspiracy) - Between in or about October 2015, through in or about February 2017, the Respondent knowingly and willfully conspired to knowingly engage in misleading conduct toward another person with intent to hinder, delay or prevent the communication to a law enforcement officer or judge of the United States information relating to the commission or possible commission of a violation of conditions of release pending judicial proceedings, in violation of 18 U.S.C. § 1512(b)(3) and 18 U.S.C. § 371.

Counts Two through Four (Obstruction of Justice) - Between on or about March 14, 2016, and November 30, 2016, and in or about November 2016, the Respondent did knowingly engage in misleading conduct toward another person with intent to hinder, delay or prevent the communication to a law enforcement officer or judge of the United States information relating to the commission or possible commission of a violation of conditions of release pending judicial proceedings, in violation of 18 U.S.C. § 1512(b)(3).

Counts Five through Seven (False Document) - On or about November 30, 2016, and January 24, 2017, and in or about November 2016, the Respondent did knowingly and willfully make and use a false writing and document, knowing the same to contain a materially false, fictitious and fraudulent statement and entry in a matter within the jurisdiction of the judicial branch of the Government of the United States, in violation of 18 U.S.C. § 1001(a)(3).

6. The Indictment alleged that from September 2015 through February 2016, and then from August 2016 through February 2017, the Respondent served as the pretrial release substance abuse and mental health counselor for a client ("Client A"), who was under USPO monitoring. From around October 2015 through at least February 2016, while serving as Client A's counselor, the Respondent engaged in repeated sexual encounters and used narcotic drugs with Client A. Moreover, from February 2016 through May 2016, while Client A was incarcerated, the Respondent delivered various items, including a television, an XBox video game system, headphones, CDs and workout clothing, to Client A at the detention center for his use and benefit.

7. In or about August 2015, the Respondent conducted an initial substance abuse diagnostic assessment of another client ("Client B") pursuant to an order from the United States District Court for the District of Maryland. From around September 2015 through February 2016, Client B was subject to random urinalysis at the Facility pursuant to a court order. From around September 2016 to February 2017, the Respondent engaged in sexual relations with Client B.

8. The Indictment further alleged that while serving as Client A's mental health and substance abuse counselor, and with the assistance of Client B, the Respondent:

- A. Concealed Client A's use of narcotic drugs by advising Client A's USPO Officer that Client A was compliant with conditions of his release;

- B. Submitted false information and material omissions from Client A's monthly treatment reports to USPO stating that Client A had not use narcotic drugs when he did use narcotic drugs;
- C. Omitted material information from Client A's March 2016 mental health evaluation report in order to conceal Client A's use of narcotic drugs;
- D. Provided false reports and information to Client A's attorney for submission to a United States Magistrate Judge in order to obtain Client A's release from incarceration;
- E. Forged Client A's monthly urinalysis testing logs in order to make it appear that Client A participated in urinalysis testing when he did not;
- F. Mad false representations to the Facility's urinalysis collector regarding Client A's urinalysis testing requirements; and
- G. Made false representations to USPO officer that Client A had appeared for urinalysis tests when he did not.

CONCLUSIONS OF LAW

Based upon the foregoing Investigative Findings, the Board concludes as a matter of law that the public health, safety, or welfare imperatively requires the immediate suspension of the Respondent's license to practice clinical professional counseling in Maryland, pursuant to Md. Code Ann., State Gov't. II § 10-226(c)(2)(2014 Repl. Vol.).

In addition, the Board concludes as a matter of law that there is substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare, pursuant to COMAR § 10.58.04.10.

ORDER

It is this 19th day of May, 2017, by a majority of the Board considering this case:

ORDERED that pursuant to the authority vested in the Board by Md. Code Ann., State Gov't. II § 10-226(c)(2), the Respondent's license to practice as a licensed clinical professional counselor in the State of Maryland, License Number LC3230, is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN TEN (10) DAYS** of the date of this Order. The written request should be made to: Kimberly Link, Interim Executive Director, Maryland State Board of Professional Counselors and Therapists, 4201 Patterson Avenue, Baltimore, Maryland 21215, with copies mailed to: K. F. Michael Kao, Assistant Attorney General, Health Occupations Prosecution and Litigation Division, Office of the Attorney General, 300 West Preston Street, Suite 201, Baltimore, Maryland 21201, and Ari Elbaum, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201, and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation show cause hearing but fails to appear when scheduled, the Respondent's license will

remain **SUSPENDED**; and it is further

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board her original clinical professional counselor's license LC3230, wallet card, wall certificate or other official indicia of licensure; and it is further

ORDERED that this is an Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).



Carol A. Deel, LCMFT, LCPC
Board Chair
MD State Board of Professional Counselors
and Therapists