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| IN THE MATTER OF | * | BEFORE THE MARYLAND STATE |
| JESSICA E. JONES, CAC-AD | * | BOARD OF PROFESSIONAL |
| Respondent | * | COUNSELORS AND THERAPISTS |
| Certificate Number: AC2578 | * | Case Numbers: 2019-042 & 2019-043 |

* * * * *

FINAL ORDER

On or about March 13, 2020, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **JESSICA E. JONES, CAC-AD** (the “Respondent”), of the Board’s intent to revoke her certificate to practice as a Certified Associate Counselor – Alcohol and Drug (“CAC-AD”), under the Maryland Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

Specifically, the Board based its intent to revoke on the following provisions of the Act:

§ 17-509. Denial, probation, suspension or revocation of trainee status, license or certificate.

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 . . . place any trainee, licensee, or certificate holder on probation, reprimand any trainee, licensee, or certificate holder, or suspend, rescind, or revoke the status of any trainee, a license of any licensee, or a certificate of any certificate holder if the applicant, trainee, licensee, or certificate holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain trainee status, a license, or a certificate for the applicant, trainee, licensee, or certificate holder or for another;
- (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;
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

§ 17-403. Requirements for certified associate counselor -- Alcohol and drug.

- (a) *In general.* -- Except as provided in Section 17-405 of this subtitle, to qualify as a certified associate counselor-alcohol and drug, an applicant shall:
 - (4) Have completed any additional educational requirements established by the Board in regulation.

Pursuant to Health Occ. § 17-509(8) and (13), shown above, the Board also based its action on the following provisions of the Code of Ethics adopted by the Board, codified at Md. Code Regs. (“COMAR”) 10.58.03 *et seq.*, in particular:

COMAR 10.58.03.04

- (B) A counselor may not:
 - (2) Participate in dishonest, fraudulent, or deceitful activity in the capacity of a counselor[.]

COMAR 10.58.03.05

- (B) Dual Relationships.
 - (1) A counselor shall:
 - (a) Avoid dual relationships with clients[.]

Pursuant to Health Occ. § 17-509(13) and § 17-403(a)(4), shown above, the Board also based its action on the following provision of COMAR 10.58.07.06:

- C. To qualify for certification as a certified associate counselor — alcohol and drug (CAC—AD) an applicant shall:
 - (4) Complete a minimum of 33 semester credit hours or 50 quarter credit hours in alcohol and drug counselor

training from a regionally accredited institution including:

- (a) A 3 semester credit hour or 5 quarter credit hour course taken at a regionally accredited educational institution in each of the following:
 - (v) Ethics that includes alcohol and drug counseling issues; and

(10) Comply with:

- (a) Health Occupations Article, Title 17, Annotated Code of Maryland; and
- (b) The code of ethics as set forth in COMAR 10.58.03.

In its Notice, the Board informed the Respondent that she had the opportunity to request a hearing before the Board by submitting a request in writing to the Board's Executive Director within thirty days of service of this Notice. More than thirty days have elapsed since the service of the Notice on the Respondent, and the Respondent has not requested a hearing.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. BACKGROUND

1. On March 27, 2013, the Respondent was issued the status of Alcohol and Drug Trainee.¹ The Respondent's status expired on August 31, 2018.

¹ Pursuant to COMAR 10.58.07.08, Alcohol and Drug Trainee status is granted for 2 years, renewable in 2-year increments to a total of 6 years while the trainee is working towards obtaining the educational and supervised experiential requirement to obtain certification or licensure.

2. The Respondent submitted a Maryland Application for Certified Associate Counselor Alcohol and Drug dated February 26, 2018, where the Respondent reported that she completed a one credit course to fulfill the requirement for ethics with the focus on alcohol and drug.

3. By letter dated April 3, 2018, the Board notified the Respondent that she was ineligible for a CAC-AD at that time because she needed to complete a three credit course in alcohol and drug ethics or another human service counseling ethics course because her one credit ethics course was not sufficient.

4. On or about July 30, 2018, the Respondent submitted a transcript to the Board showing the Respondent completed a three credit ethics in human services course to fulfill the CAC-AD requirements.

5. On August 30, 2018, the Respondent was issued a certificate to practice as a CAC-AD in the State of Maryland under Certificate Number AC2578. The Respondent's certificate has a status of "Active" and expires on January 31, 2022.

II. COMPLAINT

6. On or about November 20, 2018, the Board received a complaint from a client (the "Client") alleging that the Respondent coerced her into doing coursework for an ethics course so that the Respondent could renew her certificate as a drug and alcohol counselor. The complaint also alleged the Respondent took inappropriate smoke breaks, engaged in other activities during the Client's counseling time, and disclosed other patients' legal issues to the Client.

7. On or about November 27, 2018, the Board received a complaint from an employer (the "Employer") alleging that the Respondent solicited a client to complete her ethics coursework and that the Respondent visited the client at the client's place of business, and engaged in treatment related discussions with clients outside the treatment center.

III. THE BOARD'S INVESTIGATION

8. As part of the Board's investigation the Board subpoenaed the Client's treatment records from the Employer, the Respondent's personnel records from the Employer, and conducted an interview of the Respondent.

9. A review of the personnel records from the Employer revealed on or about December 14, 2017, the Respondent was hired as a counselor by the Employer, an opioid maintenance treatment program that provides outpatient counseling.

10. On or about December 14, 2017, the Respondent signed a document from Employer titled Policy: Dual Relationships which stated:

I am acknowledging that I have been educated that it is an ethical violation and conflict of interest for employees to have relationships and/or social contact outside of the therapeutic/clinical setting. This includes phone calls, texting, socializing, emailing, etc. It is prohibited to engage in contact through social media sites that include, but are not limited to, Facebook, Instagram, Twitter, etc. I understand that any violation of this directive will result in disciplinary action and could result in immediate termination of employment. My signature below denotes that I have read and understand the above directive.

11. A review of the Employer's treatment records for the Client revealed the Respondent signed progress notes indicating the Respondent provided treatment to the Client from on or about January 31, 2018 to October 31, 2018.

12. On or about November 21, 2018, the Respondent's employment was terminated for "Gross Misconduct and Violations of Ethical Standards." The Employer's assessment was "that [the Respondent], without any other staff member [*sic*] knowledge, exploited the client-counselor relationship for her own personal benefit, and engaged in a dual relationship with this client."

13. On December 30, 2019, the Board's Investigator interviewed the Respondent under oath. During the interview, the Respondent stated the following:

(a) She completed a course at a University and then was granted her ADT status. After she renewed her ADT status the maximum number of allowable times, her Employer began "pushing" her to get her CAC-AD, however, the Board "hit me with this BS about taking this [ethics] class" to meet the requirements to obtain the CAC-AD and would not "freaking extend" the ADT status again, "which I don't believe was fair. . . . That's a bunch of crap that they did that. You know, that's not fair. You can't go back and tell somebody who's had their license for five, six years that they have to go and take another class now before they can take their test for their full license. . . . the fact that I even had to take the class was a bunch of crap."

- (b) She enrolled in an online ethics course to fulfill the requirements for her CAC-AD and the Client offered to take the course for the Respondent. She admitted she allowed the Client to “help” her with the course, and explained:

I mean, she was adamant about helping me with it, you know what I mean, and everything else. And I was doing it. And then [the Client’s] like, well, just send it to me so I can review it. And I’m like, okay, fine, I’ll send it to [the Client] to review it. Then me sending it to [the Client] to review it ended up to be [the Client] doing some of the assignments, you know. And that’s that, so.

- (c) The Respondent admitted she sent emails to the Client regarding her coursework and eventually gave the Client her username and password to log into her college account to access the Respondent’s coursework.
- (d) The Respondent further admitted that she visited the Client at the Client’s place of business “to get my book.”
- (e) The Respondent denied promising the Client anything in exchange for helping her with her coursework, however, the Respondent admitted she did give the Client money for completing the coursework and explained:

I went to get my book from her, you know, and she’s like, well – she’s like, you should just pay me for it. And I was like, aah, debatable, debatable. But then I was like, all right, whatever, you know. You did it. Sure, I’ll give you some loot for it. So, I have her – I don’t remember what I gave her. It wasn’t a ridiculous amount of money or anything like that. But the fact that she tried to take that to blackmail me is just kind of ironic[.]

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct as described above constitutes violations of the Act and a basis on which to revoke the Respondent's certificate to practice as a Certified Associate Counselor – Alcohol and Drug. Specifically:

The Respondent's conduct, as set forth above, constitutes violations of: Health Occ. § 17-509(1) (Fraudulently or deceptively obtains or attempts to obtain a trainee status, a license or a certificate for the applicant, trainee, licensee, or certificate holder or for another), Health Occ. § 17-509(8) (Violates the code of ethics adopted by the Board), Health Occ. § 17-509(9) (Knowingly violates any provision of this title), Health Occ. § 17-509(13) (Violates any rule or regulation adopted by the Board), Health Occ. § 17-509(16) (Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy), and Health Occ. § 17-403(a)(4) (to qualify as a certified associate counselor-alcohol and drug, an applicant shall have completed any additional educational requirements established by the Board in regulation) in that the Respondent violated COMAR 10.58.03.04 (B)(2), COMAR 10.58.03.05(B)(1)(a), COMAR 10.58.07.06(C)(4)(a)(v), and COMAR 10.58.07.06(C)(10)(a)-(b).

ORDER

Based on the foregoing, it is this 19th day of June 2020, by the Board hereby:

ORDERED that the Respondent's certificate to practice as a Certified Associate Counselor – Alcohol and Drug, is hereby **REVOKED**; and it is further

ORDERED that this is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2014).

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 17-512(b), the Respondent has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222; and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files an appeal, the Board is a party and should be served with the court's process at the following address:

Danielle M. Vallone, Acting Executive Director
Maryland State Board of Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215-2299
Phone: 410-764-4732
Fax: 410-358-1610

At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

June 19, 2020
Date



Jeffrey M. Galecki, MS, LCADC, LCPC
Board Chair
Maryland State Board of Professional
Counselors and Therapists

