

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>MALISSA BRUCE, CAC-AD</b>	*	<b>STATE BOARD OF PROFESSIONAL</b>
<b>Respondent/Applicant</b>	*	<b>COUNSELORS AND THERAPISTS</b>
<b>Certificate No. AC1120 (expired)</b>	*	<b>Case No. 2014-49</b>

\* \* \* \* \*

**FINAL ORDER OF REVOCATION OF CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG CERTIFICATE AND FINAL ORDER OF DENIAL OF CERTIFIED ASSOCIATE COUNSELOR-ALCOHOL AND DRUG CERTIFICATE**

**BACKGROUND**

On December 14, 2016, the State Board of Professional Counselors and Therapists (the "Board"), notified **MALISSA BRUCE** (the "Respondent"), of its Intent to Revoke her Certified Associate Counselor-Alcohol and Drug Certificate (CAC-AD) (expired) and to Deny the Applicant her application for a Certified Associate Counselor-Alcohol and Drug Certificate (CAC-AD). The Notice also informed the Respondent/Applicant that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed and the Respondent/Applicant failed to timely request a hearing. Therefore, this Revocation and Denial are final.

**FINDINGS OF FACT REGARDING THE NOTICE OF INTENT TO REVOKE**

The Board bases its decision to revoke the Respondent's (expired) CAC-AD certificate based on the following reasons which the Board has reason to believe are true:

The pertinent provision S.G. § 10-226 states:

(c) (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation; and
- (ii) an opportunity to be heard.

The pertinent provisions of § 17-509 of the Act state:

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 Respondent, 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 Respondent, licensee, or certificate holder:

- (6) Willfully makes or files a false report or record in the practice of counseling or therapy;
- (7) Makes a willful misrepresentation while counseling or providing therapy;
- (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 [;].

The Board further charges the Respondent with a violation of §17–504:

- (a)(1) A license or certificate expires on the date set by the Board, unless the license or certificate is renewed for an additional term as provided in this section.
- (2) A license or certificate may not be renewed for a term longer than 2 years.
- (d) Before the license or certificate expires, the licensee or certificate holder periodically may renew it for an additional 2–year term, if the licensee or certificate holder:
  - (1) Otherwise is entitled to be licensed or certified;
  - (2) Pays to the Board the renewal fee set by the Board;
  - (3) Submits to the Board a renewal application on the form that the Board requires; and
  - (4) Submits satisfactory evidence of compliance with any continuing education requirements as required by the Board for license or certificate renewal.

The Board additionally charges the Respondent with a violation of its regulations and follows: Code Md. Regs. (COMAR) tit.10 § 58.03 (2001).

.03 Professional Competence

A. A counselor shall:

- (3) Maintain qualifications to practice counseling, including meeting the continuing education requirements established by the Board.

.04 Ethical Responsibility

A. A counselor shall

- (11) Be familiar with and adhere to this chapter;

COMAR .10.58.07.06 Certified Associate Counselor-Alcohol and Drug

D. Renewal

- (3) An individual who fails to renew certification is not authorized to and may **not** practice alcohol and drug counseling. (Emphasis added).

E. Reinstatement

- (3) For any certified associate counselor — alcohol and drug whose certification has expired more than 5 calendar years before the request for reinstatement, a new application for certification shall be completed and the current certification requirements shall be met.
- (4) An individual who fails to reinstate certification is not authorized to and may not practice alcohol and drug counseling.

1. The Respondent worked in the psychiatry department of a hospital in Baltimore, Maryland, hereinafter, "Hospital A", as an addiction unit manager where she, *inter alia*, managed, planned, coordinated, and evaluated the delivery of addiction counseling services to patients.

2. The Respondent stated on her application that she earned 3,346 hours of supervised experience from January 4, 2010 through January 29, 2014, after her certificate

had expired years earlier.

3. Once Hospital A discovered, on January 29, 2014, that the Respondent did not have current certification, she was placed on administrative leave. After the Respondent was unable to renew her certificate, she was terminated from employment at Hospital A.

4. All of the above practice occurred while the Respondent was not authorized to practice because she had no valid certificate, since her certificate expired in 2005.

5. As set forth above, by practicing as a CAC-AD while her certificate was expired/non-renewed, the Respondent willfully filed false reports in the practice each time she signed her name as a CAC-AD to a patient record or to any other document while she was in the employ of Hospital A, thereby violating §17-509 (6), (7), (8), (9), (13) and (16); and §17-504 (a)(1) and (2)(d) (1-4). The Respondent violated the Code of Ethics in multiple ways, including, but not limited to: failing to maintain her continuing educational requirements that accompany renewal; participating in deceit and failing to renew, thereby violating the regulations of the Board set forth in COMAR 10.58.03.03.A (3); 04 (A) (11); COMAR 10.58.07.06 D, E (3) and (4) and COMAR 10.58.03.03.A (3); 04 (A) (11); COMAR 10.58.07.06 D, E (3) and (4).

#### **FACTS THAT WARRANT THE DENIAL OF THE APPLICATION**

The pertinent provisions of § 17-509 of the Act are as follows:

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 Respondent, 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 Respondent, licensee, or certificate holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the Respondent, licensee, or certificate holder or for another;

The Board also bases its denial on the following provision of its Act:

§17-403.

- (1) Be of good moral character;

1. On or about March 4, 2014, the Board received an application from the Respondent.

2. The Applicant attested on her application that she earned 3,346 hours of supervised experience from January 4, 2010 through January 29, 2014.

4. By correspondence dated April 4, 2014, the Board sent the Applicant a letter regarding her application stating, *inter alia*, the following:

- A. Education: The Applicant's continuing education units were not acceptable;

- B. The Applicant failed to indicate the specific dates of her supervised experience under her supervisor at Hospital A.

5. Inasmuch as the Applicant practiced at Hospital A on an expired/non-renewed certificate from January 1, 2006 until January 29, 2014, when she was terminated from her employment with Hospital A, her application should be denied.

6. The Applicant does not meet the supervisory requirements to obtain a new certificate, as all of her supervised hours were obtained while she was practicing on an expired/non-renewed certificate.

7. The Applicant lacks the good moral character to be certified to practice in Maryland pursuant to § 17-403(1).

8. The Applicant's attempt to use the hours of supervised practice earned while she was practicing illegally is deceptive and in violation of the Act, pursuant to §17-509(1) and § 17-403 (3).

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §17-509 (1), (6), (7), (8), (9), (13) and (16); §17-504 (a) (1) and (2) (d) (1-4); §17-403 (1) and COMAR 10.58.03.03.A (3); 04 (A) (11); COMAR 10.58.07.06 D, E (3) and (4) ; COMAR 10.58.03.03.A (3); 04 (A) (11); and COMAR 10.58.07.06 D, E (3) and (4).

**ORDER**

As set forth above, the Board hereby Orders that the Certificate to practice in Maryland as a Certified Associate Counselor-Alcohol and Drug (CAC-AD) is hereby **REVOKED**. The Board further Orders that the Application by **MALISSA BRUCE**, to practice in in Maryland as a Certified Associate Counselor-Alcohol and Drug (CAC-AD) be and is **DENIED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol.).

2-17-2017

Date



Carol A. Deel, Ph.D., LCPC, LCMFT,  
Chair  
State Board of Professional Counselors  
& Therapists