

IN THE MATTER OF

2014 NOV 10

BEFORE THE BOARD OF

JEAN MARIE RODDY, LCPC

*

PROFESSIONAL

LICENSE NO. LC2183

*

COUNSELORS AND

Respondent

*

THERAPISTS

*

CASE NO. 2012-21

* * * * *

CONSENT ORDER

The Maryland Board of Professional Counselors and Therapists (the "Board") charged Jean Marie Roddy ("Respondent"), Licensed Certified Professional Counselor ("LCPC"), with certain violations under the Professional Counselors and Therapists Act (the "Act") Md. Code Ann., Health Occ. Article ("H.O.") § 17-101 *et seq.* (2009 Repl. Vol., 2013 Supp.)

The pertinent provisions of the Act under H.O. § 17-509 are as follows:

H.O § 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 the applicant, licensee, or certificate holder:

- (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 [.]

Further, Respondent is charged with violating the Board's corresponding regulations under Code of Md. Regs. ("COMAR") tit.10 § 58.03.

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.04 Ethical Responsibility.

A. A counselor shall:

- (6) Protect the interests of minors or other clients unable to give informed consent;**
- (11) Be familiar with and adhere to this chapter;**
- (14) Take reasonable precautions to protect clients from physical or psychological trauma.**

B. A counselor may not:

- (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.**

.05 The Counseling Relationship.

A. Client Welfare and Rights.

- (2) A counselor may not:**
 - (d) Foster dependent counseling relationships.**

B. Dual Relationships.

- (1) A counselor shall:**
 - (a) Avoid dual relationships with clients.**

On Friday, September 5, 2014, a Case Resolution Conference was convened regarding this matter. Present at the Case Resolution Conference was Debra A. Smith, Administrative Prosecutor, the Respondent, and James S. Aist, Esquire, Counsel for the Respondent. Based on negotiations which occurred as a result of this Case Resolution Conference the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board bases its charges on the following facts that the Board has reason to believe are true.

1. At all times relevant to the charges, the Respondent was and is licensed to practice as a licensed counselor in the State of Maryland.
2. The Respondent was originally issued a license to practice in the State of Maryland on March 24, 2006, and is currently licensed.
3. At all times relevant to the charges, the Respondent was self employed as a therapist.
4. The Respondent provided in home therapy services beginning in or about 2006, for a minor, male client, "Client A,"¹ and family therapy beginning in or about March 2007, which included Client A's minor sister "Client B."
5. On or about January 21, 2012, the Board received a complaint (the "Complaint") from a therapist (the "Complainant"), who stated that she began treating Client A in July 2011, after the Respondent discharged him from therapy.
6. According to the Complaint, Client B accused her adoptive father of sexual molestation, and then later recanted the allegations. The father was not charged with any criminal charges as a result of these allegations.
7. Client B was removed from the home and hospitalized and then placed in treatment foster care.

¹Clients A and B are not identified in this document, in order to maintain their privacy. This information, however, is available to the Respondent upon request.

8. The parents also complained that the Respondent communicated with Client B on a social networking site, which included personal information regarding the Respondent.

9. The Board initiated an investigation of the allegations in the Complaint, which included various witness interviews, patient medical record review, and an interview with the Respondent.

10. On or about May 3, 2012, Client B's adoptive parents informed the Board investigator that client B left her foster care placement without permission, relocated to California and refused to return to custodial care.

11. Client B's mother was interviewed about the allegations in the Complaint, and expressed concern to Board staff about the Respondent's relationship and negative influence on Client B.

12. A licensed graduate social worker employed by the Court Appointed Special Advocate (CASA) program expressed concern about the Respondent's unprofessional attachment to Client B.

13. After the Respondent terminated therapy with Client B she investigated becoming a CASA volunteer or joining the Big Sister program to work exclusively with Client B.

14. Board staff interviewed the Respondent on or about December 3, 2012. She stated that she provided behavioral, cognitive, and family therapy for Clients A and B. She stated that Client B had been removed from the adoptive parents, but wanted to continue in therapy with the Respondent.

15. The Respondent discussed continuing therapy with Client B, and terminating therapy with Client A with their parents. She discussed with the parents that it might be helpful for Client A to get a "different perspective" by working with a male therapist. Therapy was terminated with Client A, and continued with Client B.

16. The Respondent voluntarily sought counseling and supervision from a licensed therapist regarding boundary issues with Client B.

17. At the conclusion of its investigation the Board determined that there was a basis to charge the Respondent with violating various provisions of the Act and regulations, based on her unprofessional conduct with Client B as described herein.

18. The Respondent's actions as outlined in pertinent part above constitute violations of H.O. § 17-509 (8), (9), and (13) ; COMAR tit. 10 § 58.03.04A (6), (11), (14); tit. 10 § 58.03.04B (3); tit. 10 § 58.03.05A (2), (d); and tit. 10 § 58.03.05B (1), (a).

CONCLUSIONS OF LAW

Based on the foregoing findings of fact the Board concludes as a matter of law that the Respondent's actions violated H.O. § 17-509 (8), (9), and (13); COMAR tit. 10 § 58.03.04A (6), (11), (14); tit. 10 § 58.03.04B (3); tit. 10 § 58.03.05A (2), (d); and tit. 10 § 58.03.05B (1), (a).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of November, 2014, by a majority of the quorum of the Board considering this case hereby:

ORDERED that effective the date of this Consent Order, the Respondent's shall be placed on **PROBATION** for a period of **eighteen (18) months**, subject to the following terms and conditions:

1. **SUPERVISION:** During the **eighteen (18) month** period of probation to begin on the date of execution of this Consent Order, the Respondent's counseling practice shall be supervised, at her own expense, by a Board-approved Licensed Clinical Professional Counselor (LCPC) with experience and expertise in the field;
2. As part of the approval process, the Respondent shall submit to the Board the name and professional credentials of an LCPC to supervise her practice;
3. The Board-approved supervising LCPC shall notify the Board in writing of his/her acceptance of the supervisory role of the Respondent;
4. The Respondent shall provide the Board-approved LCPC with a copy of the charging document and this Consent Order, and whatever other written materials the Board deems relevant;
5. The Respondent shall meet face to face with the supervisor monthly for the eighteen month supervisory period;
6. The supervisor shall focus the supervision on boundary issues;
7. The supervisor shall submit **QUARTERLY** reports to the Board detailing the ethical issues discussed and the Respondent's progress. The report shall include, but not be limited to, a report of the Respondent's participation in the supervisory process. Upon completion of the supervision period, the Respondent shall ensure that the supervising counselor submits a final

report to the Board assessing the Respondent's practice;

8. The Respondent has sole responsibility for ensuring that the supervisor submits the required quarterly reports and the final report to the Board in a timely manner;
9. The Board has sole authority over any changes in supervision and must approve and ratify any changes in supervision or the frequency of supervision;
10. In the event that the Respondent's supervisor discontinues supervising the Respondent's practice for any reason during the 18-month supervisory period. The Respondent shall be solely responsible for submitting a replacement candidate to serve as her supervisor under the terms specified above;
11. If the Respondent fails to complete the supervision in a timely matter as set out above, the Respondent will be deemed in violation of probation and this Consent Order; and
12. An unsatisfactory report from the Respondent's supervisor may constitute a violation of probation and of this Consent Order.

13. **Continuing Education Classes:**

A. **Ethics Course:** The Respondent shall enroll in and successfully complete a 3-credit graduate level Board-approved course from an accredited college or university in professional, legal and ethical responsibility. The course may be an online course. The Respondent shall enroll in this required course **within six (6) months** of the date of this Consent Order. The Respondent shall

submit the course description/syllabus to the Board for approval prior to enrolling in the course. The Board reserves the right to require the Respondent to provide further information regarding the course she proposes, and further reserves the right to reject the proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and the duration of the course adequate to fulfill the Respondent's ethical needs.

B. Boundary Issues Course: The Respondent shall enroll in and successfully complete a 6-credit category A continuing education course by a sponsor approved by the Board. The Respondent shall enroll in this required continuing education course **within six (6) months** of the date of this Consent Order. The Respondent shall submit the course description/syllabus to the Board for approval prior to enrolling in the course. The Board reserves the right to require the Respondent to provide further information regarding the course she proposes, and further reserves the right to reject the proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and the duration of the course adequate to fulfill the Respondent's ethical needs.

C. The Respondent shall be responsible for all costs incurred in fulfilling this course requirement and for submitting to the Board written documentary proof of her successful completion of the course.

D. This courses completed under this Order can be used to satisfy the continuing education requirements for the applicable 2-year licensure renewal period.

E. The Respondent is responsible for ensuring that she completes the required courses in a timely manner;

AND BE IT FURTHER ORDERED, that the Respondent shall not petition the Board for early termination of her probation or the terms of this Consent Order; and it is further;

ORDERED that the Respondent's failure to comply with any of the conditions of this Consent Order in a timely manner as set out above, shall be considered a violation of this Consent Order; and it is further;

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any other disciplinary sanctions that the Board may have imposed in this case, including additional probationary terms and conditions, reprimand, suspension, revocation and monetary penalty; and it is further

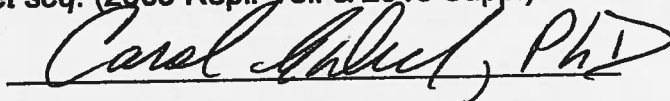
ORDERED that the Respondent shall comply with the Maryland Professional Counselors and Therapists Act and all applicable laws, statutes and regulations; and it is further

ORDERED that the Respondent may submit a written petition to the Board requesting termination of her probation no earlier than **eighteen (18) MONTHS** from the date of commencement of the probationary period, but only if she has fully and satisfactorily complied with all terms and conditions of this Consent Order, including all terms and conditions of probation, and including the expiration of the eighteen (18)

month period of probation, and there are any pending complaints against her related to the issues in this case; and it is further

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

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.* (2009 Repl. Vol. & 2013 Supp.)



Carol A. Deel, LCMTF, LCPC, Board Chair
Maryland Board of Professional Counselors
and Therapists

CONSENT

I, Jean Marie Roddy, LCPC, License No. LC2183, by affixing my signature hereto, acknowledge that:

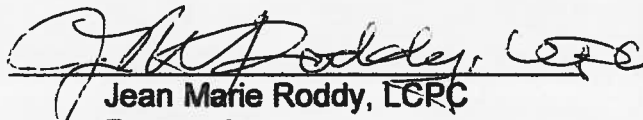
1. I have consulted with counsel, James S. Aist, Esquire, and I have knowingly and voluntarily elected to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Health Occ. Code Ann. § 17-511(2009 Repl. Vol. & 2013 Supp.) and Md. State Gov't Code Ann §§ 10-201 *et seq.* (2009 Repl. Vol. & 2013 Supp.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to

call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I am waiving those procedural and substantive protections.

4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.
5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice as a licensed professional counselor.
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

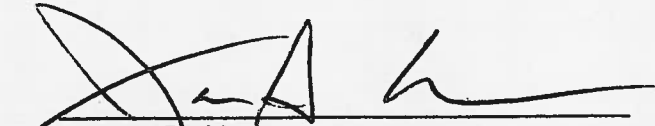
10/24/14

Date


Jean Marie Roddy, LCRC
Respondent

The undersigned counsel states that he has consulted with the Respondent regarding this Consent Order and reviewed the contents of the Consent Order with the Respondent.

11/4/2014
Date


James S. Aist,
Counsel for Respondent

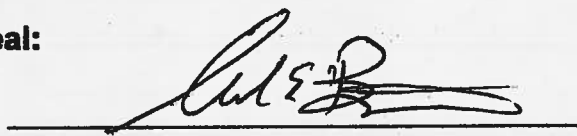
NOTARY

STATE OF Maryland

COUNTY OF Baltimore

I HEREBY CERTIFY that on this 24th day of October, 2014, before me, a Notary Public of the State and County aforesaid, personally appeared Jean Marie Roddy, LCPC, License Number LC2183, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal:



Notary Public

My Commission expires: 2/8/2015

