

IN THE MATTER OF
ANNETTE ROYER, CAC-AD

Respondent

Certificate Number: AC1495

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* BEFORE THE MARYLAND STATE
* BOARD OF PROFESSIONAL
* COUNSELORS AND THERAPISTS
* Case Number: 2021-022

ORDER FOR SUMMARY SUSPENSION

The Maryland State Board of Professional Counselors and Therapists (the “Board”) hereby **SUMMARILY SUSPENDS** the certificate of **ANNETTE ROYER, CAC-AD** (the “Respondent”), Certificate Number AC1495, to practice as a Certified Associate Counselor – Alcohol and Drug (“CAC-AD”) in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2014 Repl. Vol. & 2020 Supp.), 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 a substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare.

INVESTIGATIVE FINDINGS¹

The Board bases its action on the following findings:

¹ The statements regarding the Board’s investigative findings are intended to provide the Respondent with reasonable notice of the basis of the Board’s action. 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, the Respondent was authorized to practice as a Certified Associate Counselor – Alcohol and Drug in the State of Maryland. The Respondent was originally certified by the Board to practice as a CAC-AD in the State of Maryland on February 13, 2008, under Certificate Number AC1495. The Respondent's certificate is current and is scheduled to expire on January 31, 2022.
2. The Respondent never has been licensed to practice medicine by any health occupations licensing board in Maryland.
3. At all times relevant, the Respondent was and is the Owner, Chief Executive Officer and Clinical Director of an opioid treatment program (the "Program") on the Eastern Shore of Maryland. In part, the Program provides methadone and suboxone treatment to individuals addicted to and dependent on opioids.
4. At all times relevant, the Respondent employed a physician who is licensed to practice medicine in the State of Maryland to be the Medical Director (the "Medical Director") of the Program.
5. The Medical Director is board-certified in Addiction Medicine, Public Health and General Preventive Medicine, and Occupational Medicine.

The Complaint

6. On or about October 28, 2020, the Board received an anonymous complaint from an employee of the Program. The Complaint alleged the Respondent was practicing medicine in Maryland without a license in part by "medicating clients with methadone and

suboxone...[she] does not have a nursing or medical license.” After reviewing the Complaint, the Board opened an investigation of the Respondent.

The Board Investigation

7. In furtherance of its investigation, Board staff interviewed the Respondent, and an employee of the Program. Board staff also subpoenaed and reviewed numerous documents including staff credentials, employee lists, and documents related to a separate investigation conducted by the Maryland Department of Health.

8. In the course of the Board’s investigation, the Respondent stated that on September 14, 2020, she informed the Medical Director that a Licensed Practical Nurse (“LPN”) at the Program resigned the night before, leaving the Program without anyone on staff authorized to dispense medications. The Medical Director thereafter told the Respondent to dispense medications in accordance with his previously-issued physician orders. The Respondent acknowledged that despite not being a licensed nurse or physician, on September 14, 2020, she dispensed methadone and suboxone to patients at the Program.

9. Dispensing records for September 14, 2020 document the Respondent dispensed methadone to 50 patients at the Program.

10. The Maryland Department of Health reported that on September 14, 2020, the Director of the State Opioid Treatment Authority (“SOTA”) spoke with the Respondent who “informed SOTA that she medicated the patients under the direction of the Medical Director...who was in route to the program but was several hours away.” The Director of SOTA informed the Respondent “that in the absence of nursing staff, the medical director

would have to perform the dosing duties, get a licensed person in the clinic, or patients would need to be guest dosed at other clinics.”

11. The Respondent also admitted in her interview that on September 15, 2020, she again dispensed medication to patients of the Program after a newly-hired dispensing nurse did not show up for work. The Respondent testified she called the Medical Director who again gave her approval to dispense medication, including methadone.

12. In a March 16, 2021 email to the Board, the Respondent conceded that on September 14 and 15, 2020, she “dispensed without licensed medical personnel present on the premises[.]”

13. The Maryland Department of Health in its investigation concluded that the Respondent “did perform medical services (dosing patients) for which she is not licensed to perform, and that the program did not have adequate staff coverage.”

CONCLUSIONS OF LAW

Based on the foregoing facts, the Board concludes that the public health, safety, or welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov’t § 10-226 (c)(2) (2014 Repl. Vol. & 2020 Supp.).

In addition, the Board concludes as a matter of law that there is a 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

Based on the foregoing, it is by a majority of the Board considering this case:

ORDERED that pursuant to the authority vested by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's certificate to practice as a Certified Associate Counselor – Alcohol and Drug in the State of Maryland, Certificate Number AC1495, is hereby **SUMMARILY SUSPENDED**; and be it 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 THIRTY (30) DAYS** of service of this Order.

The written request should be made to:

Tony W. Torain, J.D., D.Min, Executive Director
Maryland State Board of Professional Counselors & Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215

With copies to:

Gregory L. Lockwood, Assistant Attorney General
Maryland Office of the Attorney General
Health Occupations Prosecution & Litigation Division
300 West Preston Street, Suite 201
Baltimore, Maryland 21201

and

Rhonda Edwards, Assistant Attorney General
Maryland 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 certificate will remain **SUSPENDED**; and it is further


ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board, the following items:

- (1) the Respondent's original Maryland Certified Associate Counselor – Alcohol and Drug Certificate AC1495; and
- (2) the Respondent's wallet card and wall certificate; 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).

July 16, 2021

Date



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

