

IN THE MATTER OF	*	BEFORE THE
STEPHEN SCHAFFNER, LCPC	*	STATE BOARD OF
Respondent	*	PROFESSIONAL
License Number:	*	COUNSELORS
	*	AND THERAPISTS
LC3972	*	Case Number: 2012-95

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**  
**OF LICENSE TO PRACTICE CLINICAL PROFESSIONAL COUNSELING**

The Maryland State Board of Professional Counselors and Therapists (the "Board"), hereby **SUMMARILY SUSPENDS**<sup>1</sup> the license of Stephen Schaffner, LCPC (the "Respondent") License Number LC3972, to practice clinical professional counseling in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2)(i) (2009 Repl. Vol. & 2013 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action.

**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 that the following facts are true:<sup>2</sup>

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<sup>1</sup> This Order for Summary Suspension terminates and supersedes the Board's June 20, 2014 Consent Order suspending the Respondent's license for a minimum period of six months.

<sup>2</sup> The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the 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 this matter.

1. The Respondent was initially licensed as a Clinical Professional Counselor in Maryland on or about April 21, 2011.
2. On or about June 20, 2014, the Respondent entered into a Consent Order with Board that imposed a minimum of a six month suspension of his license<sup>3</sup> in resolution of charges of unprofessional or immoral conduct, violating the code of ethics and related rules and regulations.
3. On October 1, 2014, the federal government indicted the Respondent in the United States Court for the District of Maryland in Criminal Case Number JFM-14-0460 for Conspiracy to Sexually Exploit a Child in violation of 18 U.S.C. § 2251 (a) and (e); Sexual Exploitation of a Child in violation of 18 U.S.C. § 2251(a) and 2; and Forfeiture, in violation of 18 U.S.C. § 2253. The victim of the crimes was a six week old male infant. **[Attachment A, Indictment]**

### **CONCLUSION 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)(i) (2009 Repl. vol. & 2013 Supp.).

### **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 license to practice clinical drug and alcohol counseling in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and be it further

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<sup>3</sup> The intent of the Consent Order was that if the Respondent complied with the terms and conditions, that the suspension would be temporary and could be terminated as early as six months from the date of execution, and subsequently the Respondent would be placed on two years of probation.

**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:

Tracey DeShields, Executive Director  
Maryland State Board of Professional Counselors & Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215

Please copy:

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

and

Ari Elbaum, 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, 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, the following items:

- (1) the Respondent's original Maryland License LC3972;
- (2) the Respondent's wallet card and wall certificate; and it is further

**ORDERED** that this is a Final Order of the Board and, as such, is a **PUBLIC**  
**DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.*

10/6/2014  
Date

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

# **ATTACHMENT A**

USA0# 2014R00628

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
2014 OCT 1 11:10  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
CLERK'S OFFICE  
AT BALTIMORE

UNITED STATES OF AMERICA

DEPUTY

CRIMINAL NO. JFM-14-0460

v.

STEPHEN H. SCHAFFNER

Defendant

(Conspiracy to Sexually Exploit a  
Child, 18 U.S.C. § 2251(a) and (e);  
Sexual Exploitation of a Child,  
18 U.S.C. § 2251(a) and 2; and  
Forfeiture, 18 U.S.C. § 2253)

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### INDICTMENT

#### COUNT ONE

(Conspiracy to Sexually Exploit a Child)

The Grand Jury for the District of Maryland charges that:

#### Introduction

At all times material to this Indictment:

#### The Defendant

1. Defendant **STEPHEN H. SCHAFFNER** ("SCHAFFNER"), age 34, was a resident of Greensboro, Maryland.
2. **SCHAFFNER** was employed by the United States Postal Service, in Denton, Maryland, and by the Hampton Inn in Easton, Maryland.
3. **SCHAFFNER** was a licensed clinical professional counselor in the State of Maryland. **SCHAFFNER**'s Maryland license was suspended as of on or about June 20, 2014. **SCHAFFNER** was a licensed associate counselor in the State of Arizona. **SCHAFFNER**'s Arizona license expired in 2011.

**The Co-Conspirator**

4. Michael William Lutts ("Lutts") was a resident of San Diego, California.
5. Lutts was a pediatric nurse at Kaiser Permanente Hospital, in San Diego County, California. Lutts was also a foster parent.

**The Minor Victim**

6. Boy 1 was an infant approximately six weeks old. Boy 1 was born prematurely.
7. On or about August 4, 2014, Boy 1 was placed in Lutts' care and custody as a foster child and Lutts brought Boy 1 to his San Diego, California home.

**Apple iPhones and iMessage**

8. Apple Inc. ("Apple") is an American multinational corporation that designs, develops, and sells consumer electronics, computer software and personal computers, including the iPhone, a "smart phone" with the capability to function as a telephone, image and video recording device, and includes many, if not all of, the capabilities of a desktop computer.

9. "iMessage" is an Apple propriety messaging platform which allows users of Apple devices to share text, image and video communications. Using the Messages application on any Apple device that uses Apple iOS, such as an iPhone, or Mac OS X, a user can send an iMessage to any other iOS or Mac OS X device. Further, iMessages sent from one Apple device can appear on all other Apple devices that are associated with the same Apple ID, and have activated the Messages application on that device. An iMessage is sent and received based on an Apple ID, but can also be sent based on the user's telephone number, if a telephone number is associated with that device. If an iMessage is sent, the message uses an Internet data connection, whether that connection is provided by the mobile telephone service provider or a Wi-Fi hotspot.

If a data connection is not available to the Apple device, or the Apple device is sending a message to a non-Apple device, the Messages application will default to traditional SMS if possible for delivery of the message.

10. iPhones are manufactured outside the state of Maryland.

11. **SCHAFFNER** and Lutts both used Apple iPhones and communicated with each other using the iOS Messages application.

**Communications between SCHAFFNER and Lutts**

12. On or about August 4, 2014, at 7:02 p.m., Lutts, in California, sent a text message to **SCHAFFNER**, in Maryland: "Hey I have a baby for us."

13. At or about 7:24 p.m., on August 4, 2014, Lutts, in California, sent an image file to **SCHAFFNER**, in Maryland, of Boy 1 wearing a onesie and a hat and covered with a blanket.

14. Between at or about 8:58 p.m. on August 4, 2014, and 2:23 a.m. on August 5, 2014, **SCHAFFNER**, in Maryland, exchanged numerous graphic and sexually explicit messages with Lutts about Lutts engaging in sexually explicit conduct with Boy 1.

15. For example, at or about 8:58 p.m. on August 4, 2014, Lutts, sent **SCHAFFNER**, an image file "IMG\_5203.jpg" that depicts Boy 1 wearing a hat and a onesie that is pulled up, exposing the infant's genitals to the camera.

16. At or about 9:21 p.m. on August 4, 2014, **SCHAFFNER** sent a text message to Lutts "God I wish I was there too. I bet his lil dick does taste great." Approximately one minute later, **SCHAFFNER** wrote to Lutts: "That's a hot pic. U should take one with ur dick rubbin on his lil one." Lutts responded, "Ill make any pic u want."



17. At or about 9:25 p.m. on August 4, 2014, Lutts sent **SCHAFFNER** image file "IMG\_0997.jpg" that depicts an exposed infant's penis touching an exposed adult penis.

18. At or about 9:59 p.m. on August 4, 2014, Lutts sent **SCHAFFNER** image file "IMG\_0288.jpg" that depicts an exposed infant's penis near an exposed adult's penis with the message, "Cries when I suck his dick." In response, at or about 10:00 p.m., **SCHAFFNER** sent a message to Lutts: "Nice pic. That's hot, wish I could hear him cryin while u were suckin on it."

19. At or about 10:22 p.m., on August 4, 2014, Lutts sent **SCHAFFNER** movie file "MOV\_8082.mov" that depicts an adult hand touching an infant's penis. As the video progresses the adult performs oral sex on the infant.

20. At or about 10:21 p.m., on August 4, 2014, Lutts sent **SCHAFFNER** movie file "MOV\_1099.mov" that depicts an adult hand touching an infant's penis. As the video progresses the adult performs oral sex on the infant.

21. At or about 10:59 p.m., on August 4, 2014, Lutts sent **SCHAFFNER** image file "IMG\_0627.jpg" that depicts an adult penis penetrating the mouth of an infant.

22. At or about 11:04 and 11:05 p.m., on August 4, 2014, Lutts sent **SCHAFFNER**, respectively, "IMG\_4774.jpg" that depicts an adult penis penetrating the mouth of an infant and "IMG\_0183.jpg" that depicts an adult penis touching the mouth of an infant.

23. In response to the image files sent at 11:04 and 11:05 p.m., **SCHAFFNER** sent Lutts an image depicting an exposed erect adult male's penis.

24. At or about 11:51 p.m. on August 4, 2014, **SCHAFFNER** instructed Lutts, "Well get some sleep so u can get that lil fuck toy to the doc tomorrow then start takin some pics n vids to send me tomorrow night."

25. At or about 1:38 a.m. on August 5, 2014, Lutts warned **SCHAFFNER** not to tell anybody about what they had done, commenting that "If you chat with anyone they could be an undercover cop setting up a sting." **SCHAFFNER** replied, in part, "We both just have to keep our mouths shut about this kinda stuff with others so we don't get in trouble."

26. At or about 2:15 a.m., on August 5, 2014, Lutts sent **SCHAFFNER** one last movie file "MOV\_4708.mov" that depicts an adult penis penetrating the mouth of an infant.

27. At or about 2:17 a.m. on August 5, 2014, **SCHAFFNER** sent a message to Lutts regarding "MOV\_4708.mov": "Holy fuck that is amazing."

#### **Object of the Conspiracy**

28. It was the object of the scheme to employ and use Boy 1 to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct.

#### **Manner and Means of the Conspiracy**

29. It was part of the conspiracy that **SCHAFFNER** would direct and encourage Lutts to use Boy 1 to produce visual depictions of sexually explicit conduct through iMessage and text messages for the purpose of sharing the visual depictions with **SCHAFFNER** for his own sexual gratification.

30. It was further part of the conspiracy that Lutts would engage in sexually explicit conduct with Boy 1, take photographs and videos of the sexual abuse and send them to **SCHAFFNER** using iMessage and text messages for his own sexual gratification.

#### **The Charge**

31. On or about August 4 and 5, 2014, in the District of Maryland and the Southern District of California, the defendant,

**STEPHEN H. SCHAFFNER,**

did conspire with Michael William Lutts, to employ and use a minor, that is, Boy 1, to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, and such visual depictions had actually been transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate or foreign commerce, in violation of 18 U.S.C. § 2251(a).

18 U.S.C. § 2251(e)

**COUNTS TWO THROUGH TEN**  
(Sexual Exploitation of a Child)

The Grand Jury for the District of Maryland further charges that:

1. The allegations of Paragraphs 1 through 27 of Count One are incorporated here.
2. On or about August 4, 2014, in the District of Maryland, the defendant,

**STEPHEN H. SCHAFFNER,**

did aid, abet, counsel, command, induce and procure Michael William Latts to employ and use, a minor, that being Boy 1, to engage in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing any visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce, and such visual depictions has actually been transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate or foreign commerce:

COUNT	FILE(S)
2	IMG_5203.jpg
3	IMG_0997.jpg
4	IMG_0288.jpg
5	MOV_8082.mov
6	MOV_1099.mov
7	IMG_0627.jpg
8	IMG_4774.jpg
9	IMG_0183.jpg
10	MOV_4708.mov

18 U.S.C. § 2251(a)  
18 U.S.C. § 2

**FORFEITURE**

1. Pursuant to Federal Rule of Criminal Procedure 32.2, the United States hereby gives the defendant notice that it will seek forfeiture of property pursuant to Title 18, United States Code, Section 2253 as part of any sentence imposed.

2. If convicted of any of the offenses set forth in Counts One through Ten, above, the Defendant herein, shall forfeit to the United States all right, title and interest the Defendant has in:

A. Any visual depiction described in Title 18, United States Code, Section 2251, 2251A, 2252, 2252A, 2252B or 2260, or any book magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Chapter 110;

B. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and,

C. Any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

3. Such property includes, but is not necessarily limited to, the following:

A. All images of child pornography and/or child erotica the defendant acquired through, and/or used to facilitate, his commission of an offense under Title 18, United States Code, Chapter 110;

B. All tangible and intangible property rights, including but not limited to copyrights, in all images of child pornography and/or child erotica the defendant acquired

through, and/or used to facilitate, his commission of an offense under Title 18, United States Code, Chapter 110;


C. All personal identifiers, including but not limited to, e-mail addresses, user names, and passwords used by the defendant to facilitate his commission of an offense under Title 18, United States Code, Chapter 110, including, but not limited to, personal identifiers used to access online data storage sites where the defendant saved or posted images of child pornography and/or child erotica that the defendant acquired through, and/or used to facilitate, his commission of an offense under Title 18, United States Code, Chapter 110; and,

D. All property seized by law enforcement officers from the defendant, or abandoned by the defendant, used or intended to be used to commit or to promote the commission of the offenses charged in the Indictment, including but not limited to: An Apple iPhone 5, IMEI: 990002861005419;

4. Pursuant to Title 21, United States Code, Section 853(p), through Title 28, United States Code, Section 2461(c), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described above, if by any act or omission of the defendant, the property described above, or any portion thereof:

- A. cannot be located upon the exercise of due diligence;
- B. has been transferred or sold to, or deposited with, a third party;
- C. has been placed beyond the jurisdiction of the court;
- D. has been substantially diminished in value; or
- E. has been commingled with other property which cannot be divided without difficulty.

5. In keeping with the foregoing, it is the intent of the United States to seek forfeiture of any other property of the Defendant up to the value of all forfeitable property as described above.

  
Rod J. Rosenstein  
United States Attorney

~~A TRUE BILL~~

**SIGNATURE REDACTED**

Foreperson

Date

10/1/2014

IN THE MATTER OF

\*

BEFORE THE

STEPHEN SCHAFFNER, LCPC

2014 JAN 24 PM 12 36

STATE BOARD OF

Respondent

\*

PROFESSIONAL COUNSELORS

\*

AND THERAPISTS

License Number:

LC3972

\*

Case Number: 2012-95

\* \* \* \* \*

**CONSENT ORDER**

On December 13, 2013, The Maryland State Board of Professional Counselors and Therapists (the "Board"), charged Stephen Schaffner, LCPC (the "Respondent"), License Number LC3972, under the Maryland Professional Counselors and Therapists Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") § 17-509 (2009 Repl. Vol. & 2013 Supp.).

The pertinent provisions of the Act provide the following:

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 or certificate holder place any license on probation, or suspend or revoke a license 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;

...



- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

The pertinent regulations under Md. Code Regs. 10.58.03 Code of Ethics, are as follows:

...

.02 provides in pertinent part:

...

**B. Terms Defined.**

...

(6) "inappropriate sexual language" means:

- (a) A sexualized harassing comment;
- (b) An eroticized or sexually provocative comment not reasonably associated with a health care matter; or
- (c) An inappropriate discussion of a sexually related matter.

...

.04 provides in pertinent part:

**A. A counselor shall:**

...

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

...

(14) Take reasonable precautions to protect clients from physical or psychological trauma.

.05 provides in pertinent part:

**A. Client Welfare and Rights.**

...

(2) A counselor may not:

- (a) Place or participate in placing clients in positions that may result in damaging the interests and the welfare of clients, employees, employers, or the public.

...

**B. Dual relationships**

(1) A counselor shall:

- (a) Avoid dual relationships with clients;

...

...

.09 provides in pertinent part:

A. A counselor may not engage in sexual misconduct with a client or supervisee. Sexual misconduct includes but is not limited to:

- (1) Inappropriate sexual language;

...

...

**E. Sexual harassment.**

(1) A counselor may not sexually harass a:

- (a) Client;

...

**F. Therapeutic Deception. A counselor may not:**

...

- (3) Suggest, recommend, or encourage a client to engage in a sexually provocative act, including but not limited to:

- ...
- (d) Discussion or disclosure of a sexually provocative or erotic nature, not necessitated by treatment or treatment protocol.

On March 4, 2014, a Case Resolution Conference ("CRC") was convened in this matter. Based on negotiations occurring as a result of this CRC, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

## **I. FINDINGS OF FACT**

The Board finds the following:

1. At all times relevant to these charges, the Respondent was a Licensed Clinical Professional Counselor ("LCPC"), licensed to practice professional counseling in the State of Maryland. The Respondent was initially licensed in Maryland on or about April 21, 2011. The Respondent's license expires on January 31, 2015.
2. At all times relevant to these Charges, the Respondent was employed as a professional counselor for a practice located in Easton, Maryland (hereinafter, "Practice A").<sup>1</sup>
3. On or about November 9, 2012, the Respondent's supervisor filed a complaint with the Board alleging that the Respondent had sent a male client ("Client A") inappropriate text messages of a sexual nature while intoxicated.
4. Shortly after receiving the complaint, the Board opened an investigation.

## **FACILITY A's INVESTIGATION AND ACTION**

5. On or about October 31, 2012, the Respondent self-reported his actions to his supervisor, acknowledging that he had engaged in a "major boundary issue" with Client A. In response to Client A's request that his appointment be rescheduled, the

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<sup>1</sup> In order to maintain confidentiality, neither facility nor client names will be used in this document, but will be provided to the Respondent on request.

Respondent stated that he had been "very drunk" and his reply to Client A had "sexual overtones."

6. The Respondent documented a written statement in Client A's mental health record at Practice A stating in part that he (the Respondent):

...had been drinking alcohol and was significantly intoxicated.

My text response to [Client A] was inappropriate with sexual innuendo.

7. At the time, Client A's wife was a client of another therapist at Practice A ("Ms. S"). Client A's wife had reported the incident to Ms. S stating she had been "a little freaked out" by the texts the Respondent had sent to Client A.
8. The Respondent's supervisor initially suspended the Respondent from employment pending an investigation of the incident as he was concerned about the Respondent's boundary violation and substance use.
9. The Respondent's supervisor recommended that the Respondent undergo urine screening as well as a drug and alcohol assessment, which is set forth in more detail below.
10. After conducting an investigation, the Respondent's supervisor terminated him from employment.

#### **THE RESPONDENT'S INTERVIEW**

11. On April 1, 2013, in furtherance of its investigation, a member of the Board's staff conducted an interview of the Respondent under oath.
12. During the Respondent's interview he stated that he had seen Client A for professional counseling for approximately twelve to eighteen months.
13. The Respondent stated that during Hurricane Sandy,<sup>2</sup> Practice A had been closed. One evening, around October 30, 2012, Client A sent the Respondent a

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<sup>2</sup> The weather event occurred in late October 2012.

text message to his (the Respondent's) personal cell phone regarding rescheduling an appointment.

14. The Respondent responded to Client A's text message "indicating a sexual attraction" toward Client A.
15. The Respondent acknowledged that he had been intoxicated at the time he responded to Client A's text message. The Respondent stated he had been drinking a "hefty" amount that evening (approximately four drinks that included vodka).
16. The Respondent admitted he "occasionally" smoked marijuana on approximately a monthly basis, but denied having done so on October 30, 2012.
17. The Respondent stated that the day following the text message communications, he contacted Client A by telephone while he (Client A) was at work, and Client A asked the Respondent to contact him at a later time.
18. The Respondent later contacted Client A by telephone, and was unable to reach him. The Respondent stated that he left a message for Client A to contact Practice A about how he (Client A) would like to proceed with counseling.
19. According to the Board's investigation, the Respondent does not dispute the material allegations cited in the complaint filed by his supervisor.
20. The Respondent's conduct toward Client A as outlined in pertinent part above constitutes violations of Health Occ. § 17-509(8) (violates the code of ethics adopted by the Board); (9) knowingly violates any provision of Title 17; (13) violates any rule or regulation adopted by the Board, specifically, Md. Code Regs. 10.58.03.04A(11) and (14), .05A(2)(a) and B(1)(a), .09A(1), .09E(1)(a) and

.09F(3)(d); and (16) commits an act of immoral or unprofessional conduct in the practice of...nonclinical counseling or therapy.

#### **SUBSTANCE ABUSE EVALUATION AND TREATMENT**

21. On November 2, 2012, as recommended by Practice A, the Respondent presented to an Alcohol and Drug Treatment Program ("Treatment Program") for evaluation.
22. The Treatment Program found that the Respondent had been "abusing" marijuana and recommended that the Respondent begin treatment in a scheduled group session; however, the Respondent failed to attend any counseling sessions.<sup>3</sup> According to the Treatment Program, the Respondent "voluntarily withdrew" from the program based on issues with his health insurance.
23. On April 1, 2013, the Respondent requested a letter from the Treatment Program that stated he was not in need of substance abuse counseling. The Program Director from the Treatment Program recommended that the Respondent participate in individual counseling.
24. One week later, the Respondent returned to the Treatment Program for an evaluation and rescheduled another session.
25. On or about April 13, 2013, the Respondent submitted to a urine toxicology screen which tested negative for all substances.
26. A September 10, 2013 report from the Treatment Program reflected that the Respondent had tested positive for alcohol on August 19, 2013. The Respondent admitted to having drunk alcohol while having dinner with a friend the night before the positive result.
27. The Treatment Program recommended that the Respondent undergo random urine toxicology screening and continue attending self-help group meetings to further his understanding of addiction and recovery.

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<sup>3</sup> The initial evaluation was conducted by a trainee and was not co-signed by a supervisor.

## II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions constitute violations of Health Occ. § 17-509(8), (9), (13) and (16), and pursuant to the Board's regulations under Code Regs. Md. 10.58.03.04A(14), .05A(2)(a), B(1)(a), .09A(1), E(1)(a) and F(3)(d).

## III. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that as of the date of this Consent Order, the Respondent's license to practice professional counseling is **SUSPENDED** for a minimum period of **SIX (6) MONTHS**; and it is further

**ORDERED** that the Respondent shall fully and satisfactorily comply with the following:

a. Within **THIRTY (30) DAYS** of the execution of this Consent Order, the Respondent shall undergo a comprehensive substance abuse evaluation by a Board-approved treatment provider that includes treatment recommendations. The Board shall provide the Respondent with the names of three recommended treatment providers, and he shall select one treatment provider from the list as provided by the Board. The Respondent shall comply with all treatment recommendations. A failure to comply with all treatment recommendations may be considered a violation of this Consent Order. The Respondent shall ensure that the Board receives a copy of the substance abuse evaluation and any subsequent reports from treatment providers;

b. The Respondent shall sign any necessary releases to ensure that the Board has the ability to receive any written or oral treatment information and laboratory results from any treatment providers;

c. The Respondent shall ensure that monthly reports are submitted to the Board by his treatment provider(s) for the length of his treatment as recommended by the treatment provider(s). An unsatisfactory report may be considered a violation of this Consent Order;

d. The Respondent shall submit to random urine toxicology screening at least monthly, and ensure the laboratory or treatment provider submits any and all laboratory results to the Board. Any positive results may be considered a violation of this Consent Order;

e. Within **SIX (6) MONTHS** of the date of this Consent Order, the Respondent shall successfully complete a Board-approved ethics course. The course shall not count toward his continuing education requirements for licensure; and it is further

**ORDERED** that after a minimum period of **SIX (6) months**, the Respondent may petition the Board to stay the suspension of his license but only after he has fully and satisfactorily complied with terms and conditions (a) through (e) above; and is further

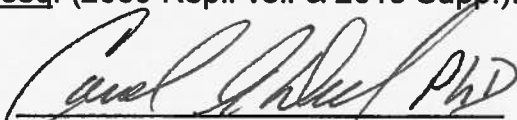
**ORDERED** that if the Respondent fails to comply with any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and opportunity for a show cause hearing before the board or an evidentiary hearing before the Board or at the Office of Administrative Hearings, may impose additional sanctions authorized under the Professional Counselors and Therapists Act, including a reprimand, suspension, probation, revocation and/or a monetary fine; and it is further

**ORDERED** that if the Respondent fully and satisfactorily complies with conditions (a) through (e), the Board shall stay the suspension of the Respondent's license and he shall be placed on a minimum of **TWO (2) years of PROBATION** with terms and conditions to be determined by the Board. There shall be no early termination of probation; and it is further

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

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

6/30/2014  
Date

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



## CONSENT

I, Stephen Schaffner, LCPC, acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the sole purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

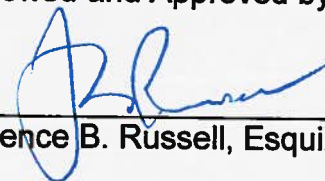
I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that I might have filed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

3/18/14  
Date

  
Stephen Schaffner, LCPC

Reviewed and Approved by:

  
Laurence B. Russell, Esquire

STATE OF: Maryland

CITY/COUNTY OF Caroline

I HEREBY CERTIFY that on this 18<sup>th</sup> day of March, 2014,  
before me, a Notary Public of the foregoing State and City/County personally appeared  
Stephen Schaffner, License Number LC3972, and made oath in due form of law that  
signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Heather Grun  
Notary Public

Commission expires: 02/03/14