

IN THE MATTER OF
J. ALEX GREEN, LCPC
RESPONDENT
License Number LC 2308

*** BEFORE THE MARYLAND**
*** STATE BOARD OF PROFESSIONAL**
*** COUNSELORS AND THERAPISTS**
*** CASE NUMBER: 2018-093**

And

IN THE MATTER OF
J. ALEX GREEN, LCADC
RESPONDENT
License Number LCA 1679

*** BEFORE THE MARYLAND**
*** STATE BOARD OF PROFESSIONAL**
*** COUNSELORS AND THERAPISTS**
*** CASE NUMBER: 2019-048**

*** * * * ***

FINAL ORDER

On or about June 15, 2018, the Maryland State Board of Professional Counselors and Therapists (the “Board”) received information that the J. Alex Green (the “Respondent”), holder of two licenses issued by the Board, a clinical professional counselor license (LCPC license number LC 2308) and a clinical alcohol and drug counselor (LCADC, license number LCA 1679) was one of ten co-defendants listed in a press release from the Attorney General’s Office of Maryland, titled, “Pill Mill Operator Prosecuted Under Maryland Drug Kingpin Statute”.

In light of the information in the press release, the Board initiated an investigation of the Respondent. The Board’s investigation revealed that on or about August 9, 2017, the Respondent was indicted in the Circuit Court for Anne Arundel County in criminal

case number C02CR17-1796 on a six-count criminal indictment under the Criminal Article of the Annotated Code of Maryland. On January 18, 2019, the Board notified the Respondent of its Intent to Revoke the Respondent's licenses to practice as a clinical professional counselor and clinical alcohol and drug counselor in the State of Maryland pursuant to the Maryland Professional Counselors and Therapists Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 17-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.). The charges comprise pertinent provisions of the Act which in part states:

Health Occ. § 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 holder if the applicant, licensee or certificate holder:

- (10) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside; and
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

A notice of hearing was served upon the Respondent by way of certified and regular mail on May 1, 2019. The notice indicated that an evidentiary hearing was scheduled on Friday, August 16, 2019 at 12:30 pm, to determine whether the Respondent violated pertinent provisions of the Act.

Hearing Before the Board

On August 16, 2019, the hearing commenced at approximately 12:30 pm. A quorum of the Board was present. Assistant Attorney General Janet Brown, Administrative Prosecutor, was present to represent the State. The Respondent was not present and was not represented at the proceeding.

Exhibits

The following exhibits were accepted into evidence at the proceeding:

1. Investigative Report, License LC 2308 and License LCA 1679, case number 2018-093, August 9, 2018, without attachments
2. License Information, LCPC, number LC 2308, case number 2018-093
3. License Information, LCADC, number LCA 1679, case number 2019-048
4. True Bill directing the Indictment to be sent to the court, August 4, 2017
5. Indictment, August 4, 2017
6. Plea Agreement, November 16, 2017
7. Criminal Hearing Sheet, December 1, 2017
8. Maryland Sentencing Guideline Worksheet, June 6, 2018
9. Criminal Hearing Sheet, June 6, 2018
10. Probation/Supervision Order, June 6, 2018
11. Press Release, June 12, 2018
12. Notice of Intent to Revoke LCPC license number LC 2308, January 18, 2019, with affidavit of service

13. Notice of Intent to Revoke LCADC license number LCA 1679, January 18, 2019, with affidavit of service

FINDINGS OF FACT

The Board makes the following findings of fact based upon the entirety of the record:

1. At all times relevant hereto, the Respondent was licensed to practice clinical alcohol and drug counseling (“LCADC”) in Maryland. The Respondent was initially licensed by the Board on May 15, 2003. The Respondent last renewed his LCADC license on May 18, 2017¹, which expired on January 31, 2019.

2. The Respondent was also licensed as a Clinical Professional Counselor (“LCPC”), having initially been licensed on December 6, 2006. The Respondent last renewed his LCPC license in or about January 2017, which expired on January 31, 2019.

3. At all times relevant hereto, the Respondent was employed at a private medical office with locations in Baltimore City and in Baltimore County. The medical offices were owned and operated by a physician² and another individual.³ The Respondent was employed as an alcohol and drug counselor at both locations.

4. On or about June 15, 2018, the Board received notice of a press release

¹ The Respondent’s license lapsed on December 31, 2016; and was reinstated on May 18, 2017.

² In the criminal case involving the physician, the physician entered into a binding plea agreement with a predetermined 5-year term of incarceration that included restitution to the Maryland Medicaid Program and forfeiture of certain seized assets. The medical license of the physician has been summarily suspended by the Maryland Board of Physicians.

³ In the criminal case, the co-owner of the medical office, a non-licensed individual, was sentenced to 20 years in prison without the possibility of parole.

from the Attorney General's Office of Maryland, titled, "Pill Mill Operator Prosecuted Under Maryland Drug Kingpin Statute," listing the Respondent as one of ten co-defendants. The press release, dated June 12, 2018, in pertinent part, stated as follows:

Co-defendant J. Alex McClary Green pleaded guilty to one count of Conspiracy to Distribute Controlled Dangerous Substances and one count of felony Medicaid Fraud. Green was sentenced to a 10-year prison sentence with all but 9 months suspended. Green was a licensed clinical drug and alcohol counselor and/or licensed clinical professional counselor. Green worked at both [the Baltimore City location] and [the Baltimore County location] from June 2015 until February 2017 providing drug and alcohol counseling to individuals receiving prescriptions for opioids. While employed at [the Baltimore City location] and [the Baltimore County location] Green would write prescriptions for opiates for himself and other individuals even though he was not qualified to prescribe controlled dangerous substances. Many of the individuals that Green would fill out prescriptions for were Medicaid recipients such that Medicaid would have unwittingly paid for the cost of the prescriptions.

5. Based on the press release, the Board initiated an investigation of the Respondent.

6. On June 20, 2018, an investigator for the Board (the "Investigator") contacted the Medicaid Fraud Control Unit of the Attorney General's Office ("Medicaid Fraud") requesting relevant documents pertaining to Medicaid Fraud's investigation of the Respondent.

7. On July 20, 2018, the Investigator requested certified copies of certain relevant court documents from the Circuit Court for Anne Arundel County (the "Circuit Court").

8. On or about August 9, 2017, the Respondent was indicted in the Circuit Court in criminal case number CO2CR17-1796 on a six-count criminal indictment under

the Criminal Article of the Annotated Code of Maryland. The six counts were as follows:

- a. Count 1 - Conspiracy to Distribute Controlled Dangerous Substances, from January 2013, based on his making modifications to or otherwise completed prescriptions written by the physician, including a prescription for oxycodone for himself, signed by the physician;
- b. Count 2 - Conspiracy to commit Medicaid Fraud, from January 2013, in the amount of at least \$1,000, in connection with the delivery of and payment for health care services;
- c. Count 3 - Conspiracy to Commit Theft Scheme, from January 2013 by stealing property from the Medicaid Program of the State of Maryland having value of at least \$10,000 but less than \$100,000;
- d. Count 4 - Conspiracy to Keep a Common Nuisance, from January 2013 conspired with other persons to keep and maintain a common nuisance at the Baltimore City location;
- e. Count 5 - Failure to File Tax Return for Tax Year 2015; and
- f. Count 6 - Failure to File Tax Return for Tax Year 2016.

9. On November 21, 2018, the Respondent entered a Plea Agreement with Medicaid Fraud, whereby the Respondent agreed to plead guilty to Count 1 and Count 2 of the Indictment pending against him.

10. On December 1, 2018, in the Circuit Court, the Respondent pled guilty to count one (conspiracy to distribute narcotics⁴) and count two (conspiracy to defraud State Health Care Program⁵), waived a jury trial, and agreed to go forward on an agreed Statement of Facts. The Circuit Court found the Respondent guilty of counts one and

⁴ Conspiracy to distribute narcotics is a misdemeanor; however, the Board considers this criminal activity to be a crime of moral turpitude.

⁵ Conspiracy to defraud a State Health Care Program is a misdemeanor; however, the Board considers this criminal activity to be a crime of moral turpitude.

two. The disposition was set for June 2018.

11. On June 6, 2018, the Respondent was convicted on one count of conspiracy to distribute narcotics, for which he was sentenced to 10 years, with all but 6 months suspended; and, on one count of conspiracy to defraud the State Health Care Program, for which he was sentenced to 3 months to be served consecutive with count one.⁶ In addition, the Respondent was placed on 5 years of probation, and upon release from the Department of Corrections, was required to be admitted to a residential substance abuse program.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the State did show by a preponderance of the evidence that the Respondent did in fact violate Health Occ. §17-509 (10) (is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside); and Health Occ. §17-509 (16) (commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy).

ORDER

It is, on the affirmative vote of a majority of the members of the Board serving, hereby:

⁶ The State entered a *nolle prosequi* to the remaining counts.

ORDERED that the licenses of **J. Alex Green, LC 2308 and LCA 1679** are **REVOKED**; and it is further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Rep. Vol.).

10/18/19
Date

Risa Ganel
Risa Ganel, LCMFT
Chair
Maryland State Board of Professional Counselors
and Therapists

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Health Occ. §17-512, the Respondent has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the 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 a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Kimberly B. Link, J.D., Executive Director
Maryland State Board of Professional Counselors and Therapists
4201 Patterson Avenue, 3rd Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Rhonda Edwards, Assistant Attorney General
Maryland Office of the Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201