

<p>IN THE MATTER OF</p> <p>HIRAM ROBINSON-EL, CSC-AD</p> <p>Respondent</p> <p>Certificate Number: SC2425</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE MARYLAND</p> <p>STATE BOARD OF</p> <p>PROFESSIONAL</p> <p>COUNSELORS & THERAPISTS</p> <p>Case Number: 2020-062</p>
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FINAL ORDER

On or about May 21, 2021, the Maryland State Board of Professional Counselors and Therapists (the "Board") notified **HIRAM ROBINSON-EL, CSC-AD** (Certified Supervised Counselor -- Alcohol and Drug) (the "Respondent"), certificate number SC2425, of its intent to **REVOKE** his CSC-AD certificate based on violations of the Maryland Professional Counselors and Therapists Act, codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.) (the "Act") and the regulations adopted by the Board under the Code of Maryland Regulations ("COMAR").

The Board based its intent on the following provisions of the Act and the regulations adopted by the Board:

Health Occ. § 17-509. Denial, probation, suspension or revocation of trainee status, license, or certificate

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 trainee status, a license, or a certificate to any applicant, place any trainee, licensee, or certificate holder on probation, reprimand any trainee, licensee, or certificate holder, or suspend, rescind, or revoke the status of any trainee, a license of any licensee, or a certificate of any certificate holder if the applicant, trainee, licensee, or certificate holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain trainee status, a license, or a certificate for the applicant, trainee, licensee, or certificate holder or for another;
- (8) Violates the code of ethics adopted by the Board;
- (9) Knowingly violates any provision of this title;
- (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;
- (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 provisions of the regulations adopted by the Board are as follows:

COMAR 10.58.03.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (2) Client.
 - (a) "Client" means an individual, couple, family, group, business, agency, school, organization, or association to whom a counselor is rendering professional service.
 - (b) "Client" includes the term and concept of "patient".
 - (4) "Dual relationship" means a relationship in which a counselor is simultaneously involved in more than one type of relationship with a client.
 - (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.

COMAR 10.58.03.05 The Counseling Relationship.

- 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; and

COMAR 10.58.03.09 Sexual Misconduct.

- 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;
- C. Relationship with Former Clients.
 - (1) Except as set forth in §C(3) of this regulation, a counselor may not engage in sexual behavior with a former client.

More than thirty (30) days elapsed since the Respondent was notified of the Board's intent to revoke his license, and the Respondent failed to timely request a hearing.

FINDINGS OF FACT

The Board finds the following facts:

1. At all times relevant hereto, the Respondent was licensed to practice certified supervised alcohol and drug counseling in the State of Maryland. The Respondent was initially licensed on September 11, 2017. The Respondent's license is currently active through January 31, 2023. The Respondent previously held an ADT (Alcohol and Drug Trainee) Authorization, granted by the Board on January 27, 2012.

Complaint

2. On or about January 14, 2020, the Board received a complaint (the "Complaint") filed by the clinical director (the "Complainant") of a behavioral health facility in Maryland (the "Facility") where the Respondent was employed as an alcohol and drug counselor. The Complaint stated that the Respondent had been terminated based on allegations that the Respondent had made inappropriate sexual remarks to a female client (the "Client").¹ The Complaint also reported that the Respondent had offered to give the Client rides in his personal vehicle to self-help meetings and to her home.

3. The Complaint stated that the Respondent initially denied the remarks, but upon further questioning by the Complainant, he admitted making "suggestive statements to see where they may have led."

4. Based on the Complaint, the Board initiated an investigation.

Inappropriate Conduct with Client

5. In furtherance of the investigation, the Board's investigator obtained relevant documents and conducted interviews with relevant witnesses under oath.

¹ To ensure confidentiality, the names of individuals and healthcare facilities involved in this case are not disclosed in this document.

6. According to an "Incident Report" included with the Respondent's personnel records, on December 17, 2019, the Client reported to the CEO of the Facility that the Respondent made "several sexual remarks that were uncomfortable in both group and private setting" (*sic*). Specifically, the Respondent reportedly said to the Client, "I know you shave your stuff and it's properly soft as a baby's bottom."

Failure to Disclose Criminal History

7. During the course of the Board's investigation, the Board's investigator conducted a review of the Respondent's criminal history and the answers he provided on his previous applications to the Board.

8. According to certified court records obtained by the Board's Investigator, in addition to criminal charges, the Respondent has a history of criminal convictions, including a felony, specifically:

- i. On or about November 7, 1973, in the Circuit Court of Maryland for Prince George's County, in case number CT 13-458, the Respondent pleaded guilty to and was convicted of Robbery with a Deadly Weapon. Based on this felony conviction, the Respondent was sentenced to ten (10) years incarceration.
- ii. On or about July 8, 1985, in the District Court of Maryland for Baltimore City, in case number 00073421B5, the Respondent pleaded guilty to and was convicted of Disorderly Conduct in a Public Place.

9. A review of the Respondent's applications for licensure revealed that the Respondent consistently concealed his history of criminal convictions, specifically:

- i. On or about January 26, 2012, the Board received the Respondent's Application for ADT Authorization. The Respondent falsely answered "No" to question C, "Have you pled guilty, nolo contendere, or been convicted of or received

probation before judgement for any criminal act (excluding traffic charges)?”

- ii. On or about October 15, 2013, the Board received the Respondent’s Application for Certified Supervised Counselor -- Alcohol and Drug (CSC-AD). The Respondent falsely answered “No” to question “D,” “Have you pled guilty, nolo contendere, or been convicted of or received probation before Judgment for any criminal act (excluding traffic violations)?”
- iii. On or about October 28, 2016, the Board received a new application from the Respondent for Certified Supervised Counselor -- Alcohol and Drug (CSC-AD). The Respondent falsely answered “No” to question “D,” “Have you ever [been] charged with a crime, pled guilty, nolo contendere, or been convicted of or received probation before judgment for any criminal act (excluding traffic violations) in any state (*including Maryland*)?”
- iv. On or about April 23, 2019, the Board received the Respondent’s Application for Certified Associate Counselor Alcohol and Drug (CAC-AD). The Respondent falsely answered “No” to question 2, “Have you pleaded guilty, nolo contendere, or been convicted of, received probation before judgment, or had a conviction set aside for any criminal act (excluding traffic violations)?”

Interview with the Respondent

10. On or about June 18, 2020, the Board’s investigator conducted an interview with the Respondent. During the interview, the Respondent acknowledged that the Client was his client for several months during 2019. He acknowledged that he spoke to the Client regularly at the Facility on smoke breaks and outside the Facility. He acknowledged that he had used his personal vehicle to drive the Client to at least two Narcotics Anonymous meetings and that he then drove her home afterward.

11. Regarding the allegation that he made inappropriate sexual comments to the Client, the Respondent stated, “I don’t recall making that comment....”

12. Regarding his failure to reveal his criminal history truthfully on his Board applications, the Respondent acknowledged his criminal history and admitted that, “I misrepresented information on my application.” He later stated that he believed sufficient time had passed since his criminal convictions that they were no longer required to be disclosed.

13. The Respondent indicated that his birth name was “Jack Robinson,” but he legally changed his name in or around 1979 for religious reasons.

14. Following the interview, the Respondent signed an Affidavit attesting that he did indeed have a counseling relationship with the Client.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent’s conduct, as described above, constitutes violations of the above-cited provisions of the Act and the regulations adopted by the Board.

ORDER

Based on the foregoing, it is this 16th day of July, 2021, by the Board hereby:

ORDERED that the Respondent’s certificate to practice supervised counseling – alcohol and drug, certificate number SC2425, is hereby **REVOKED**; and it is further

ORDERED that upon service of this Order, the Respondent shall immediately surrender to the Board all indicia of licensure the Board that are in his possession, including but not limited to the original certificate and/or renewal certificates; and it is further

ORDERED that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., General Provisions, §§ 4-101 through 4-601 (Repl. Vol. 2014).

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 17-512(b), the Respondent has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't II § 10-222; and Title 7, Chapter 200 of the Maryland Rules of Procedure.


If the Respondent files an appeal, the Board is a party and should be served with the court's process at the following address:

Tony W. Torain, J.D., Executive Director
Maryland State Board of Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215-2299
Phone: 410-764-4732
Fax: 410-358-1610

At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

July 16, 2021

Date


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

