

IN THE MATTER OF * **BEFORE THE MARYLAND STATE**
ANNETTE ROYER, CAC-AD * **BOARD OF PROFESSIONAL**
Respondent * **COUNSELORS AND THERAPISTS**
Certificate Number: AC1495 * **Case Number: 2021-022**

* * * * *

CONSENT ORDER

On July 16, 2021, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **ANNETTE ROYER, CAC-AD** (Certified Associate Counselor - Alcohol and Drug) (the “Respondent”), certificate number AC1495, that it was summarily suspending her CAC-AD certificate and of its intent to **REVOKE** her CAC-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”).

Specifically, the Board notified the Respondent that its intent to revoke her license was based on violating the following provision:

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:

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

The pertinent provisions of the Code of Maryland Regulations (“COMAR”)

regulations are as follows:

COMAR 10.58.03.03

A. A counselor shall:

- (1) Practice only within the boundaries of a counselor's competence, based on education, training, supervised experience, and professional credentials;
- (2) When developing competence in a new service or technique, or both, engage in ongoing consultation with other counselors or relevant professionals and acquire appropriate additional education or training, or both, in the new area; and
- (3) Maintain qualifications to practice counseling, including meeting the continuing education requirements established by the Board.

COMAR 10.58.07.07

A. Scope of Practice. The scope of practice of a certified associate counselor-alcohol and drug consists of the following activities, performed in accordance with §B of this regulation:

- (1) Biopsychosocial evaluation, including participating in the development of diagnostic impressions for SUDs or Screening, Brief Intervention, and Referral to Treatment (SBIRT);
- (2) Treatment planning for SUDs and CODs, including initial, ongoing, continuity of care, discharge, and planning for relapse prevention;
- (3) Referral;
- (4) Service coordination and case management for SUDs and CODs;
- (5) Counseling, therapy, and trauma informed care, with individuals, couples, families, and groups;

- (6) Client, family, and community education;
 - (7) Documentation; and
 - (8) Complying with:
 - (a) Professional and ethical responsibilities; and
 - (b) Supervisory responsibilities for a certified associate counselor-alcohol and drug, certified supervised counselor-alcohol and drug, or a trainee seeking certification, provided that the certified associate counselor-alcohol and drug has been approved as a supervisor by the Board.
- B. A certified associate counselor-alcohol and drug:
- (1) Shall provide alcohol and drug counseling:
 - (a) As an employee of an agency or facility that is certified or licensed by the State; and
 - (b) Under the moderate supervision of an approved alcohol and drug counselor supervisor as specified in Health Occupations Article, §17-403, Annotated Code of Maryland;
 - (2) May provide supervision with approval by the Board; and
 - (3) May not practice independently.

COMAR 10.27.04.01

A. A registered nurse or licensed practical nurse working in a methadone clinic licensed by the Maryland Department of Health may dispense methadone in accordance with:

- (1) The patient's standing medication order;
- (2) The methadone clinic's policies and procedures for dispensing methadone; and
- (3) State and federal laws and regulations for labeling.

B. A registered nurse or licensed practical nurse working in a methadone clinic licensed by the Maryland Department of Health shall dispense methadone:

- (1) In tamper evident containers;
- (2) In child resistant containers; and
- (3) With any required patient information documents.

C. A registered nurse or licensed practical nurse working in a methadone clinic licensed by the Maryland Department of Health shall maintain records of

methadone dispensed in accordance with the provisions of Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland.

D. A registered nurse or licensed practical nurse may not delegate the dispensing of methadone.

On November 19, 2021, the Board convened a Case Resolution Conference (“CRC”) in this matter. Based on negotiations occurring as a result of the CRC, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusion of Law, Order and Consent.

FINDING OF FACT

The Board finds the following:

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 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 Findings of Fact, the Board concludes as a matter of law the Respondent’s conduct, as described above, constitutes violations of: Health Occ. § 17-509(8) (violates the code of ethics adopted by the Board); Health Occ. § 17-509(9) (knowingly violates any provision of this title); Health Occ. § 17-509(13) (violates any rule or regulation adopted by the Board); and/or Health Occ. § 17-509(16) (commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy) in that the Respondent violated COMAR 10.58.03.03 and COMAR 10.58.03.07.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 17th day of December, 2021, by the affirmative vote of a majority of the members of the Board then serving:

- (a) **ORDERED** the Respondent's certificate is **SUSPENDED** for a minimum period of **SIX (6) MONTHS** retroactive to July 16, 2021, subject to the following terms and conditions:
 - 1. Within 6 months of the effective date of the Consent Order, the Respondent shall submit documentation to the Board showing that she has successfully completed a course, approved by the Board in advance, in professional ethics. The course shall be in-person (or, if in-person courses are not available due to the COVID-related restrictions, then by video-conference). The course shall not count towards the Respondent's Continuing Education requirements for renewal of licensure;
 - 2. During the period of suspension, the Respondent shall pay a monetary penalty in the amount of \$500.00; and
 - 3. At the conclusion of the minimum six (6) months suspension, the Respondent may file a petition for reinstatement of her certificate.

- (c) Upon reinstatement of the Respondent's certificate, she shall be placed on **PROBATION** for a period of at least **TWELVE (12) MONTHS** and until the following terms and conditions are fully and satisfactorily complied with:

1. During the period of Probation, the Respondent shall submit quarterly reports from an individual authorized to dispense and administer narcotics and/or controlled dangerous substances at any opioid treatment program where the Respondent is employed that she has not in fact dispensed and/or administered narcotics and/or controlled dangerous substances during the preceding three (3) time period; and
2. The Respondent may file a petition to have her probation terminated after twelve (12) months and satisfactory completion of the terms and conditions of this Consent Order; and
3. Respondent shall practice counseling according to the Maryland Counselors and Therapists Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of counseling.

ORDERED, if the Board determines, after notice and an opportunity for a hearing before the Board, that the Respondent has failed to comply any of the terms and conditions of this Consent Order, the Board, in its discretion, may impose any sanction that the Board may have imposed in this case, including a reprimand, probation with appropriate terms and conditions, suspension, revocation and/or a monetary penalty; and it is further

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

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that the Consent Order is a PUBLIC DOCUMENT pursuant to Md.
Code Ann., Gen. Prov. §§ 4-101 et seq. (2020).

12/17/2021

Date



Mary N. Drotleff, M.S., LCMFT, Chair
Maryland State Board of Professional
Counselors and Therapists

CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact, and I accept and submit to 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 legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Md. Code Ann., State Gov't Article § 10-222.

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



Annette Royer


NOTARIZATION

CITY: Milford
COUNTY: Sussex

I HEREBY CERTIFY that on this 6 day of DEC, 2021, before me, Notary Public of the State and City/County aforesaid, Annette Royer personally appeared, and made oath in due form of law that signing the foregoing Consent Order was the voluntary act and deed of Annette Royer.

AS WITNESSETH my hand and notarial seal.

SEAL



Notary Public

My Commission Expires: 11/13/2023

