

**IN THE MATTER OF**  
**TRACY BUSHEE, LCPC**  
**Respondent**

**License No. LC2089**

**\* BEFORE THE**  
**\* STATE BOARD OF**  
**\* PROFESSIONAL COUNSELORS**  
**\* AND THERAPISTS**  
**\* Case No. 2019-029**

\* \* \* \* \*

**FINAL CONSENT ORDER**

Based on information received and a subsequent investigation by the State Board of Professional Counselors and Therapists (the "Board"), and subject to Md. Code Ann., Health Occ. § 17-101, *et seq.*, (2014 Repl. Vol. and 2019 Supp.) (the "Act"), the Board issued a Notice of Intent to Revoke the license to practice as a Licensed Clinical Professional Counselor ("LCPC") of **TRACY BUSHEE, LCPC** (the "Respondent"), charging her with violations of the Act and Code Md. Regs. ("COMAR") 10.58.03 *et seq* thereunder.

Specifically, the Board charged the Respondent with violation of the following:

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

Subject to the hearing provisions of Section 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;

- (11) Is professionally... incompetent;
- (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[.]

In addition, the Board charged the Respondent with a violation of its Code of Ethics, in particular:

**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... to whom a counselor is rendering professional service.

**COMAR 10.58.03.04**

- 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.
- B. A counselor may not:
  - (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

**COMAR 10.58.03.05**

- 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[.]

**COMAR 10.58.03.09 Sexual Misconduct.**

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

(1) Inappropriate sexual language;

(2) Sexual exploitation;

(4) Sexual behavior; and

(5) Therapeutic deception.

B. Concurrent Sexual Relationships. A counselor may not engage in either consensual or forced sexual behavior with:

(1) A client;

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.

The Respondent was given notice of the issues underlying the Board's Notice by letter dated August 21, 2020. Accordingly, a Case Resolution Conference was held on November 9, 2020 and was attended by Board members, Board Staff and Counsel to the Board. Also, in attendance were the Respondent and her attorney, and the Administrative Prosecutor

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

## FINDINGS OF FACT

### BACKGROUND

1. At all times relevant to the charges herein, Respondent was licensed to practice professional counseling in the State of Maryland. The Respondent was first issued a license on September 23, 2005. Her license expires on January 31, 2021.

2. At all times relevant herein, the Respondent served as a counselor for a mental health services agency ("Agency") in Southern Maryland.

### COMPLAINT

3. On or about October 15, 2018, the Board received a complaint (the "Complaint") from the Director at the Agency (the "Complainant"). The Complainant informed the Board that an individual ("Client") who received services from the Agency stated that he engaged in a romantic and sexual relationship with the Respondent for four years while the Respondent was providing services to him and continued for one year beyond her tenure.

### BOARD INVESTIGATION

4. The Board determined the following:
- a. The Respondent was appointed a Team Leader and her profile listed her as "focused on providing community based and individual counseling services; specializing in providing services to chronically mentally ill adults." To be a "Team Leader" at the Agency, one had to be a certain type of mental health professional, including a professional counselor.
  - b. The client began treatment at the agency in September 2006.
  - c. The Respondent provided in-home interventional services to the client, including crisis intervention, relapse prevention,

cognitive-behavioral treatment of psychotic symptoms, counseling and stress management. The Respondent wrote treatment notes and reviewed/approved case notes written by members of her team. She often met the client at his residence.

- d. The Respondent provided these in-home interventional services to the client from 2006-2008 and from 2011-2012.
  - e. When the relationship ended, the client was “devastated,” and another mental health counselor was assigned to deal with the psychological and emotional consequences.
5. When questioned, the Respondent claimed that she was not providing “counseling” or “client” services to Client between 2011 and 2015 but acknowledged that she engaged in a sexual relationship with the individual during that time period.
6. When provided with evidence that she had indeed provided extensive counseling and/or client services to this particular client, the Respondent insisted that the individual was just a “participant” or a “consumer.”

#### **GROUND FOR DISCIPLINE**

7. By engaging in an extended sexual relationship for someone with whom she rendered professional services and by engaging in a relationship with the Client that went well beyond the professional client-counselor relationship, as set forth above, the Respondent violated the following provisions of the Act and regulations: §17-509(8) (Violates the code of ethics adopted by the Board); §17-509(11)(Is professionally... incompetent); and (16) (Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.] The Respondent violated §17-509(13)(Violates any rule or regulation adopted by the Board); in that the Respondent

violated COMAR 10.58.03.04 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. B. A counselor may not: (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest; COMAR 10.58.03.05 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; COMAR 10.58.03.09(A) Sexual Misconduct. A counselor may not engage in sexual misconduct with a client... Sexual misconduct includes but is not limited to: (1) Inappropriate sexual language; (2) Sexual exploitation; (4) Sexual behavior; and (5) Therapeutic deception. Concurrent Sexual Relationships. A counselor may not engage in either consensual or forced sexual behavior with: (1) A client; 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.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated §§ 17-509(8), (11), (13), and (16) of the Act and COMAR 10.58.03.02 A. and B. (2) (a); COMAR 10.58.03.04 A. (11) and (14) and B. (3); and COMAR 10.58.03.05 A. (2) (a) and B. (1) (a); COMAR 10.58.03.09 A. (1), (2), (4), and (5), B. (1), and C. (1).


**ORDER**

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 19<sup>th</sup> day of February 2021, by a majority of a quorum of the Board,

**ORDERED** that the Respondent's license to practice as a Licensed Clinical Professional Counselor is hereby REVOKED.

**ORDERED** that the Consent Order is effective as of the date of its signing by the Board; and be it

**ORDERED**, that for purposes of public disclosure, as permitted by Md. General Provisions, Code Ann. §§ 4-101, *et seq.* (Repl. Vol. 2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.

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

CONSENT OF TRACY BUSHEE, LCPC

I, **TRACY BUSHEE, LCPC**, am represented by counsel, Jamaal Stafford, Attorney, and have consulted with counsel before entering into this Consent Order. By this Consent and for the 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 the 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 might have followed after any such hearing.

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

2/11/2021

Date

  
\_\_\_\_\_  
TRACY BUSHEE, LCPC



STATE OF Maryland :

CITY/COUNTY OF Charles :

I HEREBY CERTIFY that on this 11 day of February 2021, before me, Megan Phipps, a Notary Public of the foregoing State and (City/County),  
(Print Name)  
Personally appeared **TRACY BUSHEE, LCPC, License No. LC2089**, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Megan Phipps  
Notary Public

My Commission Expires: 10/02/2021

