

IN THE MATTER OF	*	BEFORE THE MARYLAND STATE
GERSHON SONNENSCHN, LCPC	*	BOARD OF PROFESSIONAL
Respondent	*	COUNSELORS AND THERAPISTS
License Number: LC4768	*	Case Number: 2019-102

* * * * *

CONSENT ORDER

On August 20, 2021, the Maryland State Board of Professional Counselors and Therapists (the “Board”) issued an “Order for Summary Suspension” which notified **GERSHON SONNENSCHN, LCPC** (the “Respondent”) License Number: LC4768, that the Board had summarily suspended his LCPC license, pursuant to Md. Code Ann., State Gov’t § 10-226(c) (2014 Repl. Vol. & 2020 Supp.) and Md. Code Regs. (“COMAR”) 10.58.04.10, concluding that there is substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare. On October 15, 2021, after a post-deprivation show cause hearing was held, the Board issued an Order continuing the Order for Summary Suspension.

On August 20, 2021, the Board also issued the Respondent a “Notice of Intent to Revoke Licensure” which charged the Respondent with violating various provisions of the Maryland Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

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

Pursuant to Health Occ. § 17-509(8) and (13), shown above, the Board also charged the Respondent with violating the following provisions of Md. Code Regs. ("COMAR"):

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[.]

On or about November 19, 2021, after requesting a hearing on the Order for Summary Suspension and the Notice of Intent to Revoke Licensure, the Respondent, represented by counsel, the Administrative Prosecutor, and representatives of the Board attended a Case Resolution Conference (“CRC”). As a result of negotiations at the CRC, the parties agreed to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. BACKGROUND

1. At all times relevant, the Respondent was authorized to practice clinical professional counseling in the State of Maryland. The Respondent was originally licensed to practice as an LCPC in the State of Maryland on November 14, 2012, under License Number LC4768. The Respondent’s license is scheduled to expire on January 31, 2022.

II. COMPLAINT

2. The Board received a complaint dated June 18, 2019, filed by the Director of Business Operations and Quality Assurance (the “Complainant”) from the Respondent’s

former employer (the “Employer”) alleging the Respondent hugged a client (the “Client”) and asked the Client if the Respondent could kiss her. The Complaint attached journal notes that the Client provided to the Employer documenting the incident.

3. After receiving the complaint, the Board initiated an investigation of the Respondent under Case Number 2019-102.

III. BOARD INVESTIGATION

4. As part of its investigation, the Board obtained personnel records from the Employer, treatment records from the Employer for the Client, and emergency room discharge paperwork for the Client. The Board also interviewed the Client and the Respondent.

5. At all times relevant, the Respondent practiced as a therapist at the Employer from on or about April 19, 2017 until June 28, 2019, when the Respondent resigned.

6. A review of the Client’s records from the Employer revealed the Client first presented at the Employer on July 10, 2018, complaining of depression, anxiety, and PTSD. The Client was assigned to the Respondent and participated in five individual therapy sessions, all with the Respondent – July 16, 2018; July 26, 2018; August 9, 2018; September 6, 2018; and September 20, 2018.¹ Throughout these five sessions the Respondent documented that he discussed several issues with the Client, including but not

¹ The Client also had a session that was scheduled for October 4, 2018, which was canceled because the Client was “no longer interested in therapy.”

limited to, the Client's history of trauma and sexual abuse, her issues with intimacy, and her lack of self-advocacy. Examples of this documentation include:

- a. At the very first session on July 16, 2018, the Respondent documented that the Client is a 28-year-old female with a "long history of depression and social anxiety" with "some elements of trauma" and that the Client "wants to move forward[,] find clarity[,] reduce feelings of depression[,] deal with trauma and figure out current relationship status." The Respondent also documented that the Client was "molested when in elementary [school] . . . did not say anything till [*sic*] she got older."
- b. At the second session on July 26, 2018, the Respondent documented that the Client said she was never told "she was loved or hugged" by her mother and "she feels anger comes from there."
- c. At the third session on August 9, 2018, the Respondent documented that the Client's "lack of being nurtured and feeling any sense of love from her mother affects her to this day."
- d. At the fourth session on September 6, 2018, the Respondent documented that the Client was depressed because she had been in a relationship for ten years "and now has no feelings for him" and the Client wanted to be "alone but lacks the courage to speak up."

7. A review of the journal entries attached to the Complaint, which were documented by the Client, revealed the Client documented the following:

Today I had a therapy session with my therapist at [the Employer] at 10am with [the Respondent]. In today's session (9/20/18), . . . when the session was over. Before opening the door to leave out. He asked for a hug. I reached nd [sic] gave him a hug with one hand. He was holding on tight while I was tryna [sic] keep it a little distant. I had almost fell over from him pulling me close. He asked if I wanted him to stop hugging me "I said YES". Then he touched my shoulders and pulled me away to ask me again. As if he couldn't believe I was saying stop. Nd [sic] "I said No" I felt like tht [sic] kid again being abused. Trying to speak up nd [sic] it didn't work. I lost my voice that fast. As he's hugging me he lays my head on his shoulder while rubbing my back up and down (felt like he was caressing me). He repeatedly asked me "what I wanted from him". I didn't answer because at this point I felt violated. He then grabs my face with the palm of his hand on each side. He asked me "If I wanted a kiss", I said no (at this point he was holding my face nd [sic] we were looking each other in the eye). . . . I came outside nd [sic] cried. . . . Afterwards I felt betrayed. I thought therapy was suppose to be liberating. I thought I could trust this stranger. He act as if he cared. Instead he used the fact that I was vulnerable, going through hardship to take advantage. I've confided in him about my previous sexual abuse as a kid. The fact that I suffer from ptsd because of it. He made everything worst [sic]. . . . I have a appt. on 10/4/18 but im [sic] not going back. Scared to call nd [sic] cancel it. In the appointment before this one on 9/6/18. He asked for a hug after the session was over. I thought it was weird and awkward. I agreed even though I felt so uncomfortable.

8. On February 3, 2021, the Board's investigator interviewed the Client, at which time, the Client stated the following:

- a. At the end of one of the sessions the Respondent asked her for a hug. She thought it was "weird" but acquiesced anyway.

- b. Before she left the next session the Respondent stopped her and asked for a hug again, which she thought was “really getting weird.” While the Respondent was hugging her, he was holding her “so tight to where as though, you know, like you may like stumble, like you fall over. So it was like him pulling me closer.” While the Respondent was hugging her he rubbed/caressed her back and asked her “is there anything . . . you want from me.” Then, the Respondent pulled himself apart from the Client and “put the palms of his hands on my face” and asked “do you want to kiss?” The Client said “no.”
- c. After the second incident, the Client went to the emergency room for emotional distress.
- d. The Client explained that she did not immediately report the incidents to the Employer or file a complaint because she was scared and afraid of retaliation. The Client further explained that she was scared that “if I make a complaint, I didn’t want them to like say something to him and then he try to find a way to contact me. Because, at this point, . . . they have access to all my information, like my address and everything.” But the thought that the Respondent “could be harming someone else . . . lingered in my mind from time to time, and I just like, you know, I wouldn’t want him doing this to anyone else. So let me just say something” and then she called the Employer and reported it.

9. The Client provided the Board's investigator with discharge paperwork from an emergency department which revealed that the Client arrived at the emergency department on September 21, 2018 at 4:46 p.m. and was discharged at 7:14 p.m. The diagnoses was listed as alleged assault and anxiousness.

10. On April 6, 2021, the Board's investigator interviewed the Respondent under oath, at which time, the Respondent stated the following:

- a. "I deny anything of any nature of anything that resembles anything."
- b. "I didn't say any of these things. . . . I don't rub backs. I don't touch. I don't make statements for this."
- c. "I never touched, I never put my hands on, I never put my back on, my hands on anyone's back. I never hugged someone disrespectfully or without, with, not without or with any, in any, in any form because it would have shown that I did not treat that person with respect."
- d. However the Respondent admitted that at the beginning of his employment with the Employer he did hug a female client when she was crying and put her arms out. He stated that he was verbally reprimanded by the Employer for this.
- e. Regarding the complaint in this case, the Respondent stated, "why would someone . . . keep on coming back if there are indications of some level of abuse? Why do you return to the abuse if you say that, that it occurred at previous sessions?"

- f. This was the first time he has heard the name of the Client involved with this complaint. He stated that he requested the Client's name at the time he was notified of the allegation, but the Employer refused to give it to him. He explained that he asked the Employer for the Client's name "because if I have to return charges to them for whatever I can, I will. . . . I might have to consider taking legal action against this person and, and my reputation and my career is at stake here."

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 Act and a basis on which to discipline the Respondent's license to practice as a Licensed Clinical Professional Counselor. Specifically:

§ 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;

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

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[.]

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 17th day of December, 2021, by a majority of the quorum of the Board considering this case hereby:

ORDERED that the **SUMMARY SUSPENSION** of the Respondent's license to practice as a Licensed Clinical Professional Counselor, as ordered by the Board in its August 20, 2021, Order for Summary Suspension is hereby **LIFTED AND TERMINATED**; and be it further

ORDERED that the Respondent's license to practice as a Licensed Clinical Professional Counselor is hereby **SUSPENDED for SIX (6) MONTHS** effective August 20, 2021; and it is further

ORDERED that prior to the Respondent's application for termination of suspension, the Respondent shall submit to an independent "fitness to practice" evaluation conducted by a Board-approved licensed mental health professional; and it is further

ORDERED that the Respondent shall not apply for early termination of suspension; and it is further

ORDERED that after the **minimum period of SIX (6) MONTHS suspension**, and if the Respondent has fully and satisfactorily complied with all terms and conditions for the suspension, the Respondent may submit a written petition to the Board for termination of the suspension. After determination that the Respondent has complied with this Consent Order, including a report from an independent evaluator stating that he is fit to practice, and if there are no complaints of a similar nature, the Board may administratively terminate the Respondent's suspension through an order of the Board; and it is further

ORDERED that upon termination of the suspension, the Respondent is placed on **PROBATION** for a minimum period of **THREE (3) YEARS**, and continuing until the Respondent has successfully completed the following probationary conditions:

1. **Within twelve (12) months** of beginning the probationary period, the Respondent shall enroll in and successfully complete a **six (6) credit hour ethics course**, approved in advance by the Board. The Respondent shall

submit documentation to the Board demonstrating he successfully completed the six (6) credit hour ethics course;

2. No part of the training or education that the Respondent receives in order to comply with the Consent Order may be applied to his continuing education credits required for certification/licensure;
3. The Respondent shall obtain a **Board approved supervisor** at his own expense;
4. Prior to signing a supervision agreement with any Board-approved supervisor, the Respondent shall present a complete copy of the Consent Order to the prospective supervisor;
5. The Respondent shall authorize the Board to provide the Supervisor with this Consent Order and all of the relevant documents in the investigative file, including the Investigative Report and its attachments;
6. The Respondent shall meet with the Board-approved Supervisor for no less than sixty (60) minutes on a bi-weekly basis throughout the duration of probation;
7. The Supervisor shall submit **quarterly written reports** to the Board for the entire duration of the probation period detailing the supervision provided and evaluating the Respondent's practice;
8. The Respondent shall have sole responsibility for ensuring that the Supervisor submits the required reports to the Board in a timely manner;

9. A negative report from the Supervisor or any failure to comply with the Supervisor's recommendations shall be deemed a violation of probation or of this Consent Order;
10. In the event that the Respondent's supervisor discontinues supervising the Respondent's practice for any reason during the probationary period, the Respondent shall immediately notify the Board. The Respondent shall be solely responsible for submitting a request for a Board-approved replacement;
11. The Respondent shall, at all times, comply with the Act and all applicable laws, statutes and regulations;
12. The Respondent shall at all times cooperate with the Board, any of its agents or employees, and with the Board-assigned investigator, in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of the Consent Order;
13. After a minimum of three (3) years of probation, the Respondent may submit a written petition to the Board for termination of the probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Board at its discretion may grant termination if the Respondent has fully and satisfactorily complied with all the terms and conditions of the Consent Order, there are no pending investigations or complaints against the Respondent, the Supervisor recommends termination of probation, and the Board deems termination of probation appropriate;

14. If the Respondent fails to make any such petition, then the probationary period status may continue indefinitely, subject to the conditions set forth in this Order;
15. If the Board determines that the terms or conditions of this Order have not been successfully completed, the Board may modify the terms and conditions of Respondent's probation, upon notice to the Respondent;
16. If the Respondent allegedly fails to comply with any term or condition of the Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If, in its sole discretion, the Board determines that there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and
17. After the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of the Consent Order, the Board may reprimand the Respondent, place Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice as a clinical professional counselor in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; 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 this Consent Order is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019).

12/17/2021

Date



Mary N. Drotleff, M.S., LCMFT

Board Chair

Maryland State Board of Professional
Counselors and Therapists

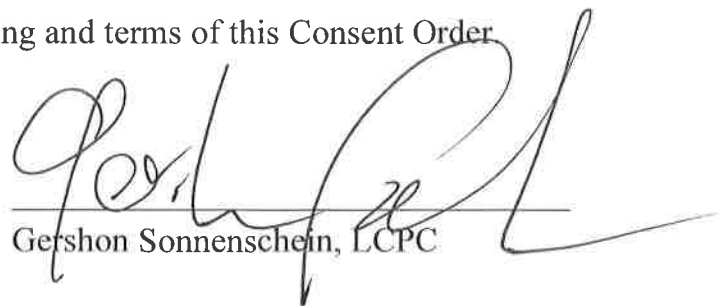
CONSENT

I, Gershon Sonnenschein, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel, Howlett Jackson, Jr., Esquire, and I have consulted with counsel in this matter. I have knowingly and voluntarily agreed to enter 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.
2. I have knowingly and voluntarily agreed to enter 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.

3. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 17-511 (2014 Repl. Vol. and 2020 Supp.) and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. and 2020 Supp.).
4. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have 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 as provided by law. I am waiving those procedural and substantive protections.
5. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Notice of Intent to Revoke Licensure against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.
6. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to further disciplinary actions.
7. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order

12/1/21
Date


Gershon Sonnenschein, LCPC

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 6th day of December,

2021, before me, a Notary Public of the State and City/County aforesaid, personally appeared Gershon Sonnenschein, LCPC, License Number LC4768, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



[Handwritten Signature]

Notary Public

My Commission Expires: 10/04/2025