

<p>IN THE MATTER OF</p> <p>LINDSEY NICOLE CARRUTHERS, ADT</p> <p style="padding-left: 40px;">Respondent</p> <p>Trainee Number:</p> <p>ADT1411</p>	<p>* BEFORE THE</p> <p>* STATE BOARD OF</p> <p>* PROFESSIONAL</p> <p style="padding-left: 20px;">COUNSELORS</p> <p>* AND THERAPISTS</p> <p>* Case Number: 2018-13 & 2018-14</p>
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ORDER OF REVOCATION OF ALCOHOL AND DRUG TRAINEE STATUS

On September 28, 2018, the Maryland State Board of Professional Counselors (the “Board”) notified **LINDSEY NICOLE CARRUTHERS, ADT** (the “Respondent”), trainee number **ADT1411**, of the Board’s intent to **REVOKE** her alcohol and drug trainee status (“ADT”) pursuant to the Administrative Procedure Act (the “APA”), Md. Code Ann., State Gov’t §§ 10-201 *et seq.* (2014 Repl. Vol. & 2017 Supp.) and the Maryland State Board of Professional Counselors and Therapists Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 17-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.).

The pertinent provisions of the APA state:

§ 10-226. Licenses – Special Provisions.

...

(c) *Revocation or suspension.* -- (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation; and
- (ii) an opportunity to be heard.

Specifically, the Board intends to revoke the Respondent’s ADT status based upon the following provisions under Md. Code Ann., Health Occ. § 17-509:

Denial, suspension or revocation of license.

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 of any certificate holder if the applicant, licensee, or certificate holder:

...

(8) Violates the code of ethics adopted by the Board;

...

(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;

...

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

The pertinent regulations under Md. Code Regs. 10.58.03 Code of Ethics, are as follows:

.02 Definitions

...

B. Terms defined.

(4) "Dual relationship" means a relationship in which a counselor is simultaneously involved in more than one type of relationship with a client.

.04 Ethical Responsibility.

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[.]

.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

(b) Take appropriate measures, including but not limited to, informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs if a dual relationship cannot be avoided[.]

The Respondent was informed that an Order of Revocation of Alcohol and Drug Trainee Status would be executed **THIRTY (30) DAYS** from date of receipt of the Board's notice, unless the Respondent requested a hearing.

In order for the Board not to execute this Final Order, a written request for a hearing had to be received from the Respondent on or before October 31, 2018. The Respondent failed to request a hearing on or before this date.

FINDINGS OF FACT

The Board finds:

BACKGROUND

1. On or about January 24, 2017, the Respondent was initially certified by the Board as an ADT. The Respondent's alcohol and drug trainee status is scheduled for renewal on January 31, 2019.

2. On or about September 7, 2017, Client A, a former male client of the Respondent, filed a complaint with the Board alleging the Respondent induced him to purchase controlled dangerous substances (“CDS”) (pain pills) on behalf of the Respondent.

3. On or about September 7, 2017, Client B, the wife of Client A, filed a complaint with the Board alleging the Respondent induced her husband and herself to purchase CDS (pain pills) on behalf of the Respondent.

4. At all times relevant, the Respondent was employed by a substance abuse rehabilitation service center in Glen Burnie, MD (“Facility A”) as an ADT trainee.

5. Based on the complaints filed by Clients A and B, the Board initiated an investigation of the allegations, which included obtaining documents from Facility A.

6. During the course of its investigation, Board staff discovered that on or about January 3, 2018, the Respondent had pleaded guilty to felony theft in the Circuit Court for Anne Arundel County (the “Circuit Court”).

7. Board staff also discovered that on or about May 11, 2018, the Respondent had pleaded guilty to misdemeanor theft in the Circuit Court.

8. The Board’s investigative findings are set forth in pertinent part below.

CLIENT A

9. On or about August 4, 2017, Client A reported the following information to Counselor A, a CSC-AD employed by Facility A:¹

- In October 2016, the Respondent began treating Client A for addiction at Facility A;
- About mid-November 2016, the Respondent texted Client A. Client A asked for a picture of the person sending the text, the person complied, and Client A identified the person in the picture as the Respondent. The Respondent requested that Client A procure “pain pills” on her behalf for a friend;

¹ Counselor A recorded the interview in a written statement.

- At the Respondent's request, Client A procured "pain pills" (oxycodone)² for the Respondent and delivered them to the Respondent. The Respondent paid Client A in cash and pills (diazepam³);
- Client A stated that he had "been having an outside relationship" with the Respondent;
- Client A stated that the "exchanges" went on "for quite some time" and that he continued procuring pain pills for the Respondent after the Respondent no longer worked at Facility A; and
- Client A stated that his unethical relationship with the Respondent precluded him from moving forward in his addiction treatment.

CLIENT B

10. On or about August 4, 2017, Client B reported the following information, to an ADT counselor at Facility A, Counselor B:

- Client B met the Respondent through her husband, Client A;
- Client B stated that approximately every three days the Respondent would come to Client B and her husband for pain pills and she (the Respondent) would give them money or "Valumes"[sic] (diazepam) in return for the pain pills;
- Client B stated that the Respondent took advantage of her vulnerability;
- According to Client B, the Respondent gave Client B pills (diazepam) to "relax" her and prevent her from filing a complaint against the Respondent; and
- According to Client B she was "incoherent" which affected the care of her children.

CONVICTIONS

FELONY THEFT

² A Schedule II CDS.

³ A Schedule IV benzodiazepine, Valium.

11. On or about February 7, 2017, the Circuit Court charged the Respondent with twelve counts including: two counts of theft: \$1000 to under \$10,000; three counts of issuing a counterfeit order; four counts of forgery; one count of issuing a false document; and two counts of fraud identity theft: \$1000 to under \$10,000.

12. On or about January 3, 2018, the Respondent pleaded guilty to two counts of theft: \$1000 to under \$10,000.

13. On or about March 5, 2018, the Circuit Court sentenced the Respondent to one-year incarceration in the County Detention Center.

MISDEMEANOR THEFT

14. On or about December 2, 2017, the Respondent was arrested for shoplifting.

15. The Respondent was charged with one count of theft: \$100 to under \$1500.

16. On or about May 11, 2018, the Respondent pleaded guilty to this count.

17. On or about May 11, 2018, the Respondent was sentenced to the County Detention Center for six months, to run concurrent to any sentence currently serving.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct, in whole or in part, constitutes violations of the code of ethics adopted by the Board in violation of Health Occ. § 17-509(8), specifically under Md. Code Regs. 10.58.03 *et seq.*; the Respondent's conduct, in whole or in part, constitutes evidence that she engaged in unprofessional conduct in the practice of clinical or nonclinical counseling, in violation of Health Occ. § 17-509(16); and the Respondent's conduct, in whole or in part, constitutes evidence that she pleaded guilty to a felony or crime involving moral turpitude, in violation of § 17-509(10).


ORDER

Based upon the findings of fact and conclusions of law, it is, by a majority of the Board's members then serving:

ORDERED that the alcohol and drug trainee status of Lindsey Nicole Carruthers in the State of Maryland be and is hereby **REVOKED**; and it is further

ORDERED that this Final Order is a public document pursuant to Md. Code Ann, Gen. Prov. §§ 4-101 et seq. (2014 & 2016 Supp.).

12/21/18
Date



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

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 30 days from the receipt of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, State Gov't Article § 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. In addition, the Respondent should send a copy to the Board's counsel, Rhonda Edwards, Assistant Attorney General, at the Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201. The Administrative Prosecutor is not involved in the circuit court process and need not be served or copied on pleadings filed in that court.