

IN THE MATTER OF * BEFORE THE MARYLAND
EDWIN T. ALSPAUGH, LCPC * BOARD OF PROFESSIONAL
RESPONDENT * COUNSELORS AND THERAPISTS
LICENSE NO.: LC3117 * CASE NO.: 2021-098

* * * * *

CONSENT ORDER

The Maryland Board of Professional Counselors and Therapists (“the Board”) notified **Edwin T. Alspaugh**, License No.: **LC3117** (the “Respondent”), of the Board’s intent to revoke his license to practice as a licensed clinical professional counselor (“LCPC”), in the State of Maryland, under the Professional Counselors and Therapists Act (the “Act”), codified at Md Code Ann., Health Occupations (“Health Occ.”) §§ 17-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

The pertinent provisions of the Act state:

§17-509. Denial, probation, suspension or revocation of certificate applicant or holder.

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;

....

(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[.]

The pertinent provisions of COMAR state:

10.58.03.03 Professional Competence.

A. A counselor shall:

....

(3) Maintain qualifications to practice counseling, including meeting the continuing education requirements established by the Board.

10.58.05.03 Requirements.

A. CEU Requirements. The certificate or license holder shall complete a minimum of 40 CEUs in each renewal period, as follows:

(1) At least 30 CEUs shall be in Category A activities and not more than 10 CEUs may be in Category B activities; or

(2) All 40 CEUs may be in Category A activities.

B. CEUs that are in excess of requirements may not be carried over to the next renewal period.

C. A certificate or license holder who has a renewal period of less than 2 years shall complete a minimum of 20 Category A CEUs for that renewal period.

D. Proof of Completion.

(1) A license or certificate holder shall attest to completion of required CEUs at the time of renewal or reinstatement, on a form supplied by the Board.

(2) The license or certificate holder shall obtain the requisite documentation of CEU attendance and retain this documentation for the succeeding 4 years for possible inspection by the Board.

(3) Required Documentation of Category A and Category B Activities.

(a) The required documentation of Category A activities as defined in Regulations .04 and .05 of this chapter include:

- (i) Certificates of participation;
- (ii) Transcripts.
- (iii) Reprints of publications;
- (iv) Proof of presentations; or
- (v) Any other information necessary to verify compliance with the requirements of Regulations .04 and .05 of this chapter.

(b) The required documentation of Category B activities as defined in Regulations .04 and .06 of this chapter, include:

- (i) Dates;
- (ii) Names of presenters;
- (iii) Outlines of presentations;
- (iv) Topics of meetings; or
- (v) Any other information necessary to verify compliance with the requirements of Regulations .04 and .06 of this chapter.

(4) The license or certificate holder shall demonstrate that the CEU activity fell within the renewal period.

FINDING OF FACTS

1. At all times relevant hereto, the Respondent was licensed to practice professional counseling.
2. The Respondent was originally issued a license to practice as a clinical professional counselor in Maryland on or about April 24, 2009. The Respondent's license expires on or about January 31, 2025.
3. On or about January 25, 2022, the Board initiated a complaint (the "Complaint") against the Respondent for failing to complete continuing education requirements for license renewal.
4. An investigation of the Complaint by Board staff revealed the following:
5. On or about January 28, 2021, the Respondent completed and submitted to the Board an online renewal application (the "Application"). The Respondent checked a box on the Application affirming that his answers to the questions within were true and correct.
6. The Respondent indicated on the Application that he took and completed forty (40) hours of continuing education courses ("CEUs").
7. On the same day that the Respondent submitted the Application, the Respondent e-mailed Board staff. The Respondent admitted in his email correspondence to Board staff that he did not take and complete the CEUs that he listed in the Application. The Respondent also stated in his email that he had "made up" the names of the CEUs cited in the Application.

8. The Respondent's conduct as set forth above violates Health Occ. §17-509 (1), (9), (13), and (16); and COMAR 10.58.03.03A(3); and COMAR 10.58.05.03.

CONCLUSIONS OF LAW

The Board concludes that the Respondent is in violation of Health Occ. §17-509 (1), (9), (13), and (16); and COMAR 10.58.03.03A(3); and COMAR 10.58.05.03.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of February, 2024, by a majority of the full authorized membership of the Board hereby:

ORDERED that the Respondent's license to practice professional counseling shall be **SUSPENDED** for a period of **THIRTY (30) DAYS**; and it is further

ORDERED that following the active thirty (30) day period of suspension, the Respondent's license shall be placed on **PROBATION** for a period of **ONE (1) YEAR** provided the Respondent has fully and satisfactorily complied with the following terms and conditions:

- (1) The Respondent shall enroll in and successfully complete a Board-approved ethics course and any other continuing education credits required by the Board. The ethics course and any other continuing education credits required under this Consent Order shall not be used to satisfy the continuing education requirements for the applicable 2-year licensure renewal period.
- (2) The Respondent shall pay a **MONETARY PENALTY** in the amount of **ONE THOUSAND (\$1,000.00) DOLLARS**.

- (3) The Respondent shall not serve or continue to serve as a Board Authorized Sponsor, presenter, and/or trainer of professional counseling continuing education learning activities, an Ethics Tutor, an evaluator for the Board, or a Board Approved Supervisor for a period of five (5) years from the effective date of this Consent Order.
- (4) The Respondent shall provide documentation that is satisfactory to the Board that he has properly notified his clients that he cannot provide professional counseling services during the period of his active suspension.
- (5) The Respondent shall comply with the Maryland Professional Counselors and Therapists Act and all laws, states, and regulations pertaining thereto; and it is further

ORDERED that at the conclusion of the probationary period, the Respondent may submit a written petition to the Board requesting termination of his probation. The Respondent must submit proof to the Board that he has satisfied the probationary terms and conditions set forth in this Consent Order. The Respondent must also submit proof to the Board that he has completed his continuing education requirements under the terms set forth in this Consent Order.

ORDERED that after consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, may grant the termination if the Respondent has fully and satisfactorily complied with all the probationary terms and conditions under this Consent Order and there are no pending complaints; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an

opportunity for a show cause hearing, may impose any sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of his probation and this Consent Order; and it is further

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

ORDERED that this Consent Order may be reportable to the National Practitioners' Data Bank; and it further

ORDERED that this document constitutes a formal disciplinary action of the Board, and this Consent Order is final and is a public document for purposes of public disclosure, pursuant to Md. Code Ann., General Provisions § 4-101 et seq. (2023 Repl. Vol.).

02/16/2024

Date

Winne Moore

Winne Moore, LCPC

Board Chair

Maryland Board of Professional Counselors and Therapists

CONSENT

I, EDWIN T. ALSPAUGH acknowledge that I was not represented by an attorney before entering into this Consent Order. By this Consent Order 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 waive any rights I may have to contest the Findings of Fact and the Conclusions of Law. 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 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 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.

3/8/2024
Date

Edwin T. Alspaugh
Edwin T. Alspaugh, LCPC

NOTARY

State: Maryland
City/County: Baltimore City

I HEREBY CERTIFY that on this 8th day of February, 2024 before me, a Notary Public of the State and City/County aforesaid, personally appeared, **EDWIN T. ALSPAUGH, LCPC, License Number: LC3117** and declared and affirmed under the penalties of perjury that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial seal.

Antionette Wilkins
Notary Public

My Commission expires: 10/16/2027

