

<p>IN THE MATTER OF</p> <p>YAAKOV EHRMAN, LGPC Applicant & Alcohol and Drug Trainee</p> <p style="padding-left: 40px;">Respondent</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE</p> <p>MARYLAND</p> <p>BOARD OF PROFESSIONAL</p> <p>COUNSELORS AND THERAPISTS</p> <p>Case Number: 2011-08</p>
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CONSENT ORDER

On or about November 29, 2012, the Maryland Board of Professional Counselors and Therapists (the "Board") issued to Yaakov Ehrman, Alcohol and Drug Trainee (the "Respondent"), a Notice to Deny Respondent's Application for Licensed Graduate Professional Counselor ("LGPC"), filed on or about December 22, 2010, and Notice to Rescind the Respondent's Alcohol and Drug ("AD") Trainee Status, pursuant to the Maryland Professional Counselors and Therapists Act (the "Act") codified at Md. Code Ann., Health Occ. ("H.O.") §§ 17- 101, *et seq.* (2009 Repl. Vol., 2012 Supp.).

The pertinent provisions of the Act under which the Board filed the above-referenced Charges provide the following:

- § 17-309. Supervised clinical practice.
 - (b) *Qualifications -- In general.* – To qualify to practice as a ... licensed graduate professional counselor, an individual shall be:
 - (1) Of good moral character;
 - ...
 - (f) *Approval by Board required.* – An individual may not practice without approval by the Board.

§ 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 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 or any licensee or a certificate or any certificate holder if the applicant, licensee, or certificate holder:

- (6) Willfully makes or files a false report or record in the practice of counseling or therapy;
- (7) Makes a willful misrepresentation while counseling or providing therapy;
- (9) Knowingly violates any provision of this title;
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy; [or];
- (18) Fails to cooperate with a lawful investigation conducted by the Board.

§ 17-602. Prohibited acts – Alcohol and drug counselor, professional counselor, marriage and family therapist.

Except as otherwise provided in this title, unless an individual has been approved by the Board to practice as a licensed graduate alcohol and drug counselor, a licensed graduate professional counselor, a licensed graduate marriage and family therapist, or a licensed graduate professional art therapist the individual may not:

- (1) Use the title "licensed graduate alcohol and drug counselor", "licensed graduate professional counselor", "licensed graduate marriage and family therapist", or "licensed graduate professional art therapist";
- (2) Use the initials "L.G.A.D.C.", "L.G.P.C.", "L.G.M.F.T.", or "L.G.P.A.T." after the name of the individual;
- (3) Represent to the public that the individual is approved by the Board to practice alcohol and drug counseling, professional counseling, marriage and family therapy, or professional art therapy; or
- (4) Use any title, abbreviation, sign, card, or other representation that the individual is a licensed graduate alcohol and drug counselor, a licensed graduate professional counselor, a licensed graduate marriage and family therapist, or a licensed graduate professional art therapist.



On March 8, 2013, a panel of the Board held a Case Resolution Conference (“CRC”) with the Respondent, his counsel, and the administrative prosecutor in order to resolve this matter without the need for a formal hearing by way of this Consent Order.

FINDINGS OF FACT

The Board makes the following findings of fact:

The Complaint

1. The Respondent is an unlicensed individual who filed an Application with the Board to obtain licensure as a licensed graduate professional counselor (“LGPC”) on or about December 22, 2010.
2. While processing the Respondent’s Application, the Board received a complaint on or about January 13, 2011, from Facility A¹, a facility that provides behavioral health services, informing the Board that the Respondent’s employment had been terminated by Facility A for misrepresenting himself as an LGPC while working at the facility.
3. The complaint alleged that the Respondent had stated that he was an LGPC on his employment application and resume but that Facility A learned during an audit of his employment file that the Respondent was not licensed by the Board.

The Board’s Investigation

4. Based on the complaint, the Board initiated an investigation of the Respondent.
5. During the course of its investigation, the Board received documents from Facility A which revealed that the Respondent had:
 - a. Represented on his cover letter, employment application and resume that he held LGPC licensure;

¹ For confidentiality purposes, the names of individuals and facilities have been omitted in this charging document.



- b. Worked in the capacity of an LGPC for several months providing counseling to six (6) to eight (8) boys during his employment at Facility A; and
 - c. Signed at least four treatment notes using "LGPC" after his name.
6. While Facility A's personnel file contains a verification of licensure print-out from the Board's website for a female licensee with a different first name and a similar last name as the Respondent, Mr. Ehrman denies having submitted it as proof of licensure.
 7. An employee at Facility A confronted the Respondent on December 20, 2010 regarding his licensure status and asked whether he had passed "the counselor's exam," referring to the National Counselors Examination ("NCE"). At the time, Mr. Ehrman indicated "yes" since he had passed the Certified Professional Counselor's Exam ("CPCE"). Mr. Ehrman knew or should have known that the employee was referring to the NCE. However, the Board's records reveal that the Respondent had not taken the NCE nor had he been approved to sit for the exam at that time.
 8. When the Respondent was unable to produce valid proof of licensure, Facility A terminated his employment.
 9. The Respondent's conduct as set forth above constitutes grounds for denial of licensure pursuant to H.O. §§ 17-309(b)(1), 17-309(f), 17-509(6), (7), (9) and (16), and 17-602.
 10. In accordance with the Board's standard investigative practice, the Board's investigator notified the Respondent of the complaint on February 7, 2011.
 11. On or about February 14, 2011, the Respondent telephoned the Board's investigator, who discussed briefly discussed the complaint with him and requested that he come to the Board's offices for a sworn interview to answer questions regarding the complaint.

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12. The Respondent told the investigator that he would contact her to schedule an interview date, but he failed to do so. He also failed to respond to a subsequent telephone call from the investigator.
13. On or about April 5, 2011, the Board's investigator issued a subpoena *ad testificandum* to compel Respondent's testimony. The investigator sent a copy of the subpoena to the Respondent's counsel, whose notice of representation had been received by the Board on April 4, 2011.
14. Despite several discussions with Board staff and Board counsel, the Respondent failed to appear for an interview.
15. On or about April 29, 2011, the Respondent sent a letter to the Board stating that he was withdrawing his application for LGPC licensure. The Board subsequently informed the Respondent that it would not allow withdrawal of his application because of its ongoing active investigation of the complaint against him.
16. On May 5, 2011, the Respondent filed a Motion to Quash Administrative Subpoena, or in the Alternative, Motion for a Protective Order in the Circuit Court for Baltimore City, Case No. 24C11003224.
17. On May 20, 2011, the Board filed a Motion to Compel Compliance with Subpoena *Ad Testificandum*, and In Opposition to Motion to Quash Subpoena, or in the Alternative, Motion for Protective Order.
18. The Court has yet to rule on either Motion.

The Respondent's Alcohol and Drug Trainee Application

19. On or about February 18, 2011, the Respondent filed an Alcohol and Drug Trainee Application with the Board.

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20. On his AD Trainee Application, the Respondent answered “No” to the question “Has an investigation or charges ever been brought against you by any licensing or disciplinary Board?”
21. As previously stated herein, the Respondent had been informed of the Board’s investigation of the complaint against him on February 7, 2011.
22. On or about February 23, 2011, the Respondent received A & D Trainee Status from the Board.
23. In addition to the grounds for denial of his Application for LGPC licensure, the Respondent’s failure to disclose that he was under Board investigation on his AD Trainee Application constitutes grounds rescission of his AD Trainee Status. *See* H.O. § 17-309(b)(1) and 17-309(f).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law the Respondent is subject to disciplinary action under the Board’s Act pursuant to H.O. §§ 17-309; 17-509(6), (7), (9), and (16); and 17-602. The Board agrees to dismiss the charge filed under H.O. § 17-509(18).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board, by an affirmative vote of a majority of its serving members, hereby:

ORDERS that the Respondent’s application for licensure as a graduate professional counselor shall be and is **DENIED**; and it is further

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ORDERED that the Respondent shall not reapply for any licensure or certification under the Act for at least **TWO (2) YEARS** from the date of the execution of this Consent Order; and it is further

ORDERED that the Respondent's status as an alcohol and drug trainee shall be and is **RESCINDED**; and it is further

ORDERED that, if applicable in the Respondent's case, the Respondent shall not reapply for alcohol and drug trainee status for at least **TWO (2) YEARS** from the date of execution of this Consent Order; and it is further

ORDERED that upon any future application for licensure or certification, the Respondent shall have the burden of demonstrating to the Board that he meets the minimum education, supervision and examination eligibility requirements of the Act, is competent to practice clinical professional counseling safely and ethically, and that he possesses good moral character as specified in the Act, and determined by the Board; and it is further

ORDERED that the Board has sole discretion to accept or deny any future application for licensure or certification by the Respondent; and it is further

ORDERED that prior to reapplying for licensure or certification, the Respondent shall enroll in and successfully complete a Board-approved, comprehensive, graduate level 3 semester credit classroom course in professional, legal and ethical responsibility at an accredited college or university. The Respondent shall submit the course description/syllabus to the Board for approval prior to enrolling in the course. The Board reserves the right to require the Respondent to provide further information regarding the course he proposes, and further reserves the right to reject his proposed course and require submission of an alternative proposal. The Board will

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approve a course only if it deems the curriculum and the duration of the course adequate to fulfill the Respondent's ethical needs; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling this course requirement and for submitting to the Board written documentary proof of his successful completion of the course; and it is further

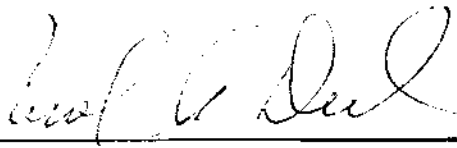
ORDERED that in any future application for licensure or certification, the Respondent shall truthfully and accurately complete the Board's application and provide the Board with a copy of an updated Curriculum Vitae ("C.V.") that accurately reflects his professional credentials; and it is further

ORDERED that the Respondent comply with the Maryland Professional Counselors and Therapists Act and all applicable laws, statutes and regulations; and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol. and 2012 Supp.)

5-27-2013

Date



Carol A. Deel, LCPC, LCMFT, Board Chair Maryland
State Board of Professional Counselors & Therapists




CONSENT

I, Yaakov Ehrman, acknowledge that 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.

3/15/2013
Date



Yaakov Ehrman

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Prince George's

I HEREBY CERTIFY that on this 15th day of March, 2013, before me, a Notary Public of the foregoing State and City/County personally appeared Yaakov Ehrman and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.





Notary Public

My commission expires:

**RACHEL L. COOLEY
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES 5/5/2013**