

IN THE MATTER OF
JUSTIN F. MILES, LCPC,
Respondent
License No. LC3613

* **BEFORE THE MARYLAND**
* **STATE BOARD OF PROFESSIONAL**
* **COUNSELORS AND THERAPISTS**
* **Case Number: 2021-012**

* * * * *

PRECHARGE CONSENT ORDER OF REPRIMAND

In August of 2020, the Maryland State Board of Professional Counselors and Therapists (the "Board") initiated an investigation of Justin F. Miles, LCPC, License Number LC3613 (hereinafter referred to as the "Respondent"). Based on its investigation, the Board voted to offer a Pre-Charge Consent Order of Reprimand to the Respondent, in lieu of issuing Charges for violations of the Maryland Professional Counselors and Therapists Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 17-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.), and the regulations adopted by the Board, at Md. Code Regs. ("COMAR") §§ 10.58.01 *et seq.*

Specifically, the Board determined that the Respondent violated the following provisions of the Act and COMAR:

Health Occ. § 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:

[...]

(2) Habitually is intoxicated;

(3) Provides professional services:

(i) While under the influence of alcohol;

[...]

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

(9) Knowingly violates any provision of this title;

[...]

(11) Is professionally, physically, or mentally 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[.]

COMAR 10.58.03.03. Professional Competence.

[...]

B. An impaired counselor shall:

(1) Suspend, terminate, or limit professional activities if the counselor determines that he or she is unable to continue professional activities; or

(2) Seek competent professional assistance to determine whether to suspend, terminate, or limit the scope of professional or scientific activities if a counselor becomes or is made aware that personal problems interfere with providing or conducting counseling or therapy services.

COMAR 10.58.03.04. Ethical Responsibility.

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. The Counseling Relationship.

B. Dual Relationships

- (1) A counselor shall:
- (a) Avoid dual relationships with clients
 - (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[.]

COMAR 10.58.03.09. Sexual Misconduct.

C. Relationships 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.

COMAR 10.58.03.11. Sanctions.

[...]

E. A counselor who does not comply with this chapter shall be in violation of Health Occupations Article § 7-313, Annotated Code of Maryland, and subject to disciplinary sanctions.

F. A lack of knowledge, or misunderstanding of an ethical responsibility, is not a defense against a charge of unethical conduct.

The Board offered the Respondent an opportunity to settle this matter rather than pursuing formal charges against the Respondent. As a result of that offer, the Respondent and the Board agreed to the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF
FACT**

1. On or about August 4, 2010, the Respondent was issued a license to practice in the State of Maryland as a Licensed Clinical Professional

Counselor (LCPC) under License No. LC3613. Respondent's license is active through January 31, 2024.¹

2. From approximately 2016 to February 27, 2020, Respondent was employed at an outpatient substance abuse facility ("the Facility") as a full-time Substance Abuse Counselor.
3. On or about August 11, 2020, the Board received a complaint filed by the Program Supervisor at the Facility (the "Program Supervisor").
 - a) The Complaint alleged that on or about June 11, 2020, a client at the Facility (the "Client") reported to Facility Staff that the Client had been in contact with the Respondent after he left the Facility.
 - b) The Client reported that Respondent gave the Client his personal cell phone number when he left the Facility in March 2020. The Client then reached out to the Respondent via text messages in May of 2020.
 - c) The Client stated that the text messages were initially "friendly," but then suddenly became sexual in nature, and that Respondent initiated the sexual messages and propositioned the Client for sexual intercourse. The Client told Facility Staff that Respondent's messages made her feel uncomfortable, and as a result, the Client stopped communicating with the Respondent.

¹ Respondent was previously licensed by the Board as a Certified Associate Counselor – Alcohol and Drug (CSC-AD) from September 12, 2008 to January 31, 2012. Respondent does not have any prior disciplinary actions with the Board.

- d) On June 25, 2020, the Client met with the Program Supervisor and the staff member who received the Client's initial complaint. At the meeting, the Client produced screenshots of the text messages.
 - e) The screenshots show Respondent initiated the text message conversation and asked the Client if she would like to connect for "Kinky business." The Respondent and the Client continued the conversation, with Respondent repeatedly asking the Client several questions of a sexual nature and asked the Client when she was available to "connect soon."
4. As a result of the allegations, the Board initiated an investigation into Complaint No. 2021-004.
5. As part of the investigation, the Board interviewed the Respondent under oath on December 15, 2020.
- a) Respondent confirmed that he was employed as a substance abuse counselor at the Facility from 2016 until February 2020, when he resigned to take a position as a clinical director at a different substance abuse treatment center.
 - b) During the interview, and later, through a signed affidavit, the Respondent confirmed that he was familiar with the Complainant. Respondent also confirmed that he provided counseling services to the Complainant at the Facility from approximately 2019 to 2020.

Respondent's employment at the Facility ended before the Complainant was discharged from the Facility.

- c) Respondent initially denied any communication with the Complainant outside of the therapeutic setting. However, Respondent admitted that he had previously provided his personal cell phone number to clients and answered inquiries from his Psychology Today website with his personal cell phone number.
- d) Respondent then admitted that he did not remember sending any text message to the Complainant in May of 2020, but admitted "that doesn't mean it didn't happen. I don't recall."
- e) After reviewing the contents of the complaint and the accompanying text messages, the Respondent admitted that he may have "flirted" with the Complainant, but still had no recollection of the communication. Respondent denied any physical contact with the Client and denied ever meeting with the Respondent outside of the therapeutic setting.
- f) When asked why he could not recall whether or not he sent the text messages, Respondent stated that at the time, he was dealing with a serious injury, dealing with a family medical emergency, and "was not doing well...I was drinking heavily during the time and I was unemployed...so I don't, I don't recall."
- g) Despite blaming his inability to recall the conversation on being intoxicated and his heavy drinking at the time, Respondent stated he

did not believe he was “dependent” on alcohol, and has “never been in recovery or treatment.”

- h)** Respondent admitted that he was “completely aware of the ethical concern” but defended his actions by stating he was not treating the Complainant at the time of the text messages and claimed he “never did anything intimate.”

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds as a matter of law that the Respondent's conduct, as described above, constitutes a violation of §17-509 (2); (3); (8); (9); (11); (13); and (16). In addition, the Board finds as a matter of law that Respondent's conduct as described above constitutes a violation of COMAR 10.58.03.03(B); 10.58.03.04(B)(3); 10.58.03.05(B); 10.58.03.09(C); 10.58.03.11(E); and 10.58.03.11(F).

ORDER

Based on the forgoing Findings of Facts and Conclusions of Law, it is hereby, by a majority of the Board members considering this case:

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

ORDERED, that the Suspension shall begin on the date the Board signs this Consent Order; and it is further

ORDERED, that within **NINETY (90) DAYS** of the Effective Date of this Pre-Charge Consent Order, the Respondent shall comply with the following Terms of Suspension:

1. Respondent shall enroll in, and complete, a Board pre-approved 3-credits ethics course

and submit written documentation of his completion of the course to the Board;

2. Respondent shall enroll in, and get assessed by a Board pre-approved Substance Use Program. Respondent shall sign a Release of Information form to allow the Board to receive progress notes, test results, and any other information necessary to confirm the Respondent's compliance with the terms of this Pre-Charge Consent Order. Respondent shall follow any and all recommendations provided by the Substance Use Program's facilitators.
3. Respondent shall enroll in mental health therapy, with a Board Pre-Approved therapist. Respondent shall follow any and all recommendations given by his therapist and shall sign a Release of Information form to allow the Board access to treatment notes, progress reports, test results, and any other information necessary to confirm the Respondent's compliance with the terms of this Pre-Charge Consent Order.
 4. Respondent shall ensure that Respondent's therapist and Respondent's Substance Use Program provide the Board with **MONTHLY REPORTS** of Respondent's progress and compliance with the terms of this Consent Order. Respondent shall be solely responsible for ensuring that the Board receives these reports in a timely manner.
 5. Respondent shall enroll in, and successfully complete a Board-pre-approved, in-person or live webinar **THREE CREDIT (3 CREDIT)** ethics course focused on boundaries, and shall submit written proof of completion to the Board. The Respondent shall not use any continuing education credits earned through taking this course to fulfill any other continuing education requirements that are mandated for licensure renewal or advanced licensure in the State of Maryland; and it is further

ORDERED, that Respondent may petition for an early termination of the Suspension after **THREE (3) MONTHS**. Respondent must submit a formal petition, in writing, along with documentation of his compliance with the terms of this Pre-Charge Consent Order; and it is further

ORDERED, that if the Respondent violates any of the terms and conditions of this Pre-Charge 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 to for a show cause hearing before the Board otherwise, may impose any sanction that the Board may have imposed in this case, including additional probationary terms and conditions, a reprimand, suspension, revocation, and/or a monetary penalty; and it is further

ORDERED, that upon reinstatement, the Respondent's license shall be placed on **IMMEDIATE PROBATION** for a minimum period of **TWO (2) YEARS**. During probation, the Respondent shall comply with the following terms and conditions of probation:

1. Respondent shall engage a Board Pre-Approved supervisor, and shall present the Supervisor with a signed copy of this Pre-Charge Consent Order within **FIVE (5) BUSINESS DAYS** from the start of Respondent's Probation. Respondent shall provide the Board with written documentation of his Supervisor's receipt of this Pre-Charge Consent Order.
2. Respondent shall ensure that his Supervisor submits quarterly reports to the Board and shall be granted full access to the Respondent's substance use and therapeutic records.
3. Respondent shall continue to attend substance use treatment and therapy, and shall comply with any and all recommendations arising from substance use treatment and/or therapy.

4. In the event that the Respondent's Supervisor discontinues supervision 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 Supervisor.
5. Respondent shall ensure that the Board receives quarterly progress reports from the substance use treatment program and from his therapist. Respondent shall be solely responsible for ensuring that the Board receives these reports in a timely manner; and it is further

ORDERED, that after the minimum term of Probation, and if the Respondent has complied with all terms and conditions of probation imposed by this Consent Order, the Respondent may submit a written petition for termination of probation. Upon consideration of the petition, the Respondent's probation may be administratively terminated through an Order of the Board if the Respondent has complied with all probationary terms and conditions; and it is further

ORDERED, that the Respondent shall, at all times, comply with the Act and all applicable laws, statutes, and regulations; and it is further

ORDERED, that if the Board determines that the terms and conditions of this Pre-Charge Consent Order have not been successfully completed, the Board may modify the terms and conditions of the Respondent's Suspension and/or Probation, upon notice to the Respondent; and it is further

ORDERED, that if the Respondent allegedly fails to comply with any term or condition of this Pre-Charge 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 it is further


ORDERED, that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of this Pre-Charge Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice as a clinical professional counselor in the State of 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 fulfilling the terms and conditions of this Pre-Charge Consent Order; and it is further

ORDERED, that the Effective Date of this Pre-Charge Consent Order is the date that it is signed by the Board; and it is further

ORDERED, that for the purposes of public disclosure, this Pre-Charge Consent Order is considered a **PUBLIC DOCUMENT**, pursuant to Md. Code Ann., Gen. Prov. §§ 4-501 *et seq.* (2014) and is reportable to any entity to whom the Board is obligated to report, including the Board's public website and the National Practitioner's Database.

08/29/2023.
Date


Mary Drotleff, LCMFT Acting Executive Director
Maryland State Board of
Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215-2299

CONSENT

I, JUSTIN MILES, acknowledge that I have been made aware of my right to consult with counsel before signing this document.

By this Consent, I accept this Pre-Charge Consent Order of Reprimand ("Order") in lieu of a formal evidentiary hearing on violations of the Act and COMAR contained in this Order.

I acknowledge the validity of this 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 as provided by law.

I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

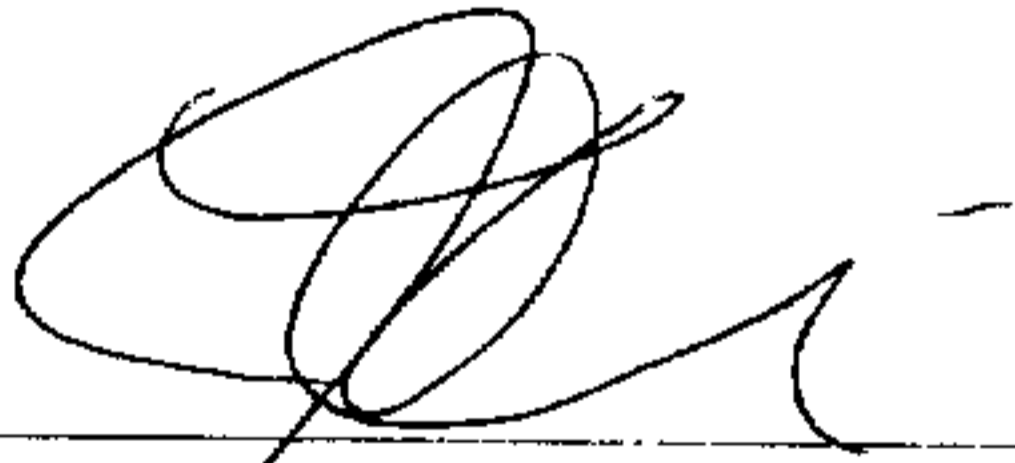
I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Order.

I affirm that I waive my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

I voluntarily sign this Order and I understand its meaning and effect.

9/14/2023
Date


Justin Miles, LCPC
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 14th day of August, 2023,
before me, a Notary Public of the foregoing State and City/County did personally appear, **JUSTIN
MILES, LCPC**, and made oath in due form of law that signing the foregoing Pre-Charge Consent
Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Carol A. Burleigh
Notary Public

My commission expires: 6/1/2024

