

IN THE MATTER OF	*	BEFORE THE MARYLAND STATE
KIM HENSON, LCADC	*	BOARD OF PROFESSIONAL
Respondent	*	COUNSELORS AND THERAPISTS
License Number: LCA119	*	Case Number: 2022-091

* * * * *

FINAL ORDER

On or about June 17, 2022, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **KIM HENSON, LCADC** (Licensed Clinical Alcohol and Drug Counselor) (the “Respondent”), license number LCA119 of its intent to **REVOKE** his LCADC license based on violations of the Maryland Professional Counselors and Therapists Act, codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2021 Repl. Vol.) (the “Act”) and the regulations adopted by the Board under the Code of Maryland Regulations (“COMAR”).

The Board based its intent on the following provisions of the Act and the regulations adopted by the Board:

Health Occ. § 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; ... or

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

The pertinent provisions of the Code of Maryland Regulations (“COMAR”) regulations are as follows:

COMAR 10.58.03.04 Ethical Responsibility.

A. A counselor shall:

- (1) Consult with other counselors or other relevant professionals regarding questions related to ethical obligations or professional practice[.]

COMAR 10.58.03.05 The Counseling Relationship.

A. Client Welfare and Rights.

(1) A counselor shall:

- (a) Inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed; ...

and

(e) Make appropriate referrals.

(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, the public; ... or

or

(d) Foster dependent counseling relationships.

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.

relationship

FINDINGS OF FACT

The Board finds the following facts:

Background

1. At all times relevant, the Respondent was authorized to practice as a Licensed Clinical Alcohol and Drug Counselor in the State of Maryland. The Respondent was originally licensed by the Board to practice as a LCADC in the State of Maryland on December 15, 2000, under license number LCA119. The Respondent's license is current and is scheduled to expire on January 31, 2023.

2. At all times relevant, the Respondent was a third party contractor employed part-time as a counselor by a County Health Department ("Health Department") located in Western Maryland. While working for the Health Department, the Respondent was contracted to provide individual, family and group therapy services, intake and/or diagnostic evaluations, and other client based interventions as appropriate for the clinical care of the client.

The Complaint

3. On or about February 1, 2022, the Board received a complaint from an employee of the Health Department (the "Complainant"). The Complainant alleged the Respondent was communicating with a female counseling client (the "Client") "in an unprofessional manner via text and phone calls that were not therapeutic in nature and that the [Respondent] and client seemed to have developed a relationship that the client reports was not sexual. The client shared text messages with [the Complainant] that documented numerous communications back and forth outside of business hours." After reviewing the Complaint, the Board opened an investigation of the Respondent.

The Board Investigation

4. In furtherance of its investigation, Board staff interviewed the Respondent, obtained a written response from the Respondent, obtained the personnel file of the Respondent from the Health Department, obtained patient records of the Client, obtained text messages from the Respondent and Client, and interviewed employees of the Health Department.

5. In the course of the Board's investigation, it was revealed that on October 31, 2015, the Health Department hired the Respondent as a counselor.

6. On or about June 21, 2018, the Respondent and the Client entered into a counseling relationship through the Health Department, which included a signed treatment plan. The Respondent and Client's last counseling session occurred on November 16, 2021. The diagnosis for the Client included agoraphobia and panic disorder.

7. An encounter note from August 21, 2018 documents that the Client reported "she is a 'rule breaker' who has been having inappropriate relationships since 12 yrs. old. She had boundary issues with a therapist who was to help her."

8. An encounter note from September 7, 2021 documents that the Client "reported having problems with 'crossing lines'. The topic of 'transference' was discussed and it was suggested texts be stopped to avoid crossing boundaries....She was very open about crossing boundaries and feeling conflicted. She reminisced about her past therapists and crossing lines with them....It was agreed to continue therapy now that the air has been cleared and boundaries re-established."

9. An encounter note from October 7, 2021 documents that the Client “has felt uncomfortable about the transference and even contacted her previous therapist. She is now considering transferring to a different therapist.”

10. In an interview with the Complainant, it was revealed that the Complainant met with the Client in December 2021 and learned of the existence of text messages between the Respondent and Client. At the meeting, the Client “shared that she was having some ‘transference and boundary’ issues with her current therapist [the Respondent]. She shared that there were lots of text messages back and forth as well as some pictures. She also stated there was no physical or sexual relationship.” Upon review of the text messages, the Complainant stated the messages were flirtatious, not therapeutic and indicative of a dual relationship.

11. In December 2021, the Complainant instructed the Respondent to not contact the Client on his personal cell phone, and that the Client would be transferred to another therapist at the Health Department.

12. On December 14, 2021, the Health Department terminated the Respondent’s contract as a result of his interactions with the Client.

13. The Board obtained 740 of the text messages between the Respondent and the Client from July 2021 to December 2021.

14. At his interview, the Respondent admitted that several text exchanges with the Client could be considered flirtatious. The Respondent also admitted the Client expressed feelings of transference towards him within a year of beginning treatment. The Respondent did not consult with any colleagues about transference issues. The Respondent also admitted that over the course of treatment, the boundaries between he

and the Client “loosened up.” The Respondent stated “there are people that think, you know, friendship, dual relationships, can be beneficial. It went over the line. I see that. You know, as time goes, you loosen up, I guess, and more friendship than therapy.”

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 above-cited provisions of the Act and the regulations adopted by the Board.

ORDER

Based on the foregoing, it is this 19th day of August, 2022, by the Board hereby:

ORDERED that the Respondent’s license to practice clinical alcohol and drug counseling, license number LCA119, is hereby **REVOKED**; and it is further

ORDERED that upon service of this Order, the Respondent shall immediately surrender to the Board all indicia of licensure from the Board that are in his possession, including but not limited to the original certificate and/or renewal certificates; and it is further

ORDERED that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., General Provisions, §§ 4-101 through 4-601 (Repl. Vol. 2021).

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 thirty (30) days from the date of this Final Order and shall be made as provided for judicial review of a final decision

in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't II § 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 at the following address:

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Maryland State Board of Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215-2299
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At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

08/19/2022


Mary N. Drotleff, M.S. LCMFT