

<p>IN THE MATTER OF</p> <p>DANIEL A. MAESTAS, AD 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 BOARD OF</p> <p>PROFESSIONAL</p> <p>COUNSELORS AND</p> <p>THERAPISTS</p> <p>CASE NO. 2014-25</p>
<p>* * * * *</p>		

**CONSENT ORDER**

The Maryland Board of Professional Counselors and Therapists (the "Board") issued to Alcohol and Drug Trainee, **Daniel A. Maestas (the "Respondent")**, A Notice Of Intent To Deny Initial Application For Certified Associate Counselor Alcohol And Drug ("CAC-AD") (the "Application") And Rescind Trainee Authorization pursuant to the Professional Counselors and Therapists Act (the "Act"), for violations of the Act, codified at Md. Code Ann., Health Occ. ("H.O.") § 17-101 *et seq.* ( 2009 & 2014 Repl. Vol. and 2016 Supp.)

A Case Resolution Conference ("CRC") was held in this matter before a Board committee on January 25, 2017, The Respondent represented by counsel, and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of negotiations at the CRC the Respondent waived his right to a Show Cause hearing, and the parties agreed to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

The pertinent provisions of the Act under H.O. § 17-101 are as follows:

**H.O. § 17-205. Powers and duties.**

(b) Additional duties. ----- In addition to the duties set forth elsewhere in this title, the Board shall:

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(3) Adopt a code of ethics that the Board considers to be appropriate and applicable to the counselors or therapists currently licensed or certified by the Board and all individuals currently working as trainees in accordance with § 17-406(b) of this title.

**H.O. § 17-401. Certification required; representation to public.**

**(b) *Certified professional counselors and certified associate counselors -- Alcohol and drug.*** -- (1) An individual shall be certified as a certified professional counselor-alcohol and drug by the Board before the individual may:

- (i) Use the title "certified professional counselor-alcohol and drug";
- (ii) Use the initials "C.P.C.-A.D." after the name of the individual; or
- (iii) Represent to the public that the individual is certified as a certified professional counselor-alcohol and drug.

(2) An individual shall be certified as a certified associate counselor-alcohol and drug by the Board before the individual may:

- (i) Use the title "certified associate counselor-alcohol and drug" (ii) Use the initials "C.A.C.-A.D." after the name of the individual;

or (iii) Represent to the public that the individual is certified as a certified associate counselor-alcohol and drug.

**H.O § 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 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;
- (9) [k]nowingly violates any provision of this title;

Further, Respondent is charged with violating the Board's corresponding regulations under Code of Md. Regs. ("COMAR") tit. 10 § 58.03.04:

**04. Ethical Responsibility**

A. A counselor shall:

(11) Be familiar with and adhere to this chapter;

## I. FINDINGS OF FACT

1. At all times relevant to the charges, Daniel A. Maestas, the Respondent, was an Alcohol Drug Trainee (AD Trainee), pursuant to H.O. § 17-406 (b) (2).

2. In or about January 2011 the Respondent was granted Trainee authorization by the Board. The Respondent's Trainee status expired in 2014.

3. At all times relevant to the charges, the Respondent was employed as a Multisystemic Therapist (MST) at Program A,<sup>1</sup> where he worked with adolescents in their homes, communities and school settings.

4. The Respondent was not working as an AD Trainee for Program A, and was not being Supervised as an AD Trainee by any supervisory employee at Program A.

5. On or about June 17, 2014, the Respondent filed an application with the Board for certification as a CAC-AD.

6. On or about March 19, 2014 the Board received a Complaint (the "Complaint") from the mother of "Client A,"<sup>2</sup> (the "Complainant) who received services from Program A, who complained that the Respondent gave her a business card that identified him as a certified alcohol and drug counselor.

7. The Board initiated an investigation after receiving the Complaint.

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<sup>1</sup> The name of Program A is not included in this document, in order to protect the identity of the Program. This information will be made available to the Respondent upon request.

<sup>2</sup> The name of Client A and other witnesses are not included in this document in order to protect the privacy of Client A and other witnesses. This information will be made available to the Respondent upon request.

8. The Board's investigation, included but was not limited to conducting witness interviews, conducting interviews with the Complainant, Client A and the Respondent, and reviewing client treatment records.

9. The Complainant reported that after a family counseling meeting the Respondent handed her a business card that identified the Respondent as a "CAC" and therapist. The Complainant stated that the Respondent told her he was a certified addictions counselor.

10. The Respondent is not a certified professional counselor-alcohol and drug (C.P.C.-AD.), or certified associate counselor-alcohol and drug (C.A.C.-AD).

11. On July 22, 2014, Board staff interviewed the Respondent regarding the allegations made by the Complainant.

12. The Respondent stated during the interview that he inadvertently made the mistake of not including the word "Trainee" on his business card, and that he was not responsible for the word "Therapist" appearing on the card. He stated that his employer ordered the business cards with the word "Therapist," appearing on the card. The Respondent denied telling the Complainant that he was a certified addictions counselor.

13. Based on the above allegations the Board charged the Respondent with violating:

(a) H.O. § 17-401 (b) (1) and (2), using the title certified counselor in violation of the statute.

(b) H.O. § 17-509, (8) [v]iolates the code of ethics adopted by the Board;

(c) H.O. § 17-509 (9) [k]nowingly violates any provision of this title;

14. The Board also charged the Respondent with violating: COMAR tit. 10 § 58.03.04. A (11).

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact the Respondent's conduct violated:

- (1) H.O. § 17-401 (b) (1) and (2), using the title certified counselor in violation of the statute.
- (2) H.O. § 17-509, (8) [v]iolates the code of ethics adopted by the Board;
- (3) H.O. § 17-509, (9) [k]nowingly violates any provision of this title; and
- (4) COMAR tit. 10 § 58.03.04. A (11).

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by a majority of the quorum of the Board considering this case hereby:

**ORDERED** that effective the date of this Consent Order, the Respondent shall:

1. Be allowed to complete and submit his application for certification as an alcohol and drug counselor;
2. The Respondent shall be placed on Probation for one (1) year, if he is approved to be a certified alcohol and drug counselor, subject to the following terms and conditions:
  - (a) The Respondent shall be required to pay a fine of five hundred dollars (\$500.00);
  - (b) During the period of probation to begin on the date the Respondent becomes a certified alcohol and drug counselor, the Respondent shall be supervised, at his own expense, (unless the approved alcohol and drug supervisor holds that position at the Respondent's place of employment) by a Board approved Alcohol and Drug Approved Supervisor;

- (c) As part of the approval process, the Respondent shall submit to the Board the name and professional credentials of the licensed clinical alcohol and drug approved supervisor to supervise his practice. The supervising counselor shall not be associated with the respondent through any current or past personal, or academic affiliation. The supervising counselor can be someone from the Respondent's place of employment if approved by the Board;
- (d) The Board-approved supervising licensed clinical alcohol and drug approved supervisor shall notify the Board in writing of his/her acceptance of the supervisory role of the respondent;
- (e) The Respondent shall provide the Board-approved licensed clinical alcohol and drug approved supervisor with a copy of the charging documents and this consent order, and whatever other written materials the Board deems relevant;
- (f) The Respondent shall meet face to face with the licensed clinical alcohol and drug approved supervisor **WEEKLY** for the first six (6) months of the supervisory period; and then **MONTHLY** for the next six (6) months of the one (1) year supervisory period;
- (g) The supervision shall include particular attention to the code of ethics under the Professional Counselors and Therapists Practice Act and regulations, in particular those provisions pertaining to boundary standards with clients, supervisee responsibilities, and other administrative counseling responsibilities and standards; and
- (h) The licensed clinical alcohol and drug approved supervisor shall submit **QUARTERLY** reports to the Board detailing the ethical issues discussed and respondent's progress. The report shall include, but not be limited to, a report of the Respondent's participation in supervisory process. Upon completion of the supervision period, the Respondent shall ensure that the supervising counselor submits a final report to the Board assessing the Respondent's practice; the Respondent has sole responsibility for ensuring that the supervisor submits the required quarterly reports and the final report to the Board in a timely manner.

**BE IT FURTHER ORDERED** that the Respondent's failure to comply with any of the conditions of this Consent Order in a timely manner as set out above shall be

considered a violation of this Consent Order, 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 material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any other disciplinary sanctions that the Board may have imposed in this case, including additional probationary terms and conditions, reprimand, suspension, revocation and monetary penalty; and it is further

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

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

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md.

General Provisions §§ 4-104 *et seq.* (2014).

5-12-2017

Date



Carol A. Deel, Ph.D., LCMFT, LCPC,  
Board Chair  
Maryland Board of Professional Counselors  
and Therapists

**CONSENT**

I, Daniel A. Maestas, AD Trainee by affixing my signature hereto,  
acknowledge that:

1. I am represented by counsel, James Aist, Esquire, and I have consulted with counsel in this matter. I have knowingly and voluntarily agreed to enter into this Consent Order. 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.
2. I am aware that I am entitled to a Show Cause hearing, pursuant to Md. Health Occ., Code Ann. § 17-511 (2014 Repl. Vol.) and Md. State Gov't, Code Ann. §§ 10-201 *et seq.* (2014 Repl. Vol.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal Show Cause Hearing in which I would have the right to counsel, and an Opportunity to Show Cause why my application for certification as an alcohol and drug counselor should not be denied. I am waiving the Opportunity to a Show Cause Hearing.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a Show Cause Hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.
5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include denial of my application for certification as an alcohol and drug counselor and/or revocation of my certification.



6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

17 Apr 17  
Date

Daniel A. Maestas  
Daniel A. Maestas

NOTARY

STATE OF Maryland

COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 17 day of April, 2017, before me, a Notary Public of the State and County aforesaid, personally appeared Daniel A. Maestas, AD Trainee, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal:

Jeremy Michael Hammtree  
Notary Public

My Commission expires: 12/15/2020

