

IN THE MATTER OF	*	BEFORE THE MARYLAND STATE
DONALD A. LUCIENNE, CSC-AD	*	BOARD OF PROFESSIONAL
Respondent	*	COUNSELORS AND THERAPISTS
Certificate Number: SC2633	*	Case Number: 2019-057
* * * * *	*	* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland State Board of Professional Counselors and Therapists (the “Board”) hereby **SUMMARILY SUSPENDS** the certificate of **DONALD A. LUCIENNE, CSC-AD** (the “Respondent”), Certificate Number SC2633, to practice as a Certified Supervised Counselor – Alcohol and Drug (“CSC-AD”) in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2014 Repl. Vol. & 2018 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action. In addition, the Board takes such action pursuant to its authority under Md. Code Regs. (“COMAR”) 10.58.04.10, concluding that there is substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare.

INVESTIGATIVE FINDINGS

The Board bases its action on the following findings: ¹

I. BACKGROUND

1. The Respondent was originally approved as an alcohol and drug trainee on September 23, 2015, under Trainee Number ADT1121.

¹ The statements regarding the Board’s investigative findings are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent,

2. At all times relevant, the Respondent was authorized to practice alcohol and drug counseling in the State of Maryland. The Respondent was originally certified to practice as a CSC-AD in the State of Maryland on December 11, 2018, under Certificate Number SC2633. The Respondent's certificate is current and is scheduled to expire on January 31, 2020.

II. COMPLAINTS

3. On or about January 25, 2019, the Board received a complaint filed by the Respondent's clinical supervisor (the "Clinical Supervisor")² at a substance abuse treatment facility (the "Facility"). The complaint alleged the Respondent engaged in sexual misconduct with a client while that client was in treatment under the Respondent's care (the "Client").

4. After receiving the Clinical Supervisor's complaint, the Board initiated an investigation of the Respondent under Case Number 2019-057.

III. BOARD INVESTIGATION

5. As part of its investigation, the Board subpoenaed records from the local Sheriff's Office (the "Sheriff's Office"), the Respondent's personnel file from the Facility, and conducted an interview of the Respondent.

a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and facilities referenced in this document by contacting the administrative prosecutor.

6. The Sheriff's Office Incident Report (Case Number 01-19-000278) revealed that on January 2, 2019, the Client reported the following to a sheriff's deputy:

[B]etween the Winter of 2016 and 9/25/18 a counselor at the [the Facility] was extorting her at the center by allowing her to miss classes in exchange for sex.

....

In the Winter of 2016 . . . the counselor identified as [the Respondent] told her he would have to drop her from the treatment program because she was not attending her the [sic] required treatment plan meetings He told her he could help her if she could help him.

From that point forward for approximately 5 visits of 6 per week she stated she gave him oral sex in the office.

This continued unit [sic] 9/25/18; approximately 200 times.

The [Client] stated he also came to her residence uninvited and they a [sic] intercourse at her residence. . . .

The visit at the residence occurred several times and was witnessed by her "sugar daddy" . . . several times.

The victim stated the suspect gave her \$50-\$60 occasionally during the visits to her residence and would occasionally give her \$10.00 during the office oral sex sessions. . . . She stated she felt the money was being given to her as a tip.

7. A Supplement to the Sheriff's Office Incident Report revealed on January 16, 2019, the Respondent reported the following to the officer:

[H]e initially denied any sexual contact. . . . [The officer] informed the [Respondent] if the two had consensual sex then that was different than rape. The [Respondent] paused for an extended period of time but stated it was a "catch 22" because "it would jeopardize what I'm doing here." [The officer] asked the [Respondent] again if he ever had consensual sex with the [Client] and he eventually stated he had sex with her one time at one of her friend's house [sic]. . . . The [Respondent] further advised he only had sex with the [Client] one time approximately 3 months ago. The [Respondent] stated sex was initiated when the [Client] showed him a nude picture of herself and told

him to meet her at her friend's house. The [Respondent] denied any further sexual contact occurred.

8. The Respondent's personnel file from the Facility revealed he had been employed at the Facility from February 2, 2016 until January 23, 2019, when the Respondent was terminated. The Respondent's personnel file revealed three additional incidents of the Respondent engaging in inappropriate behavior with clients, which did not involve the incidents identified in the complaint regarding the Client.

- a. First, on or about May 14, 2017, the Facility received a report that the Respondent was engaging in inappropriate conduct with a female client. The Respondent denied engaging in inappropriate behavior and stated that he felt the allegation was due to him "hugging" female clients.
- b. Then, on or about August 4, 2017, the Facility received a report that the Respondent was seen giving \$50 to a client. When questioned, the Respondent admitted that he loaned money to the client.
- c. Finally, on August 24, 2017, the Facility received a report that a staff member walked in on the Respondent while he was engaging in a sexual act with a client.

9. On February 12, 2019, the Board's investigator interviewed the Respondent under oath, at which time, the Respondent:

- a. Stated that he was the Client's counselor at the Facility. The Respondent further stated that the Client attended the Facility for approximately a year before she was assigned to him in early 2018.
- b. The Respondent stated the Client showed him a photograph of her genitalia on her cellphone.
- c. Initially he said he "never had sex with her," "unless, you know, seeing the photo, you know, it can be construed as having sex."
- d. But then when the Respondent was asked again, he admitted he had sex with the Client "[m]aybe two times."

- e. He alleged the Client “enticed” him to have sex with her “with [the] photograph on her cell phone” of her genitalia. He further stated “it’s a rare occasion for someone to show me their genitalia on the cell phone. And, you know, . . . I was interested, you know, so.”
- f. He claimed that the two sexual interactions were not in exchange for money, but he did admit that he gave her money for gas twice.
- g. He said the two sexual interactions occurred in the middle of 2018 at the Client’s friend’s house, not at the Facility.
- h. The Respondent stated that the only time he spoke to the Client about being discharged was when “she had not had a clean urine, and she told me quite clearly, I’m a prostitute and a crackhead and a dope fiend.” Therefore, the Respondent said he increased the number of sessions with the Client and then the Client “disappeared” and one of the other counselors told him she had been arrested. Consequently, he said he had to had to terminate her according to protocol.

CONCLUSIONS OF LAW

Based on the foregoing facts, the Board concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov’t § 10-226 (c)(2) (2014 Repl. Vol. & 2018 Supp.).

In addition, the Board concludes as a matter of law that there is a substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare, pursuant to COMAR 10.58.04.10.

ORDER

Based on the foregoing, it is by a majority of the Board considering this case:

ORDERED that pursuant to the authority vested by Md. Code Ann., State Gov’t § 10-226(c)(2), the Respondent’s certificate to practice as a Certified Supervised Counselor – Alcohol and Drug in the State of Maryland, Certificate Number SC2633, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS** of service of this Order.

The written request should be made to:

Kimberly Link, J.D., Executive Director
Maryland State Board of Professional Counselors & Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215

With copies to:

Kelly Cooper, Assistant Attorney General
Maryland Office of the Attorney General
Health Occupations Prosecution & Litigation Division
300 West Preston Street, Suite 201
Baltimore, Maryland 21201

and

Rhonda Edwards, Assistant Attorney General
Maryland Office of the Attorney General
300 West Preston Street, Suite 302
Baltimore, Maryland 21201; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation show cause hearing but fails to appear when scheduled, the Respondent's certificate will remain **SUSPENDED**; and it is further

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board, the following items:

- (1) the Respondent's original Maryland Certified Supervised Counselor -- Alcohol and Drug certificate SC2633; and

(2) the Respondent's wallet card and wall certificate; and it is further

ORDERED that this is an Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

March 5, 2019

Date



Risa Ganel, LCMFT, Chair
Maryland State Board of Professional
Counselors and Therapists