

IN THE MATTER OF	*	BEFORE THE BOARD OF
ROBERT W. PRICE, LCPC,	*	PROFESSIONAL
License No.: LC3029	*	COUNSELORS AND
Respondent	*	THERAPISTS
	*	CASE NO. 2015-31

* * * * *

CONSENT ORDER

The Maryland Board of Professional Counselors and Therapists (the “Board”) charged **Robert W. Price, Licensed Certified Professional Counselor (“LCPC”)**, (**Respondent**) for violations under the Maryland Professional Counselors and Therapist Act (the “Act”), codified at Md. Code Ann., Health Occ. II (“H.O. II”) § 17-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.),

The parties participated in a Case Resolution Conference on March 2, 2018. As a result of the negotiations at the CRC the parties agreed to the following Findings of Fact, Conclusions of Law and Order.

STATUTORY AND REGULATORY AUTHORITY

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

H.O. II § 17-205. Powers and duties.

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

- (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. II § 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) Knowingly violates any provision of this title;
- (13) Violates any rule or regulation adopted by the Board;

Further, Respondent is charged with violating the Board's corresponding regulations under Code of Md. Regs tit. 10 § 58.03. (COMAR):

03. Professional Competence.

A counselor shall:

- (1) Practice only within the boundaries of a counselor's competence, based on education, training, supervised experience, and professional credentials[.]

05. The Counseling Relationship.

A. Client Welfare and Rights.

(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, or the public;**

07. Advertising, Public Statements, and Media Presentations.

A. Advertising.

- (1) A counselor may place advertisements with directories, newspapers, periodicals, radio or television stations, or on the internet.**
- (2) In placing advertisements or making other types of public statements, a counselor shall identify a counselor's credentials in a manner that is accurate and not false, misleading, deceptive, or fraudulent.**
- (3) A counselor may not place advertisements or make public statements that:**
 - (a) Contain false, fraudulent, misleading, deceptive, or unfair statements or information;**
 - (b) Contain partial disclosures of relevant facts that misrepresent, mislead, or deceive;**
 - (c) Contain information or facts intended or likely to create false or unjustified expectations of favorable results;**

- (d) Misrepresent, either directly or by implication, a counselor's professional qualifications such as education, experience, or areas of competence;
- (e) Misrepresent, either directly or by implication, a counselor's affiliations or the purposes or characteristics of institutions or organizations with which a counselor is affiliated;
- (f) Contain representations or implications that in reasonable probability can be expected to cause an ordinary prudent person to misunderstand or be deceived; or
- (g) Contain representations that a counselor is willing to perform any procedure that is illegal under federal or State laws or regulations.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

BACKGROUND

1. At all times relevant to the charges, Robert W. Price, LCPC, the Respondent was licensed as a professional counselor in Maryland
2. The Respondent was licensed in Maryland on January 27, 2009 and is currently licensed.
3. The Board initiated an investigation after receiving a referral from another licensing Board regarding a Complaint that the Respondent was practicing psychology without a license and/or misrepresenting himself as a psychologist.

4. The Complainant, a licensed New Jersey psychologist practicing sports psychology, alleged that the Respondent misrepresented himself as a sports psychologist in materials on his website.

5. Board staff issued a subpoena to the Respondent for client records and requested an interview with the Respondent to discuss the allegations.

6. Board staff attempted to contact the Respondent at his office in Potomac, Maryland. A tenant in Respondent's office building declined to accept service of the Board documents.

7. After the Respondent discovered that the Board was attempting to contact him about a disciplinary investigation he contacted Board staff and scheduled an interview.

8. In response to the Board's subpoena request the Respondent also provided client files for review by Board staff.

9. Board staff interviewed the Respondent on July 18, 2016. The Respondent stated that he was the owner of Elite Minds, LLC, a sports consulting company. The Respondent has office space in Potomac, Maryland, and rents the office space to other professionals. The Respondent stated that he lives in Richmond Hill, Georgia and is not providing counseling services in Maryland.

10. The Respondent is employed full-time with Digital Consulting Services, as a sub-contractor providing motivational and skills enhancement services to the Department of the Army at Fort Stewart, Georgia. The Respondent reports that he works

part-time as a sports psychology consultant, and the majority of his consulting work is done remotely from his residence in Georgia.

11. The Respondent denied that he is misrepresenting himself as a psychologist or offering to provide psychological services. He stated he refers his clients to a psychologist if the clients need psychology services, and that he had in fact previously referred clients to the Complainant.

12. The Respondent advertises his services on a website as “Elite Minds LLC. The opening paragraph on the website describes Elite Minds, LLC, as a “sport psychology consulting service that promotes athletes exceeding their potential on and off the field.”

13. The Respondent’s website includes various topic headings in bold for services and information offered by Elite Minds, LLC. The topic headings are links that can be clicked on to access the following information sites:

Home	About Us	Sports Psychology	Individual and Family Therapy
Itinerary/Events	Resources	Contact Us	

14. The paragraph under the sub-topic Heading “**Sports Psychology**,” reads as follows: “Elite Minds, LLC, is a sport psychology consulting service that promotes athletes exceeding their potential on and off the field. This is accomplished through proven mental skills techniques that will lead the athlete to more consistent performances even in the face of adversity...”

15. The Respondent advertises his counseling services under the sub-topic headings “**Individual and Family Therapy**” and “**Sports Psychology.**” The Respondent accurately describes his terminal degrees, but fails to explain that he is not a psychologist.

16. The fact that the Respondent lists “**Sports Psychology**” as a topic heading and offers “sports psychology consulting” may mislead consumers. Some consumers might assume that the Respondent is a sports psychologist, since he does not offer a disclaimer that he is not a psychologist.¹

CONCLUSIONS OF LAW

Based on the foregoing findings of fact the Board concludes as a matter of law that the Respondent violated the following Statutes and regulations:

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

H.O. II § 17-509, (9) [k]nowingly violates any provision of this title;
- (b) H.O. II § 17-509, (13) [v]iolates any rule or regulation adopted by the Board;
- (c) COMAR tit. 10 58.03.04. A (11);
- (d) COMAR tit.10 58.03.05 A (2), (a); [and]
- (e) COMAR tit 10 58.03.07.

¹ The Respondent currently has a redesigned website, but continues to use the term “sport psychology.” This website also does not appear to have a disclaimer that the Respondent is not a sports psychologist. See <http://elitemindsllc.com>.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 17th day of August, 2018, by a majority of the quorum of the Board considering this case hereby:

ORDERED that effective the date of this Consent Order, a **Reprimand** shall be placed on the Respondent's license.

1. The Respondent shall be placed on Probation for two (2) years subject to the following terms and conditions:

(a) The Respondent agrees that he will not use any titles, such as "sports/sport psychologists" or other terms, or descriptions of services offered that would mislead the public to believe that he is a sports psychologist.

(b) The Respondent agrees to scrub his business website to delete the terms "sport/sports psychology consulting," "sport/sports psychology," sport/sports psychotherapist, and any other sentence that contains the term "sport/sports psychologist," or "sport/sports psychotherapist."

(c) The Respondent agrees that as of the effective date of this Consent Order he will ensure that he does not identify himself or allow anyone else to identify him as a "sport/sports psychologist," or "sport/sports psychotherapist."

(d) The Respondent agrees that he will ensure that he is not misidentified as a "sport/sports psychologist," or sport/sports psychotherapist" in any web, video, or print interview published after the effective date of this Order, and that he

will correct his current profile on LinkedIn and any blogs under his operation and/or control.

(e) The Respondent shall accurately list on his business website the name of each educational institution attended, degree earned as it is listed on the certificate, diploma, etc., and the date issued from the institution conferring the degree; and

(f) The Respondent shall accurately list the name of each license issued to him, the name of the body issuing the license, the date the license was issued, and the state where the license is held.

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).

August 17, 2018
Date

Risa L. Ganel / Mpl
Risa L. Ganel, MS, LCMFT, Board Chair
Maryland Board of Professional Counselors
and Therapists

CONSENT

I, Robert W. Price, License No.: LC2039, by affixing my signature hereto, acknowledge that:

1. I am not represented by counsel. I understand that I have the right to counsel. I have knowingly and voluntarily waived my right to counsel, and 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 formal evidentiary hearing, pursuant to Md. Health Occ. II, Code Ann. § 17-511 (2014 Repl. Vol.) and Md. State Gov't II, 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 evidentiary hearing in which I would have 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 am waiving those procedural and substantive protections.
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 full evidentiary 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 revocation of my license to practice as a social worker.

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

Order.
7/27/18
Date


Robert W. Price

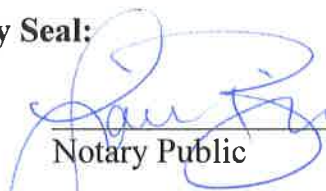
NOTARY

STATE OF Georgia

CITY/COUNTY OF Richmond Hill

I HEREBY CERTIFY that on this 27 day of July, 2018, before me, a Notary Public of the State and County aforesaid, personally appeared Robert W. Price, LCPC, License No.: LC2039, 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:


Notary Public



My Commission expires: Aug 02 2021