

**IN THE MATTER OF** \* **BEFORE THE STATE**  
**ROBERT CARR, CAC-AD** \* **BOARD OF PROFESSIONAL**  
**Applicant** \* **COUNSELORS AND THERAPISTS**  
\* **Case Number: 2012-82**

\*\*\*\*\*

**FINAL ORDER**

On or about January 11, 2012, Robert Carr (the "Applicant") applied to Maryland Board of Professional Counselors and Therapists (the "Board") for an initial certificate to practice as a Certified Associate Counselor – Alcohol and Drug ("CAC-AD") pursuant to the Maryland Professional Counselors and Therapists Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 17-101 et seq. (2009 Repl. Vol. & 2013 Supp.).

The Board bases its denial on the following:

Health Occ. § 17-509 provides in pertinent part:

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:

...

(9) Knowingly violates any provision of this title;

...

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

Health Occ. § 17-301 provides in pertinent part:

(a) *In general.* -- Except as otherwise provided in subsection (b) of this section, an individual may not practice, attempt to practice, or offer to practice clinical alcohol and drug counseling, clinical marriage and family therapy, clinical professional art therapy or clinical professional counseling in the State unless licensed by the Board.

...

Health Occ. § 17-603 provides in pertinent part:

Except as otherwise provided in this title, unless an individual is certified to practice alcohol and drug counseling, marriage and family therapy, or professional counseling, the individual may not:

- (1) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is certified by the Board to provide counseling or therapy services in this State.
- (2) Use any title, abbreviation, sign, card, or other representation that the individual is a certified professional counselor, certified professional counselor-marriage and family therapist, certified professional counselor-alcohol and drug, certified associate counselor-alcohol and drug, or certified supervised counselor-alcohol and drug [.]

The Board informed the Applicant that a Final Order would be executed **THIRTY (30) DAYS** from the Applicant's receipt of the Board's notice, unless the Applicant requested a hearing. In order for the Board not to execute this Final Order, a written request for hearing had to be received from the Applicant on or before January 15, 2014. The Applicant failed to request a hearing on or before this date.

#### **I. FINDINGS OF FACT**

The Board finds as follows:

1. The Applicant has a baccalaureate degree from Syracuse University in Speech Communications.

2. In 2003, the Applicant was licensed by the Virginia Department of Health Professions as a Certified Substance Abuse Counselor. His Virginia license is presently active through June 30, 2014.
3. At all times relevant to these Charges, the Applicant has not been certified by the Maryland Board in any capacity.
4. On or about January 11, 2012, the Applicant submitted an Application to the Board for a counselor in training status and as a CAC-AD. The Applicant stated on his Application that he had been working as a Chemical Dependency Counselor since 2009. Additionally, the Applicant answered affirmatively to question (d) on his Application that he had a criminal history.<sup>1</sup> According to the Applicant, these convictions were all related to an "active" substance abuse history, and he has since been rehabilitated.
5. As a result of the information provided by the Applicant on his Application, the Board opened an investigation.

#### **UNAUTHORIZED EMPLOYMENT AS A CHEMICAL DEPENDENCY COUNSELOR**

6. In or around October 2009, the Applicant began employment at Facility A<sup>2</sup> located in Rockville, Maryland as a Chemical Dependency Counselor.
7. On his resume attached to his Application for an Initial Certificate in Maryland as a CAC-AD (the "Application") the Applicant described his professional responsibilities at Facility A as follows:

---

<sup>1</sup> The Applicant provided information that in 1985 he had been convicted in Fairfax County, Virginia of being drunk in public and for carrying a concealed weapon, and fined a total of \$35. In Washington D.C., in 1986, the Applicant was convicted of robbery, and placed on three years of probation; and in 1989 with the attempted possession of heroin and placed on one year of probation.

<sup>2</sup> Facility names will not be used in this document in order to maintain confidentiality.

Duties include assessing mental health patients for Substance Use Disorder and recommending the appropriate treatment using SBIRT<sup>3</sup> model and ASAM<sup>4</sup> guidelines. Working with a team of Psychiatrists, Social Workers and Substance Abuse Counselors in Behavioral Health Acute Care Hospital setting. Group facilitator for Outpatient, Intensive Outpatient and Residential Substance Abuse therapy groups. Conduct individual and family counseling sessions, using Motivational Enhancement to engage patients in the treatment process and for induction into a treatment milieu after hospitalization. Act as a resource for medical staff in identifying patients with potentially serious withdrawal symptoms. Performing as a community liaison for the Hospital on Substance Abuse issues and Mental Health treatment in Montgomery County, MD. Lead counselor in Intensive Outpatient program for co-occurring patients using CBT and DBT models in a psycho-therapeutic group setting. Preparing our patients for re-integration into the community by assisting them to develop Relapse Prevention and Wellness Recovery Action Plans.

8. As of March 2011, the Applicant's supervisors (YB and Dr. A) separately attested that the Applicant had completed three years and 2,000 hours of supervised experience in providing alcohol and drug counseling. The Applicant acknowledged however, that he had only been working at Facility A since October 2009, and it would not have been possible to complete that number of hours.
9. On December 10, 2012, the Board's staff interviewed the Applicant under oath regarding the allegations that he had been employed by Facility A as a substance abuse counselor without Maryland certification (hereinafter, the "interview").

---

<sup>3</sup> SBIRT stands for Screening, Brief Intervention and Referral to Treatment; it is a comprehensive, integrated, public health approach to the delivery of early intervention and treatment services for people with substance use disorders and those at risk of developing them.

<sup>4</sup> ASAM stands for the American Society of Addiction Medicine.

10. The Applicant acknowledged during the interview that he had submitted his Application to be a counselor in training at the same time that he submitted his Application for initial certification as a CAC-AD.
11. The Applicant stated during the interview that he uses the following credential in the course of business at Facility A: "CSAC," which stands for "certification as a Substance Abuse Counselor" (the Applicant's certification in Virginia).
12. The Respondent acknowledged during his interview that the reason he applied for Maryland certification was because a new director of outpatient services at Facility A informed him that he required certification to practice in Maryland.

## **II. CONCLUSIONS OF LAW**

13. Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant's actions constitute violations of Health Occ. § 17-509(9), specifically under Health Occ. §§ 17-301(a) and 17-603(1) and (2); and § 17-509(16).

## **III. ORDER**


After reviewing the Application of Robert Carr for Initial Licensure as a certified associate counselor – alcohol and drug ("CAC-AD") in the State of Maryland, it is this 21<sup>st</sup> day of February, 2004 by a majority of the Board's members then serving:

**ORDERED** that the Application of Robert Carr in the State of Maryland be and is hereby **DENIED**; and it is further

**ORDERED** that this Final Order is a public document pursuant to Md.

State Gov't Code Ann. § 10-611 et seq. (2009 Repl. Vol. & 2013 Supp.).

2/25/2014  
Date

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

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. § 17-512(b), the Applicant has the right to take a direct judicial appeal. Any appeal shall be filed within 30 days from the receipt of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, State Gov't Article § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Applicant files an appeal, the Board is a party and should be served with the court's process. In addition, the Respondent should send a copy to the Board's counsel, Ari S. Elbaum, Assistant Attorney General, at the Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201. The Administrative Prosecutor is not involved in the circuit court process and need not be served or copied on pleadings filed in that court.