

IN THE MATTER OF * BEFORE THE MARYLAND
 BERNARD ROBERSON, LCADC * BOARD OF PROFESSIONAL
 REINSTATEMENT APPLICANT * COUNSELORS AND THERAPISTS
 LICENSE NO.: LCA138 * CASE NO.: 2023-097

* * * * *

CONSENT ORDER FOR REINSTATEMENT OF LICENSE

The Maryland Board of Professional Counselors and Therapists (“the Board”) hereby notified **Bernard Roberson**, License No.: **LCA138** (the “Applicant”), of the Board’s intent to deny his Application for Reinstatement of License (“Application for Reinstatement”) to practice as a Licensed Clinical Alcohol and Drug Counselor (“LCADC”), in the State of Maryland, under the Maryland Professional Counselors and Therapists Act (the “Act”), codified at Md Code Ann., Health Occupations (“Health Occ.”) §§ 17-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.) and the Code of Maryland Regulations (“COMAR”).

The pertinent provisions of the Act state:

§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 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:

....

- (2) Habitually is intoxicated;

....

(9) Knowingly violates any provision of this title[.]

On December 15, 2023, a Case Resolution Conference (“CRC”) was held to determine if a reasonable opportunity existed for a resolution of the Respondent’s case prior to a hearing. Members of the Board, the Respondent, and the Administrator Prosecutor attended the CRC. Following the CRC, the Respondent agreed to the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. At all times relevant hereto, the Applicant was licensed to practice professional counseling.

2. The Applicant was originally issued a license to practice as a licensed clinical alcohol and drug counselor in Maryland on or about February 12, 2000. The Applicant’s license expired on January 31, 2023.

3. On or about February 9, 2023, the Board received the Licensure/Certification Reinstatement Form (“Application for Reinstatement”).

4. On his Application for Reinstatement, the Applicant answered “yes” to question 7:

Have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment of driving while intoxicated of a controlled dangerous substance offense?

5. An investigation conducted by Board staff revealed that on or about June 21, 2022, the Applicant was arrested by the Howard County Police Department (“Howard County Police”) and charged with alcohol-related traffic offenses.

6. Prior to his arrest, Howard County Police were contacted by motorists who observed the Applicant driving erratically on the highway and local roads. The Applicant was observed stopping the vehicle he was driving in the middle of the road.

7. Once the Howard County Police arrived at the location where the Applicant and the vehicle that he was driving were located, the Howard County Police smelled alcohol on the Applicant's breath and observed an empty bottle of Nyquil located inside the Applicant's vehicle.

8. The Applicant admitted to the Howard County Police that had recently consumed alcohol.

9. The Applicant was arrested by the Howard County Police after failing to properly perform field sobriety tests. Once at the police station, the Applicant agreed to take a blood alcohol concentration ("BAC") test. The Applicant's BAC was .12.

10. Court records revealed that on or about October 6, 2022, the Applicant pleaded guilty to (Driving or Attempting to Drive) Vehicle While Under the Influence of Alcohol, Per Se, in violation of Md. Trans. Art. 21.902A.1(ii), in the District Court for Howard County, Maryland.

11. The Applicant was sentenced to one (1) year imprisonment with all but three hundred and sixty-two days (362) suspended. The Applicant was placed on probation for a period of three (3) years with the following conditions: (1) have an ignition interlock installed on his vehicle for twelve (12) months, (2) apply for a three (3) year alcohol restriction on his driver's license, (3) submit to a mental health evaluation and attend and successfully complete mental health treatment, (4) attend three (3) weekly self-help groups for fifty-two (52) weeks; (5) complete forty (40) hours of community service; and (6) pay all fines and court costs.

12. On or about May 26, 2022, the Applicant was issued a traffic citation by the Baltimore City Police 2022, for Consumption of Alcoholic Beverages While Driving on Highway,

in violation of Md. Trans. Art. §21-903. Baltimore City Police observed a bottle of alcohol located on the front passenger seat of the vehicle that the Applicant was driving.

13. On June 26, 2022, the Applicant pleaded guilty to Consumption of Alcoholic Beverage While Driving on Highway, in violation of Trans Art. §21-903 in the District Court for Baltimore City, Maryland.

14. Respondent's conduct as set forth above violates Health Occ. §17-509 (2) and (9).

CONCLUSIONS OF LAW

The Board concludes that the Respondent violated Health Occ. §17-509 (2) and (9).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of February, 2024, by a majority of the full authorized membership of the Board hereby:

ORDERED that the Respondent's license to practice professional counseling, License **LCA138**, shall be **REINSTATED** and it is further

ORDERED that upon reinstatement of his license, the Respondent's license shall be placed on **PROBATION** for a **MINIMUM** of **TWO (2) YEARS** and until the Respondent has fully and satisfactorily complied with the following terms and conditions:

- (1) The Respondent must submit proof that he has completed all continuing education credits required for renewal of this license.
- (2) The Respondent shall practice under the supervision of a Board-approved Supervisor.
- (3) Within fourteen (14) days of being placed on probation, the Respondent shall provide the Board-approved Supervisor with a signed copy of this Consent Order.

- (4) The Respondent shall meet with the Board-approved Supervisor **a minimum of once per month**. The Respondent shall ensure that his Board-approved Supervisor submits quarterly reports to the Board.
- (5) The Respondent shall immediately notify the Board if the Board-approved Supervisor for any reason is unable to perform the duties of a Board-approved Supervisor. All changes to the Respondent's Board-approved Supervisor shall be approved by the Board.
- (6) The Respondent shall continue to meet with his therapist/mental health provider. The Respondent shall provide his therapist/mental health provider with a copy of this Consent Order within fourteen (14) days of the date of this Consent Order.
- (7) The frequency that the Respondent meets with his therapist/mental health provider shall be based on the recommendation made by his therapist/ mental health provider. **The recommendation shall be a minimum of once per month.**
- (8) Within fourteen (14) days of the date of this Consent Order the Respondent shall provide the Board with the name and contact information for his therapist/mental health provider. The Respondent shall provide proof that is satisfactory to the Board that he has provided his therapist/mental health provider with a copy of this Consent Order.
- (9) The Respondent shall ensure that his therapist/mental health provider submits quarterly reports to the Board.
- (10) The Respondent shall notify the Board within ten (10) days if he changes his therapist/mental health provider. The Respondent also shall provide the Board with the name and contact information of any new therapist/mental health provider.
- (11) The Respondent shall not serve or continue to serve as a Board Authorized Sponsor, presenter and/or trainer of professional counseling continuing education learning activities, an Ethics Tutor, an evaluator for the Board, or a Board Approved Supervisor for a period of five (5) years from the effective date of this Consent Order.
- (12) The Respondent shall comply with the Maryland Professional Counselors and Therapists Act and all laws, statutes and regulations pertaining thereto; and it is further

ORDERED that at the conclusion of the two (2) year probationary period, the Respondent may submit a written petition to the Board requesting termination of his probation. The Respondent must submit proof to the Board that he has satisfied the probationary terms and conditions set forth in this Consent Order. The Respondent must also submit proof to the Board that he has completed his continuing education requirements under the terms set forth in this Consent Order.

ORDERED that after consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, may grant the termination if the Respondent has fully and satisfactorily complied with all the probationary terms and conditions under this Consent Order and there are no pending complaints; 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 facts, or an opportunity for a show cause hearing, may impose any sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further


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

ORDERED that the effective date of this Consent Order is the date that it is signed by the Board; and it is further

ORDERED that this Consent Order may be reportable to the National Practitioners' Data Bank; and it further

ORDERED that this document constitutes a formal disciplinary action of the Board, and this Consent Order is final and is a public document for purposes of public disclosure, pursuant to Md. Code Ann., General Provisions § 4-101 et seq. (2023 Repl. Vol.).

02/16/2024
Date


Winne Moore, LCPC
Board Chair
Maryland Board of Professional Counselors and
Therapists

CONSENT

I, **BERNARD ROBERSON**, acknowledge that I was not represented by an attorney before entering into this Consent Order. By this Consent Order 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. I waive any rights I may have to contest the Findings of Fact and the Conclusions of Law. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had 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 provided by the law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing. I sign this Consent Order, voluntarily and without reservation, after having an opportunity

to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

2-6-24
Date


Bernard Roberson, LCADC

NOTARY

State: Maryland

City/County: Baltimore

I HEREBY CERTIFY that on this 6th day of February, 2024 before me, a Notary Public of the State and City/County aforesaid, personally appeared, **BERNARD ROBERSON, LCADC, License Number: LCA138**, and declared and affirmed under the penalties of perjury that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial seal.


Notary Public

My Commission expires: 6-9-2027

Matthew E. Murray
Notary Public
Baltimore County, Maryland
My Commission Expires:
08-09-2027