

IN THE MATTER OF	*	BEFORE THE MARYLAND
GERSHON SONNENSCHN, LCPC RESPONDENT	*	STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS
LICENSE NO. LC4768	*	Case Number: 2019-102

FINAL ORDER

I. PROCEDURAL BACKGROUND

On or about February 17, 2023, the Maryland State Board of Professional Counselors and Therapists (“the Board”) notified **GERSHON SONNENSCHN** (the “Respondent”) of the Board’s intent to revoke His license to practice as a Licensed Clinical Professional Counselor under the Maryland Professional Counselors and Therapists Act, codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

Specifically, the Board based its intent to revoke on the following provisions of the Act:

Health Occ. § 17-509:

§ 17-509. Denial, suspension or revocation of license.

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:

....

(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;

...

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

The relevant provisions of the code of ethics and regulations adopted by the Board provide:

COMAR 10.58.03.04 Ethical Responsibility:

A. A counselor shall:

...

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

...

(13) Cooperate with investigations, proceedings, and other requirements of the Board[.]

In its Notice, the Board informed the Respondent of his right to an evidentiary hearing on the charges. On March 17, 2023, through counsel, Respondent filed a formal request for hearing with the Board.

On July 7, 2023 the Board served Respondent with a Notice of Administrative Hearing, which informed the Respondent that a virtual hearing had been scheduled in this matter for Friday, August 18, 2023, at 1:30 PM, via Google Meet.

On August 18, 2023, a quorum of the Board was present via Google Meet and the evidentiary hearing was held. Kelly Cooper, Administrative Prosecutor, was present and presented the case on behalf of the State of Maryland. The Respondent was not present.¹

State's Exhibits and Witnesses:

1. Board Report of Investigation, Case No. 2019-102, dated January 26, 2023
2. Respondent's Licensing Unit Information, retrieved January 26, 2023
3. Consent Order from Case No. 2019-102, dated December 17, 2021
4. Order of Reinstatement and Probation, dated May 20, 2022

¹ Respondent, through Counsel, informed the Board via email on May 12, 2023, that Respondent did not wish to participate in the hearing.

5. Board Memo to File, Case No. 2019-102, Dated February 2, 2023
 - a. Respondent's Amended Petition for Reinstatement, filed April 29, 2023
 - b. Email from the Executive Director of Respondent's Therapeutic Provider², dated September 1, 2022
 - c. Email from the Program Director of Respondent's Therapeutic Provider
6. Notice of Intent to Revoke License, Case No. 2019-102, issued February 17, 2023
7. Respondent's Request for Hearing, dated March 16, 2023
8. Notice of Hearing, dated July 7, 2023

State's Witness:

1. Board Compliance Manager/Investigation Supervisor Shelly-Ann Barnes

II. FINDINGS OF FACT

The Board made the following findings of fact based upon the entirety of the record:

A. BACKGROUND

1. At all times relevant, the Respondent was authorized to practice clinical professional counseling in the State of Maryland. The Respondent was originally licensed to practice as an LCPC in the State of Maryland on November 14, 2012, under License Number LC4768. The Respondent's license is currently on probation with an expiration date of January 31, 2024.

B. Consent Order

2. On December 17, 2021, under Board Case Number 2019-102, the Board and the Respondent entered into a Consent Order, which suspended the Respondent's LCPC license for six (6) months, effective August 20, 2021.

² Names of facilities, patients, and providers other than the Respondent have been redacted in order to preserve confidentiality.

3. The Consent Order included the following relevant Findings of Fact³:
 - a. On June 18, 2019, the Board received a Complaint filed by the Director of Business Operations and Quality Assurance (“the Complainant”⁰) from the Respondent’s former Employer (“the Employer”) alleging that the Respondent hugged a client (“the Client”) and asked the Client if the Respondent could kiss her. The Complaint attached journal notes that the Client provided to the Employer documenting the incident.
 - b. After receiving the complaint, the Board initiated an investigation of the Respondent under Case Number 2019-102.
 - c. The Respondent practiced as a therapist at the Employer from on or about April 19, 2017 until June 28, 2019, when the Respondent resigned.
 - d. A review of the Client’s records from the Employer revealed the Client first presented at the Employer on July 10, 2018, complaining of depression, anxiety, and PTSD. The Client was assigned to the Respondent and participated in five individual therapy sessions, all with the Respondent—July 16, 2018; July 26, 2018; August 9, 2018; September 6, 2018; and September 20, 2018⁴ Throughout these five sessions, the Respondent documented that he discussed several issues with the Client, including but not limited to the Client’s history of trauma and sexual abuse, her issues with intimacy, and her lack of self-advocacy. Examples of this documentation include:
 - i. At the very first session on July 16, 2018, the Respondent documented that

³ To ensure confidentiality, the names of individuals and treatment facilities involved in this case are not disclosed in this document.

⁴ The Client also had a session that was scheduled for October 4, 2018, which was canceled because the Client was “no longer interested in therapy.”

the Client is a 28-year-old female with a “long history of depression and social anxiety” with “some elements of trauma” and that the Client “wants to move forward[,] find clarity[,] reduce feelings of depression[,] deal with trauma and figure out current relationship status. The Respondent also documented that the Client was “molested while in elementary [school]...did not say anything till [sic] she got older.”

- ii. At the second session on July 26, 2018, the Respondent documented that the Client said she was never told “she was loved or hugged” by her mother and “she feels anger comes from there.”
 - iii. At the third session on August 9, 2018, the Respondent documented that the Client’s “lack of being nurtured and feeling any sense of love from her mother affects her to this day.”
 - iv. At the fourth session on September 6, 2018, the Respondent documented that the Client was depressed because she had been in a relationship for ten years “and now has no feelings for him” and the Client wanted to be “alone but lacks the courage to speak up.”
- e. A review of the journal entries attached to the Complaint, documented by the Client, revealed the following:

Today I had a therapy session with my therapist at [the Employer] at 10am with [the Respondent]. In today's session (9/20/18), . . . when the session was over. Before opening the door to leave out. He asked for a hug. I reached nd [sic] gave him a hug with one hand. He was holding on tight while I was tryna [sic] keep it a little distant. I had almost fell over from him pulling me close. He asked if I wanted him to stop hugging me "I said YES". Then he touched my shoulders and pulled me away to ask me again. As if he couldn't believe I was saying stop. Nd [sic] "I said No" I felt like tht [sic] kid again being abused. Trying to speak up nd [sic] it

didn't work. I lost my voice that fast. As he's hugging me he lays my head on his shoulder while rubbing my back up and down (felt like he was caressing me). He repeatedly asked me "what I wanted from him". I didn't answer because at this point I felt violated. He . then grabs my face with the palm of his hand on each side. He asked me "If I wanted a kiss", I said no (at this point he was holding my face nd [sic] we were looking each other in the eye).... I came outside nd [sic] cried.... Afterwards I felt betrayed. I thought therapy was suppose to be liberating. I thought I could trust this stranger. He act as if he cared. Instead he used the fact that I was vulnerable, going through hardship to take advantage. I've confided in him about my previous sexual abuse as a kid. The fact that I suffer from ptsd because of it. He made everything worst [sic]. I have a appt. on 10/4/18 but iln [sic] not going back. Scared to call nd [sic] cancel it. In the appointment before this one on 9/6/18. He asked for a hug after the session was over. I thought it was weird and awkward. I agreed even though I felt so uncomfortable.

- f. On February 3, 2021, the Board's investigator interviewed the Client, at which time, the Client stated the following:
- i. At the end of one of the sessions, the Respondent asked the Client for a hug. The Client thought it was "weird," but acquiesced.
 - ii. Before the Client left the next session, the Respondent stopped and her and asked for a hug again, which the Client thought was "really getting weird." While the Respondent was hugging the Client, the Respondent was holding her "so tight to where as though, you know, like you may like stumble, like you fall over. So it was like him pulling me closer." While the Respondent was hugging the Client, he rubbed/caressed her back and asked her "is there anything...you want from me." Then, the Respondent pulled himself apart from the Client and "put the palms of his hands on [her] face" and asked "do you want to kiss?" The Client said "no."

- iii. After the second incident, the Client went to the emergency room for emotional distress.
 - iv. The Client explained she did not immediately report the incidents to the Employer or file a complaint out of fear of retaliation, “Because at this point...they have access to all my information, like my address and everything.”
 - v. The Client provided the Board’s investigator with discharge paperwork from an emergency department which revealed that the Client arrived at the emergency department on September 21, 2018 at 4:46 PM and was discharged at 7:14 PM. The diagnoses were listed as alleged assault and anxiousness.
- g. On April 6, 2021, the Board’s investigator interviewed the Respondent under oath, at which time, the Respondent stated the following:
- i. “I deny anything of any nature of anything that resembles anything.”
 - ii. “I didn’t say any of these things...I don’t rub backs. I don’t touch. I don’t make statements for this.”
 - iii. “I never touched, I never put my hands on, I never put my back on, my hands on anyone’s back. I never hugged someone disrespectfully or without, with, not without or with any, in any, in any form because it would have shown that I did not treat that person with respect.”
 - iv. However, the Respondent admitted that at the beginning of his employment with the Employer, he hugged a female client when she was crying and put her arms out. The Respondent stated that he was verbally reprimanded by the Employer for this incident.

- v. Regarding the complaint, the Respondent stated “Why would someone...keep on coming back if there are indications of some level of abuse?”
 - vi. This interview was the first time the Respondent had heard the name of the Client involved with the complaint. The Respondent stated that he requested the Client’s name at the time he was notified of the allegation, but the Employer refused to disclose the Client’s name to the Respondent. The Respondent explained that he asked the Employer for the Client’s name “because if I have to return charges to them for whatever I can, I will...I might have to consider taking legal action against this person and, and my reputation and my career is at stake here.”⁵
4. The Consent Order required the Respondent to submit to an independent “fitness to practice” evaluation conducted by a Board-approved licensed mental health professional, prior to submitting an application for Termination of Suspension.
 5. The Consent Order also included the requirement that if Respondent’s license was reinstated, the Respondent’s license would be placed on immediate probation for a minimum period of three (3) years, continuing until the Respondent successfully completed all the probationary terms and conditions outlined in the Consent Order.
 6. The Consent Order included the following relevant terms and conditions of probation:
 - (1) **Within twelve (12) months** of the beginning of the probationary period, the Respondent shall enroll in and successfully complete a **six (6) credit hour**

⁵ Under Md Code, Cts. & Jud. Pro., § 5-722, “A person who acts in good faith and within the scope of the jurisdiction of the [State Board of Professional Counselors and Therapists] is not civilly liable for giving information to the Board or otherwise participating in its activities.”

ethics course, approved in advanced by the Board. The Respondent shall submit documentation to the Board demonstrating he successfully completed the six (6) credit hour ethics course;

[...]

(3) The Respondent shall obtain a **Board approved supervisor** at his own expense;

(4) Prior to signing a supervision agreement with any Board-approved supervisor, the Respondent shall present a complete copy of the Consent Order to the prospective supervisor;

[...]

(6) The Respondent shall meet with the Board-approved Supervisor for no less than sixty (60) minutes on a bi-weekly basis throughout the duration of probation;

(7) The Supervisor shall submit **quarterly written reports** to the Board for the entire duration of the probation period detailing the supervision provided and evaluating the Respondent's practice;

(8) The Respondent shall have sole responsibility for ensuring that the Supervisor submits the required reports to the Board in a timely manner;

[...]

(10) In the event that the Respondent's supervisor discontinues supervising the Respondent's practice for any reason during the probationary period, the Respondent shall immediately notify the Board. The Respondent shall be solely responsible for submitting a request for a Board-approved replacement;

[...]

(16) If the Respondent allegedly fails to comply with any term or condition of the

Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If, in its sole discretion, the Board determines that there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and

(17) After the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of the Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice as a clinical professional counselor in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent[.]

7. On or about April 29, 2022, the Respondent submitted an Amended Petition for Reinstatement (the "Reinstatement Petition"). In the Reinstatement Petition, the Respondent reported the following relevant information:

- a. That the Respondent intended "to enroll in six (6) hours of ethics courses at [an Institute] which he will complete within the first 12 months of the probationary period as required by the Consent Order."
- b. That the Respondent had "identified [an LCPC ("Proposed Supervisor")]...who is on the Board's list of approved Supervisors, as potential candidates [*sic*] to act as his Supervisor during the three-year probationary period that is to follow the lifting of the suspension of Respondent's license, subject to the approval of the Board."
- c. That the Proposed Supervisor was "aware of her responsibilities as a Supervisor

in these circumstances and is willing and able to carry out the tasks and duties set forth in the Consent Order, including meeting with the Respondent for no less than sixty (60) minutes on a bi-weekly basis throughout the duration of probation and submission of quarterly reports to the Board for the entire duration of the probation period detailing the supervision provided and evaluating Respondent's practice."

- d. That "Following the lifting of his suspension, the Respondent will enter into a supervision agreement with, and authorize the Board to provide [the Proposed Supervisor] with a copy of the Consent Order and all of the relevant documents in the investigative file, including the Investigation Report and its attachment."
8. On May 20, 2022, the Board issued an Order of Reinstatement and Probation, which lifted the suspension of Respondent's license, reinstated the Respondent's license to practice as an LCPC in the State of Maryland, and placed the Respondent's license on probation for a period of three (3) years, subject to the probationary terms and conditions of the December 17, 2021 Consent Order.

C. Violation of the Consent Order

9. As of the August 18, 2023 hearing, the Board has never received any documentation confirming the Respondent's supervision by a Board-approved Supervisor.
10. As of the August 18, 2023 hearing, the Respondent failed to ensure that the Board received any quarterly written reports from a Board-Approved Supervisor.
11. On September 1, 2022, the Board received an email from the Executive Director (the "Director") of the Facility mentioned by the Respondent's Petition for Reinstatement. The email reported the following:

The Respondent contacted [the Director] several months ago

hoping to be connected to an LCPC that was Board Approved Supervisor in Maryland. Discussion was held at the time about his interest in supervision, but he was not interested/able to pay out of pocket for supervision. [The Respondent] asked then to become a client of [The Facility] and to be seen for therapy by [The Proposed Supervisor]...Both [the Proposed Supervisor] and [the Director] made it clear [to the Respondent] that the recommendation from the Board to receive supervision would not be met by having individual therapy sessions with [the Proposed Supervisor]. [The Proposed Supervisor] recently wrote a letter as [the Respondent's] therapist regarding his compliance and attendance, however, the Board is still requesting supervision hours. He is now asking to change roles and wants [the Proposed Supervisor] to offer clinical supervision. He is willing to pay out of pocket now.

...Can [the Proposed Supervisor] be [The Respondent's] Supervisor after she has so recently been his therapist? We are unclear on if [the Respondent's] confusion on this matter is purposeful in an attempt to avoid paying for supervision and he is changing course because the therapy sessions did not count towards reinstating his license or if he legitimately unclear about the process[.]

12. On February 2, 2023, the Board Compliance Manager contacted the Director via telephone. The Director confirmed that the Potential Supervisor never provided any clinical supervision to the Respondent, but the Respondent did engage in therapy with the Potential Supervisor. However, the Respondent did not sign releases for information that would allow the Facility to disclose information about his therapy sessions to the Board.
13. Also on February 2, 2023, the Board received an email from the Potential Supervisor, which included the following:

“...I have never been Gershon Sonnenschein’s clinical supervisor in our time of affiliation together. [The Director] provided Mr. Sonnenschein the option of clinical supervision by [the Facility] to pay out of pocket. Mr. Sonnenschein declined that offered [sic].

Due to the confining aspects of confidentiality, I am unable to speak further about or relationship. Please note: I have

never served in capacity as clinical supervisor.”

III. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent’s conduct as described above constitutes violations of the Act and a basis on which to discipline the Respondent’s license to practice as a Licensed Professional Clinical Counselor. Specifically:

The Respondent’s conduct, as set forth above, including failing to comply with the terms of his Probation, failure to cooperate with the Board’s investigation and proceedings, and knowingly misrepresenting the relationship between the Respondent and the Potential Supervisor constitutes a violation of: Health Occ. §§ 17-509(8) (“Violates the code of ethics adopted by the Board”); 17-509(9) (“Knowingly violates any provision of this title”); 17-509(13) (“Violates any rule or regulation adopted by the Board”); and COMAR 10.58.03.04(A)(11) and (13).

IV. ORDER

Based on the foregoing, it is this 17th day of November, 2023, by the Board hereby:

ORDERED, That the Respondent’s License to practice as a Licensed Clinical Professional Counselor in the State of Maryland is hereby **REVOKED**; and it is further

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

ORDERED, that this is a final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 – 4-601(2014).

NOTICE OF RIGHT TO APPEAL

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

If the Respondent files an appeal, the Board is a party and should be served with the court's process at the following address:

Mary N. Drotleff, LCMFT, Acting Executive Director
Maryland State Board of Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, MD 21215-2299
nicki.drotleff@maryland.gov
Phone: 410-764-4732
Fax: 410-358-1610

At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

11/17/2023

Date



Winnie D. Moore, LCPC, Board Chair
Maryland State Board of
Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215-2299