

IN THE MATTER OF
ERICA WILSON
Respondent

*** BEFORE THE MARYLAND**
*** BOARD OF PROFESSIONAL**
*** COUNSELORS AND THERAPISTS**
*** CASE NO.: 2020-029**

* * * * *

FINAL DECISION AND ORDER OF MONETARY PENALTY

I. Procedural Background

On September 15, 2023, the Maryland State Board of Professional Counselors and Therapists (“the Board”) issued “Charges under the Maryland State Board of Professional Counselors and Therapists Practice Act” (the “Charges”) to the Respondent, which notified her that the Board was charging her with violations of the Maryland State Board of Professional Counselors and Therapists Practice Act, Md. Code Ann., Health Occupations Article (“HO”) § 17-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.), specifically:

§ 17-301(a) 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.

§ 17-304(a) Except as provided in § 17-307 of this subtitle, to qualify for a license to practice clinical professional counseling, an applicant shall be an individual who meets the requirements of this section.

(b) The applicant shall be of good moral character.

(g) Except as otherwise provided in this title, the applicant shall pass an examination approved by the Board.

§ 17-309(b) To qualify to practice as a licensed graduate alcohol and drug counselor, a licensed graduate marriage and family therapist, a licensed graduate professional counselor, or a licensed graduate professional art therapist, an individual shall be:

(1) Of good moral character[.]

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(e) An individual may practice graduate professional counseling under supervision for a limited period of time if the individual has:

(2) Passed the National Professional Counselor Examination approved by the Board.

(g) An individual may not practice without approval by the Board.

§ 17-601 Unless an individual is licensed to practice clinical alcohol and drug counseling, clinical marriage and family therapy, clinical professional counseling, or clinical professional art therapy, an individual may not:

(1) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is licensed by the Board to provide clinical alcohol and drug counseling services, clinical marriage and family therapy services, clinical professional counseling services, or clinical professional art therapy services in the State;

(2) Use any title, abbreviation, sign, card, or other representation that the individual is a licensed clinical alcohol and drug counselor, licensed clinical marriage and family therapist, licensed clinical professional counselor, licensed clinical professional art therapist; or

(3) Use the title “L.C.A.D.C.”, “L.C.M.F.T.”, “L.C.P.C.”, or “L.C.P.A.T.” or the words “licensed clinical alcohol and drug counselor”, “licensed clinical marriage and family therapist”, “licensed clinical professional counselor”, or “licensed clinical professional art therapist” with the intent to represent that the individual practices clinical alcohol and drug counseling, clinical marriage and family therapy, clinical professional counseling, or clinical professional art therapy.

§ 17-602 Except as otherwise provided in this title, unless an individual has been approved by the Board to practice as a licensed graduate alcohol and drug counselor, a licensed graduate professional counselor, a licensed graduate marriage and family therapist, or a licensed graduate professional art therapist the individual may not:

(1) Use the title “licensed graduate alcohol and drug counselor”, “licensed graduate professional counselor”, “licensed graduate marriage and family therapist”, or “licensed graduate professional art therapist”;

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(2) Use the initials “L.G.A.D.C.”, “L.G.P.C.”, “L.G.M.F.T.”, or “L.G.P.A.T.” after the name of the individual;

(3) Represent to the public that the individual is approved by the Board to practice alcohol and drug counseling, professional counseling, marriage and family therapy, or professional art therapy; or

(4) Use any title, abbreviation, sign, card, or other representation that the individual is a licensed graduate alcohol and drug counselor, a licensed graduate professional counselor, a licensed graduate marriage and family therapist, or a licensed graduate professional art therapist.

The Charges notified the Respondent of her right to request an evidentiary hearing before the Board on the disciplinary charges. The Respondent submitted a timely request for an evidentiary hearing.

The Board held the evidentiary hearing on December 20, 2024, and a quorum of the Board was present. Mary Campbell, Administrative Prosecutor, was present on behalf of the State. The Respondent was also present with her attorney, Cory Silkman, Esq.

Evidentiary Exhibits and Witnesses

Joint Exhibits

1. Email Communication from Respondent to the Maryland Board of Professional Counselors and Therapists dated March 11, 2019 (Pages 1-2)
2. Respondent’s Licensed Graduate Professional Counselor Application (Pages 3-30)
3. Email Communication between Respondent and the Maryland Board of Professional Counselors and Therapists dated September 23, 2019, September 24, 2019, September 27, 2019, and September 30, 2019; additional email communications (Pages 31-92)
4. Respondent’s Personnel Records (Pages 93-158)
5. Client Invoices (Pages 159-268)

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6. Board Investigator Interviews with Respondent and Respondent's Clinical Supervisor (Video Interviews)
7. Transcript of Board Interview of Respondent (Pages 269-304)
8. Report of Investigation (Pages 305-308)
9. Cease and Desist Order (Pages 309-319)
10. Correspondence from Respondent's Counsel to the Board dated July 26, 2024 (Pages 320-324)
11. Notice of Charges dated September 15, 2023 (Pages 325-337)
12. Notice of Hearing: In the Matter of Erica Wilson, dated July 3, 2024 (Pages 338-339)

State's Witnesses

1. None.

The Respondent's Witnesses

1. Respondent's Clinical Supervisor.
2. The Respondent testified on her own behalf.

II. FINDINGS OF FACT

The Board makes the following Findings of Fact based upon the entirety of the record:

Licensure Background

1. The Respondent is not nor has she ever been licensed to practice professional counseling in the State of Maryland.
2. On or about March 11, 2019, the Respondent emailed the Board to inquire about obtaining a license to practice as a professional counselor in the State of Maryland. The Respondent wrote:

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I have completed my doctoral degree in professional counseling from Mississippi College in 2015. I completed all required hours (3500) under LPC-S in MS. I completed all coursework, and other requirements...I left MS before I could get licensed. My question is will MD accept the work I have already completed (courses, 3500 hours, 1750 of which came from doctoral internships (4), and other documentation to show my competence in the field)? I was hoping that MS would approve me to sit for the exam, but I have yet to hear anything, it is my understanding that MD does not require an approval to sit for the exam in this state? I am in need of guidance, as I have my doctoral degree and again have complete (sic) 3500 supervised hours [with] my LPC-S. Please provide me with how I can proceed to get license (sic) in MD, without doing all this over again. I spen[t] two years of supervised hours.

(Joint Exhibit 1, p. 1).

3. On or about August 28, 2019, the Respondent submitted her application to the Board for a licensed graduate professional counselor (“LGPC”). (Joint Exhibit 2, p. 3-30).

4. The Respondent’s application package included her professional profile from *Psychology Today* in which she referred to herself as a “pre-licensed professional” and advertised her practice location as Bethesda, Maryland. *Id.* at p. 18.

Board Investigation

5. In an email communication to the Respondent dated September 23, 2019, the Board asked the Respondent, “What is the reason you are unable to apply for a clinical license in MS so that you could then be able to apply directly for the LCPC in Maryland?” In an email response dated September 30, 2019, the Respondent stated, “My husband and I got relocated to Maryland before I was able to complete all the requirements for LPC in Mississippi.” (Joint Exhibit 3, p. 34).

6. With regard to the Respondent’s *Psychology Today* profile, in an email communication to

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the Respondent dated September 23, 2019, the Board asked the Respondent to “explain to what credential the ‘Pre-License Professional’ refers” and informed the Respondent that the “Board does not have a pre-licensed professional designation.” (Joint Exhibit 3, p. 33). In an emailed response dated September 30, 2019, the Respondent stated that “‘Pre-Licensed Professional’ refers to my Certified Mental Health credential as approved by MS.” (Joint Exhibit 3, p. 34)

7. On or about September 23, 2019, the Board emailed the Respondent to ask “Do you hold any credential in MS? MS’s licensing system shows your status as a ‘P-LPC Applicant’... Did you obtain hours in MS without a credential...If this is permissible under MS law, please provide the Board with the relevant citations to the MS rules and regulations.” (Joint Exhibit 3, p. 34). On September 30, 2019, the Respondent answered that “[in] Mississippi, I was a Certified Mental Health Therapist. I was also under the supervision of board approved LPC-S [Mississippi Supervisor]. In MS I received my post-doctoral hours in clinical settings that were governed by state, federal and county municipalities.” *Id.* The Respondent provided the Board with sections of the Mississippi State Board of Examiners for Licensed Professional Counselors’ Rules and Regulations governing obtaining supervised experience once the P-LPC is issued. *Id.* at pp. 34-37. The Respondent did not hold an MS P-LPC.

Board Interview of the Respondent

8. On December 20, 2020, the Board’s investigator interviewed the Respondent under oath. During the interview, the Respondent stated that she was working in Maryland under the supervision of [Maryland Supervisor].” (Joint Exhibit 6, p. 271). The Respondent stated that she began “doctoral internship training” with Maryland Supervisor in December 2018. (Joint Exhibit

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6, p. 270). The Respondent admitted that during her period of supervision with Maryland Supervisor, from December 2018 through December 20, 2022, she provided counseling services in Maryland, for payment, without a license. (Joint Exhibit 6, p. 291).

9. The Respondent was also asked during the interview what licenses she currently held in Maryland authorizing her to work as a counselor or therapist in Maryland. The Respondent stated that she was currently working in Maryland under the supervision of Maryland Supervisor and stated that “I do not hold a Maryland license myself, but I do have a certified mental health therapist certificate that I hold that I was assuming came with...me through Mississippi...” (Joint Exhibit 6, p. 270).

10. During the Board interview, the Respondent also stated, “I’m sure I, I can say, I haven’t received anything telling me I’m licensed in the State of Maryland.” (Joint Exhibit 6, p. 302).

11. The Respondent maintained that pursuant to her conversation with the investigator, she would cease seeing patients. *Id.*

Interview with the Maryland Supervisor

12. On December 13, 2022, the Board investigator interviewed Maryland Supervisor under oath, where she stated that the Respondent was not licensed and was working under her supervision, and that “[t]his is what happened and what is happening...There is no confusion here. (Video Interview, Maryland Supervisor).

13. The Board subpoenaed employment and records of payment and invoices which showed the following:

- A. Independent Contractor Agreement with Maryland Supervisor

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[employer] dated December 17, 2018, stated that the Independent Contractor (Respondent) has demonstrated the background, qualifications, and expertise to perform certain services for and on behalf of the employer;

B. The records of payment/invoices show psychotherapy services provided by the Respondent from December 17, 2018, through December 31, 2022. The records indicate that the Respondent provided counseling sessions to clients on at least 650 occasions in 2022, at least 777 occasions in 2021, at least 980 occasions in 2020, at least 918 in 2019, and at least 11 occasions in 2018.

(Joint Exhibit 4, pp. 94-101; Joint Exhibit 5, pp. 159-268).

14. On June 27, 2023, the Board issued a Cease-and-Desist Order to the Respondent ordering the Respondent to “immediately cease and desist from practicing, attempting to practice, or offering to practice professional counseling in the State of Maryland...” (Joint Exhibit 8, pp. 309-319).

15. On September 15, 2023, the Board issued the aforementioned Charges to the Respondent, which notified her that the Board was charging her with certain violations of the Maryland Professional Counselors and Therapists Practice Act. (Joint Exhibit 8, pp. 325-337).

16. The Respondent submitted a timely request for hearing through her attorney. (Joint Exhibit 8, pp. 338-339).

Testimony at the Evidentiary Hearing

17. At the evidentiary hearing before the Board, the Administrative Prosecutor did not call witnesses and based the State’s case on the stipulations and joint exhibits.

18. The Maryland Supervisor testified on behalf of the Respondent.

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19. Maryland Supervisor stated that she was a licensed clinical psychologist. She stated that the Respondent started working for her in 2018 under her direct supervision. (Hearing Transcript (“T”), p. 18). The Maryland Supervisor testified that at no time did the Respondent hold herself out as being a licensed counselor. (T. p. 19). She stated that the Respondent provided group and individual counseling under supervision. (T. p. 15). The Maryland Supervisor stated that the Respondent was compliant with supervision requirements and that the Respondent presented no problems with billing or charting. (T. p. 23). The Maryland Supervisor stated that the Respondent was not responsible for billing clients. (T. pp. 23-24).

20. On cross-examination, the Maryland Supervisor admitted that she did not inquire into the Respondent’s credentials in Mississippi, nor did she ask about her Mississippi certification, or whether the supervision hours that the Respondent obtained could be used toward licensure in Maryland. (T. p. 26). The Maryland Supervisor stated that she did not recall the exact dates that she provided supervision to the Respondent. *Id.*

21. As for her own authorization to be a Board-approved supervisor, Maryland Supervisor stated that she believed herself to be Board-approved because she contacted the Board, which confirmed that she was Board-approved to provide supervision. (T. p. 22).

22. The Maryland Supervisor stated that her understanding of Maryland law was that the Respondent was able to practice professional counseling between obtaining her doctorate and obtaining licensure as long as the Respondent was working toward her LCPC. (T. pp. 33-35).

23. The Respondent testified on her own behalf.

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24. The Respondent testified that her work under the supervision of Maryland Supervisor was similar to the work she did in Mississippi. (T. p. 41).

25. The Respondent testified that she never represented to her Maryland Supervisor that she was licensed; never represented to clients that she was licensed; and that clients were informed at intake that the care provided would occur under the supervision of the Maryland Supervisor. (T. pp. 44, 50-51).

26. The Respondent testified that any billing was handled by the billing manager; she created none of the billing invoices. (T. pp. 52-53).

27. The Respondent stated that she relied on Board staff for correct information about the licensing process. (T. p. 55). She stated that she complied with every Board directive and answered every question that Board staff posed to her. *Id.*

28. On cross, the Respondent admitted that all of the supervision hours that she obtained in Maryland were completed as an unlicensed individual and that she never independently reviewed the requirements for LGPC licensure. (T. pp. 62-63).

III. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated HO § 17-301(a):

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. [.]

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In its discretion, the Board will dismiss the charges under HO §§ 17-304, 17-309, 17-601, and 17-602, and COMAR 10.58.01.03.

The sanctions for violations under HO § 17-301 are outlined in HO § 17-604(b) which states that “[a] person who violates any provision of this subtitle or HO § 17-301 of this title is subject to a civil fine not exceeding \$50,000 to be assessed by the Board in accordance with regulations adopted by the Board.” Moreover, HO § 17-604(c) provides that “[e]ach violation of this subtitle is a separate offense.” Upon consideration of the evidence and argument presented at the evidentiary hearing, the Board will impose a monetary penalty under HO § 17-604(b) in the amount of \$20,000.

IV. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent, Erica Wilson, shall **CEASE AND DESIST** from practicing, attempting to practice, or offering to practice professional counseling in the State of Maryland; and it is further

ORDERED that within **TWO (2) YEARS** from the effective date of this Order, the Respondent, Erica Wilson, shall pay to the Board a monetary penalty of **TWENTY THOUSAND DOLLARS (\$20,000.00)** in full by money order or cashier's check made payable to the Maryland Board of Professional Counselors and Therapists and delivered personally or by certified mail to the Board. Failure to pay this monetary penalty in full to the Board within **TWO (2) YEARS** of the effective date of this Order shall constitute a violation of this Order; and it is further

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ORDERED that if the Respondent violates any of the terms and conditions of this Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing, may impose, by further public Order of the Board, any sanction(s) authorized by Health Occ. § 17-509(a), including reprimand, probation, suspension, revocation, and/or an additional monetary penalty;

ORDERED that this is a Final Decision and Order of the Maryland Board of Professional Counselors and Therapists and, as such, is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019 Repl. Vol. & 2024 Supp.).

3/11/2025
Date



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

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Ann. Code, Health Occ. § 17-509 may take a direct judicial appeal within thirty (30) days of the date this Order is mailed, as provided by Md. Ann. Code, Health Occ. § 17-512, Md. Ann. Code, State Gov't § 10-222, and Maryland Rule 7-203(a)(2) ("Time for Filing Action").