

Respondent
License No. LC208

*** BEFORE THE**

*** STATE BOARD OF**

*** PROFESSIONAL COUNSELORS**

*** AND THERAPISTS**

* * * * *

FINAL ORDER OF REVOCATION OF LICENSED CLINICAL PROFESSIONAL COUNSELOR LICENSE

On August 21, 2020, State Board of Professional Counselors and Therapists (the "Board") hereby notified TRACY BUSHEE, LCPC, (the "Respondent"), License No. LC2089, of the Board's intent to REVOKE her license to practice as a Licensed Clinical Professional Counselor ("LCPC"), pursuant to the Maryland Professional Counselors and Therapists Act (the "Act"), Md. Code Ann., Health Occ. §§ 17-101, *et seq.*, (2014 Repl. Vol. and 2019 Supp.) and Md. Code Regs. ("COMAR") 10.58.03 *et seq.*

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed, and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to the following provisions of the Act and COMAR:

§ 17-509. Denial, probation, suspension or revocation of trainee status, license, or certificate.

Subject to the hearing provisions of Section 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;
- (11) Is professionally... incompetent;
- (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 counseling or therapy[.]

In addition, the Board charges the Respondent with a violation of its Code of Ethics, in particular:

COMAR 10.58.03.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (2) Client.
 - (a) "Client" means an individual.... to whom a counselor is rendering professional service.

COMAR 10.58.03.04

- A. A counselor shall:
 - (11) Be familiar with and adhere to this chapter;
 - (14) Take reasonable precautions to protect clients from physical or psychological trauma.
- B. A counselor may not:
 - (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

COMAR 10.58.03.05

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;

B. Dual Relationships.

(1) A counselor shall:

- (a) Avoid dual relationships with clients[.]

COMAR 10.58.03.09 Sexual Misconduct.

A. A counselor may not engage in sexual misconduct with a client... Sexual misconduct includes but is not limited to:

- (1) Inappropriate sexual language;
- (2) Sexual exploitation;
- (4) Sexual behavior; and
- (5) Therapeutic deception.

B. Concurrent Sexual Relationships. A counselor may not engage in either consensual or forced sexual behavior with:

- (1) A client;

C. Relationship with Former Clients.

- (1) Except as set forth in §C (3) of this regulation, a counselor may not engage in sexual behavior with a former client.

**FACTS THAT WARRANT
THE REVOCATION OF THE RESPONDENT'S LICENSE**

BACKGROUND

1. At all times relevant to the charges herein, the Respondent was licensed to practice professional counseling in the State of Maryland. The Respondent was first issued a license on September 23, 2005. Her license expires on January 31, 2021.
2. At all times relevant herein, the Respondent served as a counselor for a mental health services agency ("Agency") in Southern Maryland.

COMPLAINT

3. On or about October 15, 2018, the Board received a complaint (the "Complaint") from the Director at the Agency (the "Complainant"). The Complainant informed the Board that an individual ("Client") who received services from the Agency stated that he engaged in a romantic and sexual relationship with the Respondent for four years while the Respondent was providing services to him and continued for one year beyond her tenure.

BOARD INVESTIGATION

4. The Board determined the following:
 - a. The Respondent was appointed a Team Leader and her profile listed her as "focused on providing community based and individual counseling services; specializing in providing services to chronically mentally ill adults." To be a "Team Leader" at the Agency, one had to be a certain type of mental health professional, including a professional counselor.
 - b. The client began treatment at the agency in September 2006.

- c. The Respondent provided in-home interventional services to the client, including crisis intervention, relapse prevention, cognitive-behavioral treatment of psychotic symptoms, counseling and stress management. The Respondent wrote treatment notes and reviewed/approved case notes written by members of her team. She often met the client at his residence.
 - d. The Respondent provided these in-home interventional services to the client from September 2006 through June 2011.
 - e. When the relationship ended, the client was “devastated,” and another mental health counselor was assigned to deal with the psychological and emotional consequences.
5. When questioned, the Respondent claimed that she was not providing “counseling” or “client” services to Client between 2006 and 2011 but acknowledged that she engaged in a sexual relationship with the individual during that time period.
6. When provided with evidence that she had indeed provided counseling and/or client services to this particular client, the Respondent insisted that the individual was just a “participant” or a “consumer.”

GROUND FOR DISCIPLINE

7. By engaging in an extended sexual relationship with someone to whom she rendered professional services and by engaging in a relationship with the Client that went well beyond the professional client-counselor relationship, as set forth above, the Respondent violated the following provisions of the Act and regulations: §17-509(8) (Violates the code of ethics adopted by the Board); §17-509(11)(Is professionally... incompetent);and (16) (Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.] The Respondent violated §17-509(13)(Violates any rule

or regulation adopted by the Board); in that the Respondent violated COMAR 10.58.03.04 A. A counselor shall: (11) Be familiar with and adhere to this chapter; (14) Take reasonable precautions to protect clients from physical or psychological trauma. B. A counselor may not: (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest; COMAR 10.58.03.05 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; B. Dual Relationships. (1) A counselor shall: (a) Avoid dual relationships with clients; COMAR 10.58.03.09(A) Sexual Misconduct. A counselor may not engage in sexual misconduct with a client... Sexual misconduct includes but is not limited to: (1) Inappropriate sexual language; (2) Sexual exploitation; (4) Sexual behavior; and (5) Therapeutic deception. Concurrent Sexual Relationships. A counselor may not engage in either consensual or forced sexual behavior with: (1) A client; Relationship with Former Clients. (1) Except as set forth in §C (3) of this regulation, a counselor may not engage in sexual behavior with a former client.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §§ 17-509 (8), (11), (13) and (15) of the Act and COMAR 10.58.03.02 A. and B. 2. (a) and COMAR 10.58.03.04 A. (11) and (14) and B (3), COMAR 10.58.03.05 A. (2) (a) and B (1) (a), and COMAR 10.58.03.09 (1), (2), (4) and (5), B. (1) and C (1).

ORDER

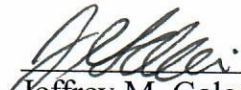
As set forth above, the Board hereby orders that the license to practice as a Licensed Clinical Professional Counselor in Maryland held by **TRACY BUSHEE, LCPC, License No. LC2089**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2019 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with §17-512 of the Act and Md. Code. Ann., State Government, §§10-201, *et seq.*, (2014 Repl. Vol. and 2019 Supp.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforecited authority.

November 20, 2020

Date



Jeffrey M. Galecki, MS, LCADC, LCPC, Chair
State Board of Professional Counselors
and Therapists