

IN THE MATTER OF	*	BEFORE THE MARYLAND STATE
GARY A. HORSEY, LGPC	*	BOARD OF PROFESSIONAL
Respondent	*	COUNSELORS AND THERAPISTS
Certificate Number: LGP8967	*	Case Number: 2019-089

* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland State Board of Professional Counselors and Therapists (the “Board”) hereby **SUMMARILY SUSPENDS** the license of **GARY A. HORSEY, LGPC** (the “Respondent”), License Number LGP8967, to practice as a Licensed Graduate Professional Counselor (“LGPC”) in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2014 Repl. Vol. & 2018 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action. In addition, the Board takes such action pursuant to its authority under Md. Code Regs. (“COMAR”) 10.58.04.10, concluding that there is substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare.

INVESTIGATIVE FINDINGS

The Board bases its action on the following findings:¹

I. BACKGROUND

1. At all times relevant, the Respondent was authorized to practice graduate professional counseling in the State of Maryland. The Respondent was originally certified

¹ The statements regarding the Board’s investigative findings are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent,

to practice as an LGPC in the State of Maryland on September 4, 2018, under License Number LGP8967. The Respondent's license is current and is scheduled to expire on September 30, 2020.

II. COMPLAINT

2. On or about May 8, 2019, the Board received a complaint filed by the clinic director (the "Clinic Director")² at the Respondent's former employer (the "Employer"). The complaint alleged the Respondent was "wanted by police in Virginia in connection with an alleged sexual assault on a 19 year old female who was identified as a client of his."

3. After receiving the Clinic Director's complaint, the Board initiated an investigation of the Respondent under Case Number 2019-089.

III. BOARD INVESTIGATION

4. As part of its investigation, the Board requested records from the General District Court in Prince William County, Virginia.

5. On or about May 3, 2019, the Respondent was charged with Aggravated Sexual Battery: Victim Incapacity, in the General District Court of Prince William County, Virginia (Case Number GC19006040-00). On or about June 26, 2019, the charge was reduced to Sexual Battery and the Respondent was found guilty. The Respondent was

a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and facilities referenced in this document by contacting the administrative prosecutor.

sentenced to twelve (12) months of imprisonment with eight (8) months suspended. The Respondent was also sentenced to three (3) years of probation. As part of his probation, the Respondent was ordered not to be employed as a counselor or therapist working with anyone under 21 years old.

6. According to the Criminal Complaint, on May 1, 2019, the victim reported being sexually assaulted on two occasions by the Respondent at a park. The victim had diagnoses which included developmental delay, emotional disturbance, learning disability, and intellectual impairment. According to the victim, while she was at the park with the Respondent:

they both sat down on a bench at the park. [The victim] then mentioned feeling something inside one of her shoes, and when she got up to clear her shoe, [the Respondent] also got up and placed himself behind her and began to “hump her” from behind. . . . [The victim] stated she then told [the Respondent] “. . . can you please get off, I do not like that . . .” and then she pushed him to the side. [The victim] also stated that [the Respondent] then grabbed her hand and put it “. . . directly right there . . .” making her feel his penis through his underwear.

CONCLUSIONS OF LAW

Based on the foregoing facts, the Board concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov’t § 10-226 (c)(2) (2014 Repl. Vol. & 2018 Supp.).

In addition, the Board concludes as a matter of law that there is a substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare, pursuant to COMAR 10.58.04.10.

ORDER

Based on the foregoing, it is by a majority of the Board considering this case:

ORDERED that pursuant to the authority vested by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's license to practice as a Licensed Graduate Professional Counselor in the State of Maryland, License Number LGP8967, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS** of service of this Order.

The written request should be made to:

Kimberly Link, J.D., Executive Director
Maryland State Board of Professional Counselors & Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215

With copies to:

Kelly Cooper, Assistant Attorney General
Maryland Office of the Attorney General
Health Occupations Prosecution & Litigation Division
300 West Preston Street, Suite 201
Baltimore, Maryland 21201

and

Rhonda Edwards, Assistant Attorney General
Maryland Office of the Attorney General
300 West Preston Street, Suite 302
Baltimore, Maryland 21201; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation

show cause hearing but fails to appear when scheduled, the Respondent's license will remain **SUSPENDED**; and it is further

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board, the following items:

- (1) the Respondent's original Maryland Licensed Graduate Professional Counselor License LGP8967; and
- (2) the Respondent's wallet card and wall license; and it is further

ORDERED that this is an Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

9/20/19
Date

Risa Ganel, LCMFT
Risa Ganel, LCMFT, Chair
Maryland State Board of Professional
Counselors and Therapists