

**IN THE MATTER OF
TAMMY LAMBERT
RESPONDENT**

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**BEFORE THE MARYLAND STATE
BOARD OF PROFESSIONAL
COUNSELORS AND THERAPISTS
Case Number: 2019-046**

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FINAL ORDER

On August 21, 2020, the Maryland State Board of Professional Counselors and Therapists (the “Board”) issued a Notice of Intent to Rescind” which notified **TAMMY LAMBERT**, of the Board’s intent to rescind her status with the Board to practice as an Alcohol and Drug Trainee pursuant to the Maryland Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

Specifically, the Board based its action on the following provisions of the Act:

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

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 this Board;
- (9) Knowingly violates any provision of this title;
- (10) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal

or other proceeding is pending to have the conviction or plea set aside;

(13) Violates any rule or regulation adopted by this Board[.]

Pursuant to Health Occ. § 17-509(8) and (13), shown above, the Board also based its intent to rescind on the following provisions of the Code of Ethics adopted by the board, codified at Md. Code Regs. (“COMAR”) 10.58.03 *et seq.*, in particular:

COMAR 10.58.03.09

C. Relationship with Former Clients.

(3) A counselor may enter into a relationship with an individual with whom a counselor's prior professional contact was brief, peripheral, consultative, or indirect, and did not constitute a therapeutic relationship

PROCEDURAL SUMMARY

On February 19, 2021, at 12:30 pm, the Board held a virtual hearing before a quorum of the Board. The Respondent did not appear for the hearing and was not represented by counsel. The Administrative Prosecutor assigned to the case, Assistant Attorney General Kelly Cooper, participated in the hearing and represented the State of Maryland. The State presented one witness, Shelly-Ann Barnes, Investigator for the Board of Professional Counselors and Therapists. The State introduced several exhibits which were accepted into the record as follows:

- Exhibit 1: Complaint, received December 12, 2018
- Exhibit 2: Personnel Records, Received from Facility A
- Exhibit 3: State of Maryland v. Tammy Lambert (Circuit Court Case Number C-02-CR-17-000904)
- A. Request for copies of records, dated April 29, 2020
 - B. Statement of Charges
 - C. Criminal Hearing Sheet, June 21, 2017
 - D. Pre-Sentence Probation/Supervision Order, June 21, 2017
 - E. Criminal Hearing Sheet, January 28, 2019
 - F. Commitment Record, January 28, 2019
 - G. Transcript of Sentencing Hearing, January 28, 2019
 - H. Criminal Hearing Sheet, January 29, 2020
 - I. Probation/Supervision Order, January 29, 2020
 - J. Transcript of Sentence Modification Hearing, January 29, 2020
- Exhibit 4: Letter from Judge Stacy McCormack to DPSCS Probation Agent J. Michael Spalding, dated June 10, 2020
- Exhibit 5: Respondent's Interview Transcript, dated April 27, 2020
- Exhibit 6: Respondent's Interview Transcript, dated April 28, 2020
- Exhibit 7: Licensing Unit Information
- Exhibit 8: Maryland Board of Professional Counselors and Therapists Report of Investigation, dated July 15, 2020
- Exhibit 9: Notice of Intent to Rescind Alcohol and Drug Trainee Approval Status,

dated August 21, 2020

Exhibit 10: Request for an evidentiary hearing received from the Respondent, dated September 14, 2020

Exhibit 11: Notice of Hearing, dated December 21, 2020

Exhibit 12: Returned Certified Mailing of Notice of Hearing dated December 21, 2020

Exhibit 13: Notice of Hearing, dated January 12, 2021

Exhibit 14: Affidavit – Return of Private Process for Notice of Hearing, dated January 12, 2021

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. Application

1. On or about December 12, 2018, the Board received a complaint filed by the Director (“Program Director”) of a substance abuse treatment facility (“Facility”), which alleged that the Respondent had been arrested, and that while in jail, the Respondent received money from a client.

2. The Respondent used a relative’s personally identifying information to open a credit card in the relative’s name without the relative’s knowledge or consent. The Respondent then maxed out the credit card and was charged criminally for her actions.

3. On or about June 21, 2017, the Respondent pled guilty to Fraud ID Info Theft \$1k<\$10K, a felony and a crime involving moral turpitude, in the Circuit Court for Anne Arundel County, Maryland (Case Number C-02-CR-17-000904).

4. The judge withheld judgment and immediately placed the Respondent on pre-sentencing supervised probation, subject to the condition that the Respondent attend and successfully complete the Anne Arundel County drug court program.

5. The Respondent failed to successfully complete the drug court program.

6. The Respondent was terminated from the drug court program because six (6) weeks after entering the program, the Respondent went to a pain management doctor and obtained prescriptions for one hundred and twenty (120) pills of oxycodone 15 mg a month and sixty (60) pills of oxymorphone 30 mg a month.

7. The Respondent did not report that she was seeing a pain management doctor to the drug court program.

8. The Respondent then obtained employment at a methadone clinic where she worked for fourteen (14) months, while also attending school to be a counselor and submitting clean urinalysis. The urinalysis results were negative because the Respondent had been selling the one hundred eighty (180) pills per month she as receiving from the pain management doctor.

9. On January 28, 2019, the judge convicted the Respondent of Fraud ID Info Theft \$1k<\$10k, and sentenced her to five (5) years of incarceration with credit for one hundred and ten (110) days of time served.

10. During the sentencing hearing the judge stated that the Respondent made “a mockery of the whole [drug court] system” and explained that the Respondent “earned every day of the maximum sentence [that the judge] could impose.”

11. On January 29, 2020, the judge granted the Respondent's Motion for Modification of Sentence, modifying her sentence to five (5) years of incarceration with all but four hundred and seventy-five (475) days of time served. The judge also sentenced the Respondent to three (3) years of supervised probation.

12. While under oath, the Respondent told the Board's investigator:

- That she was incarcerated from October 2018 to January 2020;
- That while she was incarcerated she contacted a client one time;
- That the client she contacted put either \$20 or \$40 in her account in jail one time;
- That she had been the client's counselor at the Facility from the Fall of 2017 until she left the Facility in October 2018.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that a preponderance of the evidence shows that the Respondent's conduct did in fact, violate the Act and is a basis on which to rescind the Respondent's alcohol and drug trainee status with the Board. Specifically:

The Respondent's actions including the Respondent's criminal conviction and the Respondent's acceptance of money from a former client while she was incarcerated constitutes violations of Md. Code Ann., Health Occ. § 17-509 (8) (violates the code of ethics adopted by the Board), (9) (knowingly violates any provision of this title) (10) (is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral

turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside), and (13) (violates any rule or regulation adopted by the Board).

The specific acts and the grounds for disciplinary action under the Board's disciplinary statutes, as referenced in the preceding paragraph, constitute violations of Md. Code Ann., Health Occ. § 17-509 (8) and (13), as follows: entering into a relationship with an individual with whom a counselor's prior professional contact was brief, peripheral, consultative, or indirect, and which constituted a therapeutic relationship in violation of COMAR 10.58.03.09 (C) (3).

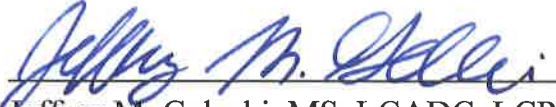
ORDER

Based on the foregoing Findings of Fact and Conclusions of law, by a quorum of the Board considering this case it is hereby:

ORDERED that the Respondent's Alcohol and Drug Trainee Status is hereby **RESCINDED**; 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 *et seq.* (2014).

April 16, 2021 _____
Date



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