

IN THE MATTER OF  
JASON LINK  
APPLICANT

\* BEFORE THE MARYLAND  
\* STATE BOARD OF  
\* PROFESSIONAL COUNSELORS  
\* AND THERAPISTS

\* Case Number: 2020-096

\* \* \* \* \*

FINAL ORDER

On or about May 21, 2021, the Maryland State Board of Professional Counselors and Therapists (the "Board") notified **Jason Link** (the "Applicant") of its intent to deny his out of state application for licensure as Licensed Clinical Professional Counselor (LCPC) under the Maryland Professional Counselors and Therapists Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 17-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

The pertinent provisions of the Act provide:

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

- (1) Fraudulently or deceptively obtains or attempts to obtain trainee status, a license, or a certificate for the applicant, trainee, licensee, or certificate holder or for another;
- (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;
- (14) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; [and]

Pursuant to Health Occ. § 17-509(14) cited above, the Applicant was disciplined in Tennessee for acts that, if they had been committed in Maryland, would constitute grounds for disciplinary action under the Board's disciplinary statutes, specifically: Health Occ. § 17-509(13) ("Violates any rule or regulation adopted by the Board").

The pertinent regulation is:

**COMAR 10.58.03.03 Professional Competence.**

A. A counselor shall:

- (3) Maintain qualifications to practice counseling, including meeting the continuing education requirements established by the Board.

More than thirty (30) days elapsed since the Respondent was notified of the Board's charges and his opportunity to request a hearing, and the Respondent failed to request a hearing.

**FINDINGS OF FACT**

The Board finds the following facts.

1. On or about February 28, 2020, the Board received an Out of State Application for LCPC (the "2020 Application") from the Applicant. The 2020 Application was signed and notarized on February 26, 2020. Based on the answers provided on the 2020 Application, the Board initiated an investigation.

**Tennessee Professional Discipline**

2. On the 2020 Application, the Applicant answered "NO" to the following question:
  1. Has any state licensing or disciplinary board ever taken any action against your license or certification, including but not limited to, charges, admonishment, reprimand, revocation, or suspension?

3. This answer was false, as described below.
4. The Respondent previously held a license to practice as a Licensed Professional Counselor, license number 1496, in Tennessee. The license was issued by the Tennessee Board of Licensed Professional Counselors (the "Tennessee Board") on or about September 13, 2001 and expired on or about July 31, 2016.
5. On or about June 3, 2011, the Tennessee Board issued an "Agreed Citation" in which the Tennessee Board found that the Respondent "admits to the failure to obtain ten (10) hours of required continuing education credits for each year," which the Board found was in violation of Tenn. Code Ann. §§ 63-22-102 and 63-4-108 and Rule 0450-1-.12 of Tenn. Comp R. & Regs.
6. Based on the violation, the Respondent was required to pay a civil penalty of two hundred dollars (\$200) and submit documentation of having taken the CE credits within 180 days.
7. The Agreed Citation noted that "this citation will be reported on the Department of Health's Disciplinary Action Report and appear on the Department of Health's website."
8. The Respondent signed the document on or about May 9, 2011.

### **Criminal History**

9. On the 2020 Application, the Respondent answered "YES" to the following question:
  2. Have you pled guilty, nolo contendere, or been convicted of, received probation before judgment or had a conviction set aside for any criminal act (excluding traffic violations)?

10. In explanation of his affirmative answer to this question, the Respondent was required to “attach a separate page with a complete explanation of each occurrence (include date, time, location, disposition, etc.) and a certified copy of the disciplinary/court document from the issuing agency, if applicable. The failure to include this information may result in processing delays or the closure of your application file.”

11. Nevertheless, the Respondent failed to attach any court records.

12. The Respondent did attach a statement regarding his criminal history, which alluded generally to “legal woes,” which he blamed on addiction to opioids. He also indicated that he “became under investigation for prescription fraud” in 2015. However, the Respondent failed to specifically disclose the particulars of his criminal history as required.

13. Pursuant to the Board’s investigation, court records were obtained from Tennessee and Pennsylvania. The records indicate that the Applicant has the following criminal history.

- I. On or about July 9, 2018, the Respondent pleaded guilty to and was convicted of six counts of felony Prescription Drug Fraud in the Circuit Court for Williamson County, Tennessee, in violation of TN Code § 53-11-416.
- II. Based on the convictions, the Respondent was ordered to remain on probation for 3 years.
- III. On or about October 30, 2018, in the Magisterial District Court of Cambria County, Pennsylvania, the Respondent pleaded guilty to and was convicted of retail theft.
- IV. On or about October 30, 2018, in the Magisterial District Court of Cambria County, Pennsylvania, the Respondent pleaded guilty to and was convicted of disorderly conduct, obscene language/gestures.

V. On or about December 20, 2018, the Respondent was convicted of receiving stolen property and criminal trespass in the Court of Common Pleas of Cambria County Pennsylvania.

VI. The convictions in Pennsylvania described above constituted violations of the Respondent's three-year probation. Therefore, on July 15, 2019 in the Court of Common Pleas of Cambria County Pennsylvania, the Respondent's probation was renewed for a new term of three years.

14. The Applicant failed to disclose the complete history of his criminal activity to the Board on the 2020 Application.

#### CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes as a matter of law that the Applicant's conduct, as described above, including supplying false answers on the 2020 Application, felony convictions, and professional discipline in Tennessee, constitutes violations of the Act and the regulations adopted by the Board, as cited above.

#### ORDER

Based on the foregoing, it is by the Board hereby:

**ORDERED** that the 2020 Application is hereby **DENIED**; and it is further

**ORDERED** that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., General Provisions, §§ 4-101 through 4-601 (Repl. Vol. 2014 & 2020 Supp.).

#### NOTICE OF RIGHT TO APPEAL

Pursuant to Health Occ. § 17-512 (2014 Repl. Vol. & 2020 Supp.), 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 (2014 Repl. Vol. & 2020 Supp.); 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:

Tony Torain, J.D., Executive Director  
Maryland State Board of Professional Counselors and Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215-2299  
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.

July 16, 2021

Date

  
Jeffrey M. Galecki, MS, LCADC, LCPC  
Board Chair