

IN THE MATTER OF  
YVETTE MOULTON, LCADC

2014 OCT 10 AM 11 29  
\* BEFORE THE MARYLAND  
\* BOARD OF PROFESSIONAL  
\* COUNSELORS AND THERAPISTS  
\* Case Number: 2012-79

Respondent  
License No. LCA1883

\* \* \* \* \*

CONSENT ORDER

On or about June 30, 2014, the Maryland State Board of Professional Counselors and Therapists (the "Board") issued *Charges Under the Maryland Professional Counselors and Therapists Act* (the "Charges") against **YVETTE MOULTON, LCADC** (Licensed Clinical Alcohol and Drug Counselor) (the "Respondent") (a.k.a. Yvette Moulton Eaddy), alleging violations of the Maryland Professional Counselors and Therapists Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 17-101 *et seq.* (2009 Repl. Vol. and 2012 Supp.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

§ 17-509. Denial, probation, suspension or revocation of certificate applicant or holder

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 a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:

- (8) Violates the code of ethics adopted by the Board;
- (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;

Under Health Occ. §17-509(8) & (13), shown above, the Board bases its charges on the following provisions of the Code of Ethics adopted by the Board, codified at Md. Code Regs. ("COMAR") 10.58.03.00 *et seq.*:

COMAR 10.58.03.04 Ethical Responsibility.

A. A counselor shall:

- (7) Maintain accurate records;
- (9) Make arrangements for another appropriate professional to act in the event of an absence of the counselor;
- (14) Take reasonable precautions to protect clients from physical or psychological trauma.

COMAR 10.58.03.05 The Counseling Relationship.

A. Client Welfare and Rights.

(1) A counselor shall:

- (d) Assist clients in making appropriate arrangements for the continuation of treatment due to interruptions including but not limited to vacations and extended illness; and
- (e) Make appropriate referrals.

(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;
- (c) Abandon or neglect clients in counseling;

D. Termination and Referral.

(2) A counselor may terminate a counseling relationship only after:

(a) Securing a client's agreement; or

(b) If a client does not agree to termination, offering an appropriate referral.

COMAR 10.58.03.11 Sanctions.

F. A lack of knowledge, or misunderstanding of an ethical responsibility, is not a defense against a charge of unethical conduct.

On September 5, 2014, a Case Resolution Conference was held before a committee of the Board. As a resolution of the case, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

The Board finds the following facts.

I. **Background**

1. At all times relevant hereto, the Respondent was licensed to practice alcohol and drug counseling in the State of Maryland first as a Licensed Graduate Alcohol and Drug Counselor (LGADC) and subsequently as a Licensed Clinical Alcohol and Drug Counselor (LCADC). The Respondent was initially licensed in Maryland on May 3, 2010, and her license is current through January 31, 2016.

2. At all times relevant hereto, from approximately April 2, 2012 until June 13, 2012, the Respondent was employed to work as a part-time alcohol and drug counselor at an

outpatient drug and alcohol counseling center located in Catonsville, Maryland ("Facility A").<sup>1</sup>

3. The Respondent's responsibilities included individual and group counseling in Facility A's outpatient and IOP (intensive outpatient) programs, generally several evenings per week, as well as Saturdays.

#### The Complaint

4. On or about August 10, 2012, the Board received a complaint (the "Complaint") from the director of Facility A (the "Complainant"). In the Complaint, the Complainant alleged that the Respondent had abandoned her clients and failed to maintain proper records.

5. Along with the Complaint, the Complainant attached a detailed timeline of relevant events beginning with the Respondent's hiring at Facility A and continuing through the Respondent's termination on or about June 13, 2012. The Complainant also attached documentary evidence supporting the allegations.

6. Based on the Complaint, the Board opened an investigation.

#### **II. Board Investigation**

7. In addition to reviewing the documentary evidence obtained from the Complainant, on or about January 7, 2013, the Board Investigator conducted an interview with the Respondent under oath at the Board's office.

#### Recordkeeping Failures

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<sup>1</sup> For confidentiality purposes, the names of individuals, patients, clients, and facilities are not disclosed in this document. The Respondent may obtain their identities from the prosecutor.

8. According to an internal audit of the Respondent's client documentation conducted by Facility A's Program Development Coordinator, the Respondent frequently failed to properly maintain records for her clients.

9. Facility A had two recordkeeping systems used to maintain client records. One was a networked computer recordkeeping called the "SMART" system. The other was a more traditional paper recordkeeping system of client notes.

10. Of 22 clients whom the Respondent counseled while working at Facility A, the internal audit showed that the Respondent failed to record *any* encounters with 12 clients in the "SMART" system. For eight of the Respondent's clients, no traditional paper file could be found. In the case of five clients, the Respondent maintained neither any SMART records, nor any traditional files.

11. In addition, there were numerous examples where a client who was counseled by the Respondent was logged into Facility A's attendance record by another counselor because the Respondent failed to do so. In such a case, the attendance log records the "Provider Name" as "[other counselor's name] (Should be entered by YVETTE)".

12. When asked about such failures in her interview with the Board Investigator, the Respondent admitted that she failed to maintain proper records. While the Respondent was responsible for a caseload of both individuals and groups, she stated that she prioritized completing the group notes. The Respondent claimed that she did not have time to complete the notes for individual clients, stating "I did the best I could do, with what I had," and "I'm not going to make excuses for – I tried to do my notes....I wasn't properly trained on how to do the – what individual notes they wanted." (Tr. 19)

13. The Respondent also claimed that there were sometimes not enough computers available at Facility A for her to meet her recordkeeping obligations. However, she later admitted that Facility A had specifically assigned her an office with a computer, and other computers were available for use by all the counselors. The Complaint stated that "there were at least five computers" available to the Respondent to use at a given time. In addition, it was possible for counselors to complete their notes at home.

14. Before ending her employment at Facility A, the Respondent's supervisor reminded her that her notes must be completed. Regarding this instruction, the Board Investigator asked, "Tell me about the end, with the notes and the individual things, did you go back after [June] 13<sup>th</sup> and complete those client charts?" In reply, the Respondent answered, "I don't remember. I don't think so....I didn't do many individuals because I really didn't have time." According to the Complaint, the Respondent ended her employment without completing her notes.

15. On or about August 31, 2012, Facility A received a deficiency notice when it was audited by the Baltimore County Bureau of Behavioral Health. The deficiency was based on the Respondent's failure to complete her clinical notes. Regarding one of the Respondent's clients, the deficiency notice stated, "The chart did not contain a fee assessment or documentation of income support. There were no clinical notes between 5/7/12 and 6/7/12 . . . The progress notes going forward need to relate to the treatment plan goals for medical and mental health..." According to the client's attendance log, between those dates, the client visited Facility A at least 19 times and participated in 13 IOP groups led by the Respondent.

#### Client Abandonment

16. In addition to the Respondent's failure to complete client clinical notes, the Respondent also failed to ensure that her clients were properly transitioned to a new counselor when she ended her employment at Facility A.

17. Initially, on or about May 22, 2012, the Respondent submitted a resignation letter stating that she would continue working until June 30, 2012. However, on or about June 4, 2012, the Respondent unexpectedly ended her evening group early, turned in her keys, and left Facility A, stating to the office manager that she would not be returning. She had not informed all of her clients that she would not be returning.

18. When her supervisor reminded her that quitting in such a manner constituted client abandonment, the Respondent excused her abrupt departure saying, "they [her clients] are relatively new here and don't have much of a connection with me yet."

19. Based on the persuasive efforts of her supervisor, the Respondent subsequently agreed to help transition her clients over the next two weeks. However, she failed to live up to that commitment, and was ultimately terminated on or about June 13, 2012.

20. The Respondent's termination resulted from her unexcused failure to show up for her group counseling session on or about the evening of June 11, 2012. Additionally, she failed to give reasonable notice that she would be absent that evening or make alternate arrangements for her clients.

21. During the Board interview, the Respondent claimed, "if you give me some time, I can find the emails of what I detailed, who I transitioned to...where I listed out who [of the Respondent's clients] was going to go to what counselor..." However, after the interview, the Respondent failed to provide any such emails.

22. Instead, the Respondent provided one email, sent to the Respondent's supervisor on or about June 11, 2012, which purported to "detail my plans" for *one* of her client groups. The email contained what the Complainant accurately describes as "very vague" bullet points regarding **five** clients from the Respondent's IOP (Intensive Outpatient) group. The bullet points offer short stream-of-consciousness descriptions of each client. They contain nothing about arrangements for any client to be transitioned to a new counselor.

23. The Respondent attempted to minimize the importance of the transition process. In doing so, she made inconsistent statements regarding the number of IOP group clients for which she was responsible. Referring to her IOP group that met weeknights, the Respondent first stated that when she left Facility A, "I had **three** people and I made provision for those three people. I stepped them down to – I gave one – I can't remember her name. I remember her face. I gave – walked her to the counselor's office and said, this is your new counselor." (Emphasis added.) (Tr. 8-9)

24. Later, the Respondent stated, "When I left, I wanted them to know, I'm leaving, but you're going to get new counselors. But like I said, most of them had graduated out. I only had **two** people left, and I walked one of them to the new counselor." (Emphasis added.) (Tr. 14)

25. In addition, the Respondent also had a separate group of clients that met on Saturdays. Regarding this group, she admitted that she gave no advance warning to her clients regarding her departure. Instead, she informed her clients of her departure on the same day that a new counselor took over the group: "I actually – they hired a new Saturday counselor. I handed him my book and I gave him – I showed him where the



office is he could use. I forgot the gentleman's name, but we – it was a very smooth transition, and I told them in group in front of that counselor that I would not be returning, this is your new counselor now, and I sat in the group with him while he did that group before I left.” (Tr. 14)

26. The Respondent's failure to complete clinical notes before her ultimate departure made it impossible for a new counselor to be fully informed regarding the Respondent's clients. In addition, The Respondent admitted that she failed to document anything regarding a transition in any of her client notes. (Tr. 15)

### **CONCLUSIONS OF LAW**

27. The Board concludes as a matter of law that the Respondent's conduct, as described above generally, constitutes violations of the Act, as cited above, including:

- a. The Respondent's failure to properly maintain client records constitutes: an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy, in violation of Health Occ. § 17-509(16); a violation of the Code of Ethics adopted by the Board, in violation of Health Occ. § 17-509(8); and a violation of a rule or regulation adopted by the Board, in violation of Health Occ. § 17-509(13); specifically: COMAR 10.58.03.04A(7); and 10.58.03.05A(2)(a) and (c).
- b. The Respondent's abandonment of her clients constitutes: an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy, in violation of Health Occ. § 17-509(16); a violation of the Code of Ethics adopted by the Board, in violation of Health Occ. § 17-509(8); and a violation of a rule or regulation adopted by the Board, in violation of Health Occ. § 17-509(13); specifically: COMAR 10.58.03.04A(9) and (14); 10.58.03.05A(1)(d) and (e); 10.58.03.05A(2)(a) and (c); and 10.58.03.05D(2)(a) and (b).

### **ORDER**

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

**ORDERED** The Respondent shall be placed on probation for a minimum period of **one (1) year**, and she shall fully and satisfactorily comply with the following probationary terms and conditions:

- i. Within one year of the effective date of the consent order, the Respondent shall, at her own expense, successfully complete a **Board-approved course** focusing on counseling ethics, and shall submit written verification that satisfies the Board of the successful completion of the course within 30 days of completion of the course;
- ii. The course mentioned above shall not count toward the Respondent's continuing education (CE) requirements for licensure;
- iii. The Respondent shall comply with the Act; and
- iv. Immediately after the one (1) year period of probation, the Respondent may petition the Board in writing to terminate her probation, and the Board shall grant the termination petition provided that she has been fully compliant with the terms of this Consent Order and does not have any pending complaints filed against her; and it is further

**ORDERED** that if the Respondent violates any term of this Consent Order, then the Board, in its discretion, after notice and opportunity for a show cause hearing, may impose additional sanctions authorized under the Act, including suspension, additional probation, a monetary fine or revocation of the Respondent's license; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't. § 10-611 *et seq.* (2009 Repl. Vol.).

10/17/2014

Date



Tracey DeShields, Executive Director  
Maryland State Board of Professional  
Counselors and Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215-2299  
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### CONSENT

1. By signing this Consent, I hereby affirm the findings of fact and conclusions of law contained herein and agree to be bound by this Consent Order.
2. By signing this Consent, I waive any rights I may have had to contest the findings and conclusions of this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order knowingly and voluntarily, having declined the opportunity to consult with legal counsel.

10/7/14

Date



Yvette Moulton (a.k.a. Yvette Moulton Eaddy)  
LCADC, License No. LCA1883

*The Respondent*


NOTARY

STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 7 day of October, 2013,  
before me, a Notary Public of the foregoing State and City/County personally appeared  
Yvette Moulton Eaddy, and made oath in due form of law that signing the foregoing  
Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal

  
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Notary Public

My commission expires:

LEN PRICE JR.  
Notary Public-Maryland  
Anne Arundel County  
My Commission Expires  
August 22, 2015