

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND STATE</b>
<b>ERICA MULLINIX, LCPC</b>	*	<b>BOARD OF PROFESSIONAL</b>
<b>Respondent</b>	*	<b>COUNSELORS AND THERAPISTS</b>
<b>License Number: LC10077</b>	*	<b>Case Number: 2020-087 &amp; 2020-089</b>

\* \* \* \* \*

**CONSENT ORDER**

On or about July 16, 2021, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **ERICA MULLINIX, LCPC**, License Number: **LC10077**, (the “Respondent”), of the Board’s intent to revoke her license to practice as a Licensed Clinical Professional Counselor (“LCPC”) in the State of Maryland, under the Maryland State Board of Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

Specifically, the Board charged the case based on the following provisions:

§ 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 the Board;
- (9) Knowingly violates any provision of this title;
- (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[.]

Pursuant to Health Occ. § 17-509(8) and (13), shown above, the Board also bases its action 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 10.58.03.04**

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.

**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;

**COMAR 10.58.03.08**

A. A counselor shall:

- (1) Maintain the privacy and confidentiality of a client and a client's records[.]

On or about October 15, 2021, the Respondent represented by counsel, the Administrative Prosecutor, and representatives of the Board attended a Case Resolution Conference (“CRC”). As a result of information presented at the CRC, the parties agreed

to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

The Board makes the following Findings of Fact:

#### **I. BACKGROUND**

1. The Respondent was originally certified to practice as a licensed graduate professional counselor (“LGPC”) in the State of Maryland on or about June 30, 2017, under License Number LGP7975.
2. On December 9, 2019, the Respondent was certified to practice as a licensed clinical professional counselor (“LCPC”) in the State of Maryland, under license number LC10077. The Respondent’s LCPC license is currently active and set to expire on January 31, 2023.
3. From August 7, 2017, until her resignation on June 28, 2020, the Respondent was employed at an outpatient substance abuse treatment center (“Center”)<sup>1</sup> located in Baltimore, Maryland.

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<sup>1</sup> For purposes of ensuring confidentiality, proper names have been omitted and replaced with generic placeholders. Upon written request, the Administrative Prosecutor will provide this information to the Respondent.

## II. COMPLAINTS

### Case # 2020-087

4. On or about March 20, 2020, the Board received an anonymous complaint that contained an undated, unsigned statement and several pages of screenshots from what appeared to be the Respondent's Twitter feed. The statement read:

This internet behavior is reckless and a disturbing violation of the ethical standards set by the board of professional counselors and therapists. The role of a therapist is to build trust with clients and protect the vulnerable information that they feel safe enough to share in session, not advertise it for all of Twitter in order to gain attention or praise. Though this clinician is not releasing client names, tweeting (without client consent) about a client's private information disclosed in therapy, to include age, diagnosis, sexual orientation, or direct quotes from [the] session, is a blatant violation of ethics and confidentiality. Should a client come across a tweet quoting the words he or she used about some of their most painful or vulnerable experiences thought to be confidential in session, he or she would rightfully feel violated and entirely distrustful of the therapeutic process from then on. This behavior needs to be addressed and stopped immediately as it taints the sanctity of the therapeutic alliance and paints clinicians as immature and disingenuous. Clinician is Erica Mullinix.

### Case #2020-089

5. On or about March 30, 2020, the Board received a complaint filed by the program director (the "Director") of the Center. The complaint stated in part:

On 3/23/2020, an anonymous envelope (copy attached) was delivered, addressed to [Director]. The envelope contained a complaint (attached) regarding Erica Mullinix's inappropriate behavior on the social media platform, Twitter. The [envelope] had no return address and the complaint was not signed. The complaint stated that the writer of the complaint was concerned about Ms. Mullinix violating the Code of Ethics after discovering possibly identifying client information posted on her public Twitter profile, at the detriment of the client's discussed. While no names were provided, the information

included enough details that someone may have been able to identify the client(s). The complaint included several screen shots spanning over approximately one year (attached).

Ms. Mullinix was immediately suspended and advised that a complaint would be sent to the Board on behalf of the [Center] and this writer. Some of the posts occurred during a time when Ms. Mullinix was under my clinical supervision....

Ms. Mullinix has been written up, demoted, placed on probation, . . . as a result of this incident. She has also been advised to enroll in additional continuing education courses related to ethical practice and client confidentiality[.]

6. Upon receiving and comparing the two complaints, the Board determined that the anonymous complaint and attachments sent to the Board in Complaint # 2020-087 were identical to the anonymous complaint and attachments sent to the Center in Complaint # 2020-089. The Board initiated an investigation.

### **III. BOARD INVESTIGATION**

7. As part of its investigation, the Board subpoenaed the Respondent's personnel file from the Center, conducted interviews, and reviewed the screenshots of social media posts that accompanied the complaints.
8. A review of the Respondent's personnel record at the Center revealed the following:
  - By letter dated July 12, 2017, the Center offered the Respondent a position as addictions counselor/LGPC.
  - On August 6, 2017, and again on January 22, 2020, the Respondent acknowledge review and receipt of the Center's Understanding Confidentiality and Ethical Expectations.
  - On or about January 1, 2020, the Respondent was promoted to Adolescent Coordinator/Alcohol and Drug Counselor, reflecting her new LCPC licensure status.
  - On January 22, 2020, the Respondent signed a form titled Understanding HIPAA as an Employee or Volunteer.

- On April 9, 2020, the Respondent was demoted from Adolescent Coordinator/Alcohol and Drug Counselor to Alcohol and Drug Counselor.
- By letter dated May 28, 2020, the Respondent submitted her letter of resignation.

9. The Board investigator reviewed a letter dated March 25, 2020, and signed by the Respondent. The letter stated in part:

It is with deep regret that I share these words. I want to extend my deepest apologies for violating the rights of my clients. I acknowledge the severity of my actions. My words and behavior were irresponsible and depraved . . . Above all, I feel mostly [*sic*] strongly about failing my clients and violating their trust as a counselor. My duty is to provide compassionate and appropriate care for my clients – my actions have such contradicted the oaths and responsibilities I assumed by entering into a therapeutic relationship with time. . .

Secondly, I want to acknowledge how inappropriately I have represented [the Center] . . . I am devastated that I have not only violated my clients' trust, but my colleagues' as well. . .

Moreover, I have threatened the license of my supervisor . . . I feel very strongly that the individual who submitted this documentation was right and justified in doing so; my actions were unethical and careless. . .

. . . I accept all responsibility for my actions, and I understand the administrative action that must be taken as a result[.]

10. By letter dated August 14, 2020, the Respondent provided a letter of explanation to the Board's investigator. The letter stated in part:

....

In reviewing the Twitter posts sent to [Director], I can confirm that the posts were ones I made to my Twitter account. At times, I used my Twitter account to share my personal experiences, thoughts, and feelings about my professional life and work.

....

. . . Many of the posts submitted to my employer and the board were written using quotation marks, and in a style apparently reflecting comments made by individuals who received counseling services, but I can attest that none of them contain any actual patient statements . . . The posts . . . were intended to portray my professional experiences in a light-hearted manner to my friends with whom I communicate on Twitter. . .

. . . On March 25, 2020, I wrote a letter to my employer to address their allegations that I had acted unprofessionally, violated my clients' rights and trust, and threatened the integrity of both my employer and those in charge of the [Center]. . .

. . . .

. . . I acknowledge the statements I made in my letter . . .

Although I cannot change the past, I took steps to rectify the situation by removing all of the posts to prevent anyone else from viewing them. . . I can honestly say that this isolated incident will never happen again[.]

### **CONCLUSIONS OF LAW**

The parties agreed to resolve the matter by consent, consisting of Findings of Fact, Conclusions of Law, and Order.

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct as described above constitutes violations of the Act.

Specifically:

§ 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 the Board;
- (9) Knowingly violates any provision of this title;
- (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[.]

**COMAR 10.58.03.04**

A. A counselor shall:

- (11) Be familiar with and adhere to this chapter;
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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;

**COMAR 10.58.03.08**

A. A counselor shall:

- (1) Maintain the privacy and confidentiality of a client and a client's records[.]

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of November 2021, by a majority of the quorum of the Board considering this case hereby:

**ORDERED** that the Respondent is hereby **REPRIMANDED**; and it is further



**ORDERED** that the Respondent shall pay a **FINE** in the amount of five hundred dollars (**\$500**) due **within sixty (60) days** by certified check or money order to the Maryland Board of Professional Counselors and Therapists; and it is further

**ORDERED** that the Respondent is placed on **PROBATION** for a minimum period of **THREE (3) YEARS**, and continuing until the Respondent has successfully completed the following probationary conditions:

1. The Respondent shall obtain a **Board approved supervisor**;
2. Prior to signing a supervision agreement with any Board-approved supervisor, the Respondent shall present a complete copy of the Consent Order to the prospective supervisor;
3. The Respondent shall authorize the Board to provide the Supervisor with this Consent Order and all of the relevant documents in the investigative file, including the Investigative Report and its attachments;
4. The Respondent shall meet with the Supervisor a minimum of two (2) hours per month for the entire duration of the probation period. The Respondent shall engage in supervision focusing on “self” of the therapist, boundaries, transference and other issues regarding case treatment progress;
5. The Supervisor shall submit **written reports every six (6) months** to the Board for the entire duration of the probation period detailing the

- supervision provided, summary of topics discussed, and evaluating the Respondent's progress;
6. The Respondent shall have sole responsibility for ensuring that the Supervisor submits the required reports to the Board in a timely manner;
  7. A negative report from the Supervisor or any failure to comply with the Supervisor's recommendations shall be deemed a violation of probation or of this Consent Order;
  8. In the event that the Respondent's supervisor discontinues supervising the Respondent's practice for any reason during the probationary period, the Respondent shall immediately notify the Board. The Respondent shall be solely responsible for submitting a request for a Board-approved replacement;
  9. The Respondent shall complete a Board-approved course on **Social Media and Ethics** and provide the Board with documentation of successful completion within sixty (60) days;
  10. The Respondent shall, at all times, comply with the Act and all applicable laws, statutes and regulations;
  11. The Respondent shall at all times cooperate with the Board, any of its agents or employees, and with the Board-assigned investigator, in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of the Consent Order;

12. Prior to submitting an application for status as a Board-approved supervisor in the practice of clinical professional counseling, the Respondent shall successfully complete the terms and conditions of probation as provided in this Consent Order, submit a written petition to the Board for termination of the probation, and receive an Order from the Board terminating the probation;
13. After a minimum of three (3) years of probation, the Respondent may submit a written petition to the Board for termination of the probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Board at its discretion may grant termination if the Respondent has fully and satisfactorily complied with all the terms and conditions of the Consent Order, there are no pending investigations or complaints against the Respondent, the Supervisor recommends termination of probation, and the Board deems termination of probation appropriate;
14. If the Respondent fails to make any such petition, then the probationary period status may continue indefinitely, subject to the conditions set forth in this Order;
15. If the Board determines that the terms or conditions of this Order have not been successfully completed, the Board may modify the terms and conditions of Respondent's probation, upon notice to the Respondent;

16. If the Respondent allegedly fails to comply with any term or condition of the Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If, in its sole discretion, the Board determines that there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board;
17. After the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of the Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice as a clinical professional counselor in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred under the terms and conditions of the Consent Order; and it is further

**ORDERED** that the effective date of this Order is the date that it is signed by the Board; and it is further

**ORDERED** that the Consent Order is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

November 19, 2021  
Date

Mary N. Drotleff, MS, LCMFT  
Mary N. Drotleff, M.S., LCMFT  
Board Chair  
Maryland State Board of Professional  
Counselors and Therapists

CONSENT

I, Erica Mullinix, LCPC, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel, Cory Silkman, Esquire, and I have consulted with counsel in this matter. I have knowingly and voluntarily agreed to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.
2. I have knowingly and voluntarily agreed to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.
3. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 17-511 (2014 Repl. Vol. and 2020 Supp.) and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. and 2020 Supp.).
4. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I am waiving those procedural and substantive protections.
5. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Notice of Intent to Revoke Licensure against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.
6. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to further disciplinary actions.
7. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

10/30/2021

Date



Erica Mullinix, LCPC

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 30<sup>th</sup> day of October,

2021, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Erica Mullinix, LCPC**, License Number LC10077, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Kimberly A. Letke  
Notary Public

My Commission Expires: 11/15/2023

