

IN THE MATTER OF

*

BEFORE THE STATE

JACQUELINE M. POYLE,

*

BOARD OF PROFESSIONAL

Applicant

*

COUNSELORS AND THERAPISTS

*

Case Number: 2019-021

FINAL ORDER

Based on information received, the Maryland State Board of Professional Counselors and Therapists (the "Board") notified JACQUELINE M. POYLE (the "Applicant") of its intent to deny her initial Application for a license to practice as a Licensed Graduate Marriage and Family Therapist ("LGMFT") pursuant to the Maryland Professional Counselors and Therapists Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 17-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.) and Md. Code Regs. ("COMAR") 10.58.03.07.

The Board based its denial on the following provisions of the Act:

Health Occ. § 17-509. Denial, suspension, or revocation of license:

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:

- (6) Willfully makes or files a false report or record in the practice of counseling or therapy;
- (7) Makes a willful misrepresentation while counseling or providing therapy;

- (8) Violates the code of ethics adopted by the Board;
- (9) Knowingly violates any provision of this title; and
- (16) Commits an act of...unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

With respect to Health Occ. § 17-509(8), the Board alleges that the Applicant violated the following provisions of the Board's Code of Ethics under:

COMAR 10.58.03.07:

A. Advertising.

...

(2) In placing advertisements or making other types of public statements, a counselor shall identify a counselor's credentials in a manner that is accurate and not false, misleading, deceptive, or fraudulent[;] and/or

(3) A counselor may not place advertisements or make public statements that:

- (a) Contain false, fraudulent, misleading, deceptive, or unfair statements or information;
- (b) Contain partial disclosures of relevant facts that misrepresent, mislead, or deceive;
- (c) Misrepresent, either directly or by implication, a counselor's professional qualifications such as education, experience, or areas of competence;

.....

(f) Contain representations or implications that in reasonable probability can be expected to cause an ordinary prudent person to misunderstand or be deceived;

B. Public Statements.

(1) A counselor shall:

- (a) Correct others who misrepresent a counselor's professional qualifications or affiliations[.]

With respect to Health Occ. § 17-509(9), the Board alleges that the Applicant violated the following provisions of Title 17 of the Act:

Health Occ. § 17-301. License required to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling:

- (a) Except as otherwise provided in subsection (b) of this section, an individual may not practice, attempt to practice, or offer to practice clinical alcohol and drug counseling, clinical marriage and family therapy, clinical professional art therapy or clinical professional counseling in the State unless licensed by the Board.

Health Occ. § 17-507. Professional disclosure statements:

- (a) Any individual who is licensed under Subtitle 3 of this title or certified under Subtitle 4 of this title may not charge a client or receive remuneration for counseling or therapy services unless:
 - (1) Before the performance of those services, the client is furnished a copy of a professional disclosure statement; or
 - (2) (i) The professional disclosure statement is displayed in a conspicuous location at the place where the services are performed; and
 - (ii) A copy of the statement is provided to the client on request[.]

Health Occ. § 17-602. Representations to the public; licensed graduate practice:

Except as otherwise provided in this title, unless an individual has been approved by the Board to practice as a licensed graduate alcohol and drug counselor, a licensed graduate professional counselor, a licensed graduate marriage and family therapist, or a licensed graduate professional art therapist the individual may not:

- (3) Represent to the public that the individual is approved by the Board to practice alcohol and drug counseling, professional counseling, marriage and family therapy, or professional art therapy[.]

On February 15, 2019, the Board's Notice of Intent to Deny Application for Initial Licensure was issued. The Board notified the Applicant in the Notice that this Final Order would be executed thirty (30) days from the issuance of the Notice unless the Applicant requested a hearing. The Applicant's written request was due on March 20, 2019. The Board did not receive a written request for a hearing on or before that date

FINDINGS OF FACT

The Board makes the following findings of fact:

I. Introduction

1. On July 23, 2018, the Board received the Applicant's Marriage and Family Therapy Application for Graduate Licensure (the "Application"). The Applicant stated on her Application that she was not "licensed and/or certified as a Marriage and Family Therapist in any other state."

2. The Applicant has not been licensed by the Board in any capacity.

3. Upon receipt of the Application, the Board opened an investigation into the Applicant's eligibility to be licensed based on her possible practicing of marriage and family counseling without a license, under the "supervision" of a non-approved supervisor.

II. The Application

4. The Applicant provided on the Application a business name of LifeMaps, LLC."

5. As part of the preliminary review of the Application, Board staff located the Applicant's "Linked-In" profile in which the Applicant represented that she is an "independent business owner of LifeMaps, LLC ... which provides "Marriage and Family Therapy."

6. The Applicant stated on her Application that from October 2017 until June 2018, while a graduate student, she interned as a Marriage and Family Psychotherapist at a behavioral health facility located in Queen Anne's County, Maryland (the "Facility").¹

7. On or about June 15, 2018, the Applicant earned a master's degree in Marriage and Family Counseling/Therapy from an accredited university.

8. The Applicant attached to her Application a "Non-LCMFT Marriage and Family Therapy Approved Supervisor Application" (the "Supervisor Application")² dated July 2, 2018, which a Licensed Clinical Social Worker-Certified ("LCSW-C") (the "Social Worker")³ completed.

III. Board's Investigation

9. The Board's investigation revealed that from on or about June 15, 2018, after she graduated, until October 2, 2018, when she resigned, the Applicant continued to work as a Marriage and Family Psychotherapist at the Facility, without being licensed by the Board.

¹ To ensure confidentiality, proper names are not set forth in this document. The Respondent is aware of the Facility and individuals referenced herein.

² A LCSW-C may supervise a LGMFT provided the LCSW-C has at least five years' experience in marriage and family therapy with direct client contact and is approved by the Board to be a "Non-Marriage and Family Therapist Approved Supervisor."

³ To date, the Social Worker's Supervisor Application has not been approved by the Board.

A. Appointment to See the Applicant

10. On September 11, 2018, the Board's Investigator, using an assumed name, telephoned the Facility to request an appointment for marriage and family therapy. The Facility's Executive Director informed the Board's Investigator that the Applicant was the only person who at that time provided marriage and family therapy at the Facility. The Executive Director scheduled the Investigator to see the Applicant for marriage and family therapy on September 12, 2018 at 11:00 a.m.

B. Unannounced Site-Visit

11. On September 12, 2018, at approximately 12:00 p.m., the Board Investigator visited the Facility to perform an unannounced site-visit. The Investigator met with the Executive Director and the Social Worker. The Social Worker stated that since June 2018, she has provided "twenty percent supervision" of the Applicant through meetings with the Applicant for approximately an hour each week. The Applicant joined the interview at which time the Applicant submitted to a tape-recorded interview under oath.

12. During the interview, the Applicant stated that:

- a. In October 2017, while she was in graduate school, she began her internship at the Facility. She ended her internship at the Facility in June 2018, when she graduated. During her internship at the Facility, she accrued all of her hours for graduation under the supervision of the Social Worker;
- b. After graduation, she continued to work at the Facility where her area of specialty was "doing marriage and family therapy" and "working with individuals, couples and families dealing with ... anxiety, depression, and predominately family dynamics and communications."

- c. After graduation, she also utilized another LCSW-C social worker at the Facility, “other teams of specialists” and “therapists” at the Facility as supervisors, but that none of those individuals were “certified marriage and family therapists”;
- d. Even though she had graduated, she was “still utilizing the same resources and doing the same things” that she had done as an intern in the process of waiting for her license;
- e. After graduation, she “probably [saw] about twenty clients a week on average ...” and that she saw “mostly dyads, individuals or dyads”; and
- f. She was seeing clients while she was not licensed by the Board.

B. Documents Received by the Board

13. On September 12, 2018, during the unannounced site-visit, the Investigator issued three subpoenas to the Executive Director for the Applicant’s personnel records, the Applicant’s appointment records, and for the treatment records of ten clients of the Applicant.

14. Upon request of the Investigators, the Executive Director provided an “Active Clinician List” and the Applicant’s Supervision File to the Investigators during the unannounced site-visit.

15. On September 13, 2018, in response to three subpoenas, the Board’s Investigator received the requested documents.

16. By letter dated September 17, 2018, the Board’s Investigator requested the billing records pertaining to the ten clients of the Applicant whose records the Board had obtained.

17. On September 18, 2018, in response to the Board's subsequent request, the Board's Investigator received the billing records for the Applicant's ten clients.

18. A review of the documents obtained reveal the following:

- a. A "Clinician Agreement" dated June 15, 2018, between the Facility and the Applicant, which described the Applicant as a "full-time hourly" employee or a "self-contracted 1099" employee who would provide "supervised MFT – stipend provided" services. The Clinician Agreement stated that the Applicant would receive twenty hours LCSW-C supervision with "additional hours provided elsewhere." The Clinician Agreement also provided that the Applicant must maintain active licensure as well as compliance with all COMAR regulations;
- b. A "Job Description" form from the Facility signed by the Applicant on June 25, 2018, which stated that the Applicant's job description was as follows: "Title: Therapist; Minimum Qualifications: ... Licensed and certified to provide therapeutic treatment in the State of Maryland; Minimum (1) one year experience in a therapeutic environment; Responsibilities: ... provide individual, family and group therapy ...";
- c. A "Contract for Supervision in the Practice of Clinical Professional Counseling" form signed by the Applicant and the Social Worker on June 25, 2018, which states that the Applicant's responsibilities were to verify that the Social Worker has been approved by the Board, refrain from engaging in the practice of clinical professional counseling independent of supervision, and provide each client with a copy of a professional disclosure statement as described in Health Occupations Article, § 17-507, Annotated Code of Maryland and COMAR 10.57.12 [*sic*]...⁴;
- d. From July 6, 2018 through September 18, 2018, all of the ten clients' treatment records state "Jacqueline M. Poyle, MFT" or "Jacqueline M. Poyle, MFT, Intern" as the treating therapist and are electronically signed by the Social Worker. Each of the ten clients were sent invoices which state "Jacqueline M. Poyle, MFT" as the billing

⁴ The Regulations pertaining to professional disclosure statements are found at COMAR 10.58.12.08 (C)(D).

“Clinician”); and each of the ten clients’ insurance claim forms were signed by the Social Worker;

- e. A log which indicates that, for the week ending July 6, 2018, through the week ending September 14, 2018, the Applicant worked in the following therapeutic capacities at the Facility for the following number of total weekly hours: Individual: 181, Couples/Families: 56, Group: 0, Supervision: 11, Administrative: 52; and
- f. According to the Facility’s “Appointment List”, the Applicant saw an average of six clients per day, or thirty clients per week.

20. The treatment records received by the Board did not contain a “professional disclosure statement”⁵ for any of the Applicant’s clients that informed them that she was providing services under clinical supervision.⁶

21. On September 28, 2018, the Board’s Investigator issued a subpoena to *LifeMaps, LLC* requesting its appointment records for the period of May 1, 2018 through September 28, 2018. On October 2, 2018, by e-mail in response to the subpoena, the Applicant stated, “I am the sole proprietor of *LifeMaps, LLC* and I am a 1099 employee with [the Facility]. Per my contract with [the Facility], I receive a stipend percentage based on clients seen through this agency only. I have no counseling clients outside of [the Facility] and the contract that I have with them.”

C. False and Misleading Public Representations and Advertisements

23. As part of the investigation, the Board’s Investigator printed the following documents:

⁵ See Health Occ. § 17-507.

⁶ At all relevant times herein, the Social Worker’s Non-LCMFT Marriage and Family Therapy Approved Supervisor application had not been approved by the Board.

- a. The Applicant's "LinkedIn" profile on September 11, 2018, which stated that she is the "Independent Business Owner" of *LifeMaps, LLC*, "provid[ing] Marriage & Family Therapy";
- b. The Maryland State Department of Assessments and Taxation ("SDAT") Business Entity profile on October 1, 2018, for *LifeMaps, LLC* which shows the Applicant as its Resident Agent; and
- c. The Facility's website on October 1, 2018, which listed the Applicant under its "Clinical Staff" header as an "MFT, Psychotherapist."

25. On October 2, 2018, the Board received a copy of a letter from the Applicant in which she notified the Facility of her intent to resign and stated:

In light of the confusion surrounding my interpretation of the marriage and family therapy state regulations and my timeline for licensure, I have decided that it is best to resign from employment with [the Facility], effective immediately ... I apologize for any inconvenience this regretful misunderstanding has caused and hope to return to serve my community in the very near future. I will make the Maryland Board of Professional Counselors and Therapists aware of my decision.

IV. Grounds for Denial

26. The Board's investigation revealed that the Applicant:
- a. Counseled clients while unlicensed and while supervised by an LCSW who was not approved by the Board;
 - b. Failed to furnish, display, or provide a professional disclosure statement notifying clients that she was providing therapeutic services under clinical supervision, and failed to obtain a signed release of information and informed consent from the clients;
 - c. Represented herself and/or failed to correct others from representing her as a family therapist;
 - d. Filed false reports in the practice of counseling by submitting invoices, or failing to correct another from submitting invoices to clients which stated "Jacqueline M. Poyle, MFT" as the "clinician"), and

- e. Committed acts of unprofessional conduct by, failing to adhere to and/or have knowledge of the licensing procedures prescribed in the Act, and each of the deficiencies stated above.

CONCLUSIONS OF LAW

The Board issued its denial of the Applicant's Application based on the foregoing Findings of Fact. The Board concludes as a matter of law that the Applicant has violated:

willfully makes or files a false report or record in the practice of counseling or therapy, Health Occ. § 17-509(6);

makes a willful misrepresentation while counseling or providing therapy, Health Occ. § 17-509(7);

violates the Code of Ethics adopted by the Board, Health Occ. § 17-509(8);

knowingly violates any provision of this title Health Occ. § 17-509(9); and

commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy Health Occ. § 17-509(16); and

Health Occ. § 17-301 (may not practice, attempt to practice, or offer to practice marriage and family therapy unless licensed by the Board); and Health Occ. § 17-507 (professional disclosure statement); and Health Occ. § 17-602 (unless approved by the Board to practice as a licensed graduate marriage and family therapist, may not: represent to the public that the individual is approved by the Board to practice marriage and family therapy); and COMAR 10.58.03.07A(2) and/or (3)(a), (b), (c), and/or (f) (Code of Ethics).


ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by an affirmative vote of the majority of members serving of the Board, hereby

ORDERED that the Applicant's Application for Initial Licensure is **DENIED**; and it is further

ORDERED that this is a Final Order of the Board and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 5-101 *et seq.*

April 19, 2019
Date



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

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 17-512(a), Jacqueline Marie Poyle has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this Final Decision and Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Jacqueline Marie Poyle files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

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

Notice of any petition should also be sent to the Board's counsel at the following address:

Rhonda Edwards
Assistant Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201