

<p><b>IN THE MATTER OF</b></p> <p><b>CRISTINA K. SMITH</b></p> <p><b>ADT Applicant</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>BEFORE THE MARYLAND STATE</b></p> <p><b>BOARD OF PROFESSIONAL</b></p> <p><b>COUNSELORS AND THERAPISTS</b></p> <p><b>CASE NUMBER: 2021-026</b></p>
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**CONSENT ORDER**

On December 18, 2020, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **CRISTINA K. SMITH** (the “Applicant”) of its intent to deny her *Alcohol and Drug Trainee Application* (the “Application”) 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. & 2019 Supp.).

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:

- (2) Habitually is intoxicated;
- (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[.]

On March 19, 2021, the Applicant, and the Administrative Prosecutor, attended a Case Resolution Conference ("CRC") with members of the Board in an effort to resolve the pending charges in lieu of an evidentiary hearing. As a result of the CRC, the Applicant and the State agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

The Board finds:

1. On or about August 21, 2020, the Board received the Applicant's *Alcohol and Drug Trainee Application* (the "Application"), in which she attested that at the end of her trainee status period she intended to seek certification as a certified associate counselor – alcohol and drug ("CAC-AD").
2. In her Application, the Applicant answered "yes" to question 2, which asked: "Have you pled guilty, *nolo contendere* [sic], or been convicted of, received probation before judgment, or had a conviction set aside for any criminal act (excluding traffic violations)?"
3. The Application instructed the Applicant to "attach a separate page with a complete explanation of each occurrence (include date, time, location, disposition, etc.) and a copy of the disciplinary/court document from the issuing agency, if applicable."
4. The Applicant included a written explanation and criminal court documents with her Application.

5. On September 29, 2020, the Board's compliance manager contacted the Applicant and notified her that the criminal court documents that she had submitted with her application were only case summaries and were not sufficient.
6. On or about October 1, 2020, the Applicant provided the Board with complete copies of the criminal court records.

**Case #18X0AQ4**

7. On or about July 19, 2017, in the District Court for Queen Anne's County, Maryland, the Applicant plead guilty to Driving While Impaired by Alcohol. The Applicant received Probation Before Judgment and was sentenced to 60 days in jail with 58 days suspended, and 3 years of supervised probation.
8. On March 27, 2019, the Court found the Applicant guilty of violation of probation. The Court modified the Applicant's probation by extending the Applicant's probation for an additional two (2) years from July 19, 2018.
9. The Applicant provided a Maryland Parole and Probation Certificate of Completion dated October 1, 2020, which attests that as of July 19, 2020, the Applicant is no longer on probation.

**Case D-07-CR-18-008942**

10. On or about April 20, 2018, in the District Court for Anne Arundel County, Maryland, the Applicant was charged with two (2) counts of Assault Second Degree.
11. According to the *Application for Statement of Charges*, on April 20, 2018, the Applicant was found walking on the highway. When police arrived, the Applicant

“was sitting up in the grass with her legs crossed, eyes closed and coat opened . . . . [the Applicant] failed to respond with any verbal or physical responses . . . . [the Applicant] was transported to [Hospital].” At the hospital, the police officer discovered that the Applicant “attacked one of the paramedics in the ambulance” and “remained uncooperative . . . . kicked the [Paramedic] in the right leg . . . . attempted to bite the nurse and then proceeded to bite herself in the arm.” The police officer attempted to converse with the Applicant when the Applicant “reached over her body with her left hand and slapped [the police officer] across the right side of [the police officer’s] face.”

12. On February 26, 2019, in the District Court for Anne Arundel County, Maryland, the Applicant plead guilty to the lesser charge of Disorderly Conduct. The Applicant received Probation Before Judgment and was placed on one (1) year of supervised probation.
13. The Applicant provided a Maryland Parole and Probation Certificate of Completion dated October 1, 2020, which attests that as of February 26, 2020, the Applicant is no longer on probation.

**Case # SD53715 (see also D-07-CR-18-001414)**

14. On or about June 9, 2018, in Queen Anne’s County, Maryland, the Applicant was arrested following a traffic accident. According to the *Application for Statement of Charges*, the Applicant was driving erratically and damaged several trees, a mailbox and came to a stop after striking a shed. A witness contacted police. As police were interviewing the Applicant, the police officer “detected the odor of an alcoholic

beverage emitting from her breath and person . . . . eyes were bloodshot and glassy . . . . speech was slow and slurred.” When asked if she had been drinking, the Applicant replied “I drank a shitload of alcohol.” As fire personnel were questioning the Applicant, “she turned to them and said ‘I’m going to kill you.’ . . . [the Applicant] was . . . transported to [Hospital] for an emergency petition . . . A search of the vehicle yielded multiple Coors Light cans in the center console. [The Applicant] currently has an alcohol restriction on her license requiring her to have an ignition interlock system on any vehicle she is driving . . . [Applicant’s parent] stated that she located an empty liquor bottle at her residence which is consistent with [the Applicant’s] statement that she had been drinking bourbon.”

15. On July 31, 2018, the police received the results of the Applicant’s blood alcohol (“BAC”) test that was taken on June 9, 2018. The Applicant’s BAC was 0.13.
16. On or about December 6, 2018, in the District Court for Queen Anne’s County, Maryland, the Applicant plead guilty to Driving, Attempting to Drive Vehicle While Impaired by Alcohol. The Applicant was found guilty and was sentenced to three (3) years of supervised probation.
17. The Applicant provided a Maryland Parole and Probation Certificate of Completion dated October 1, 2020, which attests that as of March 13, 2020, the Applicant was no longer on probation.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant violated 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:

- (2) Habitually is intoxicated;
- (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[.]

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of April, 2021, by the affirmative vote of a majority of the members of the Board then serving:

**ORDERED** that the Applicant's Alcohol and Drug Trainee Application is hereby **GRANTED**, subject to the following conditions;

**ORDERED** that the Applicant's Alcohol and Drug Trainee ("ADT") status is placed on **PROBATION** for the entirety of her ADT period. During probation, the Applicant shall comply with the following terms and conditions of probation:

1. The Applicant shall continue to attend/engage in individual psychotherapy with an individual psychotherapist in Maryland or Washington, D.C., Board-approved and in good standing, for a minimum of one, one-hour session per month for the entirety of her ADT period at

her own expense, with a treatment summary provided to the Board on a quarterly basis.


2. The Applicant shall arrange for the Applicant's supervisor(s) at the Applicant's place(s) of employment to submit written quarterly work-site reports to the Board evaluating the Applicant's work performance and practice as an ADT. If the Applicant's employment terminates at any of the Applicant's place(s) of employment before the due date of a quarterly report, then a final work-site report is due on the last day of employment. It is the Applicant's responsibility to ensure that work-site reports are submitted to the Board and to notify the Applicant's supervisor when these reports are due.
3. The Applicant will submit to a minimum of one (1) random, quarterly, urine toxicology screen, per quarter, which are to be coordinated by her individual psychotherapist. The results of such screens shall be included in the individual psychotherapist's quarterly report.

**ORDERED**, if the Board determines, after notice and an opportunity for a hearing before the Board, that the Respondent has failed to comply any of the terms and conditions of this Consent Order, the Board, in its discretion, may impose any sanction that the Board may have imposed in this case, including a reprimand, probation with appropriate terms and conditions, suspension, revocation and/or a monetary penalty;

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

April 16, 2021

Date

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



**CONSENT**

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact, and I accept and submit to the foregoing Consent Order and its conditions. I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Md. Code Ann., State Gov't Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

  
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**Cristina Smith, Applicant**

**NOTARIZATION**

CITY: Columbia  
COUNTY: Howard

**I HEREBY CERTIFY** that on this 25<sup>th</sup> day of March, 2021, before me, Notary Public of the State and City/County aforesaid, **Cristina Smith** personally appeared, and made oath in due form of law that signing the foregoing Consent Order was the voluntary act and deed of **Cristina Smith**.

**AS WITNESSETH** my hand and notarial seal.

SEAL 

MARTIN TIPPET NOTARY PUBLIC HOWARD COUNTY MARYLAND MY COMMISSION EXPIRES AUG. 19, 2024
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Notary Public

My Commission Expires: Aug. 19, 2024