

<p>IN THE MATTER OF</p> <p>SHARMAINE WRIGHT, CSC –AD</p> <p>Certificate No. SC1369 (expired)</p> <p>Respondent</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE</p> <p>STATE BOARD</p> <p>OF</p> <p>PROFESSIONAL COUNSELORS</p> <p>AND THERAPISTS</p> <p>Case No. 2012-22</p>
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**FINAL ORDER OF REVOCATION
OF PROFESSIONAL COUNSELOR’S CERTIFICATE**

On June 30, 2014, and, pursuant to the Md. State Govt. (SG) Code Ann. § 10-226 (c) (1) (2009 Repl. Vol.), and the Maryland Professional Counselors and Therapists Act (the “Act”), codified at Md. Health Occ. Code Ann. §§ 17-101 *et seq.*, (2009 Repl. Vol.), the State Board of Professional Counselors and Therapists (the “Board”), notified **SHARMAINE WRIGHT, Certified Supervised Counselor-Alcohol and Drug (CSC-AD), (the “Respondent”)** of the Board’s intent to **REVOKE** the Respondent’s CSC-AD certificate.

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The pertinent provision of S.G. § 10-226 states: Licenses.-Special Provisions:

(c) *Revocation of suspension. (sic)*— (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation;

- and
(ii) an opportunity to be heard.

Specifically, the Board charged the Respondent with violation of the following provisions of §17–509 of the Act:

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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, or certificate holder or for another;
- (8) Violates the code of ethics adopted by the Board;
- (9) Knowingly violates any provision of this title;
- (10) Is convicted of or pleads guilty 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 please set aside.
- (12) Submits a false statement to collect a fee;
- (13) Violates any rule or regulation adopted by the Board;
- (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;
- (16) Commits an act...of unprofessional conduct in the practice of clinical or nonclinical counseling or therapy [;].
- (18) Fails to cooperate with a lawful investigation conducted by the Board [;].

In addition, the Board based its intent to revoke on the violation of the following sections of its Code of Ethics, COMAR 10.58.03:

.04 Ethical Responsibility.

A. A counselor shall:

(11) Be familiar with and adhere to this chapter.

B. A counselor may not:

(2) Participate in dishonest, fraudulent, or deceitful activity in the capacity of a counselor; [or].

Furthermore, the Board based its intent to revoke on the following violation of its Act:

§17-603. Prohibited acts –Certified alcohol and drug counseling, professional counseling, marriage and family therapy, and art therapy.

Except as otherwise provided in this title, unless an individual is certified to practice alcohol and drug counseling, marriage and family therapy, or professional counseling, the individual may not:

- (1) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is certified by the Board to provide counseling or therapy services in this State;
- (2) Use any title, abbreviation, sign, card, or other representation that the individual is a certified professional counselor, certified professional counselor marriage and family therapist, certified professional counselor–alcohol and drug, certified associate counselor–alcohol and drug, or certified supervised counselor–alcohol and drug; or
- (3) Use the title “C.P.C.”, “C.P.C.–M.F.T.”, “C.P.C.–A.D.”, “C.A.C.–A.D.”, or “C.S.C.–A.D.”, the words “certified professional counselor” or “certified professional counselor–marriage and family therapist”, or the words “certified counselor” or “certified marriage and family therapist” with the intent to represent that the individual practices professional counseling or marriage and family therapy, or the words “certified professional counselor–alcohol and drug”, “certified associate counselor–alcohol and drug”, “certified supervised counselor–alcohol and drug” with the intent to represent that the individual practices alcohol and drug counseling.

**FACTS THAT WARRANT
THE REVOCATION OF THE RESPONDENT'S CERTIFICATE**

1. At all times relevant hereto, the Respondent was certified to practice as a CSC-AD in Maryland.¹ The Respondent was first certified on April 28, 2005. The Respondent's certificate expired on January 31, 2012. In the Respondent's initial application for certification, dated March 17, 2005, the "Waiver Requirements (Grandparenting) Application" asks the following question: "Have you pled guilty, nolo contendere (*sic*), or been convicted of or received probation before judgment for any criminal act (excluding traffic violations)?" The Respondent answered "no". However, on May 14, 2003, in the District Court of Maryland for Wicomico County, the Respondent pled "Other Plea" to "Theft Scheme less than \$500" and was found "guilty". She was fined \$55 in court and other costs, and was sentenced to 12 months in prison, with the entire amount suspended. She was given a Probation Before Judgment (PBJ),

¹Pursuant to §17-101(i)(1) "Certified supervised counselor—alcohol and drug" means an individual who is certified by the Board to practice alcohol and drug counseling in the State pursuant to the limitations in § 17-404 of this title.;

§17-404. Requirements for certified supervised counselor – Alcohol and drug

(a) In general. – To qualify as a certified supervised counselor-alcohol and drug, an applicant shall:

- (1) Hold an associate's degree in a health and human services counseling field or have completed a program of studies judged by the Board to be substantially equivalent in subject matter to such a program of studies;
- (2) Have completed not less than 2 years, with a minimum of 2,000 hours of clinically supervised experience in alcohol and drug counseling approved by the Board, 1 year of which shall have been completed after the award of the associate's degree;
- (3) Have a minimum of 15 credit hours in alcohol and drug counselor training, including instruction in:
 - (i) Medical aspects of chemical dependency;
 - (ii) Group counseling;
 - (iii) Individual counseling;
 - (iv) Family counseling;
 - (v) Assessment and treatment planning;
 - (vi) Ethics for alcohol and drug counselors;
 - (vii) Human development;
 - (viii) Abnormal psychology; and
 - (ix) Courses pertaining to counselor core functions of screening, intake, orientation, case management, crisis intervention, education and prevention, referral, consultation, reports and record keeping, and special alcohol and drug dependency topics; and
- (4) Practice alcohol and drug counseling under the supervision of a certified professional counselor-alcohol and drug or another health care provider approved by the Board and provide alcohol and drug counseling as an employee of an agency or facility that is accredited

and placed on probation until November 14, 2004. The other charges against her, including "stealing another's credit card," were Stetted.

2. At all times relevant hereto, the Respondent was employed as a CSC-AD counselor at Clinic A in Baltimore, Maryland. Clinic A is a treatment center that focuses on substance abuse services by providing substance abuse treatment, methadone maintenance, and methadone detoxification services.

3. On or about January 23, 2013, the Board received an anonymous complaint addressed "To Whom It May Concern" informing the Board that the Respondent was working at Clinic A and that her "licensure had expired."

4. As a result of that complaint, the Board began an investigation which disclosed the following:

- A. On March 11, 2013, an employee of the Office of Health Care Quality (OHCQ), within the Department of Health and Mental Hygiene, conducted a survey of Clinic A. The Respondent provided him with a certificate with an expiration date of January 31, 2014. The Respondent stated that she had overdue MVA fines and, as soon as the fines were paid, her certificate was issued;
- B. On March 11, 2013 the OHCQ employee forwarded the Respondent's certificate to the Board. The certificate had the same control number as the certificate that expired on January 31, 2012. If the certificate were valid, it would not have had the same control number as one issued two years earlier. The Respondent altered the expiration date;
- C. On that same date, the Board's Investigator spoke with the Program Director for Clinic A, who stated that she had previously questioned the Respondent regarding her certification being expired, and, the next day, the Respondent produced a blue-colored certificate with the expiration date of January 31, 2014. The Respondent stated that she had owed State taxes and that prevented her certificate from being issued: once she paid the taxes, she received her certification immediately;

by the Joint Commission on Accreditation of Healthcare Organizations or that is certified under Title 8, Subtitle 4 of the Health - General Article.

- D. The Program Director stated that she had accepted the Respondent's explanation and placed it in her personnel file. The Program Director further stated that she was unaware that the Respondent's certificate had expired or that the document was forged. She further stated that she was only made aware after the OHCQ surveyor spoke to the Board's Investigator. Thereafter, the Program Director told the Respondent to stop providing counselling services immediately and to contact the Board about the matter;
- E. The Respondent failed to report to work on the next work day and did not communicate with the Program Director regarding her absence;
- F. On March 11, 2013, the Respondent was sent a termination letter as a result of this incident;
- G. The Board Investigator further learned that the Respondent had, in fact, been providing counseling services to Clinic A's patients, using the title "CSC-AD", and those services were billed on behalf of Clinic A.

5. As part of its investigation, the Board tried to question the Respondent about the above, but despite numerous attempts to contact the Respondent and/or schedule an interview with her, including sending subpoenas, the Respondent failed to cooperate with a lawful Board investigation by failing to respond to any of the Board's communications.

6. As set forth above, by failing to disclose her "guilty" finding, PBJ and 18 months' probation for theft, the Respondent fraudulently obtained her certification.

7. As set forth above, by: forging her certificate; working as a counselor on a forged certificate; providing counselling services when she was not legally entitled to do so; and, causing bills to be made on her behalf, the Respondent violated the Act and regulations thereunder, including presenting herself as a "CSC-AD".

CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to §17-509 (1), (8), (9), (10), (12), (13), (14), (16), and (18); and, 10.58.03.04 A (11), B (2); 17-603 (1), (2) and (3) of the Board's Act and regulations thereunder.

ORDER

As set forth above, the Board hereby Orders that the certificate to practice as a Certified Supervised Counselor-Alcohol and Drug in Maryland held by **SHARMAINE WRIGHT**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to §10-617(h), Md. State Govt. Code Ann. (2009 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 17-512 (2009 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. §§ 10-201, *et seq.*, (2009 Repl. Vol.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforesaid authority.

10-10-2014

Date



Carol A. Deel, Ph.D., LCPC, LCMFT, Chair
Board of Professional Counselors and Therapists