

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND STATE</b>
<b>JESSICA WISEMILLER, CAC-AD</b>	*	<b>BOARD OF PROFESSIONAL</b>
<b>Respondent</b>	*	<b>COUNSELORS AND THERAPISTS</b>
<b>Certificate Number: AC2576</b>	*	<b>Case Numbers: 2019-066 &amp; 2019-067</b>

\* \* \* \* \*

**FINAL ORDER**

On or about April 24, 2020, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **JESSICA WISEMILLER, CAC-AD** (the “Respondent”), of the Board’s intent to revoke her certificate to practice as a Certified Associate Counselor – Alcohol and Drug (“CAC-AD”), Certificate Number: AC2576, under the Maryland Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

Specifically, the Board based its intent to revoke on the following provisions of the Act:

§ 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 based 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.
- B. A counselor may not:
  - (3) Enter into relationships that could compromise a counselor’s objectivity or create a conflict of interest.

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;
- B. Dual Relationships.
  - (1) A counselor shall:
    - (a) Avoid dual relationships with clients[.]

COMAR 10.58.03.09

C. Relationship with Former Clients.

- (1) Except as set forth in §C(3)<sup>[1]</sup> of this regulation, a counselor may not engage in sexual behavior with a former client.

**FINDINGS OF FACT**

The Board makes the following Findings of Fact:

**I. BACKGROUND**

1. At all times relevant, the Respondent was authorized to practice alcohol and drug counseling in the State of Maryland. The Respondent was originally certified to practice as a CAC-AD in the State of Maryland on August 27, 2018, under Certificate Number AC2576. The status of the Respondent's certificate is currently "non-renewed" and expired on January 31, 2020.<sup>2</sup>

**II. COMPLAINTS**

2. On or about February 19, 2019, the Board received a complaint filed by the clinical director (the "Clinical Director") of a treatment facility ("Facility") alleging the Respondent had engaged in a sexual relationship with a client (the "Client") since August 2017.

---

<sup>1</sup> COMAR 10.58.03.09(C)(3) provides "[a] counselor may enter into a relationship with an individual with whom a counselor's prior professional contact was brief, peripheral, consultative, or indirect, and did not constitute a therapeutic relationship."

<sup>2</sup> Prior to receiving certification to practice as a CAC-AD in Maryland, the Respondent had been approved as an alcohol and drug trainee in Maryland. Pursuant to COMAR 10.58.07.08, Alcohol and Drug Trainee status is granted for 2 years, renewable in 2-year increments to a total of 6 years while the trainee is working towards obtaining the educational and supervised experiential requirement to obtain certification or licensure.

3. After receiving the Clinical Director's complaint, the Board initiated an investigation of the Respondent under Case Number 2019-066.

4. On or about February 24, 2019, the Board received a second complaint filed by the senior counselor (the "Senior Counselor") of the Facility, alleging the Respondent had engaged in a sexual relationship with the Client and moved in with the Client.

5. After receiving the Senior Counselor's complaint, the Board initiated an investigation of the Respondent under Case Number 2019-067.

### **III. BOARD INVESTIGATION**

6. As part of its investigation, the Board subpoenaed the Respondent's personnel file from the Facility, the Client's treatment records from the Facility, and interviewed the Respondent.

7. According to the Respondent's personnel file from the Facility, the Respondent was employed as an addictions counselor from May 10, 2015 to February 18, 2019, when she was terminated.<sup>3</sup>

8. The Clinical Director submitted a renter's insurance form and American Kennel Club paperwork retrieved from the Facility's computer, which revealed 1) the Respondent obtained renter's insurance for an apartment that she listed herself as residing at with the Client and 2) the Respondent and the Client purchased a Labrador retriever together.

---

<sup>3</sup> The Respondent began her position as an addictions counselor on or about February 8, 2016. Prior to becoming an addictions counselor, the Respondent was employed at the Facility as a coordinator.

9. According to the Client's records received from the Facility, the Respondent was the Client's primary counselor at the Facility from June 26, 2017 to August 28, 2017. According to the Comprehensive Assessment completed on June 26, 2017, the Client also previously received inpatient treatment at the Facility for thirty days beginning on October 20, 2016.

10. On December 3, 2019, the Board's investigator interviewed the Respondent, at which time, the Respondent stated the following under oath:

- a. She provided treatment to the Client at the Facility during two timeframes – October 2016 to November 2016 and again from June 2017 to August 2017.
- b. She was fired from the Facility for “[h]aving a relationship with a past client.”
- c. At first the Respondent stated that she began a relationship with the Client in February 2018 and then they moved in together in March of 2018. However, upon further questioning, the Respondent stated that she regularly maintained contact with the Client in 2017 outside of treatment via telephone and text message; in August or September of 2017 her and the Client began meeting up with each other, “[b]ut that’s not when we became, like, exclusive;” and she spent time with the Client around Christmas of 2017.
- d. The Respondent further explained that she started having “sexual relations” with the Client in February of 2018.
- e. The Respondent currently lives with the Client and has lived with the Client at three different addresses – first in an apartment in Maryland, then at the Client’s parents’ house, and now they live together in Florida.
- f. Finally, the Respondent admitted: “I understand that, . . . you're not supposed to have sexual relations with past clients. But I fell in love with him. And, you know, I mean, we are doing good now. . . . We're going to start a family, get married.”

## CONCLUSIONS OF LAW

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 and a basis on which to revoke the Respondent's certificate to practice as a Certified Associate Counselor – Alcohol and Drug. Specifically:

The Respondent's engaging in conduct that went beyond the professional client-counselor relationship, including but not limited to, communicating socially with the client outside of therapy while the client was still receiving therapeutic services from the Respondent, as well as, sexual behavior with an individual with whom the Respondent had rendered professional services, as set forth above, constitutes violations of: Health Occ. § 17-509(8) (violates the code of ethics adopted by the Board); § 17-509(9) (knowingly violates any provision of this title); § 17-509(13) (violates any rule or regulation adopted by the Board); and/or § 17-509(16) (commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy) in that the Respondent violated COMAR 10.58.03.04(A)(11), (A)(14), and (B)(3), and COMAR 10.58.03.05(A)(2)(a) and (B)(1)(a), and COMAR 10.58.03.09(C)(1).

## ORDER

Based on the foregoing, it is this 19th day of June 2020, by the Board hereby:

**ORDERED** that the Respondent's certificate to practice as a Certified Associate Counselor – Alcohol and Drug is hereby **REVOKED**; and it is further

**ORDERED** that this is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2014).

**NOTICE OF RIGHT TO APPEAL**


Pursuant to Md. Code Ann., Health Occ. § 17-512(b), the Respondent has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222; and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files an appeal, the Board is a party and should be served with the court's process at the following address:

Danielle M. Vallone, Acting Executive Director  
Maryland State Board of Professional Counselors and Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215-2299  
Phone: 410-764-4732  
Fax: 410-358-1610

At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

June 19<sup>th</sup>, 2020  
\_\_\_\_\_  
Date

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

