

IN THE MATTER OF * BEFORE THE MARYLAND
CHERYL BATTLE, CSC-AD * STATE BOARD OF
(aka Cheryl Mervin) * PROFESSIONAL COUNSELORS
Respondent * AND THERAPISTS
Cert. No.: SC1621 * Case Number: 2011-13

* * * * *

ORDER LIFTING PROBATION

The Maryland State Board of Professional Counselors and Therapists hereby acknowledges that Cheryl Battle (aka Cheryl Mervin), CSC-AD, Certificate Number SC1621, has completed the requirements of the Final Consent Order, dated July 3, 2014, in the above-captioned matter.

Therefore, it is this 18th day of August, 2017, by the Maryland State Board of Professional Counselors and Therapists, hereby **ORDERED** that the Maryland Certificate of Cheryl Battle (aka Cheryl Mervin) is no longer on probationary status; and it is further

ORDERED that the Maryland Certificate of Cheryl Battle (aka Cheryl Mervin) is restored without restrictions or conditions; and it is further **ORDERED** that this is a Public Document and is reportable to any entity to which the Board is obligated to report, and is disclosable under the Maryland Public Information Act, Md. State Gov't Code Ann. §§ 10-611, *et seq.*



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

IN THE MATTER OF
CHERYL BATTLE, CSC-AD
Certificate No. SC1621
Respondent

* **BEFORE THE**
* **STATE BOARD**
* **OF**
* **PROFESSIONAL COUNSELORS**
* **AND THERAPISTS**
* **Case No. 2011-13**

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FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Professional Counselors and Therapists (the "Board"), and subject to Md. Health Occ. Ann. § § 17-101, *et seq.*, (2009 Repl. Vol.) (the "Act"), the Board issued a Notice of Intent to Revoke the registration of **CHERYL BATTLE, CSC-AD**, (the "Respondent"), due to violations of the Act and regulations thereunder, Code Md. Regs. (COMAR) § 10.58.

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, 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 violate any provision of this title; and
- (16) Commits an act of...unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.].

The Board further charged the Respondent with violation of the following provisions of its Code of Ethics, COMAR tit 10 § 58.03: (July 10, 1989).

.04 Ethical Responsibility.

A. A Counselor shall:

- (14) Take reasonable precautions to protect clients from physical or psychological trauma.

B. A counselor may not:

- (1) Knowingly associate with, or permit the use of the professional counselor's name or firm name in a business venture by any person or firm which the professional counselor knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature;
- (2) Participate in dishonest, fraudulent, or deceitful activity in the capacity of a counselor; or
- (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

The Respondent was given information about the issues underlying the Board's Notice of Intent by a letter dated February 4, 2014. Accordingly, a Case Resolution Conference was held on May 13, 2014, which the Respondent attended, knowingly waiving her right to an attorney.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

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 June 4, 2009. The Respondent's certificate expires on January 31, 2015. In the Respondent's initial application for certification, dated January 17, 2007, the "Trainee 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 October 20, 2006, in the District Court of Maryland for Anne Arundel County, the Respondent pled guilty to theft of less than \$100 and was given a Probation Before Judgment (PBJ), and was fined \$92.50, plus

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 to pics; 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

costs. She was placed on a one day probation.

2. At all times relevant hereto, the Respondent was employed as an addictions counselor at a residential treatment facility in Rockville, Maryland, hereinafter known as "Facility A". Facility A provided counseling for women recovering from substance abuse, along with their at-risk children.

3. On March 7, 2011, the Board received a complaint from the Executive Director of the parent company of Facility A. The complaint indicated that the Respondent was terminated from employment at Facility A based upon: "violations of the rules of the employer and of the Board."

4. The Board subsequently conducted an investigation which disclosed the following:

A. Client A, a client² of Facility A, approached a counselor and informed her that her addictions counselor, the Respondent, had discussed with her selling Client A's social security numbers of her children so that Client A's children could be claimed as dependents on tax returns;

B. Client A further indicated that, in return for providing the social security numbers, the Respondent would pay Client A \$1000 per child;

C. In addition, Client A stated that, when one child's number was actually used as a dependent, it was determined that another person had already claimed that child as a dependent and the second person who tried to claim the child

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

²Due to confidentiality, the names of the client/Facility are not disclosed, but the Respondent has

got in trouble with the IRS;

D. When the Clinical Director met with the Respondent about the charges, the Respondent admitted same, but stated that Client A approached her and that she was "just trying to help [Client A] who needed money;"

E. During the investigation, the Respondent could not state the name of the tax preparer or give any other pertinent information.

5. As set forth above, by failing to disclose her guilty plea to theft, the Respondent fraudulently obtained her certification, in violation of the Act and regulations thereunder.

6. By engaging in a prohibited dual relationship with a client, the Respondent violated the Act and regulations thereunder.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 17-509 (1), (8), (9) and (16); and, COMAR 10.58.03.04 A (14) and B (1), (2) and (3).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 3rd day of July 2014, by a majority of a quorum of the Board,

knowledge of the entities and/or the patient.

ORDERED that the Respondent's certificate is hereby **SUSPENDED** for three years, all **STAYED**;

ORDERED that the Respondent is hereby placed on **PROBATION** for Three Years, during which the following shall take place:

A. Ethics Course:

1. The Respondent shall enroll in and successfully complete a three (3) semester credit graduate level Board-approved course from a regionally accredited college or university in professional, legal and ethical responsibility. The course may be an on-line course. The Respondent shall enroll in and successfully complete this required course within eighteen (18) months of the date of this Consent Order.
2. The Respondent shall submit the course description/syllabus to the Board for approval prior to enrolling in the course. The Board reserves the right to require the Respondent to provide further information regarding the course proposed, and further reserves the right to reject the proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and the duration of the course adequate to fulfill the Respondent's ethical needs.
3. The Respondent shall be responsible for all costs incurred in fulfilling this course requirement and for submitting to the Board written documentary proof of successful completion of the course.
4. This course may be a part of any course required to satisfy the continuing education requirements for the applicable two (2) year certification renewal period.

B. Supervision:

For the first year of Probation, the Respondent shall be supervised by a Supervisor approved by the Board.

- A. During the first (1) YEAR period of Probation to begin on the date of execution of this Consent Order, the Respondent's counseling practice shall be supervised, at her own expense, (unless the Supervisor holds that position at her place of employment) by a Board-Approved

Supervisor who is a Licensed Clinical Professional Counselor (LCPC) with experience and expertise in the field;

- B. As part of the approval process, the Respondent shall submit to the Board the name and professional credentials of the LCPC to supervise her practice. The Supervising Counselor may not be associated with the Respondent through any current or past personal, collegial, professional, or academic affiliation.
- C. The Board-approved Supervising LCPC shall notify the Board in writing of his/her acceptance of the supervisory role of the Respondent;
- D. The Respondent shall provide the Board-approved LCPC with a copy of the charging documents and this Consent Order, and whatever other written materials the Board deems relevant;
- E. The Respondent shall meet **face to face** with the **Supervisor BI-WEEKLY** for the first six (6) months of the supervisory period; and then **MONTHLY** for the next six (6) months of the one (1) year supervisory period;
- F. The supervision shall include particular attention to the code of ethics for professional counselors and other administrative counseling responsibilities and standards;
- G. The Supervisor shall submit **QUARTERLY** reports to the Board detailing the ethical issues discussed and Respondent's progress. The report shall include, but not be limited to, a report of the Respondent's participation in supervisory process. Upon completion of the supervision period, the Respondent shall ensure that the Supervising Counselor submits a final report to the Board assessing the Respondent's practice. The Respondent has sole responsibility for ensuring that the Supervisor submits the required quarterly reports and the final report to the Board in a timely manner;
- H. The Board has sole authority over any changes in supervision and must approve and ratify any changes in supervision or the frequency of supervision. In the event that the Respondent's Supervisor discontinues supervising the Respondent's practice for any reason during the 12-month supervisory period, the Respondent shall be solely responsible for submitting a replacement candidate to serve as her Supervisor under the terms specified above;

- I. If the Respondent fails to complete the supervision in a timely manner as set out above, the Respondent will be deemed in violation of Probation and this Consent Order; and an unsatisfactory report from the Respondent's Supervisor may constitute a violation of Probation and of this Consent Order;
- J. The Respondent shall submit the name of the Supervisor by June 14, 2014 and the Supervisor shall submit a letter of acceptance of his/her responsibility to supervise, as set forth above.

C. Therapy

1. The Respondent shall remain in individual therapy for at least a year from the effective date of this Consent: the Therapist shall submit quarterly reports regarding the Respondent's progress in treatment.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it


ORDERED that, should the Board receive a report that the Respondent has violated the Act or if the Respondent violates any condition of this Order, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of professional counseling in Maryland; and be it further

ORDERED should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions on the Order, as it deems necessary;

ORDERED that, at the end of the probationary period, the Respondent may petition the Board to remove any conditions or restrictions on her certificate, provided that she can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED, that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2009), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.

A handwritten signature in black ink, appearing to read "Carol Deel", with a horizontal line drawn underneath it.

Carol Deel, LCPC, LCMFT, Chair
Board of Professional Counselors and
Therapists

CONSENT OF CHERYL BATTLE, CSC-AD

I, Cheryl Battle, CSC-AD, acknowledge that I am not represented by counsel and have not consulted with counsel before entering into this Consent Order. I have knowingly and voluntarily waived my right to counsel. 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.

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 counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6/10/14
Date

Cheryl Battle, CSC-AD
Cheryl Battle, CSC-AD

STATE OF Maryland :

CITY/COUNTY OF Prince Georges :

I HEREBY CERTIFY that on this 10th day of June, 2014, before me, Cheryl Battle, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Cheryl Battle, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Rosa Woods
Notary Public

My Commission Expires: 10/9/2017



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