

IN THE MATTER OF * BEFORE THE MARYLAND
 CHRISTALLIN TWILINE-TABB, LLPC * STATE BOARD OF PROFESSIONAL
 Applicant * COUNSELORS AND THERAPISTS
 * Case Number: 2010-18

* * * * *

FINAL ORDER

On July 8, 2011,¹ and again on July 22, 2011,² the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **CHRISTALLIN TWILINE-TABB, LLPC** (the “Applicant”) (Date of Birth: 01/02/1961) of the Board’s initial denial of her Application for Licensure under the Maryland Professional Counselors and Therapists Act, Md. Health Occ. Code Ann. (“H.O.”) §§ 17-101 *et seq.* (2009 Repl. Vol.). Specifically, the Board based its initial denial on the following provisions of the Act:

H.O. § 17-304 Qualifications – Clinical professional counselors.

(a) *In general.* – Except as provided in § 17-307 of this subtitle, to qualify for a license to practice clinical professional counseling, an applicant shall be an individual who meets the requirements of this section.

(b) *Good moral character.* – The applicant shall be of good moral character.

H.O. § 17-509 Denial, probation, suspension or revocation of certificate applicant or holder.

Subject to the hearing provisions of § 17-511 of this subtitle, the Board . . . may deny a license or certificate to any applicant . . . if the applicant . . . :

(8) Violates the code of ethics adopted by the Board;

¹ The Board’s July 8, 2011 Notice was sent by regular and certified mail to Ms. Twiline-Tabb’s address of record at 9687 Basket Ring Road, #6, Columbia, Maryland 21045. This Notice was returned to the Board as addressee “unknown” and “unable to forward.”

² The Board’s July 22, 2011 Notice was sent by regular and certified mail to another address on file for Ms. Twiline-Tabb at 6355 Woodside Court, Columbia, Maryland 21045. On July 29, 2011, the Board received back the certified mail card with a signature indicating acceptance.

(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;

(11) Is professionally, physically, or mentally incompetent;

(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; [or]

(16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

The underlying grounds for disciplinary action under H.O. § 17-509(14) include H.O. § 17-509(11) and H.O. § 17-304(b).

The pertinent provisions of the Board's regulations under Code Md. Regs. ("COMAR") tit. 10 § 58.03 provide:

.04 Ethical Responsibility.

B. A counselor may not:

(3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

.09 Sexual Misconduct.

C. Relationship with Former Clients.

(1) Except as set forth in §C(3) of this regulation, a counselor may not engage in sexual behavior with a former client.

(2) A counselor may not terminate professional services or a professional relationship with a client in order to enter into a nonprofessional, social, or sexual relationship with a client or an individual with whom a client has a close personal relationship.

(3) 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.

In its Notice, the Board notified the Applicant that she had the opportunity to a hearing on the Board's initial denial by submitting a request in writing to the Board within thirty days of service of the Notice. More than thirty days have elapsed since service of the Notice on the Applicant, and the Applicant has not made a written request for a hearing. The Board, therefore, issues this Final Order denying the application.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. By application dated June 1, 2009 (the "Application"), the Applicant applied for a Licensed Graduate Professional Counselor license with the Board.

2. The Applicant is not now, and has not previously been, licensed or certified to practice any type of professional counseling or therapy in Maryland.

3. Under subsection b of the Application, the Application answered "yes" to the following question:

Has any state licensing or disciplinary board ever taken any action against your license and/or certification, including but not limited to limitations of practice, required education, abandonment, reprimand, revocation, suspension? If yes, explain circumstances.

4. The Application explained that her "Michigan limited license was suspended for 6 months due to complaint of 'inappropriate relationship' with a former client. Suspension was served and no further problems."

5. Under subsection c of the Application, the Applicant answered "yes to the following question:

Has an investigation or charges ever been brought against you by any licensing or disciplinary board? If yes, please explain.

6. The Applicant explained that the six months suspension in Michigan was over and she was planning to apply for reinstatement of her limited license, but decided to move to Maryland in September 2008 instead.

7. Under subsection d of the Application, the Applicant answered "yes" to the following question:

Have you pled guilty, nolo contendere, or been convicted of or received probation before judgment or any criminal act (excluding traffic violations)?

8. The Applicant stated under "Date of Conviction": "June 2005 (approximately)," and stated that the conviction was in Michigan for the charge of "Retail Fraud."

9. On or about May 12, 2010, the Board filed a Freedom of Information Act request with the State of Michigan, Department of Community Health, for information regarding licensing actions against the Applicant. .

10. On or about May 20, 2010, the State of Michigan, Bureau of Health Professions provided the Board with the following documents relating to the Applicant: 1) a Consent Order and Stipulation dated September 8, 2006; 2) an Addendum to Consent Order and Stipulation; and 3) an Administrative Complaint dated May 10, 2006.

The Administrative Complaint

11. On or about May 10, 2006, the Attorney General for the State of Michigan filed an administrative complaint against the Applicant with the Michigan Department of Community Health, Bureau of Health Professions, Board of Counseling, charging the Applicant with conduct, while practicing as a limited licensed counselor, which constituted negligence, incompetence and a lack of good moral character, in violation of Michigan Public Health Code, §§ 16221(a), (b)(i) and (b)(vi), respectively.

12. The allegations of fact in the administrative complaint are set forth, *infra*.

13. In October 2004, a patient (the "Patient")³ was referred to a counseling group (the "Counseling Group") in Detroit, Michigan to receive counseling for debilitating panic attacks that caused him to be on disability and prevented him from working.

14. Between November 2004 and March 2005, the Applicant worked as a counselor for the Counseling Group.

15. Beginning November 8, 2004, the Applicant was assigned to counsel the Patient once a week at the Counseling Group.

16. In March 2005, the Applicant left the Counseling Group because of a dispute and began counseling the Patient at the Applicant's home. The Patient stated that the Applicant helped him deal with his panic attack, which enabled him to return to work in March 2005.

17. Also in March 2005, the Applicant and the Patient went to lunch one time to celebrate the Patient's returning to work. This incident led to other lunches and then to dinners. The Patient states that by then, he was no longer receiving counseling from the Applicant.

18. Towards the end of March 2005, the Applicant was arrested for shoplifting cough syrup. On March 26, 2005, the Applicant called the Patient from Oakland County Jail in Michigan and requested that he provide her with \$200 to bail her out of jail. The Patient paid \$200 to bail the Applicant out of jail.

³ For confidentiality purposes, this document will not refer to any patient, individual, health care provider, or hospital by name.

19. Shortly thereafter, the Applicant and the Patient began having a sexual relationship. In their relationship, the Patient paid for hotel rooms, dinners, gasoline for the Applicant's car and a cellular-phone for the Applicant.

20. On May 22, 2005, the Patient's wife became suspicious that the Patient was having an affair and followed him when he left home. The Patient's wife observed the Patient drive to the Applicant's home and picked her up in his vehicle..

21. On May 31, 2005, the Patient's wife received a letter from the Applicant's husband stating that the Patient and the Applicant were having an affair.

22. In late May 2005, the Applicant was sentenced to 20 days incarceration in the county jail, to be followed by mental health and substance abuse counseling, and community services. While serving her jail sentence at the Oakland County jail, the Applicant sent the Patient several love letters.

23. On August 26, 2005, in an interview with a Michigan State Investigator, the Patient admitted to the nature of his relationship with the Applicant.

Michigan Consent Order and Stipulation

24. On June 27, 2006, the Applicant entered into a Consent order with the Michigan Board of Counseling stipulating that the allegations of fact in the Administrative Complaint were true, and that the Applicant's conduct constituted violation of Michigan's Public Health Code.

25. Pursuant to the Consent Order, the Applicant's license to practice limited counseling was suspended for a minimum of six months and one day, after which the Applicant must petition for reinstatement of her limited license.

NOTICE OF RIGHT TO APPEAL


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

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

**State Board of Professional
Counselors and Therapists
c/o Tracey DeShields
Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215**

The Administrative Prosecutor is no longer a party to this case and need not be served or copied.

3/6/17
Date


Richard Hann, LCPC, Chair
Maryland State Board of Professional
Counselors & Therapists

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant's overall conduct, including: her conviction of the crime of Retail Fraud; the suspension of the her limited counseling license by the Michigan's Board of Counseling for negligence, incompetence and lack of a good moral character; and her engagement in a sexual relationship or behavior with the Patient; constitutes reasons to deny her application for professional counseling and therapy licensure in Maryland under H.O. §§ 17-304(b), 17-509 (8), (10), (11), (13), (14) and (16); and COMAR 10.58.03.04B(3) and COMAR 10.58.03.09C.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 6th day of March, 2012, by a majority of the Board considering this case:

ORDERED that the Applicant's Application for a Licensed Graduate Professional Counselor license in the State of Maryland is hereby **DENIED**; and it is further

ORDERED that this is a Final Order and as such is a **PUBLIC** document pursuant to Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol.).

3/6/12
Date

Richard M. Hann
Richard Hann, LCPC, Chair
Maryland State Board of Professional
Counselors and Therapists