

**IN THE MATTER OF**

\*

**BEFORE THE MARYLAND**

**JEFF BIELE, LCPC**

\*

**STATE BOARD OF PROFESSIONAL**

**Respondent**

\*

**COUNSELORS AND THERAPISTS**

**License Number: LC8069**

\*

**Case Number: 2021-101**

\* \* \* \* \*

**CONSENT ORDER**

The Maryland State Board of Professional Counselors and Therapists (the "Board") has charged Jeff Biele, LCPC (the "Respondent"), License No. LC8069 with violations of the following provisions of the Act (the "Notice"):

§ 17-509. Denial, suspension, or revocation of license.

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; [.]

BOARD OF PROFESSIONAL  
COUNSELORS AND THERAPISTS  
JAN 05 2022  
COUNSELOR

The Board relevant provisions of Md. Code Regs. ("COMAR"), adopted by the Board, provide the following:

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.

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; and

(b) Take appropriate measures, including but not limited to, informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs if a dual relationship cannot be avoided.<sup>1</sup>

On November 18, 2022, a Case Resolution Conference ("CRC") was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

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<sup>1</sup> The Respondent was not initially charged with violating this regulation, but the Respondent agreed to it as part of the resolution of this matter.

## FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. At all times relevant, the Respondent was and is licensed as a clinical professional counselor in the State of Maryland. The Respondent was originally licensed to practice counseling in Maryland on August 17, 2017, under License Number LC8069. The Respondent's license is current through January 31, 2023.

2. At all times relevant, the Respondent was engaged as a mental health counselor for a behavioral health intensive outpatient program in Maryland (the "Program") and was facilitating a group-based teletherapy program.<sup>2</sup>

3. On or around May 11, 2021, the Board received a complaint (the "Complaint") filed by a former client (the "Complainant") of the Respondent alleging that, during a Program session facilitated by Respondent, he "threatened [her] and made [her] feel unsafe" when the Complainant confronted the Respondent and alleged that he was engaged in "unethical practices." As a result, the Complainant immediately discontinued her participation in the Program. The Complainant also later alleged that Respondent made an inappropriate joke to her.

4. Based on the Complaint referral, the Board investigated the Respondent. As part of its investigation, the Board interviewed the Complainant, two members of the Program who were identified by the Complainant, and the Respondent, and confirmed with an employee of the Program that the telehealth group sessions were not recorded.

5. On June 11, 2021, Board investigators interviewed the Complainant, who received intensive outpatient services at the Program from approximately, December 8, 2020 until April 30, 2021. In the under-oath interview, the Complainant stated:

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<sup>2</sup> To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

- a) When she began the Program, she primarily received therapy from another therapist (the "Lead Therapist") who supervised the Respondent in his role as a co-therapist. In or around February 2021, the Lead Therapist left the Program, and the Respondent became the Complainant's primary therapist, which included group therapy sessions.
- b) During the time the Respondent served as her therapist, he disclosed personal matters<sup>3</sup> to his clients. In addition, she stated that, during a virtual group therapy session, the Respondent "scream[ed]" at and "threaten[ed]" her and stated "that it would be really really bad for [her] if [she] were to come after his license" (the "Threatening Incident") after she stated to the group that clients "had rights." The Threatening Incident caused her to immediately leave the Program and file the Complaint.

6. On September 2, 2021, Board investigators interviewed Witness 1, who received intensive outpatient services at the Program from approximately, December 2020 until July 2021. In the under-oath interview, Witness 1 stated:

- a) She participated in group therapy at the Program, with the Respondent and the Complainant.
- b) The Respondent disclosed personal matters to the group.
- c) She observed the Threatening Incident and saw the Respondent get visibly upset and yell at and "implicitly threaten" the Complainant. She heard the Complainant respond by telling the Respondent that she "didn't feel safe" and asking him to stop, which the Respondent did not do.

7. On September 2, 2021, Board investigators interviewed the Respondent. In the under-oath interview, the Respondent stated, among other things, that:

- a) He treated the Complainant, and the Complainant attended virtual group sessions, during which time he shared some personal matters, including past diagnoses and aspects of his treatment.
- b) He treated the Complainant only via virtual group therapy sessions and had never met her in person.
- c) During a group teletherapy session, the Complainant self-reported a frustrating experience shopping for undergarments. At the next group teletherapy session, the Respondent asked her "how did [you] make out with that situation?" in a joking manner.

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<sup>3</sup> To maintain confidentiality, the details of the personal matters will not be disclosed in this document however the details were known to the Respondent.

- d) On April 30, 2021 during preliminary individual check-ins, the Complainant stated that she planned to file a complaint against the Respondent's license. He responded, stating among other things, that he took her threatened complaint against his license "personally because [she knew] that's my livelihood" and "what his family depended on." And that he didn't "really know what [he] would do if something happened to [his] license because that's everything." After stating that she felt threatened, the Complainant signed off of the Zoom session.

8. In responding to the Complaint, the Respondent proffered testimony from a client who participated in virtual group therapy sessions alongside the Complainant and who disputed the Complainant's characterization of some of Respondent's alleged conduct. The Respondent also submitted a letter of support from another client.<sup>4</sup>

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's response to the Complainant's threat to file a complaint against him was inappropriate, he discussed personal matters with clients, and utilized two clients in responding to the Complaint, which constitute violations of Health Occ. § 17-509(8), (9), (13), and (16) in that Respondent violated COMAR 10.58.03.04(A)(11) and (A)(14), and COMAR 10.58.03.05(A)(2)(a) and (B)(1).

### **ORDER**

It is, on the affirmative vote of a majority of the Board, hereby:

**ORDERED** that the Respondent's license to practice as a clinical professional counselor is hereby **SUSPENDED** for **thirty (30) days** after the effective date of the Consent Order; and it is further

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<sup>4</sup> These facts were not contained in the charging document, but the Respondent agreed to them as part of the resolution of this matter.

**ORDERED** that within thirty (30) days of the effective date of the Consent Order, the Respondent shall enroll in and complete a Board-approved course on ethics, professionalism, and boundaries, which course shall be conducted in person or via live webinar and which course may not be used for the purposes of continuing education credits for license renewal; and it is further

**ORDERED** that to terminate the suspension the Respondent shall petition the Board for reinstatement of his license; and it is further

**ORDERED** that upon reinstatement, the Respondent is placed on **PROBATION** for a minimum period of **two (2) years**. During probation, the Respondent shall comply with the following terms and conditions of probation:

1. The Respondent shall engage a Board-approved supervisor<sup>5</sup> and engage in supervision for **one (1) year**.
2. The Respondent shall ensure that the supervisor submits quarterly reports to the Board and shall be granted full access to the Respondent's patient records. Supervision should cover the Code of Ethics contained in the Professional Counselors and Therapists Act. The first quarterly report is due within three (3) months of the date that the Respondent's probation begins.
3. In the event that the Respondent's supervisor discontinues supervising the Respondent's practice for any reason during the supervisory period, the Respondent shall immediately notify the Board. The Respondent shall be solely responsible for submitting a request for a Board-approved replacement.
4. Upon completion of the supervisory period, the Respondent shall ensure that the supervisor submits a final report to the Board.

**ORDERED** that the Respondent shall provide written copies of the Consent Order to any current employer(s) and supervisor(s) and provide the Board within fourteen (14) days of the effective date of the Consent Order with written documentation of the employer(s)'s and supervisor(s)'s receipt of the Consent Order; and it is further

**ORDERED** that after the Respondent has complied with all terms and conditions of probation imposed by the Consent Order, the Respondent may submit a written petition for

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<sup>5</sup> The supervisor may be either a licensed professional counselor, a licensed psychologist, or a licensed social worker, if Board approved.

termination of the probation. Upon consideration of the petition, the Respondent's probation may be administratively terminated through an order of the Board if the Respondent has complied with all probationary terms and conditions; and it is further


**ORDERED** that the effective date of the Consent Order is the date the Consent Order is signed by the Acting Executive Director of the Board or her designee. The Acting Executive Director or her designee signs the Consent Order on behalf of the Board members who have imposed the terms and conditions of this Consent Order; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.*

01/20/2023

Date

  
Mary N. Drotleff, M.S. LCMFT  
Board of Professional Counselors and Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215-2299

**CONSENT**

I, Jeff Biele, LCPC, acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. 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 after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

1/4/2023  
Date

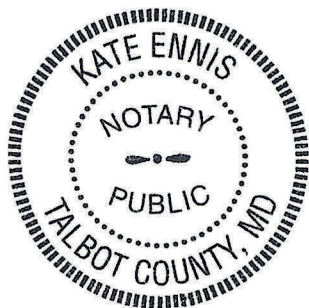
Jeff Biele LCPC  
Jeff Biele, LCPC  
Respondent

**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY OF Talbot

I HEREBY CERTIFY that on this 4 day of January, 2022,  
before me, a Notary Public of the foregoing State and City/County personally appear Jeff Biele, LCPC, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal



Kate Ennis  
Notary Public

My commission expires: 18OCT24