

IN THE MATTER OF	*	BEFORE THE MARYLAND
TINA L. ODEN, ADT	*	STATE BOARD OF PROFESSIONAL
Respondent	*	COUNSELORS AND THERAPISTS
License No. ADT1679	*	Case Number: 2023-018
* * * * *	*	* * * * *

PRECHARGE CONSENT ORDER OF REPRIMAND

In August of 2022, the Maryland State Board of Professional Counselors and Therapists (the "Board") initiated an investigation of Tina L. Oden, ADT, License Number ADT 1679 (hereinafter referred to as the "Respondent"). Based on its investigation, the Board voted to offer a Pre-Charge Consent Order of Reprimand to the Respondent, in lieu of issuing Charges for violations of the Maryland Professional Counselors and Therapists Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 17-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.), and the regulations adopted by the Board, at Md. Code Regs. ("COMAR") §§ 10.58.01 *et seq.*

Specifically, the Board determined that the Respondent violated the following provisions of the Act and COMAR:

Health Occ. § 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, 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;

[...]

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

[...]

(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[.]

COMAR 10.58.03.04. Ethical Responsibility.

A. A Counselor shall:

(1) Consult with other counselors or other relevant professionals regarding questions related to ethical obligations or professional practice;

(2) Take credit only for professional work actually performed;

[...]

(7) Maintain accurate records;

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

COMAR 10.58.03.05. The Counseling Relationship

A. Client Welfare and Rights

(1) A counselor shall:

[...]

(c) Document attempts to inform other professional persons concurrently providing mental health services to a client;

(d) Assist clients in making appropriate arrangements for the continuation of treatment due to interruptions including but not limited to vacations and extended illness; and

(e) Make appropriate referrals

(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) Abandon or neglect clients in counseling [.]

[...]

D. Termination and Referral:

[...]

(2) A counselor may terminate a counseling relationship only after:

(a) Securing a client's agreement; or

(b) If a client does not agree to termination, offering an appropriate referral

COMAR 10.58.03.11. Sanctions.

[...]

E. A counselor who does not comply with this chapter shall be in violation of Health Occupations Article § 7-313, Annotated Code of Maryland, and subject to disciplinary sanctions.

F. A lack of knowledge, or misunderstanding of an ethical responsibility, is not a defense against a charge of unethical conduct.

COMAR 10.58.07.09. Alcohol and Drug Trainees.

[...]

I. Application Process

[...]

(2) The trainee shall notify the Board in writing within 30 days of any changes in employment and supervision.

The Board offered the Respondent an opportunity to settle this matter rather than pursuing formal charges against the Respondent. As a result of that offer, the

Respondent and the Board agreed to the following Findings of Fact, Conclusions of Law and Order.

**FINDINGS OF
FACT**

1. On or about March 28, 2018, the Respondent was authorized to practice alcohol and drug counseling in the State of Maryland as a trainee (“ADT”). Respondent’s ADT status is currently active and expires on March 31, 2024.
2. From June 2020 through July 2022, the Respondent was employed at a Substance Abuse Facility (“the Facility”), as an ADT.
3. At the Facility, the Respondent had a caseload of approximately 60 clients. Respondent’s job duties¹ included individual counseling, treatment plans, and client referrals to outside services.
4. On or about August 2, 2022, the Board received a Complaint from the Respondent’s Former Supervisor (“the Complainant”) at the Facility. The Complaint alleged that the Respondent abandoned her caseload at the Facility and resigned from her position at the Facility without any notice given to the clients or the Facility.
5. As a result of the Complaint, the Board initiated investigation No. 2023-018.
6. On or about June 9, 2023, the Respondent sent the Board a written

¹ As an ADT, Respondent was not authorize to perform any counseling or therapeutic services independently, without the supervision of a Board-Approved Supervisor.

Response to the Complaint.

7. The Respondent explained that she was a “victim of a toxic work environment,” citing inadequate supervision and leadership. The Respondent also stated that she had been physically threatened by a client prior to her resignation, but was dissatisfied by the Facility’s response to the threats.
8. The Respondent stated that she gave her Supervisor a verbal warning that she would resign if the Facility “did not change.”
9. The Respondent explained that her immediate resignation was in response to a second incident wherein she was physically threatened by a client. The Respondent stated that the Facility’s response was the same as the prior incident, without any measures put in place to prevent additional incidents.
10. The Board investigation revealed that the Respondent has since found employment at another facility under a new supervisor. However, the Respondent did not properly notify the Board or her former clients of her new position and Supervisor.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds as a matter of law that the Respondent's conduct, as described above, constitutes a violation of Md. Code Ann., Health Occ. §17-509(8); (11); (13); and (16). In addition, the Board finds as a matter of

law that Respondent's conduct as described above constitutes a violation of COMAR 10.58.03.04(A); 10.58.03.05(A); 10.58.03.05(D); 10.58.03.11(E); 10.58.03.11(F); and 10.58.07.09(I).

ORDER

Based on the forgoing Findings of Facts and Conclusions of Law, it is hereby, by a majority of the Board members considering this case:

ORDERED, that the Respondent's authorization to practice Alcohol and Drug Counseling as a Trainee is hereby **REPRIMANDED**; and it is further

ORDERED, that the Respondent's ADT status shall be placed on **IMMEDIATE PROBATION** for a minimum period of **ONE (1) YEAR**. During probation, the Respondent shall comply with the following terms and conditions of probation:

1. Respondent shall practice under the Supervision of her current, on-site Supervisor. Respondent shall provide the Board with the Supervisor's contact information within five (5) business days of the effective date of this Order.
2. Respondent shall provide the Supervisor and her current employer with a copy of this Pre-Charge Consent Order. Respondent shall provide the Board with written documentation of her employer and Supervisor's receipt of this Pre-Charge Consent Order within five (5) business days of the effective date of this Pre-Charge Consent Order. Respondent will also ensure that the Supervisor has all necessary access to medical records, and shall provide the Board with documentation of the Supervisor's receipt of the appropriate release of information and informed consent forms within five (5) business days of the effective date of this Pre-Charge Consent Order.

3. The Respondent's Supervisory sessions must include sessions focused on the Maryland Code of Ethics, including but not limited to transitioning clients, professionalism, interacting with disgruntled clients, and workplace safety protocol.
4. Respondent shall ensure that the Board receives quarterly progress reports from her Supervisor. Should the Respondent change employment or supervisors, the Respondent shall notify the Board in writing within five (5) business days of the change. The Respondent shall provide any new employers or supervisors with a written copy of this Pre-Charge Consent Order, and shall ensure that the Board receives written documentation of their receipt of this Pre-Charge Consent Order.
5. During Probation, Respondent shall enroll in and complete a Board Pre-Approved continuing education course that focuses on professionalism, and a course that focuses on the Maryland Code of Ethics. Each course must be three credits hours, and must be conducted in person or via live webinar. The Respondent shall submit written proof of completion to the Board. The Respondent shall not use any continuing education credits earned through the taking of this course to fulfill any other continuing education requirements that are mandated for licensure renewal or advanced licensure in the State of Maryland.
6. Should the Respondent apply for, and obtain advanced licensure, the Respondent's license shall remain under the probationary terms and conditions of this order for a minimum period of one (1) year from the effective date of this Pre-Charge Consent Order. And it is further

ORDERED, that after the minimum term of Probation, and if the Respondent has complied with all terms and conditions of probation imposed by this Consent Order, the

Respondent may submit a written petition for termination of 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 Respondent shall, at all times, comply with the Act and all applicable laws, statutes, and regulations; and it is further

ORDERED, that if the Board determines that the terms and conditions of this Pre-Charge Consent Order have not been successfully completed, the Board may modify the terms and conditions of the Respondent's Probation, upon notice to the Respondent; and it is further

ORDERED, that if the Respondent allegedly fails to comply with any term or condition of this Pre-Charge Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If, in its sole discretion, the Board determines that there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

ORDERED, that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of this Pre-Charge Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice as a clinical professional counselor in the State of Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED, that the Respondent shall be responsible for all costs incurred fulfilling the terms and conditions of this Pre-Charge Consent Order; and it is further

ORDERED, that the Effective Date of this Pre-Charge Consent Order is the date that it is signed by the Board; and it is further

ORDERED, that for the purposes of public disclosure, this Pre-Charge Consent Order is considered a **PUBLIC DOCUMENT**, pursuant to Md. Code Ann., Gen. Prov. §§ 4-501 *et seq.* (2014) and is reportable to any entity to whom the Board is obligated to report, including the Board's public website and the National Practitioner's Database.

12/15/2023

Date



Winnie Moore, LCPC, Board Chair
Maryland State Board of
Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215-2299

CONSENT

I, TINA ODEN, ADT acknowledge that I am represented by counsel and have consulted with counsel before entering into this Pre-Charge 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 Pre-Charge Consent Order and its conditions.

I acknowledge the validity of this Pre-Charge 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 Pre-Charge 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 Pre-Charge 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 Pre-Charge Consent Order.

12-4-23
Date

Tina Oden ADT
Tina Oden, ADT
Respondent

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF

City of Baltimore

I HEREBY CERTIFY that on this 4th day of December, 2023,

before me, a Notary Public of the foregoing State and City/County did personally appear, TINA ODEN, ADT, and made oath in due form of law that signing the foregoing Pre-Charge Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Vickie Ann Burks
Notary Public

My commission expires:

VICKIE ANN BURKS
Notary Public - Maryland
Baltimore City
My Commission Expires
October 23, 2027