

IN THE MATTER OF JEFFREY A. HARRIS, ADT Respondent Trainee Status Numbers: ADT1738 & ADT321	* * * * *	BEFORE THE MARYLAND STATE BOARD OF PROFESSIONAL COUNSELORS AND THERAPISTS Case Number: 2020-070
* * * * *		* * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland State Board of Professional Counselors and Therapists (the “Board”) hereby **SUMMARILY SUSPENDS** the Trainee Status of **JEFFREY A. HARRIS, ADT** (the “Respondent”), Trainee Status Numbers ADT1738 and ADT321, to practice as an Alcohol and Drug Trainee (“ADT”) in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2014 Repl. Vol. & 2019 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action. In addition, the Board takes such action pursuant to its authority under Md. Code Regs. (“COMAR”) 10.58.04.10, concluding that there is substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare.

INVESTIGATIVE FINDINGS

The Board bases its action on the following findings: ¹

I. BACKGROUND

1. At all times relevant, the Respondent was authorized to practice as an alcohol and drug trainee in the State of Maryland under an approved alcohol and drug supervisor.

¹ The statements regarding the Board’s investigative findings are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent,

The Respondent was granted his first trainee status as an ADT under trainee number ADT321 on April 18, 2013, which expired on April 18, 2018. The Respondent was granted a second trainee status as an ADT under trainee number ADT1738 on June 7, 2018, which is currently active and is scheduled to expire on June 30, 2020.

II. COMPLAINT

2. On or about February 5, 2020, the Board received a complaint filed by one of the Respondent's clients (the "Client")² at a federally certified opiate treatment program (the "Facility"). The complaint alleged the Respondent made "sexual advances" toward the Client including offering the Client money and sending photographs of the Respondent's genitalia to the Client via text message.

3. After receiving the Client's complaint, the Board initiated an investigation of the Respondent under Case Number 2020-070.

III. BOARD INVESTIGATION

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

5. The Respondent's personnel file from the Facility revealed the Respondent was hired as an ADT counselor on April 25, 2016, and worked under his first ADT Trainee

a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and facilities referenced in this document by contacting the administrative prosecutor.

Status (ADT321) until it expired on April 18, 2018. Once the Respondent's first ADT Trainee Status expired, the Facility allowed the Respondent to remain employed providing case management services only until he received his second ADT Trainee Status (ADT1738) on June 7, 2018.

6. A review of the Client's treatment records from the Facility revealed the Client entered outpatient treatment at the Facility on or about January 18, 2017, and the Respondent was assigned as the Client's primary counselor from approximately October 26, 2017 until their last session on January 15, 2020 just prior to the Client transferring to an inpatient program at a different facility.

7. On February 18, 2020, the Board's investigator interviewed the Respondent, at which time, the Respondent:

- a. Stated the Facility has reprimanded him "[l]ots of times" because he had been "accused of helping patients or ignoring boundaries."
- b. Admitted that the Facility had policies that counselors cannot talk to clients outside of the Facility while they are smoking, give clients cigarettes, or give clients money.
- c. Admitted that he was told "a few times" not to smoke and socialize with clients outside of the Facility.

- d. Admitted that he has had contact with clients outside of the Facility via Facebook and through text messages because he gave his cellphone number to his clients.³
- e. Admitted that he gave money to several male and female clients.
- f. Admitted that he has had clients kiss him on the cheek and hug him.
- g. When asked specifically about his interactions with the Client, the Respondent:
 - i. Admitted that he was the Client's addiction counselor, however, he never discussed her drug of choice, and his treatment of the Client only involved discussing "why she won't come to group therapy, why she won't be compliant to the Bupe [*sic*] program."
 - ii. Admitted that he gave the Client money and cigarettes on more than one occasion, both at the Facility and at locations outside of the Facility. When he gave the Client money, he gave her no more than \$20 at a time and asserted that he never asked for anything in exchange for the money.
 - iii. Admitted he engaged in text message conversations with the Client.

³ For example, the Respondent stated that he would communicate with his clients over the telephone regarding the Respondent giving his clients money. He also communicated with a male client when the Respondent tried to get the male client to finish the construction on the Respondent's basement. The Respondent admitted he knew "that wasn't right either" but asserted he did it anyway.

- iv. Admitted he sent “some explicit pictures” of his genitalia to the Client.
- v. He further claimed that sending explicit photographs of his genitalia to the Client would not have an affect on this particular Client because the Client was an “Oscar award winning . . . actress.”
- vi. The Respondent went on to proclaim that “at no point [was the Client] a victim in this.” In fact, the Respondent asserted that he was the victim and the Client should be investigated for “preying” on the Respondent.
- vii. After he sent the pictures of his genitalia to the Client, he asked the Client to delete the pictures from her phone. He also stated that he deleted the text messages on his own cellphone from the Client because he realized the text messages “shouldn’t be in my phone.”

CONCLUSIONS OF LAW

Based on the foregoing facts, the Board concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov’t § 10-226 (c)(2) (2014 Repl. Vol. & 2019 Supp.).

In addition, the Board concludes as a matter of law that there is a substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare, pursuant to COMAR 10.58.04.10.

ORDER

Based on the foregoing, it is by a quorum of the Board considering this case:

ORDERED that pursuant to the authority vested by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's Trainee Status to practice as an Alcohol and Drug Trainee in the State of Maryland, Trainee Status Numbers ADT1738 and ADT321, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS** of service of this Order.

The written request should be made to:

Kimberly Link, J.D., Executive Director
Maryland State Board of Professional Counselors & Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215

With copies to:

Kelly Cooper, Assistant Attorney General
Maryland Office of the Attorney General
Health Occupations Prosecution & Litigation Division
300 West Preston Street, Suite 201
Baltimore, Maryland 21201

and

Rhonda Edwards, Assistant Attorney General
Maryland Office of the Attorney General
300 West Preston Street, Suite 302
Baltimore, Maryland 21201; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation

show cause hearing but fails to appear when scheduled, the Respondent's ADT Trainee Status will remain **SUSPENDED**; and it is further

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board, the following items:

- (1) the Respondent's original Maryland ADT Trainee Status Numbers ADT1738 and ADT321; and
- (2) the Respondent's wallet card and wall status; and it is further

ORDERED that this is an Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

March 13, 2020
Date

Risa Ganel / K
Risa Ganel, LCMFT, Chair
Maryland State Board of Professional
Counselors and Therapists