

<p>IN THE MATTER OF</p> <p>JEFFREY A. HARRIS, ADT</p> <p style="padding-left: 40px;">Respondent</p> <p>Trainee Status Numbers: ADT1738 &</p> <p style="padding-left: 40px;">ADT321</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE MARYLAND STATE</p> <p>BOARD OF PROFESSIONAL</p> <p>COUNSELORS AND THERAPISTS</p> <p>Case Number: 2020-070</p>
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FINAL ORDER

On or about March 18, 2020, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **JEFFREY A. HARRIS, ADT** (the “Respondent”), of the Board’s intent to rescind his Alcohol and Drug Trainee Status, Trainee Status Numbers ADT1738 and ADT321, under the Maryland Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

Specifically, the Board based its intent to rescind on the following provisions of the Act:

§ 17-509. Denial, probation, suspension or revocation of trainee status, license, or certificate.

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 . . . 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[.]

Pursuant to Health Occ. § 17-509(8) and (13), shown above, the Board also based its intent to rescind on the following provisions of the Code of Ethics adopted by the board, codified at Md. Code Regs. (“COMAR”) 10.58.03 *et seq.*, in particular:

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.
- B. A counselor may not:
 - (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

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[.]

COMAR 10.58.03.09.

- A. A counselor may not engage in sexual misconduct with a client or supervisee. Sexual misconduct includes but is not limited to:
 - (2) Sexual exploitation;

(3) Sexual harassment;

E. Sexual Harassment.

(1) A counselor may not sexually harass a:

(a) Client[.]

In addition, the Board based its intent to rescind on the terms of the Respondent's Alcohol and Drug Trainee Status authorization letter, which provides:

AUTHORIZED TRAINEES WHO VIOLATE THE MARYLAND PROFESSIONAL COUNSELORS AND THERAPISTS CODE OF ETHICS MAY NOT RECEIVE FURTHER CONSIDERATION FOR CERTIFICATION OR LICENSURE.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

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. 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.

2. On March 13, 2020, the Board issued an Order for Summary Suspension of the Respondent's trainee status pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. and 2019 Supp.) concluding that the public health, safety, or welfare imperatively required emergency action in the case.

II. COMPLAINT

3. On or about February 5, 2020, the Board received a complaint filed by one of the Respondent's clients (the "Client") 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.

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

III. BOARD INVESTIGATION

5. 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.

6. 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 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.

7. 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.

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

- a. Stated the Facility has reprimanded him "[I]ots of times" because he had been "accused of helping patients or ignoring boundaries."¹
- 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.²

¹ A review of the Respondent's personnel file from the Facility revealed the Respondent received disciplinary action on at least the following four occasions: 1) the Respondent was suspended on April 19, 2017, after he smoked in the Facility causing the fire alarm to go off and the fire department to be deployed, as well as, submitting a urine drug screen, which tested positive for prescription medications; 2) the Respondent received a written corrective counseling on October 23, 2018, after he failed to document a discussion of urine drug screen results for two patients; 3) the Respondent received written discipline on July 18, 2019, after "[d]espite education and clinical supervision counseling; employee continues to behave in a manner that is unacceptable and violate[s] patient rights" including smoking on the Facility's property with patients, as well as, exhibiting declining performance regarding documentation, patient care, and follow-through; and 4) the Respondent received a five day suspension and education on appropriate documentation of patient treatment on August 8, 2019, after the Respondent "copy and pasted a treatment service note created by another counselor" and "signed this treatment note as his own documentation of services provided."

² 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

- 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.
- 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

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.

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 Findings of Fact, the Board concludes as a matter of law that the Respondent’s conduct as described above constitutes violations of the Act and a basis on which to rescind the Respondent’s alcohol and drug trainee status. Specifically:

The Respondent's actions including engaging in dual relationships and sexual misconduct with individual(s) with whom he rendered professional services, as set forth above, constitutes violations of: Health Occ. § 17-509(8) (violates the code of ethics adopted by the Board); § 17-509(9) (knowingly violates any provision of this title); § 17-509(13) (violates any rule or regulation adopted by the Board); and/or § 17-509(16) (commits an act of immoral or unprofessional conduct in the practice of clinical or

nonclinical counseling or therapy) in that the Respondent violated COMAR 10.58.03.04(A)(11), (A)(14), and (B)(3), and COMAR 10.58.03.05(A)(2)(a) and (B)(1)(a), and COMAR 10.58.03.09(A)(2), (A)(3), and (E)(1)(a).

The Respondent's violation of the Code of Ethics adopted by the Board, as described above, constitutes a violation of the Respondent's Alcohol and Drug Trainee

Status authorization letter, which provides:

AUTHORIZED TRAINEES WHO VIOLATE THE MARYLAND PROFESSIONAL COUNSELORS AND THERAPISTS CODE OF ETHICS MAY NOT RECEIVE FURTHER CONSIDERATION FOR CERTIFICATION OR LICENSURE.

ORDER

Based on the foregoing, it is this 8th day of May 2020, by the Board hereby:

ORDERED that the Respondent's Alcohol and Drug Trainee Status is hereby **RESCINDED**; and it is further

ORDERED that this is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2014).

NOTICE OF RIGHT TO APPEAL

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

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

Kimberly Link, J.D., Executive Director
Maryland State Board of Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215-2299
Phone: 410-764-4732
Fax: 410-358-1610

At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

May 8, 2020

Date



Risa L. Ganel, MS, LCMFT

Board Chair

Maryland State Board of Professional
Counselors and Therapists

