

IN THE MATTER OF * **BEFORE THE MARYLAND STATE**
VERLIE HARVEY, CSC-AD * **BOARD OF PROFESSIONAL**
Respondent * **COUNSELORS AND THERAPISTS**
Certificate Number: SC2831 * **Case Number: 2021-002**
* * * * * * * * * *

FINAL ORDER

On or about August 21, 2020, the Maryland State Board of Professional Counselors and Therapists (the “Board”) **VERLIE HARVEY, CSC-AD** (the “Respondent”), of the Board’s intent to revoke her Certified Supervised Counselor – Alcohol and Drug certificate, Certificate Number SC2831, 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 bases its intent to revoke on the following provisions of the Act:

§ 17-404. Requirements for certified supervised counselor – Alcohol and drug.

- (b) Except as otherwise provided in this title, the applicant shall pass:
 - (1) An examination approved by the Board under this title;

§ 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:

- (1) Fraudulently or deceptively obtains or attempts to obtain trainee status, a license, or certificate for the applicant, trainee, licensee, or certificate holder or for another;
- (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. § 17-404, § 17-509(8), and (13), shown above, the Board also bases its intent to revoke on the following provisions of the Code of Ethics and the Alcohol and Drug Counselors Requirements for Certification adopted by the board, codified at Md. Code Regs. (“COMAR”) 10.58 *et seq.*, in particular:

COMAR 10.58.03.04.

A. A counselor shall:

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

B. A counselor may not:

- (2) Participate in dishonest, fraudulent, or deceitful activity in the capacity of a counselor;

COMAR 10.58.07.07.

D. To qualify for certification as a supervised counselor--alcohol and drug, an applicant shall:

- (6) Achieve a passing score on:
 - (a) A national alcohol and drug counselor examination as approved by the board;
- (8) Be of good moral character;
- (9) Comply with:

- (a) Health Occupations Article, Title 17, Annotated Code of Maryland; and
- (b) The code of ethics as set forth in COMAR 10.58.03.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. BACKGROUND

1. The Respondent was issued a certificate to practice as a Certified Supervised Counselor – Alcohol and Drug under license number SC2831 in the State of Maryland on June 10, 2020. The Respondent was previously granted an authorization to practice as an Alcohol and Drug Trainee (“ADT”) under trainee number ADT1318 on July 22, 2016 and was set to expire on July 31, 2020¹.

2. On or about July 1, 2020, the Board’s Licensing Coordinator discovered that the CSC-AD certification was issued to the Respondent on June 10, 2020 as a result of a clerical error, and the Respondent does not meet the minimum qualifications for certification..

3. Accordingly, the Board initiated an investigation of the Respondent under Case Number 2021-002.

¹ Following the proclamation of a state of emergency on March 5, 2020, and pursuant to the Governor’s Executive Order on March 12, 2020, the expiration of licenses issued by the State of Maryland and any Agency of the State, was extended to the 30th day after the date by which the state of emergency is terminated and the catastrophic health emergency is rescinded.

II. BOARD INVESTIGATION

4. As part of its investigation, the Board reviewed the Respondent's licensing file including the Respondent's application for certification to practice as a CSC-AD, correspondence sent and received between the Board and the Respondent, and notification from the National Certification Commission regarding the Respondent's examination results.

5. On December 9, 2019, the Board received an application from the Respondent for certification to practice as a CSC-AD.

6. On December 13, 2019, the Board's Licensing Coordinator sent a letter to the Respondent advising that she is authorized to take the National Certified Addiction Counselor ("NCAC") exam and that a passing grade on the exam is required for certification.

7. The Respondent took the NCAC Level I exam twice – February 28, 2020 and June 1, 2020.

8. On or about March 11, 2020, the Board received notification from the National Certification Commission indicating that the Respondent failed the NCAC Level 1 exam that was taken on February 28, 2020, with an overall score of 67%.² On March 11, 2020, the Board's Licensing Coordinator sent an email attaching a letter to the Respondent, informing her that she did not pass the NCAC Level 1 exam. On March 11, 2020, the

² An overall score of 70% or greater is considered passing.

Board's Licensing Coordinator also sent a copy of the letter to the Respondent's address of record.

9. On June 1, 2020, the Board's Licensing Coordinator received a forwarded email from the Respondent. The forwarded email was from nccap@naadac.org to the Respondent, indicating that the Respondent failed the NCAC Level 1 exam that was taken on June 1, 2020, with an overall score of 61.50%.

10. On June 3, 2020, the Board's Licensing Coordinator inadvertently sent an email to the Respondent advising that the Board had received official notification that she passed the computer based NCAC Level 1 exam on February 28, 2020.

11. On June 10, 2020, the Board's Licensing Coordinator sent a letter to the Respondent advising that her CSC-AD application had been approved.

12. On July 8, 2020, the Board's investigator interviewed the Respondent by telephone, at which time, the Respondent:

- a. Stated she took the NCAC exam twice, February 2020 and May 2020.
- b. Stated she received something stating that she did not pass the February exam, however sometime later received an email from the licensing coordinator stating that she had passed the February exam.
- c. Was informed that the Board received the official test scores from the National Certification Commission for Addiction Professionals ("NCC AP") showing that she failed the NCAC Level 1 exam on two occasions, February 28, 2020 and June 1, 2020 and was issued a CSC-

AD certificate inadvertently due to a clerical error. After being informed that she may consider the option of voluntarily surrendering the certificate, the Respondent stated that she is “not willing to sign anything at this point.” She questioned why the Board is double-checking whether her certificate should have been issued and whether the review of her file is part of the normal process. After again being informed that the issue was that the certificate was inadvertently issued, she responded that the only acknowledgement she is willing to make is that there could have been a computer error and that she might have actually passed the exam.

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 revoke the Respondent’s Certified Supervised Counselor – Alcohol and Drug. Specifically:

The Respondent's failure to achieve a passing score on the NCAC Level 1 examination, acceptance of a CSC-AD certificate despite knowing she does not meet the minimum requirements for certification, and failure to acknowledge that the certification issued by the Board was inadvertent, as set forth above, constitutes violations of: Health Occ. § 17-404(b)(1) (failing to pass an examination approved by the Board under this title); § 17-509(1) (fraudulently or deceptively obtains or attempts to obtain trainee status, a

license, or certificate for the applicant, trainee, licensee, or certificate holder or for another); § 17-509(8) (violating 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 § 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)(2), COMAR 10.58.03.04(B)(2), and COMAR 10.58.07.07(D)(6), (D)(8), and (D)(9).

ORDER

Based on the foregoing, it is this 18th day of June 2020, by the Board hereby:

ORDERED that the Respondent's Certified Supervised Counselor – Alcohol and Drug certificate is hereby **REVOKED**; 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:

Tony W. Torain, J.D. D.Min., 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.

July 16, 2021
Date


Jeffrey M. Galecki, MS, LCADC, LCPC
Board Chair
Maryland State Board of Professional
Counselors and Therapists

