

IN THE MATTER OF	*	BEFORE THE MARYLAND									
JILL THOMAS,	*	STATE BOARD OF									
CSC-AD	*	PROFESSIONAL COUNSELORS									
RESPONDENT	*	AND THERAPISTS									
CERTIFICATE NO.: SC2715	*	Case Number: 2021-039									
*	*	*	*	*	*	*	*	*	*	*	*

FINAL ORDER

I. PROCEDURAL BACKGROUND

On or about February 17, 2023, the Maryland State Board of Professional Counselors and Therapists (“the Board”) notified **JILL THOMAS, CSC-AD** (the “Respondent”) of the Board’s intent to revoke her certificate to practice as a Certified Supervised Counselor – Alcohol and Drug under the Maryland Professional Counselors and Therapists 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 revoke on the following provisions of the Act:

Health Occ. § 17-509:

§ 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 counselor or therapy[.]

The relevant provisions of the code of ethics and regulations adopted by the Board provide:

COMAR 10.58.03.04 Ethical Responsibility:

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 10.58.03.09

C. Relationships with Former Clients.

(1) Except as set forth in §C(3)¹ of this regulation, a counselor may not engage in sexual behavior with a former client.

In its Notice, the Board informed the Respondent of her right to an evidentiary hearing on the charges. On March 3, 2023, through counsel, Respondent filed a formal request for hearing with the Board.

On June 29, 2023, the Board served Respondent with a Notice of Administrative Hearing, which informed the Respondent that a virtual hearing had been scheduled in this matter for Friday, September 15, 2023, at 12:30 PM, via Google Meet.

¹ COMAR 10.58.09(C)(3) provides “[a] counselor may enter into a relationship with an individual with whom a counselor’s prior professional contact was brief, peripheral, consultative, or indirect and did not constitute a therapeutic relationship.”

On September 15, 2023, a quorum of the Board was present via Google Meet and the evidentiary hearing was held. Kelly Cooper, Administrative Prosecutor, was present and presented the case on behalf of the State of Maryland. The Respondent was present and was represented by Counsel.

State's Exhibits and Witnesses:

1. Board Report of Investigation, Case No. 2021-039, dated January 31, 2023
2. Complaint with Attachment, dated November 5, 2020
3. Respondent's Personnel Records from Former Employer, Dated October 13, 2020.²
4. Email from Respondent to Board Investigator
5. Memorandum to File by Board Investigator, dated December 29, 2022
6. Affidavit signed by Respondent, dated December 27, 2022
7. Respondent's Judgment of Absolute Divorce, dated February 24, 2022
8. Interview Transcript of the Respondent, dated January 6, 2021
9. Respondent's Application for Renewal of Supervised Certified Alcohol and Drug Counselor – Online License Renewal, dated January 21, 2021
10. Respondent's Licensing Unit Information, obtained December 12, 2022
11. Notice of Intent to Revoke Certificate, dated February 17, 2023
12. Letter of Representation and Request for Hearing, dated March 3, 2023
13. Notice of Hearing, dated June 29, 2023

Respondent's Exhibits:

1. Respondent's Curriculum Vitae
2. Respondent's Continuing Education Certificates dated:

^{2 2} Names of facilities, patients, and providers other than the Respondent and Board Staff have been redacted in order to preserve confidentiality.

- a. Course regarding Implicit Bias, dated January 3, 2023
 - b. Course regarding the treatment of LGBT patients for Substance Use Disorders, dated January 4, 2023
 - c. Course regarding the treatment of substance use patients with co-occurring disorders, dated January 8, 2023
 - d. Course regarding the science of addiction, dated January 4, 2023
 - e. Course regarding cultural competence, dated January 4, 2023
 - f. Course regarding motivation for change substance use treatment, dated January 9, 2023
 - g. Course regarding motivation for change in substance use treatment, dated January 8, 2023
 - h. Course regarding dual relationships and boundaries, dated January 4, 2023
 - i. Course regarding confidentiality requirements, dated January 4, 2023
 - j. Course regarding comorbidities with Substance Use Disorder, dated January 4, 2023
 - k. Course regarding case management for substance abuse treatment, dated January 8, 2023
 - l. Course regarding addiction counseling competency, dated January 17, 2021
 - m. Course regarding dual relationships and boundaries, dated January 3, 2021
 - n. Course regarding medical marijuana, dated December 31, 2020
 - o. Course regarding alcoholism and comorbidities, dated January 4, 2021
 - p. Course regarding addiction counseling competency, dated January 17, 2021
3. Letter from the Respondent's Employer/Clinical Director, dated April 10, 2023

4. Emails between Respondent and the Former Client, dated:
 - a. December 6, 2022
 - b. December 9, 2022
 - c. December 10, 2022
 - d. April 7, 2023

State's Witness:

1. Board Compliance Manager/Investigation Supervisor Shelly-Ann Barnes

Respondent's Witnesses:

1. Respondent Jill Thomas
2. Respondent's Employer/Clinical Director

II. FINDINGS OF FACT

The Board made the following findings of fact based upon the entirety of the record:

A. BACKGROUND

1. At all times relevant, the Respondent was authorized to practice certified supervised counseling – alcohol and drug in the State of Maryland. The Respondent was originally certified to practice as a CSC-AD in the State of Maryland on July 26, 2019, under Certificate Number SC2715. The Respondent's certificate is currently active and expires on January 31, 2025.

B. COMPLAINT

2. On November 5, 2020, the Board Received Complaint No. 2021-039 from Respondent's Former Employer ("Former Employer"), a health care facility in Maryland ("Former Facility") alleging the following:
 - a. That the Respondent admitted to marrying a former client of the Former Facility ("Former Client") in July of 2020;

- b. That the Former Facility was initially notified of the relationship by the Former Client on October 9, 2020;
 - c. That the Respondent was placed on immediate administrative leave on October 9, 2020, and was terminated from her position at the Former Facility on October 15, 2020.
3. After receiving the Complaint, the Board initiated an investigation of the Respondent under Case No. 2021-039.

C. Board Investigation

4. As part of its investigation, the Board obtained personnel records from the Former Facility.
 - a. The Respondent's personnel records from the Former Facility revealed that the Respondent practiced as an addiction counselor at the Former Facility from on or about September 9, 2019, until October 15, 2020, when the Respondent was terminated.
 - b. On or about October 2, 2020, another employee of the Former Facility received a telephone call from the Former Client. The Former Client informed the employee that "he was not doing good" and that "he had been involved with [the Respondent], they had gotten married on July 14, 2020, and that [the Respondent] "had just thrown him out that morning."
 - c. The Former Client also stated that the romantic relationship had started before the Former Client had completed his treatment at the Former Facility.
 - d. As a result of the incident, the Former Facility placed the Respondent on administrative leave on October 5, 2020, pending the outcome of an internal investigation. The Respondent was prohibited from contacting any of the Former

failed to renew your privileges or contract or limited, restricted, suspended, revoked, or terminated your privileges or contract for any reason related to your practice?” The Respondent answered ‘No.’

- d.** Question (8) of the Character and Fitness portion of the online renewal application asks, “Have the conditions of your employment been affected by any termination of employment, suspension, or probation for any reason related to your practice?” The Respondent answered “No.”
 - e.** The Respondent affirmed her application under penalty of perjury.
- 6.** On December 15, 2022, the Respondent was interviewed, under oath, by a Board Investigator. Respondent stated the following:
- a.** That the Respondent met the Former Client while providing the Former Client with group counseling at the Former Facility.
 - b.** That when the Former Client was discharged from the Former Facility, the Former Facility requested that the Respondent provide the Former Client with transportation to another facility.
 - c.** That the Former Facility requested that the Respondent provide this transportation due to the restrictions on transportation imposed by the COVID-19 Pandemic.
 - d.** That Respondent also retrieved the Former Client’s medication from the Former Facility and transported it to the Former Client’s new facility.
 - e.** That shortly after the Respondent dropped off the Former Client’s medication, the Former Client contacted the Respondent via Facebook messenger. The Respondent provided the Former Client with her private cell phone number and gave the Former Client a “ride to work.”

- f.** That Respondent maintained contact with the Former Client and frequently gave the Former Client rides to his job.
 - g.** That the relationship between the Respondent and the Former Client evolved into a friendship.
 - h.** That the Respondent agreed to “marry [the Former Client] on paper so he could send it to [his ex-girlfriend] and...get her to leave him alone.”
 - i.** The Respondent characterized the marriage as “a joke between [the Respondent and the Former Client],” and justified the decision by stating, “I’ve been married and divorced three times.... At the time, I guess it just didn’t seem like a big deal somehow. I was just talked into it...It wasn’t going to be like a real thing, it was just, you know, it would be something on paper and then we’d just get a divorce...it would just never even become a thing.”
- 7.** On December 27, 2022, the Respondent signed an affidavit provided by the Board, and affirmed under penalties of perjury that the following statements were true to the best of her knowledge:
 - a.** That the Respondent was employed as a Counselor at the Former Facility from September 15, 2019 to October 15, 2019.
 - b.** That in her position as Counselor, Respondent “engaged with and provided services involving the use of my license, certificate, status to clients professional and compensation. Specifically [the Respondent] provided group counseling.”
 - c.** That the Respondent provided group counseling to the Former Client mentioned in the Complaint.
 - d.** That the Respondent provided counseling to the Former Client from February 1, 2020 to June 1, 2020.

- e. That on July 14, 2020, the Respondent married the Former Client and remained legally married to the Former Patient until the Respondent and Former Patient divorced on March 22, 2022.
8. At trial, Respondent testified to the following:
 - a. That she and the Former Client engaged in sexual activity with each other after they were legally married.
 - b. That shortly after the marriage and the relationship became sexual, the Former Client “started drinking again” and “things just became violent.... [The Former Client] began to hold [the marriage] over my head, which I now know was the most likely the purpose of it to begin with. He tried to extort money from me, threaten my children, threaten myself, threaten to call [The Facility] to get me fired...That’s what he did.”
 - c. That approximately around August 1, 2020, the Respondent “kicked [the Former Client] out” and “started looking into an annulment.” Respondent did not “qualify” for an annulment, and “found out that you have to wait at least a year since any physical interaction or cohabitation” before filing for divorce in the State of Maryland. The Former Client did not cooperate with the Respondent’s attempts to file for divorce.
 - d. That the Former Client became physically abusive and threatened the Respondent and her family with physical violence.
 - e. That in October of 2020, the Former Client contacted the Facility and told staff about the marriage and the relationship. The following day, the Respondent was questioned by the Executive Director of the Facility, was asked to leave the premises, and was later terminated from employment as a result of the marriage.

- f. That the Respondent did not report the marriage or the sexual relationship with the Former Client to the Facility or to the Board. The Respondent did not seek guidance from her supervisor or from any other resource prior to getting married to the Former Client.
- g. That despite getting legally married, the Respondent did not view the marriage as a “real marriage...and professionally, you know...they knew I had contact with [the Former Client] but I didn’t talk to anyone about the extent of things...because I knew it was wrong.”

III. DISCUSSION

Respondent committed several serious violations of the Practice Act by marrying the Former Client. Respondent, as a substance use counselor, had an ethical responsibility to prevent dual relationships when interacting with the Former Client. Respondent should never have allowed the communication to progress to a friendship or a sexual relationship. Additionally, the Respondent’s attempts to conceal the marriage from the Former Facility and the Board compounded the harm that Respondent’s actions caused the Former Client, the public, and the profession.

The Code of Ethics prohibits dual relationships between counselors and former clients because of the potential for exploitation of dependency and harm to the client. *See* COMAR 10.58.03.05(B)(2). A marriage, by definition, creates financial, legal, and emotional ties between the parties. By marrying a former client, particularly a former client in the early stages of sobriety, the Respondent placed the Former Client in a position that resulted in damaging the interest and the welfare of the Former Client, the Former Facility, and the Public. *See* COMAR

10.58.03.05(A)(2)(a). The Former Client, against the Respondent's wishes, contacted the Former Facility to disclose their marriage. The Former Facility records indicate that the Former Client stated that he was "not doing good," citing the marriage as one of the primary causes of his relapse and declining mental health. The Respondent testified that the Former Client became emotionally and physically abusive to the Respondent and her family. The Former Facility banned the Respondent from its premises, citing the threats that the Former Client had made against the Respondent and her family.

The Board is also concerned with the Respondent's lack of accountability and minimization of the nature and effects of her ethical violations. The Board is deeply empathetic to the Respondent's abusive relationship and does not blame the Respondent for any of the abuse that she or her family suffered at the hands of the Former Client. However, the Board is unpersuaded by the Respondent's argument that the Former Client's abusive behavior excused the Respondent from her professional, ethical responsibilities in this matter. The Respondent argues that the relationship was not initially sexual in nature, but rather, a "friendship." However, the Respondent also testified that she did not discourage the Respondent from contacting her via social media, and continued to provide him with transportation and other assistance long after he left the Former Facility. Respondent's inability to set proper boundaries with the Former Client fostered a financially and economically dependent relationship between the Former Client and the Respondent. *See* COMAR 10.58.03.05(B)(1).

The Board does not find merit in the Respondent's argument that the marriage was the result of a lack of proper supervision at the Former Facility. Ignorance of the Code of Ethics does not legally excuse or justify a violation of the Code of Ethics. *See* COMAR 10.58.03.11(F).

Moreover, the Respondent admitted that at the time of the incident, she knew the marriage was “wrong,” and actively concealed the marriage from the Former Facility and the Board.

While the Respondent’s Current Supervisor testified that she believed the Respondent “has a full understanding of what’s going on and the impact of it,” the Board is unpersuaded that the Respondent has been fully rehabilitated. The Respondent testified that she was manipulated by the Former Client, but presented no evidence or testimony that showed she would not be manipulated by future clients. The Board does not find that the Former Client’s later abuse mitigates the Respondent’s decision to develop a friendship, marry, and engage in sexual relations with the Former Client.

The Board has a duty to protect the public and to “promote high professional standards for the practice of counseling and therapy.” Md. Code, Health Occ., § 17-502(b)(2). The Respondent’s friendship, marriage, and sexual relationship with the Former Client caused serious harm to the public, the profession, the Former Client, and the Respondent’s own family. The Board does not blame the Respondent for the Former Client’s physical abuse. However, the Board does not find that the Former Client’s abusive behavior, which occurred after the marriage and sexual relationship, excuses the Respondent’s lack of professionalism and ethical violations.

Aggravating and Mitigating Factors

1. Mitigating Factors

Pursuant to COMAR 10.58.09.05(D), the Board considered the following applicable mitigating factors when determining the appropriate sanctions in this matter:

(1) **The absence of a prior disciplinary record.** -- The Board finds that the Respondent does not have a prior disciplinary record. However, the Board is cognizant of the fact that the Respondent was initially licensed on July 26, 2019. Per the Respondent’s signed

Affidavit, the Respondent married the Former Patient on July 14, 2020, less than a year after the Respondent's license was issued.

(2) The offender self-reported the violation to the Board – The Board finds that the Respondent did **not** self-report her violations to the Board or to her former employers. Rather, the Respondent made a conscious effort to conceal her relationship and marriage to her former employer and the Board, and described the Former Patient's disclosure of their relationship as an attempt to "gain power over her and then threaten her."

(3) The offender's full and voluntary admission of misconduct to the Board and cooperation during Board proceedings. -- The Board is greatly concerned by the Respondent's attempts to conceal her termination from the facility on her renewal application, despite being aware of the Board's ongoing investigation regarding her termination.

(4) The offender implemented remedial measures to correct or mitigate the harm arising from the misconduct. – The Board acknowledges that the Respondent has taken ethics courses on boundaries to educate herself on the Code of Ethics. However, the Board is concerned with the Respondent's inability to take responsibility for her actions and ethical violations, even after participating in multiple ethics courses of boundaries.

(5) The offender made timely good-faith effort to make restitution or to rectify the consequences of the misconduct. – The Board finds that the Respondent did not make timely good-faith efforts to make restitution. The Respondent testified that she actively concealed her misconduct and engaged in sexual activity with the Former Client after they were married. There was no evidence presented that the Respondent assisted the Former Client with any referrals to appropriate therapeutic services. Rather, the Respondent actively

prevented the Former Client from contacting the Former Facility or any other provider to discuss the negative impact the marriage had on the Former Client's mental health.

(6) The offender has been rehabilitated or exhibits rehabilitative potential. – The Board acknowledges the positive report from the Respondent's current Supervisor, and commends the Respondent for seeking out ethical courses on boundaries to educate herself. However, the Board is still concerned with the Respondent's lack of accountability and responsibility for the decision to marry a Former Client.

(7) The absence of premeditation to commit the misconduct. – The Board finds that the Respondent's marriage was pre-meditated. The Respondent testified that she agreed to marry the Former Client "as a joke" and that the marriage was scheduled via a virtual ceremony, scheduled with the Clerk of the Court. The Respondent also stated that she and the Respondent were married prior to engaging in any sexual misconduct with the Former Client. Additionally, the Respondent made multiple attempts to conceal the marriage from the Board and the Former Facility, and actively prevented the Former Client from disclosing the marriage.

(8) The absence of potential harm to patients or the public or other adverse impact. – The Board finds that the Respondent's sexual misconduct had an adverse effect on the Former Client and the public. Respondent's affidavit states that Respondent did provide counseling services to the Former Client, who later relapsed while the Respondent and the Former Client were still married. The Former Facility's records reflect that the Former Client told the Former Facility that "he was not doing well" after marrying the Respondent.

(9) The offender's conduct was an isolated incident and is not likely to recur. – The Board is concerned with the Respondent's characterization of marriage as "a joke," and the

Respondent's lack of insight into the gravity of her boundary violation. The Board remains unpersuaded by the Respondent's arguments that a "proper supervisor" would have prevented the Respondent from committing such a serious ethical violation of the Code of Conduct. The Respondent acknowledged that she actively hid the relationship from her supervisor and former employers because she knew that it was "wrong," even without consulting with the Former Facility.

Aggravating Factors

The Board determined that the following aggravating factors listed in COMAR 10.58.09.05(F) apply to the Respondent's violations of the Practice Act:

[...]

(2) The violation was committed deliberately or with gross negligence or recklessness. –

The Respondent's decision to marry the Former Client was premeditated, calculated, and made in knowing violation of the Code of Ethics.

(3) The violation had the potential for, or caused, serious patient or public harm. – The

Respondent's behavior caused serious harm to the Former Patient. The Former Patient relapsed during the marriage. The Respondent actively requested that the Former Patient not disclose the situation to her employer and the Former Client's previous providers, which negatively impacted the Former Client's sobriety and recovery.

[...]

(7) The offender lacked insight into the wrongfulness of the conduct. – At trial, the

Respondent lacked insight into the gravity of her actions, and did not provide justification or explanation for her decision to conceal the marriage from the Former Facility or the Board.

The Respondent also stated several times that she believed she would not have gotten

married to the Former Client if she had had “proper supervision” from the Former Facility.

However, the Respondent stated multiple times that she knew the marriage was “wrong,” and that she would be terminated from employment if the Former Facility knew about her marriage.

[...]

(9) The offender attempted to hide the error or misconduct from patients or others. –

The Respondent testified that she actively concealed the marriage and relationship from her colleagues and patients. Additionally, the Respondent did not disclose the incident on her renewal application.

IV. 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 discipline the Respondent’s license to practice as a Certified Supervised Counselor – Alcohol and Drug (“CSC-AD”). Specifically:

The Respondent’s conduct, as set forth above, including but not limited to, marrying a client that the Respondent rendered therapeutic services to, 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 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 10.58.03.09(C)(1).

V. **ORDER**

Based on the foregoing, it is this 31st day of January, 2024, by the Board

hereby:

ORDERED, That the Respondent's License to practice as a Certified Supervised Counselor – Alcohol and Drug (CSC-AD) in the State of Maryland is hereby **REVOKED**; and it is further

ORDERED, that the effective date of this Final Order is the date that it is signed by the Board; 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:

Shelly-Ann Barnes, Compliance Manager
Maryland State Board of Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, MD 21215-2299
Phone: 410-764-4877
Shelly-ann.barnes@maryland.gov

Jill Thomas, CSC-AD, Certificate No. SC2715
Final Order

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

01/31/2024
Date


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