

IN THE MATTER OF * BEFORE THE MARYLAND
MERCY CRUZ, CAC-AD * BOARD OF PROFESSIONAL
LICENSE NUMBER: AC2593 * COUNSELORS AND THERAPISTS
* Case No. 2017-004

* * * * *

PRE-CHARGE CONSENT ORDER

On or about February 3, 2017, the Maryland State Board of Professional Counselors and Therapists (the "Board") received a complaint alleging that the Respondent, Mercy Cruz, CAC-AD provided treatment and services to group therapy patients without a valid license, certification or trainee authorization to practice alcohol and drug counseling. Pursuant to the Maryland Professional Counselors and Therapists Act (the "Act"), codified at Md. Code Ann., Health Occ. II ("Health Occ.") §§ 17-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.), the Board investigated the complaint. The investigation found the following: (1) that on or about October 12, 2016, the Board issued a notification that the Respondent's alcohol drug trainee ("ADT") authorization would expire on November 30, 2016; (2) that on or about November 4, 2016, the Board received the Respondent's renewal application and Section 2, entitled "Documentation of Supervision" was left unanswered and Section 3, entitled "Documentation of Examination" was also blank; (3) that the application was not processed and administratively closed due to the Respondent's failure to submit a complete application which included the requirements for certification or licensure; (4) that the Respondent failed to renew her license before it expired; (5) that the Respondent only worked at

Facility A¹ as a Substance Abuse Counselor where she practiced substance abuse counseling; (6) that according to a wage report the Respondent's Maryland earnings at Facility A amounted to \$3697.00 for January 2017 through March 2017; and (7) that the Respondent was unlicensed when she resigned from employment at Facility A around January or February 2017 more than 30 days after her ADT authorization had expired; (8) that the Respondent was issued a certified associate alcohol and drug counselor license on or about September 21, 2018, which will expire on January 31, 2022. Based on the results of the investigation, the Board determined that the Respondent's failure to renew her license and practicing alcohol and drug counseling without a license was in violation of the Act. *Id.* Rather than issue formal charges against the Respondent, the Respondent and the Board agreed to enter into this pre-charge consent order.

ORDER

Based on the foregoing, it is this 17th day of September, 2021, the Applicant and the Board agreed to enter into this Consent Order, which states:

ORDERED that from the effective date of the Consent Order, the Respondent shall pay a fine in the amount of \$600; and it is further

ORDERED that the said fine shall be paid within 90 days of the effective date of this Order; and it is further

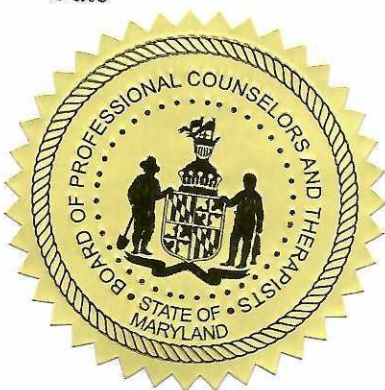
ORDERED that if the Respondent fails to comply with the above stated conditions, the Respondent shall be immediately revoked, and given notice and an


¹ The name of the Respondent's employer is not disclosed in order to preserve confidentiality.

opportunity for a post-deprivation show cause hearing. If, in its sole discretion, the Board determines that there is a genuine dispute as to a material fact, the hearing shall subsequently be an evidentiary hearing before the Board; and it is further

ORDERED that this Pre-Charge Consent Order shall be a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

September 17, 2021
Date





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

CONSENT

By this Consent, I, Mercy Cruz, agree and accept to be bound by this Pre-Charge Consent Order and its conditions and restrictions. I waive any rights I may have had that would have resulted from the Board's issuance of formal charges and an evidentiary hearing on the allegation that I practiced counseling without a license.

I acknowledge the validity of this Pre-Charge Consent Order is the same 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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Pre-Charge Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel of my choosing, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and I understand its effect.


Date 8/9/2021

Mercy Cruz, *the Respondent*


NOTARY

STATE OF MARYLAND

CITY/COUNTY OF: MONTGOMERY

I **HEREBY CERTIFY** that on this 9TH day of AUGUST, 2021 2021, before me, a Notary Public of the State and County aforesaid, personally appeared Mercy Cruz and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal:


Notary Public

NGOZIKA U. EGBUNA NOTARY PUBLIC MONTGOMERY COUNTY MARYLAND MY COMMISSION EXP: OCT. 1, 2023
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My commission expires: OCT 1ST, 2023