

IN THE MATTER OF

NANCY A. SHIPLEY

Applicant.

\* BEFORE THE MARYLAND  
\* STATE BOARD OF PROFESSIONAL  
\* COUNSELORS AND THERAPISTS  
\* Case NOS.: 2010-12; 2011-32

\* \* \* \* \*

**FINAL DECISION AND ORDER ON APPLICATION FOR  
RENEWAL/REINSTATEMENT AS A CERTIFIED ASSOCIATE COUNSELOR**

**BACKGROUND AND PROCEDURAL HISTORY**

On August 26, 2011, the Maryland State Board of Professional Counselors and Therapists (the "Board") issued an amended Notice of Initial Denial of Application for Renewal/Reinstatement of Associate Counselor Alcohol/Drug Certificate Under the Maryland Professional Counselors and Therapists Act ("Act"), to Nancy A. Shipley.<sup>1</sup> At all times relevant to the Notice and the Amended Notice, Ms. Shipley maintained, and maintains, an office for alcohol and drug counseling in White Marsh, Maryland, known as S & S Counseling.

The Board's Notices of Initial Denial were based on complaints received by the Board about Ms. Shipley's practice alleging that Ms. Shipley: (1) continued to perform substance abuse evaluations after January 31, 2010, although her certification as a certified associate counselor-alcohol and drug ("CAC-AD") expired on that date; (2) signed the substance abuse evaluations as Nancy A. Shipley, with the initials CPC-AD (certified professional counselor-alcohol and drug), and CCS ("Certified Clinical

<sup>1</sup> The Board had previously sent a Notice of Initial Denial of Application for Renewal/Reinstatement of Associate Counselor - Alcohol/Drug Certificate to Ms. Shipley on February 28, 2011. This prior Notice was amended by the August 26, 2011 Notice to include new grounds for denial and new allegations of fact based on a second complaint subsequently received by the Board. The August 26, 2011 Notice superseded and replaced the Notice of Initial Denial dated February 28, 2011.

Supervisor”)<sup>2</sup> after her name, although she was never certified by the Board as a CPC-AD and her CCS credential had also expired; (3) employed counselors who were not certified or appropriately supervised; and (4) supervised other counselors although she was not a Board-approved supervisor. The Board’s amended Notice was also based on Ms. Shipley’s failure to comply with Board subpoenas for counseling and employee records and with a Board subpoena to appear for an interview at the Board’s offices in July, 2012.

The applicable provisions of the Act provide:

**§ 17-401. Certification required; representations to public.**

(b) *Certified professional counselors and certified associate counselors- Alcohol and drug.* - (1) An individual shall be certified as a certified professional counselor–alcohol and drug by the Board before the individual may:

- (i) Use the title “certified professional counselor–alcohol and drug”;
- (ii) Use the initials “C.P.C.–A.D.” after the name of the individual; or
- (iii) Represent to the public that the individual is certified as a certified professional counselor–alcohol and drug.

(2) An individual shall be certified as a certified associate counselor–alcohol and drug by the Board before the individual may:

- (i) Use the title “certified associate counselor–alcohol and drug”;
- (ii) Use the initials “C.A.C.–A.D.” after the name of the individual; or
- (iii) Represent to the public that the individual is certified as a certified associate counselor–alcohol and drug.

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

(a) *In general.* - To qualify as a certified supervised counselor–alcohol and drug, an applicant shall:

(4) Practice alcohol and drug counseling under the supervision of a certified professional counselor–alcohol and drug or another health care provider approved by the Board . . .

---

<sup>2</sup> CCS means Certified Clinical Supervisor, a credential granted by the former Maryland Addiction Counselor Certification Board (currently the Maryland Addictions Professional Certification Board (“MAPCB”).

**§17-509. Denial, probation, suspension or revocation of certificate applicant or holder.**

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 a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:

- (4) Aids or abets an unauthorized individual in practicing clinical or nonclinical counseling or therapy or representing to be an alcohol and drug counselor, marriage and family therapist, or professional counselor;
- (6) Willfully makes or files a false report or record in the practice of counseling or therapy;
- (8) Violates the code of ethics adopted by the Board;
- (9) Knowingly violates any provision of this title;
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy;
- (18) Fails to cooperate with a lawful investigation conducted by the Board.

The Code of Ethics adopted by the Board states in pertinent part:

**Code Md. Regs. ("COMAR") tit. 10. § 58.03, Code of Ethics**

**.07. Advertising, Public Statements, and Media Presentations.**

A. Advertising.

.....

- (2) In placing advertisements or making other types of public statements, a counselor shall identify a counselor's credentials in a manner that is accurate and not false, misleading, deceptive, or fraudulent.

In accordance with its regulations and with Ms. Shipley's request for a hearing, the Board notified her that a hearing before the Board was scheduled for October 21, 2011 at 10:00 a.m. at the Board's office on 4201 Patterson Avenue, Baltimore,

Maryland. The Board also notified Ms. Shipley that she must prove by a preponderance of the evidence that she was entitled to be certified by the Board. Pursuant to H.O. § 17-511, the Administrative Procedure Act, Md. Code Ann., State Gov't ("SG") § 10-201 *et seq.*, and the Board's regulations at COMAR 10.58.04, the Board conducted a contested case hearing<sup>3</sup> on October 21, 2011. Ms. Shipley was represented by counsel. The Administrative Prosecutor appeared on behalf of the State. Ms. Shipley did not appear for the hearing.

### **SUMMARY OF EVIDENCE**

#### **A. Documents**

The State submitted the following exhibits, which were admitted into evidence:

#### **State's Exhibits A-G**

- State's Exh. A: Complaint with attachments, 07/16/10.
- State's Exh. B: Correspondence from Board to Ms. Shipley, 10/18/10 and 11/13/10.
- State's Exh. C: Email from Board to Office of Health Care Quality ("OHCQ"), 11/13/10
- State's Exh. D: Report of Investigation, case no. 2012-12, 11/09/10 w/ attachments:  
1. Verification of Licensure for N. Shipley, 10/15/10  
2. Letter from S&S Counseling (substance abuse evaluation)  
3. Certified Clinical Supervisor letter, approved alcohol and drug supervisor letter, received from N. Shipley on 10/27/10.  
4. Email from J. Cooper, OHCQ, 11/01/10  
5. Letter from OHCQ to N. Shipley, 11/01/10, sent by facsimile to the Board  
6. Letter from OHCQ to N. Shipley, 11/01/10, received by Board from OHCQ 11/05/10
- State's Exh. E: Addendum to Report of Investigation, with attachments 02/15/11  
7. Certification file for N. Shipley
- State's Exh. F: Addendum to Report of Investigation, with attachments 02/23/11

---

<sup>3</sup> Board member Cindy Shaw-Wilson, LCADC, recused from this case and did not participate in the administrative or hearing proceedings.

8. Subpoena to Universal Counseling Services for alcohol evaluations submitted by N. Shipley and S&S Counseling, 02/15/11.
9. Four substance abuse evaluations by N. Shipley, received 02/23/11

State's Exh. G: Report of Investigation Case No. 2011-32, with attachments, 07/14/11

1. Verification of licensure – N. Shipley, Application for Renewal/Reinstatement.
2. Verification of licensure – Counselor A (CSC-AD, expired 01/31/10)
3. Verification of licensure – Counselor B (CSC-AD, expired 01/31/10)
4. Verification of licensure – Counselor E (CAC-AD, active)
5. Verification of licensure – Counselor D (CSC-AD, active)
6. OHCQ Survey Report
7. Subpoenas and correspondence:
  - a. Entry of Appearance of Attorney, 03/23/11
  - b. Letter from Board to Applicant, 05/17/11, with subpoenas for all counseling records of the Applicant since 10/27/10, and all employee records for Counselors A, C, D, and E
  - c. Letter from Board to counsel for the Applicant, 05/19/11, enclosing the five (5) subpoenas
  - d. Letter from Board to counsel for the Applicant, 06/29/11, with subpoena *ad testificandum*
  - e. Letter from Board to the Applicant, July 12, 2011, with subpoena *ad testificandum*
  - f. Facsimile from the Board to counsel for the applicant, with copy of July 12, 2011 letter to the applicant and attached subpoenas
8. Sheppard Pratt personnel file – N. Shipley
9. Confidential Counselor Identification List

State's Exh. H: Written Response from the OHCQ to Nancy Shipley, 10/20/11, RE: Plan of Correction

**Applicant's ("Appl.'s") Exhibits A-C**

Appl.'s Exh. A: Envelope dated May 26, 2011: Survey Report from Office of Health Care Quality Substance Abuse Certification Unit dated April 25, 2011.

Appl.'s Exh. B: Maryland Department of Health and Mental Hygiene correspondence dated November 1, 2010 addressed to Nancy A.

Shipley and business cards for Patricia Konyeaso and Karen Besaw.

Appl.'s Exh. C: Renewal Application for Jennifer M. Jenkins for CSC-AD certification

**Joint Stipulations**

The parties filed Joint Stipulations on October 17, 2011, and filed additional joint stipulations that were signed by the State on October 19, 2011 and signed by counsel for Ms. Shipley on October 20, 2011.

**B. Witness Testimony**

Ms. Karen Wamsley, Board Investigator, testified on behalf of the State. Ms. Shipley did not attend the hearing or testify on her own behalf, and did not present any witnesses. Counsel for Ms. Shipley responded on her behalf to questions from the Board.

**Evaluation of the Evidence**

At the beginning of the hearing, Ms. Shipley's counsel requested a postponement of the hearing for "medical reasons." (T. 9-10) In support of the request, he presented a document dated October 21, 2011 at 5:28 p.m., signed by Ari M. Lieman, M.D. of Overlea Personal Physicians. This document stated as follows: "Ms. Nancy Shipley has been under my care for the following dates from 10/20/11 to 10/25/11 and is able to return to work on 10/25/11." In response, the Administrative Prosecutor for the State noted that the document did not reveal a medical diagnosis or any reason that would explain Ms. Shipley's failure to be present for the hearing and was therefore an inadequate basis for postponement. The Board denied the request for postponement.

### Joint Stipulations

The parties stipulated to certain facts concerning Ms. Shipley's certification, practice, performance of substance abuse evaluations, aiding and abetting of unauthorized individuals in practicing counseling, failure to cooperate with a lawful board investigation and unprofessional conduct in the practice of counseling, as listed in the Allegations of Fact on pages 3-15 of the Amended Notice of Initial Denial issued on August 26, 2011. These facts are therefore undisputed.

#### Stipulations ¶¶ 1-21: Certification Background

Based on ¶¶ 1-21, and except for the last sentence in ¶ 18, the Board finds that:

Ms. Shipley was initially certified by the Board in 2002 as a certified associate counselor-alcohol and drug ("CAC-AD"), that she renewed her CAC-AD certification in 2003 and again in 2005-2006, and that her certification expired in December, 2007. (Stipulations 1-2) Ms. Shipley's CAC-AD certification was not reinstated until March, 2009, because of insufficient continuing education units ("CEUs") and prior taxes due. (Stipulations 3-8)

Ms. Shipley's CAC-AD certification expired on January 31, 2010 because she failed to renew it. (Stipulations 8-9) In July, 2010, the Board began an investigation after receipt of a written complaint alleging that Ms. Shipley performed a drug/alcohol evaluation without certification. (Stipulation 10) In October, 2010, Ms. Shipley submitted an application and fees to renew/reinstate her CAC-AD certification, and the Board notified her that her application was incomplete because of insufficient CEUs, after which Ms. Shipley submitted documentation of the CEUs. (Stipulations 11-14)

Based on the complaint, the Board voted initial denial of Ms. Shipley's application in November, 2010, and also issued a Notice of Initial Denial of Ms. Shipley's

application in February, 2011. (Stipulation 17) The Board began an investigation of a second anonymous complaint received in February, 2011, alleging that Ms. Shipley and two other counselors were providing counseling services at S & S Counseling in White Marsh, Maryland. (Stipulations 15, 16)

Ms. Shipley maintained, and maintains, an office for alcohol and drug counseling in two locations – one in White Marsh and one in Essex, Maryland. (Stipulation 18,19) Ms. Shipley was employed at Sheppard Pratt Health Systems as a “Mental Health Worker” from April to May or June, 2011. (Stipulations 20, 21)

Stipulations ¶¶ 22-30, 32-35: Practicing Without Certification, Misrepresentation of Credentials and Filing False Reports

Based on ¶¶ 22-30 and ¶¶ 32-35, the Board also finds that:

In June, 2010, Ms. Shipley completed an alcohol and drug evaluation on a client referred by a court for an evaluation following an arrest for DUI/DWI charges. Ms. Shipley signed the evaluation with her name and with initials after her name as “Nancy A. Shipley, CPC-AD<sup>4</sup>, CCS.<sup>5</sup>” A subsequent Board investigation showed that Ms. Shipley also performed court-ordered substance abuse evaluations of four clients on May 20, 2010, on June 23, 2010, and on July 15, 2010, which she submitted to be provided to the courts. Ms. Shipley performed all of these evaluations after the expiration of her CAC-AD certificate in January, 2010, and was not certified as a professional counselor- alcohol and drug (“CPC-AD”) or as an associate counselor- alcohol and drug (“CAC-AD”) at the time she prepared the evaluations. Nor was she a Certified Clinical Supervisor (“CCS”) or approved by the Board as a supervisor when she prepared the evaluations. (Stipulations 32-35)

---

<sup>4</sup> CPC-AD means “certified professional counselor-alcohol and drug.”

<sup>5</sup> CCS means “Certified Clinical Supervisor.”



Stipulations ¶¶ 40-43, 46-51: Aiding and Abetting Unauthorized Individuals and Unprofessional Conduct in the Practice of Counseling

Based on ¶¶ 40-43, 46-51, the Board also finds that:

Counselor A was originally certified in 2003 as a certified supervised counselor – alcohol and drug. (“CSC-AD”) Counselor A’s certification expired on January 31, 2010. In February, 2011, the Office of Health Care Quality (“OHCQ”) reviewed personnel files as part of a survey of S & S Counseling at the White Marsh and Towson locations for renewal of general certification. Counselor A was identified as an “administrative assistant/addictions counselor,” Ms. Shipley identified herself as a “clinical supervisor” and a “counselor,” and Counselor C was listed as a “part-time” counselor.” Counselor C was not certified by the Board or approved as a trainee to practice counseling. Neither Ms. Shipley nor Counselor A had current certification. (Stipulations 40-43)

A site visit by the Board investigator and an MVA inspector to S & S Counseling at White Marsh on May 17, 2011, revealed that Counselors A, C and D provided counseling there. Counselor A also stated that Counselor E is the clinical supervisor, and that Ms. Shipley had stopped working at S & S since the OHCQ survey. At the time of the Board site visit, Counselor C was not, and has never been, certified by the Board. Counselor D has active CSC-AD certification, which requires that he practice under supervision. At the time of the site visit, Counselor E, who allegedly supervised Counselors A, C and D, was certified as a CAC-AD, but was not a Board-approved supervisor. Of the counseling files for May that were reviewed by the Board investigator, twelve of these counseling records were signed by Counselor A, and six were signed by Counselor D. (Stipulations 46-51)

Based on the amendments agreed by the parties concerning ¶¶ 45 and 52, the Board does not find as facts the allegations in ¶ 45. The OHCQ issued a "Survey Report" on May 26, 2011, and a plan of correction was not due by May 20, 2011. See Appl.'s Exh. A and Transcript (T.) at 82-83. For the same reason, the Board makes no finding on ¶ 52. The Board makes no findings on ¶ 44.

Stipulations ¶¶ 55-59, 61-63: Failure to Cooperate With A Lawful Investigation and Unprofessional Conduct in the Practice of Counseling

Based on ¶¶ 55-59, 61-63, the Board also finds that:

Ms. Shipley was represented by counsel since March 23, 2011. On May 18, 2011, the Board investigator notified Ms. Shipley of the anonymous second complaint and sent five subpoenas for all counseling records based on counseling provided since October 27, 2010, as well as employee records for Counselors A, C, D and E. On May 19, 2011, the investigator sent a copy of the letter and the subpoenas to Ms. Shipley's attorney. On June 29, 2011, the investigator sent correspondence to Ms. Shipley's attorney regarding a conversation on June 20, 2011, when they discussed scheduling an interview of Ms. Shipley and Counselor A. The investigator suggested possible dates for the interviews. On July 7, 2011, the investigator again spoke with Ms. Shipley's attorney informing him that she would interview Ms. Shipley on July 12, 2011.

(Stipulations 55-59)

On July 11, 2011, the investigator issued a subpoena *Ad Testificandum* to Ms. Shipley to appear at the Board on July 12, 2011 at 11 a.m. for an interview under oath. On July 12, 2011, the investigator sent correspondence to Ms. Shipley, informing her that the Board had not received the subpoenaed materials and that the necessity of making repeated requests for documents impeded the Board's investigation. The letter

notified Ms. Shipley that if the Board did not receive the documents by July 19, 2011, that the Board would consider her non-compliance as failure to co-operate with a lawful investigation of the Board. On the same day, the investigator sent a copy of this correspondence with the subpoena *Ad Testificandum* and the subpoenas for documents to Ms. Shipley's counsel by facsimile. (Stipulations 61-63)

### **Summary of Testimonial and Documentary Evidence**

#### **Practicing Without Certification and Misrepresentation of Credentials**

Ms. Wamsley testified about her investigation of the complaints<sup>6</sup> alleging that Ms. Shipley was practicing without certification, was misrepresenting her professional credentials and was employing uncertified and unsupervised counselors at S & S Counseling. (T. 24-74) Documentary evidence presented by the State and Ms. Shipley and admitted into evidence at the hearing supported Ms. Wamsley's testimony and the facts to which Ms. Shipley stipulated. (St. Exhs. A-H; Appl.'s Exhs. A-C)

Ms. Wamsley testified that Ms. Shipley admitted in a telephone conversation on October 26, 2010 that her CAC-AD certification had expired, that she realized it had expired in the Spring of 2010, that she had forgotten to renew, that she had not completed the continuing education units ("CEUs") necessary for renewal, and was completing the CEUs in Summer and Fall of 2010. (T. 28-29; St. Exhs. B, E-7) Ms. Shipley also told Ms. Wamsley that she had CPC-AD, CAC-AD and CCS certification. (T. 31-32; St. Exhs. D, D-3)

The Board's subsequent investigation, however, revealed that Ms. Shipley had never been certified as a CPC-AD with the Board, because she did not have a Masters

---

<sup>6</sup> The first complaint dated July 16, 2010, was filed by Cindy Shaw-Wilson, LCADC, a member of the Board. (St. Exh. A) On February 16, 2011, the Board received a second complaint by anonymous phone call alleging that Ms. Shipley and two of her employees were providing counseling services at S & S Counseling. (T. 42-43; St. Exh. G-9, p. 3)

degree. (St. Exhs. E, E-7; T. 36) The Board's records also showed that Ms. Shipley's CAC-AD certificate had expired on January 31, 2010 (St. Exh. A; T. 36-37), and that she applied to renew it on October 22, 2010. (St. Exh. E-7; T. 37) Information provided by the Maryland Addictions Professional Certification Board ("MAPCB") to the Board confirmed that the CCS certification granted to Ms. Shipley in 1994 had long expired because Ms. Shipley had not applied for that recertification. (St. Exhs. D, D-3 and E; T. 33-36) In addition, Board records showed that although Ms. Shipley was approved by the Board as a supervisor in 2002, her supervisory status was no longer in effect in 2010 because of her failure to renew her CAC-AD certificate in January, 2010. (T. 35; St. Exh. D-1)

#### Substance Abuse Evaluations

Documents submitted with the first complaint showed that a client referred for an alcohol and drug abuse evaluation following DUI/DWI charges had been assessed at S & S Counseling by Ms. Shipley on June 21, 2010 and had paid \$1,100 for unspecified treatment. (St. Exh. A; T. 27, 31) The State presented further documentary evidence showing that Ms. Shipley had performed other court-ordered substance abuse evaluations on May 20, on June 23 and on July 15, 2010. (St. Exh. F-8, F-9; T. 31, 41-42) All of the substance abuse evaluations performed by Ms. Shipley took place after the expiration of her CAC-AD certificate on January 31, 2010, and were signed by Ms. Shipley, followed by the professional credentials "CPC-AD, CCS, Director." (St. Exhs. A, D-2, F-9; T. 41-42) Ms. Shipley also admitted to Ms. Wamsley that she knew it was wrong when she completed court-ordered substance abuse evaluations on referred clients after January 31, 2010. (St. Exh. D; T. 29)

## Unauthorized Practice of Alcohol and Drug Counseling

Ms. Wamsley testified that Ms. Shipley acknowledged completing a client evaluation begun by Counselor C, who was employed at S & S Counseling, but was not licensed, certified or approved as a counselor by the Board. (T. 29; St. Exhs. D, G-9) Ms. Wamsley further testified that she spoke with personnel at the OHCQ regarding the OHCQ survey of S & S Counseling at White Marsh in February, 2011. (T. 43-44; St. Exh. G-6) The OHCQ survey revealed that counseling files were completed by Ms. Shipley and Counselor A, whose certification as a certified supervised counselor ("CSC-AD") had also expired on January 31, 2010. (T. 28, 44; St. Exhs. A, G-9) Ms. Shipley and Counselor A identified themselves to OHCQ surveyors as counselors and stated that they had applied for reinstatement to the Board. (T. 43-44; St. Exh. G-6, G-9; Appl.'s Exh. C) Ms. Shipley also identified herself to OHCQ as the Clinical Supervisor. (T. 43; St. Exh. G-6; Appl.'s Exh. B) Based on the lack of appropriate certification and credentials of the staff to provide counseling, the OHCQ found that individual counselor files were deficient and that S & S Counseling was not in compliance with OHCQ requirements for clinical staff employees. (St. Exh. G-6, T. 51-52)

The OHCQ conducted a follow-up survey of S & S Counseling on August 26 and 31, 2011, and issued a report on October 20, 2011. (St. Exh. H) The OHCQ found that a written response by Ms. Shipley did not contain an adequate Plan of Correction to rectify the deficiencies cited by the OHCQ during the February, 2011 survey. *Id.* The OHCQ report stated that Ms. Shipley "continues to demonstrate lack of compliance with applicable laws and regulations as evidenced by continued staffing deficiencies and an inadequate response to the cited deficiencies." *Id.* The report also stated that Ms. Shipley demonstrated "a lack of knowledge of all applicable State . . . laws" and "failed

to ensure that all staff were licensed, certified . . . or approved by the Board to provide services." *Id.* In addition, the OHCQ report noted generally that staff lacked the qualifications and credentials to function in counseling or supervisory roles, and that staff were not appropriately supervised in the performance of their duties. *Id.* The report expressed particular concern that Counselor C "had remained employed for 15 years without certification, licensure or approval to provide services." *Id.*

Ms. Wamsley also testified that after receiving the second complaint, she went to S & S Counseling at White Marsh on May 17, 2011. (T. 45-46; St. Exh. G) Ms. Wamsley was accompanied by an investigator for another board who had previously performed an audit of S & S Counseling for the Motor Vehicle Administration ("MVA") alcohol and drug program at the S & S Counseling locations in White Marsh and Towson. (T. 45-46; St. Exh. G) According to Ms. Wamsley, Counselor A was present at the White Marsh location that day. (T. 46, G-9) The client logbook from February 1, 2010 through May 2, 2011 had 61 names which Counselor A identified as mostly active clients. (T. 46; St. Exh. G) There were 20 cash receipts from May 5, 2011 through May 11, 2011. (St. Exh. G) Twelve of the May, 2011 client files reviewed had counseling records signed by Counselor A, whose CSC-AD certification had expired. (T. 46-47; St. Exhs. A, G-2, G-9) Six other files had treatment notes signed by Counselor D, who was credentialed as a CSC-AD<sup>7</sup> by the Board, but was required to be supervised. (T. 46-47, 51; St. Exhs. G-5, G-9)

Ms. Wamsley testified that Counselor A told her that Counselor E was her clinical supervisor. (T. 46, G-9) The Board's records showed that Counselor E was a certified

---

<sup>7</sup> A certified supervised counselor – alcohol and drug ("CSC-AD") may practice alcohol and drug counseling only under the supervision of a Board-approved supervisor. See H.O. § 17-404(a)(4).

associate counselor-alcohol and drug ("CAC-AD"), but was not a Board-approved supervisor. (St. Exh. G-4; T. 47, 51) The relevant client files did not contain any supervisory notes by Counselor E. (T. 48) Counselor A (expired CSC-AD 01/31/10) also told Ms. Wamsley that she herself, Counselor C (uncertified) and Counselor D (CSC-AD) provided counseling at the S & S Counseling location at White Marsh. (T. 46; St. Exh. G-9)

#### Non-Compliance with Board Subpoenas

Ms. Wamsley testified that on May 18 and 19, 2011, she sent subpoenas to Ms. Shipley and her attorney requesting records for any client to whom she had provided counseling since October 27, 2010, and that she also requested employee files for Counselors A, C, D and E. (T. 48-49, 53-54; St. Exh. G-7) Ms. Wamsley spoke with Ms. Shipley's attorney on June 21 and on July 7, 2011 to schedule a date for Ms. Shipley's appearance at an interview regarding the second complaint. (St. Exh. G) Ms. Shipley's attorney confirmed that the date of July 12, 2011 at 10:00 a.m. was best for the interview and stated that it would be preferable to serve Ms. Shipley with a subpoena *Ad Testificandum* at that time. (St. Exh. G; T. 55-56)

The documentary and testimonial evidence showed that Ms. Shipley telephoned Ms. Wamsley on July 11, 2011, asked for information about the second complaint and agreed to come for the interview on July 12, 2011. (St. Exh. G; T. 58) In response to a request from Ms. Shipley, Ms. Wamsley agreed to postpone the time of the interview until 11 a.m., and informed Ms. Shipley's attorney of the phone call from Ms. Shipley and of the time change from 10 a.m. to 11 a.m. (St. Exh. G; T. 58) Ms. Shipley's attorney told Ms. Wamsley that he had the subpoenaed records and would compile them on a CD and bring it to the interview. (St. Exh. G; T. 59)

Ms. Wamsley testified that on July 12, 2011, she received a voicemail message from Ms. Shipley's attorney notifying her that Ms. Shipley said she would not appear for the interview. (St. Exh. G; T. 60) On July 12, 2011, neither Ms. Shipley nor her attorney appeared for the scheduled interview. (T. 58) Nor did Ms. Shipley or her attorney ever send the subpoenaed records to the Board. (T. 59) Ms. Wamsley mailed the subpoena *Ad Testificandum* to both Ms. Shipley and her attorney. (St. Exh. G; T. 58) Ms. Shipley's attorney did not respond to a return call from Ms. Wamsley. (St. Exh. G; T. 58)

### **FINDINGS OF FACT**

Having considered the entire record in connection with Ms. Shipley's application, all of the documentary and testimonial evidence presented at the hearing, including the joint stipulations of the parties submitted on October 17, 2011, the additional joint stipulations dated October 19 and 20, 2011, and the arguments of counsel, the Board finds that the Allegations of Fact numbered 1-17, 18 (with amended language as stipulated), 19-30, 32-35, 40-43, 45 (with amended language as stipulated) 46-51, 55-59, 61-63, are proven by a preponderance of the evidence.

Based on the testimonial and documentary evidence at the hearing, the Board also finds that Ms. Shipley telephoned the Board investigator on July 11, 2011, discussed the interview scheduled for July 12, 2011, requested that the time be changed to 11 a.m., and agreed to appear for the interview. (Allegation of Fact ¶ 60) The Board also finds that Ms. Shipley failed to appear for the interview on July 12, 2011; failed to contact the investigator as to why she would not appear or to request another date to be interviewed; and failed to comply with the Board's subpoena to be interviewed or with the five Board subpoenas for documents. (Allegations of Fact ¶¶ 64, 65) (The Board's Amended Notice of Initial Denial of Application for



Renewal/Reinstatement of Associate Counselor Alcohol/Drug Certificate Under the Maryland Professional Counselors and Therapists Act dated August 26, 2011 is incorporated by reference into this Final Decision and Order and is appended as Attachment A. The Joint Stipulations and Additional Joint Stipulations submitted by the parties on October 17 and 20, 2011, are also incorporated by reference into this Final Decision and Order and are appended as Attachment B)

In her response to the first complaint, Ms. Shipley misled the Board investigator. Her representation of CPC-AD, CAC-AD and CCS certification to the Board investigator is utterly belied by the evidence. Her dishonesty during the investigation is further compounded by her lack of candor in her reports to the court system and to the attorneys who made the client referrals to her for substance abuse evaluations. By feigning enhanced professional credentials that were not reflective of her true educational or supervisory qualifications, Ms. Shipley falsely conveyed to the public a competence that she does not possess, and deceived judges who relied on her recommendations as well as vulnerable clients who paid for these evaluations.

By performing alcohol and drug evaluations without current CAC-AD certification and by using the initials "CPC-AD" and "CCS," Ms. Shipley knowingly violated H.O. § 17-401(b)(1) and (2) and § 17-509(9) of the Act and used false, misleading, deceptive and fraudulent credentials, in violation of H.O. § 17-509(9) and the Code of Ethics, specifically COMAR 10.58.03.07. By submitting evaluations containing the "CPC-AD" and "CCS" initials, Ms. Shipley also filed a false report or record in the practice of counseling, in violation of H.O. § 17-509(6).

The Board also finds that Ms. Shipley aided and abetted unauthorized individuals in practicing clinical or nonclinical counseling, in violation of H.O. § 17-509(4), by

continuing to employ Counselor A after the expiration of that employee's CSC-AD certification, by employing Counselor C without any certification, by employing Counselor A and Counselor D without proper supervision, and by designating Counselor E as the supervisor of Counselors A and C without Board approval. Ms. Shipley fostered a situation that was truly inimical to the lives, mental health and interests of a vulnerable client population. In addition, by supervising Counselor A, a CSC-AD, and Counselor C, an uncertified individual, without having Board approval as a supervisor, Ms. Shipley permitted uncertified, unsupervised employees to practice counseling, and knowingly violated H.O. §§ 17-404(a)(4) and 17-406(a) and (b). Ms. Shipley thus violated H.O. § 17-509(9), and committed unprofessional conduct in the practice of counseling, in violation of H.O. § 17-509(16).

The Board also finds that Ms. Shipley's failure to comply with the five subpoenas for counseling records and employee records and with the subpoena *Ad Testificandum* is a failure to cooperate with a lawful investigation conducted by the Board, in violation of H.O. § 17-509(18). Her actions also constitute unprofessional conduct in the practice of counseling, in violation of H.O. § 17-509(16).

The requirements for renewal of certification and for CEUs have been in effect for 10 years. Ms. Shipley's unwillingness or inability to comply with these requirements by timely renewing her CAC-AD certification and by completing the CEUs is nothing new, however. Rather, her actions in this case reflect a pattern of behavior similar to her renewal process in 2008-2009, when her CAC-AD certification remained expired for 15 months, in part because of her failure to obtain sufficient CEUs for renewal. (Stipulations 2-8; St. Exh. E-7)

The Board has considered the arguments made by Ms. Shipley's counsel on her behalf but finds them unpersuasive. The Board, therefore, rejects the arguments that Ms. Shipley simply stumbled on "new rules" and "paperwork" because she is "60 years of age," and has an "older perspective." Given the Board's mandate of public protection, the Board also rejects Ms. Shipley's contention that the rules have an "illogic nature." At the very least, Ms. Shipley's disregard of her professional obligations to maintain the requisite renewal credentials and her excuses for failing to do so raises significant concerns not only about her professionalism, but her competency to practice alcohol and drug counseling safely.

The Board also rejects Ms. Shipley's arguments that her violations are merely "technical violations" of the statute and that she was just late in complying. Her attempts to minimize the seriousness of her actions demonstrated a very superficial understanding of the importance of maintaining proper qualifications, counseling standards and CEUs. Her justifications further illuminated her blatant disrespect for the laws and regulations that govern her counseling practice.

Ms. Shipley's deliberate refusal to comply with the Board's subpoenas for counseling and employee records is inconsistent with an acceptance of meaningful responsibility for her illegal conduct. Her obstructive tactics severely compromised the Board's ability to obtain information, and to determine all of the facts regarding the allegations against her. By failing to appear for the investigative interview on July 12, 2011, the Board finds that Ms. Shipley failed to comply with the Board's compulsory investigative process, and attempted to thwart the Board's investigation.

It is also readily apparent that her failure to appear at her evidentiary hearing on October 21, 2011 prevented the Board from obtaining answers to questions about the

circumstances of her practice and the practice of her employees. Ms. Shipley's obvious disdain for the Board's certification and disciplinary processes reveals poor professional judgment, and gives no assurance to the Board about her basic fitness to practice alcohol and drug counseling safely.

There was also no indication that Ms. Shipley recognized the potential for harm to substance abuse clients who are exposed to services provided by uncertified or unsupervised individuals. These professional shortcomings are a source of considerable disquiet to the Board, because of the Board's duty to ensure that alcohol and drug counselors are fit to hold certification to practice. Ms. Shipley failed to satisfy the Board that she holds herself accountable for the undisputed events leading to the Board's findings or that the public would be protected from any future misconduct.

The State's compelling interest in patient safety and the integrity of the counseling profession in Maryland mandates that the Board discourage such flagrant abuses of the Act and the regulations. Ms. Shipley's legal and ethical responsibilities precluded misrepresenting her credentials, practicing without certification, aiding unauthorized counseling practice, filing false reports and committing unprofessional conduct. Her failure to cooperate with the Board's investigation from May-July, 2011 was a disservice not just to the clients of S & S Counseling, but to the majority of alcohol and drug counselors in the State who conduct their practices with integrity.

Because of the Board's mandate to protect the public, the Board must be, and is, concerned with the larger universe of alcohol and drug patients or clients who receive services from counselors licensed or certified by the Board. One of the primary goals of the Professional Counselors and Therapists Act is the maintenance of high professional

standards, and the protection of all patients from unethical and illegal practice by counselors who purport to be certified.

As an applicant for renewal/reinstatement, Ms. Shipley is subject to the standards and policies adopted by the Board and embodied in the law and regulations. As an applicant, Ms. Shipley also had the burden of demonstrating her fitness for certification as an alcohol and drug counselor in the State of Maryland. After a thorough review of the testimony and the evidence, the Board finds that Ms. Shipley failed to meet her burden. The Board will deny Ms. Shipley's application for renewal/reinstatement of a certificate to practice alcohol and drug counseling in the State of Maryland, and will not entertain any petition for reinstatement in the future. Similarly, the Board will not entertain any other applications for certification or licensure, or any other applications for renewal, reinstatement or trainee status from Ms. Shipley in the future.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that Ms. Shipley aided and abetted unauthorized individuals in practicing clinical or nonclinical alcohol and drug counseling, in violation of H.O. § 17-509(4); willfully made or filed false reports in the practice of alcohol and drug counseling, in violation of H.O. § 17-509 (6); violated the code of ethics adopted by the Board, specifically COMAR 10.58.03.07, by using false, misleading, deceptive, or fraudulent credentials ("CPC-AD" and "CCS"), in violation of H.O. § 17-509(8); knowingly violated (i) H.O. § 17-401(b)(1) and (2) by using the initials "CPC-AD"; and (ii) H.O. §§ 17-404(a)(4) and 17-406(a) and (b) by supervising individuals without being approved as a supervisor, in violation of H.O. § 17-509(9); committed acts of unprofessional conduct in the practice of alcohol and drug

counseling, in violation of H.O. § 17-509(16); and failed to cooperate with a lawful Board investigation, in violation of H.O. § 17-509(18).

**ORDER**

It is this 5<sup>th</sup> day of March, 2012, by a majority of the members of the Board:


**ORDERED** that the Board's Amended Notice of Initial Denial of Application for Renewal/Reinstatement of Associate Counselor – Alcohol/Drug Certificate (“CSC-AD” ) to Nancy A. Shipley under the Maryland Professional Counselors and Therapists Act be **UPHELD**; and it is further

**ORDERED** that the Application for Renewal/Reinstatement of Associate Counselor – Alcohol/Drug Certificate (“CSC-AD” ) of Nancy A. Shipley be **DENIED**; and it is further

**ORDERED** that the Board will not accept any further applications whatsoever for certification or licensure from Nancy A. Shipley; or any further applications for renewal, reinstatement or trainee status from Nancy A. Shipley; and it is further

**ORDERED** that this Final Decision and Order is a **PUBLIC** document under Md. Code Ann., State Gov't §§ 10-611 *et seq.* (2009 Repl. Vol.).

3/5/12  
Date

  
Richard Hann, LCPC, Chair  
Maryland State Board of Professional  
Counselors and Therapists

### **NOTICE OF RIGHT TO APPEAL**

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

If Ms. Shipley files an appeal, the Board is a party and must be served with the court's process. In addition, Ms. Shipley is requested to send a copy to the Board's counsel, Noreen M. Rubin, Esq., at the Office of the Attorney General, 300 W. Preston Street, Suite 302, Baltimore, Maryland 21201. The Administrative Prosecutor is no longer a party to these proceedings at this point and need not be served or copied.

# ATTACHMENT A



IN THE MATTER OF	*	BEFORE THE MARYLAND
	*	
NANCY A. SHIPLEY, CAC-AD	*	STATE BOARD OF PROFESSIONAL
	*	
APPLICANT FOR RENEWAL/ REINSTATEMENT	*	COUNSELORS AND THERAPISTS
	*	
CERTIFICATE NO. AC1077	*	CASE NUMBERS: 2010-12
	*	2011-32

\* \* \* \* \*

**AMENDED NOTICE OF INITIAL DENIAL OF APPLICATION FOR  
RENEWAL/REINSTATEMENT OF ASSOCIATE COUNSELOR – ALCOHOL/DRUG  
CERTIFICATE UNDER THE MARYLAND PROFESSIONAL COUNSELORS AND  
THERAPISTS ACT**

The Maryland State Board of Professional Counselors and Therapists (the "Board") hereby notifies Nancy A. Shipley (the "Applicant"), D.O.B. 03/30/50, of the Board's Amended Initial Denial of Application for Renewal/Reinstatement of Certification as an Associate Counselor – Alcohol/Drug under the Maryland Professional Counselors and Therapists Act (the "Act"), Md. Health Occ. Code Ann. ("Health Occ.") §§ 17-101 *et seq.* (2009 Repl. Vol.).

Previously, on February 28, 2011, the Board notified the Applicant of its Notice of Initial Denial of Application for Renewal/Reinstatement of Associate Counselor-Alcohol/Drug Certificate. This Amended Notice of Initial Denial contains all of the allegations of the prior Notice of Initial Denial and is amended to include new grounds for denial and new allegations of fact based on a second complaint received by the Board on February 16, 2011 and subsequent investigation. The Amended Notice of Initial Denial supersedes and replaces the Notice of Initial Denial of February 28, 2001.

The pertinent provisions of the Act are as follows:

Health Occ. § 17-401. Certification required.

.....

*(b) Certified Professional counselors and certified associate counselors – alcohol and drug.*

(1) An individual shall be certified as a certified professional counselor-alcohol and drug by the Board before the individual may:

- (i) Use the title "certified professional counselor-alcohol and drug";
- (ii) Use the initials "C.P.C.-A.D." after the name of the individual;
- (iii) Represent to the public that the individual is certified as a certified professional counselor –alcohol and drug.

(2) An individual shall be certified as a certified associate counselor-alcohol and drug by the Board before the individual may:

- (i) Use the title "certified associate counselor-alcohol and drug";
- (ii) Use the initials "C.A.C.-A.D." after the name of the individual;
- (iii) Represent to the public that the individual is certified as a certified associate counselor –alcohol and drug.

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

(a) To qualify as a certified supervised counselor-alcohol and drug, an applicant shall:

.....

(4) Practice alcohol and drug counseling under the supervision of a certified professional counselor-alcohol and drug or another health care provider approved by the Board and .....

Health Occ. § 17-509. Denial, probation, suspension or revocation of certificate applicant or holder.

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 a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate holder if the applicant, licensee or certificate holder:

- (4) Aids or abets an unauthorized individual in practicing clinical or nonclinical counseling or therapy or representing to be an alcohol and drug counselor, marriage and family therapist, or professional counselor;
- (6) Willfully makes or files a false report or record in the practice of counseling or therapy;
- (8) Violates the code of ethics adopted by the Board;
- (9) Knowingly violates any provision of this title;
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy;
- (18) Fails to cooperate with a lawful investigation conducted by the Board.

The Code of Ethics adopted by the Board states in pertinent part:

Code Md. Regs. tit.10, § 58.03.07

.07 Advertising, Public Statements, and Media Presentations.

A. Advertising.

.....

(2) In placing advertisements or making other types of public statements, a counselor shall identify a counselor's credentials in a manner that is accurate and not false, misleading, deceptive, or fraudulent.

(3).....

The Board bases its denial on the following facts that the Board has cause to believe are true:

**ALLEGATIONS OF FACT<sup>1</sup>**

---

<sup>1</sup> The allegations set forth in this document are intended to provide the Applicant with notice of the alleged reasons for the Amended Notice of Initial Denial. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Applicant in connection with this Amended Notice.

**I. BACKGROUND OF CERTIFICATION**

1. The Applicant was initially certified by the Board on April 23, 2002, as a certified associate counselor - alcoholism and drug ("CAC-AD").<sup>2</sup> Thereafter, the Applicant renewed her certification in 2003, which expired on December 31, 2005.
2. On or about December 2005 or January 2006, the Applicant renewed her certification, which expired on December 31, 2007.
3. On or about January 29, 2008, the Applicant paid to the Board a reinstatement fee and a renewal fee.
4. On or about August 13, 2008, the Applicant filed an application for renewal/reinstatement of her certification.
5. On or about August 14, 2008, the Board informed the Applicant that she had insufficient CEUs ("Continuing Education Units") for renewal/reinstatement.
6. On or about January 2009, the Applicant filed another application for renewal/reinstatement of her certification.
7. On or about February 2009, the Board noted that the Applicant had paid prior taxes which were due and she had achieved 40 CEUs.
8. On or about March 25, 2009, approximately fifteen (15) months after her certification had expired on December 31, 2007; the Applicant's certification was renewed/reinstated, which expired on January 31, 2010.<sup>3</sup>

---

<sup>2</sup> To be certified as a CAC-AD, the individual must have a bachelor's degree or substantial equivalent and must practice under the supervision of a Certified Professional Counselor – Alcoholism and Drug ("CPC-AD") or as an employee of an agency that is certified by the Alcohol and Drug Abuse Administration. The Applicant had previously been certified as a "Certified Chemical Dependency Counselor" by the Maryland Addiction Counselor Certification Board, which expired on January 1, 2003.

<sup>3</sup> In 2008, the Board changed the expiration date of licenses and certificates from December 31, to January 31.

9. The Applicant did not renew her certification on or before January 31, 2010.
10. On or about July 8, 2010, the Board received a written complaint regarding the Applicant performing a drug/alcohol evaluation without certification. The Board initiated an investigation of the complaint.
11. On or about October 19, 2010, the Applicant paid to the Board a reinstatement fee of \$100 and a renewal fee of \$150.
12. On October 22, 2010, the Applicant submitted to the Board an Application for Renewal of her certification (the "Application").
13. On or about October 28, 2010, the Board notified the Applicant that the Application was incomplete because she did not have sufficient CEUs.
14. On November 2, 2010, the Applicant submitted sufficient CEUs required for renewal.
15. On November 18, 2010, the Board voted initial denial of the Application based on the investigation of the complaint.
16. On or about February 16, 2011, the Board received an anonymous telephone complaint stating that the Applicant and two other individuals, Counselor A<sup>4</sup> and Counselor B<sup>5</sup>, were providing counseling services at S & S Counseling, 5512 Ebenezer Road, White Marsh, Maryland. The Board initiated an investigation of this second complaint.

---

<sup>4</sup> The Applicant may obtain from the Administrative Prosecutor a Confidential Counselor Identification List to obtain the names of the counselors.

<sup>5</sup> The investigation did not reveal evidence that Counselor B, a CSC-AD, was providing counseling services after the expiration of her certification on January 31, 2010.

17. On February 28, 2011, the Board issued Notice of Initial Denial of Application for Renewal/Reinstatement of Certification, based on the complaint that was received on July 8, 2010.

18. At all times relevant to the Notice and this Amended Notice, the Applicant maintained, and maintains, an office for alcohol and drug counseling, known as S & S Counseling Services, 5512 Ebenezer Road, 2<sup>nd</sup> floor, White Marsh, Maryland 21162. The Applicant's letterhead describes this office as a "State Certified Outpatient Substance Abuse Treatment and Driver Improvement Program."

19. According to the 2010 Application, the Applicant also maintains an office at 618 Eastern Blvd, Essex, Maryland 21221.

20. In April, 2011, the Applicant began employment at Sheppard Pratt Health Systems as a "Mental Health Worker" on the "Adult Inpatient Short-Term/Addictions Unit."

21. On or about May or June 2011, the Applicant resigned from her position at Sheppard Pratt.

## **II. PRACTICING WITHOUT CERTIFICATION**

22. On or about July 8, 2010, the Board received a written complaint regarding the Applicant.

23. The Complainant, a Licensed Clinical Alcohol and Drug Counselor, stated that a client, Client A<sup>6</sup>, who had been arrested on DUI/DWI charges, had been referred by the District Court for Baltimore County to the Complainant's agency, a liaison agency between the courts and defendants which connects individuals to counseling

---

<sup>6</sup> Clients' names are confidential and are not used in the Notice. The Applicant may obtain a Confidential Client Identification List to obtain the name of Client A.

services (the Agency”), for an alcohol or drug (“AOD”) evaluation following an arrest on April 24, 2010, for DUI/DWI charges. Client A reported to staff at the Complainant’s Agency that she had already been seen for an AOD evaluation by the Applicant. The Complainant obtained a release from Client A and obtained a copy of an evaluation prepared by the Applicant regarding Client A.

24. The Complainant included with her complaint a copy of the Applicant’s AOD evaluation (the “evaluation”) of Client A. The Applicant addressed the evaluation, dated June 23, 2010, to Client A’s attorney.

25. The Applicant signed the evaluation with her name and initials after her name as follows:

Nancy A. Shipley, CPC-AD<sup>7</sup>, CCS<sup>8</sup>

26. In an interview with Board staff on October 26, 2010, the Applicant stated that she had performed “two or three” substance abuse evaluations after her CAC-AD certification had expired on January 31, 2010.

27. Subsequent investigation by Board staff revealed that the Complainant’s Agency, received another AOD evaluation signed by the Applicant, after the date of the expiration of her certification.

28. On February 15, 2011, the Board issued a subpoena to the Agency for all alcohol evaluations received from the Applicant or any employee of S & S counseling from February 1, 2010 to February 15, 2011.

---

<sup>7</sup> CPC-AD means certified professional counselor- alcohol and drug.

<sup>8</sup> CCS means Certified Clinical Supervisor. The Applicant was granted a CCS in 1994 by the Maryland Addiction Counselor Certification Board (currently the Maryland Addictions Professional Certification Board (MAPCB)). This supervisory certification expired on January 1, 2004. On July 1, 2002, the Board approved the Applicant as an “Approved Alcohol and Drug Supervisor,” which is valid with current certification by the Board. The Applicant’s certification by the Board expired on 1/31/10; therefore, her status as a Board-approved supervisor expired on that date.

29. On February 23, 2011, in response to the subpoena, the Board received copies of five substance abuse evaluations performed by the Applicant, two on May 20, 2010, two on June 23, 2010<sup>9</sup>, and one on July 15, 2010. The Applicant addressed the evaluations to the clients' attorneys.

30. The Applicant signed the evaluations with her name and initials after her name as follows:

Nancy A. Shipley, CPC-AD, CCS

31. The Applicant's performing clinical alcohol and drug evaluations without current CAC-AD certification, or CPC-AD certification, is evidence of "knowingly violates any provision of the Act," in violation of Health Occ. § 17-509(9), specifically Health Occ. § 17-401(b) (1) and (2), which prohibits an individual from using the title, the initials, or representing to the public that the individual is certified by the Board, unless the individual is certified by the Board.

### **III. FILING FALSE REPORTS**

32. On or about May 20, 2010, June 23, 2010, and July 15, 2010, the Applicant prepared an AOD evaluation of Client A, and AOD evaluations of four other clients, which she submitted to three different attorneys, to be provided to a judge of the District Court for Baltimore County or a judge of the District Court for Baltimore City.

33. The Applicant signed all five evaluations with her name and initials after her name as follows:

Nancy A. Shipley, CPC-AD, CCS

---

<sup>9</sup> One of the two evaluations which were prepared on June 23, 2010 was attached to the initial complaint.



34. The Applicant was not certified, either as an associate counselor – alcohol and drug or as a professional counselor – alcohol and drug, at the time she prepared the evaluations.

35. The Applicant was not a “Certified Clinical Supervisor,” nor was she approved by the Board as a supervisor, at the time she prepared the evaluations.

36. The Applicant’s submission of AOD evaluations, with the initials “CPC-AD, CCS” next to her name, after her CAC-AD Board certification had expired, and after her supervising credentials had expired, is evidence of making or filing a false report or record in the practice of counseling or therapy, in violation of Health Occ. §17-509(6).

37. The Applicant’s submission of AOD evaluations, with the initials “CPC-AD, CCS” next to her name, without ever being certified at the level of a professional counselor, is evidence of making or filing a false report or record in the practice of counseling or therapy, in violation of Health Occ. §17-509(6).

#### **IV. FALSE ADVERTISING IN VIOLATION OF THE CODE OF ETHICS**

38. The Applicant’s submission of AOD evaluations, with the initials “CPC-AD, CCS” next to her name, after her CAC-AD Board certification had expired and after her supervisory credentials had expired, is evidence of violating the code of ethics adopted by the Board in violation of Health Occ. §17-509(8), specifically, Code Md. Regs. tit. 10, § 58.03.07 (credentials shall not be false, misleading, deceptive or fraudulent). The Applicant’s use of “CPC-AD, CCS” next to her name is evidence of using false, misleading, deceptive and fraudulent credentials.

39. The Applicant’s submission of AOD evaluations, with the initials “CPC-AD, CCS” next to her name, when she was not certified at the level of a professional

counselor, and never had been, is evidence of violating the code of ethics adopted by the Board violation of Health Occ. §17-509(8), specifically, Code Md. Regs. tit. 10, § 58.03.07 (credentials shall not be false, misleading, deceptive or fraudulent).

**IV. AIDS OR ABETS UNAUTHROIZED INDIVIDUALS IN PRACTICING AND IMMORAL OR UNPROFESSIONAL CONDUCT**

40. Counselor A, one of the two individuals who were identified by the anonymous complainant as practicing without current certification, was originally certified on December 10, 2003 as a Certified Supervised Counselor – Alcoholism and Drug (“CSC-AD.”).<sup>10</sup>

41. Counselor A’s certification expired on January 31, 2010.

42. On February 10, 2011, a surveyor for Office of Health Care Quality, Substance Abuse Certification Unit (“OHCQ”) performed a survey and environmental site inspection of S & S Counseling at its White Marsh location for the renewal of a general certification as Level I Outpatient 1 and Level .05 Early Intervention. The surveyor also conducted a review of S & S Counseling at a Towson location to review it as a new site for Level1 Outpatient 1and Level.05 DWI Education.

43. The surveyor reviewed the personnel file for Counselor A wherein Counselor A was identified an “administrative assistant/addictions counselor.” The personnel file for the Applicant identified the Applicant as the “administrator.” The Applicant identified herself to the surveyor as a “clinical supervisor” and a “counselor.” The surveyor noted that neither the Applicant nor Counselor A had current certification. The surveyor reviewed the personnel file of Counselor C who was listed as a “part-time

---

<sup>10</sup> A CSC-AD must have an associate arts degree and must be supervised by a CPC-AD and be an employee of an agency that is certified by the Alcohol and Drug Abuse Administration.

counselor.” The surveyor noted that Counselor C did not have an approved trainee letter from the Board or Board certification to provide counseling.

44. Previously, on or about September 20, 2010, an Inspector for the Motor Vehicle Administration (“MVA”) performed an inspection of S & S Counseling’s Alcohol and Drug Driver Awareness classes. The inspector overheard Counselor A performing a drug and alcohol evaluation. On September 20, 2010, Counselor A was practicing without Board-approved supervision.

45. On April 25, 2011, the OHCQ issued a “Survey Report,” notifying the Applicant of multiple areas of deficiencies at S & S and requiring the Applicant to submit a plan of correction by May 20, 2011.

46. On May 17, 2011, the Investigator for the Board and the MVA Inspector conducted a site visit at S & S Counseling, White Marsh, to determine if the practice was still operating. The Investigator and the Inspector identified Counselor A, who stated that she and two other individuals, Counselor C and Counselor D, provide counseling at S & S. Counselor A stated that the clinical supervisor is Counselor E. Counselor A stated that the Applicant had stopped providing counseling at S & S since the date of the OHCQ survey, and is doing administrative work for S & S.

47. At the time of the site visit, Counselor A was a CSC-AD, although she was non-renewed, which required that she must practice under the supervision of a CPC-AD and be employed by an agency that is certified by the Alcohol and Drug Abuse Administration. Counselor E is not a CPC-AD.

48. At the time of the site visit, Counselor C was not, and has never been, certified by the Board.

49. At the time of the site visit, Counselor D had an active certification by the Board as a CSC-AD (expiration January 31, 2012), which requires that he must practice under the supervision of a CPC-AD and be employed by an agency that is certified by the Alcohol and Drug Abuse Administration. Counselor E is not a CPC-AD.

50. At the time of the site visit, Counselor E, who allegedly supervised Counselors A, C, and D, was certified as a CAC-AD. Counselor E is not a Board-approved supervisor.

51. The Board investigator reviewed counseling files for May 2011. Twelve files had counseling records signed by Counselor A. Six files had counseling records signed by Counselor D.

52. On May 20, 2011, S & S's OHCQ certification was suspended.

53. The Applicant's continued employment of Counselor A since February 1, 2010 after she was no longer certified, employment of Counselor C without any certification, employment of Counselor A, Counselor D and Counselor E without proper supervision, and her designating Counselor E as the supervisor of Counselor A and Counselor C when she is not eligible to be a supervisor, is evidence of aiding and abetting unauthorized individuals in practicing clinical or nonclinical counseling or therapy in violation of H.O. § 17-509(4) and evidence of immoral or unprofessional conduct in violation of H.O. § 17-509(16).

#### **V. SUPERVISING WITHOUT BEING APPROVED**

54. The Applicant's supervising Counselor A, a CSC-AD, and Counselor C, an uncertified individual, without being a Board approved supervisor is evidence of knowingly violates any provision of this title, specifically, H.O. § 17-404(a)(4) and H.O. § 17-406(a)(b); and evidence of immoral or unprofessional conduct in the practice of

clinical or nonclinical counseling violation of H.O. § 17-509(16).

**VI. FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION AND IMMORAL OR UNPROFESSIONAL CONDUCT**

55. On March 23, 2011, in response to the Notice of Initial Denial, an attorney entered his appearance on behalf of the Applicant.

56. On May 18, 2011, the Board Investigator sent a letter to the Applicant advising her of the anonymous complaint and included the following five (5) subpoenas, all returnable within ten (10) working dates for:

- a. Any and all counseling records for counseling you have provided since October 27, 2010;<sup>11</sup>
- b. Any and all employee records for Counselor A, including but not limited to, clinical supervision records, performance ratings, and job descriptions;
- c. Any and all employee records for Counselor C, including but not limited to, clinical supervision records, performance ratings, and job description;
- d. Any and all employee records for Counselor D, including but not limited to clinical supervision records, performance ratings, and job description; and
- e. Any and all employee records for Counselor E including but not limited to clinical supervision records, performance ratings, and job description.

57. On May 19, 2011, the Investigator sent counsel for the Applicant a copy of the letter and copies of the five subpoenas.

58. On June 29, 2011, the Board investigator sent correspondence to counsel for the Applicant, regarding a conversation with counsel on June 20, 2011, wherein they discussed scheduling an interview of the Applicant, and Counselor A.<sup>12</sup> The Investigator provided dates on which both of these individuals could be interviewed.

---

<sup>11</sup> October 26, 2010, is that date that the Applicant was interviewed by the Investigator of the Board regarding her performing substance abuse evaluations after her certification had expired.

<sup>12</sup> On June 20, 2011, Counsel for the Applicant entered his appearance on behalf of Counselor A.

59. On July 7, 2011, the Board investigator spoke with counsel informing him that she would interview the Applicant on July 12, 2011.

60. On July 11, 2011, the Applicant called the Board investigator to inquire why she needed to come for an interview on July 12, 2011. The Board investigator informed her that it was in regard to a new complaint. The Applicant agreed to be interviewed at 11:00 am on July 12, 2011.

61. On July 11, 2011, the Board issued a subpoena *Ad Testificandum* to the Applicant to appear at the Board on July 12, 2011 at 11:00 a.m. to be interviewed under oath.

62. On July 12, 2011, the Board investigator sent correspondence to the Applicant, informing her that, to date, the Board had not received the subpoenaed documents and that the necessity of making repeated requests for documents has impeded the Board's investigation. The letter notified the Applicant that if the Board does not receive the documents under subpoena by July 19, 2011, the Board may consider her non-compliance as failure to cooperate with a lawful investigation of the Board.

63. On July 12, 2011, at 10:50 a.m., the Board investigator sent a copy of this correspondence with the subpoena to appear and the subpoenas for documents by facsimile to counsel for the Applicant.

64. On July 12, 2011, the Applicant failed to appear for the interview and failed to contact the Investigator to inform her why she was not appearing or to request another date to be interviewed.

65. To date, the Applicant has failed to comply with the five subpoenas for documents and with the subpoena to be interviewed.

66. The Applicant's failure to comply with the five subpoenas for documents and failure to comply with the subpoena to be interviewed is evidence of violation of H.O. § 17-509(18) fails to cooperate with a lawful investigation conducted by the Board and H.O. § 17-509(16) (Immoral or unprofessional conduct).

**VI. SUMMARY OF BASIS FOR DENIAL OF APPLICATION**

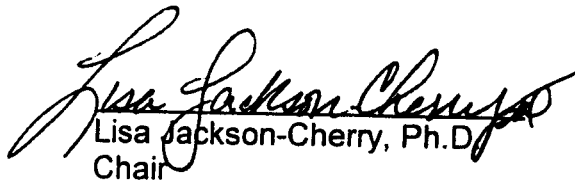
67. The Board may deny a certificate to an individual who:
- a. Aids or abets an unauthorized individual in practicing clinical or nonclinical counseling or therapy;
  - b. Willfully makes or files a false report or record in the practice of counseling or therapy;
  - c. Violates the code of ethics adopted by the Board;
  - d. Knowingly violates any provision of the Act, specifically practices without certification and supervises without approval;
  - e. Who commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy, specifically filing a false report, violating the code of ethics, violating any provision of this title, and failing to cooperate with a lawful investigation; or
  - f. Fails to cooperate with a lawful investigation conducted by the Board.

**NOTICE OF AN OPPORTUNITY FOR A HEARING AND  
PREHEARING CONFERENCE**

In accordance with the Administrative Procedure Act, Md. State Gov't Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol.), the Board hereby notifies the Applicant of her opportunity for a hearing before the Board makes a final decision in this case. Previously, the Applicant, in response to the Initial Notice of Denial, requested a hearing. The hearing is scheduled for Friday October 21, 2011, 10:00 am at the Board's office at 4201 Patterson Avenue, Baltimore, Maryland 21215.

A prehearing conference will be scheduled to take place in September 2011 by agreement of the parties and Counsel for the Board.

August 26, 2011  
Date

  
Lisa Jackson-Cherry, Ph.D.  
Chair

Maryland State Board of Professional Counselors  
and Therapists