

Consent Order

Stacey Chival, CSC-AD

IN THE MATTER OF
STACEY CHIVERAL, CSC-AD

Respondent

Certificate No.: CS0674

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BEFORE THE
STATE BOARD
OF PROFESSIONAL
COUNSELORS AND
THERAPISTS
Case No.: 03-BP-290

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CONSENT ORDER

The State Board of Professional Counselors and Therapists (the "Board") charged Stacey Chiveral, CSC-AD, Certificate number CS0674, (D.O.B. 6/2/62), with violation of certain provisions of the Maryland Professional Counselors and Therapists Act, Md. Health Occ. Code Ann. ("Health Occ.") §§ 17-101 *et seq.* (the "Act") (2004 Supp.).

Specifically, the Board charged the Respondent with violation of the following provisions of the Act and the regulations thereunder:

§ 17-313. Denial, probation, suspension or revocation of certificate applicant or holder.

Subject to the hearing provisions of § 17-314 of this subtitle, the Board on the affirmative vote of a majority of its members then serving, may deny a certificate to any applicant, place any certificate holder on probation, reprimand any certificate holder, or suspend or revoke a certificate of any certificate holder if the applicant or certificate holder:

- (4) Violates the code of ethics adopted by the Board;
- (5) Knowingly violates any provision of this title; and or
- (9) Violates any rule or regulation adopted by the Board.

The Board further charges the Respondent with violations of its Code of Ethics,
Code Md. Regs. tit. 10 § 58.03 (October 1, 2001):

.04 Ethical Responsibility.

A. A counselor shall:

(13) Cooperate with investigations, proceedings, and other requirements of the Board.

B. A counselor may not:

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

(3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

.05 The Counseling Relationship.

B. Dual Relationships.

(1) A counselor shall:

(a) Avoid dual relationships with clients; and

(b) Take appropriate measures, including but not limited to, informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs if a dual relationship cannot be avoided.

.09 Sexual Misconduct.

A. A counselor may not engage in sexual misconduct with a client or supervisee. Sexual misconduct includes but is not limited to:

(4) Sexual behavior.

C. Relationship with Former Clients.

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

(2) A counselor may not terminate professional services or a professional relationship with a client in order to enter into a nonprofessional, social, or sexual relationship with a client or an individual with whom a client has a close personal relationship.

(3) 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.

As a result of negotiations between the Office of the Attorney General, by Alice L. Tayman, Assistant Attorney General, the Respondent, through her attorney, Howard A. Miliman, Esq., and the Board, the parties agree to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

The Board finds that the following facts are true:

BACKGROUND

1. At all times relevant to the charges herein, the Respondent was and is certified as a Certified Supervised Counselor – Alcohol and Drug (“CSC-AD”) in the State of Maryland.
2. The Respondent was employed at Second Genesis, a residential and community based drug treatment facility, from April 15, 2002 to October 18, 2002 when her resignation became effective.
3. On November 6, 2002, the Board received a complaint from the Respondent’s supervisor at Second Genesis. The complaint alleged that the Respondent had engaged in inappropriate conduct while employed at Second Genesis’ Anne Arundel County residential facility as an addictions counselor and that she was having an inappropriate relationship with a former client, Client A¹.
4. The Board investigated the allegations in the complaint and found the following information upon which the Board bases these charges.

¹ The identity of Client A has been omitted for confidentiality purposes. Client A’s name will be provided to the Respondent by the Administrative Prosecutor upon request.

DUAL RELATIONSHIP/SEXUAL MISCONDUCT

5. Client A received residential treatment at the Second Genesis residential facility in Anne Arundel County for the entire five months the Respondent was employed there as an addictions counselor.

6. Although the Respondent was not assigned to be Client A's primary treatment counselor, the Respondent had a therapeutic relationship with Client A by virtue of being one of the addictions counselors at the facility at the time that Client A received treatment there.

7. The Respondent led several group sessions which Client A attended on a regular basis.

8. The Respondent's job duties at Second Genesis as an Addictions Counselor required that she develop a therapeutic relationship with Client A. Specifically, her job description included the following responsibilities:

- a. Conduct didactic seminars and individual, group, and family counseling to assist clients in their insight development and treatment plan goals achievement.
- b. Act as a rational authority, role model, facilitator, and guide in the self-help community method.
- c. Contribute actively as part of a multidisciplinary treatment team.
- d. Apply crisis management skills when necessary.

[excerpted from Second Genesis job description]

9. As an Addictions Counselor, the Respondent may have been, at times, the only counselor available and would therefore been directly involved in a therapeutic relationship with the residents at Second Genesis, including Client A.

10. The Respondent was observed meeting privately with Client A at Second Genesis. On one occasion she was observed meeting with him late in the evening, alone in her office, illuminated only by the glow of the computer screen. She was also observed talking privately with Client A in the parking lot at a time she was not scheduled to be working.

11. During her interview with the Board's investigator, the Respondent described that she has a practice of not acknowledging a "client" when she sees them in public unless they acknowledge her first (presumably to protect the client's confidentiality). She further described that when she saw Client A while he was working at Safeway in November of 2002, she did not acknowledge him until he greeted her first because he was a "client."

12. The Respondent's personnel file reflects the following entries by her supervisor:

- a. 6/19/02 Spoke w/Stacey concerning her being in isolated areas with male clients conducting individual sessions.
- b. 06/25/02 Spoke w/ Stacey about her sitting close to male client, while watching a video in the lower west lounge.
- c. 06/28/02 Spoke w/Stacey about inappropriate dress that was provocative and created feelings among the staff as well as the clients. Also spending more time w/male clients not on her caseload.
- d. 7/1/02 Addressed Stacey's inappropriate dress, neglecting female clients in the facility as well as her case-load. Also spending too much time w/male clients.
- e. 7/9/02 Again spending unexplained time w/male clients not on her caseload. She was also addressed concerning self-disclosure of personal issues w/clients in group sessions.
- f. 7/18/02 Written Warning due to continuation of unacceptable behavior addressed on previous occasions. Verbal communications not effective. Boundary issue becoming management issue.

13. The Respondent gave her notice on October 7, 2002 to be effective on October 18, 2002.

14. Client A moved out of Second Genesis residential treatment program on October 7, 2002 but continued to participate in Second Genesis' program through its live-out/work-out component until mid-January of 2003.

15. On or about October 30, 2002, the Respondent's supervisor received a report that the Respondent and Client A had engaged in a personal relationship and that they were seeing each other on a regular basis. The Respondent's supervisor immediately summoned Client A to the facility and confronted him about the relationship. Client A confirmed that he and Respondent were, in fact, a couple and that the relationship began "once he moved out of residential treatment." Client A admitted that they had begun discussing the possibility of a relationship before Client A left residential treatment.

16. Client A drove the Respondent's car to the meeting with the Respondent's Supervisor at Second Genesis on October 30, 2002.

17. According to MVA records, Client A changed his address of record to 205 Idlewild Street, Bel Air, Maryland 21014 on October 16, 2002.

18. The Respondent resided at 205 Idlewild Street, Bel Air Maryland 21014 in October of 2002.

19. According to MVA records, on November 7, 2002, Client A registered a vehicle at 205 Idlewild Street, Bel Air, Maryland 21014.

20. During an interview with the Board's investigator, Howard F. Kenney, Jr., on May 8, 2003, Client A denied ever having a personal relationship with the Respondent. He further denied that he had ever resided at 205 Idlewild Street, Bel Air, Maryland, 21014.

**DISHONEST AND DECEITFUL ACTIVITY IN THE
CAPACITY OF A COUNSELOR**

21. During a sworn interview with the Board's investigator on July 28, 2003, the Respondent admitted that she was having a sexual relationship with Client A which began around May or June of 2003. She denied having any personal relationship with Client A before May of 2003. This is inconsistent with Client A's report on October 30, 2002 to Ray Brown that he and the Respondent were having a relationship and also inconsistent with the fact that Client A was using the Respondent's address and car in October of 2002.

22. During the Respondent's sworn interview with the Board's investigator, she denied that Client A received mail at 205 Idlewild Street, Bel Air, Maryland 21014.

23. On or around August 6, 2003, the United States Postal Inspection Service conducted an address check on Client A and found that Client A was receiving mail at 205 Idlewild Street, Bel Air, Maryland 21014.

FAILURE TO COOPERATE WITH BOARD INVESTIGATION

24. On December 24, 2002, the Board's investigator, Mr. Kenney, sent the Respondent a letter asking her to call him to discuss a complaint that had been received

by the Board. The Respondent called Mr. Kenney on January 8, 2003 to arrange an interview which was scheduled on January 22, 2003.

25. Sometime after January 8 and before January 22, 2003, the Respondent contacted Mr. Kenney to cancel the interview so that she could retain an attorney.

26. Thereafter, Mr. Kenney left several telephone messages for the Respondent. The Respondent did not respond to the messages.

27. On February 14, 2003, the Respondent received a certified letter at 205 Idlewild Road which requested that she contact Mr. Kenney. The Respondent signed for the certified letter. Also, the Respondent's son signed for a second copy of the same letter which was sent to her old address on Olive Branch Court and forwarded to her new address. The Respondent denied receiving the second letter.

28. The Respondent did not contact Mr. Kenney to arrange an interview after receiving the February 14, 2003 certified letter.

29. On June 15, 2003, the Respondent was personally served with a Subpoena ad Testificandum which required her presence and testimony at 10:00 am on June 18, 2003 at 4201 Patterson Avenue, Baltimore, Maryland to "answer questions under oath concerning a complaint filed against you with the Board of Examiners [sic] of Professional Counselors and Therapists."

30. The Respondent was finally interviewed by Mr. Kenney on July 28, 2003.

31. By participating in a personal, sexual relationship with Client A, the Respondent violated H.O. § 17-313(4), and (9) which prohibit violation of the code of ethics and any rule or regulation adopted by the Board. Specifically, the Respondent's

conduct with Client A violated Code Md. Regs. tit. 10, § 58.03.09 A and C which prohibit sexual misconduct with clients or former clients with whom the counselor has had a therapeutic relationship. The Respondent's conduct with Client A also violated the Code of Ethics prohibition on dual relationships codified at Code Md. Regs. tit. 10, § 58.03.05 B.

32. By providing false and misleading statements regarding the timing of the commencement of her relationship with Client A in her interview with the Board's investigator, the Respondent violated Code Md. Regs. tit. 10, § 58.03.04 A (13) and B (2) which require that counselors cooperate with investigations and not participate in dishonest, fraudulent, or deceitful activity in the capacity of a counselor.

33. By failing to respond to the Board's investigator's repeated attempts to discuss the complaint filed against her until the Board issued and personally served a Subpoena ad Testificandum requiring her presence, the Respondent violated Code Md. Regs. tit. 10, § 58.03.04(A)(13) which requires that counselors cooperate with Board investigations.

CONCLUSIONS OF LAW

The Board finds that the Respondent violated Health Occ. §17-313(4), (5), and (9); COMAR 10.58.03.04 A(13) and B(2) and (3); COMAR 10.58.03.05 B(1); and COMAR 10.58.03.09A(4) and C(1), (2) and (3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is by a majority of a quorum of the Board, hereby

ORDERED that the Respondent shall be **SUSPENDED** for one (1) year with the suspension immediately **STAYED**; and it is further

ORDERED that the Respondent shall be on **PROBATION** for a period of one (1) year, to begin on the date of execution of this Consent Order by the Board, subject to the following terms and conditions:

1. The Respondent, a CSC-AD, shall provide a copy of this Consent Order to her assigned clinical supervisor.
2. The Respondent shall submit documentation to the Board of her process of supervision by the assigned supervisor throughout the one-year probationary period.
3. The supervisor shall submit **quarterly** reports to the Board.
4. The Respondent has sole responsibility for ensuring that the supervising counselor submits the quarterly reports to the Board.
5. Alternatively, if the Respondent's CSD-AD supervisor is unwilling or unable to provide documentation of supervision to the Board, the Respondent shall obtain, at her own expense and subject to prior written approval by the Board, a supervisor with experience and expertise in the field of alcohol and drug counseling.
6. The Board-approved supervisor shall notify the Board in writing of his or her acceptance of the supervisory relationship with the Respondent.
7. The Board-approved supervisor shall meet with the Respondent on a **MONTHLY** basis and submit quarterly reports to the Board. The supervision

must include particular attention to ethical boundary issues and dual relationships.

8. The Respondent shall attend Al-Anonymous ("Al-Anon.") meetings once weekly in either group or home settings and obtain an attendance slip for each meeting attended. The Respondent's personal Al-Anon. sponsor may provide the required signed documentation of the Respondent's attendance. The Respondent shall provide the signed attendance slips to the Board on a **quarterly** basis
9. The Respondent shall obtain and read the book Sex in the Forbidden Zone by Peter Rutter, M.D. (Jeremy P. Tarcher, Inc., Los Angeles, 1989). The Respondent shall discuss the book's major themes with her supervisor as part of the supervisory process and submit a written book report to the Board on completion of the assigned reading. The report must be accepted and approved by the Board.
10. If the Respondent fails to complete the probationary terms and conditions of this Consent Order within the time requirements set out above, the Respondent will be deemed to be in violation of probation and the Board shall lift the stay of the Respondent's suspension. The one (1) year of active suspension shall commence immediately from the date of the Board's decision to lift the Stay.
11. At the end of the one (1) year probationary period, the Respondent may petition the Board for termination of her probationary status and the terms of this Consent Order, and shall appear before a panel of the Board to establish

that she has fulfilled all of the terms and conditions of probation as set forth in this Consent Order, is not in violation of this Consent Order, and that there are no outstanding complaints or charges against the Respondent; and it is further

ORDERED that the Respondent shall practice alcohol and drug counseling in accordance with the Maryland Professional Counselors and Therapists Act, and in a competent manner, and it is further

ORDERED that in the event the Board finds for any reason in good faith that the Respondent has violated any provision of Md. Health Occ. Code Ann. § 17-101 *et seq.* or the regulations thereunder during the probationary period, the Board, after notification to the Respondent, and opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including but not limited to revocation or suspension of the Respondent's license to practice alcohol and drug counseling; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred pursuant to this Consent Order, and it is further

ORDERED that for purposes of public disclosure, as permitted by Md. State Gov't Code Ann. § 10-617(h) (2004 Repl. Vol.) this document consists of the foregoing Findings of Fact, Conclusions of Law, and Order and that the Board may disclose to any national reporting bank or other entity to whom the Board is mandated to report; and it is further

ORDERED that the conditions of this Consent Order are effective as of the date of this Order; and it is further

ORDERED that this Consent Order is a FINAL ORDER and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2004 Repl. Vol.).

IT IS SO ORDERED THIS 15 DAY OF April, 2005

15 April, 2005
Date

Joanne Faber
Joanne Faber, M.Ed., LCPC, Chair
State Board of Professional Counselors
and Therapists

CONSENT OF STACEY CHIVERAL, CSC-AD

I, **STACEY CHIVERAL, CSC-AD**, License Number **CS0674** affixing my signature hereto, acknowledge that:

1. I am represented by counsel and I have reviewed this Consent Order with my attorney.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 17-314 (2000 Repl. Vol.) and Md. State Gov't. Code Ann. §§ 10-201 *et seq.* (2004 Repl. Vol.) I waive any right to contest the terms and findings herein, and I waive my right to a full evidentiary hearing and any right to appeal this Consent Order as set forth in § 17-314 of the Act and Md. State Gov't. Code Ann. §§ 10-201 *et seq.* .
3. I acknowledge the validity of this Consent Order as if entered after 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 provided by law.

4. I voluntarily admit to the foregoing Findings of Fact, Conclusions of Law and Order and submit to the terms and conditions set-forth herein as a resolution of the Charges against me. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action, which may include revocation of my license to practice drug and alcohol counseling in the State of Maryland.

5. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

4/12/05
Date

Stacey Chiveral, CSC-AD
Stacey Chiveral, CSC-AD

Approved by: [Signature]
Howard A. Miliman, Esquire

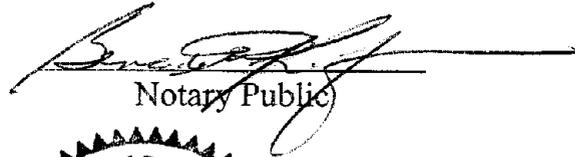
NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 12th day of April, 2005,
before me, a Notary Public for the State of Maryland and the City/County aforesaid,

personally appeared Stacey Chiveral, CSC-AD., and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.


Notary Public

My Commission Expires: 1/1/09

