



STATE OF MARYLAND

**DHMH**

Board of Professional Counselors and Therapists

Maryland Department of Health and Mental Hygiene

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Robert L. Ehrlich, Jr., Governor — Michael S. Steele, Lt. Governor — S. Anthony McCann, Secretary

October 27, 2004

Pamela Dukes  
4300 LaSalle Avenue  
Baltimore, MD 21206

RE: Consent Order

Dear Ms. Dukes:

Enclosed please find the Consent Order signed by the Board of Professional Counselors and Therapists.

Sincerely,

Aileen Taylor  
Executive Director

Enclosure

cc: Joanne Faber, LCPC, and Chairperson  
Noreen M. Rubin, Board Counsel  
Sherrai Hamm, Assistant Attorney General  
Timothy J. Paulus, Assistant Attorney General, Deputy Counsel

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IN THE MATTER OF \* BEFORE THE STATE  
PAMELA DUKES, CAC-AD \* BOARD OF EXAMINERS  
RESPONDENT \* OF PROFESSIONAL  
LICENSE NUMBER: AC0234 \* COUNSELORS

\* \* \* \* \*

CONSENT ORDER

The Maryland Board of Examiners of Professional Counselors (the "Board") voted to revoke the certificate of **Pamela Dukes, CAC-AD, License Number AC0234** (the "Respondent"), due to violating certain provisions of the Maryland Professional Counselors (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 17-101 et seq. (2000 Repl. Vol. and 2003 Supp.). Specifically, the Board voted to revoke the Respondent for violating the following:

The pertinent provisions of the Act states that:

**H.O. § 17-302.4. Qualifications for certified associate counselor-alcohol and drug.**

To qualify as a certified associate counselor-alcohol and drug an applicant shall:

- (1) Hold a bachelor's degree from an accredited educational institution approved by the Board in a health or human services counseling field or have completed a program of studies judged by the Board to be substantially equivalent in subject matter and extent of training to such a program of studies;
- (2) Have completed not less than 3 years, with a minimum of 2,000 hours of supervised experience in alcohol and drug counseling approved by the Board, 2 years of which shall have been completed after the award of the bachelor's degree;
- (3) Have a minimum of 20 credit hours in alcohol and drug counselor training as defined in § 17-302.3(d) (4) of this subtitle; and

- (4) (i) 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; or
- (ii) Provide alcohol and drug counseling as an employee of an agency or facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or that is certified under Title 8, Subtitle 4 of the Health - General Article.

**H.O. § 17-306 Waiver of requirements for certification**

- (c)(2) The Board shall waive the requirements for certification as a certified associate counselor-alcohol and drug for any person who has filed a letter of intent with the Board by July 1, 1998 if:
  - (i) The person holds a bachelor's degree in a health or human services counseling field or has completed a program that the Board determines to be substantially equivalent in subject matter and extent of training to a bachelor's degree in a health or human services counseling field;
  - (ii) The person, as of July 1, 1997, is certified as a certified chemical dependency counselor, its equivalent, or higher, by the Maryland Addiction Counselor Certification Board, another state, the Certification Commission of the National Association of Alcoholism and Drug Abuse Counselors, or the International Certification Reciprocity Consortium, or is employed in the capacity of a Program Specialist I, II, III, or its equivalent, or higher, in an agency or facility accredited by the Joint Commission on Accreditation of Health Care Organizations or certified under Title 8, Subtitle 4 of the Health - General Article; and
  - (iii) The person has completed not less than 3 years with a minimum of 3,000 hours of supervised experience in alcohol and drug abuse counseling approved by the Board, 2 years of which shall have been completed after the award of the bachelor's degree or a program that the Board determines to be substantially equivalent in subject matter and extent of training.

**Code Md. Regs. tit. ("COMAR") 10, 58.01.<sup>1</sup>**

**.11 Waiver of Education and Experience Requirements for Certification—Certified Associate Counselors—Alcohol and Drug (CAC-AD).**

The Board shall waive the requirements for certification as a certified associate counselor —alcohol and drug (CAC-AD) for an individual who:

**A. Has successfully completed one of the following:**

- (1) A bachelor's degree in a health or human services counseling field from an accredited institution of higher education;
- (2) A bachelor's degree or 120 credit hours in a major other than a health or human services counseling field if the applicant's education includes successful completion of at least 6 hours in an ethics and professional addictions practice workshop in addition to the 20 credit hours of alcohol and drug counselor training as specified in Regulation .05C(2) of this chapter from an accredited institution of higher education approved by the Board;
- (3) A high school diploma, or GED equivalent, if the applicant has:
  - (a) Completed at least 6 hours in an ethics and professional addictions practice workshop;
  - (b) Been certified as a CCDC or its equivalent for at least 6 consecutive years by one of the organizations specified in §B(1) of this regulation; and
  - (c) Accomplished supervised experience in alcohol and drug abuse counseling approved by the Board of not less than 5 consecutive years with a minimum of 5,000 hours in addition to the supervised experience specified in §C of this regulation; or

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<sup>1</sup>Initially, the waiver regulations were promulgated under Code Md. Regs. ("COMAR") 10.58.01.11-General Regulations. In 2001, the Board adopted Regulations .01-.12 under a new chapter, COMAR 10.58.07 Alcohol and Drug Counselors – Requirements for Certification and Licensure. Waiver requirements for Certified Associate Counselors – Alcohol and Drug ("CAC-AD") are now set out in 10.58.07.07 of the new chapter.

(4) A program that the Board determines to be substantially equivalent in subject matter and extent of training to §A(1) of this regulation;

B. As of July 1, 1997, was:

(1) A CCDC, its equivalent, or higher as determined by the Board, as certified by:

- (a) MACCB;
- (b) The Certification Commission of NAADAC;
- (c) ICRC/AODA; or
- (d) Another state; or

(2) Employed in an agency or facility that is accredited by the Joint Commission on Accreditation of Healthcare Organizations or that is certified under Health-General Article, Title 8, Subtitle 4, Annotated Code of Maryland, in the capacity of, or who qualifies to be employed as an addictions program specialist I, II, III, its equivalent, or higher as determined by the Board;

C. Has completed not less than 3 years, with a minimum of 3,000 hours, of supervised experience in alcohol and drug counseling approved by the Board, 2 years of which was completed after the award of the bachelor's degree or a program that the Board has determined to be substantially equivalent in subject matter and extent of training; and

D. Has filed a letter of intent with the Board by July 1, 1998.

### **FINDINGS OF FACT**

The Board finds:

1. At all times relevant hereto, the Respondent was issued a certificate to practice as a certified associate counselor-alcohol and drug in the State Of Maryland.

The Respondent was originally issued a certificate to practice as a certified associate counselor- alcohol and drug ("CAC-AD") on or about December 16, 2000.<sup>2</sup>

2. At all times relevant hereto, the Respondent was employed as the addictions counselor at EJAL Health Services ("EJAL"), a methadone treatment facility, located at 550 Crain Highway, Glen Burnie, Maryland.

3. On or about September 12, 2001, the Board received a complaint from a Program Treatment Advisor for the Maryland State Alcohol and Drug Abuse Administration ("ADAA"). The complainant was responsible for monitoring methadone treatment programs throughout Maryland.

4. The complaint alleged that the Respondent was not certified by the Maryland Addiction Counselor Certification Board ("MACCB") as a Certified Chemical Dependency Counselor ("CCDC"), a prerequisite for obtaining a certificate to practice as a CAC-AD in the State of Maryland under § 17-306 (c) (2) (ii) and COMAR 10.58.01.11.

5. While reviewing records of EJAL clients, the complainant noticed that the Respondent used the title CAC-AD after her signature when she signed client records. The complainant's belief that the Respondent lacked the qualifications to be a CAC-AD led to the filing of her complaint with the Board.

6. A subsequent investigation by the Board revealed the following:

7. On or about September 9, 2000 the Respondent submitted an application for certification as a CAC-AD to the Board. The Respondent checked on her application that she was applying for certification under the waiver requirements of § 17-306 (c) (2)

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<sup>2</sup> The Respondent filed a Waiver of Education and Experience Requirements application that was permissible under the Board's grandparenting regulations, see COMAR 10.58.01.11 supra. The application was signed by the Respondent on October 26, 2000.

and COMAR 10.58.01.11 as a Certified Associate Counselor, Alcohol and Drug (CAC-AD) and that a Letter of Intent was filed with the Board by July 1, 1998.

8. The Respondent did not submit to the Board supporting documentation that she had prior certification as a Certified Chemical Dependency Counselor ("CCDC") or its equivalent as required by the waiver provisions of § 17-306 (c) (2) and COMAR 10.58.01.11.

9. The Respondent's failure to provide appropriate supporting documentation that she met the requirements for a certificate to practice as a certified counselor alcohol and drug is a ground for revocation of her certificate.

### CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that the Respondent does not meet the requirements for a certified professional counselor-alcohol and drug because she did not submit to the Board, supporting documentation that she had prior certification as a Certified Chemical Dependency Counselor ("CCDC") or its equivalent as required by the waiver provisions of H.O. § 17-306 (c) (2) and COMAR 10.58.01.11.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 8<sup>TH</sup> day of October, 2004, by a majority of the full-authorized membership of the Board considering this case:

**ORDERED** that the Respondent's certification shall be **SUSPENDED** for **eighteen (18) months**, but said suspension shall be immediately **STAYED**; and be it further

**ORDERED** that the Respondent shall be placed on **PROBATION** for that same period of **eighteen (18) months**, subject to the following terms and conditions:

- a. The Respondent shall return her certificate as a certified professional counselor-alcohol and drug ("CAC-AD") to the Board. Effective the date of this Order, the Respondent will no longer be certified as a professional counselor- drug and alcohol. Upon receipt of the Respondent's certificate to practice as a professional counselor- alcohol and drug, the Board will issue to the Respondent certification as a certified supervised counselor-alcohol and drug ("CSC-AD").
- b. The Respondent shall enroll in and successfully complete a three (3) credit graduate level Board approved course from an accredited college or university in professional, legal and ethical responsibility. The Respondent shall enroll in and successfully pass this required course within **eighteen (18) months** of the date of this Consent Order. The Respondent shall submit to the Board written documentation regarding the particular course she proposes as fulfillment of this condition. The Board reserves the right to require the Respondent to provide further information regarding the course she proposes, and further reserves the right to reject her proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and the duration of the course adequate to fulfill the need. The Respondent shall be responsible for all costs incurred in fulfilling this course requirement and for submitting to the Board proof of classroom attendance and written documentation of her achieving a passing grade upon successful completion of the course.
- c. The Respondent shall perform sixty (60) hours community service, within twelve (12) months of the date that this Order is signed by the Board, at a Board-approved agency or institution in Maryland. The community service shall not be in the mental health and/or the alcohol and drug counseling fields.
- d. There shall be no early termination of probation.

- e. If the Respondent fails to complete the terms and conditions of this Consent Order as set forth in paragraphs (b) and (c) above, the Respondent's certificate to practice as a certified supervised counselor-alcohol and drug (CSC-AD) shall be immediately revoked.
- f. At the end of the eighteen (18) month probationary period, the Respondent shall file a written petition to the Board for termination of her probationary status, and the terms of this Consent Order, provided she has fulfilled all the terms and conditions of probation as set forth in this Consent Order, is not in violation of this Consent Order, and there are no outstanding complaints or charges against the Respondent. After the Respondent has filed her written petition to the Board for termination of her probationary status, the Respondent shall appear before the Board for a review, before the Board will grant the Respondent's request for termination of her probationary status.
- g. The Respondent shall be responsible for all costs incurred in this meeting terms and conditions of this Consent Order; and be it further

**ORDERED** that the Respondent shall provide the Board with of her current home address and if the Respondent is employed in the alcohol and drug counseling field, the Respondent shall notify the Board of the name, address, and telephone of her employer; and be it further

**ORDERED** that the Respondent shall practice alcohol and drug counseling in accordance with the Maryland Professional Counselors Act, and in a competent manner; and be it 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, the Board, after notification to the Respondent, and an 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 be it further

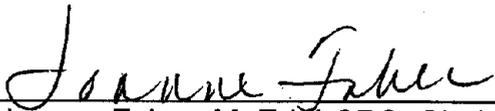
**ORDERED** that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

**ORDERED** that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. § 10-617(h) (1999 Repl. Vol. and 2004 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose to any national reporting bank or other to whom the Board is mandated to report; and be it further

**ORDERED** that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order;

**ORDERED** that this is a **FINAL ORDER** and, as such, is a public document pursuant to Md. State Gov't. Code Ann. §§ 10-611 et seq. (1999 Repl. Vol. and 2002 Supp.).

IT IS SO ORDERED THIS 8<sup>TH</sup> DAY OF October, 2004.

  
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Joanne Faber, M. Ed, LCPC, Chair  
Maryland Board of Professional Counselors

**CONSENT OF PAMELA DUKES, CAC-AD**

I, Pamela Dukes, License Number CAC-AD, by affixing my signature hereto, acknowledge that:

1. I have decided not to be represented by an attorney.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 17-205 (2000 Repl. Vol. and 2004 Supp.) 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 enter into and consent to the foregoing Findings of Fact, Conclusions of Law and Order, provided that the Board adopts the foregoing Consent Order in its entirety. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a fully evidentiary hearing, as set forth above, and any right to appeal this Consent Order or as set forth in the Act and Md. State Gov't. Code Ann. §§10-201 et seq. (1999 Repl. Vol. and 2004 Supp).
5. 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 alcohol and drug counseling in the State of Maryland.

6. 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.

10/8/04  
Date

  
Pamela Dukes, CAC-AD

**NOTARY**

STATE OF Maryland  
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 8th day of October, 2004, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared **Pamela Dukes**, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

**AS WITNESS** my hand and Notarial Seal.

**Bernadette Staten-Evans, Notary Public**  
**State of Maryland - Baltimore County**  
**My Commission Expires September 1, 2006**

  
Notary Public

My Commission Expires: \_\_\_\_\_