

<b>IN THE MATTER OF</b>  <b>JENNIFER M. JENKINS, CSC-AD</b>  <b>APPLICANT FOR RENEWAL/ REINSTATEMENT</b>  <b>CERTIFICATE NO. SC1280</b>	* * * * * * * * * *	<b>BEFORE THE MARYLAND</b>  <b>STATE BOARD OF PROFESSIONAL</b>  <b>COUNSELORS AND THERAPISTS</b>  <b>CASE NUMBER: 2011-12</b>
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**FINAL ORDER OF DENIAL OF APPLICATION**

Based on information received, the Maryland State Board of Professional Counselors and Therapists (the "Board") provided Jennifer M. Jenkins (the "Applicant"), D.O.B. 06/01/73, with Notice of Initial Denial of Application for Renewal/Reinstatement of Certification as an Supervised 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.).

The Board notified the Applicant that this Final Order of Denial of Application ("Final Order") would be executed thirty (30) days from the Applicant's receipt of the Board's notification, unless the Applicant requested a hearing.

On June 2, 2012, the Applicant received the Board's Notice of Initial Denial of Application for certification. The Board notified the Applicant in the Notice that this Final Order would be executed thirty (30) days from the Applicant's receipt of the Notice unless the Applicant requested a hearing. The Applicant's written request was due on July 2, 2012. The Applicant did not request a hearing by July 2, 2012.

The Board makes the following findings of fact:

## FINDINGS OF FACT

### **I. BACKGROUND**

1. The Applicant was initially certified by the Board on September 19, 2002, as a certified supervised counselor - alcoholism and drug, which expired on December 31, 2004. Thereafter, the Applicant renewed her certification in December 2004, which expired on December 31, 2006. The Applicant did not submit a renewal application prior to December 31, 2006.

2. On or about July 7, 2009, the Applicant submitted to the Board an application for renewal/reinstatement of her certification, which had expired on December 31, 2006.

3. On or about July 31, 2009, the Board renewed/reinstated the Applicant's certification, which subsequently expired on January 31, 2010.<sup>1</sup> The Applicant did not submit a renewal application prior to January 31, 2010.

4. The Applicant's certification was lapsed between December 31, 2006 and July 31, 2009.

5. On November 8, 2010, the Applicant submitted to the Board an Application for Renewal of her certification (the "Application") and paid to the Board a reinstatement fee of \$100 and a renewal fee of \$150.

6. The Applicant's certification had been lapsed since January 31, 2010.

7. On or about November 15, 2010, the Board notified the Applicant that the Application was incomplete because she did not have sufficient CEUs.

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<sup>1</sup> In 2008, the Board changed the expiration date of licenses and certificates from December 31, to January 31.

8. On February 28, 2011, Applicant submitted sufficient CEUs required for renewal/reinstatement.

9. Since approximately 1994, and at all times relevant to this Notice, the Applicant has been employed at a private, for-profit program for alcohol and drug counseling (the "Program") in Baltimore County. The Applicant is employed as an administrative assistant and alcohol/drug counselor.<sup>2</sup>

## II. PRACTICING WITHOUT CERTIFICATION

10. On or about February 16, 2011, the Board received an anonymous telephone complaint stating that the Applicant and two other individuals, Counselor A and Counselor B, were providing counseling services at the Program.<sup>3</sup>

11. The Board initiated an investigation of the complaint.<sup>4</sup>

12. On February 28, 2011, a surveyor for Office of Health Care Quality ("OHCQ") informed Board staff that while she was performing a survey of the Program on February 10, 2011, the Applicant identified herself to the surveyor as a counselor. The surveyor reviewed counseling files completed by the Applicant. Counselor A identified herself as the clinical supervisor of the Applicant.

13. On May 17, 2011, Board staff interviewed the Applicant at the Program. The Applicant stated that Counselor C<sup>5</sup> has been her clinical supervisor since the February 10, 2011 inspection by the surveyor for OHCQ.

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<sup>2</sup> The Applicant is aware of the identity of the Program.

<sup>3</sup> The Applicant may obtain from the Administrative Prosecutor a Confidential Counselor Identification List to obtain the names of the counselors.

<sup>4</sup> The Board also opened an investigation of Counselors A and B. The Board found that Counselor A, previously certified as a CAC-AD, was providing counseling services after the expiration of her certification on January 31, 2010. 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.

14. On May 17, 2011, Board staff reviewed counseling files at the Program. Six files contained records that were signed by the Applicant.

15. On May 23, 2011, a former investigator for the Maryland Motor Vehicle Administration (“MVA”) reported to Board staff that on or about September 20, 2010, when she was at the Program to perform an inspection of the MVA driver program, she heard the Applicant in an office, inquiring of a male individual about his drinking habits and alcohol consumption.

16. In an interview with Board staff on July 7, 2011, the Applicant acknowledged that since January 31, 2010, the date her CSC-AD certification expired, she has been practicing as an addictions counselor at the Program. The Applicant stated that Counselor C was no longer her supervisor and that Counselor A was her supervisor.

17. The Applicant’s performing alcohol and drug counseling without active CSC certification is evidence of “knowingly violates any provision of the Act,” in violation of Health Occ. § 17-509(9), specifically Health Occ. § 17-301(a), which prohibits an individual from practicing clinical alcohol and drug counseling unless licensed by the Board.

18. The Applicant’s performing clinical alcohol and drug counseling without active CSC certification is evidence of violation of “commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy,” in violation of Health Occ. § 17-509(16).

### **III. PRACTICING WITHOUT SUPERVISION**

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<sup>5</sup> Counselor C is certified associate counselor (“CAC-AD”).

19. In an interview with Board staff on July 7, 2011, the Applicant stated that prior to February 2011; she was supervised by Counselor A. Since February 2011, the Applicant stated that she was supervised by Counselor C. Sometime after May 17, 2011, Counselor A resumed supervision of the Applicant. Neither Counselor A nor counselor B is a certified professional counselor (“CPC-AD”) or approved by the Board as a clinical supervisor.

20. The Applicant’s performing alcohol and drug counseling without supervision by a CPC-AD or a board-approved supervisor is evidence of violation of “knowingly violates any provision of the Act,” in violation of Health Occ. § 17-509(9), specifically Health Occ. § 17-404(a), which requires an individual to be under the supervision of a certified professional counselor-alcohol and drug or another healthcare provider approved by the Board in order to qualify as a certified supervised counselor – alcohol and drug.

21. The Applicant’s performing alcohol and drug counseling without supervision by a CPC-AD or a board-approved supervisor is evidence of violation of “commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy,” in violation of Health Occ. § 17-509(16).

#### **IV. SUMMARY OF BASIS FOR DENIAL OF APPLICATION**

22. Under H.O. § 17-509, the Board may deny a certificate to an applicant if the applicant “knowingly violates any provision of the Act,” and/or “commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy.”

23. The Applicant was initially certified by the Board on September 19, 2002, as a certified supervised counselor - alcoholism and drug, which expired on December 31, 2004. Thereafter, the Applicant renewed her certification in December 2004, which expired on December 31, 2006. The Applicant did not submit a renewal application prior to December 31, 2006.

24. On or about July 28, 2009, the Applicant submitted to the Board an application for renewal/reinstatement of her certification, which had expired on December 31, 2006.

25. On or about July 31, 2009, the Board renewed/reinstated the Applicant's certification, which had expired on January 31, 2010.<sup>6</sup> The Applicant did not submit a renewal application prior to January 31, 2010.

26. The Applicant's certification was lapsed between December 31, 2006 and July 31, 2009.

27. On November 8, 2010, the Applicant submitted to the Board an Application for Renewal of her certification (the "Application") and paid to the Board a reinstatement fee of \$100 and a renewal fee of \$150.

28. The Applicant's certification had been lapsed since January 31, 2010.

29. On or about November 15, 2010, the Board notified the Applicant that the Application was incomplete because she did not have sufficient CEUs.

30. On February 28, 2011, Applicant submitted sufficient CEUs required for renewal/reinstatement.

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<sup>6</sup> In 2008, the Board changed the expiration date of licenses and certificates from December 31, to January 31.

31. Since approximately 1994, the Applicant has been employed at a private, for-profit office for alcohol and drug counseling program (the "Program") in Baltimore County. The Applicant is employed as an administrative assistant and alcohol/drug counselor.<sup>7</sup>

#### **IV. PRACTICING WITHOUT CERTIFICATION**

32. On or about February 16, 2011, the Board received an anonymous telephone complaint stating that the Applicant and two other individuals, Counselor A and Counselor B, were providing counseling services at the Program.<sup>8</sup>

33. The Board initiated an investigation of this complaint.<sup>9</sup>

34. On May 23, 2011, a former investigator for the Maryland Motor Vehicle Administration ("MVA") reported to Board staff that in or about Fall 2010, when she was at the Program to perform an inspection for the MVA, she heard the Applicant inquiring of a male individual about his drinking habits and alcohol consumption.

35. In an interview with Board staff on July 7, 2011, the Applicant acknowledged that since January 31, 2010, the date her CSC-AD certification expired, she has been practicing as a part-time addictions counselor at the Program.

36. The Applicant's performing alcohol and drug counseling without active CSC certification is evidence of "knowingly violates any provision of the Act," in violation of Health Occ. § 17-509(9), specifically Health Occ. § 17-301(a), which

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<sup>7</sup> The Applicant is aware of the identity of the Program.

<sup>8</sup> The Applicant may obtain from the Administrative Prosecutor a Confidential Counselor Identification List to obtain the names of the counselors.

<sup>9</sup>The Board also opened an investigation of Counselors A and B. The Board found that Counselor A, previously certified as a CAC-AD, was providing counseling services after the expiration of her certification on January 31, 2010. 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.

prohibits an individual from practicing clinical alcohol and drug counseling unless licensed by the Board.

37. The Applicant's performing clinical alcohol and drug counseling without active CSC certification is evidence of violation of "commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy," in violation of Health Occ. § 17-509(16).

**V. PRACTICING WITHOUT SUPERVISION**

38. In an interview with Board staff on July 7, 2011, the Applicant stated that prior to February 2011; she was supervised by Counselor A. Since February 2011, the Applicant stated that she has been supervised by Counselor C.<sup>10</sup> Neither counselor is a certified professional counselor ("CPC-AD") or approved by the Board as a clinical supervisor.

39. The Applicant's performing alcohol and drug counseling without supervision by a CPC-AD or a board-approved supervisor is evidence of violation of "knowingly violates any provision of the Act," in violation of Health Occ. § 17-509(9), specifically Health Occ. § 17-404(a), which requires an individual to be under the supervision of a certified professional counselor-alcohol and drug or another healthcare provider approved by the Board in order to qualify as a certified supervised counselor – alcohol and drug.

40. The Applicant's performing alcohol and drug counseling without supervision by a CPC-AD or a board-approved supervisor is evidence of violation of "commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy," in violation of Health Occ. § 17-509(16).

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<sup>10</sup> Counselor C is certified associate counselor ("CAC-AD").

#### IV. SUMMARY OF BASIS FOR DENIAL OF APPLICATION

41. Under H.O. § 17-509, the Board may deny a certificate to an applicant if the applicant “knowingly violates any provision of the Act,” and/or “commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy.”

#### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes as a matter of law that the Applicant engaged in prohibited acts under the Act, having knowingly violated any provision of the Act, in violation of H.O. § 17-509(9) and having committed an act of immoral or unprofessional conduct in the practice of counseling in violation of H.O. § 17-509(16). Therefore, under Health Occ. § 17-509, which provides that the Board may deny a certificate to an applicant for any of the grounds listed in Health Occ. § 17-509, the Board concludes as a matter of law that it may deny a certificate to the Applicant.

#### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this

10th day of July, 2012, by an affirmative vote of a majority of its members then serving,

**ORDERED** that the Applicant's Application for Certification as a Supervised Counselor – Alcohol/Drug in the State of Maryland be and hereby is **DENIED**; and be it further

**ORDERED** that this is a Final Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann § 10-611 *et seq.* (2009 Repl. Vol.).

7/10/12  
Date



Richard M. Hann, LCPC

Chair

Maryland State Board of Professional Counselors  
and Therapists

**NOTICE OF RIGHT OF APPEAL**

Pursuant to Health Occ. Code Ann. § 17-512(b), the Applicant has the right to take a direct judicial appeal as allowed by the Administrative Procedure Act.