

IN THE MATTER OF	*	BEFORE THE MARYLAND STATE
ROBIN P. KINJORSKI, CAC-AD	*	BOARD OF PROFESSIONAL
Respondent	*	COUNSELORS AND THERAPISTS
Certification Number: AC0660	*	Case Number: 2011-14

* * * * *

CONSENT ORDER

On August 14, 2012, the Maryland State Board of Professional Counselors and Therapists (the "Board") issued a *Notice of Intent to Deny Application for Reinstatement* (the "Notice") notifying **ROBIN P. KINJORSKI, CAC-AD** (the "Respondent") (D.O.B. 12/02/1955), Certification Number: AC0660, of its intent to deny her Application for Reinstatement of Alcohol and Drug Certification (the "Reinstatement Application"), dated March 7, 2011, under the Maryland Professional Counselors and Therapists Act (the "Act"), Md. Health Occ. Code Ann. ("Health Occ.") §§ 17-101 *et seq.* (2009 Repl. Vol.).

Specifically, the Board based its Notice on the following provisions of the Act under Health Occ. § 17-509:

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 certificate of any certificate holder if the applicant, licensee, or certificate holder:

- (9) Knowingly violates any provision of this title;
- (16) Commits an act of unprofessional conduct in the practice of clinical counseling; [and]
- (18) Fails to cooperate with a lawful investigation conducted by the Board[.]

The underlying violation under § 17-509(9) included violation of § 17-301, which provides:

- (a) *In general.* – Except as otherwise provided in subsection (b) of this section, an individual may not practice, attempt to practice, or offer to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling in the State unless licensed by the Board.

On January 16, 2013, a Case Resolution Conference was held before a panel of the Board. As a result of negotiations, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. BACKGROUND OF CERTIFICATION

1. The Respondent was initially certified by the Board on November 9, 2001, as a certified associate counselor - alcohol and drug ("CAC-AD").¹
2. At all times relevant to hereto, the Respondent was practicing alcohol and drug counseling at Program A², an alcohol and drug treatment program located in Glen Burnie, Maryland.³
3. The Respondent's most recent certification expired on January 31, 2011. On or about January 31, 2011, the Respondent logged on to the Board's automated application system to renew her certification but never completed the on-line application. The Respondent failed to renew her certification on or before January 31,

¹ 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 – Alcohol and Drug ("CPC-AD") or as an employee of an agency that is certified by the Alcohol and Drug Abuse Administration.

² The names of the individuals and entities identified herein are confidential.

³ Program A has four locations in the State of Maryland: Annapolis, Forestville, Glen Burnie, and Waldorf.

2011.

4. On or about March 2, 2011, the Board's licensing coordinator sent a Notice of Reinstatement requirement to the Respondent. On or about March 7, 2011, the Respondent sent her Reinstatement Application to the Board.

5. By correspondence dated June 27, 2011, the Respondent through counsel provided the Board with an affidavit indicating that she had completed all necessary paperwork for her certification renewal on January 31, 2011. The affidavit further states that the Respondent contacted Board staff on February 1, 2011, to resolve a computer glitch that prevented her from transmitting the on-line application.

6. Board staff has no recollection of any conversation with the Respondent on February 1, 2011. According to Board staff, if the Respondent had telephoned under these circumstances Board staff would have faxed an application to her.

II. PRACTICING WITHOUT CERTIFICATION

7. In or around November 2011, the Maryland Office of Health Care Quality ("OHCQ") conducted a survey of Program A. By Notice of Current Deficiencies dated December 14, 2011, OHCQ notified Program A of non-compliance with State licensure requirements for alcohol and drug treatment programs. Among other violations, OHCQ cited Program A for not having a Clinical Supervisor licensed by the Board.

8. In its December 14, 2011, Notice of Current Deficiencies, OHCQ found that the Respondent's certification from the Board expired on January 31, 2011. OHCQ further found that an investigator from the Board met with the Respondent at Program A on or about June 1, 2011. At that time, OHCQ found that the Respondent was informed that she could not continue to practice since her certification had expired.

9. Based on a review of patient and staff records, OHCQ found in its December 14, 2011, Notice of Current Deficiencies that the Respondent continued to practice alcohol and drug counseling, function as a counselor, and act as a Clinical Supervisor.

10. OHCQ further found that the Respondent continued to complete and document comprehensive assessments, treatment plans, and progress notes for clients after the expiration date of her license. Additionally, OHCQ found that staff personnel files contained documentation for Clinical Supervision signed by the Respondent after the Respondent's certification expired.

III. FAILURE TO COOPERATE

11. As part of its investigation, on or about June 1, 2011,⁴ the Board subpoenaed ten (10) treatment records from the Respondent, including but not limited to: evaluations, treatment notes, billing records, and client log books. The records were subpoenaed in order to determine whether the Respondent and others were engaged in the unlicensed practice of counseling.

12. The May 31, 2011 subpoena expressly required that the information be provided to the Board's investigator within ten (10) working days from service of the subpoena.

13. On or about June 2, 2011, the Board received a letter of representation from counsel representing the Respondent. In the letter, the Respondent's counsel indicated that he would be out of town until June 13, 2011, and would contact the Board at that time.

14. On or about June 22, 2011, Board staff left a telephone message for the

⁴ The Board subpoena is dated May 31, 2011.

Respondent's counsel regarding compliance with the subpoena. In a conversation with the Board's investigator on or about June 23, 2011, the Respondent's counsel informed the Board's investigator that the Respondent would not comply with the subpoena.

15. By letter dated June 27, 2011, the Board's Executive Director notified the Respondent that she had failed to comply with the previously issued subpoena. The letter notified the Respondent that if the Board did not receive the records by July 8, 2011, the Respondent may be subject to discipline for failure to cooperate with a lawful Board investigation. The June 27, 2011, letter was also sent to the Respondent's counsel.

16. The Respondent failed to comply with the Board subpoena by July 8, 2011.

17. On or about March 20, 2012, more than 9 months after the original subpoena was served on her, the Respondent provided the requested records to the Board.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's performing clinical alcohol and drug counseling without current CAC-AD certification constitutes: knowingly violating any provision of this title, in violation of Health Occ. § 17-509(9), specifically Health Occ. § 17-301(a), which provides an individual may not practice, attempt to practice, or offer to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling in the State unless licensed by the Board; and committing an act of

unprofessional conduct in the practicing of clinical counseling, in violation of Health Occ. § 17-509(16).

The Board further concludes that the Respondent's failure to comply with the lawfully issued Board subpoena for a period of more than nine months after service constitutes: failing to cooperate with a lawful investigation conducted by the Board, in violation of Health Occ. § 17-509(18); and unprofessional conduct in the practice of clinical or non-clinical counseling, in violation of Health Occ. § 17-509(16).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 15th day of 15th MARCH, 2013, by a majority of the Board considering this case:

ORDERED that the Respondent's certification to practice alcohol and drug counseling is hereby **REINSTATED**; and it is further

ORDERED that the Respondent's certification to practice alcohol and drug counseling is hereby **SUSPENDED** for a period of **SIX (6) MONTHS**, to commence on the date the Board executes this Consent Order, and continuing until such time as the Respondent has completed the following terms and condition:

(1) Professional Ethics Course:

Within **six (6) months** of the date the Board executes this Consent Order, the Respondent shall successfully complete, at her own expense, a three (3) credit undergraduate level Board-approved course in professional ethics, specific to alcohol and drug counseling, from an accredited college or university. The Respondent shall submit to the Board written documentation regarding the particular course she proposes to fulfill 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 submitting written documentation to the Board of her successful completion of this course. The Respondent understands and agrees that she may not use this coursework to fulfill any requirements mandated for licensure renewal. The Respondent shall be solely responsible for furnishing the Board with adequate written verification that she has completed the course according to the terms set forth herein; and it is further

ORDERED that provided the Respondent has successfully complied with the above terms and conditions, and immediately before the conclusion of the entire **SIX (6) MONTHS** period of **SUSPENSION**, the Respondent shall file a written request with the Board to terminate the suspension. The Respondent shall subsequently appear before a designated panel of the Board as soon as practicable, and establish, to the satisfaction of the panel, her completion of the requisite ethics course. The Board, or a designated panel of the Board, will terminate the suspension if the Respondent has provided documentation to the Board demonstrating that she has successfully complied with the terms and conditions of suspension and has completed the requisite ethics course; and it is further

ORDERED that in the event the Board grants the Respondent's request to terminate the suspension of her certificate, the Respondent shall be placed on **PROBATION** for a period of **ONE (1) YEAR**, to commence on the date the Board terminates the suspension and continuing until all of the following terms and conditions are met:

- (1) The Respondent shall comply with the Maryland Professional Counselors and Therapists Act, and all laws, statutes and regulations pertaining thereto.
- (2) The Respondent shall not serve as a clinical supervisor during her probation; and it is further.

ORDERED that no earlier than **ONE (1) YEAR** from the date of commencement of the probationary period, the Respondent may submit a written petition to the Board requesting termination of the probation. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, will grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the Notice; and it is further

ORDERED that after the conclusion of the entire **ONE (1) YEAR PERIOD OF PROBATION**, the Respondent may apply to the Board for approval as an alcohol and drug supervisor in accordance with the applicable Board statutes and regulations; and it is further

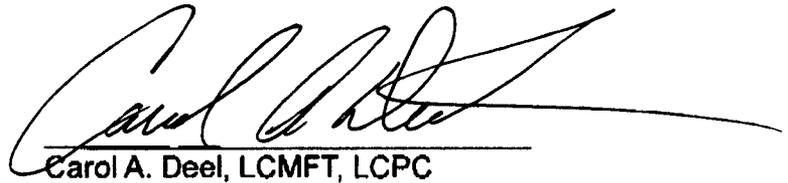
ORDERED that the Respondent's failure to comply with any of the conditions of this Consent Order, shall be considered a violation of probation and a violation of this Consent Order; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any

sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and be it further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol.).



Carol A. Deel, LCMFT, LCPC
Board Chair
Maryland State Board of Professional
Counselors and Therapists

CONSENT

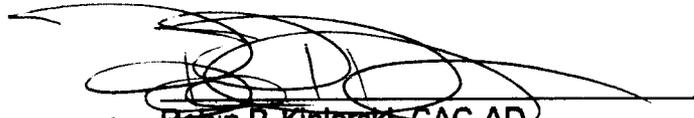
I, Robin P. Kinjorski, CAC-AD, acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this

Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

2-27-2013
Date


Robin P. Kinjorski, CAC-AD

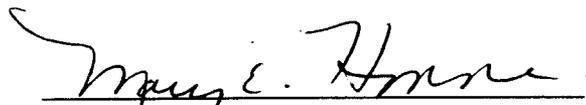
NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 27 day of Feb.

2013, before me, a Notary Public of the foregoing State and City/County personally appear Robin P. Kinjorski, CAC-AD, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.


Notary Public

My commission expires: 12.22.2013