

STATE OF MARYLAND



DHMH Board of Professional Counselors and Therapists

Maryland Department of Health and Mental Hygiene

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

November 23, 2009

VIA FIRST CLASS MAIL

Damon L. Baker
68 North Culver Street
Baltimore, MD 21229

Re: In the Matter of Damon L. Baker, CSC-AD
Certificate Number: SC0191
Case No.: 2008-19

Dear Mr. Baker:

Enclosed please find a fully executed Consent Order in the above-referenced case before the Board of Professional Counselors and Therapists.

Sincerely,

Aileen Taylor
Administrator
Board of Professional Counselors and Therapists

Enclosure

cc: K. F. Michael Kao, Assistant Attorney General
Noreen M. Rubin, Assistant Attorney General, Board Counsel

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| IN THE MATTER OF | * | BEFORE THE MARYLAND |
| DAMON L. BAKER, CSC-AD | * | STATE BOARD OF PROFESSIONAL |
| Respondent | * | COUNSELORS AND THERAPISTS |
| Certificate Number: SC0191 | * | Case Number: 2008-19 |
| * * * * * | * | * * * * * |

CONSENT ORDER

On the 7th of August, 2009, the Maryland State Board of Professional Counselors and Therapists (the "Board") charged Damon L. Baker, CSC-AD, Certificate Number SC0191, Date of Birth 5/11/1976 (the "Respondent"), with violating the Maryland Professional Counselors and Therapists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 17-101 *et seq.* (2005 Repl. Vol. and 2008 Repl. Vol.).

Specifically, the Board charged the Respondent with violations of the following provisions of H.O.:

§ 17-313. Denial, probation, suspension or revocation of certificate applicant or holder.¹

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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate for the applicant or certificate holder or for another;
- (4) Violates the code of ethics adopted by the Board; or
- (9) Violates any rule or regulation adopted by the Board[.]

¹ Section 1, ch. 505, Acts 2008, effective October 1, 2008, repealed and reenacted §§ 17-301 through 17-317. The following provisions under former H.O. title 17, subtitle 3 were repealed and reenacted without changes under the new H.O. title 17, subtitle 5: former § 17-314 is now § 17-511; former § 17-313(1) is now § 17-509(1); former § 17-313(4) is now § 17-509(8); and former § 17-313(9) is now § 17-509(13).

The Board further charged the Respondent with the following violations of Code of Maryland Regulations ("Code Md. Regs.") tit. 10, § 58.03 – Code of Ethics:

.03 Professional Competence.

A. A counselor shall:

- (3) Maintain qualifications to practice counseling, including meeting the continuing education requirements established by the Board;

.04 Ethical Responsibility.

B. A counselor may not:

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

The Board further charged the Respondent with the following violation of Code Md. Regs. tit. 10, § 58.05 – Continuing Education:

.03 Requirements.

A. CEU Requirements. The certificate or license holder shall complete a minimum of 40 CEUs in each renewal period, as follows:

- (1) At least 30 CEUs shall be in Category A activities and not more than 10 CEUs may be in Category B activities; or
- (2) All 40 CEUs may be in Category A activities.

On September 18, 2009, a Case Resolution Conference was held before a committee of the Board. As a result of negotiations between the Respondent, the Office of the Attorney General, and the Board, the Respondent consents to and the Board accepts a resolution of the charges pursuant to the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

The Board makes of the following findings of fact:

BACKGROUND FINDINGS

1. At all times relevant to these charges, the Respondent was and is a Certified Supervised Counselor – Alcohol and Drug (“CSC-AD”) certified to practice supervised alcohol and drug counseling in the State of Maryland. He was originally certified to practice alcohol and drug counseling under supervision in Maryland on or about November 30, 2000, under certificate number SC0191.

2. At all times relevant to these charges, the Respondent was employed as a CSC-AD in substance abuse counseling at Glass Substance Abuse Program, Inc., 812 North Eutaw Street, Suite 201, Baltimore, Maryland 21201.

3. On or about July 23, 2008, the Board initiated an investigation after receiving an anonymous complaint alleging that the Respondent used falsified certificates of completion to satisfy his continuing education requirements for the Board. The anonymous complainant requested that the Board audit the Respondent’s Continuing Education Units (“CEU”).

4. Board investigation determined that the Respondent violated the Act and the Board’s rules and regulations, including the Board’s Code of Ethics, when he attested in his 2007 renewal application to earning 42 CEUs from the successful completion of six Category A continuing education courses that he never attended.

GENERAL FINDINGS

5. On or about December 18, 2007, the Respondent submitted an application for the renewal of his CSC-AD certification (“2007 Renewal Application”).

The 2007 Renewal Application covers the 2-year period from January 1, 2006, to December 31, 2007 ("Renewal Period").

6. The instructions for the 2007 Renewal Application under the heading "Continuing Education" state:

A licensee shall complete not less than 40 hours of continuing education during the 2-year period from January 1, 2006, through December 31, 2007. 30 hours are required for "Category A" and no more than 10 hours for "Category B." Examples of Category A hours are workshops, seminars, and college courses from an accredited institution of higher education. Examples of Category B hours are informal courses, in-house seminars, informal non-publicized programs offered at professional or scientific meetings of local, state, regional, national, and international; professional or scientific organizations, distance learning programs, and individualized learning.

7. The instructions further state, "All licensee and certificate holders must complete the enclosed 'Statement of Continuing Education Courses.' Do not submit documentation of your courses or completion certificates. Licensee and certificate holders selected for a continuing education audit received separate notification."

(emphasis original)

8. With his 2007 Renewal Application, the Respondent submitted a "Statement of Continuing Education Courses Completed for 2007 Renewal" (the "Statement of Courses"). In the Statement of Courses, the Respondent represented that he completed six Category A courses and 10 Category B courses during the Renewal Period. Under Category A, the Respondent listed the following courses: "Journal Therapy" by Cross Country Education on 9/19/07 (6 hours earned); "Attachment Disorders" by CMI Education Institute on 11/6 and 11/7/07 (12 hours earned); "Dying with Diversity" by CMI Education Institute on 11/29/07 (6 hours earned);

“Is Stress Fattening” by NICABM on 10/5/06 (6 hours earned); “Tuerk Conference: Working Together” by NCADD – Maryland on 4/20/06 (6 hours earned); and Tuerk Conference: Women, Trauma and Addiction” by NCADD – Maryland on 5/3/07 (6 hours earned).

9. In addition to signing the Statement of Courses, the Respondent signed and dated a section in the 2007 Renewal Application certifying that he had earned the required Continuing Education Hours. Furthermore, the instructions for the 2007 Renewal Application explicitly state, “Your signature on the application attests to the successful completion of the required hours by the deadline. Submission of any false statement regarding continuing education may result in formal disciplinary action by the Board.”

10. On or about September 18, 2008, the Board investigator contacted the Respondent and notified him of the anonymous complaint against him. The Board investigator requested the Respondent to provide the Board with the original certificates of completion for the courses that the Respondent listed in the Statement of Courses.

11. On or about October 8, 2008, the Board received from the Respondent the original certificates of completion for the Category B courses. The Respondent, however, failed to provide any certificates of completion for the Category A courses he listed in the Statement of Courses. In subsequent conversation with the Board investigator, the Respondent stated that he had lost the certificates of completion for the Category A courses when he moved to a new location.

12. During the investigation, the Board investigator contacted the four organizations that sponsored the six Category A courses listed in the Respondent’s

Statement of Courses, to verify whether or not the Respondent attended and completed those six courses. Representatives from the four organizations all responded that they did not have any record of the Respondent registering or attending those courses.

VIOLATION SPECIFIC FINDINGS

Findings pertaining to violation of H.O. § 17-313(1)

13. The Respondent's submission of the 2007 Renewal Application along with the Statement of Courses to the Board was an attempt to obtain a CSC-AD certificate.

14. The Respondent's attestation in his 2007 Renewal Application that he had earned 42 CEUs from the completion of six Category A courses during the Renewal Period, when he never attended those courses, constitutes a fraudulent or deceptive attempt to obtain a license or certificate for the applicant, licensee or certificate holder or for another, in violation of H.O. § 17-313(1).

Findings pertaining to violation of H.O. § 17-313(4)

15. The Board's Code of Ethics pursuant to Code Md. Regs. tit. 10, § 58.03.03A(3) requires a counselor to maintain qualifications to practice counseling, including meeting the continuing education requirements established by the Board.

16. To meet the continuing education requirements, Code Md. Regs. tit. 10, § 58.05.03A(1) requires a certificate holder to complete a minimum of 40 CEUs, of which 30 CEUs shall be in Category A activities and no more than 10 CEUs in Category B activities, during the renewal period.

17. The Respondent failed to meet the continuing education requirements and failed to maintain qualification to practice counseling, when he did not complete the minimum 30 CEUs in Category A activities during the Renewal Period.

18. The Respondent's failure to meet the continuing education requirements and failure to maintain his qualification to practice counseling constitute a violation of the Code of Ethics adopted by the Board, in violation of H.O. § 17-313(4).

19. The Board's Code of Ethics pursuant to Code Md. Regs. tit. 10, § 58.03.04B(2) prohibits a counselor from participating in dishonest, fraudulent, or deceitful activity in the capacity of a counselor.

20. The Respondent's attestation to the Board in his 2007 Renewal Application that he had earned 42 CEUs from the completion of six Category A courses during the Renewal Period, when he never attended those courses, constitutes a participation in dishonest, fraudulent, or deceitful activity in his capacity as a counselor.

21. The Respondent's dishonest, fraudulent and deceitful representation to the Board in his capacity as a counselor constitutes a violation of the Code of Ethics adopted by the Board, in violation of H.O. § 17-313(4).

Findings pertaining to violation of H.O. § 17-313(9)

22. The Respondent's attempt to renew his CSC-AD certificate, but failure to complete at least 30 CEUs in Category A activities, is a violation of the Board's CEU requirements under Code Md. Reg. tit. 10, § 58.05.03A(1).

23. The Board's CEU requirements under Code Md. Regs. tit. 10, § 58.05.03A(1) is a rule or regulation adopted by the Board.

24. The Respondent's violation the Board's CEU requirements under Code Md. Regs. tit. 10, § 58.05.03A(1) constitutes a violation of any rule or regulation adopted by the Board, in violation of H.O. § 17-313(9).

25. The Board's Code of Ethics pursuant to Code Md. Regs. tit. 10, § 58.03 are rules or regulations adopted by the Board.

26. The Respondent's failure to meet the continuing education requirements and his failure to maintain his qualification to practice counseling are violations of the Code of Ethics adopted by the Board under Code Md. Regs. tit. 10, § 58.03.03A(3).

27. The Respondent's violation of the Board's Code of Ethics under Code. Md. Regs. tit. 10, § 58.03.03A(3), constitutes a violation of any rule or regulation adopted by the Board, in violation of H.O. § 17-313(9).

28. The Respondent's dishonest, fraudulent and deceitful representation to the Board that he had earned 42 CEUs during the Renewal Period, when he never attended the listed courses, is a violation of the Code of Ethics adopted by the Board under Code Md. Regs. tit. 10, § 58.03.04B(2).

29. The Respondent's violation of the Board's Code of Ethics under Code Md. Regs. tit. 10, § 58.03.04B(2), constitutes a violation of any rule or regulation adopted by the Board, in violation of H.O. § 17-313(9).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent is in violation of H.O. §§ 17-313(1), (4) and (9); and Code of Md. Regs. tit. 10, § 58.03.03 A(3); § 58.03.04 B(2); and §§ 58.05.03 A(1) and (2).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16TH day of October, 2009, by the affirmative vote of a majority of the Board considering this case:

ORDERED that the Respondent's certification to practice as a Certified Supervised Counselor – Alcohol and Drug, shall be **SUSPENDED** for a period of **THREE (3) MONTHS** with the suspension immediately **STAYED**; and be it further

ORDERED that the Respondent shall be placed on **PROBATION** for a period of **TWO (2) YEARS**, to begin on the date the Board executes this Consent Order, subject to the following terms and conditions:

- (a) Within **eight (8) months** of the date of the Board's execution of this Consent Order, the Respondent shall take and successfully complete, at his own expense, a Board-approved comprehensive 3 semester/credit hours classroom course in ethics at an accredited college or university. The Respondent shall submit the course description/syllabus to the Board for approval prior to enrolling in the course. The Board reserves the right to require the Respondent to provide further information regarding the course he proposes, and further reserves the right to reject his 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;
- (b) By **January 30, 2010**, the Respondent shall also complete all 30 Category A Continuing Education Units ("CEUs") in which he is deficient for the certification renewal period from January 1, 2006 to December 31, 2007;
- (c) In addition, by **January 30, 2010**, the Respondent shall complete all 30 Category A CEUs and all 10 Category B CEUs required to satisfy the 2-year certification requirements for the current certification renewal period from January 1, 2008 to December 31, 2009;
- (d) The Respondent is responsible for ensuring that he completes the required Continuing Education Units, and the ethics course, in a timely manner;

- (e) The Respondent is responsible for submitting to the Board proof of his successful completion of all Continuing Educations Units, and the ethics course; and
- (f) If the Respondent files renewal applications for the next two renewal periods, the Board shall audit his renewal applications.

AND BE IT FURTHER ORDERED that the Respondent shall not petition the Board for early termination of his probationary period or the terms of this Consent Order; and be it further

ORDERED that after the conclusion of the entire **two (2) year** period of probation, the Respondent may submit a written petition to the Board requesting termination of his probationary status, but only if he has fully and successfully complied with all of the terms and conditions of this Consent Order, and if there are no pending complaints against him before the Board; and be it 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 be it further

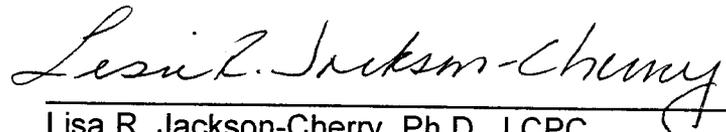
ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any other disciplinary sanctions that the Board may have imposed in this case, including additional probationary terms and conditions, reprimand, suspension, revocation and/or monetary penalty; and be it further

ORDERED that the Respondent shall comply with the Maryland Professional Counselors and Therapists Act and all laws, statutes and regulations pertaining thereto; and be it further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of the 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.* (2004 Repl. Vol.).

Date: 10/16/2009



Lisa R. Jackson-Cherry, Ph.D., LCPC
Chairperson
State Board of Professional Counselors
and Therapists

CONSENT

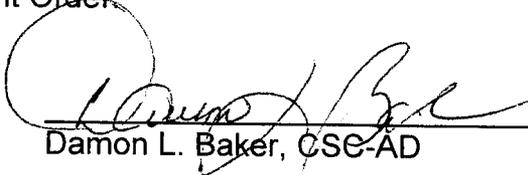
I, Damon L. Baker, CSC-AD, acknowledge that I have had the opportunity to consult with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its terms and conditions.

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 I 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.

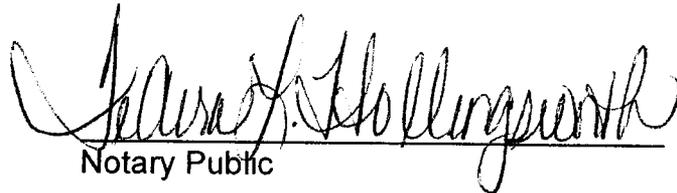
11-10-09
Date


Damon L. Baker, CSC-AD

STATE OF MARYLAND
CITY/COUNTY OF Baltimore City

I HEREBY CERTIFY that on this 10th day of November, 2009, before me, a Notary Public of the foregoing State and City/County personally appeared Damon L. Baker, CSC-AD, Certificate Number SC0191, 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: 4/25/12

