IN THE MATTER OF	*	BEFORE THE MARYLAND
KAREN G. COOPER, CAC-AD	*	STATE BOARD OF PROFESSIONAL
Respondent	*	COUNSELORS AND THERAPISTS
Certification Number: AC1160	*	Case Number: 2012-03

* * * * * * * * * * * * *

CONSENT ORDER

On January 31, 2014, the Maryland State Board of Professional Counselors and Therapists (the "Board") notified **KAREN G. COOPER, CAC-AD** (the "Respondent"), License Number AC1160, of its intent to revoke her certification to practice alcohol and drug counseling in the State of Maryland under the Maryland Professional Counselors and Therapists Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 17-101 *et seq.* (2009 Repl. Vol.).

Specifically, the Board based its action on the Respondent's violation of 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:
>
> (4) Aids or abets an unauthorized individual in practicing clinical or nonclinical counseling or therapy or representing to be an alcohol and drug counselor...;
>
> (8) Violates the code of ethics adopted by the Board;
>
> (9) Knowingly violates any provision of this title;
>
> (13) Violates any rule or regulations adopted by the Board; and

(16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy.

With respect to Health Occ. § 17-509(8) and (13), the Board based its action on the Respondent's violation of the following provisions of the code of ethics and the rule or regulations adopted by the Board under Md. Code Regs. ("COMAR") 10.58.03:

.03 Professional Competence

A. A counselor shall:

(1) Practice only within the boundaries of a counselor's competence, based on education, training, supervised experience, and professional credentials.

.04 Ethical Responsibility.

B. A counselor may not:

(1) Knowingly associate with, or permit the use of the professional counselor's name or firm name in a business venture by any person or firm which the professional counselor knows, or has reason to believe, is engaging in business or professional practice of a fraudulent or dishonest nature; and

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

.07 Advertising, Public Statements, and Media Presentations.

A. Advertising.

(2) In placing advertisements or making other types of public statements, a counselor shall identify a counselor's credentials in a manner that is accurate and not false, misleading, deceptive, or fraudulent.

B. Public Statements.

(1) A counselor shall:

(a) Correct others who misrepresent a counselor's professional qualifications or affiliations.

With respect to Health Occ. § 17-509(9), the Board based its action on the Respondent's knowing violation of the following provision of Health Occ., Title 17:

17-601. Prohibited acts.

> Unless an individual is licensed to practice clinical alcohol and drug counseling..., an individual may not:
>
> (3) Use the title "L.C.A.D.C."... or words "licensed clinical alcohol and drug counselors"... with the intent to represent that the individual practices clinical alcohol and drug counseling...

On September 10, 2014, a Case Resolution Conference was held before a panel of the Board. At the conclusion of the conference, 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:

BACKGROUND

1. At all times relevant, the Respondent was certified to practice alcohol and drug counseling as a Certified Associate Counselor - Alcohol and Drug ("CAC-AD") in the State of Maryland. The Respondent was originally certified by the Board on December 20, 2002, under Certification Number AC1160. The Respondent's certification is current until January 31, 2015.

2. At all times relevant, the Respondent was employed as the clinical director and alcohol and drug counselor at a drug and alcohol outpatient treatment center (the "Treatment Center")[1] located in Silver Spring, Maryland.

[1] To ensure confidentiality, the names of individuals and facilities involved in this case are not disclosed in this document.

3. The Board initiated an investigation of the Respondent after receiving a complaint on or about January 2, 2013, from an individual (the "Complainant") alleging that the Respondent misrepresented her credentials as an expert in a custody case in which the Complainant was a party. Specifically, the Complainant stated that the Respondent represented herself as a LCADC (Licensed Clinical Alcohol and Drug Counselor) when Board verification showed that she was a CAC-AD.

BOARD INVESTIGATION

4. In the course of its investigation, the Board obtained investigative materials from the Maryland Office of Health Care Quality ("OHCQ"), which conducted an inspection of the Treatment Center on or about July 28 and 29, 2011. A review of the investigative materials revealed a document the Treatment Center submitted to OHCQ, titled "Organizational Chart," which listed the Respondent as "Clinical Director: Karen Cooper, LCADC."

5. Moreover, the Respondent, in her capacity as the clinical director of the Treatment Center, submitted a Correctional Plan to OHCQ, dated February 16, 2012, in which she misrepresented herself as being a LCADC. The Board also obtained the Respondent's Treatment Center business card in which she identified herself as "Karen G. Cooper, MPA, LCADC."

6. On or about April 4, 2013, a Board investigator interviewed the Respondent at the Board's offices. During the interview, the Respondent admitted that she had been listed as being a LCADC in the Treatment Center's documents and forms for the past five-to-six years. She stated that she had told the owner (the "Owner") of the Treatment Center several times to correct her credentials but he did not do so.

The Respondent further admitted that she was aware that the Owner was misrepresenting himself as being a CAC-AD to clients and in documents. She stated that she asked him several times to stop using that credential but he did not do so.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's misrepresentation of her credentials in counseling-related documents and her supervision of other counselors without proper qualifications, constitute: violating the code of ethics adopted by the Board, in violation of Health Occ. § 17-509(8); violating any rule or regulations adopted by the Board, in violation of Health Occ. § 17-509(13); and/or committing 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). These actions further constitute violations of the code of ethics and rule or regulations adopted by the Board under COMAR 10.58.03.03A(1); 10.58.03.04B(1) and (2); and 10.58.03.07A(2) and B(1)(a).

The Respondent's continued practice of alcohol and drug counseling with the Owner, despite knowing that he was misrepresenting himself as a CAC-AD in documents and to clients, constitutes: aiding and abetting an unauthorized individual in practicing clinical or nonclinical counseling or therapy or representing to be an alcohol and drug counselor, in violation of Health Occ. § 17-509(4); violating the code of ethics adopted by the Board, in violation of Health Occ. § 17-509(8); knowingly violating any provision of this title, in violation of Health Occ. § 17-509(9); and/or committing 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). The Respondent's action further

constitutes violations of: the code of ethics adopted by the Board under COMAR 10.58.03.04B(2); and/or Health Occ. § 17-601.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of September, 2014, by a majority of the Board considering this case:

ORDERED that the Respondent's license to practice alcohol and drug counseling in Maryland is hereby **SUSPENDED** for a minimum period of **SIX (6) MONTHS** with all but a minimum of **SIXTY (60) DAYS STAYED** to commence on October 1, 2014; and it is further

ORDERED that after the conclusion of the entire **SIXTY (60) DAYS** of **ACTIVE SUSPENSION,** the Respondent may file a written request with the Board to stay the remainder of the suspension of her certificate. Upon receipt of the Respondent's written request, the Board shall schedule a reinstatement proceeding to be held as soon as practicable; and it is further

ORDERED that in the event the Board grants the Respondent's request to stay the remainder of the suspension of her certificate, the Respondent shall be placed on **PROBATION** for a minimum period of **TWO (2) YEARS**, to commence on the date the Board reinstates the Respondent's certificate and continuing until she has fully and successfully complied with the following terms and conditions:

I. Professional Ethics Course

a. During the **first twelve (12) months** of the Respondent's probation, she shall take and successfully complete a Board-approved three (3) semester credit hour college level course in professional 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 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 Respondent's ethical needs.

b. This course shall be in addition to any courses required to satisfy the continuing education requirements for the applicable 2-year licensure renewal period.

c. The Respondent shall be responsible for all costs incurred in fulfilling the professional ethics course requirement and for submitting written documentary proof to the Board of her successful completion of the course.

d. The Respondent is responsible for ensuring that she completes the required ethics course in a timely manner.

II. Continuing Education on Alcohol and Drug Counseling

a. During the **second twelve (12) months** of the Respondent's probation, she shall take and successfully complete at least eighteen (18) continuing education units (CEUs) in alcohol and drug counseling. The Respondent may apply the alcohol and drug counseling CEUs towards her continuing education requirements for the applicable 2-year licensure renewal period.

III. Supervision

a. For the duration of her probation, the Respondent's practice shall be supervised, at her own expense, by a Board-approved supervisor (the "Supervisor").

b. As part of the approval process, the Respondent shall submit to the Board the name and professional credentials of a supervisor to supervise her practice. The proposed supervising counselor shall not be associated with the Respondent through any current or past personal, collegial, professional or academic affiliation.

c. The Respondent shall provide the Board-approved Supervisor with a copy of this Consent Order, and whatever other written materials the Board deems relevant.

d. The Supervisor shall notify the Board in writing of his/her acceptance of the supervision of the Respondent's practice. The supervision of the Respondent's practice shall commence following Board approval.

e. For the **first six (6) months** of supervision, the Respondent shall have face-to-face meetings with the Supervisor on a biweekly basis. The purpose of supervision shall be to monitor the Respondent's practice, and to focus on the Respondent's potential ethical issues and overall practice standards. The Supervisor shall submit biweekly reports to the Board detailing the ethical issues discussed and the Respondent's progress. The report shall include, but not limited to, a report of the Respondent's participation in the supervisory process.

f. For the remaining **eighteen (18) months** of supervision, the Respondent shall have face-to-face meetings with the Supervisor on a monthly basis. The purpose of supervision shall be to monitor the Respondent's practice, and to focus on the Respondent's potential ethical issues and overall practice standards. The Supervisor shall submit quarterly reports to the Board detailing the ethical issues discussed and the Respondent's progress. The report shall include, but not limited to, a report of the Respondent's participation in the supervisory process.

g. Upon completion of the supervision period, the Respondent shall ensure that the Supervisor submit a final report to the Board assessing the Respondent's practice.

h. The Respondent has sole responsibility for ensuring that the Supervisor submits the required reports to the Board in a timely manner.

i. The Board has sole authority over any changes in supervision and must approve and ratify any changes in supervision or the frequency of supervision.

j. In the event that the Respondent's supervising counselor discontinues supervising the Respondent's practice for any reason during the two-year supervisory period, the Respondent shall immediately notify the Board. The Respondent shall be solely responsible for submitting for Board approval a replacement candidate to serve as her supervisor under the terms specified above.

k. If the Respondent fails to complete the supervision in a timely manner as set out above, the Respondent will be deemed in violation of probation and this Consent Order;

l. An unsatisfactory report from the Respondent's Supervisor may constitute a violation of probation and this Consent Order.

AND IT IS FURTHER ORDERED that at the conclusion of the **TWO (2) YEAR** probationary period, the Respondent may submit a written petition to the Board requesting termination of her probation, but only if she has fully and satisfactorily complied with all of the terms and conditions of this Consent Order, including all terms and conditions of probation, and if there any no pending complaints against similar to the issues in this case against her; 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

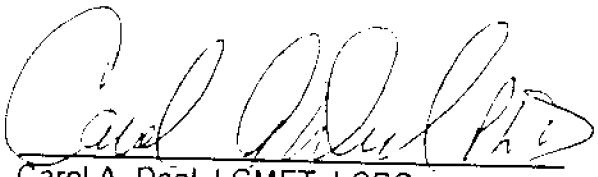
ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before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

ORDERED that the Respondent shall comply with the Maryland Professional Counselors and Therapists Act and all applicable laws, statutes and regulations pertaining to the practice of counseling and therapy; and it is further

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

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

7/19/2014
Date



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

CONSENT

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

9/17/14
Date

Karen G. Cooper, CAC-AD

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 17th day of September, 2014, before me, a Notary Public of the foregoing State and City/County personally appear Karen G. Cooper, CAC-AD, License Number AC1160, 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: