IN THE MATTER OF	*	**BEFORE THE STATE BOARD**
	*	**OF EXAMINERS**
JENNIFER LILLY, L.C.P.C.	*	**OF PROFESSIONAL COUNSELORS**
Respondent	*	**AND THERAPISTS**
License No. LC1672	*	**Case Number: 2013-45**

* *

CONSENT ORDER

The State Board of Examiners of Professional Counselors and Therapists (the "Board") charged Jennifer Lilly, L.C.P.C. (the "Respondent"), License Number: LC1672, with violating certain provisions of the Maryland Professional Counselors and Therapists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 17-101, *et seq.* (2009 and 2014 Repl. Vol.) and related regulations.

The pertinent provisions are as follows:

H. O. § 17-509. Denial, probation, suspension, or revocation of certificate applicant or holder.

> 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 a 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, marriage and family therapist, professional counselor, or professional art therapist;
>
> (8) Violates the code of ethics adopted by the Board;
>
> (13) Violates any rule or regulation adopted by the Board;

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The Board further charges the Respondent with violating various Regulations

under Code Of Md. Regs. (COMAR) 10.58.:

10.58.03. Code of Ethics

.04 Ethical Responsibility.

A. A counselor shall:

(8) Provide supervision to supervisees as required under COMAR 10.58.01, 10.58.07, and 10.58.08;

B. A counselor may not:

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

10.58.12. Supervision Requirements

.07 Responsibilities of a Supervisor.

A supervisor shall:

A.Establish a written contract for supervision initiated before beginning supervision;

B. Ensure that the supervisee is practicing within the scope of the supervisee's license;

C. Determine the skill level at which the supervisee may practice;

F. Ensure that a supervisee has read and is knowledgeable about Health Occupations Article, Title 17, Annotated Code of Maryland, and COMAR 10.58; and

H. Be responsible for the clinical professional practices of supervisees.

CASE RESOLUTION CONFERENCE

On Monday December 1, 2014, the Board convened a Case Resolution Conference ("CRC") regarding this matter. Present at the Case Resolution Conference was Debra A. Smith, Administrative Prosecutor, and the Respondent, Jennifer Lily, L.C.P.C. Based on negotiations which occurred as a result of this Case Resolution

Conference the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant to the charges, the Respondent was and is licensed to practice as a licensed counselor in the State of Maryland.

2. The Respondent was originally issued a license to practice in the State of Maryland on or about January 8, 2004, and her current license expires in January 2016.

3. The Board opened an investigation of the Respondent, after finding out that the Respondent supervised an unlicensed individual in the practice of counseling and therapy.

4. The Respondent provided supervision to an unlicensed therapist ("Witness A")[1], who admitted that she had been providing clinical services for twenty clients without a valid license.

5. Witness A claimed that the Respondent was her supervisor, and that she had been practicing under the Respondent's license.

6. The Board issued a request for subpoena for 15 client records from Witness A.

7. The subpoenaed treatment records indicate that the Respondent supervised Witness A's diagnosis, treatment plans and referral options for the 15 clients from on or about November 2012 through June 2013.

[1]The identity of Witness A is not included in this document in order to protect the privacy of Witness A. This information, however, will be provided to the Respondent upon request.

8. The Board also issued a request for subpoena to the Respondent for supervision notes from the Respondent's supervision of Witness A.

9. On or about November 18, 2013, Board staff interviewed the Respondent regarding her supervision of Witness A. The Respondent admitted that she supervised Witness A, who was providing counseling and therapy services to clients. She also admitted that she knew Witness A was not a licensed therapist, during the period of time she was providing supervision for Witness A.

10. The Respondent stated that she met with Witness A in or about November 2012, and that Witness A stated she was practicing under a supervisor who was retiring, and that she needed a new supervisor. According to the Respondent, Witness A stated that she had an application for licensure on file with the Board. The Respondent stated that she agreed to supervise Witness A.

11. During the Board interview the Respondent stated that she believed Witness A was allowed to practice counseling, because she had been "grandfathered" in under the Board's regulations, because she was providing counseling services in the State of Maryland before the Board was created. The Respondent, however, did not provide a citation to any law, regulation, or advisory document from the Board that permitted Witness A to practice without a license.

12. The Respondent did not provide the Board with any information or documentation that she contacted the Board to determine whether Witness A was allowed to practice without a license as a counselor in the State of Maryland during the relevant time period.

13. The Respondent reported that, in or about March 2013, she advised Witness A to cease practicing After Witness A reported that she was the subject of a Board complaint for unauthorized practice.

14. The Respondent's actions as described herein violate H.O. §§ 17-509 (4), (8), (13); and/or COMAR 10.58.03.04A (8), and B (2); and/or COMAR 10.58.12.07(A), (B), (C), (F), and (H).

CONCLUSIONS OF LAW

Based on the foregoing findings of fact the Board concludes as a matter of law that the Respondent's actions violated: H.O. §§ 17-509 (4), (8), and (13); COMAR 10.58.03.04A (8), and B (2); and COMAR 10.58.12.07(A), (B), (C), (F), and (H).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of January, 2015, by a majority of the quorum of the Board considering this case hereby:

ORDERED that effective the date of this Consent Order, the Respondent' shall be placed on **PROBATION** for a period of **twelve (12) months**, subject to the following terms and conditions:

1. During the **twelve (12) month** period of probation to begin on the date of execution of this Consent Order, the Respondent shall enroll in and successfully complete a 3-credit graduate level Board-approved course from an accredited college or university focused on the professional, legal and ethical responsibility required in supervision of a counselor. 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 the 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 to be adequate to fulfill the Respondent's requirements under this Order.

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

3. The course completed under this Order can be used to satisfy the continuing education requirements for the applicable 2-year licensure renewal period.

4. The Respondent is responsible for ensuring that she completes the required courses in a timely manner;

AND BE IT FURTHER ORDERED, that the Respondent shall not petition the Board for early termination of her probation or the terms of this Consent Order; and it is further;

ORDERED that the Respondent's failure to comply with any of the conditions of this Consent Order in a timely manner as set out above, shall be considered 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 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; and it is further

ORDERED that the Respondent may submit a written petition to the Board requesting termination of her probation no earlier than **twelve (12) MONTHS** from the date of commencement of the probationary period, but only if she has fully and satisfactorily complied with all terms and conditions of this Consent Order, including all terms and conditions of probation, and including the expiration of the twelve (12) month period of probation, and there are no pending complaints against her ; 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. State Gov't Code Ann. § 10-611 *et seq.* (2009 & 2014 Repl. Vol.)

1/19/2015

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

CONSENT

I, Jennifer Lily, L.C.P.C., License No. LC1672, by affixing my signature hereto, acknowledge that:

1. I understand that I am entitled to be represented by counsel, and I have knowingly and voluntarily elected to waive my right to counsel and proceed in this matter without counsel. I enter into this Consent Order knowingly and voluntarily. 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.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Health Occ. Code Ann. § 17-511(2014 Repl. Vol.) and Md. State Gov't Code Ann §§ 10-201 *et seq.* (2014 Repl. Vol.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have 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 as provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed

any such hearing.

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice as a licensed professional counselor.

6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

12-17-14
Date

Jennifer Lilly, LCPC
Respondent

NOTARY

STATE OF Maryland

COUNTY OF Frederick

I HEREBY CERTIFY that on this 17th day of December, 2014, before me, a Notary Public of the State and County aforesaid, personally appeared Jennifer Lily, L.C.P.C., License Number LC1672, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal:

Notary Public

My Commission expires:

MARIA D MATIAS
Notary Public
Frederick County
Maryland
My Commission Expires July 03, 2017