

IN THE MATTER OF	*	BEFORE THE MARYLAND
MONIQUE D. EVANS, CAC-AD	*	STATE BOARD OF PROFESSIONAL
Respondent	*	COUNSELORS AND THERAPISTS
Certificate Number: AC0668	*	Case Number: 2013-64

\* \* \* \* \*

**CONSENT ORDER**

On April 4, 2014, the Maryland State Board of Professional Counselors and Therapists (the "Board") charged **MONIQUE D. EVANS, CAC-AD**, (the "Respondent"), Certificate Number AC0668, with violating 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 charged the Respondent with violating 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 . . . place any . . . certificate holder on probation, reprimand any . . . certificate holder, or suspend or revoke a . . . certificate of any certificate holder if the . . . certificate holder:

- (8) Violates the code of ethics adopted by the Board;
- (13) Violates any rule or regulations adopted by the Board; and
- (16) Commits an act of . . . unprofessional conduct in the practice of . . . nonclinical counseling . . .

The relevant provisions of the code of ethics and regulations adopted by the Board under COMAR10.58.03 provide:

**.04 Ethical Responsibility.**

A. A counselor shall:

- (14) Take reasonable precautions to protect clients from physical or psychological trauma.

**.05 The Counseling Relationship.**

A. Client Welfare and Rights.

(2) A counselor may not:

- (a) Place or participate in placing clients in positions that may result in damaging the interests and the welfare of clients, employees, employers, or the public.

On June 3, 2014, a Case Resolution Conference was held before a panel of the Board. As a resolution of this matter, 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 hereto, the Respondent was and is certified to practice alcohol and drug counseling in the State of Maryland. The Respondent was originally certified to practice alcohol and drug counseling in Maryland on or about November 16, 2001, under Certificate Number AC0668.

2. At all times relevant hereto, the Respondent was employed as an addiction counselor for alcohol and drugs at a local county health department ("Facility A").<sup>i</sup>

3. The Board initiated an investigation of the Respondent after receiving a report, dated September 19, 2013, from Facility A, stating that the Respondent resigned

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<sup>i</sup> The names of individuals, hospitals or healthcare facilities involved in this case are confidential and not disclosed in this document.

from her employment as a result of allegations of professional ethical violations. Specifically, Facility A reported that a client (the "Client") of the Respondent's disclosed during a group counseling session that the Respondent had "smacked her butt" on August 16, 2013, which made her feel uncomfortable. On or about October 25, 2013, the Client filed a formal complaint with the Board against the Respondent based on the same allegations.

### **BOARD INVESTIGATION**

4. The Client was a resident at Facility A's long term treatment program and received individual and group counseling from the Respondent.

5. On or about August 16, 2013, the Client met with a staff member ("Staff A") at a room in Facility A for the purpose of undergoing certain testing. After completing the testing, the Client was signing certain documents when the Respondent entered the room.

6. The Respondent began to engage the Client in a conversation over the Client's failure to complete her residential chores. While the Client was bending over a desk signing documents, the Respondent approached her from behind and slapped her on the buttocks with her hand, which made the Client feel uncomfortable. Staff A, who was present in the room, observed the Respondent walking behind the Client and slap her on the buttocks.

7. During a group counseling session on or about August 20, 2013, the Client disclosed that the Respondent slapped her on the buttocks and how uncomfortable she felt afterwards.

8. On or about November 20, 2013, a Board investigator conducted an under

oath interview of the Respondent at the Board's offices. During the interview, the Respondent admitted that she "tapped a patient on the top of her buttocks." In describing the incident, the Respondent stated, "Those patients become our family over time, as it wasn't out of malice or any sexual connotation or denotation. I was -- it [was] like scolding a child for not doing her chores, and that's what the incident was about."

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent, on or about August 16, 2013, made inappropriate physical contact with the Client by slapping her on the buttocks at Facility A, which constitutes: a violation of the code of ethics and rules and regulations adopted by the Board, in violation of Health Occ. § 17-509(8) and (13), specifically COMAR 10.58.03.04A(14) and COMAR 10.58.03.05A(2)(a); and committing an act of unprofessional conduct in the practice of nonclinical counseling, in violation of Health Occ. § 17-509(16).

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 30<sup>th</sup> day of June, 2014, by a majority of the Board considering this case:

**ORDERED** that the Respondent is hereby **REPRIMANDED**; and it is further

**ORDERED** that the Respondent is placed on **PROBATION** for a minimum period of **ONE (1) YEAR**. During the probationary period, the Respondent must comply with the following terms and conditions:

1. During the probationary period, the Respondent shall enroll in and successfully complete a Board-approved three (3) credit in-person course with a focus on alcohol and drug ethics. 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 reject her proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and duration adequately fulfills the Respondent's ethical needs. This course shall be in addition to any course required to satisfy the continuing education requirements for the applicable two-year licensure renewal period.

2. The Respondent shall comply with the Maryland Professional Counselors and Therapists Act and all applicable laws, statutes and regulations pertaining to the practice of alcohol and drug counseling.

**AND IT IS FURTHER ORDERED** that after the conclusion of the **ONE (1) YEAR** probationary period, the Respondent may submit a written petition to the Board requesting termination of 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 charges; 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 any material 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 is responsible for all costs incurred in fulfilling the terms and conditions of this 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.).



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

**CONSENT**

I, Monique D. Evans, 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.

6-13-14  
Date

  
Monique D. Evans, BS, CAC-AD

NOTARY

STATE OF MARYLAND  
CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this 13<sup>th</sup> day of June,  
2014, before me, a Notary Public of the foregoing State and City/County personally  
appear Monique D. Evans, 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.

Cassandra M. Kase  
Notary Public

Commissioned as:  
Cassandra Larkin  
8/26/17

My commission expires: