

VIRGINIA:

BEFORE THE BOARD OF COUNSELING

IN RE: EDWARD F. DUDZINSKI, JR., L.P.C.
License No. : 0701-002789

ORDER

Pursuant to Sections 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Counseling ("Board"), composed of Lynnette L. Shadoan, L.P.C., and Janice F. McMillian, L.P.C., met regarding Edward F. Dudzinski, Jr., L.P.C., on October 4, 2002, in Richmond, Virginia. Mr. Dudzinski appeared in person at the informal conference and was not represented by counsel. The purpose of the informal conference was to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated August 30, 2002.

FINDINGS OF FACT

After consideration of the evidence and statements concerning the allegations, the Committee makes the following findings of fact:

1. Edward F. Dudzinski, L.P.C., holds license number 0701-002789 issued by the Board to practice professional counseling in the Commonwealth of Virginia.
2. Mr. Dudzinski was employed as a Substance Abuse Counselor II, with Fairfax County-Falls Church Community Services Board's Alcohol and Drug Services ("ADS"), Fairfax, Virginia, from January 4, 1999, through December 12, 2001. Mr. Dudzinski's duties included performing court ordered evaluations of teenagers involved in drug and alcohol abuse and providing group education services at the Fairfax Juvenile Detection Center.
3. Mr. Dudzinski became personally involved with current and former ADS clients, specifically:
 - a. Between on or about February 2001 and approximately November 13, 2001, Mr.

Dudzinski engaged in a personal relationship with Client A, a minor he met at the Fairfax Juvenile Detention Center, and a former resident of Crossroads, to include:

- i) Volunteering to act as Client A's mentor in assisting Client A in meeting his Alcoholics Anonymous ("AA") and Narcotics Anonymous ("NA") responsibilities, which included Mr. Dudzinski driving Client A to AA/NA meetings.
- ii) Driving Client A to his probation officer's office for urine drug screens.
- iii) Having visits with Client A at Mr. Dudzinski's home to include, overnight stays during which, on at least ten (10) occasions, Client A slept in the same bed with Mr. Dudzinski.
- iv) Attending a concert with Client A.
- v) Attending a weekend-long AA convention with Client A.
- vi) Attending Client A's court appearances, which on at least one (1) occasion, Mr. Dudzinski did during his ADS work hours.
- vii) Obtaining releases that allowed Client A's Probation Officer and Supervised Release Services representative to disclose to Mr. Dudzinski information regarding Client A to include, clinical summary/impressions, clinical recommendations, assessment results, treatment progress and discharge summaries.
- viii) Providing Client A with gifts of cigarettes and compact discs.
- ix) Sending notes and/or letters to Client A.
- x) Engaging in telephone and computer communications with Client A.
- xi) Inviting Client A to care for him at his home following Mr. Dudzinski's hospitalization.

b. In approximately September 2001, Mr. Dudzinski participated in an intervention regarding Client B and referred Client B, a minor, to ADS for treatment. Subsequent to the referral, Mr. Dudzinski engaged in personal telephone and computer communications with Client B and drove Client B to AA meetings.

4. On or about October 29, November 1, and November 2, 2001, his ADS supervisor counseled Mr. Dudzinski regarding boundary violation issues with regard to Client B and Mr. Dudzinski's NA service work at Crossroads.

CONCLUSIONS OF LAW

The Committee concludes that the foregoing Findings of Fact constitute a violation of 18 VAC 115-20-130(A) and (B)(1) and (16) and 18 VAC 115-20-140(A)(3) of the Regulations Governing the Practice of Professional Counseling.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Edward F. Dudzinski, Jr., L.P.C., be, and hereby is, placed on PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. Mr. Dudzinski may petition for termination of probation after not less than one (1) year from the date this Order is entered, at which time he shall appear before a Committee for consideration of his petition and review of his compliance with the terms and conditions of this Order.

2. Reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than thirty (30) days following the date that this Order is final. Subsequent reports must be received quarterly by the last day of the months of September, June,

December and March until the period of probation ends. Mr. Dudzinski is fully responsible for ensuring that all required reports are properly submitted and received by the Board in a timely manner.

3. Mr. Dudzinski shall have a psychological evaluation, to include such testing as deemed appropriate, by a Board approved clinical psychologist and have a written report of the evaluation including diagnosis, recommended course of treatment, prognosis and any recommendations submitted to the Board. Said report must be received no later than ninety (90) days from the date this Order becomes final. Mr. Dudzinski shall comply with the evaluator's recommendations, if any. He shall provide a copy of the Investigative Report and this Order to the evaluator prior to the evaluation, and authorize the evaluator to communicate with representatives of the Board concerning the evaluation and his progress. Mr. Dudzinski shall bear all reasonable expenses of the evaluation including a per hour charge for the evaluation, report writing and information gathering of the evaluator at his/her hourly fee.

4. Mr. Dudzinski shall continue in therapy with his present therapist or other mental health practitioner approved by the Board, who shall provide written reports regarding his condition on a calendar quarterly basis. The initial report shall include a statement of the diagnosis, treatment plan and prognosis. Thereafter, the report shall contain a detailed statement on the current condition, prognosis and any change in the treatment plan or diagnosis. Should Mr. Dudzinski wish to change treating practitioners, he shall submit the name and curriculum vitae of a practitioner for approval by the Board. Upon approval, Mr. Dudzinski shall advise the Board when he has made an appointment and shall await authorization from the Board before seeing the practitioner. Mr. Dudzinski shall provide to the practitioner a copy of this Order, a copy of the Investigative Report, and any materials deemed by the Board as necessary to assist the practitioner.

5. Within one (1) year of entry of this Order, Mr. Dudzinski shall successfully complete three (3) credit hours of graduate level continuing education ("CE") in the area of counseling ethics. All CE shall be approved in advance of registration by the Executive Director of the Board.

6. Mr. Dudzinski shall within one (1) year from the date of entry of this Order, submit a graduate level or publication quality research paper with a bibliography, in APA format, on the topics of dual relationships and evaluation of the potential for harm. This paper must be based on a current review of professional literature, must be the result of Mr. Dudzinski's own research and writing and must be acceptable to the Board. The Committee will review Mr. Dudzinski's paper upon submission.

7. Mr. Dudzinski's counseling practice shall be limited to adult clients, and he shall not practice outside the areas for which he is qualified by training or experience to include treating borderline personalities.

8. For a period of not less than one (1) year, Mr. Dudzinski shall enter into individual supervision of his practice with a Board approved supervisor no later than thirty (30) days following the date this Order is final. Said supervisor shall submit his/her resume, qualifications and credentials to the Board for approval, and shall act as a duly constituted agent of the Board.

a. Said supervisor shall not be an individual with whom Mr. Dudzinski is in practice. Prior to any change of supervision, Mr. Dudzinski must obtain Board approval.

b. Mr. Dudzinski's supervisor shall submit a detailed review of the supervisory activities in addition to any supervisory recommendations to the Board. These reviews shall be sent to the Board office every quarter, by the last day of the months of September, June, December and March. Mr. Dudzinski is fully responsible for ensuring that all required reports are

properly submitted and received by the Board in a timely manner.

c. Mr. Dudzinski shall meet with his supervisor within fifteen (15) days of the date of approval for the purpose of beginning supervision. Mr. Dudzinski shall insure that the Board approved supervisor receives a copy of the Report of Investigation and this Order prior to supervision commencing.

d. Mr. Dudzinski and his supervisor shall meet in person at least one (1) time a week in a supervisory session for the purpose of engaging in continuous audit and monitoring of Mr. Dudzinski's practice. The supervision shall take place at a location designated by the supervisor, with at least one (1) meeting per quarter to take place at Mr. Dudzinski's practice, and Mr. Dudzinski shall make available the records of all of his clients for audit inspection. The audit shall include all of Mr. Dudzinski's clients as well as an adequate sampling of age range and type of patients seen by him. The supervisor shall be especially aware of cases where the potential may exist for boundary issues to arise.

e. Should Mr. Dudzinski or his practice supervisor request modification of the terms of this Order, said request shall be proffered in writing to the Board.

f. Mr. Dudzinski shall bear all reasonable expenses of his supervisor including a per hour charge for the supervision, report writing and information gathering of the supervisor at his/her hourly fee.

9. Written reports shall be provided by Mr. Dudzinski, which will include his current address and current practice location. These reports shall be sent to the Board office as stated in term number 2.

10. Mr. Dudzinski shall sign an authorization form, within fourteen (14) days from the date this Order becomes final, allowing unrestricted communication between the Board, his treating therapist,

his practice supervisor, and his psychological evaluator.

The Committee reserves the right to re-convene the informal conference for modification of the terms and conditions of this Order.

Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of professional counseling in the Commonwealth of Virginia, shall constitute grounds for the suspension or revocation of Mr. Dudzinski's license and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

Pursuant to Section 2.2-4023 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

If Mr. Dudzinski does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, he shall notify, in writing, Evelyn B. Brown, Executive Director, Board of Counseling, 6606 W. Broad Street, Fourth Floor, Richmond, Virginia 23230-1717 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a written request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in Sections 2.2-4019 and 2.2-4021 of the Code.

FOR THE COMMITTEE:



Evelyn B. Brown
Executive Director

ENTERED: October 10, 2002

Edward F. Dudzinski, Jr., L.P.C.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed to Edward F. Dudzinski, Jr., L.P.C., at 2797 Crystal Wood Court, Herndon, Virginia 20171, on the 10th day of October, 2002.



Evelyn B. Brown
Executive Director
Board of Counseling