

IN THE MATTER OF

*** BEFORE THE MARYLAND**

**ANDRE BROOKS,
LMSW
RESPONDENT**

*** STATE BOARD OF
* SOCIAL WORK EXAMINERS**

License Number: 21704

*** Case Number: 2021-3045**

*** * * * ***

CONSENT ORDER

The Maryland Board of Social Work Examiners (the “Board”) charged **ANDRE BROOKS**, Licensed Masters Social Worker (**LMSW**), (the “Respondent”), License Number **26778**, with violating various provisions of the Maryland Social Workers Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2021 Repl. Vol. and 2023 Supp.).

The pertinent provisions of the Act provide the following:

§ 19-311. Grounds for license denials, discipline

Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny a license to any applicant, fine a licensee, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

....

- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (5) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;
- (6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board;

The pertinent provisions of Md. Code Regs. ("COMAR"), provide the following:

COMAR 10.42.01.05. Required Hours of Supervised Social Work Experience

- A. A candidate with experience obtained in Maryland shall have obtained a licensed master social work license before beginning to obtain the requisite 3,000 hours of supervised social work experience.

COMAR 10.42.02.03 Scope of Practice.

...
B. Licensed Master Social Worker (LMSW)

- (1) An LMSW shall practice social work under a social work supervisor and may practice social work as stated in Health Occupations Article §19-101 (p) and 19-307(c)(2), Annotated Code of Maryland.

- ...
- (3) An LMSW's practice may not include the treatment of emotional disorders, psychotherapy, or diagnosis of mental disorder without the supervision of an LCSW-C.

- (4) An LMSW may not engage in the practice of social work independent of social work supervision unless approved by the Board for independent practice.

- (5) On or before December 31, 2019, an LMSW may not engage in private practice without the supervision of an LCSW-C.

- (6) On or after January 1, 2020, an LMSW may not engage in private practice as defined in Regulation 02.B(13) of this chapter.

- (7) On or after January 1, 2020, an LMSW may be employed in a private practice working under the supervision of an LCSW-C.

COMAR 10.42.03.06. Standards of Practice.

- A. Professional Competence. The licensee shall:

....

- (7) Document and maintain appropriate and accurate records of professional service, supervision, and research work;

COMAR 10.42.08.08. Responsibilities of a Supervisee:

A. A supervisee shall:

- (1) Receive social work supervision for social work practice as set forth in Health Occupation, Article, § 19-101, Annotated Code of Maryland;
- (2) Receive a minimum of 3 hours face-to-face supervision per month or 1 hour of face-to-face supervision for every 40 hours worked;
- (3) Prepare for supervision using case materials related to the supervisee's social work practice;
- (4) Maintain documentation, for at least 5 years, of the supervisory sessions, including the dates, duration and focus of the supervisory sessions;
- (5) Establish a written contract, on a form provided by the Board, for advanced licensure or independent practice, initiated before beginning supervision; and
- (6) Attend and participate in supervision as agreed upon in the written contract for advanced licensure or independent practice[.]

On December 20, 2023, the parties appeared at a Case Resolution Conference ("CRC") before a committee of the Board. The Respondent, pro se, and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of the negotiations at the CRC the parties agreed to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds that:

Background

1. At all times relevant, the Respondent was licensed to practice as a licensed master social worker – clinical (“LMSW”) in the State of Maryland.
2. On or about May 4, 2016, the Respondent was licensed to practice as an LMSW in Maryland, license number 21704. The Respondent’s LMSW license is active and October 31, 2024.
3. The Respondent began working as an LMSW and therapist at a private practice in Maryland (the “Practice”)¹ that provided counseling services for adults, children, and families.
4. According to his job description, the Respondent’s job duties as a therapist included, but was not limited to, the following: develop and implement Individual Treatment Plans for assigned clients; provide individual, group and family therapy to clients on his caseload; document information in client’s medical record; makes notes in progress notes; complete and submit discharge plans; and maintains professional license(s).

Complaint

5. On or about September 10, 2021, the Board opened a complaint, sua sponte, regarding the social work practice of the Respondent after learning the Respondent had

¹ To ensure confidentiality, proper names are not set forth in this document. The names are available to the Respondent upon written request to the Administrative Prosecutor

not received clinical supervision for approximately two years.

6. On or about January 11, 2011 the Respondent began working for the Practice as a Multi-Systemic therapist, the Respondent was employed as an LMSW for a practice.

Supervision Contract 1 – signed September 13, 2016

7. On September 13, 2016, the Respondent signed a Supervision Contract (“Contract 1”) with a Board approved supervisor (“Supervisor 1”). According to Contract 1, Supervisor 1 agreed to provide clinical supervision to the Respondent 1 hour per week. Supervisor 1 supervised the Respondent from September 13, 2016 to April 18, 2019.

8. The Board’s Investigator interviewed Supervisor 1 on August 24, 2021 who stated the following:

- a) He was employed at the Practice from June 1, 2016 to April 18, 2019 as the Practice’s Clinical Supervisor.
- b) He has been a Board approved supervisor since August 2, 2016.
- c) His social work specialty was Clinical.
- d) He provide clinical supervision to the Respondent from September 13, 2016 until the time he left the Practice on April 18, 2019.²
- e) Due to a medical issue, on April 18, 2019, he notified the CEO of the Practice via email that he was resigning from the Practice.

April 18, 2019 to May 12, 2021 – Unsupervised Period

9. From April 18, 2021 through May 13, 2021, the Respondent continued to work at the Practice, but did not receive clinical supervision from a Board approved LCSW-C while working as an LMSW at the Practice.

² Supervisor 1 provided the Board with his supervision notes and documents regarding his Supervision of the Respondent. The last formal Individual Clinical Supervision note is dated October 25, 2018.

10. In a letter to the Board dated August 26, 2021, the CEO of the Practice stated he did not have a clear understanding of the Board's regulations regarding clinical supervision. After Supervisor 1 resigned from the Practice, the CEO did not have a Board approved licensed social worker supervisor on staff. The CEO stated that three different licensed clinical professional counselors ("LCPC 1", "LCPC 2", and "LCPC 3")³ supervised the Respondent from May 1, 2019 through May 13, 2021.

11. During an interview on September 28, 2021, the Respondent told the Board's Investigator the following:

- a) He was supervised by Supervisor 1 until October 25, 2018.
- b) He did not have a formal supervision contract with LCPC 1 but that she supervised him, conducted quarterly reviews with him, and approved his notes.
- c) During the COVID-19 pandemic when all staff were sent home and were working remotely, no clinical supervision occurred.
- d) When LCPC 3 became the Clinical Director at the Practice, she conducted weekly group supervision and reviewed the Respondent's notes.
- e) He initially thought he was being provided proper supervision by the Practice after Supervisor 1 left the Practice. But then acknowledged that after Supervisor 1 left he was not being "formally supervised by the Board" because he was only under the supervision of an LCPC.
- f) He began supervision with a Board approved supervisor ("Supervisor 2") in May 2021. The Practice told him that they would not be providing him supervision, so he had to "hire" Supervisor 2 to be his Board approved supervisor.

³ Licensed clinical professional counselors are NOT licensed by the Maryland Board of Social Work Examiners and are not approved to act as clinical supervisors for an LMSW under COMAR 10.42.08.03. and 10.42.08.04.

- g) Supervisor 2 has reviewed the Board's regulations with him regarding Board approved supervision.
- h) He is currently, as of the date of his interview, the program director of the psychiatric rehabilitation program at the Practice.

Supervision Contract 2 – signed May 13, 2021

12. On May 13, 2021, 2016, the Respondent signed a Supervision Contract (“Contract 2”) with Supervisor 2. According to Contract 2, Supervisor 2 agreed to provide clinical supervision to the Respondent 1 hour per week.

13. The Board Investigator interviewed Supervisor 2 on September 29, 2021 who stated the following:

- a) She had been employed at the Practice since January 14, 2021.
- b) Her specialty was Trauma and Multi-Systemic Therapy.
- c) She has been a Board approved supervisor since November 7, 2014.
- d) She entered a Supervision Contract with the Respondent on May 13, 2021 to provide supervision for 1 hour per week.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated:

Health Occ. § 19-311. Grounds for license denials, discipline

Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny a license to any applicant, fine a licensee, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

....

- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (5) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;
- (6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board[.]

The pertinent provisions of Md. Code Regs. (“COMAR”), provide the following:

COMAR 10.42.02.03 Scope of Practice.

...
B. Licensed Master Social Worker (LMSW)

- (1) An LMSW shall practice social work under a social work supervisor and may practice social work as stated in Health Occupations Article §19-101 (p) and 19-307(c)(2), Annotated Code of Maryland.
- ...
(2) An LMSW’s practice may not include the treatment of emotional disorders, psychotherapy, or diagnosis of mental disorder without the supervision of an LCSW-C.
- (4) An LMSW may not engage in the practice of social work independent of social work supervision unless approved by the Board for independent practice.
- (5) On or before December 31, 2019, an LMSW may not engage in private practice without the supervision of an LCSW-C.
- (6) On or after January 1, 2020, an LMSW may not engage in private practice as defined in Regulation 02.B(13) of this chapter.
- (7) On or after January 1, 2020, an LMSW may be employed in a private practice working under the supervision of an LCSW-C.

COMAR 10.42.03.06. Standards of Practice.

B. Professional Competence. The licensee shall:

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(8) Document and maintain appropriate and accurate records of professional service, supervision, and research work;

COMAR 10.42.08.08. Responsibilities of a Supervisee:

A. A supervisee shall:

- (1) Receive social work supervision for social work practice as set forth in Health Occupation, Article, § 19-101, Annotated Code of Maryland;
- (2) Receive a minimum of 3 hours face-to-face supervision per month or 1 hour of face-to-face supervision for every 40 hours worked;
- (3) Prepare for supervision using case materials related to the supervisee's social work practice;
- (4) Maintain documentation, for at least 5 years, of the supervisory sessions, including the dates, duration and focus of the supervisory sessions;
- (5) Establish a written contract, on a form provided by the Board, for advanced licensure or independent practice, initiated before beginning supervision; and
- (6) Attend and participate in supervision as agreed upon in the written contract for advanced licensure or independent practice[.]

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 9th day of February, 2024, by a majority of the quorum of the Board considering this case hereby:

ORDERED that the Respondent's license is **REPRIMANDED**; and it is further

ORDERED that the Respondent's license to practice social work shall be placed on **PROBATION** for a **minimum of ONE (1) YEAR**, and continuing until the Respondent has successfully completed the following probationary conditions:

1. The Respondent's status as a licensed social worker shall be listed in the Board's database and on its website as being on "Probation";

Probation Supervisor

2. During the probationary period, the Respondent shall be supervised by a Board-approved supervisor ("Probation Supervisor"), to whom the Board will provide **written quarterly reports** on Respondent's progress during the supervisory period;
3. The **Probation Supervisor is not and cannot be** the same supervisor that the Respondent is currently being supervised as an LMSW for at his current employment.
4. The Respondent shall meet with the Board-approved **Probation Supervisor for a minimum of one hour per month** for random chart review and discussion. These supervisory sessions should focus on compliance with the Code of Maryland Regulations ("COMAR") governing documentation, record keeping, and supervision. The Respondent shall ensure that the Probation Supervisor has full access to any and all records and documentation necessary to provide guidance and supervision, including but not limited to, client records and documents, including supervision documentation and client charts,
5. The **Probation Supervisor** shall submit quarterly written reports to the Board, which shall include but not be limited to the number and type of cases reviewed, issues discussed and his/her assessment of the Respondent's understanding of the conditions she is treating and her compliance with standards of care, ethical standards and record keeping standards;
6. A negative report from the **Probation Supervisor** may result in a violation of this Consent Order and further sanctions at the Board's discretion. The Board in its discretion, may reduce the frequency of the written reports from the supervisor, upon a written request from the supervisor;

7. The Respondent is responsible for ensuring that the **Probation Supervisor** submits the required quarterly reports to the Board in a timely manner;
8. In the event that the **Probation Supervisor** discontinues supervising the Respondent for any reason, the Respondent shall immediately notify the Board and submit a replacement candidate to serve as his supervisor under the terms specified above;

Current Employment Supervisor

9. The Respondent shall provide the Board a copy of his current **Agreement** that he has with his current clinical supervisor ("**Clinical Supervisor**") **within FOURTEEN DAYS (14)** of the effective date of this Consent Order.
10. If for any reason, the Respondent's **Clinical Supervisor** discontinues supervising the Respondent for any reason, the Respondent shall notify the Board within ten (10) days of the change in supervision, as well as the name and contact information of his new **Clinical Supervisor**. and submit his new Agreement to the Board. The Respondent shall ensure that there are no gaps in his clinical supervision and that he is in continuous compliance with the supervision requirements that govern his licensure.
11. The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereof; and it is further

ORDERED that the Respondent shall not serve or continue to serve as: a Board authorized sponsor and/or trainer of social work continuing education learning activities, an ethics tutor, an evaluator for the Board, or a Board-approved supervisor for a period of **FIVE (5) years** from the effective date of this Consent Order;

ORDERED that at the conclusion of the **ONE (1) YEAR** probationary period, the Respondent may submit a written petition the Board for a termination of his probation, which shall include documentation of his compliance with the terms of his probation, including but not limited to a recommendation from his Probation Supervisor and his

Andre Brooks, LMSW
License Number 21704
Consent Order of Probation

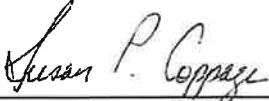
Clinical Supervisor The Respondent's Probation shall not be terminated absent the submission of the Respondent's petition to terminate probation. The Board may terminate the Respondent's probation depending on whether he has fulfilled all of the terms and conditions of the Consent Order, and whether there are any pending complaints against him; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of the Probation and/or 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 facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any sanction that the Board may have imposed in this case, including additional probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

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

ORDERED that the for the public disclosure, this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019) and is reportable to any entity to who the Board is obligated to report.⁴

2/9/2024
Date



Susan Coppage, LCSW-C, Board Chair
State Board of Social Work Examiners

⁴ This includes the Board's public website and NPDB.

CONSENT

I, **Andre Brooks, License No. 21704**, by affixing my signature hereto, acknowledge that:

1. I have a right to and have had an opportunity to consult with an attorney in this matter, before signing this document. I have knowingly and voluntarily agreed to enter 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.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Md. Code Ann., Health Occ. § 19-312 (2021 Repl. Vol.) and Md. Code Ann., State Gov't, §§ 10-201 *et seq.* (2021 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

Andre Brooks, LMSW
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Consent Order of Probation

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

12/00/2023
Date

Andre Brooks, LMSW
Andre Brooks, LMSW

NOTARY

Andre Brooks, LMSW
License Number 21704
Consent Order of Probation

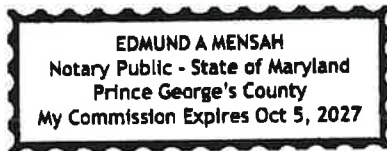
STATE OF MARYLAND

COUNTY OF PRINCE GEORGE'S

I HEREBY CERTIFY that on this 20TH day of DECEMBER,

2023, before me, a Notary Public of the State and County aforesaid, personally appeared **Andre Brooks, LMSW, License Number: 21704**, 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.



Edmund A. Mensah
Notary Public

My Commission Expires: 10/5/2023