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NOV 27 2018

Board of Social
Work Examiners

IN THE MATTER OF

*

BEFORE THE MARYLAND

LE ANDREA BANKS, LCSW-C

*

STATE BOARD OF

RESPONDENT

*

SOCIAL WORK EXAMINERS

License Number: 14636

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Case Number: 2017-2402

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CONSENT ORDER

The Maryland Board of Social Work Examiners (the "Board") charged **Le Andrea Banks**, Licensed Certified Social Worker-Clinical (**LCSW-C**), (the "**Respondent**"), License Number **14636**, with violating various provisions of the Maryland Social Workers Act (the "Act"), codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2014 Repl. Vol. and 2017 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:

- (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;

- (20) Fails to maintain adequate patient records[.]

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

COMAR 10.42.03.03. Responsibilities to Clients.

A. The licensee shall:

.....

- (4) Prepare and disseminate to an identified colleague or record custodian a written plan for the transfer of clients and files in the event of the licensee's incapacitation, death, or termination of service; and
- (5) Maintain documentation in the client's record which:

.....

- (b) Accurately reflects the services provided, including treatment plans, treatment goals, and contact notes;

.....

- (e) Is sufficient and timely to facilitate the delivery and continuity of services to be delivered in the future[.]

COMAR 10.42.03.06. Standards of Practice.

A. Professional Competence. The licensee shall:

.....

- (7) Document and maintain appropriate records of professional service, supervision, and research work[.]

COMAR 10.42.08.04. Qualifications, Education, and Responsibilities of a Supervisor.

.....

B. Additional Responsibilities. In addition to the requirements under § A of this regulation, the supervisor for advanced licensure shall:

.....

- (4) Have established and maintained a written contract for advanced licensure to provide supervision with the supervisee.

COMAR 10.42.08.05. Responsibilities of a Supervisor.

.....

B. Additional Responsibilities. In addition to the requirements of § A of this regulation, the supervisor for advanced licensure shall:

- (1) Establish a written contract for advanced licensure initiated before beginning supervision;

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- (3) Complete the supervision verification form;

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- (5) Provide a copy of the documentation required by Regulation .04 of this chapter:

- (a) On request by the supervisee; and

- (b) On request, by the Board or its authorized agent; and

- (6) Comply with a Board audit of a supervisor's compliance with regard to the supervision requirements and supervisory responsibilities.

On September 17, 2018, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The Respondent, represented by counsel, 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:

I. Background

1. At all times relevant hereto, the Respondent was licensed to practice clinical social work in the State of Maryland. The Respondent was initially licensed to practice clinical social work in Maryland on or about December 2, 2008, under license number 14636. The Respondent's license expires on October 31, 2018.

2. The Respondent was a per diem employee employed as a therapist/LCSW-C at an outpatient mental health clinic ("Employer")¹ from April 10, 2017 to August 18, 2017, when the Respondent was terminated from her employment.

3. On or about September 13, 2017, the Board received a complaint (the "Complaint") from a licensed clinical social worker (the "Complainant") alleging that the Respondent refused to submit required documentation to complete her clients' records and refused to provide the original Social Work Supervision Contract or the Supervision Verification Form to the individual she was supervising.

4. Based on the Complaint, the Board initiated an investigation of the Respondent's practice.

II. Board Investigation

5. In furtherance of its investigation, the Board obtained records from the Respondent's employer, the individual the Respondent was supervising (the "Supervisee"), and from the Respondent. In addition, the Board conducted interviews of the Complainant and the Respondent.

A. Failure to Maintain, Complete, and Provide Supervisor Verification Form and Supervision Contract

6. On May 10, 2017, the Respondent signed a Contract for Supervision for LCSW and LCSW-C Licensure ("Supervision Contract") as the Supervisee's supervisor.

¹ For purposes of ensuring confidentiality, proper names have been omitted and replaced with generic placeholders.

7. The Respondent provided hours of supervision to the Supervisee prior to the Respondent's termination from the Employer.²

8. According to the Complainant and the Supervisee, the Respondent refused to return any of the Supervisee's calls to secure her Supervision Contract or the Supervision Verification Form.

9. In response to questioning by the Board's investigator why the Respondent did not comply with the Supervisee's request for a copy of the Supervision Contract or the Supervision Verification Form, the Respondent stated that the Supervisee should have filled out the Supervision Verification Form to have the Respondent sign because the Respondent "wasn't going to do it for her"³ and she "wasn't going to sign a blank form."

10. When subpoenaed by the Board to provide a copy of the Supervision Contract and the Supervision Verification Form to the Board, on or about April 18, 2018, the Respondent produced a copy of the Supervision Contract; however, the Respondent failed to produce a copy of the Supervision Verification Form.

B. Failure to Maintain Adequate Client Records

11. During the Respondent's four months of employment at the Employer, the Respondent received instruction from the Employer's clinical manager (the "Clinical Manager") and the Complainant on at least four occasions—June 12, 2017; June 28, 2017; and twice on July 6, 2017—on how to establish and maintain adequate client records, including that the Respondent must include some details in the records regarding what occurred during each

² According to the Complainant, the Respondent completed five hours of supervision with the Supervisee. However, in an interview with the Board's investigator on May 4, 2018, the Respondent stated under oath that she provided seven hours of supervision, one hour on each of the following dates during 2017: May 10, May 24, June 14, June 28, July 12, July 26, and August 2.

³ According to the Supervision Verification Form, the form was to be completed by the Respondent, not the Supervisee.

therapy session and should not include numerous blanks throughout the documentation. The Clinical Manager also reminded the Respondent to refer to the documents she had been provided during orientation for samples of adequate documentation.

12. On August 10, 2017, in a meeting with the Complainant regarding the Respondent's failure to maintain adequate recordkeeping, the Respondent agreed to finalize her remaining documentation in accordance with the Employer's policies and protocol,⁴ and to terminate and transition the clients with all documents submitted by August 18, 2017.

13. During the August 10, 2017 meeting, the Respondent was provided an opportunity to explain why she had not complied with the Employer's policies and protocol regarding her recordkeeping. According to the Complainant, the Respondent "complained" that she had submitted documentation that she (the Respondent) "thought was sufficient." The documentation that the Respondent "thought was sufficient", however, her supervisor had returned to her to complete because it did not meet certain elements including: blank fields, no target dates, and no specific discharge recommendations. Then, "at some point, [the Respondent] refused to submit the documentation back with the corrections."

14. On August 17, 2017, the Complainant spoke face-to-face with the Respondent and reminded the Respondent that she had agreed to finalize her remaining documentation and to terminate⁵ and transition the clients with all documents submitted by August 18, 2017.⁶

15. The following day, on August 18, 2017, the Complainant called the Respondent to follow-up, however, the Respondent did not answer the telephone. Immediately thereafter, the

⁴ The Employer's documentation policy requires notes to be submitted to the file within 24-48 hours of service delivery. Therapy notes and progress notes should be documented and submitted to a client's file prior to a therapist's departure from employment with the Employer.

⁵ In an interview with the Board's investigator on May 4, 2018, the Respondent stated under oath that she was not notified that she was terminated until August 22, 2017.

⁶ In her interview with the Board's investigator, the Respondent denied having a face-to-face conversation on August 17, 2017, with the Complainant stating, "I don't work on Fridays - that's a Friday." Notably, August 17, 2017, was a Thursday, not a Friday, and the Respondent saw clients in the office on that day.

Complainant sent a text message to the Respondent notifying her (the Respondent) that her (the Respondent's) access to the Employer's EMR⁷ would be "cut off" since the Complainant had not heard back from the Respondent about her completed documentation.⁸ During the conversation, the Respondent requested to meet with the Complainant on August 22, 2017, to complete the required documentation.

16. However, on August 22, 2017, when the Respondent returned the Employer's laptop and met with the Complainant and the Employer's human resources specialist ("HR Specialist"), the Respondent once again refused to complete the required documentation. The Complainant again informed the Respondent that since she was no longer employed she would need to complete the documentation on the Employer's laptop in the office and that she could not have unsupervised access to the Employer's EMR. Despite being offered additional office times during the week to complete the documentation, the Respondent "refused this option."

17. The Employer also made attempts to reach the Respondent on August 28, 2017, by telephone, certified mail, and FedEx, all of which were unsuccessful. The Employer received a signed return receipt confirming delivery of the correspondence sent by FedEx.⁹

18. In a written statement dated June 1, 2018, sent to the Board, the Respondent admitted that she did not complete the required client documentation on August 22, 2017, or on another offered date, because she "felt uncomfortable" remaining at the Employer after being terminated and the Employer would not permit the Respondent to have access to the Employer's database from home.

⁷ An EMR is an electronic medical record.

⁸ In her interview with the Board's investigator, the Respondent acknowledged under oath that she received a voicemail message on August 18, 2017 regarding her access to the Employer's EMR being cutoff.

⁹ When the Board's investigator asked the Respondent whether the Employer made attempts to contact the Respondent on August 28, 2017, via telephone, certified mail, and FedEx, the Respondent stated, "I'm not sure because it more than likely went to my private mailbox and then I was also out of state."

19. The Employer conducted an audit of the Respondent's files which revealed 35 progress notes and 57 treatment plan events that had not been completed by the Respondent.

20. According to the Complainant, the Respondent's failure to complete required documentation resulted in a loss of approximately \$2,100.00 in Employer revenue; and cost the Employer an additional \$1,200.00 the Employer paid to other therapists to complete the necessary documentation.¹⁰

21. On May 4, 2018, during her interview with the Board's investigator the Respondent stated that she did not accept responsibility for the documentation that she did not complete.

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:

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- (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;
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¹⁰ The figures do not include the Employer's management time or legal expenses.

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- (5) Provide a copy of the documentation required by Regulation .04 of this chapter:

- (a) On request by the supervisee; and

- (b) On request, by the Board or its authorized agent; and

- (6) Comply with a Board audit of a supervisor's compliance with regard to the supervision requirements and supervisory responsibilities.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 9th day of November, 2018, by a majority of the quorum of the Board considering this case hereby:

ORDERED that the Respondent's license to practice social work shall be placed on **PROBATION** for a **minimum of TWO (2) YEARS**, and continuing until the Respondent has successfully completed the following probationary conditions:

1. The Respondent shall enroll in and successfully complete a Board-approved, in-person, one-on-one, ethics tutorial, equivalent to at least twelve (12) continuing

education credits, focusing on the issues that gave rise to this case. After the successful completion of the ethics tutorial, the instructor shall provide the Board with a written report detailing the Respondent's participation in and completion of the course. The Respondent shall also submit a written statement to the Board stating what she has learned from the ethics tutorial;

2. The Respondent shall enroll in and complete a **course on documentation/recordkeeping**, approved in advance by the Board;
3. For at least the first year of clinical practice, the Respondent shall meet at least once a month with a Board-approved supervisor for random chart review and discussion. At these meetings, the supervisor shall choose a random sample of at least ten (10) of the Respondent's active cases to review. If the Respondent's active cases includes less than ten (10) cases, then the supervisor shall review all of the Respondent's active cases. The supervisor shall review the charts to determine the Respondent's compliance with quality of care, ethical standards and record keeping standards. In addition, the supervisor shall discuss the cases with the Respondent to evaluate the Respondent's understanding of the conditions she is treating and her compliance with standards of care, ethical standards and record keeping standards;
4. The Respondent shall authorize the Board to provide the supervisor with the entire investigative file, including all investigative interviews and reports obtained during the investigation, the Board's disciplinary charges of August 16, 2018, and the Consent Order;

5. The 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. The Respondent is responsible for ensuring that the supervisor submits the required quarterly reports to the Board in a timely manner;
7. The Board has sole authority to implement any changes in the supervision and retains all authority to approve any changes in the supervision;
8. In the event that the supervisor discontinues supervising the Respondent for any reason, the Respondent shall immediately notify the Board and submit a replacement candidate to serve as her supervisor under the terms specified above;
9. The Respondent may file a petition to waive the condition of supervision after one (1) year from the date of this Consent Order. After consideration of the petition, the Board, or a designated committee of the Board, may grant or deny such petition at its sole discretion;
10. The Respondent shall pay a fine in the amount of one thousand dollars (\$1,000) by certified check or money order to the Maryland Board of Social Work Examiners; and
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's current approved supervisory status shall be rescinded, and she shall not be eligible to become a Board-approved supervisor for a minimum

ORDERED that the Respondent's current approved supervisory status shall be rescinded, and she shall not be eligible to become a Board-approved supervisor for a minimum of five years; and it is further

ORDERED that no part of the training or education that the Respondent receives in order to comply with the Consent Order may be applied to her continuing education credits required for certification; and it is further

ORDERED that at the conclusion of the two (2) year probationary period, the Respondent may petition the Board for a termination of her probation. The Board may terminate the Respondent's probation depending on whether she has fulfilled all of the terms and conditions of the Consent Order, and whether there are any pending complaints against her; 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 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

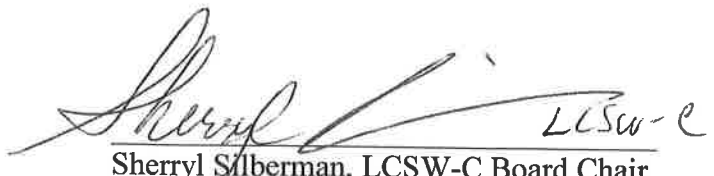
ORDERED that the Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

CONSENT

I, Le Andrea Banks, LCSW-C, License No. 14636, by affixing my signature hereto, acknowledge that:

1. I am represented by Barry Goldstein, Esquire, and I have consulted with counsel in this matter. 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 (2014 Repl. Vol. and 2017 Supp.) and Md. Code Ann., State Gov't, §§ 10-201 *et seq.* (2014 Repl. Vol. and 2017 Supp.).
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.

11-30-18
Date


Sherryl Silberman, LCSW-C Board Chair
State Board of Social Work Examiners

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.

11/16/2018
Date


Le Andrea Banks, LCSW-C

NOTARY

STATE OF MARYLAND

COUNTY OF PRINCE GEORGES

I HEREBY CERTIFY that on this 16th day of NOV., 2018, before me, a Notary Public of the State and County aforesaid, personally appeared Le Andrea Banks, LCSW-C, License Number: 14636, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public

My Commission Expires:



SEONG HEE SHIN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires Sept. 24, 2019