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Board of Social Work Examiners

**IN THE MATTER OF** \* **BEFORE THE MARYLAND**  
**BARBARA LYNN BOGLEY,** \* **STATE BOARD OF**  
**LCSW-C** \* **SOCIAL WORK EXAMINERS**  
**RESPONDENT** \*  
**License Number: 12383** \* **Case Number: 2017-2411**

\* \* \* \* \*

**CONSENT ORDER**

The Maryland Board of Social Work Examiners (the "Board") charged **Barbara Lynn Bogley**, Licensed Certified Social Worker-Clinical (**LCSW-C**), (the "Respondent"), License Number **12383**, 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 2019 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;

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

**COMAR 10.42.03.03. Responsibilities to Clients.**

A. The licensee shall:

.....

(5) Maintain documentation in the client's record which:

.....

(c) Indicates the time and date the services were provided[.]

On June 8, 2020, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The Respondent, her 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, the Respondent was licensed to practice as a licensed certified social worker – clinical (“LSCW-C”) in the State of Maryland. The Respondent was initially licensed to practice as a licensed master social worker (“LMSW”) in the State of Maryland on or about September 12, 2001, under license number G09879.

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2. Subsequently, on or about May 18, 2004, the Respondent was licensed as an LCSW-C, license number 12383. The Respondent's LCSW-C license is current through October 31, 2021.

3. At all times relevant, the Respondent engaged in the independent practice of social work at her office (the "Office") in Frederick, Maryland.

## II. Complaint

4. On or about October 17, 2017, the Board received a complaint (the "Complaint") from a client's mother (the "Complainant").<sup>1</sup> The Complaint alleged that the Respondent was unprofessional, inappropriate, and violated her minor daughter's (the "Client's") privacy by knowingly discussing the Client while on speaker phone. The written statement attached to the Complaint by the Complainant included the following information:

- a. The Complainant and her husband (the "Father") first took the Client to meet with the Respondent on or about June 18, 2017. At this first meeting, the Respondent met with the Complainant and the Father alone, and then met with the Client alone.
- b. The Respondent was late for the Client's appointments on approximately four occasions. The Respondent explained that she was late due to personal reasons.<sup>2</sup>
- c. On September 17, 2017, the Complainant and the Father took the Client to her appointment. They also had their grandson (the Client's 2-year old nephew) with them. The Respondent arrived at the Office late and had her school-aged children with her.<sup>3</sup> She was not aware that she and the Father were to be included in the Client's session and the Respondent seemed agitated that they had their grandson

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<sup>1</sup> To ensure confidentiality, proper names are not set forth in these *Charges under the Maryland Social Workers Act*. The names are available to the Respondent upon request to the Administrative Prosecutor.

<sup>2</sup> The actual details are not set forth in this document for privacy reasons.

<sup>3</sup> According to the Complainant, the Respondent took her children to a different room in the Office.

with them. When they gave the grandson a video to watch on her phone, the Respondent told her not to give him the phone and informed them about the use of electronics and the pediatric association recommendations. She was not told that the Respondent wanted to meet with her and the Father and assumed that they would be waiting in the waiting room with their grandson, while the Client was meeting with the Respondent. The Respondent's focus on her grandson contributed to the tenseness of the session. The Respondent provided toys for the grandson.

- d. On September 24, 2017, the Respondent called her phone to ask her to bring the Client to her home for her appointment instead of the office because the Respondent was having car problems. She said the Respondent was "rude" on the phone calls. When she asked the Respondent to re-schedule the Client's appointment for another day, the Respondent raised her voice stating that the Client needed to come to her appointment so she won't "kill herself." Her entire family was in the car at the time and could hear the Respondent's voice over the speaker phone. When she told the Respondent they wanted to find a different therapist for the Client, the Respondent got angry and said, "Lady you owe me a lot of money..." She told the Respondent that she thought that all the charges had been paid by her insurance and to send her a bill for any outstanding charges.
- e. She did not receive a bill from the Respondent after her conversation on September 24, 2017.

5. As part of the Complaint, the Complainant provided a screen shot of a text message from the Respondent which included the following statement:

I will send you a letter with resources and information so you can get your daughter the help she needs so she doesn't kill herself. This is a very serious issue. Please do not call me back or text me. I am not going to be yelled at and treated disrespectfully because you have family stress. Good luck.

6. Based on the Complaint, the Board began an investigation.

### **III. Board Investigation**

7. According to the progress notes and bills received from the Respondent, the Respondent met with the Client on seven (7) occasions on June 11, 2017; June 18, 2017; July 9, 2017; July 16, 2017; July 30, 2017; August 6, 2017; and September 17, 2017.
8. The Respondent's progress notes for the Client's sessions do not contain the times that the Respondent met with the Client.
9. On or about March 7, 2019, the Board's investigator conducted an in-person interview of the Complainant. During the interview, the Complainant made statements consistent with her written Complaint.
10. On or about March 21, 2019, the Board's investigator conducted an interview with the Respondent. During the interview, the Respondent stated the following:
  - a. At the time of the events involving the Client, the Respondent had an independent practice and met with clients for individual therapy at the Office in Frederick, Maryland.
  - b. She did not think the Client was suicidal and that the Client didn't really want to hurt herself.
  - c. She met with the Client beginning on June 11, 2017 until September 17, 2017. The Respondent said she did not recall being late for any of the Client's sessions and only discussed her ex-husband with the Client's parents "in passing."
  - d. She met with the Client on Sundays for the convenience of her parents and said that she tried to meet with the family when the parents were available.
  - e. She discussed the treatment plan with the Client's mother during the first and last sessions with the Client.

- f. She was “a little surprised” that the Complainant had her grandson with them at the September 17, 2017 appointment because when they initially set up the appointment, she had told the Client’s family that it was going to be a family session.
- g. During the September 17, 2017 appointment, she provided toys for the Complainant’s grandson.
- h. The Client had given her permission (verbally) to share her feelings and thoughts (with the Client’s parents) at the September 17, 2017 session.
- i. The Client’s parents were very defensive during the session on September 17, 2017.
- j. On September 24, 2017, she called the Complainant 45 minutes before the session to let them know she could not meet the Client at her Office and wanted to meet the Client at her home.<sup>4</sup> She admitted that she does not normally see clients at her home. She said the Complainant just wanted to reschedule the appointment, but the Respondent wanted the Client to come to the appointment.
- k. The Complainant was yelling at her on the phone on September 24, 2017. She told the Complainant that there was a balance owed on the Client’s account but that they didn’t have to discuss it that day. She hung up the phone because the conversation was not productive. She denied saying anything over the phone about the Client killing herself.
- l. She admitted she sent a text message to the Complainant “saying that I was going to send a letter with resources because I didn’t want—I did say that I didn’t want her daughter to kill herself or commit suicide or anything bad to happen.”
- m. After the September 24, 2017 phone call, she sent the Complainant a letter with resources for the Client, but she did not send the Complainant a bill.

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<sup>4</sup> According to the Respondent’s cell phone records, the Respondent called the Complainant’s cell phone number on September 24, 2017 at 10:45 a.m. and 11:20 a.m., and called the Client’s cell phone number at 11:24 a.m. The phone call at 11:20 a.m. to the Complainant’s cell phone lasted 4 minutes. The phone call at 11:24 a.m. to the Client’s cell phone lasted 7 minutes.

### 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...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;

COMAR 10.42.03.03. Responsibilities to Clients.

A. The licensee shall:

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- (5) Maintain documentation in the client's record which:

....

- (c) Indicates the time and date the services were provided[.]

ORDER

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Based on the foregoing Findings of Fact and Conclusions of Law, it is this 1st  
day of December, 2020, 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  
**REPRIMANDED**; and it is further

**ORDERED** that the Respondent shall enroll in and successfully complete a  
Board-approved, in-person, one-on-one, ethics tutorial, equivalent to at least **SIX (6)**  
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; and it is further

**ORDERED** that the Respondent shall enroll in and complete a **course on**  
**boundaries**, approved in advance by the Board; and it is further

**ORDERED**, for at least the first year of clinical practice from the effective date of  
this Consent Order, 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



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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; and it is further

**ORDERED** that 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 February 14, 2020, and the Consent Order; and it is further

**ORDERED** that 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; and it is further

**ORDERED** that the Respondent is responsible for ensuring that the supervisor submits the required quarterly reports to the Board in a timely manner; and it is further

**ORDERED** that The Board has sole authority to implement any changes in the supervision and retains all authority to approve any changes in the supervision; and it is further

**ORDERED** that 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; and it is further

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**ORDERED** that 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; and it is further

**ORDERED** that the Respondent shall pay a fine in the amount of **FIVE HUNDERED DOLLARS (\$500)** by certified check or money order to the Maryland Board of Social Work Examiners; and it is further

**ORDERED** 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 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 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 probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

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**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 for the public disclosure, this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014) and is reportable to any entity to whom the Board is obligated to report.<sup>5</sup>

12/01/2020



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Date

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Gerard Farrell, Board Chair  
State Board of Social Work Examiners

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<sup>5</sup> This includes the Board's public website and NPDB.

CONSENT

I, Barbara Lynn Bogley, LCSW-C, License No. 12383, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel, 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. Code Ann., Health Occ. § 19-312 (2014 Repl. Vol. and 2019 Supp.) and Md. Code Ann., State Gov't, §§ 10-201 *et seq.* (2014 Repl. Vol. and 2019 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

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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.

11/18/2020  
Date

Barbara Lynn Bogley, LCSW-C  
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NOTARY

STATE OF Maryland

COUNTY OF Garrett

I **HEREBY CERTIFY** that on this 18 day of November, 2020, before me, a Notary Public of the State and County aforesaid, personally appeared **Barbara Lynn Bogley, LCSW-C**, License Number: 12383, 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.**

Francine Kalnshe  
**Notary Public**

**My Commission Expires:** 6/12/2022