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| IN THE MATTER OF | * | BEFORE THE |
| LEONARD J. BRACEY , LGSW | * | MARYLAND BOARD |
| Respondent | * | OF SOCIAL WORK EXAMINERS |
| LICENSE NUMBER: G 12823 | * | CASE NUMBER: 2014-2016 |
| * * * * * | * | * * * * * |

CONSENT ORDER

The Maryland Board of Social Work Examiners charged **LEONARD J. BRACEY, LGSW (the "Respondent")** license number **G 12823**, with violating various provisions of the Maryland Social Workers Act (the "Act"), codified at Md. Code Ann., Health Occupations ("Health Occ.") §§ 19-101 *et seq.* (2014 Repl. Vol. & 2016 Supp.).

The Board charged the Respondent with violating the following provisions of the Act and regulations under § 19-311:

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; [and]
- (6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board[.]

H.O. § 19-401. Practicing without a license.

- (a) *Social work.* -- Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice social work in this State while representing oneself to be a social worker unless licensed by the Board.

(b) *Clinical social work.* -- Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice clinical social work in this State unless licensed by the Board as a certified social worker-clinical.

H.O. § 19-402. Misrepresentation.

Unless authorized to practice social work under this title, a person may not:

- (1) Represent to the public that the person is a licensed social worker;
- (2) Use any title, abbreviation, sign, card, or other representation that the person is a licensed social worker, including the use of the words "social worker" or "social work" and the use of the abbreviations "LBSW", "LGSW", "LCSW" or "LCSW-C".

Code Md. Reg. ("COMAR") tit. 10 § 42.03.

.06 Standards of Practice.

A. Professional Competence. The licensee shall:

- (8) Represent accurately and objectively the licensee's professional qualifications[.]

A Case Resolution Conference ("CRC") was held in this matter before a Board committee on November 9, 2016. The Respondent represented by counsel, and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of 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 makes the following Findings of Fact:

1. The Respondent was initially licensed as a licensed graduate social worker ("LGSW") on June 8, 2007. The Respondent's license expired on October 31, 2013.

2. The Respondent's application for reinstatement was approved on November 14, 2014.

3. At all times relevant, the Respondent was employed as a social worker with an outpatient community-based counseling facility, hereinafter identified as Facility A.¹

4. On October 24, 2014, the Board received a complaint from a program Manager with the Office of Health Care Quality (OHCQ),² hereinafter Witness A, alleging that during a regulatory survey of Facility A, conducted from September 22, 2014, through September 25, 2014, OHCQ employees discovered that the Respondent was practicing social work without a Maryland license.

5. After receiving the Complaint the Board initiated an investigation.

6. On November 3, 2014, the Board received an application for reinstatement from the Respondent, which was approved on November 14, 2014.

7. The Board's investigation determined that on or about November 6, 2013, the Board sent the Respondent a letter advising him that his license had expired on October 31, 2013. The notice further advised that an individual may not use the title social worker or the abbreviation "LGSW," or practice or attempt to practice social work in Maryland without a license.

¹ Facility A is not identified in this document to protect the privacy of Facility A. This information, however, will be provided to Respondent upon request.

² OHCQ is a State agency that monitors the quality of care in Maryland's health care facilities and community based programs. OHCQ conducts surveys of facilities to determine compliance with required state and federal regulations that determine the minimum requirements for providing patient care.

³ Witnesses A, B and C are not identified by name in this document in order to protect the privacy of Witnesses A, B and C. This information, however, will be provided to the Respondent upon request.

8. On or about January 7, 2016, Board staff interviewed the Respondent regarding the allegations in the Complaint. The Respondent stated that he provided therapy services at Facility A, and that he was employed there during the OHCQ regulatory survey (September 22, through September 25, 2014). He stated that he was not aware that his license had expired. He stated that he had overlooked renewing his license due to some stressful, personal and family issues. He also admitted that he was providing therapy services to various clients after the expiration of his license.

9. The Respondent admits that he worked as a therapist at Facility A from November 1, 2013, until November 3, 2104, without a valid social work license.

10. On or about March 3, 2016, Board staff conducted a telephonic interview with an employee with OHCQ, hereinafter Witness B, who stated that she provides licensure for health care facilities and reviews applicants who provide community mental health services. Witness B conducted a regulatory survey at Facility A from September 22, 2014, through September 25, 2014. She interviewed the Respondent and requested a copy of his license. According to Witness B, the Respondent informed her that he had not provided information to the Board of Social Work to renew his license.

11. Witness B stated that she observed the Respondent interacting with clients, and that the Respondent signed off on client paperwork, using the title or initials for a licensed social worker. Witness B stated that she informed the son of the owner of the program that the Respondent did not have an active license.

12. On or about March 3, 2016, Board staff conducted a telephonic interview of an OHCQ employee, hereinafter Witness C, who participated in a Survey of Facility

A, conducted from September 22, 2014, through September 25, 2014. Witness C stated that she participated in an interview with the Respondent during the survey, and that she was present when the Respondent admitted that he did not have a valid social work license from the Board.

13. In furtherance of its investigation the Board subpoenaed treatment records from Facility A for patients treated by the Respondent, including but not limited to the following dates: November 1, 2013 to December 31, 2013, and July 1, 2014 through September 25, 2014. Board staff reviewed the treatment records, and confirmed that the Respondent provided therapy services to patients after the expiration of his license on October 31, 2013.

CONCLUSIONS OF LAW

14. The Respondent's conduct, as described above constitutes VIOLATION of the following provisions of H.O. § 19-311:

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

15. The Respondent's conduct, as described above constitutes violation of H.O. §§ 19-401(a).

16. The Respondent's conduct, as described above constitutes violation of H.O. §§ 19-402(1) and (2).

17. The Respondent's conduct, as described above constitutes violation of COMAR 10.42.03.06A(8).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of March, 2017, by a majority of the quorum of the Board considering this case hereby:

ORDERED that effective the date of this Consent Order, the Respondent shall:

1. Be required to pay a fine of five hundred dollars (\$500.00); and

(a) The Respondent shall be placed on Probation for two (2) years subject to the following terms and conditions;

(b) The Respondent shall complete a Board approved continuing education course in ethics for social workers within one year of the effective date of this Consent Order;

(c) The course required under this Consent Order shall not count towards the courses required to maintain a social work license in the State of Maryland; and

BE IT FURTHER ORDERED that the Respondent's failure to comply with any of the conditions of this Consent Order in a timely manner as set out above shall be considered a violation of this Consent Order; 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 material facts, or

an opportunity for a show cause hearing before the Board otherwise, may impose any other disciplinary sanctions that the Board may have imposed in this case, including additional probationary terms and conditions, reprimand, suspension, revocation and monetary penalty; and it is further

ORDERED that the Respondent shall comply with the Maryland Social Workers Act and all applicable laws, statutes and regulations; and it is further

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

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014).

3/10/2017
Date



Denise Capaci, LCSW-C, Board Chair
State Board of Social Work Examiners

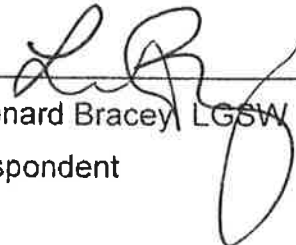
CONSENT

I, Leonard Bracey, LGSW, License No. G12823, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel, David J. McManus, 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

2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Health Occ. I, Code Ann. § 19-312 (2014 Repl. Vol.) and Md. State Gov't II, Code Ann. §§ 10-201 *et seq.* (2014 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 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.

2/28/17
Date

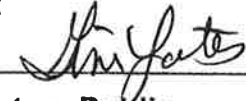

Leonard Bracey LGSW
Respondent

NOTARY

STATE OF Maryland
COUNTY OF Montgomery

I HEREBY CERTIFY that on this 28th day of February, 2017, before me, a Notary Public of the State and County aforesaid, personally appeared Leonard Bracey, LGSW, License Number: G 12823, 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:


Notary Public

GINA YATES
Notary Public-Maryland
Montgomery County
My Commission Expires
July 07, 2018

My Commission expires: 7/7/18