

IN THE MATTER OF * BEFORE THE MARYLAND
DENISE BROWN, LMSW * STATE BOARD OF SOCIAL
RESPONDENT * WORK EXAMINERS
LICENSE NUMBER: 20408 * Case Number: 2021-3046

* * * * *

FINAL ORDER

On or about February 16, 2022, the Maryland Board of Social Work Examiners (the “Board”) formally charged **Denise Brown, LMSW (the “Respondent”)** with violating the Maryland Social Workers Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.).

The pertinent provisions of the Act provide the following:

§ 19-302. Qualifications of applicants

(a) *In general.* – To obtain a license, an applicant shall demonstrate to the satisfaction of the Board that the applicant:

....

(3) Is of good moral character [.]

Health Occ. § 19-302.1. Out-of-state Applicant

To obtain a certified social worker license or a certified social worker-clinical license, an out-of-state applicant shall:

- (1) Meet the requirements of § 19-302(a) of this subtitle;
- (2) Be licensed or registered to practice social work in another state at a level of licensure that is equivalent to a certified social worker license or a certified social worker-clinical license

§ 19-311. Denials, reprimands, suspensions, and revocations -- Grounds

Subject to the hearing provisions of §19-312 of this subtitle, the Board may deny a license to any applicant...if the applicant...:

(4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work

...

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

...

(9) Is disciplined by a licensing or disciplinary authority of any state, country, or branch of the armed services, or the Veterans' Administration for an act that would be grounds for disciplinary action under this section[.]

Grounds for disciplinary action under Health Occ. § 19-311(9) include the following:

...

(4) Commits any act of gross negligence, incompetence, or misconduct 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.

PROCEDURAL SUMMARY

On November 1, 2022, via regular and certified mail, the Board sent Respondent notice of the virtual hearing to be conducted on December 9, 2022 at 1:30 PM. On November 2, 2022, the Board and the State were notified that Respondent did not have a current mailing address, and could only receive documents via email. On November 2, 2022, the Board sent Respondent the hearing notice via email. When the Google Calendar Event was viewed by Board staff, the Respondent had answered the virtual hearing

invitation by clicking the word “no” to the virtual invitation. On December 9, 2022 a quorum of the Board held a virtual hearing on this matter. The Respondent did not appear. The State was represented by Administrative Prosecutor, Assistant Attorney General Karen Malinowski.

SUMMARY OF THE EVIDENCE

The Board accepted and admitted evidence presented by the State, which included testimony from Garcia Gilmore, Investigator, Maryland State Board of Social Work Examiners. The Board also accepted and admitted the following documents into evidence:
State’s Exhibits:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
1	Respondent’s License Verification
2	Board Memo – New Complaint, dated September 27, 2021
3	Contact letter, dated October 4, 2021
4	Response Letter, dated October 4, 2021
5	Investigation <ul style="list-style-type: none">• Subpoena• Supervision Documents Provided by the Respondent
6	Documentation from Social Worker 1 (“SW1”): ¹ <ul style="list-style-type: none">• Subpoena• Supervisee Data Sheet• Contract for Supervision• Supervision Verification Form• Supervision Log
7	Documentation from Social Worker 2 (“SW2”)

- 8 Response Letter, dated October 12, 2021
- 9 Investigative Interview
 - Subpoena
 - Transcript
- 10 Report of Investigation
 - Health Occupations § 19-302
 - COMAR 10.42.02.05
 - COMAR 10.42.08.08
- 11 Charges Under the Maryland Social Workers Act, dated June 21, 2019
- 12 Notice of Hearing, dated November 1, 2022

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant, the Respondent was licensed to practice social work in the State of Maryland.
2. The Respondent was originally licensed to practice social work in Maryland on or about October 8, 2014 under license number 20408. The Respondent's license expired on October 31, 2022, due to the Respondent's failure to submit a license renewal application.
3. On or about September 10, 2021, the Board received information to suggest that the Respondent failed to maintain documentation during her clinical supervision sessions, as required by COMAR 10.42.08.08(A)(4).

4. On or about October 4, 2021, via certified mail, regular mail, and email, a Request for Response Letter and a copy of the complaint was sent to the Respondent's address of record and email address of record. USPS tracking confirmed the delivery of the documents to Respondent's address on October 5, 2021; however, the certified mail receipt card was never returned to the Board. The Board requested the names of all Respondent's supervisors who provided clinical supervision for her licensure since the Respondent's Original License Date of October 8, 2014.

5. On October 4, 2021, the Respondent responded to the Board's request for a letter of response via email. The Respondent's email stated:

I am currently unemployed, and have been experiencing extreme financial hardship. I am homeless, and experiencing unstable housing...Due to having very limited resources, at this time, I am asking that you allow, and accept this email as my official response.

[Employer 1]², Supervision with [SW1]

[Employer 2:] March 10, 2019-9/25/2019 [foster care agency], Supervision with [SW2]

[Employer 3]: [Human Resources Director]

[Employer 4]: 11/2018-03/10/2019 [Program Director]

6. The Board then sent Respondent several subpoenas requesting a legible copy of the Respondent's Contracts for Supervision, Supervisory Verification forms, and a legible copy of her Supervision Notes with SW1 and SW2.

² For confidentiality purposes, generic references are used in the place of actual names.

7. By email dated August 8, 2021, the Respondent provided a total of two (2) documents: a signed Board form titled "Supervision Verification Form," and a document titled "Social Work Educational Supervision Log." The documents contained only dates and times for six (6) supervisory sessions spanning from September 4, 2019 through October 11, 2019, while Respondent worked for Employer 1 and received supervision under SW1. The "Social Work Educational Supervision Log" did not contain a place to provide details or notes regarding the focus of the supervision discussion. Respondent claimed that she never received a contract from SW1.
8. The Board then sent a subpoena to SW1 requesting the following documents:
 - (a) A complete, legible copy of the Social Work Supervisory Contract between SW 1 and the Respondent;
 - (b) A complete, legible copy of the Supervisory Verification Form between SW1 and the Respondent;
 - (c) A complete, legible copy of all the Progress/Supervision Notes that SW1 maintained in regards to the Respondent's Supervisory Sessions.
9. On or about October 14, 2021, SW1 provided the Board with the requested documents, including a signed Board form titled "Contract for Supervision for LCSW and LCSW-C Licensure"; a signed Board form titled "Supervision Verification Form"; and a documented titled "Supervision Log" that contained

dates, times and discussion notes for fifteen (15) supervisory sessions spanning from September 4, 2019 through December 20, 2019.

10. On or about October 19, 2021, SW 2 informed the Board that she had never supervised Respondent as a Board approved supervisor for the State of Maryland for the purpose of the Respondent's attainment of advanced licensure.
11. On or about October 11, 2021, the Respondent, via letter, informed the Board that she had given the Board investigator all the information she possessed in regards to SW1.
12. Respondent stated that she did not "have any information pertaining to [SW2] as requested." Respondent claimed that she requested the material but was never provided with the material from SW2's HR department.
13. In a follow up letter, Respondent also stated that

As a result of the harassment and threats I have experienced while employed at [Employer 1], in addition to having been wrongfully terminated, I [H]have [sic] been experiencing financial hardships, and housing instability.

I have decided to return to my home state, in pursuit of better financial opportunities, and financial stability.

14. On October 27, 2021, Respondent was interviewed by the Board investigator. Respondent refused to answer questions, claiming that the interview was a "direct violation of [her] rights as a whistleblower, and then beyond that, you know, I take the stance of you know, giving the Fifth." When questioned further by the Board

investigator, the Respondent refused to elaborate and refused to provide documentation to support her claims.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Health Occ. § 19-308(c)§ 19-311(4), § 19-311(5), § 19-311(6); COMAR 10.42.01.15(H), 10.42.02.03(B), 1042.03.06(A), and 10.42.08.08(A).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of February , 2023, by a majority of the quorum of the Board considering this case hereby:

ORDERED that the Respondent is hereby **REPRIMANDED**; and it is further

ORDERED that should Respondent submit an application for the reinstatement of her license, and should Respondent's application for reinstatement be granted, Respondent shall be immediately placed on **PROBATION** for a period of at least **ONE (1) YEAR**, subject to the following terms and conditions:

1. That as part of Respondent's reinstatement application, Respondent shall submit a written plan of supervision to the Board identifying a Board-approved supervisor who will monitor the Respondent's practice for a period of at least one (1) year after reinstatement of her license to practice social work while Respondent is on probation. The

Respondent shall ensure that her supervisor submits quarterly reports to the Board.

Respondent shall also ensure that her supervisor is presented with a written copy of this Order, and will submit written documentation of her supervisor's receipt of this Order.

2. That within 180 days of the effective date of this Order, Respondent shall enroll in and successfully complete a professional ethics course on documentation. The course must be either a live webinar, or in person, and may not be used for any of the Respondent's other continuing education requirements for licensure.

3. That as part of her reinstatement application materials, Respondent shall undergo a Behavioral Health Examination by a Board-designated health care practitioner, to ascertain Respondent's mental fitness and ability to practice social work. Pursuant to Health Occ. § 19-317, the Board shall be responsible for any financial costs incurred by the examination.

4. That Respondent shall make every effort to keep her contact information current with the Board, and shall submit a current mailing address to the Board as soon as possible.

5. That should Respondent obtain employment in the field of social work, she shall furnish her employers with a written copy of this Order, within five (5) business days of the start of her employment. Respondent shall submit written documentation of her employer(s) receipt of this order to the Board.

6. That Respondent shall submit written proof of her compliance with the terms of this Order as part of her reinstatement application materials, should she choose to apply for reinstatement.

Final Order

Denise Brown, LMSW, Case Number: 2021-3046

ORDERED that the for the public disclosure, this Final 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 who the Board is obligated to report.³

2/10/2023



Date

Sondra Petty, Board Chair
State Board of Social Work Examiners

Notice of Right to Appeal

Pursuant to Md. Code Ann., Health Occ. § 19-313, you have the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of the Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't §10-222; and Title 7, Chapter 200 of the Maryland Rules of Procedure. The Board should be served with the- court's process at the following address:

Daphne McClellan, Executive Director
Maryland State Board of Social Work Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215-2299
Fax: 410-358-2469

³ This includes the Board's public website and NPDB.