

JUL 02 2020

Board of Social Work Examiners

**IN THE MATTER OF  
SHAWN BURKE, LCSW-C**

**Respondent**

**LICENSE NUMBER: 16015**

**\* BEFORE THE  
\* MARYLAND STATE BOARD  
\* OF SOCIAL WORK EXAMINERS  
\* CASE NUMBER: 17-2433**

\* \* \* \* \*

**CONSENT ORDER**

The Maryland Board of Social Work Examiners (the "Board") charged **Shawn Burke, LCSW-C (the "Respondent")**, License Number **16015**, with violating the Maryland Social Workers Act (the "Act"), codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.).

**BACKGROUND**

On June 3, 2020, the parties appeared by video-conference at a Case Resolution Conference (CRC) before a committee of the Board. The Respondent was represented by Cory Silkman, Esquire, and the State was represented by, Administrative Prosecutor, Debra A. Smith. As a result of the negotiations at the CRC the parties agreed to resolve the case as discussed herein.

**STATUTORY AND REGULATORY AUTHORITY**

The pertinent provisions of the Act under § 19-311 provide the following:

**§ 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, 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

(14) Fails to report suspected child abuse or neglect in violation of § 5-704 of the Family Law Article.

The Pertinent provisions of the Code of Maryland Regulations (“COMAR”) are:

**COMAR 10.42.03:**

**03. Responsibilities to Clients**

A. The licensee shall:

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

(g) Ensures that no confidential information is disseminated and identities are protected when using technology to communicate or access client information.

B. The licensee may not:

(1) Participate or condone dishonesty, fraud, deceit, or misrepresentation;

(3) Exploit a relationship with a client for personal advantage or satisfaction;

(6) Engage or participate in an action that violates or diminishes the civil or legal rights of a client; [and]

(7) Share with another individual a confidence revealed by a client without a client's consent, except if there is danger to self or to another individual, or for a compelling professional reason[.]

## FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant, the Respondent was licensed to practice social work in the State of Maryland. The Respondent was initially licensed as a licensed clinical social worker on July 7, 2015, and her license is current.
2. At all times relevant, the Respondent was employed as a social worker with a Maryland County Department of Social Services, hereinafter, "Agency A."<sup>1</sup>
3. The Respondent's job duties required her to screen referrals and initial reports of suspected child abuse for Agency A.
4. On or about November 30, 2017, the Board received a Complaint from the Respondent's supervisor, a licensed clinical social worker at Agency A (the "Complainant"). The Complainant alleged that the Respondent accessed multiple child protective service case records from the files of another county social services agency, hereinafter Agency "B," without authorization.
5. The Complainant also alleged that the Respondent failed to report suspected child abuse and/or neglect as required by law.
6. The Board initiated an investigation after receiving the Complaint.
7. In furtherance of its investigation the Board interviewed the Complainant, and issued a subpoena for administrative, client and personnel records.

---

<sup>1</sup>For confidentiality purposes, the names of medical facilities, and/or other agencies, and all individuals referenced herein will not be identified in this document, but the Respondent or counsel may request this information from the Administrative Prosecutor.

8. Board staff interviewed the Complainant on July 2, 2018. The Complainant reported she received a phone call from the Director of another county social services agency, hereinafter (“Agency B”), reporting that the Respondent had accessed the Maryland Children Electronic Social Services Information Exchange System (“MD CHESSIE”), an electronic State data base for Child Protective Service (“CPS”) records, for the record of a family residing in Agency B’s jurisdiction without appropriate authorization.

9. State law does not allow an employee to access the MD CHESSIE CPS records without authorization.

10. After receiving the complaint, Agency A initiated an internal investigation. According to the Complainant, during the internal investigation the Respondent admitted that she accessed the Agency B CPS record from MD CHESSIE that was the subject of the complaint as well as two other CPS records from Agency B’s files.

11. According to the Complainant, the Respondent admitted she knew the families whose records she accessed.

12. According to the Complainant, the Respondent claimed that she became aware of suspected child abuse allegations, involving a family who was the subject of one of the records that she accessed from Agency B.

13. According to the Complainant, the Respondent stated that after accessing records in the MD CHESSIE database she discovered that the family had been reported to

Agency B for suspected abuse, and that she did not believe she was required to report the suspected abuse.

14. The Respondent failed to report the suspected abuse, in violation of Maryland State law requiring social workers to report suspected child abuse.

15. According to Agency A's Investigation Report the Respondent accessed the following Agency B records from MD CHESSIE without authorization:

(a) On December 7, 2016, and November 3, 2017, the Respondent accessed record #9826591;

(b) On November 1, 2017 and November 3, 2017, the Respondent accessed record #9942164; and

(c) On November 1, 2017, and November 3, 2017, the Respondent accessed record #9941495.

16. According to the Investigation Report, the Respondent admitted that she knew the families involved in the reports, and/or had received information about those families from outside sources and that she accessed the records for personal reasons not related to her employment at Agency A.

17. The Complainant issued a written reprimand to the Respondent, and Agency A issued a decision terminating the Respondent's employment, finding that the Respondent violated State employee conduct regulations by accessing MD CHESSIE records without authorization and failing to report suspected child abuse.

18. The Respondent was issued an Unsatisfactory Report of Service and allowed to resign in lieu of termination.

19. Board Staff interviewed the Respondent on June 29, 2018. The Respondent claimed that she believed she had authorization to access the MD CHESSIE records cited in paragraph 15 above, and that she accessed the records because she was exercising “due diligence,” to follow-up on child safety issues.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact and Conclusions of Law the Board concludes as a matter of law that the Respondent violated the following provisions of the Act and Regulations:

(a) **H.O. § 19-311 (4)** Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;

(b) **H.O. § 19-311 (5)** Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work; and

(c) **H.O. § 19-311 (14)** Fails to report suspected child abuse or neglect in violation of § 5-704 of the Family Law Article; and

(d) **COMAR 10.42.03.03:**

A. The licensee shall:

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

(g) Ensures that no confidential information is disseminated and identities are protected when using technology to communicate or access client information.

(e) **COMAR 10.42.03.03:**

B. The licensee may not:

(1) Participate or condone dishonesty, fraud, deceit, or misrepresentation;

(3) Exploit a relationship with a client for personal advantage or satisfaction;

(6) Engage or participate in an action that violates or diminishes the civil or legal rights of a client; [and]

(7) Share with another individual a confidence revealed by a client without a client's consent, except if there is danger to self or to another individual, or for a compelling professional reason[.]

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 14<sup>th</sup> day of August, 2020, by a majority of the quorum of the Board considering this case hereby:

**ORDERED** that effective the date of this Consent Order, A **REPRIMAND** shall be placed on the Respondent's license to practice social work; and it is further

**ORDERED** that the Respondent shall be required to take a 12-hour ethics course as approved by the Board; and it is further;

**ORDERED** that this class shall not count toward the continuing education classes that the Respondent is required to take annually to maintain a social work license in Maryland; and it is 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 the Respondent shall comply with the Act and all regulatory requirements; 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 effective date of this Consent Order is the date the Consent Order is signed by the Board; and it is further

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

8/14/2020  
Date



\_\_\_\_\_  
Gerard Farrell, Board Chair  
State Board of Social Work Examiners



## CONSENT

I, Shawn Burke, LCSW-C, License No. 16015, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel in this matter, and I have had an opportunity to consult with counsel. 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. Health Occ. II, 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.

6.30.2020

Date

Shawn Burke, LCSW-C  
Shawn Burke, LCSW-C, Respondent

**NOTARY**

STATE OF Maryland

COUNTY OF Washington

I HEREBY CERTIFY that on this 30 day of June, 2020, before me, a Notary Public of the State and County aforesaid, personally appeared Shawn Burke, LCSW-C, License Number:16015, 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:**

Jamie Barkdoll  
Notary Public

My Commission expires: May 10, 2022

