

IN THE MATTER OF	*	BEFORE THE MARYLAND
DANA CARMICHAEL, LMSW	*	STATE BOARD OF
RESPONDENT	*	SOCIAL WORK EXAMINERS
License Number: 19142	*	Case Number: 2018-2486

* * * * *

CONSENT ORDER

The Maryland State Board of Social Work Examiners (the “Board”) charged **DANA CARMICHAEL, LMSW** (the “Respondent”), License Number 19142, with violating the Maryland Social Workers Act (the “Act”) codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

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

....

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

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

COMAR 10.42.03.03. Responsibilities to Clients.

A. The licensee shall:

....

- (3) Notify the client promptly and seek the transfer, referral, or continuation of service in relation to the client's need or preference if the licensee anticipates the termination or interruption of service;**

....

- (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 future services[.]**

On November 9, 2021, 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 as a licensed master social worker (“LMSW”) in the State of Maryland. The Respondent was initially licensed as an LMSW in Maryland on or about July 9, 2013, under license number 19142. The Respondent’s license is currently active and scheduled to expire on October 31, 2023.

2. The Respondent was employed as a therapist at an outpatient behavioral health clinic (the “Employer”) from October 16, 2017, to on or about April 2, 2018, when the Respondent resigned from her employment.

3. On or about April 23, 2018, the Board received a complaint from the Employer’s program supervisor (“Program Supervisor”) alleging performance issues by the Respondent, including failing to complete all required documentation, provide all required services, and properly terminate clients upon her resignation.

4. Based on the Complaint, the Board began an investigation of the Respondent.

II. Board Investigation

5. In furtherance of its investigation, the Board obtained records from the Employer, as well as interviewed the Respondent and the Program Supervisor.

6. A review of the personnel records received from the Employer revealed the following:

- a. The first day the Respondent worked was October 16, 2017.
- b. Throughout employment the Respondent was provided weekly individual supervision, but when she continued to struggle, she was offered supervision sessions twice a week. During these supervision sessions the

Program Supervisor documented that they discussed the documentation the Respondent was required to complete.

- c. The Respondent's three-month Competency-Based Performance Appraisal revealed several areas that needed improvement related to her clinical performance and professional standards, such as, frequently arriving late for supervision meetings, slow to build her caseload, and meet deliverables. A Performance Improvement Plan was developed to give the Respondent specific actions the Respondent must complete including but not limited to: complete deliverables and current clinical documentation according to the specified timeline; complete clinical documentation within 24 hours of service delivery and data entry on a weekly basis, attend regular weekly supervision meetings in a timely manner; and increase client caseload to at least fifteen active clients by the end of March.
- d. On February 23, 2018, the Program Supervisor completed a Documented Verbal Counseling form for the Respondent, which was later signed by both the Program Supervisor and the Respondent on February 26, 2018. According to the verbal counseling, specific areas for improvement had been "addressed repeatedly in weekly supervision meetings and in Three Month Performance Appraisal." Additional supervision time and support had been provided, but the Respondent still had not completed clinical documentation in a timely manner, and deliverable services and associated documentation had not been completed, even though her overall caseload

had remained low. A detailed plan of required actions and deadlines was provided to the Respondent.

- e. The Respondent submitted a letter of resignation to the Program Supervisor dated February 26, 2018, which listed her last day of employment as April 2, 2018.
- f. The Respondent had a supervision session on the same day as she submitted her letter of resignation, which was February 26, 2018. During this supervision session she made a plan with her supervisor to complete all outstanding items and work toward separation, which required the Respondent to go to her assigned school on Mondays, Wednesdays, and Fridays to start the termination process with her clients and focus on deliverables, and then on Tuesdays and Thursdays she was to go to the clinic and work on paperwork and documentation.
- g. Shortly after this meeting, the Respondent stopped going to work. The last day the Respondent actually worked was March 7, 2018, but she remained on the payroll until April 2, 2018.

7. In an interview with the Board's investigator on April 8, 2019, the Program Supervisor reported the following:

- a. She was the Respondent's supervisor.
- b. At the very first supervision session held on October 18, 2017, the Respondent notified her that the Respondent needed to renew her license at the end of that month and did not have the required CEU hours. The

first two weeks of her employment the Respondent focused on getting her license and doing the trainings.

- c. During her employment, the Respondent only had nine active cases on her caseload. The average caseload for their clinicians is 25 active cases.
- d. It is the standard of care to see clients on a weekly basis and to also implement family therapy either weekly or monthly.
- e. After the Respondent submitted her letter of resignation, she gave the Respondent “very specific instructions” to catch up on documentation and terminate the cases she was working with “but she neglected to do that.” The Respondent “would not show where we asked her to. She did not turn in the assignments that we asked her to, and eventually, she stopped coming in and communicating with us altogether for an extended period of time that actually, raised our concerns.”
- f. There were at least fifty-two (52) sessions that the Respondent failed to document.
- g. At the school where the Respondent was assigned, the Employer also received a grant for a life skills program for sixth graders where the clinician had the entire school year to provide a certain number of groups and in-services to teachers. The Respondent told the Program Supervisor that the services were being completed but then failed to submit the documentation to the Employer. Because the documentation was not submitted, they could not count the services for the grant funding, and they had to bring in another clinician after the Respondent left and have

the new clinician redo all the services for the grant program for the entire year.

8. In an interview with the Board's investigator on April 16, 2019, the Respondent reported the following under oath:

- a. She admitted that she was late to supervision meetings.
- b. She admitted that when she would go to the school she would also arrive late at times.
- c. She stated that the information in the electronic system was incomplete because she had a difficult time understanding the system and entering the information.
- d. After she submitted her letter of resignation, she was given a list of priorities that she was supposed to do.
- e. She admitted that she did not submit things on time.
- f. She admitted she did not report to work during her last three weeks of employment. She admitted that she stopped going to work and stopped communicating with her clients and employer before her last day of employment. She explained that she endured a personal, medical situation and she "wasn't responding to any phone calls from anybody." The personal, medical situation lasted the last two weeks of February and the entire month of March.
- g. She admitted that she did not notify her clients that she was resigning and did not terminate properly.

- h. She stated that she submitted everything that was in paper format, but she did not submit everything that was required to be entered into the electronic system.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the

Respondent violated:

§ 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:

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- (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; [and]

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

COMAR 10.42.03.03. Responsibilities to Clients.

A. The licensee shall:

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- (3) Notify the client promptly and seek the transfer, referral, or continuation of service in relation to the client's need or preference if the licensee anticipates the termination or interruption of service;

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- (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 future services[.]

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 15th day of April, ~~2021~~²⁰²², by a majority of the quorum of the Board considering this case hereby:

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

ORDERED that the Respondent's license to practice social work shall be placed on **PROBATION** for a **minimum of ONE (1) YEAR**, and continuing until the Respondent has successfully completed the following probationary conditions:

1. During the probationary period, the Respondent shall be supervised by a Board-approved supervisor ("Probation Supervisor"), to whom the Board may release any portion of the investigative file as is deemed necessary;
2. The Respondent shall engage the services of a Probation Supervisor within thirty (30) days of the effective date of the Consent Order;
3. The Respondent shall make her records available for inspection by the Probation Supervisor;
4. The Respondent shall meet at least once a month, for a minimum of two clinical hours, with the Probation Supervisor for random chart review and discussion at the

Respondent's expense. At these meetings, the Probation Supervisor shall choose a random sample of at least ten (10) of the Respondent's active cases to review. The Probation Supervisor shall review the charts to determine the Respondent's compliance with documentation and record keeping standards;

5. The Respondent shall provide the Probation Supervisor with a copy of this Consent Order prior to their initial meeting, and the Board may release to the Probation Supervisor any portion of the investigative file as is deemed necessary by the Board and/or the Probation Supervisor;
6. The Respondent shall ensure that the Probation Supervisor provides the Board with written quarterly reports on the Respondent's progress during the supervisory period, 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 compliance with documentation and record keeping standards;
7. The Respondent is responsible for ensuring that the Probation Supervisor submits the required quarterly reports to the Board in a timely manner;
8. A negative report from the Probation Supervisor, as determined in the sole discretion of the Board, constitutes a violation of this Consent Order;
9. The Respondent shall abide by any and all recommendations made by the Probation Supervisor. Failure to cooperate and failure to abide by the Probation Supervisor's recommendations shall be deemed a violation of this Order;
10. The Board has sole authority to implement any changes in the supervision and retains all authority to approve any changes in the supervision;
11. 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;
12. Within six (6) months of the date of the effective date of the Consent Order, the Respondent shall enroll in and complete an **in-person ethics course**, approved in advance by the Board. The course shall be in-person (i.e. not an online course) unless the Respondent demonstrates that a suitable in-person course is not available due to the COVID-19 state of emergency. Upon such demonstration, the course shall be a live interactive webinar.
13. Within six (6) months of the date of the effective date of the Consent Order, the Respondent shall enroll in and complete a **course on recordkeeping**, approved in advance by the Board;
14. Within six (6) months of the date of the effective date of the Consent Order, the Respondent shall provide the Board with written documentation of her successful completion of the courses required by this Consent Order;

15. Within one (1) year of the date of the effective date of the Consent Order, 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;
16. To seek the Board's preapproval for the required coursework and supervisor, the Respondent may contact the Board's Director of Compliance; and
17. The Respondent shall comply with the Maryland Social Workers Practice Act and all laws, statutes, and regulations pertaining thereof;

AND IT IS FURTHER ORDERED that the 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 one (1) 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 Board has reason to believe that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

ORDERED that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice social work in

Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a monetary penalty upon the Respondent; 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 Respondent shall not serve or continue to serve as: a Board Authorized Sponsor, presenter and/or trainer of social work continuing education learning activities, an Ethics Tutor, an evaluator for the Board, or a Board Approved Supervisor for a period of five (5) years from the effective date of this Consent Order; 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 the Consent Order is a Final Order of the Maryland Board of Social Work Examiners and as such is a **PUBLIC DOCUMENT** which shall be posted to the Board's website and is reportable to any entity whom the Board is obligated to report pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019 Repl. Vol. & 2021 Supp.) and Health Occ. § 1-607.

04/01/2022
Date



Karen Richards, LCSW-C, Board Chair
Maryland Board of Social Work Examiners

CONSENT

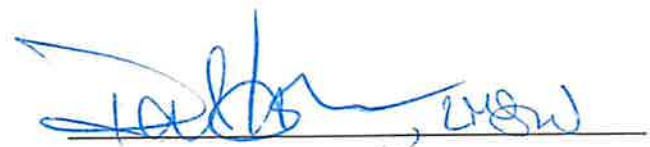
I, Dana Carmichael, LMSW, License No. 19142, by affixing my signature hereto, acknowledge that:

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. & 2020 Supp.) and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. & 2020 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.
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.

3/10/2022
Date


Dana Carmichael, LMSW

NOTARY

STATE OF Maryland

CITY/COUNTY OF Harford

I HEREBY CERTIFY that on this 10th day of March, ~~2021~~, 2022

before me, a Notary Public of the State and City/County aforesaid, personally appeared Dana Carmichael, LMSW, License Number: 19142, 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.

Sarah M. Legros
Notary Public – Maryland
Harford County
My Commission Expires
August 28, 2023



Notary Public

My Commission Expires: 8/28/2023