

Katherine Marie Cernak, MSW

Received

AUG 04 2017

July 30, 2017

Board of Social
Work Examiners

Denise Capaci, LCSW-C, Chair
Maryland Board of Social Work Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215

Re: Surrender of License to Practice Social Work
License Number: 15394
Case Number: 2016-2268

Dear Ms. Capaci and Members of the Board:

Please be advised that I have decided to **SURRENDER** my license to practice social work in the State of Maryland, License Number 15394.

I understand that I may not give social work advice or treatment to any individual, with or without supervision and/or compensation, cannot counsel, diagnose or provide therapy to people or otherwise engage in the practice of clinical social work, as it is defined in the Social Work Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") § 19-101 *et seq.* (2014 Repl. Vol.).

In addition, I will refrain from identifying myself as a practitioner of social work. I agree to remove all signs or similar advertisements that indicate authority to practice social work; and I will not use any signs, advertisements, letterhead, business cards, or resumes indicating authority to practice social work.

As of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland. I understand that this Letter of Surrender is a **PUBLIC** document and on the Board's acceptance becomes a **FINAL ORDER** of the Board.

My decision to surrender my license to practice social work in the State of Maryland has been prompted by an investigation of my licensure by the Maryland State Board of Social Work Examiners (the "Board") and the Office of the Attorney General and subsequent Charges under the following provisions of the Act, Health Occ. § 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 ... 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[.]

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

COMAR 10.42.03.05. Relationships.

- A. The licensee may not enter into a dual relationship with a client or an individual with whom the client has a close personal relationship.
...
- C. The licensee may not engage in sexual misconduct with either current or former clients.
- D. The licensee may not engage in sexual misconduct with a client, supervisee, student, trainee, or colleague over whom the licensee exercises professional authority.

The Board's investigation was based on a complaint from a licensed social worker. The complainant alleged that I was having "sexual relations with (my) patient." As a result of the Board's investigation, the Board issued a "Notice of Charges Under the Maryland Social Work Practice Act" in Board Case Number 2016-2268, which is attached and incorporated into this Letter of Surrender. (See Attachment A).

I have decided to surrender my license to practice social work in the State of Maryland to resolve this matter and to avoid prosecution of the charges against me by the Board. I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender. I acknowledge that the Office of the Attorney General has legally sufficient evidence to prove by a preponderance of the evidence at an administrative hearing that I violated the Act as detailed herein.

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I understand that by executing this Letter of Surrender I am waiving any right to contest Board's charges in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and all other substantive and procedural protections provided by law, including the right to appeal.

I acknowledge that on or before the effective date of this Letter of Surrender, I shall present to the Board my Maryland social work license, including any renewal certificates and wallet-sized renewal cards in my possession.

I understand that the Board will advise the Association of State Boards of Social Work, the National Practitioners' Data Bank, and the Health Care Integrity Data Bank, and any other required entities of this Letter of Surrender, and in response to any inquiry, will advise that I have surrendered my license in lieu of disciplinary action under the Act as a resolution of the matters pending against me. I also understand that, in the event that I would apply for licensure in any form in any other state or jurisdiction, that this Letter of Surrender may be released or published by the Board to the same extent as a Final Order that would result from disciplinary action pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (2014 Repl. Vol.); and that all underlying documents may be released to the other state or jurisdiction. Finally, I understand that this Letter of Surrender is considered a disciplinary action by the Board.

I further recognize and agree that by submitting this Letter of Surrender my license will remain surrendered. I understand that if I apply for reinstatement or a new Maryland license, I must provide the Board with a current "fitness for duty" evaluation by a Board-approved mental health clinician and that I bear the burden of demonstrating to the Board that I meet the requirements to practice social work under the Act and that I possess good moral character, as required under Health Occ. II § 19-302(a)(3). I understand that when applying for reinstatement or new licensure, I approach the Board in the same posture as one whose license has been revoked based on the facts contained herein and that my application may be accepted or denied by the Board in its sole discretion.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason. Finally, I wish to make clear that I have chosen not to consult with an attorney before signing this Letter of Surrender. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Sincerely,



Katherine Marie Cernak, MSW

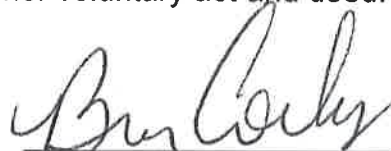
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NOTARY SEAL

STATE OF MARYLAND
CITY/COUNTY:

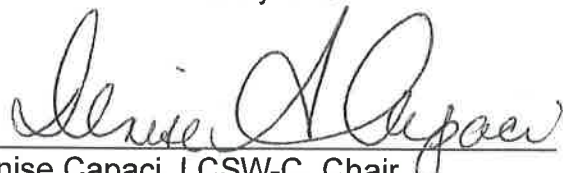
I HEREBY CERTIFY that on this 3rd day of August, 2017, before me, a Notary Public of the State and City/County aforesaid personally appeared Katherine Marie Cernak, MSW and declared and affirmed under the penalties of perjury that signing the foregoing Letter of Surrender was her voluntary act and deed.




Notary Public

ACCEPTANCE

On behalf of the Maryland Board of Social Work Examiners, on this 8th day of September, 2017, I accept Katherine Marie Cernak's **PUBLIC SURRENDER** of her license to practice social work in the State of Maryland.


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