

IN THE MATTER OF
DIONNA JONES, LCSW-C

Respondent

LICENSE NUMBER: 11233

* * * * *

* BEFORE THE
* MARYLAND STATE BOARD
* OF SOCIAL WORK EXAMINERS
* CASE NUMBER: 2015-2139

CONSENT ORDER

The Maryland Board of Social Work Examiners (the "Board") charged Dionna Jones, Licensed Certified Social Worker-Clinical (**LCSW-C**), (the "**Respondent**"), **License Number 11233**, with various violations of the Maryland Social Workers Act (the "Act"), codified at Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 19-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.).

On December 5, 2017, the parties appeared at a Case Resolution Conference (CRC) before a committee of the Board. The Respondent appeared pro se, 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 Board charged the Respondent with the following violations of the Act:

H.O. II § 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;
- (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") provide the following:

10.42.03.

03. Responsibilities to Clients

A. The licensee shall:

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

- (a) Is legible;
- (b) Accurately reflects the services provided, including treatment plans, treatment goals, and contact notes;
- (c) Indicates the time and date the services were provided;
- (d) Protects the client's privacy by including only information directly relevant to the delivery of services;
- (e) Is sufficient and timely to facilitate the delivery and continuity of services to be delivered in the future;
- (f) Is reasonably accessible for the period required in Health General Article, §4-403, Annotated Code of Maryland, after termination of services; and
- (g) Ensures that no confidential information is disseminated and identities are protected when computer and internet technologies are used.

B. The licensee may not:

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

(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; or

FINDINGS OF FACT

A. Background

The Board makes the following Findings of Fact:

1. At all times relevant, the Respondent was licensed to practice clinical social work in the State of Maryland. The Respondent was initially licensed as a licensed certified social worker on September 14, 2001. The Respondent's license is currently on inactive status.
2. At all times relevant, the Respondent was employed as a social worker with a private counseling organization ("Facility A")¹ in Maryland.
3. The Respondent's job duties at Facility A included, providing outpatient therapy to clients at a satellite office.
4. On or about October 1, 2015, the Board received a Complaint from the Executive Director (the "Complainant") of Facility A alleging the Respondent was late submitting progress notes documenting therapy sessions with her clients.
5. In furtherance of the investigation, Board staff issued a subpoena to Facility A for client and personnel records; interviewed the complainant and other witnesses; and interviewed the Respondent.

¹ To ensure confidentiality, the names of individuals, hospitals and health care facilities are not disclosed in these charges. The Respondent may obtain the identity of the referenced individuals and entities by contacting the assigned administrative prosecutor.

6. In furtherance of the investigation, on or about October 11, 2016, Board staff interviewed the Complainant, the Executive Director of Facility A, who stated she was a licensed social worker with a Master's degree.

7. The Complainant stated she assisted in supervising the Respondent and observed that the Respondent had ongoing difficulty with completing documentation for her files.

8. The Complainant stated she discussed the issue of missing documentation and incomplete files with the Respondent during her annual evaluation in 2014.

9. In November 2014, Facility A switched to an electronic record-keeping system, and therapists were given a grace period until March 1, 2015, to complete all outstanding documentation and submit paper charts.

10. According to the Complainant, the Respondent failed to submit the file documentation by the deadline. The Respondent did, however, submit a list of her clients and some documents, but a sample inventory and review of those documents revealed the files were incomplete.

11. The Complainant stated she issued a written warning and a correction plan in March of 2015, requiring the Respondent to work with her immediate supervisor to remedy the backlog of incomplete file documentation.

12. The documents subpoenaed from Facility A, included a *Disciplinary Action Form* dated March 20, 2015, which reads in pertinent part:

Donna [Respondent] has 44 outstanding charts. The due date for paper charts was 3/13/15. She has been advised by her supervisor previously that completing paperwork is a priority and area of concern.

13. The correction plan required the Respondent to complete the 44 charts and keep all electronic records current by submitting them weekly.

14. Subsequently, the Respondent failed to complete the charts and did not explain why the work was not done.

15. According to the Complainant, Facility A attempted to contact the Respondent about the missing documentation, but she did not respond to agency phone calls, text messages, e-mails or letters. Facility A also received messages from clients that client phone calls were not being returned.

16. The Complainant also stated that the Respondent failed to attend a mandatory Facility A staff meeting in July 2015.

17. According to the Complainant, staff at Facility A checked the Respondent's messages and e-mails and discovered the Respondent had hired an intern who was not employed at Facility A to assist her with client work. She provided the intern with access to private client information in violation of Facility A's Health Insurance Portability and Accountability Act (HIPPA) guidelines.

18. Facility A notified the affected clients about the breach of the privacy guidelines.

B. Witness A

19. On or about October 13, 2016, Board staff interviewed "Witness A," a Licensed Clinical Social Worker ("LCSW-C"), and a clinical supervisor at Facility A.

20. Witness A stated he supervised the Respondent, who was employed as a part-time therapist. He stated the Respondent was periodically late with her paper work.

21. According to Witness A, in the Fall of 2014, Facility A made the decision to switch to an electronic record-keeping system, and all therapists were required to have their paper files updated by March of 2015.

22. According to Witness A, the Respondent informed her supervisors prior to the deadline that she would be unable to complete her files by the due date because of other commitments.

23. According to Witness A, the Respondent's files did not include an adequate record of the clinical treatment provided or adequately document client contact.

24. According to Witness A, the Executive Director put the Respondent on a correction plan and gave her an extension until July 1, 2015, to bring the files up to date, with the understanding that she was to continue working on the files until completion.

25. Witness A stated that prior to the July 1st deadline the Respondent explained that she was having difficulty completing the paper work and asked if she could hire an assistant to help with updating the files.

26. Witness A stated he informed the Respondent that she could not hire an assistant because that would violate the requirements of client confidentiality at Facility A.

27. According to Witness A, Facility A's administrative staff reviewed the Respondent's e-mails and discovered she was using an assistant to complete work on her cases.

28. The individual assisting the Respondent was given access to client files, and she was not an employee at Facility A. Facility A determined that the Respondent's actions violated confidentiality standards for client information.

29. According to Witness A, Facility A notified the Respondent that providing a non-employee access to patient files was a breach of confidentiality.

30. Facility A also advised the affected clients that confidentiality standards were breached because of this incident.

31. Witness A stated that Facility A experienced an economic loss when some of the Respondent's clients terminated counseling with Facility A after their confidentiality was breached.

32. On or about September 4, 2015, Facility A terminated the Respondent's employment due to her failure to respond to requests to bring client file documentation current, and the fact that she breached client confidentiality by hiring an intern without proper authorization from Facility A.

C. Witness B

33. On or about October 11, 2016, Board staff conducted a sworn, recorded, telephone interview with the administrative coordinator for Facility A, hereinafter Witness "B."

34. Witness B stated that after Facility A switched to an electronic record-keeping system the Respondent failed to turn in her paper records by the March 2015 deadline.

35. Witness B stated she contacted the Respondent to obtain copies of the paper records, but the Respondent informed her that she was extremely busy with other work.

36. Witness B stated the Respondent stopped attending staff meetings; Facility A staff members tried to reach the Respondent about her missing file documentation through e-mail and regular mail but did not receive a response.

37. Witness B stated she checked the Respondent's electronic e-mail and found correspondence regarding the Respondent's clients from an individual who was not an employee at Facility A.

38. Witness B stated it was her understanding that providing non-employees with access to client files was a violation of Facility A's privacy policy.

D. Interview with Respondent

39. On or about October 11, 2016, Board staff conducted a sworn, recorded interview with the Respondent regarding the allegations in the Complaint.

40. During the interview, the Respondent acknowledged that documentation was missing from her files, and she did not meet the deadline for turning in her paper files after Facility A converted to an electronic record-keeping system. She stated she was working with Facility A supervisors to clear up the backlog.

41. The Respondent admitted she hired a graduate, social work intern who was not employed at Facility A to assist her with client files. She explained that it was not her understanding that her request to hire an intern was specifically denied, but she

admits her supervisor did not verbally inform her that she had authorization to hire an intern.

42. The Respondent stated she required her student intern to sign a confidentiality agreement regarding client records.

43. The Respondent denied that she did not return client messages regularly.

44. The Respondent acknowledged that she did not attend the July staff meeting, but claims she kept in touch with Facility A by e-mail correspondence.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board finds that the Respondent violated:

- (a) Health Occ. § 19-311(4), Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (b) Health Occ. II § 19-311(5), engaging in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;
- (c) Health Occ. II § 19-311(6), violating any provision of this title or regulations governing the practice of social work adopted and published by the Board, i.e. COMAR 10.42.03.03A(5) and B (6) and (7); [and]
- (d) Health Occ. § 19-311(20), failing to maintain adequate client records[.]

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 11 day of May, 2018, 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;

ORDERED that:

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

(2) The recordkeeping 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;

(3) The Respondent shall complete all required CEU hours before Respondent will be allowed to apply for reinstatement; 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).

5/11/2018
Date



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

CONSENT

I, Dionna Jones, LCSW-C, License No. 11233, by affixing my signature hereto, acknowledge that:

1. I am not represented by counsel, but I do understand that I have the right to be represented by counsel. I have knowingly and voluntarily waived my right to 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. 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.

4.12.18
Date

Dionna J. Jones
Dionna Jones, LCSW-C
Respondent

STATE OF Maryland
CITY OF BALTIMORE

NOTARY

I HEREBY CERTIFY that on this 12th day of April, 2018, before me, a Notary Public of the State and County aforesaid, personally appeared Dionna Jones, LCSW-C, License Number:11233, 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:



Gloria Toney Brown
Notary Public
Gloria Toney Brown

3/9/21
My Commission expires: