



IN THE MATTER OF
KEVIN DANIEL, LMSW
RESPONDENT

*** BEFORE THE MARYLAND**
*** STATE BOARD OF**
*** SOCIAL WORK EXAMINERS**
*** Case Number: 2021-3004**

License Number: 24657

* * * * *

CONSENT ORDER

On January 24, 2022, the Maryland State Board of Social Work Examiners (the “Board”) charged **Kevin Daniel, LMSW** (“Licensed Master Social Worker”) (the “Respondent”), License Number 24657, with violating the Maryland Social Workers Act (the “Act”) codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2021 Repl. Vol.).

The Board based its actions on the following provisions of the Act:

§ 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.

On March 2, 2022, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The Respondent 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 the following:

I. Background

1. At all times relevant, the Respondent was licensed to practice social work in the State of Maryland. The Respondent initially was licensed to practice as a licensed master social worker in Maryland on or about February 22, 2019. The Respondent's license expired on October 31, 2021 as it was non-renewed.

2. The Respondent was employed as a social worker for an organization (the "Organization") located in Baltimore County, Maryland from June, 2018 until August, 2020. At the Organization, the Respondent worked as a social worker providing child and family welfare services.

3. On or about July 21, 2021, the Board received a complaint (the "Complaint") from the Program Coordinator (the "Complainant") of the Organization. The Program Coordinator alleged that the Organization received a telephone call from a former client of the Organization stating that the Respondent sent a text message asking for contact information for their adult son, and alerting the prior client the Respondent no longer worked for the Organization. The former client also sent a screen-shot of the text message. The Organization was concerned the Respondent used his personal cell phone to contact the former client he previously worked with in a confidential child welfare matter.

4. The June 9, 2021 text message stated: “Hi there! Trying to reach Ms. [blank]. Hope this message finds you well. It’s Kevin, your old case worker. I left [the Organization] cause the job got too stressful, but I was wondering if you had [adult son’s] number? Would like to help out any way I can.”

5. Based on the Complaint, the Board initiated an investigation of the Respondent.

II. Board Investigation

6. In furtherance of its investigation, the Board subpoenaed records from the Organization, a subsequent employer, and interviewed the Respondent. The Board also received a written response from the Respondent.

7. In his interview, the Respondent confirmed he sent the text message to the former client of the Organization. “This was a client that I worked with. I knew the infant since his birth, and the family was always receptive to receiving resources and things of that nature. So, one day I decided to reach out using the Yellow Pages just to see how the family was doing and to see if they needed any more additional resources because I knew the family was struggling.”

8. The Respondent admitted in his interview that in “hindsight, I know that wasn’t the right decision to make....But yes, I did reach out to both the mom and the son just to see if they needed resources.”

9. In his written response to the Board, the Respondent also admitted “this was a mistake on my end,” and accepts “full responsibility for this fault.”

CONCLUSIONS OF LAW

Based on the foregoing Finding of Fact, the Board concludes as a matter of law that the Respondent violated Health Occ. § 19-311(4)(commits any act of gross negligence, incompetence, or misconduct in the practice of social work); and § 19-311(5)(engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is on this 1st day of April, 2022, by a majority of the quorum of the Board considering this case hereby:

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

ORDERED that if the Respondent applies for renewal of his license to practice social work in the State of Maryland and his license is reinstated or reissued, the Respondent immediately shall be placed on **PROBATION** for a minimum period of **ONE (1) YEAR** subject to the following terms and conditions:

- i. Within six (6) months of reinstatement, the Respondent shall successfully complete one Board-approved course on professional ethics. The Respondent shall be responsible for submitting written documentation to the Board of his successful completion of this course. The Respondent understands and agrees that he may not use this coursework to fulfill any requirements mandated for licensure renewal. The Respondent shall be solely responsible for furnishing the Board with adequate written verification that he has completed the course according to the terms set forth herein.
- ii. The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereto.

AND IT IS FURTHER ORDERED that in the event the Respondent's license to practice social work is reinstated or reissued, after the conclusion of **ONE (1) YEAR** from the date of reinstatement, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, may grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending investigation or outstanding complaints of similar violations against him; 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 imposed by 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 civil monetary fine on the Respondent; and it is further

ORDERED that in the event the Respondent's license to practice social work is reinstated or reissued, 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 reinstatement; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a public document. *See* Md. Code Ann., Gen. Prov. § 4-101 *et seq.* (2021 Repl. Vol.) and is reportable to any entity to whom the Board is obligated to report.¹

¹ This includes the Board's public website and NPDB.

4/1/2022

Date



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

CONSENT

I, Kevin Daniel, LMSW, License No. 24657, by affixing my signature hereto, acknowledge that:

1. I have had the opportunity to consult with counsel before signing this document.
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 (2021 Repl. Vol.) and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 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.

3/29/22
Date

[Signature]
Kevin Daniel, LMSW

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Annapolis

I **HEREBY CERTIFY** that on this 29 day of March, 2022, before me, a Notary Public of the State and City/County aforesaid, personally appeared Kevin Daniel, LMSW, License Number: 24657, 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.

[Signature]
Notary Public

My Commission Expires: Nov 12 2022

