

IN THE MATTER OF
KOREN FAZENBAKER, LCSW
RESPONDENT

* BEFORE THE MARYLAND
* STATE BOARD OF
* SOCIAL WORK EXAMINERS
* CASE NUMBER: 2018-2489

LICENSE NUMBER: 16186

* * * * *

FINAL ORDER

On or about March 8, 2019, the Maryland State Board of Social Work Examiners (the “Board”) issued charges concerning Koren Fazenbaker, LCSW, License Number: 16186, (the “Respondent”), under the Maryland Social Workers Act (the “Act”), Md. Code Ann., Health Occ. (“Heath. Occ.”) §§ 19-101 *et seq.* (2014 Repl. & 2019 Supp.). Specifically, the Board charged the Respondent with violating the following:

**Health Occ. § 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:

- (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;

[or]

- (8) Provides professional services while:

- (ii) Using any narcotic or controlled substance, as defined by § 5-101 of the Criminal Law Article, or other drug that is in excess of prescribed amounts or without valid medical indication.

Code of Maryland Regulations, COMAR Title 10, Subtitle 42, Chapter .03

Section .06 Standards of Practice

B. A licensee may not:

- (1) Undertake or continue a professional relationship with a client when the competency or objectivity of the licensee is or could reasonably be expected to be impaired due to:
 - (a) Mental, emotional, physiological, pharmacological, substance abuse, or personal problems[.]

PROCEDURAL SUMMARY

The Board issued a notice of hearing to the Respondent by regular mail and certified mail return receipt for a virtual hearing to be held on January 8, 2021 at 2:00 pm. The Board held the hearing virtually using the Google Meet platform.

A quorum of the Board was present. The State was represented by Francesca Gibbs, Assistant Attorney General. The Respondent was present, but was not represented by counsel.

The hearing convened to decide whether the Respondent violated the pertinent provisions of the Act, and if the Respondent committed any such violations, what sanction, if any, is appropriate.

SUMMARY OF THE EVIDENCE

The Board accepted the State's evidence which included testimony from two witnesses, Garcia Gilmore, Investigator, Maryland State Board of Social Work Examiners and the Respondent, Koren Fazenbaker. The Respondent also testified on her own behalf. The State submitted the following documents which were admitted, without objection into evidence:

- Exhibit 1 Complaint, April 26, 2018
- Exhibit 2 Investigative Report (without attachments), July 31, 2018
- Exhibit 3 Portion of K. Fazenbaker's Personnel File provided by Western Maryland Health System, June 4, 2018
- Exhibit 4 Transcript of Interview of Karen Hosware, June 19, 2018
- Exhibit 5 Transcript of Interview with Helen Dom June 19, 2018
- Exhibit 6 Transcript of Interview with Koren Fazenbaker, June 27, 2018
- Exhibit 7 Koren Fazenbaker Licensing Printout
- Exhibit 8 Charges under the Social Work Practice Act, March 8, 2019
- Exhibit 9 Email from K. Fazenbaker regarding Hearing Notice, Dated December 12, 2020
- Exhibit 10 Letter from Pharmacist w/attachments

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent was licensed to practice as a licensed certified social worker, clinical in the State of Maryland under License No. 16186.

2. The Respondent was initially licensed to practice social work in Maryland on or about July 14, 2010.

3. The Respondent's license expired on October 31, 2018.

4. Just weeks prior to the hearing, the Respondent submitted an application for reinstatement of the license to the Board.

5. At all times relevant, the Respondent was employed as a certified social worker at a healthcare facility ("Facility A") located in Cumberland, Maryland.

6. On or about April 26, 2018, the Board received a Complaint from the Direct Care Coordinator at Facility A (the "Complainant") alleging that on March 20, 2018, the Respondent was under the influence of a narcotic while at work.

7. Upon receipt of the Complaint, the Board initiated an investigation and obtained the Respondent's personnel record from Facility A. The Board also conducted interviews of the Complainant, two Facility A employees, and the Respondent.

8. On March 20, 2018, the Respondent attended a conference held at Facility A.

9. After the conference, the Respondent went to a private staff restroom where she stayed for approximately 10 to 12 minutes.

10. Another Facility A employee ("Employee A") entered the restroom immediately after the Respondent exited.

11. Once inside the restroom, Employee A saw a bottle of nasal spray, a blue change purse containing several white pills in a plastic bag, an item which resembled a pen cap with the top removed, and white powder residue on the toilet paper holder.

12. While Employee A was inside the restroom, the Respondent knocked on the door and said she left her money in the restroom.

13. The Respondent removed all of the materials observed by Employee A from the restroom.

14. Employee A reported her observations to a supervisor at Facility A. The supervisor instructed Employee A to return to the restroom to take photos of what she saw, but the items were gone by the time she arrived.

15. Another supervisor reported the incident to the human resources personnel, who summoned the Respondent for a meeting that same day.

16. The Respondent denied knowledge of the pen cap or white residue.

17. The Respondent voluntarily submitted to a toxicology screen, which was conducted on-site.

18. On April 4, 2018, the Respondent contacted the laboratory where her urine specimen was sent for testing. The Respondent was informed that her urine tested positive for cocaine.

19. The Respondent gave the lab representative an unsolicited explanation that she went to the hospital emergency room for a nosebleed on the weekend prior to the incident and that cocaine might have been administered to her by the hospital to stop the nosebleed.

20. A lab representative informed the Respondent that he would have to report the result as positive unless he received a letter from the emergency room provider

indicating that cocaine HCL was used to treat the Respondent's nosebleed. The Respondent was directed to provide the letter within three business days.

21. On or about April 9, 2018, the Respondent resigned from her employment at Facility A.

22. The Respondent contacted the laboratory on April 9, 2018 and informed the lab representative that she resigned from Facility A. The lab representative notified the Respondent that her employment status was irrelevant and that the positive test result would have to be reported.

23. On April 10, 2018, the laboratory received a three page facsimile from the emergency room concerning the Respondent. The second page of the fax appeared to be a prescription with an illegible signature, a 9-digit NPI number¹, the initials "CRNP" after the signature with a circle surrounding the letters "M.D.".

24. The laboratory questioned the legitimacy of the prescription and contacted the Respondent to obtain the name of doctor or nurse who signed the document. The Respondent was unable to provide the lab representative with any information.

25. Lab personnel contacted the emergency room directly for verification of the author of the prescription. The emergency room was not able to verify the signature, with certainty.²

26. The Respondent acknowledged that she tested positive for cocaine. She admitted that in the past she occasionally used cocaine.

¹ A "NPI" or National Provider Identifier is a unique 10-digit identification number issued to health care providers in the United States by the Centers for Medicare and Medicaid Services (CMS).

² An emergency room supervisor suggested that the author could possibly be the Respondent's sister, who worked in the emergency room as a CRNP, but there was no way to verify it.

27. When asked to explain the positive test result, the Respondent provided alternative explanations to the one she gave to the laboratory representative. The Respondent stated that she used a nasal spray given to her by a family member to stop the nosebleed and alternatively that at the time of the incident she had a prescription for oxycodone which she may have inadvertently mixed up with her ex-husband's medications.

28. The Respondent has not practiced social work since she resigned from Facility A due to life stressors.

29. The Respondent applied for reinstatement of her license, but acknowledges that she is not ready or able to practice social work at this time.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that a preponderance of the evidence shows that the Respondent violated Health Occ. § 19-311 (5), (6), and (8) as well as COMAR 10.42.03.06 B (1) (a).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 12th day of February, 2021, by a majority of the quorum of the Board considering this case hereby:

ORDERED that the Respondent's application for Reinstatement is hereby **DENIED**; and it is further

ORDERED that the Respondent shall become eligible to apply for reinstatement after a minimum of three (3) years from the effective date of this Order subject to the following:

1. The Respondent shall submit a written request to the Board for reinstatement; and
2. Not earlier than 60 days before the Respondent submits a request for reinstatement to the Board, the Respondent, at her own expense, shall undergo a fitness for practice, mental health and substance abuse evaluation by a Board Approved practitioner; and
3. The Respondent shall ensure the evaluator promptly provides the evaluation and report to the Board; and it is further

ORDERED that the Board shall have discretion to reinstate the license and issue any sanctions and/or conditions it deems appropriate upon reinstatement of the license; and it is further

ORDERED that the Board shall issue a written order of Reinstatement prior to the submission of an application for reinstatement of the license in accordance with COMAR 10.42.06; and it is further

ORDERED that this Final Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions, §§ 4-101 *et seq.* (2014) and is reportable to any entity to whom the Board is obligated to report.³

³ This includes the Board's public website and NPDB.

02/12/2021

Date



Gerard Farrell
Board Chair
Maryland State Board of Social Work Examiners