

IN THE MATTER OF

HARRY T. GOLDWATER, LCSW-C

RESPONDENT

License Number: 18348

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BEFORE THE MARYLAND

STATE BOARD OF

SOCIAL WORK EXAMINERS

Case Number: 2021-2953

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CONSENT ORDER

On February 16, 2022, the Maryland State Board of Social Work Examiners (the “Board”) charged **HARRY T. GOLDWATER, LCSW-C**, (the “Respondent”), License Number 18348, with violating the Maryland Social Workers Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 19-101 *et seq.* (2021 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act and COMAR 10.42 *et seq.*:

§ 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... misconduct 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;

....

- (12) Fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file the report;

....

- (14) Fails to report suspected child abuse or neglect in violation of § 5-704 of the Family Law Article; [and]

....

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

Pursuant to Health Occ. § 19-311(14), the pertinent provision of Md. Code Ann., Family Law § 5-704, provides the following:

Section 5-704. Reporting of abuse or neglect -- By health practitioner, police officer, educator, or human service worker

- (a) In general. -- Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner, police officer, educator, or human service worker, acting in a professional capacity in this State:
 - (1) who has reason to believe that a child has been subjected to abuse or neglect, shall notify the local department or the appropriate law enforcement agency; and
 - (2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.
- (b) Oral and written reports; cooperation among departments and agencies. --
 - (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

- (i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and
- (ii) a written report:
 - 1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and
 - 2. with a copy to the local State's Attorney.

Pursuant to Health Occ. § 19-311(6), the pertinent provisions of Md. Code Regs. (“COMAR”), provide the following:

COMAR 10.42.03.03. Responsibilities to Clients.

A. The licensee shall:

.....

(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[.]

COMAR 10.42.03.06. Standards of Practice.

A. Professional Competence. The licensee shall:

.....

- (7) Document and maintain appropriate records of professional service, supervision, and research work [.]

On March 25, 2022, a Case Resolution Conference was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. Background

1. At all times relevant hereto, the Respondent was licensed to practice social work in the State of Maryland. The Respondent was initially licensed to practice as a licensed certified social worker-clinical (“LCSW-C”) in Maryland on or about August 16, 2012, under license number 18348. The Respondent’s LCSW-C license expires on October 31, 2022.

2. The Respondent began employment at an agency that provides management, supervision, and treatment of juveniles involved in the juvenile justice system in Maryland (the “Agency”)¹ on or about February 1, 2017. At the time of the

¹ For purposes of ensuring confidentiality, proper names have been omitted and replaced with generic placeholders. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

alleged incident the Respondent's position was as a "Social Worker Advanced." According to the Position Description for a "Social Worker Advanced," the essential job functions include "[c]omplete debriefings" and "[c]omplete referrals [and] reports in compliance with legal and professional standards for youth who report incidents of neglect and/or abuse and as described in [Agency] policy."

3. On or about March 24, 2021, the Board received a complaint (the "Complaint") from the Agency's Director of Behavioral Health (the "Complainant") alleging that the Respondent failed to report physical child abuse of a juvenile in the care and custody of the Agency on December 22, 2020. According to the Complaint, the juvenile met with the Respondent "to debrief a restraint incident [and] reportedly had physical injuries and stated that a staff member involved used 'excessive force.'"

4. Based on the Complaint, the Board initiated an investigation of the Respondent's practice.

II. Board Investigation

5. In furtherance of its investigation, the Board subpoenaed the Respondent's personnel file from the Agency. In addition, the Board conducted interviews including but not limited to interviewing the Respondent.

6. A review of the personnel records from the Agency revealed the Respondent was issued a Counseling Memorandum on March 17, 2021. According to the Counseling Memorandum:

[The Behavioral Health Manager] spoke to [the Respondent] on 3-3-21 at which time [the Respondent] indicated that [the Respondent] debriefed [the Juvenile] who stated that the staff

allegedly used “excessive force” in a restraint. . . . [The Respondent] acknowledged that [the Respondent] did not report the youth’s allegation 12-22-20 but that [the Respondent] believed that another clinician reported the information at a later date. In addition, [the Respondent] submitted documentation of a debriefing on 12/22/20 with the date of the *Crisis Behavioral Health Referral Form* completed on 1-12-21. In this note [the Respondent] documented “youth indicated that [Staff Member] . . . attempted to restrain him, in the case manager office and that he resisted . . . youth opined that staff used “too much force” but was not specific He also indicated that handcuffs were “too tight”. . . . In attempted discussion about how youth could prevent similar events in the future youth reiterated that he did not feel safe

[The Respondent] and this writer [spoke by phone] on 3-9-21 to discuss the events of 12-22-20. [The Respondent] stated that [the Respondent] “*thought I knew the kid better than he knew himself*” and “*substituted my judgment.*” Respondent admitted that he took on the role of an investigator rather than exercising [the Respondent’s] duty as a mandated reporter. . . [The Respondent] noted that the youth did not report any injuries from the restraint other than to note that the handcuffs were too tight. [The Respondent] noted that [the Respondent] concluded that the visible injuries to the youth’s face were sustained during prior incidents when the youth banged his head on the wall. . . .

. . . [The Respondent] acknowledged that [the Respondent’s] debriefing note was not completed on the day of the debriefing but instead was completed on 1-12-21 when [the Respondent] discovered it had not been completed. . . .

7. Pursuant to the Counseling Memorandum, the Respondent was directed to comply with the following which was completed by the Respondent in six months:

- a. “Effective immediately you are to contact your supervisor . . . whenever you debrief a youth following any incident in order to discuss your plan of action and to ensure that you

complete all required paperwork in a timely manner. If you are unable to reach your immediate supervisor within 1 hour of your call, you agree to contact [the Behavioral Health Manager] for the same. This procedure will be reviewed at the time of your next performance review to determine if it will be discontinued or altered.”

- b. “By no later than 4-2-21, meet with your supervisor and develop a Work Plan that includes at least two goals that you identify as important in regard to your role as a social worker.”
- c. “By no later than 4-2-21, you are to complete online mandated reporter training course.”
- d. “By no later than 3-26-21, you are to review with your supervisor and sign acknowledgment thereof, the following [Agency] policies: *OPS-913-15, Reporting and Investigating Child Abuse and Neglect and CS/RS-900-19, Incident Reporting—Residential Facilities and Community Operations.*”

8. As part of the Board’s investigation the Board’s investigator conducted an interview of the Respondent under oath on July 20, 2021. During this interview the Respondent stated the following:

- a. Earlier in the day the Juvenile gave a “chocolate kiss” to one of the case managers “and she found this somehow sexually suggestive or inappropriate.” Therefore, the Juvenile was given a behavioral report

which required the Juvenile to be processed by a behavioral life manager (the Staff Member). The Juvenile “got upset” with the Staff Member when he was told he was getting a behavioral report “because he was afraid this was going to reflect poorly on him when he went in front of the judge.”

- b. The Juvenile told the Respondent that the Staff Member “took him out of the room and used too much force in getting him out of the room.”
- c. The Respondent specified his role is not to investigate, but admitted that he “was investigating. . . . And I shouldn’t have done that.”
- d. The Respondent stated that he asked the Juvenile “some questions about what [used too much force] meant.”
- e. The Respondent stated the Juvenile told him the handcuffs had been too tight and when the Respondent said he asked the Juvenile where he had been hit from this incident “he couldn’t really tell me He just kind of repeated that [the Staff Member] used too much force . . . he pointed to the rooms – the sides of the doors and that . . . [the Staff Member] had banged him against them and that he used too much force.”
- f. The Respondent stated that the Juvenile had marks on his arms and on his head, but that the Respondent could not tell whether the marks on the Juvenile’s arms were from “that day or the earlier day”

because he knew the Juvenile “may have been in an incident earlier in the day, and he had been in incidents during the month prior where he’d been slammed around, put in manacle restraints, meaning he had handcuffs on his hands and handcuffs on his ankles.” The Respondent also stated that “within the month prior he had . . . seen [the Juvenile] banging his head on the wall.”

- g. The Respondent further stated that the Staff Member “came back to me and told me that he put his hands on him, so that’s a restraint. So, part of what we have to do is debrief the kid . . . to see whether abuse is done. I’m sorry. I’m laughing to myself. It’s just – I don’t know.
- h. The Respondent admitted that he did not “write a debriefing note, as I should have. I left the facility that night, and I didn’t write a debriefing note until January 11th, I think, or 12th, when I put all this together to write the response here.”
- i. The Respondent further admitted, “I didn’t write the report, and I should have written it. He told me they had used too much force. I should have put that in a child abuse complaint.”
- j. The Respondent admitted he was more than familiar with how to write a report of alleged child abuse.

9. In explaining his actions, the Respondent stated, “I think there was maybe unconsciously a question in my mind whether it was really doing him any good to report

this. And I probably shouldn't have gone there, but I think unconsciously I did. . . . It wasn't helping him to make some, you know, salacious, you know, allegation that wouldn't necessarily do him that much better in the end.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions as described above, constitute a violation of Health Occ. § 19-311 (4)(commits any act of gross negligence, incompetence, or misconduct 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), (12)(fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file the report), (14)(fails to report suspected child abuse or neglect in violation of § 5-704 of the Family Law Article), and (20)(fails to maintain adequate patient records); and COMAR 10.42.03.03(A)(5)(b) and (e) and COMAR 10.42.03.06(A)(7).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 2nd day of August, 2022, by a majority of the Board considering this case:

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

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **ONE (1) YEAR**. During the probationary period, the Respondent must comply with the following terms and conditions:

1. Within one (1) year of the date of this Consent Order, the Respondent shall successfully complete one Board-approved course in mandatory reporting. The Respondent shall be responsible for submitting written documentation to the Board of his successful completion of these courses. 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 courses according to the terms set forth herein.
2. 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 after the conclusion of **ONE (1) YEAR** from the date of this Consent Order, 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 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 civil monetary fine upon the Respondent; 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 Respondent shall be 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** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2019 Repl. Vol.).

8/2/2022



Sondra Petty, LCSW-C, LICSW
Board Vice Chair
Maryland Board of Social Work
Examiners

CONSENT

I, Harry T. Goldwater, LCSW-C, acknowledge that I am represented by counsel and have consulted with counsel before entering 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.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had 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 provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

_____ 7/20/22
Date

Harry T. Goldwater, LCSW-C

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF

Montgomery

I HEREBY CERTIFY that on this 20th day of July

_____, 2022, before me, a Notary Public of the foregoing State and City/County personally appear Harry T. Goldwater, LCSW-C, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Steven Gomez
Notary Public

My commission expires: 06/02/2026

