

IN THE MATTER OF	*	BEFORE THE MARYLAND
ILENE A. GRUBER, LCSW-C	*	STATE BOARD OF
RESPONDENT	*	SOCIAL WORK EXAMINERS
License Number: 22505	*	Case Number: 2017-2325

* * * * *

CONSENT ORDER

On October 15, 2017, the Maryland State Board of Social Work Examiners (the "Board") charged the Respondent with violating the Maryland Social Workers Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ."), §§ 19-101 *et seq.* (2009 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under 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:

- (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;
- (11) Makes or files a false report or record in the practice of social work;

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

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;

(c) Indicate the time and date the services were provided[.]

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 December 3, 2018, a Case Resolution Conference was held before a panel of the Board. As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of 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 master social work in Maryland on or about July 29, 2002, under license number G10335. That license expired October 31, 2017. Prior to the expiration of that license, on or about January 24, 2017, Respondent was licensed to practice clinical social work in Maryland under license number 22505. That license expires on October 31, 2019.

2. The Respondent was employed as a social worker at a hospice facility (the "Facility")¹ from August 17, 2015 to January 20, 2017, when the Respondent was terminated from her employment.

3. On or about January 26, 2017, the Board received a complaint (the "Complaint") from the director of the Facility (the "Complainant") alleging that the Respondent falsely documented visits in patient records.

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

5. The investigation also revealed that on or about January 26, 2017, Respondent made a false statement on an application for employment at a behavioral health facility. *See* FN 1.

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.

II. Board Investigation

6. In furtherance of its investigation, the Board obtained records from the Facility as well as Respondent's subsequent employer. In addition, the Board conducted interviews of the Complainant, the Employer's witness, and the Respondent.

A. Making or Filing False Report

7. A review of the records from the Facility revealed that on or about January 17, 2017, the Respondent documented that she had a visit with a patient from 9:30 a.m. until 11:00 a.m. However, the Respondent admittedly was at the Facility headquarters between 9:30 a.m. and 9:45 a.m.

8. On that same day, the Respondent documented her final visit of the day with a patient starting at 3:30 p.m. and ending at 5:00 p.m. The Respondent, however, logged into the Facility's electronic record system and submitted documentation of the patient visit at 3:17 p.m., thirteen minutes prior to patient visit taking place. The documentation for her visit with this patient included a physical assessment of the patient's condition. However, the written record was based on the patient's medical history and not a real-time physical assessment.

9. Following her termination with the Employer, the Respondent sought employment at a behavioral health facility. On or about January 26, 2017, Respondent filled out an application. In the section regarding prior work history, the Respondent listed the Facility. In the section regarding her reason for leaving, the Respondent stated that she left the Facility because she wanted to seek practice in a private setting. The

Respondent failed to disclose that the Facility terminated her for falsifying patient records.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct in updating a patient's record prior to seeing the patient, entering time for work which is inconsistent with Respondent's schedule, and failing to disclose her termination at the Facility on an employment application constitute engaging in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work, in violation of Health Occ. § 19-311(5); violating any provision of this title or regulations governing the practice of social work adopted and published by the Board, in violation of Health Occ. § 19-311(6); making or filing a false report or record in the practice of social work, in violation of Health Occ. § 19-311(11); failing to maintain adequate patient records in violation of Health Occ. § 19-311(20); failing to maintain documentation in the client's record which accurately reflects the services provided, including treatment plans, treatment goals, and contact notes, and failing to indicate the time and date the services were provided in violation of COMAR 10.42.03.03A(5)(b) and (c); and failing to document and maintain appropriate records of professional service, supervision, and research work, in violation of COMAR 10.42.03.06A(7).

ORDER

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

ORDERED that Respondent be placed on **PROBATION** for a period of **ONE (1) YEAR** from the date this Order is executed subject to the following terms and conditions:

ORDERED that within six (6) months of the date of this Consent Order, the Respondent shall enroll in and complete a course on documentation/recordkeeping, approved in advance by the Board;² and it is further

ORDERED that within thirty (30) days of the date of this Consent Order, the Respondent shall commence supervision meetings with Heather Garner LCSW-C, which will occur on a monthly basis, over a twelve (12) month period.

ORDERED that should Respondent engage in a material record keeping violation following the date of the entry of the above-referenced Consent Order that is similar to the record keeping violations at issue in the charging document and fails to self-report a material mistake to the Board, Respondent's License shall be suspended for the duration of the remaining probationary period. Respondent, however, will have the right to a hearing before the Board to request an early termination of the suspension after thirty (30) calendar days of the suspension of her license, 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 Board may terminate the Respondent's probation through an order if the Respondent has fully and satisfactorily complied with all of the terms and conditions of her probation and this

² Respondent may complete an on-line course to satisfy this condition of probation.

Consent Order, and there are no pending investigation or outstanding complaints of similar violations against her; 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 facts, or an opportunity for a show cause hearing, before the Board otherwise, may impose any sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; 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.* (2014).

01/11/2019

Date



Sherryl Silberman, LCSW-C, Board Chair
State Board of Social Work Examiners

CONSENT

I, Ilene A. Gruber, LCSW, 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 violations as set forth above and accept personal responsibility for my behavior.

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

1-7-19
Date

Ilene A. Gruber, LCSW-C
Ilene A. Gruber, LCSW-C

NOTARY

STATE OF MD

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 7 day of January, 2019, before me, a Notary Public of the foregoing State and City/County

personally appear Ilene A. Gruber, 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.

DONTE LAMBERT
Notary Public Maryland
Baltimore County
My Commission Expires
January 15, 2019



Notary Public

My commission expires: 01/15/2019