

IN THE MATTER OF

*

BEFORE THE MARYLAND

KATHLEEN E. HAWKINS, LMSW

*

BOARD OF SOCIAL WORK

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EXAMINERS

LICENSE NO.: 29142

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CASE NO.: 2022-3223

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FINAL DECISION AND ORDER IMPOSING MONEY PENALTY

PROCEDURAL BACKGROUND

Following receipt of a complaint regarding the practice of Kathleen E. Hawkins, LMSW (the “Respondent”), the Maryland Board of Social Work Examiners (“the Board”) conducted an investigation. As a result of that investigation, on July 8, 2024, the Board issued “Charges under the Maryland Social Worker’s Practice Act” and cover letter to the Respondent, which notified her that the Board was charging her license to practice as a social worker in the State of Maryland, license number 29142, with violations of the Maryland Social Worker’s Practice Act, Md. Code Ann., Health Occ. (“HO”) § 19-401, specifically:

§ 19-401. License to Practice Social Work.

- (a) Social Work. Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice social work in this State while representing oneself to be a social worker unless licensed by the Board.
- (b) Social Work-Clinical. Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice clinical social work in this State unless licensed by the Board as a certified social worker-clinical.

The cover letter notified the Respondent of the opportunity to request an evidentiary hearing before the Board. On or about September 9, 2024, the Respondent, through her attorney, submitted a timely request for an evidentiary hearing.

HAWKINS, Kathleen E., LMSW
Final Decision and Order Imposing Monetary Penalty

By letter dated September 30, 2024, the Board notified the Respondent that the evidentiary hearing was scheduled for November 8, 2024. This notice was sent via regular and certified mail, to the Respondent's attorney pursuant to Health Occ. § 19-312 and Md. Code Ann., State Gov't § 10-208.

On November 8, 2024, the Board held an evidentiary hearing, and a quorum of the Board was present. An Administrative Prosecutor was present on behalf of the State. The Respondent appeared with counsel.

EVIDENCE PRESENTED

State's Exhibits

1. Parties' Stipulations as to Findings of Fact, Conclusions of Law, and Exhibits, dated October 24, 2024 (7 pages)
2. Complaint dated August 30, 2022 with Attachments (9 pages)
3. Respondent's Narrative Response to Complaint with Attachments (3 pages)
4. Respondent's Application for Licensure submitted June 5, 2022 (4 pages)
5. Patient Records
 - A. Subpoena Duces Tecum, dated July 25, 2023, to Healthcare Facility for five (5) patient records (1 page)
 - B. Appointment List (6 pages)
 - C. Patient A.A. Records (32 pages)
 - D. Patient E.C. Records (18 pages)
 - E. Patient N.R. Records (37 pages)
 - F. Patient N.F. Records (21 pages)
 - G. Patient H.F. Records (28 pages)
6. Interview Transcript of the Complainant, dated July 19, 2023 (15 pages)
7. Interview Transcript of Respondent, dated July 19, 2023 (28 pages)
8. Respondent License Verification (2 pages)
9. Charges under the Maryland Social Worker's Practice Act and cover letter (9 pages)
10. Respondent's request for hearing, dated September 9, 2024 (1 page)

HAWKINS, Kathleen E., LMSW
Final Decision and Order Imposing Monetary Penalty

11. Notice of Hearing, dated September 3, 2024 (1 page)

State's Witnesses

1. None

Respondent's Exhibits

1. Interview Transcript of Agency Clinical Director, dated July 13, 2023 (23 pages)
2. Agency Regional Clinical Director License Verification (2 pages)
3. Respondent Curriculum Vitae (2 pages)
4. Character Witness A Curriculum Vitae (4 pages)
5. Character Witness B Curriculum Vitae (4 pages)
6. Character Reference A Letter (1 page)
7. Character Reference B Letter (1 page)
8. Character Reference C Letter (1 page)

Respondent's Witnesses

1. The Respondent
2. Character Witness A, LCSW-C
3. Character Witness B, LCSW-C

FINDINGS OF FACT

1. On or about July 27, 2022 until on or about March 7, 2023, the Respondent was employed with a healthcare facility (the "Agency") as a therapist. (States Ex., p. 180; Respondent's Ex. pp. 241-243). The Agency provides treatment for substance use and mental health in multiple states including Maryland. (States Ex., p. 163). The Respondent worked at the Agency's location in Crownsville, Maryland. *Id.*

HAWKINS, Kathleen E., LMSW
Final Decision and Order Imposing Monetary Penalty

2. The Respondent was issued a license to practice as a licensed master social worker (“LMSW”) in Maryland on September 1, 2022 under license number 29142. (States Ex., p. 203)

3. On or about August 31, 2022, the Board received a complaint (the “Complaint”) regarding the Respondent’s practice. (States Ex., p. 001-009). The Complaint was submitted by a social worker who had been previously employed at the Agency (the “Complainant”) as a therapist. *Id.* The Complaint alleged that on or about August 22, 2022, the Respondent disclosed to the Complainant that she was studying for the LMSW examination which was scheduled for later that week. *Id.* Upon learning this, the Complainant alleged that she told the Respondent that she could not practice social work without first being licensed and under supervision. *Id.* The Complaint alleged that the Agency knowingly allowed the Respondent to practice without a license and without supervision. *Id.*

4. Based on the information contained in the Complaint, the Board initiated an investigation of the Respondent’s practice.

The Board’s Investigation

5. As part of its investigation, the Board subpoenaed various records including the Respondent’s employee personnel file and conducted interviews with the Respondent and other witnesses. (States Ex., p. 017)

6. The Respondent’s personnel records revealed, in pertinent part, the following:

HAWKINS, Kathleen E., LMSW
Final Decision and Order Imposing Monetary Penalty

a. On or about August 8, 2022, through on or about August 31, 2022, the Respondent conducted approximately thirteen (13) individual therapy sessions with at least four patients. (States Ex., p. 018-159)

b. On or about August 11, 2022, through on or about August 31, 2022, the Respondent participated in approximately thirteen (13) group therapy sessions with various patients. The Respondent participated as the leader of many of these group sessions. *Id.*

7. On or about July 19, 2023, the Board conducted an interview with the Respondent, who stated the following:

a. The Respondent admitted that her position at the Agency included duties such as providing individual therapy to a caseload of up to seven individual clients and providing twelve hours of group therapy per week. (States Ex., p. 184).

b. The Respondent admitted that she was performing the duties of a therapist without a license. The Respondent stated "...I guess it would be fair to say, yes, I was like a training therapist at the time, training, providing the therapeutic interventions, you know, yeah, the group and individual, you know, similar to my internship." (States Ex., p. 189).

c. The Respondent stated that she accepted responsibility for being unlicensed while providing social work services at the agency from on or about July 27, 2022, to on or about August 31, 2022. (States Ex., p. 195-196).

HAWKINS, Kathleen E., LMSW
Final Decision and Order Imposing Monetary Penalty

8. By letter, the Respondent provided a written response to the Complaint. In her letter, the Respondent stated the following:

a. “I was open and honest about having an MSW during this timeframe and never portrayed myself to anyone or any entity as an LMSW until my license was issued.” (States Ex., p. 010).

b. “While waiting approval to take the [Association of Social Work Board’s Master’s level exam], I spent the time applying for jobs. I applied for a job at [the Agency]. I was offered the job and told that I could begin working and obtain my license within 60 days.” *Id.*

c. “Shortly after I started the position, the board-approved LCSW that was providing this [sic] supervision quit, and there was a gap in supervision. I am aware now that you must be licensed and under supervision in Maryland, but I had no reasonable way of knowing that in the time period of June-August 2022.”
Id.

9. The evidentiary hearing was held on November 8, 2024 before a quorum of the Board. (Hearing Transcript, pp. 5-6).

10. The Respondent testified on her own behalf. The Respondent stated that she was currently employed by a small group practice located in Montgomery County, Maryland. (Hearing Transcript, p. 16).

11. She testified that in 2022, prior to taking her Master’s level exam and while working for the Agency, she was informed by an Agency colleague that since she had not yet taken the

HAWKINS, Kathleen E., LMSW
Final Decision and Order Imposing Monetary Penalty

Master's level exam, she should not be working as a therapist at the Agency because she was not yet licensed. (Hearing Transcript, pp. 18-20).

12. The Respondent testified that, after hearing this, she sought to confirm the colleague's information with her direct supervisor at the Agency, as well as the Agency's Clinical Director; both told her that her colleague was misinformed and that she was permitted to work without a license while she waited to take the exam. (Hearing Transcript, p. 20).

13. The Respondent stated that she subsequently resigned from the Agency in January 2023. (Hearing Transcript, p. 22).

14. During her testimony, the Respondent acknowledged that she practiced without a license for a short period of time without authorization, but she stated that she relied on her supervisors for correct information. (Hearing Transcript, p. 23). She stated that she would never trust a supervisor's word again without double-checking the facts of what she is being told. (Hearing Transcript, p. 24).

15. The Respondent testified that she never intended to violate the law and that she would never do something that would jeopardize her career. (Hearing Transcript, p. 24). On cross-examination, the Respondent admitted that she made no attempt to resolve the conflicting information she received by reaching out to the Board for clarification or consulting the regulations. (Hearing Transcript, p. 26-28).

16. The Respondent called two character witnesses to testify on her behalf. Witness A, an LCSW-C, who has served as the Respondent's clinical supervisor, described the Respondent as

HAWKINS, Kathleen E., LMSW
Final Decision and Order Imposing Monetary Penalty

“being very ethical and consistent in the quality of care” that she provides her patients. (Hearing Transcript, p. 37).

17. Witness B, also an LCSW-C and adjunct professor at the Maryland School of Social Work, described the Respondent as being a “highly respected” practitioner having demonstrated “stellar work both clinically and administratively” and possessing “incredible knowledge and skills as it relates to clinical interventions [and] clinical treatments...” (Hearing Transcript, pp. 43-44).

18. On cross-examination, Witness B stated that she was aware that at the time the Respondent applied to Witness B’s practice, the Respondent was working for the Agency. (Hearing Transcript, p. 49). Witness B stated that she did not initially hire the Respondent at that time because she knew that the Respondent was not licensed, and therefore Witness B’s practice would not be able to bill third-party insurers for unlicensed services rendered by the Respondent. (Hearing Transcript, pp. 47-49).

19. The Respondent presented three letters in support of her character and fitness to practice social work. (Respondent’s Ex., p. 251-253).

DISCUSSION

Upon consideration of the foregoing Findings of Fact, the Board finds, by a preponderance of the evidence, that the Respondent practiced without a license from the period on or about August 8, 2022 to on or about August 31, 2022 which constitutes a violation of the Maryland Social Worker’s Practice Act under Health Occ. §§ 19-401(a) (Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice social work in this State while representing oneself to be a social worker unless licensed by the Board) and 19-401(b) (Except as

HAWKINS, Kathleen E., LMSW
Final Decision and Order Imposing Monetary Penalty

otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice clinical social work in this State unless licensed by the Board as a certified social worker-clinical).

Further, the Board finds that the Respondent's violation of the Maryland Social Worker's Practice Act falls within the Board's sanctioning guidelines. *See* COMAR 10.42.09.04(5). The range of potential disciplinary sanctions under category COMAR 10.42.09.04(5) is probation for 1 year, or \$1,000 fine, or both, up to revocation, or \$10,000 fine, or both. *Id.* COMAR 10.42.09.03 provides that "if, after a hearing under Health Occupations Article, §19-312... the Board finds that there are grounds under Health Occupations Article, §19-311... to suspend or revoke a license, the Board may impose a penalty... [i]nstead of... suspending the license[.]"

In light of this violation, the Board has considered the following mitigating factors: the Respondent accepted responsibility for practicing without a license from on or about August 8, 2022, to on or about August 31, 2022; the Respondent's full and voluntary admissions of misconduct to the Board and cooperation during Board proceedings; the Respondent's lack of a prior disciplinary record; and the evidence presented of the Respondent's rehabilitative potential. In light of these mitigating factors, the Board finds that the Respondent's conduct warrants a monetary penalty at the minimum end of the sanctioning guidelines scale.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Md. Code Ann., Health Occ. § 19-401:

§ 19-401. License to Practice Social Work.

- (a) Social Work. Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice social work in this State while representing oneself to be a social worker unless licensed by the Board.

HAWKINS, Kathleen E., LMSW
Final Decision and Order Imposing Monetary Penalty

- (b) Social Work-Clinical. Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice clinical social work in this State unless licensed by the Board as a certified social worker-clinical.

ORDER

Based upon the foregoing Findings of Fact, Discussion, and Conclusions of Law, it is hereby:

ORDERED that within **TWELVE (12) MONTHS** of the effective date of this Order, the Respondent, **KATHLEEN E. HAWKINS, LMSW**, shall pay to the Board a monetary penalty of **ONE THOUSAND DOLLARS (\$1,000.00)** in full by money order or cashier's check made payable to the Maryland Board of Social Work Examiners and delivered personally or by certified mail to the Board. Failure to pay this monetary penalty in full to the Board within **TWELVE (12) MONTHS** of the effective date of this Order shall constitute a violation of this Order; and it is further

ORDERED that, pursuant to COMAR 10.42.08.03, the Respondent shall not serve or continue to serve as a Board-approved supervisor for a period of **FIVE (5) years** from the effective date of this Order;

ORDERED that if the Respondent violates any of the terms and conditions of this 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 that the Board may have imposed in this case, including additional terms and conditions, a reprimand, suspension, revocation and/or an additional monetary penalty; and it is further

HAWKINS, Kathleen E., LMSW
Final Decision and Order Imposing Monetary Penalty

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

ORDERED that this is a Final Decision and Order of the Maryland Board of Social Work Examiners and, as such, is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019 Repl. Vol. & 2024 Supp.) and Health Occ. § 1-607, which shall be posted to the Board’s website and is reportable to the National Practitioner Data Bank and any other entity to whom the Board is obligated to report.

02/14/2025



Date

Susan Coppage, LCSW-C
Board Chair
Maryland Board of Social Work Examiners

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Ann. Code, Health Occ. § 17-509 may take a direct judicial appeal within thirty (30) days of the date this Order is mailed, as provided by Md. Ann. Code, Health Occ. § 17-512, Md. Ann. Code, State Gov’t § 10-222, and Maryland Rule 7-203(a)(2) (“Time for Filing Action”).