

IN THE MATTER OF BENJAMIN HOLT, LMSW RESPONDENT License Number: 26432	* * * *	BEFORE THE MARYLAND STATE BOARD OF SOCIAL WORK EXAMINERS Case Number: 2023-3340
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* * * * *

CONSENT ORDER

The Maryland Board of Social Work Examiners (the “Board”) charged **BENJAMIN HOLT**, Licensed Masters Social Worker (**LMSW**), (the “Respondent”), **License Number 26432**, with violating various provisions of the Maryland Social Workers Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2021 Repl. Vol. and 2023 Supp.).

The pertinent provisions of the Act provide the following:

§ 19-311. Grounds for license denials, discipline

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;

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Maryland Board of
Social Work Examiners

- (6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board;

The pertinent provisions of Md. Code Regs. (“COMAR”), provide the following:

§ 19-307. Scope of licenses.

...
(b) A licensed social worker may practice social work only within the scope of the specific type of license issued by the Board.

....
(c)(2) A licensed master social worker may not:

....

- (ii) Treat behavioral health or emotional disorders or provide psychotherapy without the supervision of a licensed certified social worker-clinical;

- (iii) Diagnose a behavioral health disorder without supervision of a licensed certified social worker-clinical:

....

The pertinent provisions of the Maryland Code of Regulations (“COMAR”), provide the following:

COMAR 10.42.01.05. Required Hours of Supervised Social Work Experience

A. A candidate with experience obtained in Maryland shall have obtained a licensed master social work license before beginning to obtain the requisite 3,000 hours of supervised social work experience.

COMAR 10.42.02.03 Scope of Practice.

....

B. Licensed Master Social Worker (LMSW)

- (1) An LMSW shall practice social work under a social work supervisor and may practice social work as stated in Health

Occupations Article §19-101 (p) and 19-307(c)(2),
Annotated Code of Maryland.

- ...
- (3) An LMSW's practice may not include the treatment of emotional disorders, psychotherapy, or diagnosis of mental disorder without the supervision of an LCSW-C.
 - (4) An LMSW may not engage in the practice of social work independent of social work supervision unless approved by the Board for independent practice.
-
- (6) On or after January 1, 2020, an LMSW may not engage in private practice as defined in Regulation 02.B(13) of this chapter.
 - (7) On or after January 1, 2020, an LMSW may be employed in a private practice working under the supervision of an LCSW-C.

COMAR 10.42.03.06. Standards of Practice.

A. Professional Competence. The licensee shall:

-
- (7) Document and maintain appropriate and accurate records of professional service, supervision, and research work;

COMAR 10.42.08.02

...

B. Terms Defined.

....

- (2) "Board-approved supervisor" means an LBSW, LCSW, LCSW-C, or LMSW approved by the Board to supervise social workers as set forth in this chapter.

....

- (6) "Supervision" means a formalized professional relationship between a supervisor and supervisee in which the supervisor directs, monitors, and evaluates the supervisee's social work practice while promoting development of the supervisee's knowledge, skills, and abilities to provide social work services in an ethical competent manner.

....

- (8) “Written contract” for advanced licensure or independent practice means an agreement, on a form provided by the Board and initiated before beginning supervision, between the supervisee, the Board-approved supervisor and administrators that details the scope of supervision.

COMAR 10.42.08.08. Responsibilities of a Supervisee:

A. A supervisee shall:

- (1) Receive social work supervision for social work practice as set forth in Health Occupation, Article, § 19-101, Annotated Code of Maryland;
- (2) Receive a minimum of 3 hours face-to-face supervision per month or 1 hour of face-to-face supervision for every 40 hours worked;
- (3) Prepare for supervision using case materials related to the supervisee’s social work practice;
- (4) Maintain documentation, for at least 5 years, of the supervisory sessions, including the dates, duration and focus of the supervisory sessions;
- (5) Establish a written contract, on a form provided by the Board, for advanced licensure or independent practice, initiated before beginning supervision; and
- (6) Attend and participate in supervision as agreed upon in the written contract for advanced licensure or independent practice[.]

On June 27, 2024, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The Respondent, with his attorney, Alex S. Dornacker, Esq., 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 that:

Background

1. At all times relevant, the Respondent was licensed to practice as a licensed master social worker (“LMSW”) in the State of Maryland.
2. On or about September 21, 2020, the Respondent was licensed to practice as an LMSW in Maryland, license number 26432. The Respondent’s LMSW license is active and due to expire on October 31, 2024.

Complaint

3. On or about March 17, 2023, the Board opened a complaint, sua sponte,¹ regarding the social work practice of the Respondent after learning the Respondent had not received clinical supervision from April 18, 2021 to October 24, 2021 while he was employed as an LMSW at a private practice (“Practice A”).²
4. The Respondent began working as an LMSW and therapist at Practice A on April 18, 2021 and provided counseling services for adults, children, and families.
5. Practice A was owned and operated by a licensed certified social worker-

¹ The Board learned of the Respondent’s unsupervised practice as an LMSW during the Board’s investigation of a separate complaint.

² To ensure confidentiality, proper names are not set forth in these *Charges under the Maryland Social Workers Practice Act*. The names are available to the Respondent upon written request to the Administrative Prosecutor

clinical (Owner/LCSW-C). During the time period that the Respondent worked at Practice A, the Owner/LCSW-C was in good standing as a Board approved supervisor for social workers seeking clinical certification.³

6. The Respondent signed an employment agreement (“Employment Agreement”) for Practice A on April 18, 2021 that states the following:

This AGREEMENT made as of the **eighteenth day of April 2021**, between [Practice A]...and Benjamin Holt (hereinafter “Contractor”)...

....
The Contractor agrees to perform the services of a Licensed Masters Social Worker on behalf of [Practice A]...

....
(a) Contractor Responsibilities:

- Provide agreed upon psychotherapy or consultative services to clients.
-
- Provide diagnosis codes as appropriate and enter them into Practice’s Electronic Health Records system.
- Attend regularly scheduled supervision sessions and staff meetings.

....
It is the sole responsibility of an [*sic*] Contractor who is a Licensed Master Social Worker to maintain supervision at all times during employment with the practice during their time as a contractor. [Practice A] requires reasonable attendance at group supervision and may provide individual supervision. In the event that the supervision ends for any reason, the Contractor shall immediately notify [Practice A] and as soon as practical begin supervision with a new supervisor.

³ The Owner/LCSW-C was first approved as a supervisor for social workers seeking clinical certification on November 12 2010. However, on December 27, 2022, as a result of a Consent Order between the Owner/LCSW-C and the Board, the Owner/LCSW-C’s Board approved supervisory status was rescinded and the Owner/LCSW-C is not eligible to become a Board-approved supervisor for a minimum of five years, effective December 27, 2022.

7. In the Respondent's Employment Agreement, the line designated for the Owner/LCSW-C's signature is blank and was not signed by the Owner/LCSW-C.

8. In his April 5, 2023 written statement to the Board, the Respondent wrote the following:

- a) He worked at Practice A as a "contractor providing individual and group therapy."
- b) He did not begin seeing clients at Practice A until after he began his supervision with the Owner/LCSW-C.
- c) He attended both individual and group supervision with the Owner/LCSW-C. He attended 24 individual supervision sessions and 26 group supervision sessions with the Owner/LCSW-C between April 19, 2021 and October 11, 2021.⁴
- d) Regular attendance of supervision sessions was a requirement of his Employment Agreement.
- e) It was his understanding that the Owner/LCSW-C was a Board approved Supervisor when he was employed at Practice A.
- f) After he sent the Owner/LCSW-C his notice of resignation on October 13, 2021, the Owner/LCSW-C locked him out of his work email and the electronic health records system.
- g) He sent the Owner/LCSW-C an email on October 19, 2021 asking her to sign is Supervision Verification form, but she never responded or acknowledged his request.
- h) The Owner/LCSW-C never provided him with records of his supervision at Practice A and he has subsequently never tried to use any of his hours working at Practice A in his application for licensure as an LCSW-C.

⁴ In his April 5, 2023 letter to the Board, the Respondent listed the dates and times of each individual and group session that he stated he attended with the Owner/LCSW-C.

- i) In his current employment at a different practice (“Practice B”)⁵, his current supervisor (“Supervisor B”) has provided him guidance and expertise on best practices.

9. The Respondent failed to provide the Board documentation regarding his supervision during the period he worked at Practice A as an LMSW between April 18, 2021 and October 24, 2021, including but not limited to, a Contract for Supervision for LCSW and LCSW-C Licensure; a Supervisory Verification Form; and, any Progress or Supervision Notes from a Board-approved supervisor.⁶

10. During his interview with the Board Investigator on April 26, 2023, the Respondent stated the following under oath:

- a) He worked at Practice A for six months from April 2021 to October 2021 as a contractor therapist.
- b) The Owner/LCSW-C was his clinical supervisor at Practice A.
- c) He did not have a signed Board approved Supervision Contract with the Owner/LCSW-C at Practice A. He only had his signed Employment Agreement. The Owner/LCSW-C told him that the Employment Agreement served in place of the Board’s supervision contract. He has since learned that is not true, and the Employment Agreement cannot substitute for the Board-approved contract.
- d) He had 24 individual supervision sessions with the Owner/LCSW-C and 26 group sessions with her.

⁵ The Respondent began employment at Practice B on or about November 15, 2021.

⁶ The Respondent **did** provide the Board a copy of documents regarding his current employment at Practice B under his current supervisor, Supervisor B, which included the following: a Contract for Supervision for LCSW AND LCSW-C Licensure signed by Respondent on November 23, 2021 indicating Supervisor B as his supervisor; Supervision Verification Form naming Supervisor B signed by Respondent on April 6 2023; Individual Supervision records from Supervisor B for 62 sixty minute individual sessions from November 23, 2021 to April 5, 2023; and, Group Supervision records with Supervisor B for 36 sixty minute group sessions from December 8, 2021 to October 5, 2022.

- e) Towards the end of his employment at Practice A, he began consulting with the NASW's⁷ Law and Ethics Department.
- f) He has not and does not intend to use any of his hours practicing at Practice A towards obtaining advance LCSW-C licensure with the Board.
- g) He is currently under clinical supervision with Supervisor B at Practice B. He meets with Supervisor B weekly for individual supervision and also attends group supervision with her.

11. The Board Investigator interviewed the Owner/LCSW-C on May 2, 2023

who stated the following under oath:

- a) It was unclear who was providing the Respondent clinical supervision when he worked at Practice A.
- b) She had regular meetings on the calendar with the Respondent and she met with him. She attempted to assign the Respondent tasks and to remind him that he needed to provide notes in the electronic health records system.
- c) With regards to the requirement in his Employment Agreement that the Respondent attend "regularly scheduled supervision sessions and staff meetings", the Owner/LCSW-C had staff meetings on Mondays and at the meetings "sometimes they're generating peer supervision conversations." Because the Respondent was hired as a dialectical behavior therapist, the Monday meetings were supposed to be for peer supervision.
- d) The Respondent never asked her to sign a contract until after she "fired"⁸ him. When she audited his caseload, she found that most

⁷ NASW is the acronym for the National Association of Social Workers.

⁸ The Board obtained an email dated October 13, 2021 from the Respondent to the Owner/LCSW-C in which the Respondent notified the Owner/LCSW-C that he was resigning, and his last day would be October 30, 2021 to allow time to transition his clients and complete documentation. The Owner/LCSW-C provided the Board an email she sent to the Respondent on October 14, 2023 in which she notified the Respondent that she locked the Respondent out of his email and access to the electronic health records system at Practice A. The email *does not* indicate that the Respondent was fired or terminated from his employment. The Board has received no documentation to indicate that the Respondent was terminated from his employment at Practice A.

of his clinical notes were not in the electronic health records system.

12. In her interview with the Board Investigator on April 25 2023, Supervisor B indicated that the Respondent began employment at Practice B on November 15, 2021. She signed a supervision contract with the Respondent and has served as his clinical supervisor since November 23, 2021. Supervisor B meets with the Respondent weekly for individual supervision and provides group supervision sessions.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated:

Health Occ. § 19-311. Grounds for license denials, discipline

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:

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- (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;
- (6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board[.]

The pertinent provisions of Md. Code Regs. (“COMAR”), provide the following:

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The pertinent provisions of the Maryland Code of Regulations (“COMAR”), provide the following:

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 - (6) On or after January 1, 2020, an LMSW may not engage in private practice as defined in Regulation 02.B(13) of this chapter.
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COMAR 10.42.03.06. Standards of Practice.

C. Professional Competence. The licensee shall:

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- (9) Document and maintain appropriate and accurate records of professional service, supervision, and research work;

COMAR 10.42.08.02

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D. Terms Defined.

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- (2) "Board-approved supervisor" means an LBSW, LCSW, LCSW-C, or LMSW approved by the Board to supervise social workers as set forth in this chapter.
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 - (6) "Supervision" means a formalized professional relationship between a supervisor and supervisee in which the supervisor directs, monitors, and evaluates the supervisee's social work practice while promoting development of the supervisee's knowledge, skills, and abilities to provide social work services in an ethical competent manner.
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- (10) "Written contract" for advanced licensure or independent practice means an agreement, on a form provided by the Board and initiated before beginning supervision, between the supervisee, the Board-approved supervisor and administrators that details the scope of supervision.

COMAR 10.42.08.08. Responsibilities of a Supervisee:

A. A supervisee shall:

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- (2) Receive a minimum of 3 hours face-to-face supervision per month or 1 hour of face-to-face supervision for every 40 hours worked;
- (3) Prepare for supervision using case materials related to the supervisee's social work practice;
- (4) Maintain documentation, for at least 5 years, of the supervisory sessions, including the dates, duration and focus of the supervisory sessions;
- (5) Establish a written contract, on a form provided by the Board, for advanced licensure or independent practice, initiated before beginning supervision; and
- (6) Attend and participate in supervision as agreed upon in the written contract for advanced licensure or independent practice[.]

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 13th day of August, 2024, by a majority of the quorum of the Board considering this case hereby:

ORDERED that the Respondent's license is **REPRIMANDED**; and it is further

ORDERED that the Respondent's license to practice social work shall be placed on **PROBATION** for a **minimum of ONE (1) YEAR**, subject to the following terms and conditions:

1. The Respondent's status as a licensed social worker shall be listed in the Board's database and on its website as being on "Probation";
2. During the probationary period, the Respondent shall be supervised by a Board-approved supervisor ("Probation Supervisor"), to whom the Board will provide written quarterly reports on Respondent's progress during the supervisory period;
3. The Supervisor is not and cannot be the same supervisor that the Respondent is currently being supervised as an LMSW at his current employment.
4. The Respondent shall meet with the Board-approved Supervisor for **a minimum of one hour per month** for random chart review and discussion. These supervisory sessions should focus on compliance with the Code of Maryland Regulations ("COMAR") governing documentation, record keeping, and supervision. The Respondent shall ensure that the Probation Supervisor has full access to any and all records and documentation necessary to provide guidance and supervision, including but not limited to, client records and documents, including supervision documentation and client charts,
5. The Supervisor shall submit quarterly written reports to the Board, which shall include but not be limited to the number and type of cases reviewed, issues discussed and his/her assessment of the Respondent's understanding of the conditions she is treating and her compliance with standards of care, ethical standards and record keeping standards;
6. A negative report from the Supervisor may result in a violation of this Consent Order and further sanctions at the Board's discretion. The Board in its discretion, may reduce the frequency of the written reports from the supervisor, upon a written request from the supervisor;
7. The Respondent is responsible for ensuring that the Supervisor submits the required quarterly reports to the Board in a timely manner;

8. In the event that the Supervisor discontinues supervising the Respondent for any reason, the Respondent shall immediately notify the Board and submit a replacement candidate to serve as his supervisor under the terms specified above;

ORDERED that the Respondent shall not serve or continue to serve as: a Board authorized sponsor 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;

ORDERED that at the conclusion of the **ONE (1) YEAR** probationary period, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with all of the probationary terms of this Consent Order. After consideration of the petition, the probation may be terminated through an order of the Board. The Respondent may be required to appear before the Board or a committee of the Board to discuss his petition for termination; and it is further

ORDERED that failure to comply with any of the terms and conditions in this Consent Order shall constitute a violation of the Order; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of the Probation and/or 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 that the Board may have imposed in this case, including additional

Benjamin Holt, LMSW
License Number: 26432
Consent Order of Probation

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 the for the public disclosure, this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019) and is reportable to any entity to who the Board is obligated to report.⁹

08/13/2024



Date

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

⁹ This includes the Board's public website and NPDB.

CONSENT

I, **Benjamin Holt**, License No.26432, by affixing my signature hereto, acknowledge that:


1. I have a right to and have had an opportunity to consult with an attorney in this matter, 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

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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.

8/7/2022
Date

 LMSW
Benjamin Holt, LMSW

Benjamin Holt, LMSW
License Number: 26432
Consent Order of Probation

NOTARY

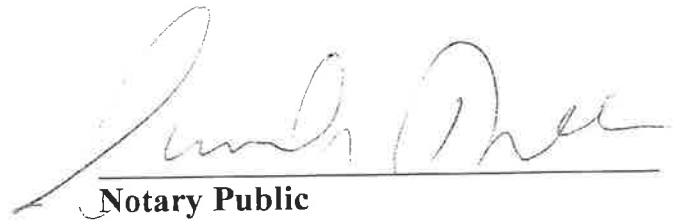
STATE OF MARYLAND

COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 07 day of AUGUST,

2024, before me, a Notary Public of the State and County aforesaid, personally appeared, **BENJAMIN HOLT, LMSW, License Number: 26432** 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.



Notary Public

My Commission Expires: 04/30/2026

