

<p><b>IN THE MATTER OF</b></p> <p><b>ROBERT M. HOOPER, Ph.D., LMSW</b></p> <p><b>Respondent</b></p> <p><b>License Number: 18807</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>BEFORE THE MARYLAND</b></p> <p><b>BOARD OF SOCIAL WORK</b></p> <p><b>EXAMINERS</b></p> <p><b>Case Number: 2018-2448</b></p>
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**FINAL CONSENT ORDER**

The State Board of Social Work Examiners (the “Board”) charged **Robert M. Hooper, Ph.D**, Licensed Master Social Worker (**LMSW**), (the “**Respondent**”), License Number **18807**, under the Maryland Social Workers Act (the “Act”) codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.). Specifically, the Board charged the Respondent with violating the following provisions of the Act:

**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:

...

- (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[.]

§ 19-101. Definitions

**Practice graduate social work**

...

(n) “Practice graduate social work” means, on or before June 30, 2018, to have used the education and training required to obtain a master social work license under § 19-302(c) of this title to practice social work under the supervision of a licensed certified social worker, license certified social worker-clinical, or licensed graduate social worker who meets the conditions specified in regulations[.]

**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 Definitions**

...

(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 and competent manner.

**.08 Responsibilities of a Supervisee.**

A. A supervisee shall:

(1) Receive social work supervision for social work practice as set forth in Health Occupations Article, § 19-101, Annotated Code of Maryland;

(2) Receive a minimum of 3 hours of face-to-face supervision per month or 1 hour of face-to-face supervision for every 40 hours worked;

...

(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[.]

### **FINDINGS OF FACT**

The Board finds that:

1. At all times relevant hereto, the Respondent was licensed to practice graduate social work in the State of Maryland. The Respondent was licensed to practice graduate social work in Maryland on or about April 10, 2013, under license number 18807. The Respondent did not renew his license, which expired on October 31, 2019.
2. The Respondent was employed as a Director of Recovery Services at a behavioral health agency (the "Agency")<sup>1</sup> from January 2012 through May 5, 2018, when the Respondent resigned and retired.

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<sup>1</sup> For purposes of ensuring confidentiality, proper names of individuals and entities have been omitted and replaced with generic placeholders.

3. On or about February 2, 2018, the Board received a complaint (the “Complaint”) from a former colleague of the Respondent at the Agency (the “Complainant”) alleging certain documentation and billing discrepancies involving the Respondent.
4. Based on the Complaint, the Board initiated an investigation of the Respondent.
5. In furtherance of its investigation, the Board obtained records from the Agency.
7. Specifically, on or about March 20, 2019, Board staff conducted an interview with the Respondent’s supervisor (the “Supervisor”) at the Agency under oath. The Supervisor stated that she has a master’s degree in social work as an LCSW-C, and had been the Respondent’s clinical supervisor of record since 2013. She stated that the Respondent functioned mostly in an administrative role and as a backup counselor as he did not have enough clinical hours to advance to the next step in licensure. She continued stating that most of the backup therapy that the Respondent conducted was addictions treatment, as he had helped to set up their addictions program and had accrued “probably forty years of experience doing addictions treatment prior to getting his LGSW.”

8. The Supervisor stated that she served as the Respondent's clinical supervisor of record from 2013 through 2018 when he resigned. She said that she met with the Respondent for supervision "maybe once a week," but met with him constantly for other purposes. When she was asked about the required supporting documentation for proper supervision of an LGSW, she stated that she did not have any such documentation, nor did she have a contract designating the supervision to be provided.
9. On or about March 28, 2019, Board staff conducted an interview of the Respondent under oath. The Respondent stated that he had been working as an LGSW since April 2013, and that his clinical supervisor was the same Supervisor whom Board staff previously interviewed. He stated that he was employed at the Agency as a member of the executive team and Director of Behavioral Health Services until his retirement in May 2018.
10. Board staff asked the Respondent about required documentation related to his supervision, and the Respondent stated that he did not have that documentation. He explained, "I did not keep documents...I didn't take notes of supervision, so I did not have a file for that." The Respondent stated that he was aware of the requirement to keep supervision documentation for five years. The

Respondent elaborated, "...so what is stated in the code and how supervision is supposed to look and how it is supposed to occur did not occur."

11. Board staff asked the Respondent if he was providing professional alcohol and drug counseling at the time of the complaint. The Respondent answered, "Yes." Board staff then asked the Respondent what education or certifications he had acquired relevant to the performance of these services. The Respondent stated that he had completed a number of continuing education credits and had spent some time developing intensive drug treatment models. When the Respondent was asked if he was certified by the Board of Professional Counselors to provide drug and alcohol counseling, he replied, "No."

12. Board staff asked the Respondent if he was in compliance with COMAR regulations regarding face-to-face supervision and documentation. The Respondent answered, "No."

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. § 19-311 (4), (5) and (6), as well as COMAR 10.42.03.06(A)(7), and 10.42.08.08(A)(1), (2), (4), (5) and (6).

**ORDER**

Based on an affirmative vote of a majority of the Board, it is this 14<sup>th</sup> day of February 2020, hereby:

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

**ORDERED** that upon renewal of the Respondent's license to practice social work his license shall be placed on **PROBATION** for a minimum of **ONE (1) YEAR**, and continuing until the Respondent has successfully completed the following probationary conditions:

- i. During the probationary period, the Respondent shall be supervised by a Board-approved supervisor ("Probation Supervisor"), to whom the Board may release any portion of the investigative file as is deemed necessary. The Respondent shall ensure that the Probation Supervisor provide the Board with written quarterly reports on the Respondent's progress during the supervisory period.
- ii. Within one (1) year of the date of the effective date of the Consent Order, the Respondent shall enroll in and complete a **course on documentation/recordkeeping**, approved in advance by the Board;
- iii. The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereof.
- iv. No part of the training or education that the Respondent receives in order to comply with the Consent Order may be applied to his continuing education credits required for certification; 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 that the Board may have imposed in this case, including additional probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; 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 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. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

2/14/2020

Date

*Sherryl A. Silberman LCSW-C*

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



1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections provided by law.
2. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

2-7-2020

Date

Robert M. Hooper

Robert M. Hooper, Ph.D., LMSW

NOTARY

STATE OF MARYLAND  
CITY/COUNTY OF Wicomico

I HEREBY CERTIFY that on this 7 day of February, 2020,  
2020, before me, a Notary Public of the foregoing State and City/County  
personally appear Robert M. Hooper, Ph.D., LMSW, 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.



  
Notary Public

My commission expires: 3-13-21