

<p>IN THE MATTER OF</p> <p>KASSANDRA KERNS, LCSW-C,</p> <p>RESPONDENT</p> <p>License Number: 24593</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE MARYLAND</p> <p>STATE BOARD OF</p> <p>SOCIAL WORK EXAMINERS</p> <p>Case Number: 2021-3066</p>
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CONSENT ORDER

The Maryland Board of Social Work Examiners (the “Board”) charged **KASSANDRA KERNS**, Licensed Certified Social Worker-Clinical (**LCSW-C**), (the “Respondent”), License Number **24593**, 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;

- (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:

COMAR 10.42.02.04 Case Management

B. A licensee shall:

- ***
 - (4) Assure appropriate confidentiality of client information.

COMAR 10.42.03.03 Responsibilities to Clients

B. A licensee may not:

- ****
 - (4) Engage in solicitation which amounts to fraud, intimidation, or undue influence.

COMAR 10.42.03.05 Relationships.

C. The licensee may enter into a nonsexual relationship with an individual with whom the licensee's prior professional contact:

- (1) Was of a brief, peripheral, or indirect nature; and,
- (2) Did not constitute a therapeutic relationship.

On June 27, 2024, the parties appeared at a Case Resolution Conference ("CRC") before a committee of the Board. The Respondent, with her attorney, Jamaal W. Stafford, 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:

1. At all times relevant, the Respondent was licensed to practice as a social worker in the State of Maryland. The Respondent was initially licensed to practice as a licensed master social worker (“LMSW”) in Maryland on January 11, 2019, license number 24593.
2. Subsequently, on or about June 29, 2022, the Respondent was licensed as a licensed certified social worker – clinical (“LCSW-C”) license number 24593. The Respondent’s LCSW-C is active and due to expire on October 31, 2024.
3. On or about October 21, 2021, the Board received a complaint (the “Complaint”) regarding the Respondent’s practice as a social worker from the supervisor (“Supervisor 1”)¹ at an agency that provides counseling services to clients (“Agency 1”). According to the Complaint, approximately one month after the Respondent resigned from her job as a Social Worker at Agency 1, the Respondent called some of her former clients who were still receiving counseling services at Agency 1.

Agency 1

4. According to personnel records from Agency 1, the Respondent began employment as an LMSW -Social Worker with Agency 1 on or about June 15, 2020.
5. On June 15, 2021, the Respondent was notified by Supervisor 1 that after

¹ 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 Board

working primarily from home due to COVID-19, employees would now be transitioned back to working at Agency 1's offices.

6. Supervisor 1 told the Board Investigator that the Respondent went out on medical leave from June 28, 2021 and "never actually returned to work."²

7. In her March 3, 2022 interview with the Board Investigator, Supervisor 1 reported the following under oath:

- a) On September 7, 2021, the day the Respondent was due to return to work from leave, the Respondent texted her (Supervisor 1) and notified her she was resigning from Agency 1 effective immediately.
- b) On October 12, 2021, a current client at Agency 1 who had formerly been treated by the Respondent, called Supervisor 1 and asked to be discharged from Agency 1's services so that the client could "follow" and be treated by the Respondent at her new place of employment ("Agency 2").
- a) On October 15, 2021, during a counseling session between Supervisor 1 and a different client, the client stated that the Respondent had called her "last week."
- b) Subsequently, two other clients that were being treated at Agency 1 also told Supervisor 1 that they had been contacted by the Respondent after the Respondent had left her employment at Agency 1. Of those two clients, "one was not going to follow [the Respondent] until [Supervisor 1] resigned and then she said she would go to [Agency 2] with [the Respondent]."

8. In a March 7, 2022 letter to the Board Investigator, the Acting Division Director for Agency 1 identified Client KB and Client CA as the Respondent's former

² During the time period the Respondent was on leave (FMLA and then extended medical leave), from June 28, 2021 until September 7, 2021, the Respondent was not providing counseling services to any of her clients at Agency 1.

clients from Agency 1 who the Respondent contacted after she was no longer employed at Agency 1.

Agency 2

9. According to her personnel records, the Respondent began employment as a Mental Health Therapist (LMSW) for Agency 2 on September 27, 2021, twenty days after resigning from Agency 1

10. In her March 10, 2022 email to the Board Investigator, the Respondent's clinical supervisor ("Clinical Supervisor 2") for Agency 2 identified Client E.F. and Client C.R. as Respondent's former clients from Agency 1 who were now current clients of the Respondent at Agency 2.

11. Clinical Supervisor 2 provided an undated written letter to the Board in which she wrote:

....
I have known [the Respondent] since 2016, when she was a masters level social work student at [Agency 1], where I, at the time held the position of Clinical Social Work Supervisor....

The agency I currently work with [Agency 2] where I hold the role of Clinical Director and Acting Chief Operations Officer and will function as Executive Director starting March 19, 2022, employed [the Respondent] in September 2021....I have supervised [the Respondent] since 27 September 2021...

....
During our supervision on October 19, 2021...[the Respondent] discussed ongoing deep concern about her former clients and her belief that the agency supervisor prevented her from effectively and ethically terminating with her clients.

....
...We consulted the Maryland Code of Ethics: Title 10...Subtitle 42...

My advice was for [the Respondent] to weigh her ethical obligations... I made it clear that any contacts were to clearly state the reasons for the contact, to make sure the client could achieve closure, and to terminate properly. The contact was not to include solicitation, any mention of following her to treatment at her current agency, and to make clear this was the last contact to close the therapeutic relationship...

....
Any clients who did follow [the Respondent] did so by finding out where she currently works (which is not difficult as we are still a rather rural, small clinical community in Southern Maryland)...

12. On March 18, 2022, the Board Investigator interviewed Clinical Supervisor 2 who stated the following under oath:

- a) She is the current executive director at Agency 2.
- b) When asked about her conversations with the Respondent regarding the Respondent's desire to contact her former clients from Agency 1, she told the Respondent, "if you couldn't terminate with them, do that, but you have to be very clear...you cannot ask them to come to [Agency 2]."
- c) "If [the Respondent] solicited [her former clients] then it was against the advice [Clinical Supervisor 2] gave her."
- d) The Respondent's former client, Client E.F., was one of the clients the Respondent had called who was now a current client of the Respondent at Agency 2.

13. The Respondent provided a written statement to the Board dated February 16, 2022 which included the following statements:

....
Now there was the issue of leaving my clients without proper termination. I knew that they were being cared for at [Agency 1], but I didn't have the time to properly terminate services, which is important in a therapeutic relationship. I reached out

to my clinical supervisor [Clinical Supervisor 1]³ at the time to let her know that I resigned, and we processed ideas of appropriate termination with clients. We discussed me making phone calls to previous clients for the purpose of service termination. We concluded this was an appropriate and ethical action. However, due to [Supervisor 1's] authoritative and punitive management style I decided against this action.

When I began employment at my current Agency [Agency 2] I discussed the issue with my current clinical supervisor [Clinical Supervisor 2], as I was still unsatisfied with the way I was unable to properly terminate services at [Agency 1]...I felt comfortable to reach out to the clients that I had worked with for a long time...and knew their phone numbers by heart having worked with them for so long. I was very careful...If a previous client did not answer the phone I did not leave a message. When they answered the phone I let them know immediately that I was not calling on behalf of [Agency 1] or any other agency. At this time, I was appropriate in the manner in which I held the conversation and felt that I had appropriately terminated services. It is only natural that they would ask where I am working now and want to know if there is a way that we can start therapy again...I was in no way calling to solicit them, or call to be friends or initiate any other type of relationship.

14. In an interview with the Board Investigator on March 22, 2022, the Respondent stated the following under oath:

- a) She contacted approximately four former clients from Agency 1.
- b) During the phone conversations with her former clients, "the nature of the conversation was very clear."
- c) "I was clear with them that I was not calling on behalf of [Agency 1] or on any agency, that I was just calling because we did not have a chance to say goodbye and that this would be the last communication that we would have with each other."
- d) She believed she had an "ethical reason" to call her former clients.
- e) She knew that her former clients were being cared for and receiving treatment at [Agency 1]. But, she felt that not saying goodbye to them

³ According to Clinical Supervisor 1's February 14, 2022 letter to the Board, Clinical Supervisor 1 was the Respondent's clinical supervisor at Agency 1 from June 18, 2019 until June 25, 2021.

would have caused them more harm because her clients were "traumatized patients."

- f) During the phone conversations with her former clients, she told them where she was currently employed at Agency 2.
- g) She thought it was only natural that her former clients would ask her where she was working now.
- h) The Respondent stated, "I'm not going to tell them, you know, oh, I'm sorry. I can't tell you that...these are people that I had longstanding relationships with...I had started working with them when I started working at [Agency 1]."
- i) The one client she contacted who followed her immediately to Agency 2 was Client E.F.
- j) Then, another client, Client C.R., followed her to Agency 2 because they "did not have a therapist any longer."
- k) Client E.F. and Client C.R., both former clients from Agency 1, called Agency 2 and specifically requested the Respondent as their therapist.
- l) She informed Clinical Supervisor 2 that she had previously provided therapy services to Client E.F. and Client C.R. when she worked at Agency 1.
- m) She currently is providing therapy to Client EF and Client CR at Agency 2.
- n) She does not believe that what she did was unprofessional or unethical.

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:

-
(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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- (3) Was of a brief, peripheral, or indirect nature; and,
- (4) Did not constitute a therapeutic relationship.

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 probationary 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. Within **SIX (6) MONTHS** from the effective date of this Consent Order, the Respondent shall successfully complete on Board-approved course on **professional ethics**. The Respondent shall be responsible for submitting written documentation to the Board of her successful completion of this course. The Respondent understands and agrees that she 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 she has completed the course according to terms set forth herein.
3. The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereof; and it is further

ORDERED that no part of the training or education that the Respondent receives in order to comply with the Consent Order may be applied to her continuing education credits required for certification; and it is further

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

Kassandra Kerns, LCSW-C
License Number 24593
Consent Order of Reprimand/Probation

ORDERED that this Consent Order will be posted on the Board’s website and reported to the National Practitioner Data Bank (“NPDB”);

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019) Repl. Vol. & 2023 Supp.).

08/13/2024

Date



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

CONSENT

I, **Kassandra Kerns, License No. 24593**, 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

Kassandra Kerns, LCSW-C
License Number 24593
Consent Order of Reprimand/Probation

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.

Aug. 4, 2024
Date

Kassandra Kerns, LCSW-C
Kassandra Kerns, LCSW-C

Kassandra Kerns, LCSW-C
License Number 24593
Consent Order of Reprimand/Probation

NOTARY

District of Columbia

STATE OF _____

~~COUNTY OF~~ _____

I HEREBY CERTIFY that on this 4th day of August,

2024, before me, a Notary Public of the State and County aforesaid, personally appeared **Kassandra Kerns, LCSW-C, License Number: 24593**, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Ronda L. Whitchard

Notary Public

My Commission Expires: 6/30/2027

