

IN THE MATTER OF \* BEFORE THE  
Heather Helen Kirby, LCSW-C \* MARYLAND STATE BOARD  
Respondent \* OF SOCIAL WORK EXAMINERS  
License Number: 18560 \* Board Case Number: 2020-2942

\* \* \* \* \*

**PRE – CHARGE CONSENT ORDER**

**Background**

Heather Kirby, LCSW-C was included in a Post Renewal Continuing Education Audit conducted by the Maryland Board of Social Examiners (“the Board”) on licenses requiring renewal by October 31, 2018. As a condition of continue licensure, licensed social workers are required to obtain forty (40) credit hours of Continuing Education Units (“CEU”) every two years in programs and categories approved by the Board, in accordance with Md. Code Ann., Health Occ. § 19-309(d)(3)(ii) and COMAR 10.42.06.03. The CEU’s may all be in Category I but may not consist of more than twenty CEU’s in Category II. A minimum of three CEU's, of the required forty CEU’S shall focus on ethics and professional conduct, including boundary issues.

In lieu of instituting formal proceedings against Ms. Kirby for violations of the Maryland Social Workers Act, Md. Code Ann., Health Occ. § 19-101 et seq., the Board voted to resolve this matter by way of a Pre-Charge Consent Order. As a result, the Board and Ms. Kirby agreed to resolve this matter as set forth in this Consent Order.

## FINDINGS OF FACT

At all times relevant hereto, Ms. Kirby was licensed to practice social work in Maryland, License No. 18560. Ms. Kirby was first licensed by the Board on November 7, 2012, and her license is set to expire on October 31, 2020.

All licensees are required to sign a statement on the renewal application attesting to having completed this requirement.

On January 9, 2019, Ms. Kirby was mailed a letter from the Association of Social Work Boards ("ASWB") on behalf of the Board stating that she was randomly chosen as part of a Post Renewal Continuing Education Audit. This letter requested that Respondent supply continuing education documentation within thirty days of the letter. Ms. Kirby did not respond to the audit by the deadline.

On January 31, 2019, Ms. Kirby was mailed a second notice from ASWB "2015 Post Renewal Audit-Problem Notice".

On February 6, 2019 a third letter stating insufficient number of credit hours.

A fourth letter was sent on March 15, 2019 stating her file will be forward to the Board.

Follow up email sent by the Board on January 25, 2021 requesting additional documentation for the Category II listings of Peer Clinical Consultation. Licensee responded, I have decided not to maintain my Maryland license. I work exclusively in VA at this point".

Ms. Kirby held an active license during the time period outlined in this audit and is required to submit all continuing education documentation. In addition, she renewed her LCSW-C license on 11/29/2018 for the period from November 1, 2018 to October 31, 2020. License Verification Page states status is non-renewed.

A review of Heather H. Kirby's CEU certificates by the Board's Continuing Education Office revealed that she earned 14.5 category I and 4.0 category II continuing education units. Therefore, Ms. Kirby did not meet the continuing education requirements and failed the audit.

#### **CONCLUSION OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that Ms. Kirby is subject to disciplinary action in accordance with Md. Code Ann. Health Occ. § Health Occ. § 19-311 (6) and COMAR 10.42.06.03.

#### **ORDER**

Based on the affirmative vote of a majority of the Board, it is 11<sup>th</sup> day of June, 2021, hereby;

**ORDERED** that Ms. Kirby's license shall be REPRIMANDED; and be it further;

**ORDREED** that Ms. Kirby will automatically be audited during the next licensing renewal cycle (2022)

**ORDERED** that Ms. Kirby will complete the outstanding 5.5 category I CEU's and 16.0 category I or II CEUs in 90 days;

**ORDERED** that Ms. Kirby will pay a fine of \$750 within 90 days from the date of this Pre Charge Consent Order;

**ORDERED** that this is a formal order of the Maryland Board of Social Work Examiners and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617 (h).

06/11/2021

\_\_\_\_\_  
Date



\_\_\_\_\_  
Gerard Farrell, Board Chair  
Maryland Board of Social Work Examiners

Received

MAY 14 2021

Board of Social Work Examiners

CONSENT

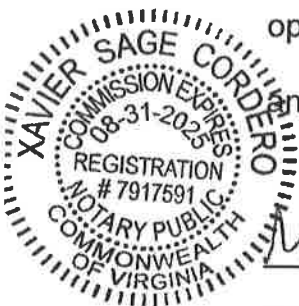
By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter In lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after 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.

By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.

I acknowledge that this is a formal order of the Board and as such is a public document.

I acknowledge the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.

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.



May 13, 2021 Heather H. Kirby

Date  
City/County of Fairfax  
Commonwealth of Virginia  
I certify this to be a complete, exact and true copy of the original document. Certified this 13 day of May, 2021  
Xavier Sage Cordero Notary Public  
Reg. # 7917591 Com. Exp. 08-31-25

Heather H. Kirby, LCSW-C  
License # 18560  
Case # 2020-2942