

IN THE MATTER OF \* BEFORE THE MARYLAND  
DEAN ROBERT KIRSCHNER, LCSW-C \* STATE BOARD OF  
RESPONDENT \* SOCIAL WORK EXAMINERS  
License Number: 07844 \* Case Number: 2022-3176

\* \* \* \* \*

**CONSENT ORDER**

On July 26, 2023, the Maryland State Board of Social Work Examiners (the “Board”) charged **DEAN ROBERT KIRSCHNER, LCSW-C** (the “Respondent”), License Number 07844, with violating the Maryland Social Workers Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 19-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

**§ 19-311. Denials, reprimands, suspensions, and revocations — Grounds.**

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[.]

On September 13, 2023, a Case Resolution Conference ("CRC") was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

The Board makes the following Findings of Fact:

#### **I. INTRODUCTION**

1. The Respondent is a licensed certified social worker-clinical ("LCSW-C") in the State of Maryland who provides services as a solo practitioner. In or around September 2020, two clients, a married couple, (collectively, the "Clients", and individually, "Client A" and "Client B")<sup>1</sup> contacted the Respondent's agency seeking a home study for the purposes of an adoption. During the course of providing services to the Clients, the Respondent engaged in unprofessional conduct, including: (a) failing to wear a face mask until requested; (b) using racially insensitive language; (c) using insensitive language relating to sexual orientation; (d) referring to Client B as "cute" on a number of occasions; (e) conducting a home interview virtually instead of in-person as required for the home study;<sup>2</sup> (f) making excessive comments about the Clients' home décor irrelevant to the

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<sup>1</sup> For confidentiality and privacy purposes, the names of individuals involved in this case are not disclosed in this document.

<sup>2</sup> Pursuant to COMAR 07.05.03.11C(2), "[t]he home study shall consist of . . . [a]t least two interviews with the applicant, both individually and together when two individuals apply together, with at least one of the interviews conducted in the applicant's home . . . ." Further, COMAR 07.05.03.11D provides that "[t]he home study record shall . . . [i]nclude the child placement worker's professional judgments based on . . . [t]he home and community, including . . . [the p]hysical environment of the home . . . ."

purpose of the home study; and (g) verbally contemplated having a future social gathering with the Clients.

## **II. BACKGROUND**

2. At all times relevant hereto, the Respondent was licensed to practice social work in the State of Maryland. The Respondent was initially licensed to practice as a LCSW-C in Maryland on or about June 21, 1993, under license number 07844. The Respondent's LCSW-C license expires on October 31, 2023, subject to renewal.

3. At all times relevant hereto, the Respondent operated a child placement agency licensed by the Maryland Department of Human Services ("DHS").<sup>3</sup> Pursuant to COMAR 07.05.03.01 *et seq.*, as part of the private adoption process, licensed child placement agencies conduct a home study and then either approve or deny prospective adoptive parents for adoption.

4. On or about May 9, 2022, the Board received a complaint (the "Complaint") from Client A alleging that the Respondent acted unprofessionally while conducting a home study.

5. Based on the Complaint, the Board initiated an investigation of the Respondent's practice.

## **III. BOARD INVESTIGATION**

6. In furtherance of its investigation, the Board's investigator conducted an interview of Client A, during which Client A stated that in September 2020, the Clients

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<sup>3</sup> The Maryland Department of Human Services promulgates regulations and issues licenses for private child placement agencies. *See* Md. Code Ann., Fam. Law §§ 5-506,5-507.

contacted the Respondent's agency to conduct a home study in connection with a planned adoption by the Clients. At a subsequent meeting at the Respondent's office, the Respondent failed to use a face mask until requested by the Clients, used racially insensitive language, used insensitive language relating to sexual orientation, and referred to Client B as "cute" on four occasions. During a virtual (*i.e.*, not in-person) home study interview, the Respondent referred to Client B as "cute," made excessive comments on the Clients' home décor irrelevant to the purpose of the home study and verbally contemplated a future dinner with the Clients when their child was a toddler.

7. The Board's investigator conducted an interview of Client B, during which Client B corroborated Client A's statements.

8. The Board's investigator conducted an interview of the Respondent, during which the Respondent stated that the Clients contacted his agency for the purposes of conducting a home study for the Clients. The Respondent met with the Clients on November 25, 2020, at the Respondent's office. The Respondent denied refusing to wear a face mask. The Respondent acknowledged referring to a statement Client B made as "cute but denied referring to Client B as "cute."

9. At the Board's request, the Respondent provided written statements in response to the allegations in the Complaint, stating that he wore a mask upon request. The Respondent further stated that the racist and homophobic slurs "were inferred and not explicitly stated." The Respondent acknowledged referring to a statement Client B made as "cute" but denied referring to Client B as "cute." The Respondent further acknowledged conducting the home tour of the Clients' home virtually but alleged that this was permitted

due to the COVID-19 pandemic. The Respondent did not recall inviting himself to the Clients' home when their child was a toddler.

10. The Board's investigator issued the Respondent a *subpoena duces tecum*, to which the Respondent produced documents. Among the documents the Respondent produced were communications from DHS. Although these documents purport to waive certain regulations related to private adoptions, they do not waive regulations pertaining to an in-person home tour connected to the home study process.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent actions, as described above, constitute violation of the following provisions of the Act: commits any act of gross negligence, incompetence, or misconduct in the practice of social work, in violation of Health Occ. § 19-311(4); and engages in a course of conduct inconsistent with generally accepted professional standards in the practice of social work, in violation of Health Occ. § 19-311(5).

### ORDER

It is, on the affirmative vote of a majority of the Board, hereby:

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

**ORDERED** that the Respondent shall be placed on **PROBATION** for a minimum period of **ONE (1) YEAR** subject to the following terms and conditions:

1. Within six (6) months of the date of this Consent Order, the Respondent shall successfully complete three separate Board-approved courses on: (a) standards of practice; (b) racial sensitivity

and racial bias; and (c) sensitivity training. The Respondent shall be responsible for submitting written documentation to the Board of his successful completion of these courses. 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 courses according to the terms set forth herein.

2. The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereof.

**AND IT IS FURTHER ORDERED** that after the conclusion of the entire **ONE (1) YEAR** period of probation, the Respondent may submit a written petition to the Board requesting termination of probation. 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. The Board will grant the petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints involving similar violations found in this case before the Board; and it is further

**ORDERED** that if the Board determines, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to a material fact or a show cause hearing before the Board if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any terms or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, impose a civil monetary fine upon the Respondent, or suspend or revoke the Respondent's license to practice social work in Maryland; and it is further

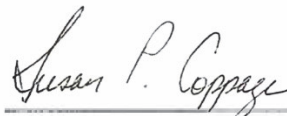
**ORDERED** that the Respondent shall not serve or continue to serve as: a Board authorized sponsor, presenter and/or trainer of social work continuing education learning activities, an ethics tutor, an evaluator for the Board, or a Board-approved supervisor for a period of five (5) years from the effective date of this Consent Order; and it is further

**ORDERED** that the Respondent is 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. Provisions §§ 4-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

11/17/23

Date



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

### CONSENT

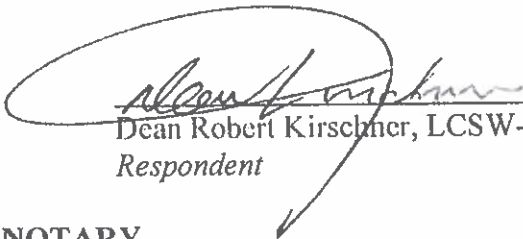
I, Dean Robert Kirschner, LCSW-C, acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had 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 provided by the law. I agree to forego my

opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

9/25/2023  
Date

  
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Dean Robert Kirschner, LCSW-C  
Respondent

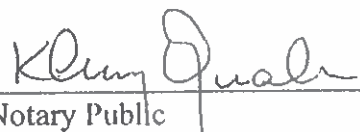
NOTARY

STATE OF MARYLAND  
CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 25 day of SEPTEMBER  
25, 2023, before me, a Notary Public of the foregoing State and City/County personally appear Dean Robert Kirschner, LCSW-C, 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.

KELLEY QUAERNA  
NOTARY PUBLIC  
BALTIMORE COUNTY  
MARYLAND  
My Commission Expires October 05, 2025

  
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Notary Public

My commission expires: 10.5.25