

IN THE MATTER OF * BEFORE THE MARYLAND
 ANTHONY KIRTSOS, JR, LCSW-C * STATE BOARD OF SOCIAL
 RESPONDENT * WORK EXAMINERS
 License Number: 20951 * Case Number: 2018-2568

* * * * *

CONSENT ORDER

On December 2, 2019, the Maryland State Board of Social Work Examiners (the "Board") charged ANTHONY KIRTSOS, JR, LCSW-C (Licensed Certified Social Worker – Clinical) (the "Respondent"), License Number 20951, with violations of the Maryland Social Workers Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 19-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.), and the regulations adopted by the Board, at Md. Code Regs. ("COMAR") 10.42.01 *et seq.*

The Board based its action on the following provisions of the Act and COMAR:

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

COMAR 10.42.03.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(8) "Sexual harassment" means:

- (a) A deliberate or repeated comment of a sexual nature unrelated to client treatment; or
- (b) An advance, gesture, solicitation, request, intimidation, or physical contact of a sexual nature.

COMAR 10.42.03.04 Responsibilities to Colleagues.

B. Licensees may not sexually harass, verbally abuse, or intimidate supervisees, students, trainees, or colleagues.

On or about March 5, 2019, following a Case Resolution Conference, the Board and the Respondent agreed to enter into this Consent Order to resolve the Charges.

FINDINGS OF FACT

The Board finds the following facts.

Background

1. At all times relevant, the Respondent was and is licensed to practice clinical social work in the State of Maryland. The Respondent was initially licensed to practice as an LCSW-C on or about June 9, 2015. The Respondent's LCSW-C license is current through October 31, 2021.

2. At all times relevant, the Respondent provided social work services at facilities in Maryland.

Complaint

3. On or about November 1, 2018, the Board received a complaint (the "Complaint") from a licensed clinical social worker in Maryland (the "Complainant"). The Complainant stated that she and the Respondent were colleagues at a social work facility located on the Eastern Shore of Maryland approximately 11 years ago, but had no contact since that time, except coincidentally attending the same continuing education class in approximately 2016. The Complainant and Respondent did engage socially while working together, including going to dinner at a restaurant with colleagues as well as Complainant attending a housewarming party hosted by Respondent in Salisbury in 2008.

4. The Complaint stated that on October 17, 2018, the Respondent telephoned the Complainant from his workplace, a counseling facility ("Facility A")¹ located in Berlin, Maryland. The Respondent requested a meeting with the Complainant, which she declined. The Respondent also inquired as to her home address, which she refused to give him. Instead she gave the Complainant her email address.

5. Throughout the next two days, on or about October 18 and 19, 2018, the Respondent sent the Complainant a series of unsolicited inappropriate emails, most of which included pornographic images.

6. The first email is entitled "Wanting to Come Home To You". In the email, the Respondent claims "We are exactly alike...I am you..." and then writes that he is "at your doorstep" and "I WANT TO COME HOME!...I WANT TO COME BACK TO YOU!" (Capitalized in original.)

¹ Names of facilities, patients and other individuals are confidential. The Respondent may obtain the names upon request to the Administrative Prosecutor.

7. Another email describes in detail a workplace interpersonal problem and states, "I got my sexual aggressor fired from work today. I'm quite satisfied."
8. Another email consists simply of a sexually graphic cartoon image of Tinkerbell.
9. Another email is a photograph of several naked women, shown from behind, which the Respondent entitled "Which One Would You Send To Me?"
10. Two more emails contain additional pornographic images of groups of naked women.
11. Finally, the Respondent emailed the Complainant a full-length photograph of a woman sitting on a toilet with the subject, "Reminds Me Of You!"
12. In response, the Complainant simply replied, "I am officially requesting you not contact me or my family in any capacity ever again."
13. In the course of attempting to understand the Respondent's behavior, the Complainant contacted other female colleagues, who revealed that the Respondent had previously engaged in similar harassment toward others, while working at another Maryland counseling facility ("Facility B"). The harassment included sending sex toys in the mail to an addictions counselor.
14. Based on her conversations and fears for her safety, the Complainant contacted the Worcester County Sheriff's Office and filed a report of harassment.
15. Based on the Complaint, the Board began an investigation.

Investigation

16. In furtherance of the investigation, the Board contacted the Worcester County Sheriff's Office and requested a copy of records relating to the Complainant's police report.

17. According to the sheriff's records, a sergeant assigned to the case was able to contact the Respondent in person and informed him that he would be arrested for harassment if he made contact with the Complainant again. According to the report, the Respondent, "stated he understood and he would not make contact with her anymore."
18. On or about December 7, 2018, in furtherance of its investigation, the Board sent a subpoena for the Respondent's personnel file from Facility A.
19. According to the Respondent's personnel file, the Respondent was hired on or about October 23, 2015 as a Mental Health Therapist. The file revealed that on August 29, 2018, the Respondent was counseled by his supervisor after a female client complained that the Respondent was making her feel uncomfortable by sharing personal matters with her. The Respondent resigned from the agency on October 26, 2018, shortly after police contacted Facility A and spoke with his supervisor about the Complainant's report of harassment.
20. On December 7, 2018, a subpoena was sent to Facility B requesting a copy of the Respondent's personnel file. The file revealed that the Respondent was employed at Facility B as a Mental Health Therapist from approximately January 11, 2010, until he resigned on April 16, 2015.
21. The Board's investigator also sent a letter to a former colleague of the Respondent ("Colleague A") referenced by the Complainant as also having been harassed by the Respondent.
22. Colleague A is a licensed counselor who worked with the Respondent at Facility B between 2010 and 2012. Colleague A wrote the Board an extensive letter describing unsolicited and inappropriate contact by the Respondent, including receiving unwanted sex

toys in the mail from the Respondent and receiving pornographic photographs via email from the Respondent.

23. With her letter, Colleague A named other female colleagues of the Respondent who he also harassed with unsolicited sexual expressions, some of which she attached.

24. In her letter, Colleague A wrote that she "began receiving cards in the mail for myself" and describes one package as including "a sexually inappropriate card" in which he stated that, "he had stopped by a sex store in Ocean City and thought of me and that I would enjoy the card and contents which also consisted of anal beads."

25. She also stated, "Over the years I continued to receive cards and gift cards for my daughter, which were never acknowledged by myself to Mr. Kirtsos. After getting engaged and having another child, the cards continued, and he had now begun to add my youngest daughter and fiancé into the cards which for me was going too far and bordering on a safety concern for my family."

26. She continued, "Also, during this time, I would receive random messages on Facebook, which over time began to contain sexually explicit content which was unwarranted and unwanted. I would receive messages with sexual video clips, photos of naked women etc. ... which continued through February 4, 2018. Please note that I have never responded to or acknowledged any of Mr. Kirtsos's messages to elicit continued attempts at conversation."

27. Colleague A also described her experience when her current employer contemplated hiring the Respondent: "During this time, I experienced extreme anxiety about coming to work, I had increased stress levels and fears of coming to work at my place of employment

as I no longer felt that it was going to be a safe, supportive working environment with Mr. Kirtsos being on staff.”

28. Colleague A attached several electronic messages the Respondent sent her in which he repeatedly asked her for her physical address and included sexual content such as photographs of women sitting on toilets.

29. Colleague A also attached correspondence with female former colleagues of the Respondent who also stated they too had been harassed by the Respondent in similar ways, such as receiving photographs of naked women, some of whom were sitting on toilets.

30. The information documented that the Respondent has been engaging in similar misconduct for many years.

31. Finally, Colleague A recounted that she informed the Respondent’s most recent place of employment (“Facility C”) of the Respondent’s inappropriate behavior in or around January 2019.

32. In furtherance of the investigation, a subpoena was sent to Facility C for the Respondent’s personnel file. According to the file, Facility C hired the Respondent on November 12, 2018.

33. In its response to the Board’s subpoena, Facility C’s management sent the Board a letter wholeheartedly supporting the Respondent, stating that the Respondent “was open about his previous issues that are currently being investigated -- he acknowledged that he had made some errors in judgement with regards to relationships and his use of social media, and advised us that he was, and would continue to be, working to address these issues.”

34. Despite the complaint the Respondent received at Facility B from his female client, Facility C managers wrote that the Respondent, “also reassured us that no concern had ever arisen with regards to his interactions with patients.”

35. In furtherance of the investigation, the Board’s investigator conducted several sworn interviews with witnesses, including the Respondent.

36. During the Respondent’s interview, the Respondent stated under oath that he is attracted to the Complainant and admitted sending her pornographic images. He also admitted mailing anal beads and a sexually explicit card to Colleague A. The Respondent stated he accepted responsibility for his inappropriate behavior toward colleagues and is receiving counseling.

Evaluation

37. On or about August 26, 2019, the Respondent, as directed by the Board, underwent a psychological/psychosexual evaluation by a licensed clinical psychologist (the “Expert”).

38. In the Expert’s report on the evaluation, completed on October 7, 2019, the Expert concluded that the Respondent’s

intense focus on sexual content and persistent distribution of sexually explicit pictures, texts, emails, and paraphernalia to numerous female coworkers without provocation, which resulted in a legal charge of Harassment and involvement with the Maryland Board of Social Work, appears to be indicative of *Other Specified Paraphilic Disorder (i.e. Sexual Harassment, Sexual/Obscene Emails and Paraphrenia)*. [Italics added.]

39. After administering psychological testing, the Expert stated that the Respondent identified his behaviors as minor lapses in judgment that have been overexaggerated. He acknowledged that his behaviors were mistakes and qualified them as accidental. He also expressed that the complainants were interested in him romantically and may have led him on to believe that his behaviors were appropriate.

40. The Expert also made several recommendations, including that the Respondent's professional practice should be supervised: "Given the results of the evaluation, it is recommended that [the Respondent] receive supervision regarding client boundaries and countertransference."

CONCLUSIONS OF LAW

The Board concludes as a matter of law that the Respondent's conduct, as described above generally, constitutes violations of the Act and the regulations adopted by the Board as cited above.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby by a majority of the Board members considering this case

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

ORDERED that the Respondent's license to practice social work in the State of Maryland is **SUSPENDED** for a period of **THIRTY (30) DAYS**, all but 10 days **STAYED**. Within ten (10) calendar days of the effective date of this Consent Order, the Respondent shall submit to the Board a written petition proposing calendar dates for the suspension to be in effect, which may be spilt into two periods, each lasting five (5) consecutive calendar days; and it is further

ORDERED that the Respondent is placed on Board-supervised **PROBATION** for a period of at least **THREE (3) YEARS** and until the following terms and conditions are fully and satisfactorily complied with:

1. The Respondent's status as a licensed clinical social worker will be listed in the Board's computer records and website as being on "Probation";
2. Within 6 months of the effective date of the Consent Order, the Respondent shall submit documentation to the Board showing that he has successfully completed and a course, approved by the Board in advance, in professional ethics. The course shall be in-person (i.e. not an online course). The course shall not count towards the Respondent's Continuing Education requirements for renewal of licensure;

3. Within 6 months of the effective date of the Consent Order, the Respondent shall submit documentation to the Board showing that he has successfully completed and a course, approved by the Board in advance, in professional boundaries. The course shall be in-person (i.e. not an online course). The course shall not count towards the Respondent's Continuing Education requirements for renewal of licensure;
4. Within thirty (30) days of the effective date of the Consent Order, the Respondent shall engage the services of a supervisor whom he has chosen from a list of Board-approved supervisors that the Board shall provide to him. The focus of the supervision shall include, but is not limited to, professional boundaries and ethics. The Respondent shall make his records available for inspection by the supervisor, and the Respondent shall meet with the supervisor, in person, once per month for at least 60 minutes;
5. During the probationary period the supervisor may make a written request to the Board to reduce or modify the terms of the supervision as the supervisor deems appropriate. Whether to grant such a request is solely within the Board's discretion;
6. The supervisor shall supply the Board with quarterly, written reports on the Respondent's practice. The Respondent shall provide the supervisor with a copy of this Consent Order prior to their initial meeting, and the Board may release to the supervisor any portion of the investigative file as is deemed necessary by the Board and/or the supervisor, provided that a copy of the investigative file is also released to the Respondent;
7. A negative report from the supervisor, as determined in the sole discretion of the Board, constitutes a violation this Consent Order;
8. The Respondent shall abide by any and all recommendations made by the supervisor. Failure to cooperate and failure to abide by the supervisor's recommendations shall be deemed a violation of Order; and
9. Respondent shall practice social work according to the Maryland Social Work Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of social work; and it is further

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 (five) years from the effective date of this Consent Order;

ORDERED that after three (3) years from the date of this Consent Order, 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, or a designated Board committee. The Board, or designated Board committee, will grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; 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 a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case, including a probationary term and conditions of probation, reprimand, suspension, lifting the stay of suspension, revocation and/or a monetary penalty, said allegations of violation of the terms and condition of this Consent Order shall be proven by a preponderance of the evidence; and it is further

ORDERED that the Respondent is solely responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order; and it is further

ORDERED that this Consent Order is a PUBLIC DOCUMENT, pursuant to Md.

fulfilling the terms and conditions of the Consent Order; and it is further

ORDERED that this Consent Order is a PUBLIC DOCUMENT, pursuant to Md. Code Ann., State Gov't §§ 10-611 *et seq.* (2014 Repl. Vol.), and is reportable to any entity to which the Board is obligated to report.

3/17/2020

Date



Sherryl Silberman, LCSW-C

Board Chair

Maryland State Board of Social Work Examiners

CONSENT

I, Anthony Kirtsos, Jr., LCSW-C, acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I waive my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

3/11/2020
Date

Anthony Kirtsos, Jr. LCSW-C
Anthony Kirtsos, Jr., LCSW-C
The Respondent

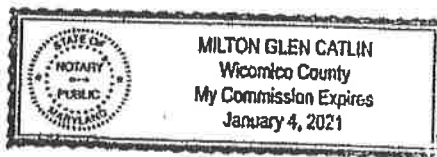
NOTARY

STATE OF Maryland
CITY/COUNTY OF: WICOMICO

I HEREBY CERTIFY that on this 11 day of March 2020,
before me, a Notary Public of the State and County aforesaid, personally appeared Anthony
Kirtsos, Jr., LCSW-C, 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.

Milton Glen Catlin
Notary Public



My commission expires: 01/04/2021

