

IN THE MATTER OF

*

BEFORE THE MARYLAND

MICHAEL KOLTZ, LMSW

*

BOARD OF SOCIAL WORK

Respondent

*

EXAMINERS

Received

License Number: 21461

*

Case Number: 2017-2367

JUL 01 2019

Board of Social
Work Examiners

CONSENT ORDER

The Maryland Board of Social Work Examiners (the "Board") charged **Michael Koltz**, License Master Social Worker (LMSW), (the "Respondent"), License Number **21461**, with violating various provisions of the Maryland Social Workers Act (the "Act"), codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2014 Repl. Vol. and 2017 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;

...

(11) Makes or files a false report or record in the practice of social work;

...

(13) Submits a false statement to collect a fee;

...

(20) Fails to maintain adequate patient records [.]

COMAR 10.42.03.03 - Responsibilities to Clients.

A. The licensee shall:

...

(5) Maintain documentation in the client's record which:

...

(b) Accurately reflects the services provided, including treatment plans, treatment goals, and contact notes;

(c) Indicates the time and date the services were provided [.]

B. The licensee may not:

(1) Participate or condone dishonesty, fraud, deceit, or misrepresentation.

COMAR 10.42.03.06 - Standards of Practice

A. Professional Competence. The licensee shall:

(7) Document and maintain appropriate records of professional service, supervision, and research work[.]

On June 11, 2019, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The parties included the Respondent, represented by counsel, and the Administrative Prosecutor assigned to the case. 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:

I. Background

1. At all times relevant hereto, the Respondent was licensed to practice social work in the State of Maryland. The Respondent was licensed to practice social work in Maryland on or about December 8, 2015, under license number 21461. That license expires on October 31, 2019.

2. The Respondent was employed as a therapist at a behavioral health agency (the “Agency”)¹ from December 15, 2015 through February 16, 2017, when the Respondent was terminated from his employment.

3. On or about May 30, 2017, the Board received a complaint (the “Complaint”) from the Program Director of the Agency (the “Complainant”)

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

alleging that the Respondent falsely documented visits in patient records, lacked consistent therapy sessions with clients, and overbilled therapy session times.

4. Based on the Complaint, the Board initiated an investigation of the Respondent.

II. Board Investigation

5. In furtherance of its investigation, the Board obtained records from the Agency. In addition, the Board conducted interviews of the Complainant and the Respondent.

6. A review of the records from the Agency revealed that on or about February 7, 2017, an employee (the "DSS Worker") of a local Department of Social Services notified the Complainant that she was removing a minor client ("Client A") from the Agency's services due to Client A's lack of progress towards certain goals. The DSS Worker reported that she received a complaint from Client A's grandmother stating that the Respondent did not come regularly and did not see Client A often enough. Client A's grandmother stated that when the Respondent did show up for appointments, he did not stay for more than twenty-five minutes. The Complaint reviewed Client A's chart in which the Respondent documented that he spent weekly sessions with the child and usually spent an hour per session in the home. The Complainant called Client A's grandmother on February 9, 2017 who verified that the Respondent was never in the home for more than twenty-five

minutes at a time and had only been to her home approximately five times, whereas the Respondent's documentation reflected that he was there twelve times.

7. After receiving the February 7, 2017 complaint from the DSS Worker, the Respondent's supervisor (the "Supervisor") at the Agency contacted the Respondent's remaining clients for a quality assurance review.

8. On or about February 15, 2017, the Supervisor received another complaint from the mother of another minor client ("Client B") stating that the Respondent would consistently cancel appointments for Client B and threatened to discharge Client B from treatment if they did not accommodate his schedule. These threats occurred after the Respondent had cancelled mutually agreed upon appointments.

9. An agency review of the dates of services revealed that the Respondent billed two dates for Client B that Client B's mother reported were not rendered. In addition, Client B's mother provided copies of text messages sent to her from the Respondent canceling the sessions. Client B's mother further reports that the Respondent was never there for more than thirty minutes despite the Respondent's documentation reflecting approximately one hour.

10. On or about February 16, 2017, the Agency terminated the Respondent's employment

11. On or about February 22, 2017 after the Respondent's termination with the Agency, the clinician who replaced him received a complaint from the grandmother of one of the Respondent's former clients ("Client C"). Client C's grandmother stated that the Respondent spent only five to ten minutes with Client C, despite the Respondent's documentation that he spent at least sixty minutes per session.

12. During the week of February 20, 2017, the Supervisor spoke with the mother of another one of the Respondent's former clients ("Client D"). Client D's mother reported that the Respondent never stayed more than ten minutes with Client D, despite the Respondent's documentation that he typically spent forty-five minutes per session with Client D.

13. In response to client complaints, the Agency conducted an audit of the Respondent's billing records, his documented travel time and quality control calls to his clients. The Agency's audit revealed that the Respondent documented and billed for twenty-one individual and family therapy sessions for the Clients A, B, C and D, and that he did not provide consistent services to his clients and ultimately was compensated for services that were not rendered.

14. These billing discrepancies resulted in the Agency retracting a total of seventy-five services for the aforementioned clients, resulting in a total return of \$7,340.

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;

...

(11) Makes or files a false report or record in the practice of social work;

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(20) Fails to maintain adequate patient records [.]

COMAR 10.42.03.03 - Responsibilities to Clients.

A. The licensee shall:

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(5) Maintain documentation in the client's record which:

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(b) Accurately reflects the services provided, including treatment plans, treatment goals, and contact notes;

(c) Indicates the time and date the services were provided
[.]

B. The licensee may not:

(1) Participate or condone dishonesty, fraud, deceit, or misrepresentation.

COMAR 10.42.03.06 - Standards of Practice

A. Professional Competence. The licensee shall:

(7) Document and maintain appropriate records of professional service, supervision, and research work[.]

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this
9th day of August, 2019, by a majority of the quorum of
the Board considering this case hereby:

ORDERED that the Respondent's license to practice social work shall be
SUSPENDED for a minimum of **SIX (6) MONTHS**;

ORDERED that following the period of suspension, the Respondent's license to practice social work shall be placed on **PROBATION** for a **minimum of TWO (2) YEARS**, 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 an **in-person ethics course**, approved in advance by the Board;
- iii. 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;
- iv. The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereof.

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 his continuing education credits required for certification;


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;

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;

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and

ORDERED that the Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

8/9/19
Date


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

CONSENT

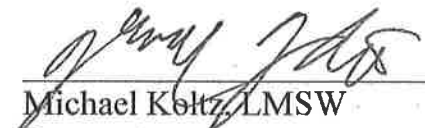
I, Michael Koltz, LMSW, License No. 21461, by affixing my signature hereto acknowledge that:

1. I am represented by and have consulted with legal counsel in this matter. 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 (2014 Repl. Vol. and 2017 Supp.) and Md. Code Ann., State Gov't, §§ 10-210 *et seq.* (2014 Repl. Vol. and 2017 Supp.).
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 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.

6/28/19
Date



Michael Koltz, LMSW
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF: *Howard*



I HEREBY CERTIFY that on this 28th day of June, 2019, before me, a Notary Public of the state and County aforesaid, personally appeared Michael Koltz, LMSW, and gave an oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Patricia A. Caballero

Notary Public

My commission expires: *06/14/2020*