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Board of Social Work Examiners

IN THE MATTER OF * **BEFORE THE MARYLAND**
KRISTINA L. GIOIA, LCSW-C * **BOARD OF SOCIAL WORK**
RESPONDENT * **EXAMINERS**
LICENSE NUMBER: 15534 * **CASE NUMBER: 19-2729**

* * * * *

FINAL CONSENT ORDER

The Maryland Board of Social Work Examiners (the "Board") charged **Kristina L. Gioia, LCSW-C**, License Number: **15534** (the "Respondent"), under the Maryland Social Workers Act (the "Act"), Md. Code Ann., Health Occ. ("Heath. Occ.") §§ 19-101 *et seq.* (2014 Repl. & 2019 Supp.). Specifically, the Board charged the Respondent with violating the following:

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;
- (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[.]

Pursuant to Health Occ. § 19-311(6), the pertinent provisions of Md. Code Regs.

(“COMAR”), provide the following:

COMAR 10.42.03.03 Responsibilities to Clients. 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 and accurate records of professional service, supervision, and research work[.]

COMAR 10.42.08 .07 Responsibilities of a Supervisor.

B. A Board-approved supervisor shall remain knowledgeable of the statutes and regulations as set forth in Health Occupations Article, Title 19, Annotated Code of Maryland and COMAR 10.42.01—10.42.09.

C. A supervisor shall:

- (1) Ensure that a supervisee is practicing within the scope of the supervisee's license;

.....

- (4) Maintain documentation, for at least 5 years of the supervisory sessions, including the dates, duration, and focus of the supervisory sessions;

.....

- (6) Ensure that a supervisee has read and is knowledgeable about Health Occupations Article, Title 19, Annotated Code of Maryland, and COMAR 10.42.01—10.42.09 [.]

FINDINGS OF FACT

1. The Respondent was originally licensed to practice as a clinical social worker in Maryland on or about October 21, 2009. The Respondent's license expires on October 31, 2021.

2. In or around March 2017, the Respondent entered into a supervision contract with a licensed master social worker ("Social Worker"). The supervision contract ended in or around June 2019.¹

3. At all times relevant hereto, Social Worker was the owner and operator of a community-based group practice ("Practice") that provided mental health services to Medicaid eligible clients in Maryland. Social Worker was the sole practitioner at the Practice. The Practice was located in Baltimore, Maryland.²

4. On or about November 8, 2019, the Board filed a complaint against the Respondent after receiving an earlier complaint from the program manager ("Program Manager") of the Maryland Behavioral Health Administration ("BHA") regarding Social Worker's billing practices.³

5. The Program Manager's complaint alleged that Social Worker inappropriately billed the Maryland Medicaid Program ("Medicaid"). BHA prohibits

¹ The Respondent is a Board approved supervisor. The Respondent was originally approved as a Board approved Supervisor in or around June 2012. In or around March 2021, the Respondent voluntarily removed herself from the Board's list of Board approved supervisors.

² The names of Social Worker, Practice and Program Manager have been omitted to protect privacy.

³ BHA is an agency within the Maryland Department of Health that is responsible for the delivery of public behavioral health services. BHA operates five inpatient psychiatric facilities and two residential treatment centers for children and adolescents, and funds community behavioral health services for Medicaid eligible individuals. BHA serves as a liaison for the Medicaid program.

Licensed Master Social Workers from directly billing Medicaid for client services.⁴

6. An investigation conducted by Board staff revealed the following
 - a. On or about December 30, 2017, the Social Worker submitted a Maryland Medicaid Interactive Application for Provider Participation (“Application”) on behalf of the Practice. The Social Worker indicated on the Application that the Respondent would provide client services at the Practice.
 - b. On or about December 30, 2017, the Respondent also submitted an Application. The Respondent indicated on her Application that she would provide client services at the Practice. The Respondent had been a Medicaid eligible provider since May 2017.
 - c. The Respondent never provided client services at the Practice.
 - d. In February 2019, Beacon Health Options (“BHO”) conducted an announced on-site audit of the Practice and Social Worker’s billing practices at the request of BHA. BHO is responsible for auditing various mental health and substance abuse programs for Medicaid.
 - e. BHO conducts audits to ensure that the provider's medical records comply with medical record standards, paid services are properly documented, and providers adhere to regulatory and contractual requirements.
 - f. BHA requested the audit, after discovering that Social Worker submitted claims and received reimbursement from Medicaid for services that he was not authorized to receive.⁵ When Social Worker submitted claims for Medicaid reimbursement, Social Worker had used the Respondent's Medicaid provider number.
 - g. During the audit, Social Worker provided a written statement to BHO auditors. Social Worker admitted in his statement that

⁴ COMAR 10.21.25.01 establishes the fees that the Department reimburses for mental health services that are rendered by a provider to an individual who receives Medicaid-reimbursable or State-supported services. COMAR 10.09.59.04(A) which outlines BHA’s provider requirements for participation in the Medicaid program states in pertinent part that the provider shall: (1) Be licensed and legally authorized to practice independently by the appropriate Board to practice in the state in which the service is rendered[.]

⁵ The Respondent was included as part of the BHO audit because she was listed as the Medicaid provider for the Practice.

he was solely responsible for all mental health services rendered at the Practice. Social Worker also admitted in his statement that he used the Respondent's Medicaid provider number when he submitted claims to Medicaid for reimbursement.

- h. During the audit, BHO determined that the Practice had approximately forty(40) clients. BHO reviewed approximately eleven (11) client records for the period June 1, 2018, through December 31, 2019.
- i. The BHO auditors determined that the client records that they reviewed were incomplete. BHO auditors noted that the client records that they reviewed had few or no progress notes, were illegible and did not contain any information that would identify the names of the clients.
- j. BHO auditor further determined that Social Worker was not eligible to submit claims to Medicare because he did not meet BHA's requirements to provide these services. BHO determined that Social Worker had inappropriately billed for these services using the Respondent's Medicaid Provider number.

7. The Respondent denies any knowledge that Social Worker had used her provider number when he submitted claims to Medicaid.

8. The Respondent also denies that she submitted any claims to Medicaid during the period that Social Worker used her provider number. The Respondent also denies receiving payment for the claims that Social Worker was reimbursed by Medicaid.

9. On August 7, 2019 and December 19, 2019, Board staff conducted interviews under oath with the Respondent.

10. During her August 7, 2019 interview, the Respondent admitted that she gave Social Worker her Medicare provider number to bill Medicaid for services she would rendered at the Practice. The Respondent further admitted that she was unaware of Medicaid's billing requirements.

11. During her December 19, 2019 interview, the Respondent told Board staff that her supervision of Social Worker entailed meeting face-to face with Social Worker once or twice a week to discuss client diagnoses, treatment plans, and client histories.

12. During her August 7, 2019 and December 19, 2019, interviews, the Respondent admitted that she did not take or maintain progress notes of her supervision of Social Worker. The Respondent indicated she did not know she was required to maintain progress notes of her supervision with Social Worker.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §19-311 (4), (5), (6) , (11); COMAR 10.42.03.06 A(7) and COMAR 10.42.08.07 B and C (1), (4), and (6).

ORDER

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

ORDERED that the Respondent's license to practice clinical social work in the State of Maryland is hereby **SUSPENDED** for a total period of **ONE (1) YEAR**; it is further

ORDERED that the suspension is **STAYED**; and it is further

ORDERED that the Respondent shall be placed **PROBATION** for a period of **TWO (2) YEARS** and until the following terms and conditions are fully and satisfactorily complied with:

- (1) The Respondent shall enroll in and successfully complete two Board approved tutorials, one tutorial on documentation and one tutorial on the laws and regulations pertaining to the practice of social work. Promptly after the completion of the tutorials, the Respondent shall ensure that the instructor provides the Board with a written report detailing the Respondent's participation in and completion of the tutorials. The tutorials required in this Consent Order shall be in addition to any course required to satisfy the continuing education requirements for the applicable 2-year licensure renewal period.
- (2) Within **(1) YEAR** of the execution of the Consent Order, the Respondent shall pay a fine in the amount of **ONE THOUSAND DOLLARS (\$1000)** by certified check or money order to the Maryland Board of Social Work Examiners.
- (3) The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereto; 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 after completion of one (1) the probationary period and completion of the Board-approved tutorials and payment of the fine as set forth in 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, may approve early termination of her probation, if the Respondent has fully and satisfactorily complied with all the probationary terms and conditions and there are no pending complaints similar to the issues in this case; 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 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 which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

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

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol. & 2021 Supp.).

March 14, 2022

Date

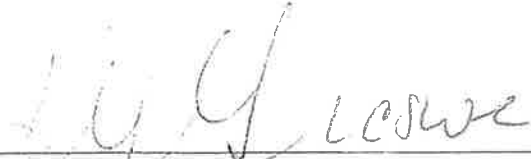


Karen Richards, MSW, LCSW-C
Board Chair
Maryland Board of Social Work Examiners

CONSENT OF KRISTINA L. GIOIA, LCSW-C

I, **KRISTINA L. GIOIA, LCSW-C** acknowledge that I have been represented by an attorney before entering into this Consent Order. By this Consent Order 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 waive any rights I may have to contest the Findings of Fact and the 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 provided by the law. 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 any such hearing. I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.


11/20/2021
Date


Kristina L. Gioia, LCSW-C

NOTARY

I HEREBY CERTIFY that on this 10 day of November, 2021 before me, a Notary Public of the State and City/County aforesaid, personally appeared, **Kristina L. Gioia, LCSW-C** and declared and affirmed under the penalties of perjury that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and Notarial seal.



Notary Public

My Commission expires: 04/23/2022