

IN THE MATTER OF * BEFORE THE STATE
 JOSHUA S. LEE, LCSW-C * BOARD OF SOCIAL WORK
 RESPONDENT * EXAMINERS
 LICENSE NUMBER: 12328 * CASE NUMBER: 2018-2587

Received
 OCT 15 2019
 Board of Social
 Work Examiners

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FINAL CONSENT ORDER

On or about June 24, 2019, the State Board of Social Work Examiners (the “Board”) hereby charged Joshua S. Lee, LCSW-C, (the “Respondent”), License Number:12328, (the “Respondent”), under the Maryland Social Workers Act (the “Act”), Md. Code Ann., Health Occ. (“H.O.”) §§ 19-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.). Specifically, the Board charged the Respondent with violating the following:

H. O. § 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;
- (7) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude. whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

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.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice clinical social work in the State of Maryland. The Respondent was originally licensed to practice clinical social work in Maryland on or about April 4, 2004. The Respondent's license expires on October 31, 2019.

2. At all times relevant hereto, the Respondent was an employee at an outpatient facility ("Facility A") that provides mental health and employment services to homeless men located in Maryland.¹

3. A subsequent investigation by Board staff revealed that on or about February 21, 2018, the Respondent was indicted by the Grand Jury for Baltimore City, Maryland on one (1) count of Felony Medicaid Fraud, in violation of Md. Code Ann., Crim. Law §8-509; one (1) count of Felony Theft, in violation of Md. Code Ann., Crim. Law §7-104 and one (1) count of Identity Fraud-Scheme, in violation of Md. Code Ann., Crim. Law §8-301.

4. Between 2013 and 2016, the Respondent submitted claims to the Maryland Medicaid program for services that he did not provide to numerous clients. The Respondent received more than thirty-nine thousand dollars (\$39,000) for services that he did not provide.

¹ The name of Facility A has been omitted to protect confidentiality.

5. On or about November 4, 2018, the Respondent pleaded guilty to one (1) count of Felony Medicaid Fraud in violation of Md. Code Ann., Crim. Law §8-509. The Respondent was sentenced to probation before judgement, placed on supervised probation for five (5) years, and ordered to pay restitution in the amount of \$29,000.

6. The Respondent's conduct as set forth above is a violation of Health. Occ. § 19- 311 (4) and (7) and COMAR 10.42.03.06 (A) (7).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. 19-311 (4) and (7) and COMAR 10.42.03.06(A)(7)

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 4th day of November 2019, by a majority of the appointed members of the Board, hereby:

ORDERED that the Respondent's license shall be **SUSPENDED for a minimum of four (4) years**; and it is further

ORDERED that following the suspension period, the Respondent's license shall be placed on **PROBATION for five (5) years**; and it is further

ORDERED that the Respondent shall take a twelve (12) credit hours one-on-one ethics tutorial that is preapproved by the Board. The Respondent shall complete this course within six (6) months of the effective date of this Consent Order. Any credits earned by

the one-on-one tutorial shall not be used by the Respondent to satisfy continuing education requirements for renewal; and it is further

ORDERED that the Respondent shall complete all continuing education requirements during the suspension period; 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 at the conclusion of the probationary period, the Respondent may file a written petition to the Board for termination of the probationary status and the removal of any conditions or restrictions that resulted from this disciplinary action, provided that the Respondent has fulfilled all the terms and conditions set forth herein, is not in violation of this Consent Order, and there are no outstanding complaints against the Respondent; and it is further

ORDERED that failure to comply with the terms and conditions of the Consent Order, constitutes a violation of the Consent Order and the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any appropriate sanction under the Act; and it is further


ORDERED that the Respondent shall bear all costs associated with this Consent Order; and it is further,

ORDERED that the Respondent shall practice social work in accordance with the Maryland Social Workers Act and all applicable laws and regulations; and it is further

ORDERED that the effective date of this Consent Order is the date that it is signed by the Board; and it is further

ORDERED that for purposes of public disclosure, the Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.) and is reportable to any entity to whom the Board is obligated to report.

10/4/19
Date


Sheryl Silberman, LCSW-C,
Board Chair
Maryland Board of Social Work Examiners

CONSENT OF JOSHUA S. LEE, LCSW-C

I, JOSHUA S. LEE, LCSW-C, acknowledge that I am represented by Cory Silkman, Esquire, and have consulted with my 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 after 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.

10/03/19
Date


Joshua S. Lee, LCSW-C

NOTARY

STATE OF Maryland

CITY/COUNTY OF City of Baltimore

I hereby certify that on this 3rd day of October, 2019, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Joshua S. Lee, LCSW-C, License Number: 12328 and made oath in due form of law that the foregoing Consent Order was his voluntary act and the statements made herein are true and correct.

AS WITNESS my hand and Notarial Seal.


Notary Public

My Commission expires: 05/14/2021

FLOYD B. DEAN IV
NOTARY PUBLIC
BALTIMORE CITY COUNTY
MARYLAND
My Commission Expires 05-14-2021