

IN THE MATTER OF * **BEFORE THE STATE**
JUSTIN LINKSZ, LCSW-C * **BOARD OF SOCIAL WORK**
Respondent * **EXAMINERS**
License Number: 16603 * **Case No. 2016-2228**

* * * * *

CONSENT ORDER

On October 19, 2016, the Maryland Board of Social Work Examiners ("the Board") charged **JUSTIN LINKSZ, LCSW-C, (the "Respondent")**, License Number **16603** with violating the Maryland Social Work Examiners Act ("the Act") codified at Md. Code Ann., Health Occ. II ("H.O.") §§ 19-101 *et seq.* (2014 Repl. Vol.) and Code Md. Regs. ("COMAR"), tit. 10, § 42.03.01 *et seq.*

The Board charged the Respondent with violating the following provisions of H.O. § 19-311:

Subject to the hearing provisions of §19-213 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;
- (8) Provides professional services while:
 - (i) Under the influence of alcohol; [and]
- (20) Fails to maintain adequate patient records[.]

The pertinent provisions of COMAR provide the following:

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 [and]

10.42.03.03 Responsibilities to clients B. The licensee may not: (3) Exploit a relationship with a client for personal advantage or satisfaction;

10.42.03.05. Relationships. A. The licensee may not enter into a dual relationship with a client or an individual with whom the client has a close personal relationship;

10.42.03.05. Relationships. C. The licensee may not engage in sexual misconduct with either current or former clients;

10.42.03.05. Relationships. D. The licensee may not engage in sexual misconduct with a client, supervisee, student, trainee, or colleague over whom the licensee exercises professional authority;

10.42.03.06. Standards of Practice. A. The licensee shall: (7) Document and maintain appropriate records of professional service, supervision, and research work;

10.42.03.06. Standards of Practice. B. A licensee may not: (1) Undertake or continue a professional relationship with a client when the competence or objectivity of the licensee is or could reasonably be expected to be impaired due to: (b) The licensee's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, legal, or other relationship with the client or a person associated with or related to the client[.]

On November 7, 2016, a Case Resolution Conference was convened in this matter. The Respondent agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds the following:

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 on June 19, 2014. His license is currently suspended.¹

2. At all times relevant, the Respondent was employed as a social worker through an online counseling platform. The Respondent provided online counseling services to clients with whom he was matched.

3. On or about June 29, 2016, the Board received a complaint from Client A, a former client of the Respondent's, alleging a boundary violation. Client A resides outside of Maryland.²

4. Thereafter, the Board initiated an investigation.

5. According to the Board's investigation, the Respondent provided online counseling services to Client A from the fall of 2014 until June 2016. The Respondent diagnosed Client A with multiple, severe psychological disorders. Client A reported a history of sexual abuse by a family member.

6. The Respondent and Client A communicated via email and, on one occasion, on Google chat and telephone. The Respondent and Client A never met in person.

7. Client A provided the Board with her email exchanges with the Respondent.

8. On August 4, 2016, the Board's investigator conducted a telephone interview of Client A under oath. Client A stated that early on in the therapeutic

¹ On September 27, 2016, the Board summarily suspended the Respondent's license. After a show cause hearing, the Board continued the suspension of the Respondent's license.

² In order to maintain confidentiality, names are not used in this Consent Order.

relationship she disclosed to the Respondent that she had developed romantic feelings for him and did not know how to deal with her feelings.

9. According to emails provided by Client A, on or about November 21, 2015, the Respondent and Client A were engaged in an email conversation during which Client A again disclosed that she had romantic feelings for the Respondent.

10. The Respondent responded

As you know you can share whatever you want with me. We are all human and have thoughts about others we may not or should not have, but it happens, and is ok. It's normal. My job is to make sure not to take advantage of those thighs [sic] and feelings. To be here to help you and guide you. I'm flattered that you think of me.

11. At that time, the conversation became sexual in nature and the Respondent admitted to Client A that he had sexual thoughts about Client A.

12. Throughout the therapeutic relationship, the Respondent engaged in inappropriate, sexual and flirtatious conversations via email with Client A. In addition, the Respondent sent Client A photographs of himself, including one photograph of the Respondent without a shirt.

13. On or about June 25, 2016, the Respondent and Client A were communicating via email when Client A suggested that they talk on the telephone.³

14. According to Client A, the Respondent masturbated while on the telephone with her.

³ Client A stated that she and the Respondent continued their conversation on Google Chat at the Respondent's suggestion, but Client A deleted those messages.

15. On June 26, 2016, Client A emailed the Respondent and stated, "Well, I feel horrible." In response, the Respondent wrote, "Ok then no more. We will remain professional."

16. The Respondent contacted Client A by email on June 27, 2016 and July 1, 2016 but Client A did not respond to the emails.

17. On August 3, 2016, the Board's investigator interviewed the Respondent under oath. The Respondent admitted to the allegations.

18. According to the Respondent, he was intoxicated when he spoke to Client A on the telephone on June 25, 2016.

19. The Respondent further admitted to telling Client A that "no matter how turned on I am, your safety and well-being comes first."

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concluded that, if proven true, the factual allegations would support a finding as a matter of law that the Respondent violated H.O. §§ 19-311(4), (5), (6), (8) and (20) and COMAR 10.42.03.03A(5)(b) and (c); 10.42.03.03B(3); 10.42.03.05A; 10.42.03.05C, 10.42.03.05D; 10.42.03.06A(7); and 10.42.03.06B(1)(b).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 13th day of January, 201~~6~~⁷, by a majority of a quorum of the Board considering this case:

ORDERED that the Respondent's license to practice social work shall be **SUSPENDED** for a period of at least **TWO (2) YEARS** beginning on September 27, 2016; and it is further

ORDERED that during the period of suspension, the Respondent shall enroll in and successfully complete a Board-approved, in-person ethics tutorial, focusing on the issues that gave rise to this case. After the successful completion of the ethics tutorial, the instructor shall provide the Board with a written report detailing the Respondent's participation in and completion of the course. The Respondent shall also submit a written statement to the Board stating what he has learned from the ethics tutorial. The Respondent may not use any continuing education credits earned through taking the required course to fulfill any continued education requirements that are mandated for licensure renewal in this State; and it is further

ORDERED The Respondent shall enroll in and successfully complete a Board-approved course in recordkeeping. The Respondent shall provide the Board with written documentation of his successful completion of the course. The Respondent shall not use continuing education credits earned through taking the required course to fulfill any continuing education requirements that are mandated for licensure renewal in this State; and it is further

ORDERED, that the Respondent shall seek and continue participation in mental health therapy to address the issues that gave rise to the Respondent's conduct. The Respondent shall sign any written release/consent forms required to authorize his mental health provider to make verbal and written disclosures to

the Board, including disclosure of any and all mental health records and confidential drug and alcohol abuse information about the Respondent. The Respondent shall also sign any written release/consent forms required by the mental health provider to authorize the mental health provider to provide verbal and written information about the Respondent to the Board, including confidential drug and alcohol abuse information; and be it further

ORDERED that the Respondent's mental health provider shall provide quarterly reports to the Board regarding the Respondent's progress and recommendations as to the continuation, frequency, and/or termination of treatment. The first report shall be due two (2) weeks from the date of this Consent Order, and subsequent reports shall be due quarterly thereafter; and it is further;

ORDERED that no earlier than **TWO (2) YEARS** from September 27, 2016, the Respondent may submit a written petition to the Board requesting termination of the suspension of his license. The Board shall, in its discretion, grant the termination of the suspension and reinstatement of the Respondent's license if the Respondent has fully and satisfactorily complied with all of the terms and conditions of his suspension; and it is further

ORDERED upon reinstatement of the Respondent's license to practice social work, he shall be immediately placed on Board-supervised **PROBATION** for a period of at least **THREE (3) YEARS** and until the following terms and conditions are 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. The Respondent shall provide a copy of this Consent Order to his employer(s) within five (5) days of commencing any employment. The Respondent shall ensure that his employer(s) send confirmation of their receipt of this Consent Order to the Board;

3. The Respondent shall secure a Board-approved supervisor ("supervisor") who shall supply the Board with quarterly, written reports on the Respondent's practice, including recordkeeping. 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 supervisor. A negative report from the supervisor may result in a violation of this Consent Order and further sanctions at the Board's discretion. The Board, in its discretion, may reduce the frequency of the written reports from the supervisor, upon a written request from the supervisor; and

4. During the period of probation, the Respondent may not treat female clients of any age; and it is further

ORDERED that no earlier than **THREE (3) YEARS** from the commencement of the probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. The Board shall, in its discretion, grant the termination if the Respondent has fully and satisfactorily

complied with all of the probationary terms and conditions, including successful completion of the ethics tutorial and recordkeeping course, and there are no pending complaints related to the charges; and it is further

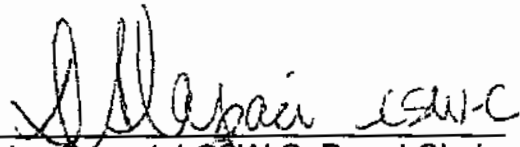
ORDERED that if the Respondent violates any of the terms and conditions of Probation and this Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case, including a probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty; and it is further

ORDERED that the Respondent shall practice according to the Maryland Social Work Examiners Act and in accordance with all applicable laws, statutes and regulations; and it is further

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

ORDERED that this Consent Order shall be a PUBLIC DOCUMENT pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol.).

1/13/2017


Denise Capaci, LCSW-C, Board Chair
State Board of Social Work Examiners

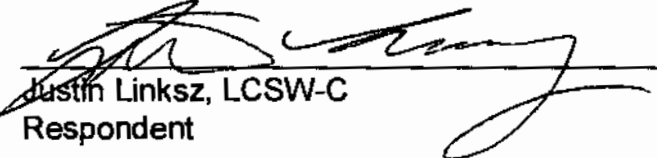
CONSENT

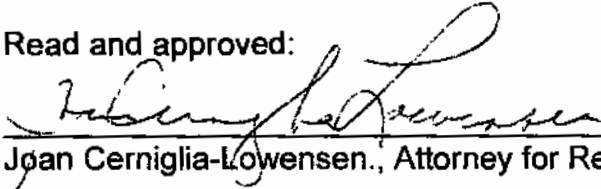
I, Justin Linksz, acknowledge that I consulted with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 am waiving 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 terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

11/3/17
Date


Justin Linksz, LCSW-C
Respondent

Read and approved:

Joan Cerniglia-Lowensen., Attorney for Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF ANNE ARUNDEL :

I HEREBY CERTIFY that on this 3RD day of JANUARY, ²⁰¹⁷~~2016~~, 20

before me, a Notary Public of the foregoing State personally appeared Justin Links and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission Expires: JANUARY 19, 2020