

<p>IN THE MATTER OF</p> <p>EAN LISCHIN-SMITH, LCSW-C,</p> <p>RESPONDENT</p> <p>License Number: 22607</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE MARYLAND</p> <p>STATE BOARD OF</p> <p>SOCIAL WORK EXAMINERS</p> <p>Case Number: 2022-3278</p>
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CONSENT ORDER

The Maryland State Board of Social Work Examiners (the “Board”) charged **EAN LISCHIN-SMITH, LCSW-C** (the “Respondent”), License Number: **22607**, with violating the Maryland Social Workers Practice Act (the “Act”) codified at Md. Code Ann., Health Occupations Article (Health Occ.) §§ 19-101 *et seq.* (2021 Repl. Vol. & 2024 Supp.). Specifically, the Board charged the Respondent with violating:¹

§ 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:

...

(2) Fraudulently or deceptively uses a license;

...

(4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;

¹ All statutory and regulatory references herein are to the applicable statutes and regulations in effect at the time of the Respondent’s conduct.

- (5) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work; [or]
- (6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board[.]

Pursuant to Health Occ. § 19-311(6), the pertinent provisions of the Code of Maryland Regulations (“COMAR”), provide the following:

COMAR 10.42.03.03

.03 Responsibilities to Clients.

- B. The licensee may not:
 - (1) Participate or condone dishonesty, fraud, deceit, or misrepresentation[.]

FINDINGS OF FACT

1. The Respondent was originally licensed to practice social work as a Licensed Certified Social Worker-Clinical (“LCSW-C”) in Maryland on or about March 16, 2017, under license number: 22607. The Respondent’s license is scheduled to expire October 31, 2025.²
2. At all times relevant hereto, the Respondent was employed as a psychotherapist at a medical facility (the “Facility”) that provides medical and mental health care to patients in Maryland. The Respondent was employed at the Facility from January 2016 until he was terminated by Facility staff on or about November 3, 2022.³

² The Respondent is also licensed to practice social work in the New York and the District of Columbia.

³ The name of the Facility has been omitted to protect confidentially.

3. On or about December 3, 2022, the Board received a complaint from the Interim Chief Operating Officer (the “Complainant”) at the Facility. The Complainant alleged in the complaint that the Respondent accessed medical records of Facility patients that he was not authorized to access.

4. According to a Facility investigation report (Facility Investigation), the Respondent “inappropriately accessed records 8,556 patient medical records during the period of September 1, 2016, to August 31, 2022.”

5. According to the Facility investigation report, the medical records that the Respondent accessed without authorization contained patients’ personal information including “name medical record number, address, email address, contact telephone number(s) and date of birth, medical information, photos.”

6. The Facility investigation report also indicated that “[o]n October 21, 2022, Compliance identified that of the photograph accessed without authorization or for a work-related purpose, 18 were images of sensitive body parts.”

7. In his written response to the complaint dated May 6, 2024, the Respondent admitted that he accessed large numbers of patient medical records that he was not authorized to access. He also admitted that accessing these records was not permitted by his employer and inconsistent with his professional ethics.

8. The Respondent also stated in his written response to the complaint:

“I began accessing medical records at [the Facility] in an effort to learn about the way other providers treat their patients and document their work. At some point, however, this behavior shifted from one focus on learning and

improving my own practice to a distraction during a period in my life where I became overwhelmed with stress. As stress in my life increased and compounded, I would distract myself by reviewing random charts. Over time, this came to include record[s] that were outside the scope of my practice. At times this behavior felt compulsive because of the escape it offered me. While I knew on some level that this was against my employer's policy and my professional ethics. I minimized these dangers in my mind because the initial motivation was not nefarious but educational, and even somewhat therapeutic.”

9. On or about, June 28, 2024, Board staff interviewed the Respondent under oath. During the interview, the Respondent admitted that he accessed patients' medical records without authorization. During the interview, the Respondent indicated he that did not recall seeing images of sensitive body parts.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct described as above constitutes a violation of the Act. Specifically, the Board concluded that the Respondent 's conduct violated Health Occ. § 19-311(2), (4), (5), and (6). The Board declined to find a violation of COMAR 10.42.03.03.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 7th, day of April 2025, by a majority of the Board considering this case, hereby:

ORDERED that the Respondent's license to practice as a social worker in the State of Maryland is hereby Suspended **for a period of one (1) year with that Suspension STAYED;** and it is further

ORDERED that the Respondent shall be placed on **PROBATION for a period of (2) years**; and it is further

ORDERED that during the period of probation the Respondent shall be required to comply with the following terms and conditions:

- (1) The Respondent shall take and successfully complete a 12-credit hour Board approved ethics course.
- (2) The Respondent shall obtain a Board-approved supervisor. The Applicant shall provide a copy of the Consent Order to the Board-approved supervisor and provide documentation of the supervisor's receipt of the Consent Order to the Board.
- (3) The Respondent shall meet with the Board-approved supervisor a minimum of one session per month and for a minimum of one hour per session.
- (4) The Respondent shall ensure that the Board-approved supervisor submits timely quarterly written reports to the Board detailing the supervision provided and an evaluation of the Respondent's practice.
- (5) A negative report from the Board-approved supervisor or any failure to comply with the supervisor's recommendations shall be deemed a violation of probation or of this Consent Order.
- (6) If the Board-approved supervisor discontinues supervising the Respondent's practice for any reason during the probationary period, the Respondent shall notify the Board within five (5) days of the change. The Respondent is responsible for securing a new Board-approved supervisor and providing the new supervisor's contact information to the Board. The Respondent shall provide the new supervisor with a copy of the Consent Order. The Respondent shall provide documentation of the new supervisor's receipt of the Consent Order to the Board.
- (7) The Respondent shall continue with individual therapy during his probation. The Respondent shall provide the Board the name and contact information for his therapist within five (5) days of the date of this Order and provide the Respondent's therapist with a copy of this

Order. The Respondent shall provide documentation of the therapist's receipt of the Consent Order to the Board.

- (8) If the Respondent changes his therapist for any reason, during the probationary period, the Respondent shall notify the Board within five (5) days of the change. Upon obtaining a new therapist, the Respondent shall provide the Board with the new therapist's contact information and provide documentation of the new therapist's receipt of the Consent Order.
- (9) The Respondent shall provide the Board the contact information for the Respondent's employer (if applicable) and provide the Respondent's employer with a copy of the Consent Order. The Respondent shall provide documentation of the employer's receipt of the Consent Order to the Board.
- (10) If the Respondent's employment changes for any reason during the probationary period, the Respondent shall notify the Board within five (5) days of the change. Upon obtaining new employment, the Respondent shall provide the Board with the new employer's contact information and provide documentation of the new employer's receipt of the Consent Order.
- (11) The Respondent shall successfully complete a Board approved course that pertains to Boundary issues. The course shall be completed within 180 days of the date that this Consent Order is signed by the Board.
- (12) The Respondent shall cooperate with the Board, its agents or/and employees, in the monitoring, supervision, and/or investigation of the Respondent's compliance with the terms and conditions of this Consent Order.
- (13) If the Board determines that the terms or conditions of the consent Order have not been successfully completed, the Board may modify the terms and conditions of the Respondent's probation, upon notice to the Applicant.
- (14) If the Respondent allegedly fails to comply with the terms or conditions of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If, in its sole discretion, the Board determines there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board.

(14) If, after the appropriate hearing, the Board determines that the Respondent has failed to comply with any term or condition of the Consent Order, the Board may reprimand the Respondent, allow the Respondent to continue the practice social work with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice social work in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that the Respondent is prohibited from being a Board approved supervisor in Maryland for a period of five (5) years; and it is further


ORDERED that after **ONE (1) YEAR** from the date of this Order, the Respondent may submit a written petition to the Board requesting that the Board terminate probation, provided that the Respondent has fully complied with all conditions of this Order and there are no pending complaints against the Respondent; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of his probation and this Consent Order; 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 this Consent Order is Final Order and as such is a public record pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019 Repl. Vol. & 2024 Supp.).

04/7/2025
Date


Susan Coppage, LCSW-C, Board Chair
Maryland Board of Social Work Examiners

CONSENT

I, Ean Lischin-Smith, acknowledge that I was 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.

3/29/25

Date

 LCSW-C

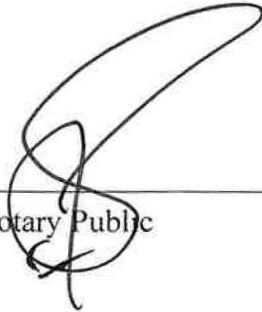
Ean Lischin-Smith, LCSW-C

NOTARY

State: Maryland City/County: Anne Arundel

I HEREBY CERTIFY that on this 29th day of March, 2025 before me, a Notary Public of the State and City/County aforesaid, personally appeared, **EAN-LISCHIN-SMITH, LCSW-C** and declared an affirmed under the penalties of perjury that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial seal.



Notary Public

My Commission expires: 08/03/2026.

Satya Dev Thakur
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES August-03-2026