

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>KAMIL MADINA, LCSW-C</b>	*	<b>STATE BOARD OF SOCIAL</b>
<b>RESPONDENT</b>	*	<b>WORK EXAMINERS</b>
<b>License Number: 09921</b>	*	<b>Case Number: 2019-2681</b>

\* \* \* \* \*

**FINAL ORDER**

On or about February 4, 2021, the Maryland Board of Social Work Examiners (the “Board”) charged **Kamil Madina**, Licensed Certified Social Worker-Clinical (**LCSW-C**), (the “Respondent”), License Number **09921**, under provisions of the Maryland Social Workers Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2014 Repl. Vol. and 2020 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;

- (15) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services on the basis of race, age, gender, sexual orientation, disability, religion, or ethnic origin or because the individual is HIV positive.

The pertinent provisions of Md. Code Regs. ("COMAR"), provide the following:

**COMAR 10.42.03.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

...

(5) "Inappropriate sexual language" means:

...

(b) An inappropriate discussion of a sexual matter unrelated to client treatment.

...

(9) "Sexual misconduct" means:

(a) Inappropriate sexual language;

**COMAR 10.42.03.03. Responsibilities to Clients.**

...

B. The licensee may not:

...

(5) Practice, condone, facilitate, or collaborate with discrimination on the basis of race, gender, sexual orientation, age, religion, national origin, socioeconomic status, disability, or any other basis proscribed by law;

**COMAR 10.42.03.05 Relationships.**

D. The licensee may not engage in sexual misconduct with either current or former clients.

**PROCEDURAL SUMMARY**

The Board issued a notice of hearing to the Respondent by regular mail and certified mail return receipt for a virtual hearing to be held on June 11, 2021 at 1:00 p.m. The Board held the hearing virtually using the Google Meet platform. A quorum of the Board was present. The State was represented by Administrative Prosecutor, Assistant Attorney General Tracy Bull. The Respondent was present with his attorney, Cory Silkman, Esq.

The hearing convened to decide whether the Respondent violated the pertinent provisions of the Act, and if the Respondent committed any such violations, what sanction, if any is appropriate.

**SUMMARY OF THE EVIDENCE**

The Board accepted and admitted evidence presented by the State and the Respondent. The State's evidence included testimony from three witnesses: the Complainant, the Employer's Clinical Director and the Board's investigator, Earnest Ford. The Respondent testified on his own behalf. The following exhibits were admitted into evidence without objection:

State's Exhibits:

<b><u>EXHIBIT</u></b>	<b><u>DESCRIPTION</u></b>
1	State Board of Social Work Examiners - License Verification for Kamil Madina.....
2	Maryland Board of Social Work Examiners Investigative Report – January 21, 2020.....
3	Maryland Board of Social Work Examiners Supplemental Addendum to Investigative Report – February 17, 2020.....

- 4 Complaint received – July 18, 2019.....
  - Complaint Form.....
  - Authorization to Release Information.....
  - Complaint Form.....
  - Consent for Release of Confidential Information.....
- 5 University Psychology Center Patient records
  - General Referral Information – July 17, 2019.....
  - Behavioral Health Profile – July 17, 2019.....
- 6 Patient Records received from Kamil Madina
  - Patient Information – July 17, 2019.....
  - Behavioral Health Evaluation – (Patient Service View) – July 17, 2019.....
- 7 Questionnaire Forms used by University Psychology Center
  - Behavioral Health Profile Questions (Blank Form).....
  - Substance Use D/O Matrix Questions (Blank Form).....

**EXHIBIT**      **DESCRIPTION**

- 8 Transcript of Interview with the Complainant – December 24, 2019
- 9 Letter from Kamil Madina to E.A. Ford – December 27, 2019
- 10 Transcript of Interview with Kamil Madina – January 15, 2020....
- 11 Email correspondence between Kamal Madina and E.A. Ford – January 17, 2020.....
- 12 Facsimile coversheet and Computer Use and Internet Policy documents sent to E.A. Ford from Kamil Madina – Jan. 17, 2020...
- 13 Transcript of Interview dated – February 17, 2020.....

- 14 Personnel Records for Kamil Madina from University of Psychology Center.....
- Employment Verification Letter – December 24, 2019.....
  - Employment Agreement – February 15, 2007.....
  - Position Description – November 1, 2003.....
  - Employment Agreement – Sept. 27, 2002.....
  - Performance Evaluation – January 5, 2018.....
  - Disciplinary/Coaching Report – June 28, 2017.....

**FINDINGS OF FACT**

The Board finds the following:

1. At all times relevant, the Respondent was licensed to practice as a licensed certified social worker-clinical (“LCSW-C”) in the State of Maryland.
2. On or about August 4, 1998, the Respondent was issued a license to practice as an LCSW-C, license number 09921.<sup>1</sup>
3. At all times relevant, the Respondent engaged in the practice of social work at a practice (the “Employer”) in Baltimore, Maryland.
4. On or about July 18, 2019, the Board received a complaint (the “Complaint”) from an individual<sup>2</sup> (“Complainant”) regarding her intake session with the Respondent.
5. According to the Complaint, during her intake session on July 17, 2019, the Respondent asked the Complainant inappropriate questions about her sexual orientation and sexual history which were unrelated to the Complainant’s reasons for attending therapy. In the Complaint, the Complainant wrote the following:

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<sup>1</sup> As of the date of this Final Order, the Respondent’s license is non-renewed.

Mr. Madina proceeded to ask about my sexuality. I informed him I am a lesbian. He then asked me “What made you decide to be a lesbian?” I was taken aback [*sic*] but responded with, “I did not decide to be a lesbian it is something I realized about myself at the age of 18.”...Mr. Madina felt the need to defend himself and said “Well you see I have no biases myself these are questions I have to ask.”

...He then asked “When did you lose your virginity?” I told Mr. Madina that I did not have sex until I was 22 and that I lost my virginity to a woman. Mr. Madina then lightly laughed to himself and said “Well you didn’t lose your virginity.” I was simply astounded at such an implication...I then said I was going to go to the restroom as an excuse to leave. Mr. Madina insisted upon accompanying me to the restroom and standing outside the bathroom while I stood inside and felt like I was having a panic attack. When I came back out he was still standing there and he escorted me back to his office.

The rest of the session I simply zoned out and mumbled responses as I was disgusted to sit in this man’s presence. He proceeded to ask me questions about my drug use and if I used drugs recreationally. When I responded “No.” [*sic*] he proceeded to continuously keep commenting “Praise God.” [*sic*] and other references to his religion...

6. The Board’s investigator conducted an interview of the Complainant on December 24, 2019. The Complainant stated the following:

- a. The Complainant sought out counseling for a condition unrelated to her sexual orientation and/or history.
- b. The Respondent asked her questions about what partners she had and what made her a lesbian.
- c. The Respondent told her that the questions about her sexuality were part of the intake process.
- d. When he laughed and told her she didn’t lose her virginity, she felt like he was implying that she couldn’t lose her virginity unless it was with a man. She felt his questions and comments about her virginity were “invasive” and that the Respondent did not care about how he was making her feel.

- e. At that point she said she was going to ask to go to the bathroom and then go to the front desk and leave. However, the Respondent said he had to accompany her to the bathroom and then stood outside of the bathroom while she was inside.
- f. The Respondent told her it was the Employer's policy that they accompany people to the bathroom.
- g. He kept implying that it was a good thing she was not taking illicit drugs and said "Thank God for that."
- h. After she returned from the bathroom, she was unable to focus on what he was saying because she was still thinking about his earlier comments and how it made her feel.
- i. She never got to talk about the reasons she was seeking counseling and felt like the Respondent assumed that her lifestyle was the reason she was there.

7. On January 15, 2020, the Board's investigator conducted an in-person interview of the Respondent. The Respondent's testimony at the hearing was consistent with the statements he made during his Board interview where he stated the following:

- a. He has worked as a therapist for his Employer for the past 19 years.
- b. When he met the Complainant, the Complainant told him that she had assumed she had made an appointment with a woman therapist based on the Respondent's name. The Respondent explained that his name was Muslim.
- c. The Complainant was trying to tell him all of her problems, but he explained to her that her intake session was not a therapy session and he needed to gather information to understand exactly what her issues were.
- d. He used a behavioral health form that has areas for "gender identification" and "sexual history."

- e. When he asked her what her gender identity was, it got “whacky” and she finally said she was a lesbian and had been in a relationship.
- f. When he next asked her when she had become sexually active, she was “very resistant” to answer the question.
- g. He told her he was not a “bigot” or “biased.” He did not ask her what made her decide to be a lesbian.
- h. He did not ask her when she lost her virginity. When he asked her when did she become sexually active, she said when she was 22.
- i. He did not tell her that she did not lose her virginity because it was not with a man.
- j. She “blew up” and gave him a “moral lecture” when he asked her if she had any problems with recreational drug use or alcohol.
- k. He stood and held the door near the area where the bathroom was located as a courtesy, because the door locks automatically when it closes.
- l. It was company policy for him to ask her the questions on the Behavioral Health Profile form regarding her sexual orientation and sexual history.
- m. He does not think he has done anything wrong.

8. The Respondent provided a written statement to the Board dated December 27, 2019, in which he wrote, in part, the following:

...When I introduced myself to the [Complainant], she stated she was under the impression that I was a female...based on my name...I explained...that I am Muslim. That was the only reference I made to my religious beliefs...

When I escorted [the Complainant] to my office...she appeared to be in a rather bad mood...everything seemed to be flowing smoothly



until I asked her questions relative to her gender identity, she became irate as if I was being inappropriate and she went on to say that I shouldn't be asking her about her personal life...Because of her apparent anger, I did say that I have no personal interest in her life choices and that I am not biased against anyone in relation to their gender identity, that this information is an integral part of the intake process... So I said to her hey, look, I don't have any problems with whatever you choose to be... I had to then ask her whether or not she used drugs or alcohol, she became even more irate, and I again had to explain to her that this is important information that must be factored in so that a treatment plan could be implemented...

9. The Board obtained a copy of the Behavioral Health Profile form (the "Form") that the Respondent completed on July 17, 2019 for the intake of the Complainant. The Respondent documented on the Form that the Complainant's attitude was "cooperative, friendly"; her behavior was "normal"; and, her mood was "euthymic."
10. The Employer's Clinical Director, who hold a masters degree in social work and maintains an active LCSW-C license with the Board testified at the hearing. The Clinical Director has worked for the Employer since 2007 and he is the Respondent's supervisor. The Clinical Director testified at the hearing to the following:
  - a. He designed the Form that the Respondent used during his intake session with the Complainant.
  - b. The gender identity, sexual orientation and sexual history questions are not required fields that must be filed out on the Form
  - c. The Respondent's January 2018 Performance Evaluation indicates that the Respondent received a three (3) rating in the area of Communication with the following comment,

Employee communicates appropriately at times but needs to improve on cultural diversity and sensitivity in working with diverse populations.

On the same Performance Evaluation the Respondent received a three (3) rating in the area of Interpersonal Relationships with the following comment,

Employee will continue to work towards improving relationships with all members of the treatment team regardless of personal differences.

- d. In June 2017 the Employer issued a Disciplinary Coaching Report to the Respondent which documented that the Respondent was “allegedly involved in an incident which could constitute harassment and hostile work environment violations towards another employee”.
- e. In his interview with the Board’s investigator, the Clinical Director made the following statement concerning the complaint against the Respondent,

It almost seemed to have been – I mean, humiliating in a sense with a chuckle or light laughter in regards to addressing her sexuality and virginity... Her reported complaints are concerning – you know, its humiliating and verbally abusive in my opinion if those things did occur. In regards to those questions being required in a biopsychosocial those are not required to ask about virginity and when you lost your virginity.

- 11. At the hearing the Respondent lightly laughed out loud when asked about whether he spoke to the Complainant about her virginity, sexual orientation and sexual relations.
- 12. The Respondent did not use good clinical judgment in following areas:

- (a) Determining the appropriateness of questions from the Behavioral Health Profile Form that were not required during the initial assessment;
- (b) Discerning potential clinical issues based on the Complainant's speech, behavior, body language, presenting problems and diagnosis; and
- (c) Using the words "choose" and "choice" when providing services to a LGBTQ client.

### 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;

The Board further concludes as a matter of law that the Respondent violated the following pertinent provisions of Md. Code Regs. ("COMAR"):

**COMAR 10.42.03.02 Definitions.**

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
- ...  
(5) “Inappropriate sexual language” means:  
...  
(b) An inappropriate discussion of a sexual matter unrelated to client treatment.  
...  
(9) “Sexual misconduct” means:  
(a) Inappropriate sexual language;

**COMAR 10.42.03.05 Relationships.**

- D. The licensee may not engage in sexual misconduct with either current or former clients.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of September, 2021, by a majority of the quorum of the Board considering this case hereby:

**ORDERED** that the violation of **Health Occ. § 19-311 (15)** and **COMAR 10.42.03.03.B (5)** alleged in “Charges under the Maryland Social Workers Act” issued on February 4, 2021 is hereby **DIMISSED**; and be it further

**ORDERED** that the Respondent’s license to practice social work shall be **REPRIMANDED**; and it is further

**ORDERED** that the Respondent shall enroll in and successfully complete, **WITHIN SIX (6) MONTHS** of the effective date of this Final Order, a Board-approved, in-person, one-on-one, **ethics tutorial**, equivalent to at least twelve (12) continuing

education credits, focusing on the issues of **patient-therapist boundaries** 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; and it is further

**ORDERED** that the Respondent shall enroll in and complete a **course on treating and counseling lesbians, gays, bisexuals, and transgender ("LGBT")**, approved in advance by the Board **WITHIN SIX (6) MONTHS** of the effective date of this Final Order; and it is further

**ORDERED** that the Respondent shall 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** that no part of the training or education that the Respondent receives in order to comply with the Final Order may be applied to his continuing education credits required for certification; and it is further

**ORDERED** that if the Respondent violates any of the terms and conditions of this Final 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; and it is further

Final Order  
Kamil Madina, LCSW-C #09921

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

**ORDERED** that the for the public disclosure, this Final Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014) and is reportable to any entity to who the Board is obligated to report.<sup>3</sup>

9/10/2021



\_\_\_\_\_  
Date

\_\_\_\_\_  
Karen Richards, Board Chair  
State Board of Social Work Examiners

**Notice of Right to Appeal**

Pursuant to Md. Code Ann., Health Occ. § 19-313, you have the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of the Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't §10-222; and Title 7, Chapter 200 of the Maryland Rules of Procedure. The Board should be served with the- court's process at the following address:

Stanley Weinstein, Executive Director  
Maryland State Board of Social Work Examiners  
4201 Patterson Avenue  
Baltimore, Maryland 21215-2299  
Fax: 410-358-2469

<sup>3</sup> This includes the Board's public website and NPDB.