

OCT 15 2024

Maryland Board of Social Work Examiners

IN THE MATTER OF

WESLEY JAMES MILLER, LCSW-C

Respondent

License Number: 09288

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BEFORE THE MARYLAND
STATE BOARD OF
SOCIAL WORK EXAMINERS
Case Number: 2022-3230

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CONSENT ORDER

The Maryland State Board of Social Work Examiners (the "Board") hereby charges WESLEY JAMES MILLER, LCSW-C ("the Respondent"), License Number 09288, with violating the Maryland Social Workers Practice Act (the "Act") codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

The pertinent provisions of the Act provide the following:

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;

...

- (10) Practices social work with an unauthorized person or supervises or aids an unauthorized person in the practice of social work[.]

Health Occ. § 19-401. License required to practice social work.

- (a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice social work in this State while representing oneself to be a social worker unless licensed by the Board.
- (b) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice clinical social work in this State unless licensed by the Board as a certified social worker-clinical.

Health Occ. § 19-402. Representations to the public, practice of social work.

Unless authorized to practice social work under this title, a person may not:

...

- (2) Use any title, abbreviation, sign, card, or other representation that the person is a licensed social worker, including the use of the words "social worker" or "social work" and the use of the abbreviations "LBSW", "LMSW", "LCSW", or "LCSW-C".

On August 26, 2024, the parties appeared at a Case Resolution Conference ("CRC") before a committee of the Board. The parties included the Respondent, represented by counsel, and the Administrative Prosecutor assigned to the case. As a result of the negotiations at the CRC, the parties agreed to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds the following:

Background

1. The Respondent was originally issued a license to practice as a licensed master social worker (“LMSW”) in Maryland on March 6, 1996 under license number G06957. On January 23, 1997, the Respondent became licensed as a licensed certified social worker-clinical (“LCSW-C”) under license number 09288.

2. On or about October 31, 2021, the Respondent allowed his license to expire without filing for a renewal, which the Board notified him by letter dated on or about December 1, 2021.

3. On or about June 26, 2023, the Respondent’s license was reinstated and is currently active through October 31, 2025.

4. At all relevant times hereto, the Respondent was employed with a healthcare facility (“the Agency”)¹ as the Regional Clinical Director for the Maryland-Virginia region. The Agency provides treatment for substance use and mental health and is based in Denver, Colorado with additional locations in other states.

The Complaint

5. On or about August 31, 2022, the Board received a complaint (the “Complaint”) regarding an employee (the “Employee”) who worked at one of the Agency’s

¹ For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and facilities referenced in this document by contacting the administrative prosecutor.

locations in Maryland. The Complaint was submitted by a social worker who had been previously employed at the Agency (the “Complainant”) as a therapist. In the Complaint, the Complainant stated that after discovering the Employee was practicing social work without a license, she reported it to the Respondent. After several meetings, the Respondent insisted that allowing unlicensed individual to practice social work while applying for a license was a long-standing practice of the Agency and in compliance with the Board's regulations.

6. The Complaint was also accompanied by a printout of the Respondent’s LinkedIn page which was accessed by the Complainant on or about July 30, 2022. The printout displayed the credentials “LCSW-C” after the Respondent’s name.

7. Based on the information in the Complaint, the Board began an investigation of the Respondent.

Respondent’s Written Response to the Complaint

8. By letter dated on or about June 28, 2023, the Respondent provided a written response to the Complaint. He stated that his role at the Agency was “as an administrator” and that he “supervised fully licensed Program Directors.” He also stated that he did not meet with anyone for social work supervision. Regarding his LinkedIn account, the Respondent stated that he does not frequent the account and failed to change the licensure status. He further stated that he failed to change his credentials in his email signature when he “went into unexpired status.”

Board Investigation

9. As part of its investigation, the Board obtained various records including the Respondent's employee personnel file and conducted interviews with the Respondent and other witnesses.

10. The Respondent's personnel file contained, in part, the following information:

- a. The Respondent's position description states that the "Regional Clinical Director is responsible for overseeing all clinical programming being provided at [the Agency's] Treatment Facilities in the Maryland and Virginia region. This includes supervising the clinical program directors and supporting the Chief Clinical Officer in all aspects related to clinical programming."
- b. A "Memorandum of Concern" relating to the Respondent's job performance was initiated on or about February 16, 2023, with a monitoring end date of May 19, 2023. The Respondent electronically signed the document on or about March 7, 2023. The memorandum stated that the Respondent "has been working to reactivate his license for the [sic] 8 months" and that "an active license in LCSW [sic] is a requirement of the position." Additionally, "[t]o hold a Regional Clinical Director position – the employee must hold an active license. This is

particularly important for on call rotations ..., as an active license is a requirement for that process. This also results in inability to provide clinical supervision to those who need it at a director level.”

11. On or about July 13, 2023, the Board conducted an interview with the Respondent, who stated, in part, the following:

- a. The Respondent allowed his license to lapse in 2021 because he had not obtained the certificates from his continuing education credits (“CEUs”).
- b. The Respondent denied practicing social work from October 31, 2021, through June 26, 2023. He stated that he “supervised managers who supervised clinicians” and that he “was providing administrative supervision to managers.”
- c. The Respondent acknowledged that from on or around October 31, 2021, until on or around August 24, 2022, his email signature contained the LCSW-C credentials although his license was expired during that time.
- d. The Respondent stated that it was the Agency’s practice to hire unlicensed social workers and give them a window of time to obtain their license. The Respondent further stated: “This has been a longstanding practice of [the Agency], and I came in,

and maintained that practice until it was pointed out to me that it was incorrect.”

12. On or about July 19, 2023, the Board interviewed the Complainant who confirmed the information provided in the Complaint. The Complainant also stated that the Respondent would be present during meetings and would discuss cases. The Respondent was “involved in treatment planning and discharge planning” and he would interact with family members of the clients. The Respondent “made the decision to discharge” and “he was certainly involved in clinical decision-making about patients, clients that we saw.”

13. On or about July 25, 2023, the Board conducted an interview with the Chief Clinical Officer of the Agency, who was also the Respondent’s supervisor during his time of employment. She stated, in part:

- a. The Respondent was employed with the Agency as the Regional Clinical Director for approximately two years.
- b. The Respondent informed her that his license had lapsed. They discussed that the Respondent would work to get his license reinstated within six months.
- c. The Respondent informed her that he conducted a clinical session sometime in 2023 during the period that his license had lapsed. She was unsure if the Respondent put the note in the client’s chart because the Agency had difficulty locating it.

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(4) (commits any act of gross negligence, incompetence, or misconduct in the practice of social work), § 19-311(5) (engage in course of conduct that is inconsistent with generally accepted standards of professional conduct in the practice of social work), § 19-311(6) (violates any provision of this title or regulations governing the practice of social work adopted and published by the Board), § 19-311(10) (practices social work with an unauthorized person or supervises or aids an unauthorized person in the practice of social work), § 19-401(a) (practices social work without a license), § 19-401(b) (practices clinical social work without a license), and § 19-402(2) (use of title, abbreviation or other representation as a social worker without a social work license).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 17th day of October, 2024, by a majority of the quorum of the Board considering this case hereby:

ORDERED that the Respondent is **REPRIMANDED**, and it is further,

ORDERED that the Respondent's license to practice social work shall be placed on **PROBATION for TWO (2) YEARS** as of the effective date of the Consent Order, and it is further,

ORDERED that within **SIX (6) MONTHS** of the effective date of the Consent Order, the Respondent shall enroll in and complete in person a three-credit CEU course on **ethics**, approved in advance by the Board, and it is further

ORDERED that within **SIX (6) MONTHS** of the effective date of the Consent Order, the Respondent shall enroll in and complete in person a three-credit CEU course on **ethics**, approved in advance by the Board, and it is further

ORDERED that the Respondent shall pay a fine of **ONE THOUSAND DOLLARS (\$1,000)** within **ONE (1) YEAR** of the effective date of the Consent Order, and it is further,

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

ORDERED that the Respondent shall obey all laws and regulations that govern the practice of social work in the State of Maryland; and it is further,

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

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

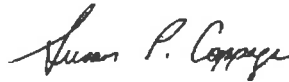
ORDERED that pursuant to the Code of Maryland Regulations 10.42.08.03F(2)(c) the Respondent shall not serve or continue to serve as a Board-authorized sponsor, presenter and/or trainer of social work continuing education learning activities, an ethics tutor, an evaluator for the Board, or a Board-approved supervisor for a period of five (5) years from the effective date of this Consent Order; and it is further,

ORDERED that 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

ORDERED that within five (5) days of the effective date of this Consent Order, the Respondent shall furnish his employer(s) and supervisor with copies of this Consent Order and shall submit written proof of the employer(s) and supervisor's receipt of the Consent Order, and it is further,

ORDERED that, for purposes of public disclosure and, as permitted by Md. General Provisions §§ 4-101 *et. seq.* (2021 Repl. Vol. & 2023 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report, and will be displayed on the Board's website.

October 17, 2024



Date

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

CONSENT

I, Wesley James Miller, LCSW-C, License No. 09288, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel and have consulted with counsel on this matter. I have knowingly and voluntarily entered into this Consent Order. By this Consent 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.

2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 19-312 (2021 Repl. Vol. & 2023 Supp.) and Md. State Gov't, §§ 10-201 et. seq. (2021 Repl. Vol. & 2023 Supp.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusions of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural precautions as provided by law. I am waiving those procedural and substantive processes.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.
5. I acknowledge that any failure to abide by the conditions set forth in this Consent Order, I may be subject to further disciplinary actions, including up to revocation of my license to practice as a social worker.
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning, and terms of this Consent Order.

10/3/24
Date


Wesley James Miller, LCSW-C

NOTARY

STATE OF Maryland
COUNTY OF Howard

I HEREBY CERTIFY that on this 3 day of October, 2024 before me,
a Notary Public of the State and County aforesaid, personally appeared **WESLEY JAMES
MILLER, LCSW-C, License No. 09288**, and gave oath in due form of law that the
foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal

Nima K Patel
NOTARY PUBLIC
Howard County
MARYLAND
MY COMMISSION EXPIRES March 15, 2026

Nima Patel
Notary Public

My commission expires: 03/15/2026