

IN THE MATTER OF * BEFORE THE MARYLAND
 KATRINA MITCHELL, LBSW * STATE BOARD OF SOCIAL
 RESPONDENT * WORK EXAMINERS

License Number: 14331 (EXPIRED) * Case Number: 2017-2420

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Received

JUN 21 2019

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 Board of Social
 Work Examiners

PRE-CHARGE CONSENT ORDER

In November 2017, the Maryland State Board of Social Work Examiners (the “Board”) began an investigation of **KATRINA MITCHELL, LBSW** (Expired Licensed Bachelor Social Worker) (the “Respondent”), License Number 14331. Based on its investigation, the Board has determined that it has grounds to pursue a civil fine against the Respondent for violations of the Maryland Social Workers Act (the “Act”), codified at Md. Code Ann., Health Occ. (“Health Occ.”) §§ 19-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.), and the regulations adopted by the Board, at Md. Code Regs. (“COMAR”) §§ 10.42.01 *et seq.*

The Board bases its action on the following provisions of the Act and COMAR:

Health Occ. § 19-101. Definitions

(p) Practice social work. –

- (1) "Practice social work" means to apply the theories, knowledge, procedures, methods, or ethics derived from receiving a baccalaureate or master's degree from a program in social work that is accredited by or a candidate for accreditation by the Council on Social Work Education, or an equivalent organization approved by the Council on Social Work Education, to restore or enhance social functioning of individuals, couples, families, groups, organizations, or communities through:

- (i) Assessment;
- (ii) Planning;
- (iii) Intervention;
- (iv) Evaluation of intervention plans;
- (v) Case management;
- (vi) Information and referral;
- (vii) Counseling that does not include diagnosis or treatment of mental disorders;
- (viii) Advocacy;
- (ix) Consultation;
- (x) Education;
- (xi) Research;
- (xii) Community organization;
- (xiii) Development, implementation, and administration of policies, programs, and activities; or
- (xiv) Supervision of other social workers as set forth in regulations.

Health Occ. § 19-301. License required; exceptions; practice without license

- (a) In general. -- Except as otherwise provided in this title, an individual shall be:
 - (1) Licensed by the Board before the individual may practice social work in this State while representing oneself as a social worker; or
 - (2) Licensed as a certified social worker-clinical before the individual may practice clinical social work in this State.

Health Occ. § 19-407. Penalties

- (b) **Civil fine.** -- A person who violates any provision of this subtitle or § 19-301 of this title is subject to a civil fine not exceeding \$ 50,000 to be assessed by the Board in accordance with regulations adopted by the Board.

FINDINGS OF FACT

The Board finds the following facts.

Background

1. On or about July 30, 2008, the Respondent was initially licensed to practice social work as an LBSW in the State of Maryland under license number 14331. Subsequently, on or about October 31, 2010, the Respondent's license expired.
2. At all times relevant, the Respondent provided social work services in Maryland at the Prince Georges County Department of Social Services.

Complaint

3. On November 9, 2017, the Board received a complaint from a former client against the Respondent. Specifically, the Complainant alleged that the Respondent's lack of professional diligence caused the Complainant's application to be named as the foster parent for three minor relatives to be denied.
4. Based on the Complaint, the Board began an investigation.
5. In furtherance of the investigation, the Board's investigator obtained various documents from the Respondent's employer and conducted in-person interviews under oath with several individuals, including the Respondent and the Respondent's supervisor.
6. The investigation found no evidence to substantiate a pattern of unprofessionalism by the Respondent or to support the allegations in the Complaint.

7. In addition, the complaint was received approximately 7 years after the Respondent's license expired.

Unauthorized Practice of Social Work

8. In the course of the investigation, sufficient evidence was gathered to support the finding that the Respondent was practicing social work in Maryland without a license.
9. During an interview with the Board, the Respondent's supervisor made statements that supported the finding that the Respondent was practicing social work. The Respondent's supervisor, a Maryland-licensed clinical social worker, stated that the Respondent was:

responsible for vetting applicants for -- to become foster parents, which is a complex process of interviewing and obtaining documents and writing up a report. She's responsible for conducting fingerprints for people who are applying to become foster parents or backups or families who live at -- you know, family members. She conducts placement searches for kids who are in foster care. And she does -- participates in some training to help -- training new foster parents, and that's probably the bulk of her duties.

10. The Respondent's supervisor also stated in her interview with the Board's investigator that she believed the Respondent practices social work:

Q. "Is she currently in her capacity practicing as a social worker?"

A. "I would say so, yes."

11. In addition, the Board's investigator obtained the Respondent's personnel records. Which included the Respondent's position description. The position description notes that the job the Respondent is currently in consists of essential skills including the following:

1. "Utilizes social work values, principles and techniques..."

2. "Conducts a comprehensive psycho-social assessment which includes genograms and eco maps. Develops and implements an individualized plan of service utilizing a strengths based model in accordance with state, local, and federal policies and procedures."
3. "Provides extensive case management and crisis intervention services to customers regarding personal, economic and social problems. Establishes and maintains professional relationships with other helping agencies / community stakeholders to facilitate referrals and ongoing services to families."
4. "Maintains official case records in accordance with all applicable program guidelines..."

12. In the Respondent's own interview with the Board's investigator, the Respondent stated, "I am called a social worker. ... Also a family-service worker as well, but I am a social worker."

13. Further, in several instances of correspondence obtained by the Board, the Respondent signs her name, "Katrina Mitchell, MSW."

14. After the investigation was concluded, the Board and the Respondent agreed to enter into this Pre-Charge Consent Order in order to resolve the matter.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds as a matter of law that the Respondent's conduct, as described above, constitutes unlicensed practice of social work in Maryland, in violation of the Board's statutory prohibition on unlicensed practice cited above.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby by a majority of the Board members considering this case:

ORDERED that the Respondent shall refrain from practicing social work while representing herself as a social worker until and unless she is licensed by the Board, pursuant to Md. Code Ann., Health Occ. § 19-301(a)(1); and it is further

ORDERED that the Respondent is fined in the amount of **\$10,000 (TEN THOUSAND DOLLARS)**, which is **STAYED**, pending the satisfactory completion of the terms of the Consent Order; and it is further

ORDERED that within six (6) months of the effective date of the Consent Order, and before the Board will accept an application for licensure, the Respondent shall enroll in and complete a course focusing on professional ethics equivalent to at least six (6) continuing education credit hours. The Respondent shall provide satisfactory evidence of her completion of this course within ten (10) days of its completion to the Board; and it is further

ORDERED that within one year of the effective date of the Consent Order, and after the Respondent has satisfactorily completed the course described above, the Respondent shall apply for appropriate licensure with the Board. If the Respondent meets the ordinary requirements, the Board shall grant the application and may impose any terms and conditions the disciplinary panel considers appropriate for public safety and the protection of the integrity and reputation of the profession. If the Respondent fails to timely meet the ordinary requirements for licensure, the failure to do so shall constitute a violation of the Consent Order; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an

opportunity for a hearing. If 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 non-evidentiary show cause hearing before the Board; and it is further

ORDERED that if after the appropriate hearing, the Board finds that the Respondent has violated any of the terms and conditions of this Consent Order, the Board shall impose and make active the civil fine referenced above, which shall be due within ninety (90) days of such determination; and may impose any sanction which the Board may have imposed in this case, including an additional monetary penalty; and it is further

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

ORDERED that this Consent Order is a public document, pursuant to Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2014 Repl. Vol. & 2018 Repl. Vol.), and is reportable to any entity to which the Board is obligated to report.

06/14/2019



Date

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

CONSENT


I, Katrina Mitchell, LBSW (EXPIRED), acknowledge that I have been made aware of my right to consult 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

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 waive 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.

6/13/19
Date


Katrina Mitchell, LBSW (EXPIRED)
The Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF:

I HEREBY CERTIFY that on this 13th day of June 2019,
before me, a Notary Public of the State and County aforesaid, personally appeared Katrina

Mitchell, LBSW (EXPIRED), 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.

Notary Public

My commission expires:

