

IN THE MATTER OF	*	BEFORE THE STATE
ANTHONY JAMES NELSON, LCSW-C	*	BOARD OF SOCIAL WORK
Respondent	*	EXAMINERS
License Number: 18161	*	Case No. 13-1883

\* \* \* \* \*

**CONSENT ORDER**

On June 12, 2015, the Maryland Board of Social Work Examiners ("the Board") issued a "Notice of Charges under the Maryland Social Work Act" (the "Charges") to **ANTHONY JAMES NELSON, LCSW-C (the "Respondent") license number 18161**, based on alleged violations of the Maryland Social Work Examiners Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 19-101 *et seq.* (2014 Repl. Vol.).

Based upon the allegations made in the Complaint and the Board' investigation, the Board charged the Respondent under the following provisions of the Act:

**H.O. § 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:

- (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; [and]

(20) Fails to maintain adequate patient records[.]

The pertinent provisions of COMAR provide the following:

COMAR 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; [and]

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

### **BACKGROUND**

On July 15, 2015, the Respondent appeared before members of the Board and the Board's counsel for a Case Resolution Conference (CRC) to discuss the potential resolution of the Charges by consent. At the conclusion of the CRC, the Respondent agreed to enter into this Consent Order to resolve the pending charges and to avoid the expense and time of proceeding to an administrative hearing. The Respondent and the Board agreed to the inclusion of Findings of Fact and Conclusions of Law as required by the Board, and with the terms and conditions set forth herein.

### **FINDINGS OF FACT**

The Board finds the following:

1. The Respondent was initially licensed to practice as a licensed certified social worker-clinical ("LCSW-C") on June 21, 2012. His license is currently non-renewed, having expired on October 31, 2014.

2. The Respondent was employed as a senior clinician at Program A, which provides educational and clinical services for children with emotional, behavioral and learning challenges, from October 15, 2007 until May 3, 2013.<sup>1</sup>

3. On or about July 11, 2013, the Board received a complaint from the Assistant Administrator (the "Complainant") at Program A regarding the Respondent's practice. Specifically, the Complainant alleged that the Respondent copied and pasted certain sections of his contact notes for sessions that were of a similar nature among clients.

4. Thereafter, the Board initiated an investigation.

5. On January 3, 2014, the Board's investigator conducted a telephone interview with the Complainant. According to the Complainant, during April 2013, a random review of the Respondent's contact notes was conducted. The review revealed that some of the Respondent's contact notes appeared to consist of information that was copied and pasted from one note to another.

6. According to the Complainant, on April 19, 2013, various Program A staff members met with the Respondent to inform him of the findings of the review pertaining to his contact notes.

7. During the meeting, the Respondent admitted to creating templates for documenting, as well as copying and pasting information from one client's contact notes to another client's contact notes. As a result, on April 19, 2013, the Respondent was placed on administrative leave, pending further investigation .

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<sup>1</sup> In order to maintain confidentiality, patient, witness, and program names will not be used in this document, but will be provided to the Respondent upon request to the administrative prosecutor.

8. On May 6, 2013, the Respondent was given the opportunity to resign in lieu of termination, which he did, effective May 3, 2013.

9. In furtherance of the Board's investigation, the Board obtained excerpts of the Respondent's contact notes for Clients A, B, C D and E. A review of the Respondent's contact notes revealed that the Respondent copied and pasted portions of his contact notes, resulting in identical (or nearly identical) notes for multiple sessions.

10. In addition, on multiple occasions, the Respondent copied and pasted contact notes from one client to a different client. As a result, one client's session notes contained the name of another client, who was also receiving therapeutic services from the Respondent.

11. On March 5, 2014, the Board's investigator interviewed the Respondent. When presented with his contact notes for Clients A, B, C, D and E, the Respondent acknowledged that some of the notes were identical. However, he denied cutting and pasting contact notes from one session to another or from one client to another.

#### **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) and (20) and COMAR 10.42.03.03A(5)(b) and 10.42.03.06A(7).

#### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, and the agreed upon terms of the resolution of the Charges by consent at the CRC, on this 14<sup>th</sup> day

of August, 2015, by a majority of the full authorized membership of the Board considering this case, it is hereby

**ORDERED** that the Respondent's license to practice social work in the State of Maryland is **REPRIMANDED**; and it is further

**ORDERED** that upon renewal or reinstatement of the Respondent's license to practice social work, his license shall be placed on Board-supervised probation for a period of at least **EIGHTEEN (18) MONTHS**. The Respondent's probation shall be subject to the following terms and conditions:

1. The Respondent's status as a licensed graduate social worker will be listed in the Board's computer records and website as being on "Probation";
2. Within six (6) months of the commencement of the probationary period, the Respondent shall enroll in and successfully complete a Board-approved course in professional ethics. The Respondent shall furnish the Board with written documentation of his successful completion of the course. The Respondent may not use any continuing education credits earned through taking such coursework to fulfill any continued education requirements that are mandated for licensure renewal in this State;
3. Upon obtaining employment as a social worker, the Respondent shall provide a copy of this Consent Order to his supervisor within **five (5) days** of the commencement of his employment. The Respondent shall cause his supervisor to submit written documentation to the Board that s/he has been provided a copy of this Consent Order. If the Respondent changes employment during the probationary period, he shall provide a copy of this Consent Order within **five (5) days** of commencing any new employment;

4. The Respondent shall cause his supervisor to supply the Board with written reports on the Respondent's practice. The Respondent shall meet with his supervisor on a monthly basis and their meetings shall focus on the Respondent's documentation, among any other issues regarding the Respondent's social practice that need to be addressed. The Respondent's supervisor shall furnish the Board with face-to-face supervision reports on a quarterly basis. The Board may release to the supervisor any portion of the investigative file as is deemed necessary by the Board and/or supervisor. Failure of the supervisor to submit a report and/or a late report and/or an unsatisfactory report from the supervisor may result in a violation of this Consent Order and further sanctions at the Board's discretion, after notice and opportunity for a show cause hearing;

5. The Respondent shall practice social work according to the Maryland Social Work Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of social work; and it is further

**ORDERED** that after the Respondent successfully completes the terms and conditions of his probation, including successful completion of the course in professional ethics, and after eighteen (18) months have passed, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition and at the Board's discretion, the probation may be terminated, through an order of the Board, or a designated Board committee; 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, lifting the stay of suspension, revocation and/or a 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.), and is reportable to any entity to which the Board is obligated to report.

8/14/15  
Date

  
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Mark Lannon, LCSW-C, Board Chair  
State Board of Social Work Examiners

**CONSENT**

I, Anthony James Nelson, LCSW-C, acknowledge that I declined 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 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.

7-20-15  
Date

Anthony James Nelson LCSW-C  
Anthony James Nelson, LCSW-C, Respondent

**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY OF Hartford:

I HEREBY CERTIFY that on this 20 day of July, 2015, before me, a Notary Public of the foregoing State personally appeared Anthony James Nelson, LCSW-C 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.

Thomas R. Ryan  
Notary Public

My Commission Expires: 24/09/2017