

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>KIMBERLY FLOWER, LCSW-C</b>	*	<b>STATE BOARD OF</b>
<b>n/k/a</b>		
<b>KIMBERLY NOLTE, LCSW-C</b>	*	<b>SOCIAL WORK EXAMINERS</b>
<b>RESPONDENT</b>	*	
<b>License Number: 24023</b>	*	<b>Case Number: 2021-2992</b>

\* \* \* \* \*

**CONSENT ORDER**

The Maryland State Board of Social Work Examiners (the “Board”) charged **KIMBERLY FLOWER, LCSW-C, n/k/a KIMBERLY NOLTE, LCSW-C<sup>1</sup>** (the “Respondent”), License Number 24023, with violating the Maryland Social Workers Act (the “Act”) codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2021 Repl. Vol.).

The pertinent provisions of the Act provide the following:

§ 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;

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<sup>1</sup> Since this case initiated, the Respondent married and now goes by Mrs. Kimberly Nolte.

- (6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board;

.....

- (16) Fails to cooperate with a lawful investigation conducted by the Board[.]

§ 19-307. Scope of licenses.

.....

- (b) A licensed social worker may practice social work only within the scope of the specific type of license issued by the Board.

.....

- (c)(2) A licensed master social worker may not:

- (i) Engage in independent practice unless the licensed master social worker is approved by the Board to engage in independent practice in accordance with § 19-302(f) of this subtitle;

- (ii) Treat mental or emotional disorders or provide psychotherapy without the supervision of a licensed certified social worker-clinical;

- (iii) Diagnose a mental disorder without the supervision of a licensed certified social worker-clinical;

- (iv) On or before December 31, 2019, engage in private practice without the supervision of a licensed certified social worker-clinical; or

- (v) On or after January 1, 2020, engage in private practice.

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

COMAR 10.42.03.06

- A. Professional Competence. The licensee shall:

.....

- (7) Document and maintain appropriate records of professional service, supervision, and research work[.]

COMAR 10.42.08.01<sup>2</sup>

- A. This chapter establishes qualifications and standards for independent practice, supervision and the responsibilities of supervisors and supervisees in the practice of social work.
- B. This chapter applies to licensees who practice social work in this State, and individuals applying for licensure to practice social work in this State.

COMAR 10.42.08.02

- .....
- B. Terms Defined.

.....

- (2) “Board-approved supervisor” means an LBSW, LCSW, LCSW-C, or LMSW approved by the Board to supervise social workers as set forth in this chapter.<sup>[3]</sup>

.....

- (6) "Supervision" means a formalized professional relationship between a supervisor and supervisee in which the supervisor directs, monitors, and evaluates the supervisee's social work practice while promoting development of the supervisee's knowledge, skills, and abilities to provide social

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<sup>2</sup> Effective June 17, 2019, COMAR 10.42.08.01 received non-substantive revisions. The current version of COMAR 10.42.08.01 has been cited.

<sup>3</sup> Effective June 17, 2019, COMAR 10.42.08.02 was amended. Prior to the revision, the definition regarding supervisors was referenced as “registered supervisor” and was located in (B)(4) which read as “‘Registered supervisor’ means a Licensed Certified Social Worker or Licensed Certified Social Worker-Clinical that meets the requirements under Regulation .04 of this chapter.”

work services in an ethical and competent manner.

....

COMAR 10.42.08.08<sup>4</sup>

A. A supervisee shall:

- (1) Receive social work supervision for social work practice as set forth in Health Occupations Article, §19-101, Annotated Code of Maryland;
- (2) Receive a minimum of 3 hours of face-to-face supervision per month or 1 hour of face-to-face supervision for every 40 hours worked;

....

- (4) Maintain documentation, for at least 5 years, of the supervisory sessions, including the dates, duration, and focus of the supervisory sessions;<sup>[5]</sup>
- (5) Establish a written contract, on a form provided by the Board, for advanced licensure or independent practice, initiated before beginning supervision;<sup>[6]</sup> and

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<sup>4</sup> Effective June 17, 2019 this regulation was recodified from COMAR 10.42.08.07 to COMAR 10.42.08.08.

<sup>5</sup> This provision was recodified and amended from COMAR 10.42.08.07(A)(3) to COMAR 10.42.08.08(A)(4). The previous language in COMAR 10.42.08.07(A)(3) provided “A supervisee shall: . . . Maintain documentation, for at least 5 years, of supervisory sessions including dates, duration and focus of supervision, to be available for verification to the Board, on request by the Board or its authorized agent.”

<sup>6</sup> This provision was recodified and amended from COMAR 10.42.08.07(C)(1) to COMAR 10.42.08.08(A)(4). The previous language in COMAR 10.42.08.07(C)(1) provided “In addition to the requirements of §§A and B of this regulation, the supervisee for advanced licensure: Shall establish a written contract for advanced licensure initiated before beginning supervision.”

- (6) Attend and participate in supervision as agreed upon in the written contract for advanced licensure or independent practice.<sup>[7]</sup>

## **FINDINGS OF FACT**

The Board finds that:

### **I. Background**

1. The Respondent was initially licensed to practice social work in the State of Maryland on July 3, 2018 as a Licensed Master Social Worker (“LMSW”) under license number 24023. On July 15, 2021, the Respondent received her license to practice as a Licensed Certified Social Worker – Clinical (“LCSW-C”) under the same license number. The Respondent’s license expires on October 31, 2023.

2. On or about June 4, 2021, the Maryland Board of Social Work Examiners (the “Board”) received a complaint (the “Complaint”) from the Maryland Board of Social Work Examiners staff alleging that the Respondent was practicing social work without the appropriate supervision, failed to provide the necessary documentation for required supervision, and otherwise failed to cooperate with the Board to complete the review of the Respondent’s application for licensure.

3. Based on the Complainant, the Board initiated an investigation of the Respondent.

### **II. Board Investigation**

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<sup>7</sup> This provision was recodified and amended from COMAR 10.42.08.07(C)(2) to COMAR 10.42.08.08(A)(5). The previous language in COMAR 10.42.08.07(C)(2) provided “In addition to the requirements of §§A and B of this regulation, the supervisee for advanced licensure: . . . Shall attend and participate in supervision as agreed in the written contract for advanced licensure.”

4. In furtherance of its investigation, the Board subpoenaed records and conducted interviews, including an interview of the Respondent.

5. The Respondent was employed as a therapist by a Mental Health Clinic (the “Clinic”)<sup>8</sup> from approximately April 20, 2020 until on or about September 21, 2020.

6. The Respondent had not yet taken the Association of Social Work Boards (the “ASWB”)<sup>9</sup> and was not yet licensed. She was in the process of accumulating the required supervised clinical social work experience. Therefore, she was required to be supervised by a Licensed Certified Social Worker (“LCSW”) or Licensed Certified Social Worker – Clinical (“LCSW-C”).<sup>10</sup>

7. As requested, and pursuant to the requirements for her application for advanced licensure, the Respondent submitted a signed *Contract for Supervision* for LCSW and LCSW-C (the “Contract”) and a *Supervisor Verification Form* both of which were signed by the Respondent and her supervisor (the “Supervisor”) at the Clinic.

8. Upon review of the Respondent’s application for advanced licensure, it was

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<sup>8</sup> For purposes of ensuring confidentiality, proper names have been omitted and replaced with generic placeholders. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

<sup>9</sup> ASWB develops and maintains the social work licensing examinations that are used to test a social worker’s competence to practice ethically and safely.

<sup>10</sup> Requirements For the LCSW-C License: Since October 1, 2021 applicants for the LCSW-C license must have obtained two (2) years and at least three thousand (3,000) hours of clinical social work experience under clinical social work supervision and a minimum of one hundred (100) hours of face-to-face supervision in the assessment, formulation of a diagnostic impression, and treatment disorders and other conditions and the provision of psychotherapy.

determined that the Supervisor was not a Board approved supervisor, and the Board was not able to accept the Respondent's hours of social worker experience and the hours of supervision provided by the Supervisor.

9. The Respondent submitted her letter of resignation to the Clinic on September 18, 2020.

10. Therefore, the Respondent was practicing social work without proper clinical supervision from April 20, 2020 to September 18, 2020.

11. Board staff sent an email to the Respondent dated September 28, 2020 stating:

The Maryland Board of Social Work Examiners (the "Board") has done a review of your application for licensure at the advanced level. The following is an accounting of the issues that need to be addresses in order for the Board to complete the process.

(\* You signed a contract with [Supervisor] to provide supervision for the period of 4/20/20 to 9/21/20. This individual is an LCPC. Please provide the contract of the Board approved clinical social worker that was responsible for the work that you did at the Clinic. Otherwise this time cannot be utilized towards the requirements and your application will be forwarded to the compliance department for investigation. Your application remains pending. Upon receipt of the additional information requested in this letter, the Board will review for sufficiency and adherence to standards.

12. Board staff sent a subsequent email to the Respondent on June 3, 2021 stating the same information as provided in the September 28, 2020 email. Additionally, Board staff included the following:

Please provide to the Board the name and license number of the Board approved supervisor that was responsible for the time period of 4/20/20 to 9/21/20 as requested on 9/28/20. The Board received additional documentation of time but did not receive this information.

13. On June 3, 2021, the Respondent responded to the Board via email and stated the following:

My direct supervisor misrepresented herself and stated she was qualified to supervise me in the capacity that I needed. I now realize that I should not have taken her at her word and verified it myself. As a result the hours that I submitted for the clinic were not permissible. I was under indirect supervision by an LCSW. As a result I have been doing hours as indicated by the provided paperwork. The recently provided paperwork should be sufficient to meet all criteria. I did not include any information regarding the clinic on my new paperwork because I did not think it was pertinent. Please let me know if you need any additional information or clarification.

14. On June 4, 2021, the Board replied to the Respondent via email advising that the information was pertinent because “the mission of the Board is to protect the public. To practice social work in Maryland you have to be supervised by a Board approved supervisor. You will be approved to take the exam but I am mandated to report this outage to the compliance department.”

15. On February 8, 2022, the Board issued a *Subpoena Duces Tecum* to the Respondent, which stated in part:

Pursuant to Section § 19-312 (c) of the Health Occupations Article, Annotated Code of Maryland, YOU ARE HEREBY SUMMONED AND COMMANDED IMMEDIATELY UPON SERVICE OF PROCESS by the BOARD OF SOCIAL WORK EXAMINERS to deliver the following:

A complete “Legible Copy” of your Social Worker Supervisory Contract with [Supervisor] LCPC, CAC-AD.

A complete “Legible Copy” of your Supervisory Verification Form with [Supervisor] LCPC, CAC-AD.

A complete “Legible Copy” of ALL Progress/Supervision Notes with [Supervisor] LCPC, CAC-AD.

16. By email dated February 19, 2022, the Respondent acknowledged receipt of



the February 8, 2022 subpoena, and produced the signed *Contract for Supervision* and *Supervisor Verification Form*. When advised that the investigator did not receive the Supervision Notes, the Respondent replied via email dated February 22, 2022 stating, “I do not have those.”

17. On February 24, 2022, a “Request for Response” letter was sent to the Respondent advising her of the Complaint that was filed against her by the Board. She was directed to provide a written response to the allegations as set forth in the complaint on or before March 3, 2022.

18. The Respondent provided a written response to the Board dated March 8, 2022 in which she stated:

When I was hired by the clinic in April of 2020, my direct supervisor advised me that she was qualified to supervise me, which was not true. It should be pointed out that none of the hours worked at the clinic was [*sic*] submitted and considered for my LCSW-C license. I re-did all of that time during which I was supervised by a [Board approved supervisor] who is a board approved supervisor and LCSW-C.

It also should be pointed out that I now know that direct supervision is required; however during the time at the clinic I was told that I had indirect supervision of a licensed LCSW -C. I should have questioned that but failed to do so.

19. On March 9, 2022, Board staff conducted an under-oath interview of the Respondent who was represented by counsel. Counsel was retained on or about March 1, 2022. During the interview counsel took the blame for the delayed response to the Board.

20. The Respondent stated that once she became aware that the Supervisor was not Board approved she obtained a Board approved supervisor. She did not use the hours obtained at the Clinic to complete her requirements. The Respondent advised that she has

satisfactorily completed her requirements and sat for the ASWB and is now a LCSW-C. She agreed to submit the required documentation to the Board immediately following the interview.

21. On March 9, 2022, the Board also conducted an under-oath interview of the Supervisor who was represented by counsel. The Supervisor is a Licensed Clinical Professional Counselor (a “LCPC”) initially licensed to practice in the State of Maryland on December 12, 2012. Her license is currently active. During the interview the Supervisor admitted to signing the *Contract for Supervision* for LSCW and LCSW-C licensure with the Respondent on or about April 20, 2020.

22. The Supervisor also admitted to signing the *Supervision Verification Form* with the Respondent on September 21, 2020.

23. When the Supervisor was asked whether she understood the paragraphs of the forms which explain the requirement that the Supervisor be Board approved, the Supervisor stated:

I – my intention, not knowing that information, I was just helping this person to get 300 hours to show that she got community behavioral – addictions and mental health training underneath me and she was – and that was – I was just trying to help her out and give her training period so, if I – I didn't realize it said that. Sir. I'm sorry.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated:

§ 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;

.....

- (16) Fails to cooperate with a lawful investigation conducted by the Board[.]

§ 19-307. Scope of licenses.

.....

- (b) A licensed social worker may practice social work only within the scope of the specific type of license issued by the Board.

.....

- (c)(2) A licensed master social worker may not:

- (i) Engage in independent practice unless the licensed master social worker is approved by the Board to engage in independent practice in accordance with § 19-302(f) of this subtitle;

- (ii) Treat mental or emotional disorders or provide psychotherapy without the supervision of a licensed certified social worker-clinical;

(iii) Diagnosis a mental disorder without the supervision of a licensed certified social worker-clinical;

(iv) On or before December 31, 2019, engage in private practice without the supervision of a licensed certified social worker-clinical; or

(v) On or after January 1, 2020, engage in private practice.

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

COMAR 10.42.03.06

A. Professional Competence. The licensee shall:

.....

(7) Document and maintain appropriate records of professional service, supervision, and research work[.]

COMAR 10.42.08.01<sup>11</sup>

A. This chapter establishes qualifications and standards for independent practice, supervision and the responsibilities of supervisors and supervisees in the practice of social work.

B. This chapter applies to licensees who practice social work in this State, and individuals applying for licensure to practice social work in this State.

COMAR 10.42.08.02

.....

B. Terms Defined.

.....

(2) “Board-approved supervisor” means an LBSW, LCSW, LCSW-C, or LMSW approved by the

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<sup>11</sup> Effective June 17, 2019, COMAR 10.42.08.01 received non-substantive revisions. The current version of COMAR 10.42.08.01 has been cited.

Board to supervise social workers as set forth in this chapter.<sup>[12]</sup>

....

- (6) "Supervision" means a formalized professional relationship between a supervisor and supervisee in which the supervisor directs, monitors, and evaluates the supervisee's social work practice while promoting development of the supervisee's knowledge, skills, and abilities to provide social work services in an ethical and competent manner.

....

COMAR 10.42.08.08<sup>13</sup>

A. A supervisee shall:

- (1) Receive social work supervision for social work practice as set forth in Health Occupations Article, §19-101, Annotated Code of Maryland;
  - (2) Receive a minimum of 3 hours of face-to-face supervision per month or 1 hour of face-to-face supervision for every 40 hours worked;
- ....
- (4) Maintain documentation, for at least 5 years, of the supervisory sessions, including the dates,

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<sup>12</sup> Effective June 17, 2019, COMAR 10.42.08.02 was amended. Prior to the revision, the definition regarding supervisors was referenced as "registered supervisor" and was located in (B)(4) which read as "'Registered supervisor' means a Licensed Certified Social Worker or Licensed Certified Social Worker-Clinical that meets the requirements under Regulation .04 of this chapter."

<sup>13</sup> Effective June 17, 2019 this regulation was recodified from COMAR 10.42.08.07 to COMAR 10.42.08.08.

duration, and focus of the supervisory sessions;<sup>[14]</sup>

- (5) Establish a written contract, on a form provided by the Board, for advanced licensure or independent practice, initiated before beginning supervision;<sup>[15]</sup> and
- (6) Attend and participate in supervision as agreed upon in the written contract for advanced licensure or independent practice.<sup>[16]</sup>

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 26th day of December, 2023, 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 within six (6) months of the effective date of the Consent Order, the Respondent shall enroll in and successfully complete a **course on recordkeeping**, approved in advance by the Board. Within six (6) months of the date of the effective date

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<sup>14</sup> This provision was recodified and amended from COMAR 10.42.08.07(A)(3) to COMAR 10.42.08.08(A)(4). The previous language in COMAR 10.42.08.07(A)(3) provided “A supervisee shall: . . . Maintain documentation, for at least 5 years, of supervisory sessions including dates, duration and focus of supervision, to be available for verification to the Board, on request by the Board or its authorized agent.”

<sup>15</sup> This provision was recodified and amended from COMAR 10.42.08.07(C)(1) to COMAR 10.42.08.08(A)(4). The previous language in COMAR 10.42.08.07(C)(1) provided “In addition to the requirements of §§A and B of this regulation, the supervisee for advanced licensure: Shall establish a written contract for advanced licensure initiated before beginning supervision.”

<sup>16</sup> This provision was recodified and amended from COMAR 10.42.08.07(C)(2) to COMAR 10.42.08.08(A)(5). The previous language in COMAR 10.42.08.07(C)(2) provided “In addition to the requirements of §§A and B of this regulation, the supervisee for advanced licensure: . . . Shall attend and participate in supervision as agreed in the written contract for advanced licensure.”

date of the effective date of the Consent Order, the Respondent shall provide the Board with written documentation of her successful completion of the course required by this Consent 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 her continuing education credits required for certification and/or licensure; and it is further

**ORDERED** that if the Board has reason to believe that the Respondent has failed to comply with any term or condition of 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 show cause hearing before the Board; and it is further

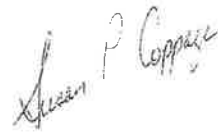
**ORDERED** that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the 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 monetary penalty upon the Respondent; and it is further

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

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

**ORDERED** that the Consent Order is a Final Order of the Maryland Board of Social Work Examiners and as such is a **PUBLIC DOCUMENT** which shall be posted to the Board's website and is reportable to any entity whom the Board is obligated to report pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2019 Repl. Vol. & 2021 Supp.) and Health Occ. § 1-607.



12/26/2023

\_\_\_\_\_  
Date

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

**CONSENT**

I, Kimberly Flower, LCSW-C, n/k/a Kimberly Nolte, LCSW-C, License No. 24023, by affixing my signature hereto, acknowledge that:

1. I have had the opportunity to be represented by counsel before entering into this Consent Order. I have knowingly and voluntarily agreed to enter 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. & 2022 Supp.) and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol. & 2022 Supp.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion 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 protections as provided by law. I am waiving those procedural and substantive protections.
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 by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice as a social worker.
6. I sign this Consent Order after having an opportunity to consult with counsel, voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

Date

12/9/23

Kimberly Flower, LCSW-C n/k/a Kimberly Nolte, LCSW-C

**NOTARY**

STATE OF MARYLAND

CITY/COUNTY OF WICOMICO

I HEREBY CERTIFY that on this 9 day of December, 2023, before me, a Notary Public of the State and City/County aforesaid, personally appeared Kimberly Flower, LCSW-C, n/k/a Kimberly Nolte, LCSW-C, License Number: 24023, 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.



Milton Glen Catlin  
Wicomico County MD  
Commission Expires  
January 4th 2025

MGC  
Notary Public

My Commission Expires: 01/04/2025