

IN THE MATTER OF * BEFORE THE MARYLAND
 VALERIE OATES-WALTERS, * STATE BOARD OF SOCIAL
 LMSW *
 RESPONDENT * WORK EXAMINERS
 LICENSE NUMBER: 19371 * Case Number: 2021-2941

* * * * *

FINAL ORDER

On or about November 4, 2021, the Maryland Board of Social Work Examiners (the “Board”) formally charged **Valerie Oates-Walter, LMSW (the “Respondent”)** with violating 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. 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; [and]

...

(21) Fails to comply with the maintenance, disclosure, and destruction of medical records as required under Title 4, Subtitles 3 and 4 of the Health—General Article.

The pertinent provisions of MD. Code Ann., Health-Gen., §§ 4-301 *et. seq.* (2019 Repl. Vol. & 2021 Supp.) provide the following:

§ 4-302. Confidentiality and Disclosure generally

(a) A health care provider shall:

(1) Keep the medical record of a patient or recipient confidential; and

(2) Disclose the medical record only:

(i) As provided by this subtitle; or

(ii) As otherwise provided by law.

The pertinent provisions of Md. Code Regs. (“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:

...

(g) Ensures that no confidential information is disseminated and identities are protected when using technology to communicate or access client information.

B. The licensee may not:

...

(7) Share with another individual a confidence revealed by a client without a client's consent, except if there is danger to self or to another individual, or for a compelling professional reason[.]

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 [.]

COMAR 10.42.08.08. Responsibilities of a Supervisee.

A. A supervisee shall:

...

(4) Maintain documentation, for at least 5 years, of the supervisory sessions, including the dates, duration, and focus of the supervisory sessions;

(5) Establish a written contract, on a form provided by the Board, for advanced licensure or independent practice, initiated before beginning supervision; and

(6) Attend and participate in supervision as agreed upon in the written contract for advanced licensure or independent practice.

PROCEDURAL SUMMARY

On June 1, 2022, via regular and certified mail, the Board sent Respondent notice of the virtual hearing to be conducted on Friday, July 8, 2022 at 1:30 PM. On July 6, 2022, by regular, certified mail, and email, the Board sent the Respondent a postponement notice. On January 23, 2023, via regular and certified mail, the Board sent

Respondent notice of the virtual hearing to be conducted on March 10, 2023, at 1:30 PM.

The Respondent did not appear. The State was represented by Administrative Prosecutor, Assistant Attorney General Kelly Cooper.

SUMMARY OF THE EVIDENCE

The Board accepted and admitted evidence presented by the State, which included testimony from Garcia Gilmore, Investigator, Maryland State Board of Social Work Examiners. The Board also accepted and admitted the following documents into evidence:
State's Exhibits:

EXHIBIT **DESCRIPTION**

- 1 Complaint, Received February 24, 2021
- 2 Board Request for a Response to Respondent, dated July 2, 2021
- 3 Email Correspondence from Respondent, dated July 6, 2021
- 4 Subpoena Duces Tecum to Respondent, dated June 8, 2021
- 5 Facebook Messages
 - Email from Respondent dated June 9, 2021
 - Screenshots of Messages from Respondent to Complainant, dated October 6, 2019
 - Screenshot of Messages from Respondent to Complainant's wife, dated January 31, 2021
- 6 Subpoena Duces Tecum Sent to Respondent's Employer for Respondent's Personnel Records, dated June 9, 2021
- 7 Respondent's Personnel Records from Employer, received via email dated July 7, 2021

- 8 Subpoena Duces Tecum to Respondent's Employer for Complainant's Treatment Records, dated June 9, 2021
- 9 Complainant's Treatment Records, Received June 29, 2021
- 10 Subpoena Duces Tecum to Respondent for Respondent's Supervisory Documentation, dated July 8, 2021
- 11 Respondent's Response to Subpoena Duces Tecum, dated July 15, 2021
- 12 Subpoena Duces Tecum to Respondent's Supervisor, dated July 8, 2021
- 13 Respondent's Supervisor's Response to Subpoena Duces Tecum, dated July 16, 2021
- 14 Transcript of Interview with Complainant, dated July 7, 2021
- 15 Transcript of Interview with Complainant's Spouse, dated July 8, 2021
- 16 Transcript of Interview with Complainant's Counselor, dated July 13, 2021
- 17 Transcript of Interview with Respondent's Clinical Supervisor, dated July 15, 2021
- 18 Transcript of Interview with Respondent, dated July 8, 2021
- 19 Respondent's Licensing Verification
- 20 Investigative Report, dated July 23, 2021
- 21 Charges Under the Maryland Social Workers Act, dated November 4, 2021
- 22 Notice of Hearing, dated June 1, 2022
- 23 Notice of Hearing Postponement, dated July 6, 2022
- 24 Notice of Hearing, dated January 23, 2023
- 25 USPS Tracking Results for Notice of Hearing, dated January 23, 2023

State's Witnesses

1. Garcia Gilmore, Board Investigator

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent was licensed to practice as a licensed master social worker (“LMSW”) in the State of Maryland. The Respondent was initially licensed as an LMSW in Maryland on or about September 4, 2013, under License Number 19371. The Respondent’s license is currently active and scheduled to expire on October 31, 2023.

2. From June 2017 to on or about February 2020, Respondent was employed as a mental health therapist for an organization (“the Organization”).¹

3. On or about February 24, 2021, the Board received a complaint from a client at the Organization (“the Complainant”) alleging that the Respondent accessed his medical records without his permission and divulged protected information to the Complainant’s wife (“the Complainant’s Wife”) through Facebook Messenger on January 31, 2021. Copies of the Respondent’s Facebook messages were attached to the complaint.

4. On June 9, 2021, the Board sent a Subpoena Duces Tecum to the Organization for Complainant’s Treatment Records, including “but not limited to, Intake notes, session notes, treatment plans, billing records, complaints investigated, investigative reports and any and all correspondence relating to [Complainant’s treatment].”

¹ For purposes of ensuring confidentiality, proper names have been omitted and replaced with generic placeholders.

- (a) Complainant had an Admission Screening at the Organization on December 9, 2020. The screening was completed by another LCSW-C employed by the Organization, not the Respondent.
 - (b) From approximately January 20, 2021 to May 26, 2021, the Complainant attended group sessions at the Organization. These group sessions were conducted by Complainant's Counselor, not the Respondent.
 - (c) From approximately January 18, 2021 to May 13, 2021, the Complainant attended individual sessions at the Organization. These individual sessions were conducted by Complainant's Counselor, not the Respondent.
5. On July 7, 2021, the Board investigator conducted an under-oath interview with the Complainant. The Complainant stated the following:
- (a) The Complainant received therapeutic services at the Organization, but never received services from the Respondent, nor did he ever give the Respondent permission to view or disclose his treatment records.
 - (b) The Respondent contacted Complainant's wife about Complainant receiving treatment from Complainant's Counselor via Facebook.
 - (c) At the time Respondent contacted Complainant's wife, his wife did not know Complainant was receiving therapy.
 - (d) Complainant stated that he felt he was

treated very unfairly concerning this situation...the personal issue with Respondent and [Complainant's

Counselor] had nothing to do with me and in turn made me have to sit down with my family and explain to them, you know the treatment that I was getting....And I felt like if I wanted to reveal this information to my family, I would have liked to do that on my own instead of being forced.”

6. On July 8, 2021, the Board’s Investigator conducted an under-oath interview with the Complainant’s Wife. The Complainant’s Wife stated the following:

- (a) Complainant’s Wife met Respondent at church, but was not friends with Respondent, because Respondent only attended that church for a short period of time.
- (b) Respondent and Complainant’s Wife were friends on Facebook and became Facebook friends when Respondent became a member of the church.
- (c) Complainant’s Wife stated that she received “highly inappropriate messages” from the Respondent on Facebook Messenger. Respondent’s messages disclosed Complainant’s status as a client at the Organization.
- (d) Complainant’s Wife stated that she was “very uncomfortable” with Respondent’s disclosure, and stated that the Complainant “hadn’t even shared this information with me and so it was highly inappropriate for [the Respondent] to share it.”

7. On June 8, 2021, the Board sent a Subpoena Duces Tecum to the Respondent requesting a complete, legible copy of all the Facebook messages sent to

Complainant's Wife that pertained to the Complainant. A review of those messages revealed the following:

- (a) Respondent contacted Complainant's Wife and questioned Complainant and Complainant's Wife's living arrangements, asking if the couple "are living at different address" [sic] and asked if such arrangements were "true in the name of Jesus?"
- (b) When the Complainant's Wife expressed her confusion at the Respondent's messages, the Respondent informed Complainant's Wife that Complainant was a client at Respondent's Organization. Respondent also told Complainant's Wife that the pastor at their church was treating Complainant and was employed as a counselor at the Organization.
- (c) Respondent also questioned Complainant's Counselor treating Complainant, stating:

What they are doing is having you in a situation where you are defrauding the government. I say this because I respect you and love you. What kind of pastor would allow you to do such a thing? Do you love him more than God?
- (d) Complainant's Wife asked Respondent how "ANYONE would have access to [her] husband's medical files, totally HIPPA violation [sic]. I'll reach out to [Complainant's Counselor] and go forth accordingly."

- (e) Respondent replied that she didn't "have access to actual files," but had "access to billings."
 - (f) When Complainant's Wife pointed out that "Billing is part of HIPPA as well," Respondent replied "Whatever! Thank you because you are defrauding the gov."
8. On July 13, 2021 the Board investigator conducted an under-oath interview with the Complainant's Counselor. The Complainant's Counselor reported the following:
- (a) He works for the Organization as a community support worker.
 - (b) The Complainant is on his caseload.
 - (c) He assists the Complainant with meeting the Complainant's basic mental health needs, such as ensuring the Complainant goes to the hospital, sees his therapist, and takes his medication. He meets with the Complainant at least twice a week. Complainant also attends his group therapy sessions every Wednesday.
 - (d) He is the Respondent's co-worker.
9. On July 8, 2021, the Board investigator conducted an under-oath interview with the Respondent. She reported the following:
- (a) Respondent was employed at the Organization as a mental health therapist from November 1, 2017 to February 6, 2021.
 - (b) Respondent admitted that she sent messages to the Complainant's Wife on Facebook.

- (c) Respondent claimed that prior to sending the messages she had seen the Complainant's Wife at a shopping center. Respondent claimed that Complainant's Wife said "I heard you have an opening at your site, but that's ok, because [the Complainant and I] are getting services from [Complainant's Counselor]." ²
- (d) Respondent stated that she "pulled up [Complainant's Counselor's] name" in the Organization's billing system to see who was receiving services from the Complainant's Counselor, but did not view the medical records.
- (e) Respondent explained that she messaged Complainant's Wife
- because...they were getting Medicaid and I could have, or maybe I should have called Medicaid, but that would have got them in a lot of trouble, but they did exactly what I had told them in the past that I could not do, sign them up for Medicaid because of their income.³
- (f) Respondent claimed that Complainant's Counselor asked her to "register people at his church for Medicaid to get services." Respondent claimed she reported this request to her Clinical Supervisor, but that her Clinical Supervisor told her "You have to not see what you see."

² Complainant's Wife did not mention such an encounter during her interview. Complainant's Wife and Complainant both stated that Complainant had not informed Complainant's Wife of his treatment or therapeutic services at the time Respondent messaged Complainant's Wife.

³ Respondent claimed that through her interactions with the Complainant and Complainant's Wife at church, she knew that Complainant and Complainant's Wife made "good money" and there was no way that they would qualify for Medicaid. However, she did not know the specifics of Complainant's job.

- (g) Respondent stated that her Clinical Supervisor lost her contract and therefore another one had to be completed, but it had the wrong date on it. Respondent did not have a copy of her supervision session notes, but claimed to have a copy of her supervision verification form.
 - (h) Respondent also stated that she had “opened a lawsuit” against the Organization for wrongful termination and breach of contract.⁴
10. On July 8, 2021, the Board issued a Subpoena Duces Tecum to the Respondent, requesting complete, legible copies of Respondent’s Social Work Supervisory Contract with Respondent’s Clinical Supervisor, the Supervisor Verification form with Respondent’s Clinical Supervisor, and all progress/supervision notes with Respondent’s Clinical Supervisor.
- (a) In response to the Board’s Subpoena, the Respondent sent the Board an email on July 15, 2015. Respondent stated that:

Supervision contract between [the Clinical Supervisor] and myself. [The Clinical Supervisor] asked me to print out the contract because the original contract that I signed with her on November 2, 2017 was misplaced by her. I intentionally printed out the December 2019 version and signed my name and intentionally put my credentials as LMSW, when on November 2, 2017, my credentials were LGSW. I also, refused to date the contract. [The Clinical Supervisor] put the dates on the contract...

As for the supervision verification form [the Clinical Supervisor] wanted to educate me on how to fill out the form, therefore, she advised me what to put on the form and she signed the form....

⁴The Board was unable to confirm the existence of this lawsuit during the investigation.

As for my supervision notes, I am now aware that the responsibilities of a supervisee is to 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. Unfortunately, I did not maintain the supervision notes...

- (b) Respondent's email included an attached Contract for Supervision for LCSW and LCSW-C Licensure ("Supervision Contract"). A review of the Supervision Contract revealed that the Clinical Supervisor, an LCSW-C, signed and dated the Supervision Contract as the Respondent's supervisor on November 2, 2017. The "Supervisee Signature line" contains a handwritten signature with Respondent's name and "LMSW" after it. The signature is dated 11/2/2017. The form version⁵ date is in typewritten ink as "MD-BSWE – December 2019."
- (c) Respondent's email also included a Supervisor Verification Form ("Supervisor Verification Form"). A review of the Supervisor Verification Form revealed the Clinical Supervisor provided supervision to the Respondent at the Organization from November 3, 2017 to October 23, 2020. The Clinical Supervisor also signed and dated the Supervisor Verification Form with the date of November 2, 2017.

⁵ The Supervisory Contracts utilized by the Board and available on the Board's website all include version dates in the bottom right-hand corner of the form. Version dates refer to when the form was updated and made current.

11. On July 8, 2021, the Board issued a Subpoena Duces Tecum to Respondent's Clinical Supervisor, requesting complete legible copies of Respondent's Social Work Supervisory Contract, Respondent's Supervisory Verification Form, and all progress/supervision notes with Respondent.

(a) On July 16, 2021, the Clinical Supervisor responded via email with an attached copy of all of her Supervision notes with Respondent. The notes began on August 22, 2018 and ended on January 15, 2021.

(b) The Clinical Supervisor's email also noted that Respondent took the Supervision Contract when she left the Organization.

12. On July 15, 2021, the Board Investigator conducted an under-oath interview with the Clinical Supervisor.

(a) The Clinical Supervisor is also the Vice-President of Operations at the Organization. While the Respondent was employed at the Organization, the Clinical Supervisor provided administrative supervision as well as clinical supervision.

(b) The Clinical Supervisor stated that the Respondent took her contract when she left the Organization in March of 2021.

(c) The Clinical Supervisor stated that the Respondent contacted her after she left the Organization:

So when she was attempting to get I believe her clinical licensure, she text me [sic] after she departed the agency and asked me to do a notarized letter for her because I

think she used the wrong contract or the wrong date or something like that.

And at that time, my, our lawyer advised me to have no contact with her, because she did not depart the agency very well and I believe that she was attempting to sue the agency. And so I did not respond to her with that request.

- (d) The Clinical Supervisor stated that when she first became aware of Respondent's Facebook Messages to Complainant's Wife, she did not know which client was involved. However, after the Clinical Supervisor was notified of Respondent's Facebook messages, the Organization "restricted her access to our medical records system."

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), § 19-311(5), § 19-311(6), § 19-311(16), § 19-311(21); Md. Code Ann., Health-Gen, § 4-302(a); COMAR 10.42.03.03(A)(5)(g), 10.42.03(B)(7); 10.42.04.03.06(A)(7); 10.42.08.08(A)(4), 10.42.08.08(A)(5), and 10.42.08.08(A)(6).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 12th day of May, 2023, by a majority of the quorum of the Board considering this case hereby:

ORDERED that the Respondent is hereby **REPRIMANDED**; and it is further

ORDERED, that the Respondent License to Practice Social Work is hereby **SUSPENDED** for **SIX (6) MONTHS, WITH SIX (6) MONTHS STAYED**; and it is further

ORDERED that Respondent shall be immediately placed on **PROBATION** for a period of at least **TWO (2) YEARS**, subject to the following terms and conditions:

1. The Respondent shall meet with a Board-Approved Supervisor throughout the entire period of Probation.
 - a. Respondent shall meet with the Board-Approved Supervisor at least once per month for **two (2) clinical hours**.
 - b. Respondent shall ensure that the Board-Approved Supervisor submits quarterly supervision reports to the Board during the Probationary Period and shall provide the Board-Approved Supervisor with a copy of this Final Order. The Respondent shall submit written proof of the Board-Approved Supervisor's receipt of this Final Order within **TEN (10) DAYS** from the effective date of this Order.
2. The Respondent shall provide her current employer and her current on-site supervisor with a written copy of this Final Order within **TEN (10) DAYS** from the effective date of this Order. The Respondent shall submit written proof of her current employer and current on-site supervisor's receipt of the Final Order to the Board within **TEN (10) DAYS** from the effective date of this Final Order.

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3. Within **ONE YEAR** from the effective date of this Final Order, Respondent shall pay a fine in the amount of **ONE THOUSAND DOLLARS (\$1000.00)** by certified check or money order to the Maryland Board of Social Work Examiners.
4. Within **SIX (6) MONTHS** from the effective date of this Final Order, Respondent shall enroll in and successfully complete the following Board-Approved courses:
 - a. An ethics course
 - b. A course on confidentiality;
 - c. A course on professional responsibility
 - d. These courses must be for three (3) continuing education credits. All three courses must be either in-person, or via live webinar. Promptly after the completion of the courses outlined in this paragraph, the Respondent shall provide written documentation of her completion of this requirement. The continuing education credits required by this Final Order may not be used to fulfill any continuing education requirements required for advanced licensure or renewal.
5. Respondent shall comply with the Maryland Social Workers Act and all laws, statutes, and regulations pertaining thereof; 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, a Board-Approved Supervisor, an Ethics Tutor, or conduct evaluations ordered by the Board for a period of **FIVE (5) YEARS** from the date of this Final Order; and it is further

ORDERED that at the conclusion of the **two (2) year probationary period**, the Respondent may petition the Board for a termination of her probation. The Board may terminate the Respondent's probation depending on whether she has fulfilled all of the terms and conditions of this Final Order, and whether there are any pending complaints against her; 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 monetary penalty; and it is further

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 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 whom the Board is obligated to report.⁶

⁶ This includes the Board's public website and NPDB.

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Handwritten signature of Sondra Petty, LMSW, LICSW.

05/12/2023

Date

Sondra Petty, 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:

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