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Board of Social Work Examiners

**IN THE MATTER OF**

\*

**BEFORE THE MARYLAND**

**DARIUS REED, Ph.D., LMSW**

\*

**STATE BOARD OF**

**RESPONDENT**

\*

**SOCIAL WORK EXAMINERS**

**License Number: 20941**

\*

**Case Number: 2019-2710**

\* \* \* \* \*

**CONSENT ORDER**

The Maryland State Board of Social Work Examiners (the "Board") charged **Darius Reed, Ph.D., LMSW (the "Respondent")**, License Number 20941, with violating the Maryland Social Workers Act (the "Act") codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2014 Repl. Vol. & 2019 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[.]

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§ 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<sup>[1]</sup> 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;<sup>[2]</sup>

.....

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

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[.]

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<sup>1</sup> Effective July 1, 2018, “Independent practice” “means to practice bachelor social work or master social work without the requirement of supervision by another social worker.” Health Occ. § 19-101(d).

<sup>2</sup> Effective July 1, 2018, the designation of licensed graduate social worker (“LGSW”) was renamed to licensed master social worker (“LMSW”). See 2017 Md. Laws, Ch. 548. The language in Health Occ. § 19-307(c)(2)(i) was also revised. The prior language read as “A licensed graduate social worker may not: Practice graduate social work without the supervision of a licensed certified social worker, licensed certified social worker-clinical, or licensed graduate social worker who meets the requirements specified in the regulations.”

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COMAR 10.42.08.01<sup>3</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>[4]</sup>

COMAR 10.42.08.08<sup>5</sup>

- 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;<sup>[6]</sup>

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<sup>3</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>4</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>5</sup> Effective June 17, 2019 this regulation was recodified from COMAR 10.42.08.07 to COMAR 10.42.08.08.

<sup>6</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."

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- (5) Establish a written contract, on a form provided by the Board, for advanced licensure or independent practice, initiated before beginning supervision;<sup>[7]</sup> and
- (6) Attend and participate in supervision as agreed upon in the written contract for advanced licensure or independent practice.<sup>[8]</sup>

On October 6, 2020, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The Respondent, represented by counsel, and the Administrative Prosecutor assigned to the case participated in the CRC. 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**<sup>9</sup>

The Board finds that:

**I. Background**

1. At all times relevant hereto, the Respondent was licensed to practice as a master social worker (“LMSW”) in the State of Maryland. The Respondent was initially licensed as an LMSW in Maryland on or about June 8, 2015, under license number 20941. The Respondent’s license expires on October 31, 2021.

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<sup>7</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>8</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.”

<sup>9</sup> The statements regarding the Respondent’s conduct identified herein are intended to provide the Respondent with reasonable notice of the asserted facts. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent.

2. On or about September 23, 2019, the Board received a complaint (the “Complaint”) from an employer (the “Employer”) regarding the Respondent’s recordkeeping practices.

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

## II. Board Investigation

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 “contract therapist” at the Employer’s Prince George’s County, Maryland location from approximately November 30, 2017 until on or about March 23, 2019. As a “contract therapist,” the Respondent practiced social work by “[p]roviding therapy to mostly children and adolescents, very few adults, [and] doing individual and family therapy sessions.”

6. On June 9, 2020, during his interview with the Board’s investigator under oath, the Respondent reported that while employed by the Employer, he had two supervisors (“Supervisor 1” and “Supervisor 2”). First, he was supervised by Supervisor 1 for “a year.”<sup>10</sup> After Supervisor 1, he was supervised by Supervisor 2 for “the last month before he left” the Employer.

7. Supervisor 1 is a licensed clinical professional counselor in Maryland and is not approved to supervise social workers in Maryland.

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<sup>10</sup> By a letter dated June 12, 2020 submitted to the Board, Supervisor 1 confirmed that she provided supervision to the Respondent “from January, 2018 through October, 2018.” Supervisor 1 further reported that as part of the supervision she provided to the Respondent, “We met a minimal of 3 times a month (every Monday, unless it was a holiday), face-to-face, in my office . . . for 30 minutes to an hour . . . . The focus of our discussion consisted of me providing weekly feedback regarding the required paperwork and consulting with [the Respondent] about his clientele, being that I was the individual assigning the clients to [the Respondent].”

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8. Supervisor 2 is a licensed clinical social worker in Maryland but was not a Board-  
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approved supervisor until March 11, 2019.

9. According to the Respondent and Supervisor 1, at the time Supervisor 1 was providing supervision to the Respondent, the Respondent was the only licensed social worker at the Employer.

10. On June 4, 2020, 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:

Pursuant to COMAR 10.42.08.08 Responsibilities of a supervisee you are hereby directed to provide a **“complete and legible”** copy of any and all supervisory correspondences and/or documentation regarding your supervision for the last **five (5)** years, to include the period of time supervised, the number of hours supervised, the frequency of supervision, the date(s) of supervision, the duration, the focus of supervision, the location of the face to face supervisory sessions and any contracts and fee(s), bill(s), payment(s) for service related to the supervision, inter alia.

11. By written response dated June 8, 2020, the Respondent acknowledged receipt of the June 4, 2020 subpoena, and admitted that he did not have the supervision documents from his employment with the Employer.

12. In addition, in response to questioning by the Board’s investigator during his interview regarding the subpoena for copies of his supervision records, the Respondent again iterated that he does not have any supervision records. The Respondent further explained that “[a]ll of my documentation was on my work email, which I will completely take ownership of. I should have forwarded it to myself. So there’s no way of getting around that. And when I resigned, they locked me out, and I hadn’t gotten a chance to forward the stuff to myself.”

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**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board has chosen to exercise its discretion to dismiss the charges under Health Occ. § 19-311(4), (5), and (16).

Additionally, 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:

....

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

§ 19-307. Scope of licenses.

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

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(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;

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

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COMAR 10.42.03.06

- A. Professional Competence. The licensee shall:

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

COMAR 10.42.08.01

- 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

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- B. Terms Defined.

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- (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.

COMAR 10.42.08.08

- 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



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

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 20<sup>th</sup> day of NOVEMBER, 2020, by a majority of the quorum of the Board considering this case hereby:

**ORDERED** that the Respondent’s license is **REPRIMANDED**; and it is further

**ORDERED** that the Respondent’s license to practice social work shall be placed on **PROBATION** for a **minimum of ONE (1) YEAR**, and continuing until the Respondent has successfully completed the following probationary conditions:

1. During the probationary period, the Respondent shall be supervised by a Board-approved supervisor (“Probation Supervisor”), to whom the Board may release any portion of the investigative file as is deemed necessary;
2. The Respondent shall ensure that the Probation Supervisor provides the Board with written quarterly reports on the Respondent’s progress during the supervisory period;
3. The Board has sole authority to implement any changes in the supervision and retains all authority to approve any changes in the supervision;
4. In the event that the supervisor discontinues supervising the Respondent for any reason, the Respondent shall immediately notify the Board and submit a replacement candidate to serve as his supervisor under the terms specified above;
5. Within one (1) year of the date of the effective date of the Consent Order, the Respondent shall pay a **fine** in the amount of **five hundred dollars (\$500)** by certified check or money order to the Maryland Board of Social Work Examiners;
6. Within one (1) year of the date of the effective date of the Consent Order, the Respondent shall enroll in and complete an **ethics tutorial**, approved in advance by the Board;
7. Within one (1) year of the date of the effective date of the Consent Order, the Respondent shall enroll in and complete a **course on documentation/recordkeeping**, approved in advance by the Board;
8. Within one (1) year of the date of the effective date of the Consent Order, the Respondent shall provide the Board with written documentation of his successful completion of the courses required by this Consent Order; and

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9. The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereof; 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 or licensure; and it is further

**ORDERED** that the Respondent cannot apply for advanced licensure from the Board unless and until the Respondent successfully completes the terms and conditions of probation as provided in this Consent Order, and the Respondent receives an order from the Board terminating his probation; and it is further

**ORDERED** that if the Respondent applies for further certification or licensure at any time in the future, none of the hours the Respondent worked in case number 2019-2710, at the Employer from November 2017 until on or about March 23, 2019, under the supervision of a non-Board approved supervisor, can be utilized to meet the supervised experience requirements; and it is further

**ORDERED** that at the conclusion of the one (1) year probationary period, the Respondent may petition the Board for termination of his probation. The Board may terminate the Respondent's probation, through an order by the Board, depending on whether he has fulfilled all of the terms and conditions of the Consent Order, and whether there are any pending complaints against him; 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 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

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in this case, including a reprimand, probationary terms and conditions, suspension, revocation and/or a 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 Consent Order; and it is further

**ORDERED** that the Respondent shall not serve or continue to serve as: a Maryland Board Authorized Sponsor, presenter and/or trainer of social work continuing education learning activities, an Ethics Tutor, an evaluator for the Maryland Board, or a Maryland Board Approved Supervisor for a period of 5 years from the effective date of this Consent Order; 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.* (2014) and Health Occ. § 1-607.



11/20/2020

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gerard Farrell, Board Chair  
Maryland Board of Social Work Examiners

**CONSENT**

I, Darius Reed, Ph.D., LMSW, License No. 20941, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel and I have consulted with counsel in this matter. I have knowingly and voluntarily agreed to enter into this Consent Order. By this

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2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 19-312 (2014 Repl. Vol. and 2019 Supp.) and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. and 2019 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 voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

11/9/2020  
Date

  
Darius Reed, Ph.D., LMSW

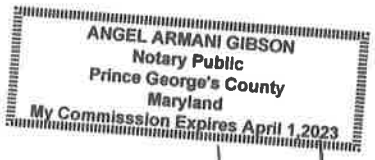
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NOTARY

STATE OF Maryland  
COUNTY OF Prince Georges

I HEREBY CERTIFY that on this 9 day of November, 2020,  
before me, a Notary Public of the State and County aforesaid, personally appeared Darius Reed,  
Ph.D., LMSW, License Number: 20941, and gave oath in due form of law that the foregoing  
Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Angel Armani Gibson  
Notary Public

My Commission Expires: April 1 2023