

IN THE MATTER OF

*

BEFORE THE MARYLAND

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BOARD OF SOCIAL WORK

TAMMY D. SMITH

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EXAMINERS

LCSW-C APPLICANT

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CASE NOS.: 2008-636, 2008-637, 2008-638

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**FINAL DECISION AND ORDER DENYING APPLICATION
FOR LICENSED CERTIFIED SOCIAL WORKER-CLINICAL**

I. PROCEDURAL BACKGROUND

By application dated June 1, 2023, Tammy D. Smith (the “Applicant”) submitted a Re-licensure Application for Licensed Certified Social Worker-Clinical (the “Application”) to the Maryland Board of Social Work Examiners (the “Board”). By letter dated October 1, 2024, the Board notified the Applicant of the Board’s initial denial of her Application (the “Notice of Intent to Deny”) and charged the Applicant with violating the Social Work Practice Act, Maryland Code Ann., Health Occ. (“HO”) §§ 19-101 *et seq.*, specifically:

HO § 19-302. License qualifications

(a) To obtain a license, an applicant shall demonstrate to the satisfaction of the Board that the applicant:

(3) Is of good moral character[.]

HO § 19-311. Grounds for license denials, discipline

(9) Is disciplined by a licensing or disciplinary authority of any state, country, or branch of the armed services, or the Veterans' Administration for an act that would be grounds for disciplinary action under this section[.]

The underlying grounds for the disciplinary action under HO § 19-311(9) include HO § 19-311:

(7) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[.]

The Notice of Intent to Deny also notified the Applicant of her opportunity to request an evidentiary hearing before the Board regarding the Board's initial denial of her Application. The Applicant timely requested an evidentiary hearing. By letter dated November 15, 2024, the Board notified the Applicant that an evidentiary hearing had been scheduled for February 14, 2025 at 1:30 p.m. before the Board. The scheduling notice was sent to the Applicant by certified and first-class mail. Documentation from the U.S. Postal Service website showed that the certified mail was picked up at the post office on November 23, 2024 at 11:04 a.m. The evidentiary hearing went forward as scheduled on January 28, 2014. A quorum of the Board was present. The Applicant did not appear. Michael Kao, Administrative Prosecutor, presented the State's case.

Evidentiary Exhibits and Witnesses

State's Exhibits:

1. Applicant Board Licensing Profile (4 pages).
2. Application for Licensure (5 pages).
3. Board's Final Decision and Order dated May 14, 2010 (18 pages).
4. Report of Investigation dated August 7, 2023 (7 pages).

State's Witnesses:

1. None.

II. FINDINGS OF FACT

The Board makes the following findings of fact based upon the record:

1. The Applicant was initially licensed to practice clinical social work in the State of Maryland on or about October 22, 1998, under License Number 09997. (State's Exhibit 3, S018).

2. On or about January 16, 2007, the Applicant was indicted in the Circuit Court for Baltimore County, Maryland on one count of Conspiracy to Commit Medicaid Fraud, nine counts of Felony Medicaid Fraud, and nine counts of Felony Theft. Each of the nineteen counts in the indictment resulted from alleged fraud that the Applicant committed when billing for social work services that she did not provide.

3. On or about July 10, 2008, following a jury trial, the Applicant was found guilty of all counts charged and was sentenced to two years' incarceration and ordered to pay restitution in the amount of \$783,650.00.

4. On or about December 10, 2008, the Board issued a Notice of Intent to Revoke (the "2008 Notice") the Applicant's Certified Social Work Clinical License ("LCSW-C"), License Number 09997. The Board's 2008 Notice alleged that the Applicant violated the Act based on her convictions for felony Medicaid fraud and felony theft. Specifically, the Board charged the Applicant with being convicted of a felony or to a crime involving moral turpitude, in violation of Health Occ. § 19-311(8) (2005 Repl. Vol. and 2007 Supp.).

5. Following a hearing at the Maryland Office of Administrative Hearings, during which the Applicant failed to appear, the Board issued a *Final Decision and Order*, dated May 14, 2010, in which it made factual findings and concluded as a matter of law that the Applicant was convicted of a felony and a crime involving moral turpitude, in violation of Health Occ. § 19-311(8) (2005 Repl. Vol. & 2007 Supp.). (State's Exhibit 3, pp. S016-022). As a result, the Board revoked the Applicant's LCSW-C license. (State's Exhibit 3, pp. S011-015).

6. On or about June 1, 2023, the Applicant filed the Application with the Board. (State's Exhibit 3, pp. S006-009).

7. On the Application, under "Additional Questions," item number 2, the Applicant

answered “NO” to the question which asked: “Has any State Licensing or Disciplinary Board, or a comparable body in the Armed Services denied your application for licensure, reinstatement, renewal, or taken any action against your license, including but not limited to reprimand, suspension, or revocation?” (State’s Exhibit 3, pp. S008-009).

III. DISCUSSION

The Board has carefully considered the facts of this case and the evidence presented at the hearing. The Board’s revocation of the Applicant’s LCSW-C license based on the Applicant’s convictions for felony Medicaid fraud and felony theft constitutes the Applicant having been disciplined by a licensing or disciplinary authority of any state for an act that would be grounds for discipline under the Board’s disciplinary statutes, a ground for denying her Application under Health Occ. § 19-311(9).

The Applicant’s convictions for felony Medicaid fraud and felony theft in the Circuit Court for Baltimore County, Maryland constitutes a lack of good moral character, a prerequisite for licensure under Health Occ. § 19-302(a)(3). First, the Applicant’s felony Medicaid fraud and theft convictions were crimes of moral turpitude, which under Maryland law are defined as “acts of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man.” *Board of Dental Examiners v. Lazewell*, 172 Md. 314, 320 (1937). In addition, the Applicant’s felony Medicaid fraud and theft convictions undermine the public’s confidence in the profession of social work. In the Board’s view, the Applicant’s fraudulent exploitation of the Medicare system for her own benefit, as well as the longstanding nature of her exploitative behavior, disparaged professional principles and were a disgrace to the social work profession.

Second, the Applicant’s prior license was revoked by this Board on May 14, 2010. The

Applicant submitted her Application for re-licensure on June 1, 2023. When the Applicant was asked whether “any State Licensing Board, or a comparable body...taken any action against your license, including but not limited to...revocation?” the Applicant answered, “NO” despite her license having been revoked in 2010. The Applicant’s failure to disclose that this very Board took action against her prior LCSW-C license evidences a continuing pattern of deception and dishonesty in the conduct of the Applicant.

Lastly, the Board finds the Applicant’s failure to appear at the evidentiary hearing troubling and as a result finds that the Applicant has failed to demonstrate that she currently possesses the good moral character required for licensure as an LCSW-C. In 2010, the Applicant failed to appear at the revocation hearing held at the Office of Administrative Hearings. As a result, the Administrative Law Judge presiding over her case, issued a default order of revocation of her original LCSW-C license.

Twice, the Applicant has failed to appear at proceedings where she was subject to being held accountable for her actions. Here, the Applicant’s failure to appear at the evidentiary hearing in this instance means that the Applicant did not appear to give testimony, did not present witnesses to speak on her behalf, did not produce any character references or documentary evidence of her good moral character and fitness to be licensed as an LCSW-C. The Board considers such evidence very important in determining whether an applicant has sufficiently and successfully rehabilitated from past criminal acts. Based on the aforementioned facts, the Board finds that the Applicant has demonstrated that she lacks the requisite honesty, integrity, reliability, and good moral character to be issued an LCSW-C license.

IV. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Applicant violated the following:

HO § 19-302. License qualifications

(a) To obtain a license, an applicant shall demonstrate to the satisfaction of the Board that the applicant:

...

(3) Is of good moral character[.]

HO § 19-311. Grounds for license denials, discipline

...

(9) Is disciplined by a licensing or disciplinary authority of any state, country, or branch of the armed services, or the Veterans' Administration for an act that would be grounds for disciplinary action under this section[.]

As well as the underlying grounds for the disciplinary action under HO § 19-311(9) at HO § 19-311:

...

(7) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[.]

IV. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

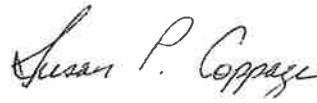
ORDERED that the Application of Tammy D. Smith for licensure as a licensed certified social worker-clinical in the State of Maryland is hereby **DENIED**; and it is further

ORDERED that this is a Final Decision and Order of the Maryland Board of Social Work Examiners and, as such, is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019 Repl. Vol. & 2024 Supp.) and Health Occ. § 1-607, which shall be posted to the Board's website and is reportable to the National Practitioner Data Bank and any other entity to

whom the Board is obligated to report.

March 20, 2025

Date



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

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Ann. Code, Health Occ. § 19-311 may take a direct judicial appeal within thirty (30) days of the date this Order is mailed, as provided by Md. Ann. Code, Health Occ. § 19-312, Md. Ann. Code, State Gov't § 10-222, and Maryland Rule 7-203(a)(2) ("Time for Filing Action").