

IN THE MATTER OF

*

BEFORE THE MARYLAND

EMILY J. SCHIFFMAN, LMSW

*

STATE BOARD OF

RESPONDENT

*

SOCIAL WORK EXAMINERS

LICENSE NUMBER: 23187

*

CASE NUMBER: 2018-2531

* * * * *

FINAL ORDER

On or about December 16, 2019 the Maryland State Board of Social Work Examiners (the “Board”) issued charges concerning Emily J. Schiffman, LMSW, License Number: 23187, (the “Respondent”), under the Maryland Social Workers Act (the “Act”), Md. Code Ann., Health Occ. (“Heath. Occ.”) §§ 19-101 *et seq.* (2014 Repl. & 2019 Supp.). Specifically, the Board charged the Respondent with violating the following:

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

- (20) Fails to maintain adequate patient records;

The pertinent provisions of COMAR, the code of ethics, provide the following:

COMAR 10.42.03

.03 Responsibilities to Clients.

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; or

.05 Relationships.

A. The licensee may not enter into a dual relationship with a client or an individual with whom the client has a close personal relationship.

.06 Standards of Practice.

A. Professional Competence. The licensee shall:

- (7) Document and maintain appropriate and accurate records of professional service, supervision, and research work;

B. A licensee may not:

- (2) Engage in other relationships that could limit the licensee's objectivity or create a conflict of interest or the appearance of a conflict of interest.

On August 6, 2020 the Board issued a notice of hearing to the Respondent by regular mail, certified mail return receipt, and electronic mail for a virtual hearing to be held on September 11, 2020 at 2:00 pm. The Board held the hearing on September 11, 2020 to decide whether the Respondent violated the pertinent provisions of the Act. A

quorum of the Board was present. The State was represented by Sherrai Hamm, Assistant Attorney General. The Respondent was not present nor was she represented by counsel in her absence. Moments before the hearing began, the Respondent e-mailed Ms. Hamm to say she would not be present due to an emergency. All attempts to contact Ms. Schiffman in response to her e-mail were unsuccessful. The Board determined that the Respondent's last minute email simply stating she had an emergency, without more, was not good cause for a postponement and proceeded with the hearing in the Respondent's absence.

The Board accepted the State's evidence which included testimony from two witnesses, Kara Tyson, LCSW, Maryland State Board of Social Work Examiners Director of Compliance and Earnest Ford, Investigator, Maryland State Board of Social Work Examiners. The Board also accepted the following documentary evidence:

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|-----------|---|
| Exhibit 1 | Computer Printout of the Respondent's Licensing Information |
| Exhibit 2 | License Verification Information |
| Exhibit 3 | Notice of Hearing dated August 6, 2020 and USPS certified mail tracking dated August 17, 2020 |
| Exhibit 4 | Letter of Procedure and Charges dated December 16, 2019 |
| Exhibit 5 | Complaint filed by Kelly Nicole Richardson dated August 18, 2018 |
| Exhibit 6 | Investigative Report dated April 25, 2019 |
| Exhibit 7 | Transcript of Kelly Richardson Interview dated April 15, 2019 |
| Exhibit 8 | Transcript of Kathryn Sollitto Interview dated May 29, 2019 |
| Exhibit 9 | Case Load Tracking Form dated May 31, 2018 |

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent was licensed to practice social work in the State of Maryland.

2. The Respondent was originally licensed to practice social work in Maryland on or about August 15, 2017. The Respondent's license expired on October 31, 2019.

3. At all times relevant hereto, the Respondent work at a facility ("Facility") that provides mental health treatment to adults and adolescents throughout Maryland.

4. While employed at Facility the Respondent worked as a school based mental health therapist. She was assigned by Facility staff to work at two Baltimore City Public schools. The Respondent provided mental health services to the students that attended these schools.¹

5. On or about August 6, 2018, the Board received a complaint about the Respondent's conduct with a client ("Client A").

6. An investigation by Board staff revealed on or about July 4, 2018, the Respondent took Client A to a cookout at the Respondent's boyfriend's house.

7. The investigation conducted by Board staff also revealed that the Respondent discussed another client, Client B with her boyfriend after recognizing

¹ The Respondent's clients were elementary and middle school students.

Client B name in the Facility's client database. The Client B is a relative of the Respondent's boyfriend.

8. The investigation by Board staff further revealed during a July 2018 audit conducted by Facility A staff discovered that the Respondent failed to complete client records including but not limited to failing to complete client treatment plans.

9. During an April 11, 2019 interview conducted by Board staff, the Respondent admitted under oath that she took Client A to her boyfriend's home for a cookout. The Respondent also admitted that she disclosed Client B's name and patient information to her boyfriend.

10. As a result of her conduct as set for above, the Respondent was terminated by Facility staff.

11. The Respondent's conduct as set above is a violation of Health Occ. §19-311 (4), (5), (6), (20); COMAR 10.42.03.03B(7); COMAR 10.42.03.05A; and COMAR 10.42.03.06A(7) and B(2).

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), (5), (6), (20); COMAR 10.42.03.03B(7); COMAR 10.42.03.05A; and COMAR 10.42.03.06A(7) and B(2).

ORDER

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

9th day of October, 2020, by a majority of the quorum of the Board considering this case hereby:

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

ORDERED that for purposes of public disclosure, this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions, §§ 4-101 *et seq.* (2014) and is reportable to any entity to whom the Board is obligated to report.²

10/09/2020

Date



Gerard Farrell
Board Chair
Maryland State Board of Social Work Examiners

² This includes the Board's public website and NPDB.