

MAY 31 2017

Board of Social
Work Examiners

IN THE MATTER OF	*	BEFORE THE
FLORIENDA SCOTT-COBB, LCSW-C	*	MARYLAND BOARD
Respondent	*	OF SOCIAL WORK EXAMINERS
LICENSE NUMBER: 14694	*	CASE NUMBER: 2016-2218

* * * * *

CONSENT ORDER

On December 20, 2016, the Maryland Board of Social Work Examiners ("the Board") issued a "Notice of Charges under the Maryland Social Work Act" (the "Charges") to **FLORIENDA SCOTT-COBB, LCSW-C, (the "Respondent")** license number **14694**, based on alleged violations of the Maryland Social Work Examiners Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 19-101 *et seq.* (2014 Repl. Vol. and 2016 Supp.).

Based upon the allegations made in the Complaint and the Board' investigation, the Board *charged* the Respondent under the following provisions of the Act:

H.O. § 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[.]

The pertinent provisions of COMAR provide the following:

10.42.03.03 Responsibilities to Clients. B. The licensee may not: (1) Participate or condone dishonesty, fraud, deceit, or misrepresentation.

BACKGROUND

On March 6, 2017, the Respondent appeared before members of the Board and the Board's counsel for a Case Resolution Conference (CRC) to discuss the potential resolution of the Charges by consent. At the conclusion of the CRC, the Respondent agreed to enter into this Consent Order to resolve the pending charges and to avoid the expense and time of proceeding to an administrative hearing. The Respondent and the Board agreed to the inclusion of Findings of Fact and Conclusions of Law as required by the Board, and with the terms and conditions set forth herein.

FINDINGS OF FACT

The Board finds the following:

1. The Respondent was initially licensed as a licensed certified social worker - clinical ("LCSW-C") on January 7, 2009. The Respondent's LCSW-C license is current and is scheduled to expire on October 31, 2017.
2. The Respondent also holds a current LCSW license in Delaware.
3. At all times relevant, the Respondent was employed as the supervisor of the foster care program at the local department of social services ("Agency A").¹
4. On or about May 27, 2016, the Board received a complaint from Agency A stating that the Respondent intentionally withheld information from prospective foster parents about a youth for whom the Respondent was seeking respite placement.

¹ In order to maintain confidentiality, the names of individuals and facilities are not used in this Consent Order.

Specifically, the Respondent intentionally withheld information about the youth's behavior, including allegations that he sexually assaulted a four-year-old child. As a result, Agency A terminated the Respondent's employment.

5. Thereafter, the Board initiated an investigation.

6. The Board's investigation revealed that an 18-year-old youth ("the youth") in Agency A's care was in need of emergency foster care placement. The youth previously resided in an out-of-state, treatment foster care program, which closed. Agency A moved the youth to the Delaware home of a foster parent ("Foster Parent A"), with whom the youth had a longstanding relationship.

7. According to documents provided to the Board by Agency A, on or about May 13, 2016, Foster Parent A reported to Agency A's intake unit that the youth allegedly committed a sexual assault on Foster Parent A's four-year-old grandson.

8. As a result of the alleged sexual assault, Foster Parent A brought the youth to Agency A to be placed with another foster family.

9. The Respondent was involved with the youth's case because she supervised the youth's foster care case for several years.

10. The Respondent and her co-workers exhausted the list of approved foster parents, but ultimately, the Respondent secured respite placement ("Foster Parents B") for the youth from May 13, 2016 until May 16, 2016.

11. On May 16, 2016, Agency A asked Foster Parents B if the youth could remain in their care for one additional night because Agency A was experiencing difficulty finding an alternate placement. Foster Parents B agreed to keep the youth for one additional night.

12. On May 17, 2016, an Agency A employee ("Witness A") contacted Foster Parents B and again asked if the youth could remain in their care for another night. Foster Parents B expressed concern because the youth soiled the bed, causing damage to their mattress. Foster Parents B also expressed concern regarding the amount of medication that the youth brought with him to their home.

13. Foster Parents B inquired as to why the youth was difficult to place. Witness A disclosed to Foster Parents B that the youth's age, mental and behavioral issues, medical problems, and a pending sexual assault investigation contributed to the difficulty in placing the youth.

14. According to Witness A, Foster Parents B were unaware of the youth's myriad issues, including the sexual assault allegation and the resulting need for the youth to be placed in a home without other children. Foster Parents B declined to provide any further placement for the youth.

15. On December 15, 2016, the Board's staff interviewed Witness A, who stated that the Respondent admitted to withholding information about the youth because the Respondent knew that if she disclosed the information, Foster Parents B would decline the placement.

16. Foster Parents B provided a written statement to Agency A. In the written statement, Foster Parents B stated that when the Respondent initially called to inquire about placement for the youth, the Respondent stated that the youth "is a polite young man who won't give us any trouble, would read whatever is around the house, has a feeding tube and is proficient in managing it himself." Foster Parents B also stated that

they were not aware that the youth had multiple medications that they would have to administer or that he had a history of bed wetting.

17. Furthermore, in their written statement, Foster Parents B stated that prior to their conversation with Witness A on May 17, 2016, they were unaware of the sexual allegations against the youth.

18. On September 19, 2016, the Board's staff interviewed the Respondent's supervisor ("Witness B"). According to Witness B, the Respondent admitted to her that she intentionally withheld information from Foster Parents B about the youth because the Respondent believed that Foster Parents B would decline the placement.

19. The Respondent provided a written statement to Agency A, in which she referenced a "judgment call . . . [that] could adversely impact her career." The Respondent provided detailed information about the search for a respite placement for the youth, and rationalized the placement with Foster Parents B because the youth did not pose a threat to adults and no children resided in the home.

20. The Respondent did not explicitly admit that she withheld information from Foster Parents B, but stated that her "faith and upbringing have taught and reinforced in her that when **you** make a mistake **you** own it." (emphasis in original).

21. On October 6, 2016, the Board's staff interviewed the Respondent. The Respondent denied withholding any information about the youth from Foster Parents B. The Respondent repeatedly testified that "I believe I said the same thing to everybody I talked to that day. It's not my practice to withhold information." With regard to Foster Parents B, the Respondent stated, "I believe I told this family everything, all the knowledge I had I believe I shared with the family."

22. Regarding her written statement to Agency A, the Respondent stated that she was pressured into writing it by Agency A, and it was repeatedly returned to her "until it said what [Agency A] wanted it to say."

23. The Respondent was terminated from Agency A as a result of her conduct.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concluded that, if proven true, the factual allegations would support a finding as a matter of law that the Respondent violated H.O. §§ 19-311(4), (5) and (6), as well as COMAR 10.42.03.03.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the agreed upon terms of the resolution of the Charges by consent at the CRC, on this 6th day of March, 2017, by a majority of the full authorized membership of the Board considering this case, it is hereby

ORDERED that the Respondent's license to practice social work in the State of Maryland shall be **SUSPENDED** for a period of **THIRTY (30) days**, with all THIRTY (30) days **STAYED**; and it is further

ORDERED that the Respondent's active Maryland license shall be placed on **PROBATION** for a period of at least **TWO (2) years**, subject to the following terms and conditions:

1. The Respondent shall not provide clinical supervision to other social workers in the State of Maryland;

2. The Respondent shall enroll in and successfully complete a twelve (12)-hour, one-on-one ethics tutorial, with a Board-approved and Board-selected instructor focusing on the issues that gave rise to this case. After the successful completion of the ethics tutorial, which shall be no later than October 31, 2017, the instructor shall provide the Board with a written report detailing the Respondent's participation in and completion of the course. The Respondent shall also submit a written statement to the Board stating what she has learned from the ethics tutorial. The Respondent may not use any continuing education credits earned through taking the required course to fulfill any continuing education requirements that are mandated for licensure renewal in this State; and

3. The Respondent shall apply for licensure renewal in 2017 and participate in a pre-renewal audit for that renewal cycle. If the Respondent applies for licensure renewal for a second renewal cycle, the Respondent shall participate in a pre-renewal audit for that renewal cycle; and it is further

ORDERED that the Respondent shall practice social work according to the Maryland Social Work Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of social work; 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 a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case, including a probationary term and conditions of probation,

reprimand, suspension, lifting the stay of suspension, revocation and/or a monetary penalty; and it is further

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

ORDERED that this Consent Order is a **PUBLIC DOCUMENT**, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol. and 2016 Supp.), and is reportable to any entity to which the Board is obligated to report.

6/9/2017
Date



Denise Capaci, LCSW-C, Board Chair
State Board of Social Work Examiners

CONSENT

I, Florianda Scott-Cobb, LCSW-C, consulted with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had 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 acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I waive my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

5/24/2017
Date

Florianda Scott-Cobb
Florianda Scott-Cobb, Respondent

Read and approved by:

Cory Silkman Esq
Cory Silkman, Esq.
Counsel for Ms. Scott-Cobb

NOTARY

Delaware
STATE OF MARYLAND
CITY/COUNTY OF New Castle _____ :

I HEREBY CERTIFY that on this 24th day of May, 2017, before me, a Notary Public of the foregoing State personally appeared Florianda Scott-Cobb, LCSW-C and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.



Lynda F. Taylor
Notary Public

LYNDA F. TAYLOR
NOTARY PUBLIC, STATE OF DELAWARE
MY COMMISSION EXPIRES SEPTEMBER 10, 2019

My Commission Expires: Sept 10, 2019