

IN THE MATTER OF

\*

BEFORE THE STATE

JOY PATRICIA SMITH, LCSW-C

\*

BOARD OF SOCIAL WORK

Respondent

\*

EXAMINERS

License Number: 12812

\*

Case No. 08 - 1346

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**PRE-CHARGE CONSENT ORDER**

**PROCEDURAL BACKGROUND**

On October 10, 2008, the Maryland State Board of Social Work Examiners (the "Board"), voted to offer a Pre-Charge Consent Order to Joy Patricia Smith, LCSW-C, (the "Respondent"), License Number 12812, in lieu of issuing Charges for violations of the Maryland Social Workers Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 19-101 *et seq.* (2000 Repl. Vol. & 2004 Supp.).

The pertinent provisions under §19-311 of the Act provide the following:

Subject to the hearing provisions of § 19-312 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

- (1) Obtained or attempted to obtain a license for the applicant or licensee or for another through fraud, deceit, or misrepresentation;
- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (5) Knowingly violates any provision of this title;
- (6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;

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STATE BOARD OF SOCIAL WORK

- (7) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board; and
- (12) Knowingly makes or files a false report or record in the practice of social work[;].

The provision of the Act which the Board believes Respondent has violated is HO § 19-308 (d)(3)(ii), which provides that, before a license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee submits to the Board “satisfactory evidence of compliance with any continuing education requirement set under this section for license renewal.” Additionally, pursuant to Code of Maryland Regulation (“COMAR”) 10.42.06.03A, a “social worker shall complete a minimum of 40 continuing education units in each 2-year period in order to renew.”

Respondent was notified by certified mail of the Board’s vote to enter into this Pre-charge Consent Order prior to the issuance of formal disciplinary Charges under the Act.

**FINDINGS OF FACT**

The Board makes the following findings of fact:

1. Respondent is a social worker licensed to practice social work in the State of Maryland.
2. Respondent was originally issued a license to practice social work in the State of Maryland on August 8, 2005, being issued license number 12812.
3. Pursuant to COMAR 10.42.06.08B, the Board conducted an audit of social workers whose licenses were renewed in October 2007, and Respondent was one of the social workers who was audited at that time.

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4. As part of the license renewal procedure, Respondent signed a statement on her renewal application attesting that she had completed the continuing education requirements for licensure.

5. Respondent received but ignored correspondence from the Board on January 18, 2008 and April 4, 2008 regarding this matter.

6. Following the Board's audit and investigation, the Board became aware that Respondent did not complete the required continuing education units as is required for licensure renewal.

### **CONCLUSION OF LAW**

Based on the above findings of fact, the Board concludes as a matter of law that Respondent is in violation of HO § 19-311(1), (4), (5), (6), (7) and (12) as well as HO § 19-308(d)(3)(ii) and COMAR10.42.06.03A.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10 day of October, 2008, by a majority of the full authorized membership of the Board considering this case:

**ORDERED** that Respondent's license to practice social work shall be **REPRIMANDED**; and be it further

**ORDERED** that Respondent shall pay to the Board, for payment into the General Fund of the State, a monetary fine in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** within sixty (60) days of the date that this Consent Order is signed by the Board; and be it further

**ORDERED** that Respondent shall comply with and practice within all statutes and regulations governing the practice of social work in the State of Maryland; and be it further


**ORDERED** that any violation of any of the terms of this Consent Order shall constitute unprofessional conduct; and be it further

**ORDERED** that if the Board has probable cause to believe that the public health, safety or welfare imperatively requires emergency action, the Board, without prior notice and an opportunity for a hearing, may summarily suspend the Respondent's license, provided that Respondent is given prompt written notice of the Board's suspension, the finding, and the reasons in support thereof, and an opportunity for a hearing in accordance with Md. State Govt. Code Ann. § 10-226(c) (2004 Repl. Vol.); and be it further

**ORDERED** that if Respondent violates any of the terms of this Consent Order, the Board, after notice and a hearing, and a determination of violation, may impose any other disciplinary sanctions it deems appropriate, said violation being proved by a preponderance of evidence; and be it further

**ORDERED** that this Pre-Charge Consent Order is a public document pursuant to Md. State Govt. Code Ann. § 10-611 *et seq.*

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Date

  
Cherie Cannon, LCSW-C  
Cherie Cannon, LCSW-C, Chair  
Board of Social Work Examiners

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## CONSENT

I, JOY PATRICIA SMITH, LCSW-C, acknowledge that I have been informed that I may be represented by counsel prior to signing this Consent Order and have knowingly and voluntarily elected not to be represented by counsel.

I am aware that I am entitled to a formal evidentiary hearing before an Administrative Law Judge at the Office of Administrative Hearings. 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 procedural and substantive protections to which I am entitled by law. I am waiving those procedural and substantive protections. I understand and agree that this Consent Order results from formal disciplinary action and is, therefore, a public document.

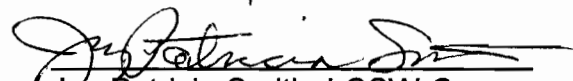
I voluntarily enter into and agree to abide by the foregoing Findings of Fact, Conclusions of Law and Order, and I agree to abide by the terms and conditions set forth herein as a resolution of the Board's case based on the findings set out herein. I acknowledge and understand that the Board has entered into this Consent Order in lieu of proceeding with formal 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.

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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 social work.

I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order, consisting of six (6) pages.

02/06/2009  
Date


  
Joy Patricia Smith, LCSW-C  
Respondent

**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY of Montgomery

I HEREBY CERTIFY that on this 6 day of Feb, 2009, before me, a Notary Public of the State and County aforesaid, personally appeared Joy Patricia Smith, LCSW-C, and made oath in due form of law that the foregoing was her voluntary act and deed.

**AS WITNESS** my hand and Notarial Seal.

  
Notary Public

My Commission Expires: 1/09/2013

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