

**IN THE MATTER OF  
KENNETH R. THAU, LCSW-C**

**Respondent**

**License Number: 08857**

\* **BEFORE THE MARYLAND**  
\* **STATE BOARD OF**  
\* **SOCIAL WORK EXAMINERS**  
\* **Case Number: 10-1519**

\* \* \* \* \*

**CONSENT ORDER**

On December 14, 2012, the Maryland State Board of Social Work Examiners (the "Board") charged Kenneth R. Thau, LCSW-C (the "Respondent") (D.O.B. 12/1/1949), License Number 08857, with violating the Maryland Social Workers Act (the "Act"), Md. Code Ann., Health Occ., ("Health Occ.") §§ 19-101 *et seq.* (2009 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

**§ 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) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice 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]

(10) 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 Board charged the Respondent with violating "regulations governing the practice of social work adopted and published by the Board," under the following provision of the Code of Maryland Regulations ("COMAR"):

**§ 10.42.03.05 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.

On February 5, 2013, a Case Resolution Conference was held before a panel of the Board. As a result of negotiations, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

The Board makes the following Findings of Fact:

**Background**

1. At all times relevant hereto, the Respondent was a Licensed Certified Social Worker – Clinical ("LCSW-C") in the State of Maryland. The Respondent was licensed to practice clinical social work in Maryland on January 29, 1998. His license is active and is set to expire on October 31, 2014.

2. At all times relevant hereto, the Respondent held a comparable social work license in the District of Columbia (License No. LC300168, now expired).

**Complaint**

3. On or about December 22, 2009, the Board received a complaint ("the Complaint") from the Human Resource Director of a social work practice in the District of Columbia where the Respondent had been employed.

4. The Complaint related allegations that the Respondent had engaged in a dual relationship with a female client ("the Client")<sup>1</sup> and was under investigation by the D.C. Department of Health for possible violations of the D.C. Health Occupations statute, known as the Health Occupations Revision Act ("HORA").

D.C. Board's Disciplinary Order

5. Upon receipt of the Complaint, the Board forwarded it to the D.C. Board of Social Work (the "D.C. Board").

6. In or around May 2012, the D.C. Board charged the Respondent with violating HORA by:

- a) failing to conform to standards of acceptable conduct and prevailing practice within a health profession; and
- b) failing to comply with the standards of ethical and professional conduct established by the National Association of Social Workers in its publication entitled "Code of Ethics."

7. In a Consent Order, dated May 29, 2012, the D.C. Board determined that the Respondent had engaged in a dual relationship with the Client in that he loaned her \$20, bought her breakfast, and drove her around to look for a new apartment. The D.C. Board reprimanded the Respondent and imposed a fine in the amount of \$1000. The Consent Order further provided that if the Respondent failed to pay the fine within five months, his license would be suspended, and he would have to complete a minimum three hour ethics course before seeking reinstatement.

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<sup>1</sup> To ensure confidentiality, the names of individuals, health care facilities and hospitals involved in this case are not disclosed in this document.

8. The D.C. Board's Order included a provision that states, "This Consent Order is the Final Order of the Board in this disciplinary matter and a public record and shall be posted on the Department of Health's website and Board newsletter, and reported to the National practitioner Data Bank and the Healthcare Integrity Protection Data Bank."

#### CONCLUSIONS OF LAW

9. Based on the foregoing Findings of Fact, the Board concludes as a matter of law that:

- a. The Respondent's discipline by the DC Board was for an act that would be grounds for disciplinary action under Health Occ. § 19-311, in violation of Health Occ. § 19-311(10).
- b. The Respondent's engagement in a dual relationship with the Client constitutes conduct that is inconsistent with generally accepted professional standards, in violation of Health Occ. § 19-311(6).
- c. The Respondent's engagement in a dual relationship with the Client constitutes a violation of the Board's regulations under COMAR 10.42.03.05A, in violation of Health Occ. § 19-311(7).

#### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 12<sup>th</sup> day of April, 2013, by a majority of the Board considering this case:

**ORDERED** that the Respondent is hereby **REPRIMANDED**; and it is further

**ORDERED** that the Respondent is placed on **PROBATION** until he has fully and successfully satisfied the following terms and conditions:

- (a) The Respondent shall enroll in and successfully complete a Board-approved one-on-one ethics tutorial in the field of Social Work. The Respondent shall submit written documentation to the Board regarding the particular one-on-one tutorial he proposes to fulfill this condition. The Board reserves the right to reject his proposed tutorial and require resubmission of an alternative tutorial. The Board will approve a tutorial only if it deems the curriculum and the duration of the tutorial adequate to satisfy its concerns. The Respondent shall be responsible for submitting written documentation or verification to the Board of his successful completion of the one-on-one tutorial. This course shall be in addition to any course required to satisfy the continuing education requirements for the applicable licensure renewal period.

**AND IT IS FURTHER ORDERED** that after the Respondent has successfully completed the Board-approved one-on-one ethics tutorial, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board or a designated Board committee. The Board, or designated Board committee, shall grant the termination if the Respondent has fully and satisfactorily complied with all of the terms and conditions of Probation and there are no pending complaints related to the issues in this case; and it is further


**ORDERED** that the Respondent shall comply with the Maryland Social Work Act and all laws, statutes and regulations pertaining thereto; 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 which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, 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 this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't, §§ 10-611 *et seq.* (2009 Repl. Vol.).

 LCSW-C  
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Judy Levy, LCSW-C  
Board Chair  
Maryland State Board of Social Work  
Examiners

**CONSENT**

I, Kenneth R. Thau, LCSW-C, acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority

and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

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

4-8-13  
Date

Kenneth R. Thau  
Kenneth R. Thau, LCSW-C

**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 8 day of April 2013,  
2013, before me, a Notary Public of the foregoing State and City/County personally appear Kenneth R. Thau, LCSW-C, License Number 08857, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Kiran Agarwal  
Notary Public

My commission expires:



Kiran Agarwal  
NOTARY PUBLIC  
Montgomery County  
State of Maryland  
My Commission Expires  
January 10, 2016