

IN THE MATTER OF	*	BEFORE THE STATE
DAVID M. TOPLIN, LCSW-C	*	BOARD OF SOCIAL WORK
RESPONDENT	*	EXAMINERS
LICENSE NUMBER: 16674	*	CASE NUMBER: 2018-2551

* * * * *

PRE-CHARGE CONSENT ORDER

On May 28, 2019, the State Board of Social Work Examiners (the “Board”) summarily suspended the license of David M. Toplin, LCSW-C, (the “Respondent”), License Number: 16674, under the Maryland Social Workers Act (the “Act”), Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.) concluding that the public health, safety and welfare imperatively required emergency action pursuant to Md. Code Ann., State Gov’t. § 10-226(c)(2) (2014 Repl. Vol. & 2018 Supp.)¹

In lieu of issuing charges against the Respondent and conducting an evidentiary hearing under §§ 19-312 of the Act, the Board decided to resolve this case against the Respondent by way of this Pre-Charge Consent Order. All parties to this Pre-Charge Consent Order agree that the Board would have charged the Respondent with violating the Act, if there were not a pre-charge resolution. The pertinent provisions of the Act are as follows:

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

¹ This Pre-Charge Consent Order supersedes the Board’s May 28, 2019 Order for Summary Suspension.

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;

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

COMAR 10.42.03

.03 Responsibilities to Clients.

B. The licensee may not:

(3) Exploit a relationship with a client for personal advantage or satisfaction;

COMAR 10.42.03

.05 Relationships.

D. The licensee may not engage in sexual misconduct with either current or former clients.

E. The licensee may not engage in sexual misconduct with a client, supervisee, student, trainee, or colleague over whom the licensee exercises professional authority.

COMAR 10.42.03

.06 Standards of Practice.

B. A licensee may not:

(1) Undertake or continue a professional relationship with a client when the competence or objectivity of the licensee is or could reasonably be expected to be impaired due to:

(b) The licensee's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, legal, or other relationship with the client or a person associated with or related to the client; or

(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.

FINDINGS OF FACT

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

2. The Respondent was originally issued a license to practice social work in Maryland on or about January 6, 2011.

3. The Respondent's license expires on October 31, 2019.

4. At all times relevant hereto, the Respondent owned and operated a facility, ("Facility A") that provided counseling services to children, adults, seniors, couples, and families.²

5. On or about September 7, 2018, the Board received a complaint regarding the Respondent's conduct during therapy sessions with a patient (Patient A).³

6. The complainant alleged that the Respondent displayed inappropriate behavior towards Patient A during therapy sessions.

7. An investigation conducted by Board staff revealed the following:

8. On or about April 11, 2018, Patient A, a 34-year-old female, began therapy sessions with the Respondent.

² The name of Facility A has been omitted to protect confidentiality.

³ The name of Patient A has been omitted to protect confidentiality.

9. During her initial therapy session with the Respondent, Patient A told the Respondent that she had been sexually molested as a child by a family friend. She also told the Respondent that she was a victim of domestic violence. They also discussed Patient A's self-esteem, problems she was having with family members, and parenting issues.

10. Following her initial therapy session, Patient A saw the Respondent approximate two times per week. Most of the therapy sessions were used to provide methods for improving Patient A's self-esteem and personal relationships.

11. The Respondent indicated in psychotherapy progress notes that Patient A was experiencing significant dysphoria, crying spells, and isolation. He also indicated in the notes that the focus would be on the sexual assault and emotional issues that Patient A was experiencing.

12. During therapy sessions, the Respondent commented on Patient A's personal appearance after asking her to stand up. The Respondent told Patient A that she was beautiful and that there was nothing wrong with her.

13. During a therapy session, the Respondent became visibly angry with Patient A when she told him that she had reunited with a boyfriend. The Respondent proceeded to call Patient A's boyfriend a derogatory name. When Patient A began crying, the Respondent came over to her and began holding her hands and touching her knee.

14. The Respondent often touched Patient A's hands and/or knees when she cried or got emotional during therapy sessions.

15. During therapy sessions, the Respondent also discussed with Patient A his knowledge of other therapists having sex with clients. He told Patient A that he was often offered sex by female inmates when he worked at a prison.

16. On or about August 23, 2018, Patient A had her final therapy session with the Respondent.

17. During Patient A's final therapy session, the Respondent again commented on Patient A's appearance, including making comments about her buttocks and telling her that he would not mind grabbing it. The Respondent also told Patient A that he was attracted to her. Patient A left the therapy feeling uncomfortable and betrayed. Subsequently, Patient A terminated therapy with the Respondent.

18. On February 27, 2019, the Respondent was interviewed by a Board investigator. The Respondent admitted under oath that he was physically attracted to Patient A. He also admitted that he discussed with Patient A his physical attraction to her.

19. The Respondent's conduct as set forth above is a violation Health Occ. § 19-311(4), (5), and (6); COMAR 10.42.03.03B (3); COMAR 10.42.03.05D and E; and COMAR 10.42.03.06B(1).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §1 9-311 (4), (5), and (6); COMAR10.42.03.03B; COMAR 10.42.03.05D and E; and COMAR10.42.03.06 B

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 13th day of January 2020, by a majority of the appointed members of the Board, hereby:

ORDERED that the Respondent's license shall be **SUSPENDED for three (3) years**; and it is further

ORDERED that following the suspension period, the Respondent's license shall be placed on **PROBATION for three (3) years**; and it is further

ORDERED that the Respondent shall pay a fine in the amount of three thousand dollars (\$3000). The fine shall be paid within six (6) months of the date of this Pre-Charge Consent Order; and it is further

ORDERED that the Respondent shall take a one-on-one ethics tutorial that is preapproved by the Board. The Respondent shall complete this course within six (6) months of the effective date of this Pre-Charge Consent Order. Any credits earned by the one-on-one tutorial shall not be used by the Respondent to satisfy continuing education requirements for renewal; and it is further

ORDERED that the Respondent shall complete all continuing education requirements during the suspension period; and it is further

ORDERED that the Respondent shall not serve or continue to serve as a Board Authorized Sponsor, presenter and/or trainer of social work continuing education learning activities, an Ethics Tutor, an evaluator for the Board, or a Board Approved

Supervisor for a period of five (5) years from the effective date of this Pre-Charge Consent Order; and it is further

ORDERED that the Respondent shall not have clinical social work supervision over any person that is licensed to practice social work for a period of five (5) years from the effective date of this Pre-Charge Consent Order; and it is further

ORDERED that before submitting a petition for reinstatement, the Respondent shall be evaluated by a Board-approved mental health professional to determine his fitness to practice social work; and if is further

ORDERED that at the conclusion of the probationary period, the Respondent may file a written petition to the Board for termination of the probationary status and the removal of any conditions or restrictions that resulted from this disciplinary action, provided that the Respondent has fulfilled all the terms and conditions set forth herein, is not in violation of this Pre-Charge Consent Order, and there are no outstanding complaints against the Respondent; and it is further

ORDERED that failure to comply with the terms and conditions of the Pre-Charge Consent Order, constitutes a violation of the Pre-Charge Consent Order and the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any appropriate sanction under the Act; and it is further

ORDERED that the Respondent shall bear all costs associated with this Pre-Charged Consent Order; and it is further,

ORDERED that the Respondent shall practice social work in accordance with the Maryland Social Workers Act and all applicable laws and regulations; and it is further

ORDERED that the effective date of this Pre-Charge Consent Order is the date that it is signed by the Board; and it is further

ORDERED that for purposes of public disclosure, the Pre-Charge Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014Repl. Vol. & 2018 Supp.) and is reportable to any entity to whom the Board is obligated to report.

01/13/2020



Date

Sherryl Silberman, LCSW-C,
Board Chair
Maryland Board of Social Work Examiners

CONSENT OF DAVID M. TOPLIN, LCSW-C

I, **DAVID M. TOPLIN, LCSW-C**, acknowledge that I am represented by Barry C. Goldstein, Esquire, and have consulted with my attorney before entering into this Consent Order.

I voluntarily enter into and agree to abide by this Consent Order, including 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 rights I may have to contest the Findings of Fact and the Conclusions of Law, but do not agree that the Findings of Fact are representative of my actual behavior.

I waive my right to a full evidentiary hearing and any right to appeal the Findings of Fact, Conclusions of Law and Order as set forth in this Consent Order. I waive any right to appeal the Findings of Fact, Conclusions of Law and Order as set forth in this Consent Order, and any adverse ruling of the Board that might have followed any such hearing. I waive my right to the procedural and substantive protections that would have been afforded to me had I chosen to have a full evidentiary hearing.

I acknowledge the validity and enforceability of this Consent Order such that this Consent Order is deemed to have the same force and effect as a Final Order issued 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 understand and agree that this Consent Order results from formal disciplinary action and is therefore, a public document.

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.

12/13/2013
DATE

David M. Toplin
David M. Toplin, LCSW-C

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I hereby certify that on this 13th day of December 2019, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared David M. Toplin, LCSW- C, License Number 16674 and made oath in due form of law that the foregoing Consent Order was his voluntary act and the statements made herein are true and correct.

AS WITNESS my hand and Notarial Seal.

Karen J. Miller
Notary Public

My Commission Expires: 12/2/23

