

IN THE MATTER OF * BEFORE THE
DAVID CHARLES WILLIAMS, LCSW-C* MARYLAND STATE BOARD
Respondent * OF SOCIAL WORK EXAMINERS
License Number: 09559 * Case Number: 09-1413

* * * * *

ORDER OF REVOCATION

FINAL DECISION AND ORDER

BACKGROUND

On September 11, 2009, the Maryland State Board of Social Work Examiners (the "Board") issued charges against David Charles Williams, LCSW-C (the "Respondent") pursuant to its authority under the Maryland Social Work Practice Act (the "Act"), Maryland Health Occ. Code Ann., ("H.O.") §§19-101 *et seq.*, (2005 Repl. Vol. and 2008 Supp.). Specifically, the Board charged Respondent with violating the following provisions of H.O. §19-311:

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

- (3) Is mentally or physically incompetent;
- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (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 this Board, to-wit:

Code of Maryland Regulations ("COMAR") 10.42.03.03A(3):
The licensee shall: Notify the client promptly and seek the transfer, referral, or continuation of service in relation to the client's need or preference if the licensee anticipates the termination or interruption of service to the client.

Included with the Charges to Respondent was a letter of procedure informing Respondent that he may attend a Case Resolution Conference ("CRC") on October 13, 2009, if he requests it in writing within ten (10) days of receipt of the Charges. The Charges and letter of procedure were sent to Respondent by regular and certified mail to the Respondent's address of record maintained by the Board. Both the regular mail and certified mail letters of procedure and Charges were returned to the Board.

Respondent did not request a CRC. Therefore, the CRC scheduled for October 13, 2009 was canceled.

On October 16, 2009, the Office of Administrative Hearing ("OAH") sent notices to the Respondent of an in-person prehearing conference scheduled for December 10, 2009 at 9:30 a.m. and a hearing on the merits of the Charges scheduled for January 28, 2010 at 9:30 a.m. The notices were sent to the Respondent by first-class mail to his address of record with the Board. The United State Postal Service returned the notices to the OAH with the envelope marked: "Moved – Left no address – Unable to forward."

On October 13, 2009, the Board also issued a Notice of Hearing to the Respondent, by regular and certified mail, to his address of record. The Notice of Hearing informed the Respondent of the aforementioned hearing and prehearing conference, their dates, times and location. The Notice of Hearing also advised the Respondent that if he did not appear at the hearing, the Administrative Law Judge

("ALJ") could hear and determine the matter in his absence. The United States Postal Service returned both the regular mail and certified mail to the Board.

On December 10, 2009, an in-person prehearing conference was held before Administrative Law Judge Thomas G. Welshko. Respondent failed to appear. The Administrative Prosecutor appeared on behalf of the State of Maryland and was ready to proceed. Accordingly, the Administrative Prosecutor made Motion for Proposed Default. The Motion for Proposed Default was supported by a written Motion for Proposed Default and attached exhibits, which the ALJ accepted into the record. Pursuant to COMAR 28.02.01.20A, the ALJ granted the State's Motion for Proposed Default.

On December 15, 2009, the ALJ issued a Proposed Default Order wherein he concluded that the Respondent be found in default and that the Charges issued by the Board on September 11, 2009 be upheld. The ALJ further concluded and proposed that Respondent's license to practice social work in the State of Maryland be indefinitely suspended.

The ALJ recommended that, prior to any request for license reinstatement, the Respondent shall provide documentation that he is engaged in mental health treatment. In addition, the ALJ recommended that, prior to any request for license reinstatement, the Respondent shall seek a mental health evaluation from a Board-approved mental health care provider and provide to the Board a report addressing the Respondent's fitness to practice social work. The ALJ also proposed that, prior to any request for reinstatement, the Respondent shall successfully complete a continuing education course on the confidentiality of patient records. The ALJ further recommended that,

upon any reinstatement, the Respondent shall be placed on probation for a period of one year, during which time the Respondent's social work practice will be monitored by the Board.

In the Proposed Default Order, the ALJ advised the Respondent, pursuant to COMAR 28.02.01.20C and 10.42.04.06D(1), of the right to file written exceptions to the Proposed Default Order within fifteen (15) days from the date of the Proposed Default Order.

On January 8, 2010, with the Respondent having filed no exceptions, a majority of the full authorized membership of the Board voted to affirm the ALJ's Proposed Default Order and to revoke Respondent's license to practice social work. The Board issues this Final Decision and Order based upon its consideration of the entire record, including the Proposed Default Order, the State's Motion for Default and exhibits. For the reasons set forth below, the Board adopts the ALJ's Proposed Default Order in its entirety. The ALJ's Proposed Default Order is attached and incorporated herein as Appendix A.

SUMMARY OF EVIDENCE

The ALJ accepted the following exhibits into the record, which were offered by the Administrative Prosecutor on behalf of the State of Maryland:

1. Complaint to Board, February 10, 2009
2. Mr. Williams' Record from Board of Social Work Examiner's Database
3. Circuit Court for Talbot County, Barbara Williams v. David C. Williams, Case No. 0305SP004202008, documents pertaining to Protective Order, December 1, 2008
4. Anne Arundel County Police Department Incident Report, December 1, 2008

5. Subpoenas Duces Tecum

- a. To Sheppard Pratt Health System for Mr. Williams' patient file, April 1, 2009
- b. To Dorchester General Hospital for Mr. Williams' patient file, June 24, 2009
- c. To For All Seasons, Inc. for Mr. Williams' personnel file, June 24, 2009
- d. To Harbor Hospital for Mr. Williams' patient file, September 2, 2009

6. Mr. Williams' Patient Records

- a. Harbor Hospital, December 1, 2008
- b. Dorchester General Hospital, December 3, 2008
- c. Memorial Hospital at Easton, March 24, 2009
- d. Sheppard Pratt Health System, March 24, 2009

7. Mr. Williams' For All Seasons, Inc. Personnel File

8. Circuit Court for Talbot County, Irene Williams v. David C. Williams, Case No. 0305SP001052009, documents pertaining to Protective Order, March 24, 2009
9. Easton Police Department Crime/Incident Report, Emergency Evaluation, March 24, 2009
10. Easton Police Department Crime/Incident Report, 1st Degree Burglary, March 24, 2009
11. Article from *The Star Democrat* (Easton, Maryland), March 25, 2009
12. Email Correspondence from Jackie Messix, Fiscal Coordinator, For All Seasons, Inc. to Rick Kenney, Board Investigator, June 25, 2009
13. Correspondence from Rick Kenney, Board Investigator to Mr. Williams, June 26, 2006 (returned stamped "Moved, Left No Address, Unable to Forward, Return to Sender")
14. Memo to File, re: witness Kendra Robinson, July 2, 2009
15. Email to Rick Kenney from Heather Caccavale, For All Seasons, Inc., June 25, 2009
16. Notice of Disciplinary Charges Under the Maryland Social Work Act, September 11, 2009
17. Notice of Disciplinary Charges and Hearing, October 13, 2009

18. Returned Mail

- a. Copy of regular mail envelope containing Notice of Disciplinary Charges mailed to Mr. Williams and returned as "Return to Sender, Moved Left No Address, Unable to Forward."
- b. Copy of certified mail (# 70081830000115982506) envelope containing Notice of Disciplinary Charges mailed to Mr. Williams and returned as "Return to Sender, Moved Left No Address, Unable to Forward."
- c. Copy of envelopes (regular and certified mail) containing Notice of Disciplinary Charges and Hearing mailed to Mr. Williams and returned as "Return to Sender, Moved Left No Address, Unable to Forward."
- d. Copy of certified mail (# 70080500000151822632) envelope containing Notice of Disciplinary Charges and Hearing mailed to Mr. Williams and returned as "Return to Sender, Moved Left No Address, Unable to Forward."

FINDINGS OF FACT

The Board makes the following findings of fact:

I. Factual Background

1. At all times relevant hereto, the Respondent was licensed to practice social work in the State of Maryland. The Respondent was initially licensed to practice social work in the State of Maryland on October 3, 1997, having been issued license number 09559. His license is currently active and was due to expire on October 31, 2009.

2. The Respondent was employed by For All Seasons, Inc., ("FAS"), a community mental health clinic and rape crisis center in Easton, Maryland from January 7, 2008 until he resigned on February 9, 2009.

3. According to hospital records, the Respondent has a history of mental health problems that first manifested themselves approximately 30 years ago.

II. Complaint

4. On February 17, 2009, the Board received a complaint alleging that the Respondent failed to maintain the confidentiality of client records, which were entrusted to him as an employee of FAS.

5. The complaint alleged that on December 1, 2008, FAS was notified by the Red Roof Inn in Linthicum Heights, Maryland, near the Baltimore-Washington International Airport, that patient records belonging to FAS were found in a guest's room, and that those records were left in the room by the Respondent, a guest of the hotel. The records were discovered by a hotel staff member, after the Respondent was acting in an "unusual manner" at the hotel and was taken by local police to an emergency room for a mental health evaluation.

6. Thereafter, the Board opened the case for investigation.

7. Based on the investigative documents received by the Board, the Board makes the following findings.

III. Case Specific Findings

8. On December 1, 2008, a guest, later identified as the Respondent, was in the lobby of the Red Roof Inn, without clothing, yelling and acting disoriented.

9. A member of the hotel staff called 911. The Respondent was uncooperative when the police officers arrived and had to be physically subdued. As a result, the Respondent sustained bruises and lacerations to his head and hands.

10. Once subdued, the Respondent was transported to Harbor Hospital in Baltimore, Maryland, where he was admitted pursuant to a Petition for Emergency

Evaluation, under Md. Code Ann. Health-General I (“Health-Gen. I”) §§ 10-620 *et seq.* ¹

11. According to a hotel staff member who entered the Respondent’s hotel room to gather and return the Respondent’s personal belongings, the Respondent abandoned multiple patient files. Three patient files were found on the bed (one open, two closed), and there were additional files located in a canvas bag. The hotel staff member identified FAS as the owner of the files and contacted FAS to facilitate their return.

12. On December 2, 2008, an FAS employee picked up the abandoned patient files at the hotel. Upon arrival, the FAS employee was handed a clear plastic trash bag containing the files and paperwork. The FAS employee returned the files to FAS.

13. On December 3, 2008, the Respondent was transferred from Harbor Hospital to Dorchester General Hospital (“Dorchester General”) in Cambridge, Maryland for continued inpatient psychiatric treatment as a voluntary patient.

14. Upon admission to Dorchester General, hospital records state that the Respondent appeared to be “struggling with internal stimuli,” had “difficulty focusing” and was “sometimes tangential in his responses” to questions.

15. On December 5, 2008, the Respondent submitted a request for discharge pursuant to Health-Gen. I § 10-803(b), which requires that a voluntary patient be released from hospitalization no more than three days from the date of the patient’s request for release.

¹ Based upon the incident at the hotel, the Respondent was charged, in the District Court for Anne Arundel County, with Assault-Second Degree, Indecent Exposure, Disorderly Conduct, and Resist/Interfere with Arrest. According to the Maryland Judiciary Case Search Database, this case (number 1A00200026) has not yet been adjudicated, and the status is listed as “warrant.”

16. On December 8, 2008, the Respondent was discharged in accordance with his request under Health-Gen. I § 10-806(b) because he did not meet the criteria for involuntary hospitalization. The Respondent's physician attempted to persuade him to remain in the hospital to adjust his medication, but the Respondent refused. The Respondent stated that he wanted to be discharged so that he could return to work and indicated that he did not have plans to disclose his hospitalization to his employer.² The Respondent was discharged AMA (against medical advice) with one week of psychoactive medication.

17. When asked where he would go, the Respondent stated that he was going home, in violation of an existing Protective Order against him.³ The Respondent stated that if his wife was at home when he arrived, she would have to leave. Due to the Respondent's impulsivity, history of poor judgment, and the potential for violence against his wife, the physician contacted the Respondent's wife to alert her to the Respondent's plans.

18. As a result of the incident at the Red Roof Inn, the Respondent was placed on administrative leave from his clinical duties at FAS while he sought treatment for his mental illness.

19. On January 19, 2009, the Executive Director of FAS met with the Respondent to discuss his return to work. The Respondent was permitted to return to

² According to the complaint, the Respondent had already notified his employer of his whereabouts.

³ The Respondent's wife obtained a Protective Order against the Respondent on the day preceding the incident at the Red Roof Inn. According to the Respondent's wife, she was bitten and pinched by the Respondent. The Respondent's wife also stated that the Respondent yelled obscenities at her and threatened to kill her if she didn't leave their home. The Protective Order is in effect until December 8, 2009.

FAS, however, the Respondent was required to comply with certain conditions, including but not limited to continued mental health treatment and monthly drug tests.

20. On February 4, 2009, the Executive Director of FAS met with the Respondent to discuss his lack of compliance with the conditions of his FAS employment, namely, that the Respondent failed to submit to a drug test.

21. At their February 4 meeting, the Respondent initially agreed to submit to a drug test. On February 9, 2009, however, the Respondent left a handwritten note for the Executive Director of FAS stating, "Changed my mind. I quit."

22. The Respondent failed to notify his clients of his decision to terminate his employment with FAS and further failed to assist his clients with seeking the transfer, referral, or continuation of their services as required by COMAR 10.42.03.03A(3).

23. Subsequently, the Respondent continued to display erratic and bizarre behavior. On March 24, 2009, the Respondent visited his elderly mother at Londonderry, the retirement home where she resides. The Respondent's mother is frail and suffers from myriad physical ailments. The Respondent entered his mother's residence and forcibly held her down in bed, while shouting obscenities. A neighbor contacted security, and the Respondent was asked to leave. The Respondent shoved the security officer and then left his mother's residence.

24. As a result of the incident at his mother's residence, the Respondent was banned from the property. In addition, his mother obtained a Protective Order against him. The Protective Order was later rescinded, however, at the Respondent's mother's request.

25. On March 24, 2009, The Star Democrat, an Easton, Maryland newspaper, reported that the Respondent's neighbor summoned the police when she heard the Respondent yelling behind the bushes in front of his house.⁴ The Respondent was reportedly shouting obscenities and threats. When the police arrived, the Respondent fled inside the house and then onto the roof, where he shouted obscenities and demanded that the police bring him his "bud," a slang term for marijuana. According to the article, while on the roof, the Respondent waved to neighbors and periodically flashed the peace sign. The police were able to coax the Respondent back inside, at which time he was handcuffed and taken to Memorial Hospital at Easton ("Memorial") in Easton, Maryland, where he was admitted pursuant to a Petition for Emergency Evaluation. (Health-Gen. I §§ 10-622).

26. Upon the Respondent's arrival at Memorial, he was combative with hospital staff and was placed in four-point restraints for approximately two hours to control his behavior.

27. On March 25, 2009, the Respondent was transferred to Sheppard Pratt Health System ("Sheppard Pratt"), where he was involuntarily hospitalized for continued mental health treatment. (Health-Gen. I §10-613 *et seq*).

28. During his hospitalization, the Respondent admitted to alcohol and cannabis (marijuana) dependence, and he disclosed daily use of marijuana and hard alcohol.

29. During conversations with the Respondent's therapist, the Respondent's family members disclosed multiple instances of erratic behavior in the past several

⁴ According to medical records from Sheppard Pratt, the police were responding to a complaint that the Respondent had assaulted his mother earlier that day.

months. The Respondent's sister reported that he spent large sums of money, gifted to him by their elderly mother, on marijuana. She also reported that the Respondent exhibited paranoid and delusional behavior, believing that "the Feds" are out to get him, and that people keep breaking into his house, stealing his belongings and turning on water faucets. The Respondent's sister also stated that in mid-February 2008, the Respondent traveled to Alaska and abandoned his car there.

30. The Respondent's brother revealed an incident in which the Respondent ripped everything out of his house, down to the studs, rendering the house unlivable. The Respondent threw the debris in the front yard.

31. The Respondent was discharged from Sheppard Pratt on April 6, 2009. His condition was listed as "moderately improved" in the discharge summary.

32. The Respondent's current whereabouts are unknown at this time. He has not returned to work at FAS, nor has he been in contact with his family. The Respondent was last known to be in Virginia.

DISCUSSION

Respondent failed to conduct himself in a professional manner while in possession of patient files at the Red Roof Inn. This created a situation where clients' confidentiality was violated and constitutes unprofessional conduct, negligence and misconduct in the practice of social work.

Respondent failed to comply with conditions of his employment with FAS, including but not limited to mental health treatment and monthly drug tests. After initially agreeing to submit to a drug test but subsequently refusing to do so, Respondent abruptly quit his job with FAS. Respondent did not notify his clients that he was

terminating his services with them, nor did Respondent seek the transfer, referral or continuation of services for those clients. This constitutes unprofessional conduct, negligence and misconduct in the practice of social work. Respondent's behavior shows his complete disregard for his clients and also constitutes a violation of COMAR 10.42.03.03A(3).

Respondent's behavior as described in the Findings of Fact, ranging from the incident on December 1, 2008 at the Red Roof Inn to the incidents on March 24, 2009 at his home and with his mother at her home, indicates that Respondent is a danger to himself and to others. His actions constitute mental and physical incompetence that prohibits him from practicing social work. The medical reports from his treatment at Harbor Hospital, Dorchester General Hospital, Memorial Hospital and Sheppard Pratt reveal mental instability necessitating treatment. His daily use of marijuana is not only illegal but also is unprofessional behavior for a licensed health care professional. He has admitted to dependence on alcohol and marijuana, as well as his use of the drug and consumption of hard alcohol on a daily basis. As a result of his impaired state of being, both mentally and physically, Respondent is not competent to practice social work.

CONCLUSIONS OF LAW

The Board adopts and incorporates by reference the conclusions made by the ALJ in the Proposed Default Order dated December 15, 2009 wherein the ALJ proposed that the Charges issued by the Board on September 11, 2009 be upheld. Accordingly, in light of the foregoing Findings of Fact and the Proposed Default Order,

the Board finds that the Respondent violated H.O. §19-311 (3), (4), (6) and (7), as well as Code Md. Regs. tit. 10 § 42.03.03A(3).

SANCTION

The Respondent is guilty of serious violations of the Social Work Practice Act and the Board's regulations. Respondent's erratic and bizarre behavior indicates that he is a danger to himself and to others. Respondent has a dependence on marijuana and alcohol and has admitted to using both on a daily basis. Respondent is not competent to practice social work. Due to Respondent's complete disregard of his duties and responsibilities as a professional social worker, the Board believes that a severe sanction is necessary to deter further misconduct by the Respondent and by other social workers who may be tempted to abdicate their responsibilities to practice social work in a professional and responsible manner. The Board concludes that it is necessary to revoke Respondent's license in order to protect the health and welfare of potential patients.

As the Board's sanctions act as a "catharsis for the profession and a prophylactic for the public," (McDonnell v. Comm'n on Medical Discipline, 301 Md. 426, 436 (1984)), it is imperative that social workers understand that serious misconduct has serious ramifications and is likely to have an effect on one's license to practice one's profession. It is for all of these reasons that the Board has determined that revocation is the appropriate sanction for Respondent's misconduct.

The Board believes, however, that there is a possibility that the Respondent may once again safely practice social work after a receiving treatment for his mental health

and substance abuse issues. Should Respondent choose to undergo such treatment, the Board may consider a Petition for Reinstatement in the future.

Prior to filing a Petition for Reinstatement, however, Respondent must demonstrate proof of compliance with a drug treatment program and mental health treatment with a Board-approved, licensed mental health professional. With his Petition for Reinstatement, Respondent must file copies of reports from his drug treatment and mental health treatment. Respondent must also provide a report from his mental health treatment provider that addresses all of Respondent's mental health issues, substance abuse issues, overall well-being, fitness to practice social work, and whether or not the mental health treatment provider recommends that Respondent's license be reinstated. The Board also may require additional medical evaluations by Board-approved providers, prior to considering a Petition for Reinstatement.

Prior to petitioning the Board for reinstatement, Respondent also must successfully complete a professional ethics course. Respondent must provide documentation of this with his Petition for Reinstatement.

The Board finds that absent receiving mental health and substance abuse treatment and completing educational coursework in professional ethics, the Respondent is likely to engage again in similar unprofessional conduct to the detriment of the health, safety and welfare of his clients. Therefore, it is necessary for the Board to revoke Respondent's license in order to protect the public now.

Based on these considerations, the Board will decide whether or not to reinstate Respondent's license and, if so, under what conditions. A Petition for Reinstatement

may be granted or denied at the discretion of the Board. The decision of the Board is not appealable.

If the Board reinstates Respondent's license, his license will be placed on supervised probation for a minimum of three (3) years. The Order of Reinstatement will delineate the additional terms and conditions of reinstatement of his license, including but not limited to Respondent (1) submitting to random drug testing, (2) providing mental health treatment reports and social work supervisor reports to the Board, (3) completing a continuing education course focusing on ethics and the confidentiality of patient files and (4) completing a Board-pre-approved, one-on-one, ethics tutorial, focusing on all of the issues involved in this case, which must be 12 weeks in duration and requires a written final essay in its conclusion. These and other conditions will be required of Respondent, should the Board reinstate his license, and will be specified further in the Order of Reinstatement.

ORDER

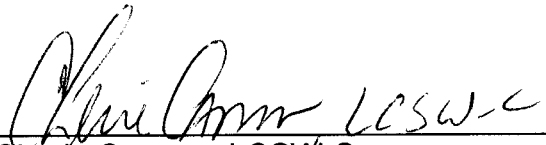
Based upon the foregoing Findings of Fact, Discussion and Conclusions of Law, it is this 24th day of Feb, 2010, by a majority of the full authorized membership of the Board, hereby

ORDERED that Maryland social work license of Respondent, David Charles Williams, LCSW-C, license number 09559, is **REVOKED**; and it is further

ORDERED that this Final Decision and Order shall be effective from the date it is signed by the Board; and it is further

ORDERED that this is a Final Order of the Maryland State Board of Social Work Examiners and, as such, is a PUBLIC DOCUMENT and is reportable to any entity to

which the Board is obligated by law to report, and is disclosable under the Maryland Public Information Act, Maryland State Gov't Code Ann. §§10-611 *et seq.*


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

NOTICE OF RIGHT TO APPEAL

Pursuant to Maryland Health Occ. Code Ann. §19-313, you have a right to take a direct judicial appeal. A petition for appeal shall be filed within thirty (30) days from your receipt of this Final Decision and Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Maryland State Gov't Code Ann. §§10-201 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules.