

IN THE MATTER OF
TOYA JACKSON PIERCE
APPLICANT

* BEFORE THE MARYLAND STATE
* BOARD FOR THE CERTIFICATION
* OF RESIDENTIAL CHILD CARE
* PROGRAM PROFESSIONALS
* CASE NUMBER: 2010-0004

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On January 27, 2010, based on information received, the Maryland State Board for the Certification of Residential Child Care Program Professionals (the "Board") provided Toya Jackson Pierce (the "Applicant"), D.O.B. 08/09/71, with Notice of Initial Denial of Application for Certification under the Maryland Certification of Residential Child Care Program Professionals Act (the "Act"), Md. Health Occ. Code Ann. ("Health Occ.") §§ 20-101 *et seq.* (2009 Repl. Vol.).

The Board notified the Applicant that a Final Order would be executed thirty (30) days from the Applicant's receipt of the Board's notification, unless the Applicant requested a hearing.

On February 24, 2010, the Applicant received the Board's Notice of Initial Denial of Application for Initial Medical Licensure. The Applicant's written request was due on March 26, 2010. On March 9, 2010, the Applicant submitted a response to the allegations and a written request for a hearing and a case resolution conference.

On May 14, 2010, a Case Resolution Conference was convened in this matter. Based on negotiations occurring as a result of this Case Resolution Conference,

Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following findings of fact:

I. Background

1. On or about January 22, 2008, the Applicant submitted to the Board an Application for Certification of Residential Child Care Administrators (the "Application").

2. From July 1995 through May 2001, the Applicant was a "Case Manager Supervisor" for Covenant House in New Orleans, Louisiana, where she supervised five case managers.

3. From June 2001 to June 2002, the Applicant was employed as a "Residential Consultant" for Girls and Boys Town of America where she was responsible for all aspects of the clinical operation of the group homes in New Orleans, Louisiana.

4. In May 2000, the Applicant graduated from the Southern University at New Orleans, having received a masters of social work.

5. In July 2002, the Applicant became a "Clinician Social Worker" at Youth Vision Services, Inc., Hyattsville, Maryland performing case management of children in care and supervises the care staff. As of the date of her application, the Applicant was still employed at Youth Vision Services.

6. On November 23, 2005, the Applicant was originally issued a license to practice social work as an individual clinical social worker in the District of Columbia, which license expired on July 31, 2007.

7. On January 27, 2007, the Applicant was originally licensed as an LCSW by the Louisiana State Board of Social Work Examiners, which license will expire on August 31, 2010.

8. Since March 2007, the Applicant has been licensed as a social worker at the LCSW-C level in Maryland, which license was due to expire on October 31, 2011.

II. Board Action on January 2008 Application

9. On January 23, 2008, the Board informed the Applicant in writing that it had received her application; however, before the Board could make a decision, she was required to provide three references.

10. On February 28, 2008, the Board again notified the Applicant in writing of its request for three reference letters and informed her that without this documentation, her application could not be processed.

11. On March 20, 2008, the Board notified the Applicant in writing for the third time that it required the outstanding documentation in regard to her reference letters before the Board could process her application.

12. On April 23, 2008, the Board informed the Applicant that since the Board had received no response to its three requests for the required documentation, the Board administratively closed her application, with the opportunity to reapply.

III. Board Action on Request for Appointment as Acting Program Administrator

13. On January 23, 2009, the Board received a written request from Youth Vision Services, Inc., Hyattsville, Maryland, requesting to that the Applicant, who is a social worker with Youth Vision Services, be named "Acting Executive Director" in place of the then current program administrator. Youth Vision Services is a private, nonprofit, residential care provider for youth in foster care between the ages of 13 and 18.

14. On April 20, 2009, the Board informed Youth Vision Services that it approved the Applicant as acting program administrator for a 180 day period from January 23, 2009 through July 22, 2009, at which time the approval would expire.

IV. Board Action on March 2009 Application

15. On March 17, 2009, the Board received from the Applicant an Application for Initial Certification – Residential Child Care Program Administrator.

16. In regard to the question on the application requiring the Applicant to list all licenses (active, inactive, or non-renewed) held in any state and to inform the Board whether there is a history of discipline, the Applicant stated that she was licensed in Maryland from March 2007 through October 2009 and there was “no” history of discipline. The Applicant also stated she was licensed in Louisiana and did not state whether there was a history of discipline in Louisiana. The Applicant did not list any other licenses.

17. On March 20, 2009, the Board informed the Applicant that it was in receipt of her (second) application for certification; however, her references were not submitted in sealed envelopes and the forms were incomplete. She was required to submit verification of licenses that she stated she holds in Maryland and Louisiana, and required to sign a release to process the application.

18. On May 1, 2009, the Board sent a second notice to the Applicant of missing required documentation as stated in its prior letter of March 20, 2009.

19. On or about June 4, 2009, the Board received information from the Maryland Board of Social Work Examiners in response to the Board’s inquiry about the status of the Applicant’s social work license. The Maryland Social Work Board stated

that the Applicant's license, which was due to expire on October 31, 2009, was in good standing, but answered "yes" in response to the following question from the Board:

Has the applicant ever been warned, censured or in any other manner disciplined or has the applicant's license or certification been revoked, suspended, or in any other manner limited?

20. On June 17, 2009, the Board received information from the Louisiana State Board of Social Work Examiners that the Applicant's license, which was due to expire on August 31, 2009, was in good standing.

21. On or about July 30, 2009, in response to a Public Information Act request for further information, the Board received from the Maryland Social Work Board, a copy of a public "Pre-Charge Consent Order" of July 2, 2007, which found as a fact that the Applicant had practiced social work in Maryland without a license from April 15, 2002 through September 1, 2006. The Social Work Board concluded as a matter of law that the Applicant engaged in an act of misconduct in the practice of social work, engaged in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work, and violated the Social Work Board's regulations for practicing social work without a license. The Applicant was Reprimanded and ordered to pay into the General Fund of the State, a monetary fine of one thousand dollars (\$1,000.00).

22. On August 31, 2009, the Board informed the Applicant in writing that it received the information in regard to the disciplinary action by the Maryland Board of Social Work Examiners. The Board requested a detailed written statement from the Applicant regarding this matter.

23. On September 2, 2009, the Applicant submitted correspondence to the Board with an explanation in regard to the finding by the Board of Social Work that she

had been practicing without a license. In her response, the Applicant stated that in addition to being licensed to practice social work in Maryland and Louisiana, she was also licensed to practice social work in the District of Columbia. The Applicant had not previously informed the Board that she had been licensed in the District of Columbia.

24. On September 15, 2009, the Board informed the Applicant in writing that her references failed to complete the entire forms, which is required before the Board can process her application.

V. Board Action on September 2009 Application

25. On September 24, 2009, the Board received from the Applicant a "resubmitted" Application for Initial Certification – Residential Child Care Program Administrator.

26. The Board noted on the Application that this was the Applicant's third application and that the Applicant had updated her March 2009 Application.

27. The Applicant stated that she has been employed at Youth Vision Services, from June 5, 2002 to date, as a "social worker," and that she supervises direct staff, conducts "ITTM's", and assessments and develops "ITSPs."

28. In regard to the question on the application requiring the Applicant to list all licenses (active, inactive, or non-renewed) held in any state and to inform the Board whether there is a history of discipline, the Applicant stated that she was licensed in Maryland from March 2007 through October 2009 and there was "no" history of discipline. The Applicant also stated she was licensed in Louisiana and did not state whether there was a history of discipline in Louisiana. The Applicant did not list any other licenses.

29. On September 24, 2009, the Board received the requested professional references from all three individuals.

30. On September 24, 2009, the Board informed the Applicant that it was in receipt of her application and that it would be presented to the Board at the next Board meeting.

31. On October 9, 2009, the Board reviewed Respondent's application and voted to deny the certification based on the following alleged violations of the Act.

VI. Findings of Fraudulently or Deceptively Attempting to Obtain a Certification

32. "Section VII" of the Application requires the Applicant to list all (active, inactive or non-renewed) licenses, certifications, or registrations held in any state including Maryland, and to indicate by checking either "yes" or "no" whether there is a history of discipline.

33. The Applicant listed her Maryland LCSW-C license and checked "no" history of discipline.

34. The Applicant listed her Louisiana GSW license and did not check either "yes" or "no" in regard to whether there is a history of discipline.

35. The Applicant did not list her District of Columbia license to practice social work.

36. The Applicant's affirmative denial that she has a history of discipline by the Maryland Board of Social Work and her initial failure to inform the Board that she was licensed to practice in the District of Columbia, is evidence of "fraudulently or deceptively attempts to obtain a certificate for a program administrator" in violation of H.O. § 20-313(b)(1).

VII. Findings of Misrepresentation to the Public as Being Certified

37. On September 30, 2009, the Board obtained a "Service Provider Report" from the State Children, Youth and Families Information System ("SCYFIS") in regard to Youth Vision Services. On that date, the Applicant was listed in the Report as the "Program Administrator" of Youth Vision Services, with the title, "Acting Executive Director." The Service Provider Report had last been updated on January 7, 2009.

38. On December 22, 2009 and January 22, 2010, the Board obtained a "Service Provider Report" from SCYFIS in regard to Youth Vision Services. On those dates, the Applicant was listed as the "Program Administrator" with the title, "Acting Executive Director." Both of these Service Provider Reports had last been updated on January 7, 2009.¹

39. The Applicant's listing as Acting Program Administrator and use of the title acting program administrator in the SCYFIS Service Provider Report, from January 7, 2009, prior to the date she was authorized to perform the duties of an acting program administrator; until April 20, 2009, the date she was notified of the approval as acting program administrator; and after July 22, 2009, the date she was no longer authorized to perform the duties of an acting program administrator, to date, constitutes evidence of misrepresentation to the public as being certified as prohibited by H.O. § 20-402(a)(b) and in violation of the Act.

VIII. Summary of Basis for Intent to Deny

40. The Board may deny a certificate to any applicant who engages in any of the prohibited acts under of the Act.

¹ Subsequent to receipt of this Notice of Denial, the Applicant requested that the Program Administrator at Youth Vision Services submit a request to update the information and remove her name as the acting program administrator.

41. The Applicant's failure to disclose on her Application for Certification that she had been disciplined by the Maryland Board of Social Work and failure to disclose on her Application for Certification that she held a license to practice social work in the District of Columbia constitutes evidence of fraudulently or deceptively attempts to obtain a certificate for a program administrator in violation of H.O. § 20-313(b)(1).

42. Pursuant to H. O. § 20-402, misrepresentation to the public that a person is authorized to perform the duties of a program administrator is a prohibited act under the Act.

IV. The Applicant's Response

43. The Applicant states that the acts for which she was disciplined by the Maryland Board of Social Work Examiners occurred prior to her being issued a license; therefore, she did not inform this Board on her application for certification.

44. The Applicant states that she inadvertently failed to check the box on the application regarding her history of discipline in Louisiana. The Applicant does not have a history of discipline in Louisiana.

45. The Applicant states that she inadvertently failed to state on the application that she also held a license to practice social work in the District of Columbia because she had allowed it to lapse. The Applicant states that she has no history of discipline in the District of Columbia.

46. The Applicant states that she had no intention to deceive by omitting this information.

47. The Applicant states that she is not the individual who places information in the SCYFIS. The Applicant states that she has requested that the program

administrator for Youth Vision Services who is responsible for providing this information submit a correction.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes as a matter of law that the Applicant engaged in prohibited acts under the Act. The Applicant fraudulently or deceptively attempted to obtain a certificate for a program administrator in violation of H.O. § 20-313(b)(1); and the Applicant misrepresented to the public that she is a person is authorized to perform the duties of a program administrator in violation of H. O. § 20-402 of the Act. Therefore, under Health Occ. § 20-313(b) which provides that the Board may deny a license to an applicant for any of the grounds listed in Health Occ. § 20-313(b), and under Health Occ. H. O. § 20-402 which prohibits misrepresentation as a program administrator, the Board concludes as a matter of law that it may deny a license to the Applicant.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 9th day of July, 2010, by an affirmative vote of a majority of the quorum of the Board considering the case,

ORDERED that the Applicant's Application for Certification as a Program Administrator in the State of Maryland be and hereby is **GRANTED, contingent on the Applicant passing the Board-approved State Standards Examination**; and be it further

ORDERED that **effective the date of this order**, the Applicant shall be placed on **PROBATION** for a minimum of one (1) year under the following terms and conditions:

1. Within thirty (30) days of the effective date of the Consent Order, the Applicant shall submit a request to the Board to take the Board-approved State Standards written examination;

2. Within sixty (60) days of the request to take the examination, the Applicant shall take the examination;

3. Neither of these time requirements will alter the Applicant's ability to re-take the State Standards written examination three times within the 12-month period after a failed examination and after 6-months of failing the examination for the third time, provided the Applicant passes the examination within three (3) years from the initial date of taking the examination, as provided in the Board's regulations;

4. Within thirty (30) days of the date of certification to practice as a program administrator, the Applicant shall provide all employers during the probationary period with a copy of the Consent Order, and shall submit to the Board written verification from each employer of having received a copy of the Consent Order;

5. Within thirty (30) days of the date of certification to practice as a program administrator, the Applicant shall provide the Department of Human Resources ("DHR"), division of licensing of residential child care programs, a copy of the Consent Order, and shall submit to the Board written verification from DHR of having received a copy of the Consent Order; and be it further

ORDERED that any violation of the terms and conditions of this Consent Order shall be deemed unprofessional conduct in the practice as a certified program administrator; and it is further

ORDERED that if 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 before a quorum of the Board if there is a genuine dispute as to the underlying material facts, or after an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case under §§20-313 of the Maryland Certification of Residential Child Care Program Professionals Act, including a reprimand, probation, suspension, or revocation; and it is further

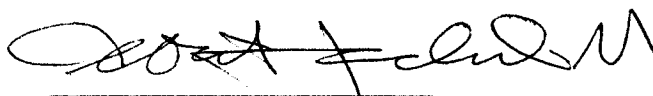
ORDERED that no earlier than one (1) year from the date of this Consent Order, and provided that Respondent has complied with the Consent Order terms during Respondent's period of one year and there are no new complaints, Respondent may petition the Board to terminate the conditions of this Consent Order; and it is further

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

ORDERED that this is a Final Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann § 10-611 *et seq.* (2009 Repl. Vol.).

7-9-10

Date



Albert Zachik, M.D., Chair
Maryland Board for Certification of
Residential Child Care Program
Professionals

CONSENT

I, Toya Jackson Pierce, acknowledge that I have reviewed this Consent Order before signing this document. I am not represented by counsel but I understand that I had the opportunity to consult with counsel before signing this document and I knowingly and voluntarily elected not to do so.

I am aware that I am entitled to a formal evidentiary hearing before a quorum of the Maryland Board for Certification of Residential Child Care Program Professionals. 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 voluntarily enter into and agree to abide by the foregoing Findings of Fact, Conclusions of Law, and Order and agree to abide by the terms and conditions set forth herein as a resolution of the my application for certification. 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.

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 as a program administrator.

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 fourteen (14) pages.

6/16/10
Date

Toya Jackson Pierce
Toya Jackson Pierce
Respondent

STATE OF MARYLAND

CITY/COUNTY OF _____ :

I HEREBY CERTIFY that on this 16th day of June, 2010, before me, a Notary Public of the State and County aforesaid, personally appeared Toya Jackson Pierce, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Melinda Boodhoo

Notary Public

My commission expires:

