

IN THE MATTER OF	*	BEFORE THE STATE
DONNA L. GROSSNICKLE, LCSW-C	*	BOARD OF SOCIAL WORK
Respondent	*	EXAMINERS
License Number: 08135	*	Case No. 2014-1946

\* \* \* \* \*

**CONSENT ORDER**

On April 24, 2015, the Maryland Board of Social Work Examiners ("the Board") charged **DONNA L. GROSSNICKLE, LCSW-C (the "Respondent")**, **License Number 08135** with violating the Maryland Social Work Examiners Act ("the Act") codified at Md. Health Occ. Code Ann. ("H.O.") §§ 19-101 *et seq.* (2014 Repl. Vol.) and Code Md. Regs. ("COMAR"), tit. 10, § 42.03.01 *et seq.*

The Board charged the Respondent with violating the following provisions of H.O. § 19-311 and COMAR:

Subject to the hearing provisions of §19-213 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:

- (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;
- (11) Makes or files a false report or record in the practice of social work;
- (13) Submits a false statement to collect a fee; [and]

(20) Fails to maintain adequate patient records[.]

COMAR 10.42.03.03 Responsibilities to Clients. A. The licensee shall: (5) Maintain documentation in the client's record which: (b) Accurately reflects the services provided, including treatment plans, treatment goals, and contact notes;

COMAR 10.42.03.03 Responsibilities to Clients. B. The licensee may not: (1) Participate or condone dishonesty, fraud, deceit, or misrepresentation; [and]

COMAR 10.42.03.06 Standards of Practice. A. Professional Competence. The licensee shall: (7) Document and maintain appropriate records of professional service, supervision, and research work[.]

On June 1, 2015, a Case Resolution Conference was convened in this matter. The Respondent agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

The Board finds the following:

1. The Respondent was initially licensed to practice clinical social work on February 19, 1994. Her license is currently active and is scheduled to expire on October 31, 2016.

2. At all times relevant, the Respondent was practicing clinical social work at a private practice in Frederick, Maryland.

3. On or about April 23, 2014, the Board received a complaint from the mother ("the complainant") of one of the Respondent's clients ("Client A"). Client A is the minor child of the complainant and her ex-husband, Witness A. In

her complaint, the complainant alleged that the Respondent included false information on progress notes that were submitted to a custody evaluator.

4. Thereafter the Board initiated an investigation.

I. **Background**

5. On or about December 22, 2014, the Board's investigator conducted a telephone interview with the complainant, who advised that she and Witness A, who have two children (a boy and a girl, Client A), divorced in 2006 and Witness A relocated to Maryland. The complainant resides in Arizona. The complainant had physical custody of the two minor children and shared joint legal custody with Witness A.

6. According to the complainant, in December 2012, Client A decided that she wanted to live with Witness A in Maryland. The complainant and Witness A entered into a written agreement to allow Client A to remain in Maryland until March 9, 2013.

7. However, on March 9, 2013, Witness A filed for an emergency custody hearing in Maryland and the judge requested that a custody evaluator conduct a home study.

8. Witness A began taking Client A to the Respondent for therapeutic counseling on March 18, 2013 to help Client A deal with difficulties associated with "loyalty to both parents and problems about the fact that her brother was still in Arizona."

9. The Respondent provided a copy of her treatment session notes to the custody evaluator.

10. After a custody hearing on March 31, 2014, Witness A was granted temporary custody of Client A.

## **II. Allegations**

11. The complainant stated that she obtained copies of the Respondent's treatment records from the custody evaluator. In reviewing the treatment records, the complainant discovered three session notes that contained what she believe was false information. The complainant provided a copy of the three session notes with her complaint.

12. The Respondent's handwritten treatment note, dated July 10, 2013, begins with Client A's name at the top of the page and concludes with the Respondent's signature. The treatment note states:

[Client A] still wants to stay in Maryland and go to school here. She has adjusted to being here and feels connected to her Dad, Step-Mom, and friends. She doesn't want to have to go back to Ariz. and start over there. She does worry about her brother, [ ].

[Client A] does seem proud of her mom, and talks about what skills her mom has learned through her schooling. She seems to fear she will not get attention if she moves back to Ariz. In addition, she was late to school many times and this was disturbing to her.

13. The Respondent's handwritten treatment note, dated July 27, 2013, begins with Client A's name at the top of the page and concludes with the Respondent's signature. The treatment note states:

[Client A] was brought to the session by her father. She was in a positive mood about her school and social life. She reports she misses her mother and brother in Ariz, but expresses that she has settled into a routine at home and school and is enjoying her life in Maryland. She said she rides the school bus to school. When I asked how she liked riding the bus she said she likes getting to school on time. She reported that she recently had a dream in which she kept missing the bus. In another session she had

discussed being late to school on several occasions [sic] when she lived with her mother. She said she found being late very embarrassing for her. I asked if her dream might be related to that experience and she agreed that it was possible.

[Client A] continues to take riding lessons and has sleep overs [sic] with friends. She gave me a school picture taken this year. [Client A] has adjusted well to her new living situation.

14. The Respondent's handwritten treatment note, dated July 30, 2013, begins with Client A's name at the top of the page and concludes with the Respondent's signature. The treatment note states:

[Client A] is looking forward to starting school in Maryland. She will ride the bus so she knows she will not be late for school. She continues to feel guilty that she is not there for her brother, but wants to live with her father, and step-mom.

[Client A] is a good artist. It is important that her talent is encouraged. She reports that her mother did not seem to recognize her ability as an artist. It seems as if life at her mom's house centers around her mother and her interest.

15. The complainant maintains that Client A was in Arizona from June 26, 2013 until August 9, 2013. Therefore, the Respondent could not have conducted therapeutic counseling sessions with Client A on July 10, 2013, July 27, 2013 or July 30, 2014.

16. The complainant provided proof of Client A's airline reservations from Maryland to Arizona on June 26, 2013 and from Arizona to Maryland on August 9, 2013. The Board's investigator confirmed with the airline that Client A was an unaccompanied minor traveling to and from Arizona on those dates.

17. According to the complainant, Client A had no contact with the Respondent during the time when Client A was in Arizona.

18. The Board's investigator also issued a subpoena for the Respondent's treatment notes and billing records for Client A. The Respondent

included a cover letter that states "Please note, I did not meet with [Client A] during the dates included, I met with her father [Witness A]. I've included copies of my calendar for you to see."

19. A review of the Respondent's calendar revealed that on July 10, 2013 and July 30, 2013, respectively, the Respondent documented appointments with Witness A.

20. A review of the Respondent's billing records reveals that she billed for individual psychotherapy on July 10, 2013 and July 30, 2013. Her billing records do not specify whether it was Witness A or Client A who was seen on those dates.

21. On the treatment note for July 27, 2013, the Respondent crossed out "7-27-13" and wrote "error didn't see her on 7-27-13 supposed to be 9-27-13."<sup>1</sup> The Respondent also initialed the correction. The Board's investigator reviewed the Respondent's appointment calendar, which confirmed that the Respondent documented an appointment with Client A on September 27, 2013.

22. The Respondent's billing record reflects that she billed for individual psychotherapy on September 27, 2013.

23. On January 15, 2015, Board staff interviewed the Respondent. She acknowledged that she did not document seeing Witness A, rather than Client A, on July 10, 2013 and July 30, 2013.

24. When asked about whether she includes treatment goals in her progress notes, the Respondent stated, "I--not all the time. I mean, I do have--when we start, I have treatment goals and I might say something that might

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<sup>1</sup> It is unclear when the Respondent made this change to her notes.

allude to them. But, I mean, I don't like talk about the treatment goals every time....I just might not say, here's the treatment goal and this is what we've done with that."

25. In her written response to the complaint, the Respondent stated that she "neglected to identify the visit[s] [with Witness A] as a family session[s]."

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concluded that, if proven true, the factual allegations would support a finding as a matter of law that the Respondent violated H.O. §§ 19-311(6) and (20). The Board dismisses the charges under H.O. §§ 19-311(4), (5), (11) and (13), as well as under COMAR COMAR 10.42.03.03B(1).

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 12<sup>th</sup> day of June, 2015, by a majority of a quorum of the Board considering this case:

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

**ORDERED** that the Respondent shall immediately be placed on Board-supervised probation for a period of at least **ONE (1) YEAR** and until the following terms and conditions are fully and satisfactorily complied with:

1. The Respondent's status as a licensed clinical social worker will be listed in the Board's computer records and website as being on "Probation";

2. During the probationary period, the Respondent shall enroll in and successfully complete a Board-approved course in recordkeeping as it applies to the practice of social work;

3. The Respondent shall be solely responsible for providing the Board with written documentation of her successful completion of the recordkeeping course; and

4. The Respondent may not use any continuing education credits earned through taking the required course to fulfill any continued education requirements that are mandated for licensure renewal in this State;

**ORDERED** that no earlier than **ONE (1) YEAR** from the commencement of the probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. The Board will grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further


**ORDERED** that if the Respondent violates any of the terms and conditions of Probation and this Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case, including a probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty; and it is further



**ORDERED** that the Respondent shall practice according to the Maryland Social Work Examiners Act and in accordance with all applicable laws, statutes and regulations; and it is further

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

**ORDERED** that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.* (2014 Repl. Vol.)



Mark Lannon, LCSW-C, Board Chair  
State Board of Social Work Examiners

**CONSENT**

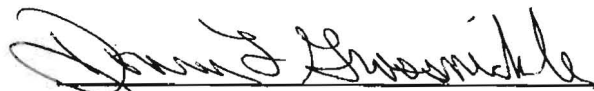
I, Donna L. Grossnickle, acknowledge that I consulted with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm

that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

6-6-15  
Date

  
Donna L. Grossnickle, LCSW-C, Respondent

Read and approved:

  
Bradford Roegge, Attorney for Ms. Grossnickle

**NOTARY**

**STATE OF MARYLAND**

**CITY/COUNTY OF Frederick :**

I HEREBY CERTIFY that on this 6th day of June, 2015, before me, a Notary Public of the foregoing State personally appeared Donna L. Grossnickle and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

  
Notary Public

My Commission Expires: 1/26/19

NATHANIEL S. HALLOCK  
Notary Public  
Frederick County  
Maryland  
My Commission Expires January 26, 2019