

IN THE MATTER OF	*	BEFORE THE
UGO GLORIA JOHNSON AGWU, LMSW	*	MARYLAND BOARD OF
RESPONDENT	*	SOCIAL WORK
EXAMINERS		
License Number: 21856	*	Case Number: 19-2666

\* \* \* \* \*

**CONSENT ORDER**

On March 26, 2021, the Maryland Board of Social Work Examiners (the "Board") charged UGO GLORIA JOHNSON AGWU, LMSW (the "Respondent"), License Number 21856, with violating the Maryland Social Workers Act (the "Act") codified at Md. Code Ann., Health Occ. §§ 19-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

The Board bases its decision on the following pertinent 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:

- (2) Fraudulently or deceptively uses a license;
- (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;
- (20) Fails to maintain adequate patient records[.]

The pertinent provisions of COMAR, the code of ethics, provide the following:  
**COMAR 10.42.03.03 – Responsibilities to Clients**

A. The licensee shall:

- (2) Make the fee for service clear, maintain adequate financial records, stipulate payment schedules, and confirm arrangements for financial reimbursement with the client;
- (5) Maintain documentation in the client's record which:
  - (b) Accurately reflects the services provided, including treatment plans, treatment goals, and contact notes;
  - (c) Indicates the time and date the services were provided;

B. The licensee may not:

- (1) Participate or condone dishonesty, fraud, deceit, or misrepresentation;
- (2) Misrepresent professional qualifications, education, experience, or affiliation[.]

#### **COMAR 10.42.03.06 – Standards of Practice**

A. Professional Competence. The licensee shall:

- (1) Limit practice to the areas in which the licensee has gained proficiency through education, training, and experience;
- (3) Use interventions and assessment techniques only when the licensee knows that the circumstances justify those interventions and techniques;
- (6) Engage in ongoing consultation with other professionals with relevant knowledge, experience, and training, when developing competence in a new service or technique;
- (7) Document and maintain appropriate and accurate records of professional service, supervision, and research work;
- (8) Represent accurately the licensee's professional qualifications[.]

On June 3, 2021, the parties appeared at a Case Resolution Conference ("CRC") before a committee of the Board. The Respondent, represented by counsel, and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of the negotiations at the CRC, the parties agreed to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

#### **FINDINGS OF FACT**

The Board finds:

1. At all times relevant hereto, the Respondent was licensed to practice masters-level social work ("LMSW") in Maryland under license number 21856. The Respondent's LMSW license is currently active until October 31, 2020.
2. At the time of the incident, the Respondent was providing masters level social work services at a CARF accredited, family-focused, mental and behavioral health care agency dedicated to serving individuals, groups and families of all ages in need of therapeutic and psychiatric services (the "Agency") in Prince George's County, Maryland and surrounding areas.

**Complaint**

3. On or about June 14, 2019, the Board received a complaint (the "Complaint") from the chief executive officer (the "Complainant") of the Agency. The Complaint alleged that the Respondent, while an employee of the Agency, committed billing and documentation fraud.
4. On June 6, 2019, the Agency's Clinical Director conducted a routine audit of the Respondent's five client files. During the audit, the Clinical Director discovered what appeared to be an excessive number of visits recorded for each client in the month of May 2019.
5. On June 7, 2019, the Clinical Director instructed staff to contact each of the Respondent's clients and complete Customer Satisfaction Surveys ("Surveys"). The results of the Surveys revealed that the actual therapy time was reportedly much less than what the Respondent was billing for in the Agency's electronic medical records ("EMR") and billing system.
6. The Clinical Director then reviewed the Respondent's clinical documentation and discovered that the Respondent was completing her clinical notes by typing one note and then cutting and pasting that note into each of the five (5) client's records. Obvious errors including wrong client name and wrong pronouns were apparent throughout all of the documentation. Less obvious is the fact that rarely would five (5) unrelated clients be working on the same goals, and have the same discussions, as documented by the Respondent, all on the same day.
7. On June 7, 2019, the Clinical Director notified the Agency's owners, including the Complainant of the audit, documentation, and Survey discrepancies. The Respondent was placed on immediate suspension and asked to attend a meeting with Agency staff on June 11, 2019.
8. On June 11, 2019, the Respondent met with the Complainant and the Clinical Director. At the start of the meeting, the Clinical Director presented the Respondent with the findings of the audit, document review, and the Surveys.
9. The Respondent explained that in Fall of 2018, she had started a Dialectical Behavior Training ("DBT") program. The training program required her to utilize what she was learning with clients in order to complete the certification process.
10. The Respondent stated that she independently decided to increase how long and how often she saw her existing Agency clients in order to meet the program requirements.
11. The Respondent admitted that she did not seek supervisor approval and that her clients did not have a documented clinical need for additional therapy or DBT therapy.
12. The Respondent further explained that to accommodate the increase of hours of therapy she was providing, she would meet with all five (5) of her clients on both Mondays and Tuesdays for 1.5 hours a day. The Respondent stated that she would divide these visits for billing and documentation purposes into several notes with different dates because she knew that she was not allowed to bill a client for more than 45 minutes of direct therapy per day.
13. On June 11, 2019, at the conclusion of the meeting, the Respondent was presented with copies of documents she had reviewed and signed during her orientation period with the Agency. The documents included the Agency's Ethical Code of Conduct and the Agency's False Claims Act and Whistleblower Protection Education Policy. The Respondent reviewed the documents and acknowledged that she had reviewed and signed both on April 9, 2018. The Respondent denied

any wrongdoing even after reviewing both documents. The Respondent was presented with termination papers, which she signed and then left the Agency premises.

14. By letter dated June 14, 2019, the Agency provided the Respondent with an update regarding the outcome of their investigation. The investigation revealed:

[T]hat roughly 242 claims were falsely documented (219 individual sessions and 23 family sessions) and billed for totaling \$28,024.23 that [the Agency] have retracted and returned to the state. This is Medicaid fraud, and therefore must be reported as mandated by law. Not only does the agency suffer an extreme financial hardship as a result of this, but more importantly the greatest suffering will be felt by the clients you served.

The attached chart illustrates your excessive billing for each of your clients from January 2019 – May 2019. We have concluded that you are not entitled to your final paycheck and in fact you will owe the agency back money for payments issued to you for sessions that you did not actually conduct[.]

15. Based on the Complaint, the Board began an investigation of the Respondent.

**Maryland Board Investigation**

16. On January 2, 2020, and January 10, 2020, subpoenas were sent to the Agency requesting legible and complete copies of the Respondent's personnel file; a legible copy of the Respondent's clinical documentation and billing; and copies of the Agency's investigative file.

17. The Agency provided the Board with billing records. A review revealed that between January 1, 2019 and June 4, 2019, the Respondent billed:

	# Sessions Billed by Respondent		# Sessions That Could Not Be Verified by Agency		Total Amount Returned to State
	Individual	Family	Individual	Family	
Client A	67	15	42	7	\$5,690.50
Client B	57	15	38	6	\$5,100.16
Client C	65	14	38	5	\$4,981.95
Client D	54	13	27	4	\$3,592.60
Client E	64	12	37	2	\$4,511.70

18. The Board received clinical documentation spanning from August 13, 2018 through June 4, 2019 for a total of six (6) clients. A review revealed that the Respondent copied and pasted the same or greatly similar notes for multiple clients on approximately two hundred and forty-two (242) occasions. A few examples include:

a. 8/13/2018 5:00PM to 5:45PM Progress Note: [M]et with [Client C] to complete a "positivity jar." This required [Client C] to come up with 15 positive things on each strip and place it in the jar. This clinician explained the purpose of this jar is to pull one out and read it whenever [correct pronoun] is feeling overwhelmed, sad, mad, ect [*sic*][.]

8/13/2018 5:45PM to 6:30PM Progress Note: [M]et with [Client E] to complete a "positivity jar." This required [Client E] to come up with 15 positive things on each strip and place it in the jar. This clinician explained the purpose of this jar is to pull one out and read it whenever [*incorrect* pronoun] is feeling overwhelmed, sad, mad, ect [*sic*][.]

b. 5/10/2019 1:45PM to 2:30PM Progress Note: [Client A] and this clinician completed a self[-]regard activity . . . [Client A] was

provided with 11 questions . . .[.]

5/10/2019 2:30PM to 3:15PM Progress Note: [Client B] and this clinician completed a self[-]regard activity . . . [Client B] was provided with 11 questions . . .[.]

5/10/2019 4:00PM to 4:45PM Progress Note: [Client D] and this clinician completed a self[-]regard activity . . . [Client D] was provided with 11 questions . . .[.]

5/10/2019 4:45PM to 5:30PM Progress Note: [Client C] and this clinician completed a self[-]regard activity . . . [Client A (incorrect client name listed in original documentation)] was provided with 11 questions . . .[.]

19. On January 28, 2020, the Complainant was interviewed by the Board's investigator under oath. The Complainant provided the following information:
  - a. The Complainant confirmed that she has been the CEO and co-owner of the Agency since 2003.
  - b. The Complainant noted that when contacted by Agency staff, the Respondent's five (5) clients indicated that they were only meeting with the Respondent for therapy sessions every other week rather than the multiple times per week the Respondent was documenting and billing through the Agency's EMR.
  - c. The Complainant explained that during the June 11, 2019 meeting the Respondent "said that she was in the process of getting certified in DBT as a DBT therapist, and that she needed to have a certain number of hours for this certification, and so what she was doing is seeing her clients for an extended period of time and breaking that time up into several individual [session] notes."
20. On February 19, 2020, the Respondent was interviewed by the Board's investigator under oath. The Respondent provided the following information:
  - a. The Respondent admitted she was currently working as a Social Worker, with a governmental agency in the District of Columbia, with a start date of April 1, 2019. In the District of Columbia, the Respondent holds LICSW status – Licensed Independent Clinical Social Worker.
  - b. The Respondent stated that she informed the Agency "that in my previous job, we were using DBT and we were having weekly DBT consultations. So I applied what I was learning at my previous job to the clients at [Agency]."
  - c. The Respondent refused to answer any questions specific to her billing and documenting while at the Agency.
21. On or about March 25, 2020, the Respondent submitted a letter to the Board's investigator. The Respondent stated in part: "I am genuinely sorry for using a theoretical framework I am not certified in."

#### DISCUSSION

The Board finds that the Respondent, over a period of months, increased her services in order to implement DBT techniques into her caseload. The Respondent failed to provide her clients and their caregivers' with informed consent regarding both the increase in services and the use of this highly specialized therapeutic technique. During this period, the Respondent also altered, and in doing so falsified, her documentation and billing in order to accommodate for this increased service (breaking one (1) hour and a half session into two (2) forty-five (45) minute session notes and bills). This pattern of behavior resulted in a course of conduct that was inconsistent with generally accepted

professional standards.

The Board recognizes the Respondent's willingness to accept responsibility for her actions, the lack of strong and skilled supervision at the Agency during the time of the incident, her newness to the direct therapy services position, and her insight into her actions and willingness to seek out positions more suited to her skills and passion (investigation and intake evaluations versus direct therapy).

The Board notes that it is a licensee's duty to seek and maintain appropriate, skilled, and attentive supervision and hopes that this action has shown the Respondent that she should seek out more competent supervision should she feel her current supervision is inadequate. A supportive and attentive supervisor can ensure that a licensee maintains a high level of professional practice.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Health Occ. §§ 19-311(2), (4), (5), (6), (11), (13), and (20), and COMAR 10.42.03.03 and COMAR 10.42.03.06.

#### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 11<sup>th</sup> day of June, 2021, by a majority of the quorum of the Board considering this case hereby:

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

**ORDERED** that the Respondent's license to practice social work in the State of Maryland shall be placed on **PROBATION** for a period of **ONE (1) YEAR**; and it is further

**ORDERED** that for a period of one (1) year, the Respondent shall meet for at least two sessions per month, for a minimum of one clinical hour per session with a Board-approved supervisor for random chart review and discussion at the Respondent's expense; and it is further

**ORDERED** that the supervisor shall submit quarterly written reports to the Board, which shall include but not be limited to the number and type of cases reviewed, issues discussed and his/her assessment of the Respondent's practice; and it is further

**ORDERED** that the Respondent is responsible for requesting that the supervisor submits the required quarterly reports to the Board in a timely manner; and it is further

**ORDERED** that the Board has sole authority to implement any changes in the supervision and retains all authority to approve any changes in the supervision; and it is further

**ORDERED** that in the event that the supervisor discontinues supervising the Respondent for any reason, the Respondent shall immediately notify the Board and work with the Board to find a suitable replacement; and it is further

**ORDERED** that the Respondent take a board-approved course in **DOCUMENTATION** and a board-approved course in **ETHICS** and provide to the Board, documentation of successful completion within **NINETY (90) DAYS** of the execution of this Consent Order; 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 5 years from the effective date of this Consent Order; and it is further

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

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

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*Gerard Farrel*

Gerard Farrel, Board Chair

Maryland Board of Social Work Examiners

CONSENT

I, Ugo Gloria Johnson Agwu, LMSW, License No. 21856, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel and I have consulted with counsel on this matter. I have knowingly and voluntarily agreed to enter 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.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 19-312 (2014 Repl. Vol. and 2020 Supp.) and Md. Code Ann., State Gov't, §§ 10-201 *et seq.* (2014 Repl. Vol. and 2020 Supp.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusions 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 substantive and procedural precautions as provided by law. I am waiving those procedural and substantive processes.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. 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.
5. I acknowledge that any failure to abide by the conditions set forth in this Consent Order, I may be subject to further disciplinary actions, including up to revocation of my license to practice as a social worker.
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6/10/21  
Date

*Ugo Gloria Johnson Agwu*  
Ugo Gloria Johnson Agwu, LMSW

NOTARY

STATE OF  
COUNTY OF

I June 10<sup>th</sup> June HEREBY CERTIFY that on this 10<sup>th</sup> day of June, 2021, before me, a Notary Public of the State and County aforesaid, personally appeared UGO GLORIA JOHNSON AGWU, LMSW, License Number: 21856, and gave oath in duo form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Tylah V Stevens  
NOTARY PUBLIC  
PRINCE GEORGE'S COUNTY  
MARYLAND  
MY COMMISSION EXPIRES August 14, 2024

*Tylah V Stevens*  
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NOTARY PUBLIC  
PRINCE GEORGE'S COUNTY  
MARYLAND  
MY COMMISSION EXPIRES August 14, 2024  
Notary Public

My Commission Expires: 08/14/2024

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