

DEC 09 2022

Board of Social Work Examiners

IN THE MATTER OF	*	BEFORE THE MARYLAND
FOSTER H. JOSEPH, JR., LMSW	*	BOARD OF SOCIAL WORK
RESPONDENT	*	EXAMINERS
LICENSE NUMBER: G-11025	*	CASE NUMBER: 19-2686

* * * * *

CONSENT ORDER

The Maryland Board of Social Work Examiners (the “Board”) charged **Foster H. Joseph, Jr.**, License Number: **G-11025** (the “Respondent”), under the Maryland Social Workers Act (the “Act”), Md. Code Ann., Health Occ. (“Heath. Occ.”) §§ 19-101 *et seq.* (2014 Repl. & 2020 Supp.). Specifically, the Board charged the Respondent with violating the following:

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 licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

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- (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

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- (12) Fails to file or record any report as required by law, willfully impedes or obstructs the filing or recording of

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the report, or induces another to fail to file the report;
[and]

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- (14) Fails to report suspected child abuse or neglect in violation of § 5-704 of the Family Law Article[.]

Pursuant to Health Occ. § 19-311(6), the pertinent provisions of Md. Code Regs.

(“COMAR”), provide the following:

COMAR 10.42.02.03 Scope of Practice.

B. Licensed Master Social Worker (LMSW).

- (1) An LMSW shall practice social work under a social work supervisor and may practice social work as stated in Health Occupations Article, §§ 19-101(p) and 19-307(c)(2), Annotated Code of Maryland.

COMAR 10.42.03.05 Relationships.

A. The licensee may not enter into a dual relationship with a client or an individual with whom the client has a close personal relationship.

COMAR 10.42.03.06 Standards of Practice.

A. Professional Competence. The licensee shall:

....

- (7) Document and maintain appropriate and accurate records of professional service, supervision, and research work.

B. A licensee may not:

....

- (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. The Respondent was originally licensed to practice masters-level social work in Maryland on or about December 1, 2003. The Respondent's license expires on or about October 31, 2022.

2. At all times relevant hereto, the Respondent was employed at a facility (the "Facility")¹ that provides mental health services to children and adult clients in Maryland. The Facility provides services in Prince Georges County, Maryland.

3. The Respondent was hired as a therapist at the Facility in or around 2013. The Respondent resigned from the Facility in October 2019.

4. At all times relevant hereto, the Respondent provided therapeutic services to two (2) clients ("Client A" and "Client B") for approximately one and half years. Client A and Client B were brothers.

5. On or about August 8, 2019, the Board received a complaint from a complainant (the "Complainant").

6. The Complainant alleged in her complaint that the Respondent exhibited unprofessional conduct.

7. The Complainant was employed as an intern or practicum student at the Facility during the summer of 2019. The Complainant had just completed her first year in in graduate program for a master's degree in social work.

¹ The names of the Facility, Clinical Director, the Complainant, Client A, Client B and the mother of Client A and Client B and Social Worker have been omitted to protect privacy.

8. While employed at the Facility, the Complainant held the position of Psychiatric Rehabilitation Program Coordinator (“PRP”).² As a PRP, the Complainant assisted Facility clients with anger management and emotional regulation. She also helped Facility clients apply for housing, medical, and financial assistance.

9. After starting her employment with the Facility, the Complainant was assigned as the PRP for Client A and Client B.

10. The investigation by Board staff of the Respondent’s conduct revealed the following:

June 15, 2019

- a. On or about June 15, 2019, the Complainant held a meeting with Client A. While the Complainant was meeting with Client A, the Respondent knocked on the door where the meeting was being held and entered the room before the Complainant gave him permission to do so. The Respondent apologized to the Complainant for barging into the room and demanded to speak with Client A. The Respondent then took Client A out of the meeting with the Complainant.

July 22, 2019

- b. On or about July 22, 2019, the Respondent met with the Complainant and the mother of Client A and Client B (the “mother”). During this meeting, the Respondent told the Complainant that his style working with Client A and Client B was “parental”. The Respondent also told the Complainant how he would pick Client A and Client B up and throw them over his shoulder in order to make them uncomfortable and angry.

August 5, 2019

Meeting #1

- c. On or about August 5, 2019, the Complainant met with the mother. During the meeting, the mother told the Complainant that she had heard her sons make inappropriate sexual

² A PRP collaborates with Facility therapists on the needs of Facility clients. The Facility therapists make a formal request for a PRP before a PRP is assigned to work with a therapist’s clients.

comments to each other. After speaking with the mother, the Complainant told the Respondent about her conversation.

Meeting #2

- d. After being told about the sexual remarks made by Client A and Client B, the Respondent, Client A, Client B, the mother, and the Complainant met to discuss the inappropriate sexual comments made by Client A and Client B.
- e. During this meeting, the Complainant witnessed the Respondent yelling at Client A. The Complainant also heard the Respondent threaten to take off his belt and beat Client A if Client A did not tell the truth. The Complainant observed the Respondent place his hand around Client A's side and jab his finger into Client A's chest. The Complainant also observed the Respondent bang his hand on a table next to where Client A was sitting and counted down from three until Client A acknowledged that he did make inappropriate sexual comments to his brother and the reason why he made them.
- f. The Respondent denies having any physical contact with Client A. The Respondent also denies that he banged his hand on a table next to where Client A was sitting and counted down to from three before to Client A acknowledged that he did make inappropriate sexual comments to his brother and the reason why he made them.
- g. During this meeting, the mother indicated that she had slapped Client A in the mouth after hearing her son make sexually inappropriate sexual comments to Client B. Following the mother's admission that she had slapped Client A, the Complainant looked over at the Client A and noticed a welt and scarring on the side of his mouth.
- h. The Complainant also observed the Respondent yell at Client B and demand that Client B tell the truth about the inappropriate sexual comments that were exchanged with Client A. The Complainant observed the Respondent grab Client B by the waist while Client B was seated in a chair. The Complainant also saw the Client B cry while the Respondent yelled at him.
- i. The Respondent denies yelling at Client B. The Respondent also denies grabbing Client B.
- j. After the meeting ended, the Respondent told the Complainant that he knew that his approach with Client A and Client B was

unusual and unconventional. The Respondent explained to the Complainant that he had acted out of fear and anger.

- k. Following the meeting, the Complainant told her supervisor what she observed during the meeting.

11. On or about August 6, 2019, the Complainant filed a report of abuse and neglect with the Child Protective Services (“CPS”), based on marks that she observed on Client A’s face and the statement made by the mother that she had slapped Client A in the mouth.

12. The Respondent did not file a report with CPS even though he was in at the August 5, 2019 meeting and heard the mother state that she had slapped Client A, after hearing Client A make inappropriate sexual comments to his brother. The Respondent did not file a report with CPS because he did not feel that there was any abuse or threat of abuse to Client A.

13. On or about August 7, 2019, the Clinical Director at the Facility spoke with the Respondent about the events that occurred during his December 5, 2019, meeting with Client A, Client B, the mother, and the Complainant. The Respondent told the Clinical Director that he had was” tough but firm” with his clients.

14. During his conversation with the Clinical Director, the Respondent also told the Clinical Director that his therapeutic approach with Client A and Client B during the August 5, 2019, meeting was unconventional but effective. The Respondent also acknowledged that he had placed his arm around Client B while he was sitting in a chair.

15. On or about August 3, 2019, the Respondent received a First and Final Disciplinary Notice (the “Notice”) from the Facility. The Notice was the based primarily on

the Respondent's August 5, 2019 interaction with Client A and B. The Notice was issued to the Respondent following a Facility investigation of the Respondent's conduct with Client A and Client B. After receiving the Notice, the Respondent notified the Facility staff that he was resigning.

16. On or about December 5, 2019, Board staff conducted an interview under oath with the Respondent. The Respondent admitted that he took Client A out of a closed-door meeting conducted by the Complainant.

17. The Respondent also admitted that he told the Complainant that this approach with Client A and Client B was "unusual". The Respondent further admitted that when he met with Client A and Client B on August 5, 2019, that he was being "firm" with his clients. The Respondent also indicated that he had interrogated Client A and Client B, because he wanted them to tell him the truth.

18. The Respondent further admitted during his interview with Board staff that he did not file a report of abuse with CPS because he did not believe that Client A or Client B were in imminent danger.

19. On or about April 7, 2020, Board staff conducted an interview under oath with the Clinical Director of the Facility. The Clinical Director indicated that the Respondent's conduct with Client A and Client B was inappropriate. In addition, the Clinical Director also indicated that the Respondent failed to timely complete and submit assessments for his school-based clients.

20. In correspondence to Board staff dated April 22, 2020, the Respondent indicated that he received clinical supervision while working at the Facility. The Respondent

indicated that a Facility social worker (“Social Worker”) provided “clinical Supervision for a period of time”. The Respondent also listed other Facility staff that had supervised him.

21. The Respondent’s conduct as set forth above is a violation of Health. Occ. § 19-311 (4), (5), (6), (12), and (14); and COMAR 10.42.03.06(A)(7) and B (2).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §19-311 (4), (5), (6), (12) and (14); and COMAR 10.42.03.06(A)(7) and B (2).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by a majority of the Board considering this case:

ORDERED that the Respondent’s license shall be **SUSPENDED** for a period of **six (6) months and said suspension shall be STAYED**; and it is further

ORDERED that the Respondent’s license shall be placed **PROBATION** for a period of **TWO (2) YEARS** and until the following terms and conditions are fully and satisfactorily complied with:

- (1) The Respondent shall enroll in and successfully complete Board-approved course that concentrates on boundary issues and shall be for a minimum of three (3) continuing education credit hours. Promptly after the completion of the course required in this paragraph, the Respondent shall provide documentation that he has completed this requirement. The continuing education credits required in this Consent Order shall be in addition to any course required to satisfy the continuing education requirements for the applicable 2-year licensure renewal period.

- (2) The Respondent shall submit the contact information for his current employer. The Respondent shall also have his employer provide a copy of his duties. If the Respondent's duties include the practice of social work, the Respondent shall submit the following to the Board: (1) the name and contact information for his supervisor, who shall be licensed and approved by the Board to provide supervision to a license under the Act (2) a copy of his supervision contract(s) (3) notes generated from meetings with his supervisor and (4) any other documentation that the Board deems appropriate. The Respondent shall immediately submit all information within **ten (10) working days of the date of this Consent Order**.
- (3) The Respondent shall meet with a Board Approved Supervisor once a month and the Respondent shall provide the Board Approved Supervisor with a signed copy of the Final Consent Order.
- (4) The Respondent shall ensure that the Board Approved Supervisor submits quarterly to the Board during the of her probationary period.
- (5) Within **six months** of the date of this Consent Order, the Respondent shall pay a fine in the amount of **ONE THOUSAND DOLLARS (\$1000)** by certified check or money order to the Maryland Board of Social Work Examiners.
- (6) The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereto; and it is further

ORDERED the Respondent shall practice social work under the supervision of a licenses social worker who is approved by Board to provide supervision to a licensee; 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 Consent Order; and it is further.

ORDERED that after the conclusion of two year of the probationary period, the Respondent may submit a written petition to the Board requesting early termination of his probation. The Respondent must submit proof that he has satisfied the probationary terms and condition set forth in this Consent Order. The Respondent must also submit proof that he has completed his continuing education requirements. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, may grant the termination if the Respondent has fully and satisfactorily complied with all the probationary terms and conditions and there are no pending complaints; and it is further

ORDERED that if the 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 if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing, may impose any sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

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

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

by the Board; and it is further

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

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 & 4-333*et seq.* (2021 Repl. Vol.).



1/13/2023


Date

Sondra Petty, LCSW-C, LICSW
Board Chair
Maryland Board of Social Work Examiners

FOSTER H. JOSEPH, JR., LMSW

I, **FOSTER H. JOSEPH, JR., LMSW** acknowledge that I have been represented by an attorney before entering into this Consent Order. By this Consent Order 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. I waive any rights I may have to contest the Findings of Fact and the 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 provided by the law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I 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, 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.

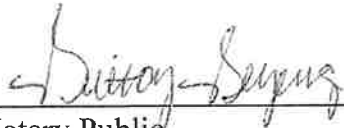
12/3/2022
Date


Foster H. Joseph, Jr., LMSW

NOTARY

I HEREBY CERTIFY that on this 3rd day of December, 2022 before me, a Notary Public of the State and City/County aforesaid, personally appeared, **FOSTER H. JOSEPH, JR., LMSW** and declared and affirmed under the penalties of perjury that signing the foregoing Letter of Surrender was his voluntary act and deed.

AS WITNESS my hand and Notarial seal.



Notary Public

My Commission expires: September 26, 2026

