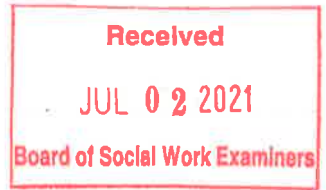


IN THE MATTER OF * **BEFORE THE STATE BOARD**
SHERRY MCDUFFIE, LMSW * **OF SOCIAL WORK**
License No. 21038 * **EXAMINERS**
Respondent * **Case No. 2019-2652**



* * * * *

FINAL CONSENT ORDER

The State Board of Social Work Examiners (the "Board") charged **SHERRY MCDUFFIE, LMSW, License No. 21038**, (the "Respondent"), with violation of certain provisions of Md. Code Ann., Health Occ. §§ 19-101, *et seq.*; (2014 Repl. Vol. and 2020 Supp.).

Specifically, the Board charged the Respondent with violation of the following provisions of § 19-311:

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 ...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 [;].

The Board further charges the Respondent with a violation of its Code of Ethics, COMAR 10.42.03:

.01 Scope and Purpose.

- A. This chapter governs the professional conduct of social workers licensed by the Board regardless of whether the service delivery is in person, telephonically, or electronically.
 - B. The objective of this chapter is the protection of the public. The best interest of the public shall be the primary guide in determining the appropriate professional conduct of all individuals whose activities are regulated by the Board.
- (4) Commits any act of ...misconduct in the practice of social work;

FINDINGS OF FACT

The Board finds that:

BACKGROUND

1. At all times relevant to the charges herein, the Respondent was licensed to practice Licensed Masters Social Work (LMSW) in the State of Maryland.¹ The Respondent was first so licensed on June 29, 2015, and her license expires on October 31, 2022.
2. At all times relevant herein, the Respondent was employed by a Department of Social Services in Central Maryland.

¹ The Respondent obtained her LCSW-C license in 2020.

COMPLAINT

3. On May 23, 2019, the Board received a Complaint (the "Complaint") against the Respondent from the father of the Respondent's son, the Complainant. The Complainant alleged that the Respondent used the Department's computer database to look up personal information on him, his children, and the woman with whom he lives. The Complainant is not on the Respondent's client list.

4. As a result of the Complaint, the Department conducted an investigation, which affirmed the allegations in the Complaint, resulting in the Respondent's employment being terminated, as it is against Department rules and ethics to use its database to access information for personal reasons.

5. The Board's investigation determined that in May 2019, the Respondent accessed the database at work for personal reasons, using her cell phone to take two screenshot photographs of the information displayed on her work computer—the database. The Respondent admitted that her actions were not part of her official work duties. The Complainant stated that he found out that the Respondent had committed the work violation after she telephoned him, "very upset," and informed him that she had "discovered" information about him, his children, and a woman that he resides with by accessing this information from her work computer. The Complainant believes that the Respondent was able to find information in the database involving a Howard County Department case involving him and his other children, allowing her to see dates of birth, social security numbers and addresses.

6. The Complainant visited the Respondent around Mother's Day and confirmed that she had the personal information taken from the work computer on her cell phone as screen shots, including information about the woman he lived with and her children.

7. An interview of the Respondent's Supervisor confirmed that it was against Department policy to use one's position as a social worker to gain access to information to use for one's own personal matters and that none of the persons involved on the screen shots were clients of the Respondent.

8. The Respondent told the Board's Investigator that she used the database to get the Complainant's "address" for a domestic violence case; however, she acknowledged that there was no police involvement regarding any domestic violence claims.

9. As set forth above, by assessing her work database for personal information on her child's father, which included social security numbers and dates of birth of persons who were not her clients, the Respondent violated the Act, pursuant to §§ 19-311(2) (Fraudulently or deceptively uses a license); (4) (Commits any act of ...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); and, (6) (Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board); and COMAR 10.42.03 .01 (Scope and Purpose. A. This chapter governs the professional conduct of social workers

licensed by the Board regardless of whether the service delivery is in person, telephonically, or electronically, and B. The objective of this chapter is the protection of the public. The best interest of the public shall be the primary guide in determining the appropriate professional conduct of all individuals whose activities are regulated by the Board.)

10. As set forth above, the Respondent violated §§ 19-311 (2), (4) (5) and (6) and COMAR 10.42.03 .01. A. and B.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Board's Act and regulations, pursuant to §§ 19-311 (2), (4) (5) and (6) and COMAR 10.42.03 .01. A. and B.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 9th day of July, 2021, by a majority of the Board hereby:

ORDERED that Respondent's license is hereby **SUSPENDED** for Six Months and that Suspension is immediately **STAYED**; and it is further

ORDERED that within six months of the effective date of the Consent Order, the Respondent shall take and pass a Board-pre-approved college-level ethics course which shall not count towards her Continuing Educations Units (CEUs) requirements;

ORDERED that Respondent shall bear all costs of complying with this Order. and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board;

ORDERED that Respondent shall obey all laws and regulations that govern the practice of social work in the State of Maryland.

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, should the Board receive information that the Respondent has violated the Act or if the Respondent violates any conditions of this Order, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order shall be on the Respondent to demonstrate compliance with the Order or conditions; and it is further

ORDERED that, for purposes of public disclosure and, as permitted by Md. General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2020 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report and will be displayed on the Board's website.

Karen Richards, LCSW-C

7/9/2021

Date

**Karen Richards, MSW, LCSW-C, Chair
Board of Social Work Examiners**

CONSENT OF SHERRY MCDUFFIE, LMSW, RESPONDENT

I, **SHERRY MCDUFFIE, LMSW, Respondent**, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Cory Silkman, and have been advised by him prior to signing this Consent Order;

2. I am aware that without my consent, my license to practice as a LMSW in this State cannot be limited except pursuant to the provisions of § 19-312 of the Act and the Administrative Procedure Act (APA), Md. Code Ann, State Govt. § §10-201, *et seq.*, (2014 Repl. Vol and 2020 Supp.).

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 19-312 of the Act and §§10-201, *et seq.*, of the APA, and any right to appeal as set forth in § 19-313 of the Act and §§10-201, *et seq.*, of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice as a LCSW-C in the State of Maryland.

Cory Silkman

Read and Approved by Cory Silkman, Esq.

7/1/2021

Date

Sherry McDuffie
Sherry McDuffie, LMSW

STATE OF Maryland :

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 1st day of July, 2021,
a Notary Public of the foregoing State and (City/County), personally appeared
SHERRY MCDUFFIE, LMSW, 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.

Regan Jackson
Notary Public

REGAN M. JACKSON
Notary Public
Baltimore City, Maryland

My Commission Expires: _____
My Commission Expires 9/14/2021