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| <p>IN THE MATTER OF</p> <p>CHERYL ANN METZBOWER, LCSW-C</p> <p style="padding-left: 40px;">Respondent</p> <p>LICENSE NUMBER: 09714</p> | <p>*</p> <p>*</p> <p>*</p> <p>*</p> | <p>BEFORE THE</p> <p>MARYLAND BOARD</p> <p>OF SOCIAL WORK EXAMINERS</p> <p>CASE NUMBER: 11-1730</p> |
| <p>* * * * *</p> | | |

CONSENT ORDER

On April 13, 2012, the Maryland Board of Social Work Examiners ("the Board") issued a "Notice of Charges under the Maryland Social Work Act" to **CHERYL ANN METZBOWER, LCSW-C (the "Respondent")** license number **09714**, based on alleged violations of the Maryland Social Work Examiners Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 19-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

Based upon the allegations made in the Complaint and the Board' investigation, the Board charged the Respondent under the following provisions of H.O. § 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;

- (1) Obtained or attempted to obtain a license for the applicant or licensee or for another through fraud, deceit, or misrepresentation;
- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (5) Knowingly violates any provision of this title;
- (6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;

- (7) Violates any provision of this title or regulations governing the practice of social work adopted and published by this Board; [and]
- (8) Is convicted of or pleads guilty or nolo contendere to a felony or to crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[.]

On Thursday, May 31, 2012, the Respondent appeared before members of the Board and the Board's counsel for a Case Resolution Conference (CRC) to discuss the potential resolution of the Charges by consent. The Respondent was represented by counsel. At the conclusion of the CRC, the Respondent agreed to enter into this Consent Order to resolve the pending charges and to avoid the expense and time of proceeding to an administrative hearing. The Respondent and the Board agreed to the inclusion of Findings of Fact and Conclusions of Law as required by the Board, and with the terms and conditions set forth herein.

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent was and is licensed to practice clinical social work in the State of Maryland. The Respondent was initially licensed to practice social work in the State of Maryland on February 6, 1998, having been issued license number 09714. Her license is currently active and is due to expire on October 31, 2012.
2. On or about November 9, 2011, the Board received a complaint alleging that the Respondent has a substance abuse problem and referencing the Respondent's criminal history.

3. Thereafter, the Board opened the case for investigation.
4. A review of the Respondent's 2010 renewal application revealed that the Respondent answered "no" to the question, "Have you pled guilty to, nolo contendere to, been convicted of, or received probation before judgment for any criminal act (excluding misdemeanor traffic violations)?"
5. The Respondent checked the box next to the affirmation statement, and provided her electronic signature, affirming that her answers to the questions on the application are "true and correct to the best of [her] knowledge and belief."
6. The Board's investigation revealed that on October 28, 2009, in the District Court for Worcester County, Maryland, the Respondent pleaded guilty to Second Degree Assault and was sentenced to six months in jail, suspended, and two years of probation. A \$1000 was also imposed and suspended.
7. The Board's investigation further revealed that on March 30, 2010, in the District Court for Kent County, Maryland, the Respondent pleaded guilty to Malicious Destruction of Property - \$500 and was sentenced to 60 days in jail with all but seven days suspended. A \$500 fine was also imposed and suspended.
8. A review of the Maryland Judiciary Case Search Database revealed that on or about February 1, 2012, the Respondent was charged with Second Degree Assault. That case (case number: 14K12007999) is pending in the Circuit Court of Kent County, Maryland.

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(1), (4), (5), (6), (7) and (8) as set forth at the outset of this Order.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the agreed upon terms of the resolution of the Charges by consent at the CRC, on this 14th day of September, 2012, by a majority of the full authorized membership of the Board considering this case, it is hereby

ORDERED that the Respondent's license to practice social work in the State of Maryland is **SUSPENDED** for a period of **ONE (1) YEAR**, with all but **THIRTY (30) DAYS STAYED**; and it is further

ORDERED that the Respondent shall be placed on Board-supervised probation for a period of at least **TWO (2) YEARS** 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. The Respondent shall comply with any and all treatment recommendations of The Karen Center, including but not limited to recommendations for substance abuse treatment and psychiatric or psychological treatment;
3. The Respondent shall continue to attend and actively participate in Alcoholics Anonymous at least three times per week. The Respondent shall provide

written verification of her attendance to the Board on at least a quarterly basis or as otherwise directed;

4. The Respondent shall participate in a Board-approved outpatient substance abuse program for the duration of the probationary period. In the event that the Respondent is unable to identify an outpatient substance abuse program that will permit her to continue her participation for the full probationary period, the Respondent may transfer her care to a Board-approved therapist;

5. The Respondent shall participate in a Board-approved course in anger management. The Respondent shall be solely responsible for providing the Board with documentary evidence indicating that she has completed this requirement;

6. The Respondent shall provide a copy of this Consent Order to her employer within **five (5) days** of commencing any employment;

7. The Respondent's employer shall supply the Board with quarterly, written reports on the Respondent's practice. The Respondent shall provide her employer with a copy of this Consent Order prior to their initial meeting, and the Board may release to the employer any portion of the investigative file as is deemed necessary by the Board and/or employer, provided that a copy of the investigative file is also released to the Respondent;

8. A negative report from the Respondent's employer may result in a violation of this Consent Order and further sanctions at the Board's discretion, after notice and opportunity for hearing; and

9. The Respondent shall practice social work according to the Maryland Social Work Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of social work; and it is further

ORDERED that the Respondent's execution of this Consent Order shall constitute a release of any and all medical health reports, substance abuse treatment records, and psychological/psychiatric records pertaining to the Respondent both to the Board and to the substance abuse treatment program; and be it further

ORDERED that the Respondent shall, at all times, provide the Board with a current mailing address;

ORDERED that after two (2) years from the date of this Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation. 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, 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, lifting the stay of suspension, revocation and/or a monetary penalty, said allegations of violation of the terms and

condition of this Consent Order shall be proven by a preponderance of the evidence;
and it is further

ORDERED that the Respondent is solely 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 a **PUBLIC DOCUMENT**, pursuant to Md.
State Gov't Code Ann. §§ 10-611 et seq. (2009 Repl. Vol. and 2011 Supp.), and is
reportable to any entity to which the Board is obligated to report.

Date 9/14/2012
 
Daniel Buccino, LCSW-C, BCD, Board Chair
State Board of Social Work Examiners

CONSENT

I, Cheryl Ann Metzbower, acknowledge that I have 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.

7-19-2012
Date

Cheryl Ann Metzbower, LCSW-C
Cheryl Ann Metzbower, LCSW-C

Reviewed and approved by:

Jane Tolar
Jane Tolar, Esq.
Attorney for the Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Talbot :

I HEREBY CERTIFY that on this 19th day of July, 2012, before me, a Notary Public of the foregoing State personally appeared Cheryl Ann Metzbower, 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.

Jane Tolar
Notary Public



My Commission Expires: 02/01/2012