

IN THE MATTER OF

*

BEFORE THE MARYLAND

JAMES R. SCHMIDT, LCSW-C

*

BOARD OF SOCIAL WORK

APPLICANT

*

EXAMINERS

*

Case Number: 15-2040

* * * * *

CONSENT ORDER

On April 2, 2015 the Maryland Board of Social Work Examiners (“the Board”) notified **JAMES R. SCHMIDT, LCSW-C (the "Applicant")** of the Board's intent to deny his Application for Social Work Licensure, under the Maryland Social Workers Act (“the Act”), codified at Md. Health Occ. Code Ann. (“H.O.”) §§ 19-101 *et seq.* (2014 Repl. Vol.). The pertinent provisions of the Act are as follows:

H.O. § 19-302. Qualifications of applicants.

(a) *In general.* – To obtain a license, an applicant shall demonstrate to the satisfaction of the Board that the applicant:

(3) Is of good moral character.

H.O. § 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:

(8) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

(9) Is disciplined by a licensing or disciplinary authority of any state, country, or branch of the armed services, or the Veterans' Administration for an act that would be grounds for disciplinary action under this section.

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 Applicant was previously issued a Maryland licensed graduate social work ("LGSW") license (G08130) on June 19, 1998. The LGSW license was transferred to a LCSW-C license (No. 10963) on November 1, 2000. The LCSW-C license lapsed October 31, 2002 and has remained expired since that time.¹

2. The Applicant also holds a LCSW-C license in Virginia.

3. On January 7, 2015, the Board received the Applicant's Application for Licensure by Endorsement ("the application") dated December 31, 2014. On the application, the Applicant answered "yes" to the following questions:

2. Has any State Licensing or Disciplinary Board, or a comparable body in the Armed Services denied your application for licensure, reinstatement, renewal, or taken any action against your license, including but not limited to reprimand, suspension or revocation?

4. Have you pled guilty to, nolo contendere to, been convicted of, or received probation before judgment for any criminal act (excluding misdemeanor traffic violations)?

4. With his application, the Applicant submitted a letter of explanation. The Applicant disclosed that in 2013 he pled guilty to possession with intent to distribute methamphetamine. He further disclosed that his Virginia LCSW-C license was suspended on April 4, 2014, as a result of his criminal conviction.

5. The Applicant provided the Board with certified copies of the applicable

¹ COMAR 10.42.01.17B(1) provides that the Board may not reinstate the license of a social worker who fails to apply for reinstatement within 5 years after the license expired.

court documents.

6. The court documents revealed that on or about May 12, 2011, the Applicant pled guilty in the Circuit Court for the County of Arlington, Virginia to possession with intent to distribute methamphetamine, a felony.

7. On or about March 1, 2013, the Applicant was sentenced to 20 years of incarceration with 18 years suspended. Upon the Applicant's release, he was ordered to remain on supervised probation for five years. The Applicant was also ordered to pay costs of \$1925.00.

8. After his successful completion of a court-ordered, 37-week chemical dependency program during his incarceration, the Applicant petitioned for and was granted reconsideration of his sentence. The Applicant's sentence was modified by suspending the balance of his incarceration.

9. The Applicant was incarcerated from March 1, 2013 until February 24, 2014. He remains on supervised probation.

10. On July 28, 2014, the Applicant entered into a monitoring contract ("the contract") with the Virginia Health Practitioners' Monitoring Program ("the Virginia HPMP"). The Respondent has been fully compliant with his obligations under the contract.

11. The Respondent has also been fully compliant with the terms of his supervised probation.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law the Applicant violated H.O. §§ 19-311(8) and (9), as set forth at the outset of this Order.

The Board further finds that the Applicant meets the moral character requirement under the Act.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 12th day of June 2015, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the Applicant's Application for Social Work Licensure shall be **GRANTED**; and it is further

ORDERED that the Applicant shall be immediately placed on **PROBATION** for a period of at least **FOUR (4) YEARS**, subject to the following terms and conditions:

1. The Applicant shall fully and satisfactorily comply with any and all terms and conditions of his probation with the Maryland Department of Parole and Probation ("MDPP");
2. The Applicant shall sign any written release/consent forms as required by the Board and/or the MDPP and/or the Howard County Health Department ("HCHD") to authorize the MDPP and the HCHD to make verbal and written disclosures to the Board, including but not limited to disclosure of any and all MDPP and HCHD records and files and confidential drug and alcohol abuse information about the Applicant;
3. The Applicant shall ensure that the Board receives reports from the Applicant's counselor at the HCHD on a monthly basis for the first year of probation and quarterly thereafter. The reports shall address the Applicant's recovery progress and compliance with the court ordered requirements of his

probation.

4. The Applicant shall ensure that the Board receives, in a timely manner, the results of his random urinalysis, as directed by the HCHD and/or the MDPP;

5. The Applicant shall attend at least five NA/AA meetings per week and ensure that the Board receives written documentation of his attendance. The Applicant shall submit such documentation on a monthly basis for the first year of probation, and quarterly thereafter;

6. The Applicant shall ensure that the Board receives employment verification reports from his employer on a monthly basis for the first year of probation and quarterly thereafter;

7. The Board, at its discretion, may deem a positive urinalysis result and/or unsatisfactory employment verification and/or counselor reports and/or inadequate documentation of support group attendance and urinalysis a violation of this Consent Order and grounds for further disciplinary action;

8. The Applicant shall, at his expense, obtain a Board-approved supervisor who shall meet with the Applicant bi-monthly the first year and quarterly thereafter and report to the Board on a monthly basis for the first year of probation and quarterly thereafter;

9. For the entire duration of the probationary period, the Applicant shall completely abstain from the ingestion of alcohol, unprescribed controlled dangerous substances ("CDS"), narcotics, illegal drugs and other mood-altering substances. The Applicant may take CDS, but only if prescribed by a licensed health care provider for a legitimate medical purpose and only as prescribed.

Prior to accepting any medication prescription from a licensed health care provider, the Applicant shall provide the licensed health care provider with a copy of this Consent Order. Within 48 hours of being prescribed CDS, the Applicant shall notify the Board of the CDS prescribed, the prescriber, the medical conditions prescribed for, the pharmacy at which the prescription was filled, and the amount and dosage prescribed;

10. A violation of any of the requirements in the preceding paragraphs and/or a conviction, plea of guilty or *nolo contendere* to any criminal offense, other than a minor traffic violation, during the probationary period shall constitute a violation of probation and a violation of this Consent Order and the Board, in its discretion, after notice and opportunity for a hearing, may impose additional sanctions authorized under § 14-404 of the Act, including but not limited to additional suspension, additional probation and/or permanent revocation of his license;

ORDERED that the Applicant shall be responsible for the costs associated with fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that if the Applicant's probation with MDPP ends prior to the conclusion of the Applicant's probation with the Board, the Applicant shall continue to fill the terms and conditions, as set forth above, for the duration of his probationary period with the Board. In anticipation of the end of his probation with MDPP, the Applicant shall make all necessary arrangements to continue his compliance with the probationary conditions and provide documentation of such arrangements 90 days prior to the end of his probation with the MDPP; and it is further

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 waive 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.

June 11, 2015
Date

James Schmidt
James Schmidt, Applicant

NOTARY


STATE OF MARYLAND

CITY/COUNTY OF Howard:

I HEREBY CERTIFY that on this 11th day of June, 2015, before me, a Notary Public of the foregoing State personally appeared James Schmidt

and made oath in due form of law that signing the foregoing Consent Order was his 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: 11/20/2018