

- (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;

COMAR 10.42.03.03 Responsibilities to Clients.

A. The licensee shall:

- (5) Maintain documentation in the client's record which:
 - (b) Accurately reflects the services provided, including treatment plans, treatment goals, and contact notes;

B. The licensee may not:

- (1) Participate or condone dishonesty, fraud, deceit, or misrepresentation;

On or about May 20, 2019, following a Case Resolution Conference, held at the Board's offices, the Respondent agreed to enter into this Consent Order to resolve the charges.

FINDINGS OF FACT

The Board finds the following facts.

Background

1. At all times relevant, the Respondent was and is licensed to practice clinical social work in the State of Maryland. The Respondent was initially licensed to practice as an LCSW-C in the State of Maryland on or about March 5, 2009, under license number 14805. The Respondent's LCSW-C license is current through October 31, 2019.

2. At all times relevant, the Respondent provided social work services through an agency affiliated with a university in Maryland (the "Agency").

Complaint

3. On or about May 2, 2017, the Board received a complaint (the “Complaint”) from the Respondent himself reporting his own “breach of the Code of Ethics.” Specifically, the Respondent reported that he had “placed inaccurate information into ... case files under my responsibility” that “did not accurately reflect the services and dates provided in these files.” He stated that he had since “rectified the files to accurately reflect the services provided to satisfaction of my supervisor...”

4. He added, “I regret my decision and accept responsibility for my actions.”

5. Based on the complaint, the Board initiated an investigation.

Investigation

6. On or about June 5, 2018, in response to an inquiry from the Board, the Respondent wrote a letter to the Board in which he elaborated on his actions. He stated that he had essentially copied the text of a previously completed assessment into the files of several additional clients.

7. He explained, “I used a case that was accurately completed as an example so I could complete the comprehensive assessment[s]. I did not complete the assessment[s] in a timely manner or update the information as was my intention.”

8. In the letter, the Respondent again reiterated that he regretted and accepted responsibility for his actions.

9. On or about September 5, 2018, the Board issued a subpoena to the Agency for the Respondent’s personnel file.

10. The file obtained reflected that in 2015, the Respondent's supervisor had counseled the Respondent regarding his difficulty completing client documentation in a timely manner.

11. Specifically, on his annual performance evaluation, completed in May 2015, the Respondent's supervisor noted that "an area of significant concern is his maintaining records and documentation. This is identified in the unsatisfactory and below standard ratings of this evaluation. This has been a problem identified in the past that still persists." The same evaluation outlined a plan to improve in this area within three months.

12. On the following year's performance evaluation, completed in May 2016, the Respondent's supervisor noted that he appeared to have improved the deficiencies, stating, "In this year, [the Respondent] has had a special focus on his own consistent organization and monitoring of goal achievement. This has been successful leading to adherence to agency standards."

13. In written and telephone communication with the Board's investigator, the Respondent's supervisor explained that the Respondent's insertion of false information into client records was discovered in approximately February of 2017, as part of the Respondent's regular annual performance evaluation process.

14. The Respondent's supervisor explained that the Agency at that time performed a "fidelity review" that included a review of a random selection of client records, and that "the discrepancies were identified at that time."

15. On or about October 19, 2018, the Board's investigator conducted an in-person interview with the Respondent under oath. The Respondent acknowledged that his

conduct was improper and again reiterated that he wished to “take ownership” of it. He stated that there were a large number of factors or “measures” used to evaluate client families that the Agency required be noted in each client assessment.

16. The Respondent explained, “These measures help us determine just kind of the service plans for our families so that we could make sure that they got the service that they needed.” However, the Respondent “was infamously terrible at remembering every measure.” Thus, in order “to make sure that I got all the correct measures” the Respondent pasted text from a previously completed assessment into the other case files.

17. He stated that he intended to go back and change the accurate scores to put in there” but never got around to doing so.

18. The files obtained by the Board’s investigator reveal that the Respondent inserted false narratives into the comprehensive assessments for four case files, identified by the Agency as case numbers 554, 556, 561, and 562.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds as a matter of law that the Respondent’s conduct, as described above, constitutes violations of the Act and the regulations adopted by the Board as cited above.

ORDER

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

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on Board-supervised **PROBATION** for a period of at least **ONE (1) YEAR** 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. Within ninety (90) days of the effective date of the Consent Order, the Respondent shall enroll in and complete a course focusing on recordkeeping equivalent to at least three (3) continuing education credit hours. The Respondent shall provide satisfactory evidence of his completion of this course within 10 days of its completion to the Board;
3. 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 after one (1) year 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 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 is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.), and is reportable to any entity to which the Board is obligated to report.

6/14/2019
Date



Sherryl Silberman, LCSW-C
Board Chair
Maryland State Board of Social Work Examiners

CONSENT

I, Kevin Wade, LCSW-C, acknowledge that I have had the opportunity to consult with counsel before signing this document, but have declined to do so. 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 behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction⁰ 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 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.

30 MAY 2019
Date

Kevin Wade, LCSW-C
Kevin Wade, LCSW-C
The Respondent

NOTARY

STATE OF Maryland
CITY/COUNTY OF: Carroll

I HEREBY CERTIFY that on this 30th day of May 2019, before me, a Notary Public of the State and County aforesaid, personally appeared Kevin Wade, LCSW-C, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

MIKHAIL ABUZOV
NOTARY PUBLIC
CARROLL COUNTY
MARYLAND
My Commission Expires 04-26-2020

My commission expires: 04/26/20