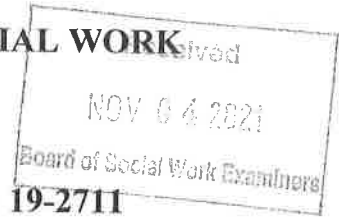


IN THE MATTER OF  
SCOTT M. WILFONG, LCSW-C  
RESPONDENT  
LICENSE NUMBER: 16218

\* BEFORE THE MARYLAND  
\* BOARD OF SOCIAL WORK  
\* EXAMINERS  
\* CASE NUMBER: 19-2711



\* \* \* \* \*

CONSENT ORDER

The Maryland Board of Social Work Examiners (the "Board") charged **Scott M. Wilfong, LCSW-C**, License Number: **16218** (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:

....

- (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[and]

....

- (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;

....

(20) Fails to maintain adequate patient records[.]

Pursuant to Health Occ. § 19-311(6), the pertinent provisions of Md. Code Regs. (“COMAR”), provide the following:

**COMAR 10.42.03.02 Responsibilities to Client.**

B. The licensee may not:

....

(3) Exploit a relationship with a client for personal advantage or satisfaction.

**COMAR 10.42.03.05 Relationships.**

D. The licensee may not engage in sexual misconduct with either current or former clients.

**FINDING OF FACTS**

1. The Respondent was originally licensed to practice clinical social work in Maryland on or about July 2, 2015. The Respondent’s license expires on or about October 31, 2021.

2. At all times relevant hereto, the Respondent was employed at a federal medical facility (the “Facility”)<sup>1</sup> located in Maryland. The Facility provides outpatient medical, mental health, and other support services to military veterans.

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<sup>1</sup> The names of the Facility, the Complainant, the Client, Employee A, Employee B, Facility Detective, and Agent(s), have been omitted to protect privacy. The names will be provided to the Respondent upon request made to the Administrative Prosecutor.

3. At all times relevant hereto, the Respondent was employed by the Facility on or about September 22, 2014. The Respondent resigned from the Facility on or about April 26, 2019.

4. On or about September 25, 2019, the Board received a complaint from the director of the Facility (the "Complainant").

5. The Complainant alleged in his complaint that the Respondent abused his position while working at the Facility by engaging in a sexual encounter with a client.

6. The investigation by Board staff revealed the following:

- a. On or about December 4, 2018, a Facility client ("Client") reported to a nurse case manager at the Facility ("Employee A") that that he had a sexual encounter with a social worker in the social worker's office in the winter of 2013. During her meeting with the Client, Employee A accessed the Client's mental health medical records. The Client's mental health records revealed that the Client's last visit for mental health services was on December 12, 2013, and he was seen by the Respondent.
- b. After the meeting with the Client, Employee A reported what the Client told her to Employee B.
- c. On or about December 6, 2019, Employee B, a licensed clinical social worker at the Facility, met with the Client to discuss what had been reported by Employee A.
- d. The Client told Employee B that he met with the Respondent in the winter of 2013. The Client told Employee B that he had not reported his sexual encounter earlier because he was afraid if he did, he would not receive the services from the Facility that he needed. The Client explained to Employee B he decided to report his sexual encounter with the Respondent because he wanted to address his past sexual trauma.

- e. The Client gave the following account to Employee B of the events of that occurred during his December 2013 meeting with Respondent:

The Client told Employee B that when he met with Respondent, he discussed his past sexual trauma. The Client indicated to Employee B that during his discussion of his sexual trauma with the Respondent, he noticed that the Respondent had an erection when he got up to use the copier machine. The Client stated that when the Respondent finished using the copier machine, he showed the Respondent a picture of his penis that was on his phone. The Client indicated that the Respondent locked the door to his office after seeing the Client's photo of his penis. The Client indicated that he pulled out his penis and the Respondent began masturbating him and performed fellatio on him for a few minutes. The Client further indicated that the Respondent then exposed himself and the Client began masturbating the Respondent. The Client also indicated that he they both masturbated themselves until they both ejaculated on the Respondent's desk. The Client reported that the Respondent cleaned up the semen on the desk and stated to him that "I hope this help with your frustration."

The Client told Employee B that he had informed the Respondent during their meeting that he was sexually frustrated because he had not been having sex with his partner at the time. The Client admitted to Employee B that he wanted the sexual encounter with the Respondent to happen. The Client also told Employee B that at the end of his meeting with the Respondent he had asked the Respondent for a food voucher. The Client indicated that the Respondent gave him twenty dollars and walked him to the lobby.

- f. On or about December 10, 2018, the Client met with a Facility police detective ("Facility Detective"). The Client gave the Facility Detective the following account of the events that occurred during his December 2013 meeting the Respondent:

The Client told the Facility Detective that while he was discussing his past sexual trauma with the Respondent, noticed that the Respondent had an erection when he got up from his

desk to use a copier machine. The Client indicated that when the Respondent returned from the copier machine, he showed the Respondent a picture of his penis that was on his phone. The Client further indicated that after the Respondent saw the picture of his penis, the Respondent closed and locked his office door. The Client further stated during the interview that he also removed his penis from his pants and the Respondent proceeded to performed masturbate and fellatio on him for several minutes. After the Respondent performed fellatio on the Client, they began masturbating each other. The Client and the Respondent then began masturbating themselves until they both ejaculated on the Respondent's desk. After cleaning the semen on the desk, the Respondent stated to the Client "I hope this helps". The Respondent then reach in his pocket, took out his wallet and gave the Client twenty dollars. He also stated to the Respondent: "I would give you more, if I had it."

- g. On or about December 11, 2018, the Respondent was interviewed by the Facility Detective and a special agent from the Criminal Investigation of the Office of the Inspector General ("Agent"). After he was informed of the facts regarding his December 2013 encounter with the Client, the Respondent indicated that he did not recall the incident. The Respondent also indicated that incident never happened. The interviewed was ended because the Respondent wished to seek the advice of counsel.
- h. On or about February 26, 2019, the Respondent was interviewed by two special agents from the Criminal Investigation of the Office of the Inspector General ("Agents") The interview was conducted under oath with the Agents and in the presence of his attorney. The Respondent told the Agents that he remembered meeting with the Client in December 2013 for an in-take psycho-social evaluation that took place in his office. The Respondent also told the Agents that he remembered the Client "hitting on him".
- i. The Respondent admitted during the interview with the Agents that the Client showed him a photograph of his penis and exposed himself, masturbated, and ejaculated on the Respondent's desk. The Respondent told the Agents that the Client convinced him to allow the Client to expose himself, masturbate, and ejaculate in the Respondent's office

- j. The Respondent also told the Agents that he did not remember what happened after the Client ejaculated on his desk. The Respondent indicated that did not remember who cleaned up the semen nor did he remember walking the Client out of his office.
- k. The Respondent admitted during his interview with the Agents that he thought the Client's behavior was inappropriate. The Respondent also admitted that he did not press the panic button located in his office to notify Facility authorities to report what was occurring in his office. The Respondent further admitted that that he did not document December 2013 incident in the Client's client record or report the Client's behavior to his superiors or his co-workers.

7. Following his interview with the Agents, the Respondent provided a supplemental statement dated March 1, 2019. In his supplemental statement, the Respondent indicated that he did not report the Client's conduct during their December 2013 meeting because of possible implications the military's "Don't ask, Don't Tell" ("DADT") policy may have on the Client. The Respondent acknowledged in his supplement statement that the DADT policy had been repealed in 2010.

8. On or about March 1, 2019, the Chief of Staff at the Facility summarily suspended the Respondent's privileges to practice clinical social work at the Facility. The suspension of the Respondent's privileges was based on his sexual interaction with the Client.

9. On or about April 18, 2019, the Facility issued the Respondent a proposal to remove (the "Proposal") him from his employment at the Facility for conduct unbecoming of a federal employee. The Proposal was based on the Respondent's conduct with the Client in December 2013 and his failure to document and report the Client's conduct.

10. On or about April 26, 2019, the Respondent resigned from the Facility.
11. On or about January 31, 2020, Board staff conducted an interview under oath with the Respondent. During the interview the Respondent admitted to Board staff that he resigned from the Facility because the Facility wanted to terminate him.
12. On or about May 27, 2020, Board staff conducted a second interview under oath with the Respondent. During the interview, the Respondent told Board staff that he told the Client to stop showing a picture of his penis. The Respondent admitted that he viewed the Client's penis that was displayed on the Client's phone. The Respondent also admitted that he did nothing to stop the Client from removing his penis from his pants, masturbating, and ejaculating on the Respondent's desk.
13. The Respondent also confirmed during his May 27, 2020, interview with Board staff, that he did not report or document the specifics of his December 2013 meeting with the Client.
14. The Respondent's conduct as set forth above is a violation of Health. Occ. § 19-311 (4), (5), (6), (9), and (20); COMAR 10.42.03.02(B) (3); and COMAR 10.42.03.05(D)

**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 **THREE (3) Years**: and it is further

**ORDERED** that the following said suspension 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 a Board-approved ethics tutorial. Promptly after the completion of the tutorial, the Respondent shall ensure that the instructor provides the Board with a written report detailing the Respondent's participation in and completion of the tutorial. The ethics tutorial 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 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.
- (3) The Respondent shall ensure that the Board Approved Supervisor submits quarterly to the Board during the probationary period.
- (4) Within **six months** of the execution of the Consent Order, the Respondent shall pay a fine in the amount of **TWENTY-FIVE HUNDRED DOLLARS (\$2500)** by certified check or money order to the Maryland Board of Social Work Examiners.
- (5) The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereto; 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 one 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 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 *et seq.* (2014 Repl. Vol. & 2021 Supp.).

11/12/2021

Date

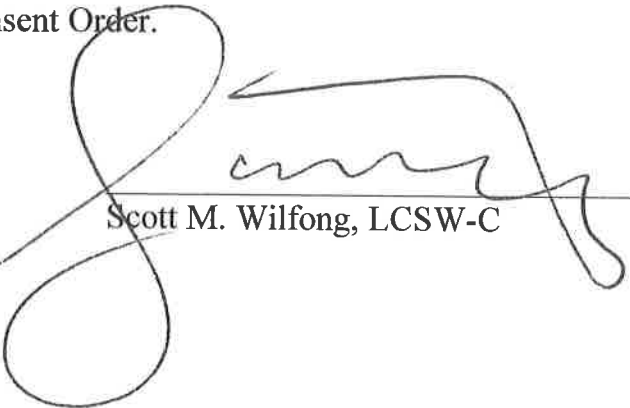


Karen Richards, MSW, LSCW-C  
Board Chair  
Maryland Board of Social Work Examiner

SCOTT M. WILFONG, LCSW-C

I, **SCOTT M. WILFONG, LCSW-C** 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.

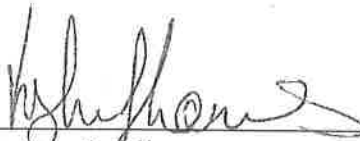
11-1-21  
Date

  
\_\_\_\_\_  
Scott M. Wilfong, LCSW-C

**NOTARY**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of November, 2021, before me, a Notary Public of the State and City/County aforesaid, personally appeared, **SCOTT M. WILFONG, LCSW-C** 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: 7-18-24

