

The Bulletin of the Maryland Board of Social Work Examiners

CONTENTS

From the Board Chair	1
Licensees Sanctioned	2
Reminder to Sanctioned Licensees	
Supervision Committee Report.....	3
Alert to Supervisors of Candidates for Advanced Licensure	
Notice	
Board Staff Members	
Budget Matters	4
Continuing Education Program.....	
Disciplinary Issues	5
Board Composition.....	
BSWE Committee Chairpersons	
As We Go to Press	
Frequently Asked Questions.....	6
Ethics and Professional Conduct	
Deadline for Board Meeting Consideration	
Legislative Updates	7
State Board of Social Work Examiners.....	
Board Staff Members	8

From the Board Chair

Mary C. Burke
LCSW-C, BCD



Many of you are aware of the major budget deficit the state is encountering. If you work in a state agency, you have probably felt the effects directly through hiring freezes and positions being eliminated. Our Board office has also been dramatically impacted by the situation.

The problem is that this should have never affected the Boards. Why?

The Boards are self-funded which means that we are responsible for generating the funds for our operating costs. It is our fees for renewals, new license applications, reinstatements, etc. that pay for all of our expenses. We pay for printing, postage, telephones, office rent, supplies, salaries, and benefits. We do not get any subsidies from the state to run the office.

We are the third largest Board as far as the number of licensees – approximately 11,000. We have always operated on a minimal staff of eight people: Executive Director, Administrative Specialist, Staff Social Worker, Investigator, and four secretarial / clerical positions. We also share a Legislative Officer position with another Board. Most other Boards with far fewer licensees have larger office staff that include positions our Board desperately needs (such as a compliance officer and data analyst). Because we had been struggling along with limited funds and even had a deficit last year, we made the difficult decision to raise fees so that we could adequately fund the needed positions and comply with the state's mandate to implement electronic licensing. These fees were approved just as the state implemented a hiring freeze. Additionally, because the state needed to eliminate positions to have a balanced budget, our Board lost three of the eight positions. We were left with one permanent secretarial position.

I'm sure you can imagine how difficult it has been to conduct business on a day to day basis: answering the hundreds of calls, reviewing applications, printing up and sending out licenses during our renewal time, etc. We, of course, wrote letters and I personally met with Dr. Georges C. Benjamin, Secretary, Department of Health and Mental Hygiene. At least for now, the budget situation does not look good. We were successful in being allowed to hire two contractual clerical positions, which is certainly helpful, but they are not permanent positions.

Why am I telling you all of this? First of all, you have the right to know what is being done with your money. Secondly, I am very concerned that the state violated a long-standing understanding about not tampering with Boards' funds or Boards' positions. I urge you to call your legislators and express your grave concerns that you are paying fees that should be used to provide services to you but are being frozen by the state. In your calls, you should focus on two key points. 1) Why was the Board's staff cut disproportionately, eliminating three of eight positions? (No other Board was affected this severely). 2) Why can't the Board hire permanent staff when it has the funds to do so and it would not cost the state any money?

As social workers, we know that it is important to make our voices heard. Let's hope the legislators will listen.

MARYLAND BOARD OF SOCIAL WORK EXAMINERS



(Standing L-R) Wanda W. Moore, Sheila D. Scriggins, Laurie T. Thomas, and Stephanie E. Sharpe. (Seated L-R) Emanuel (Manny) Mandel (Board Secretary), Mary C. Burke (Board Chair), and Charles W. Griffin NOT PICTURED: Isadora R. Hare, Anne E. Walker

State Board of Social Work Examiners

Sanctioned Licensees as of November, 2002

NAME	STATUS
1. Bonnie A. Cox Case #298	Placed on Probation & Reprimanded 01/13/99-01/13/01
2. Barbara Dieterle Case #221	License Revoked 03/13/1998
3. Ronald Doswell Case #272	License Revoked 06/15/1998
4. Anita Parr Felps Case #362	License Revoked 07/02/2001
5. Katherine High Cases #255 & #277	Licensee on Probation 06/29/00-06/29/03
6. Julia B. Jackson Case # 198	Placed on Probation & Reprimanded 01/17/97-Present
7. Leon Raesly Cases #145, #159 #160, & #166	License Revoked 10/21/96
8. Ronald A. Stanley Cases #329 & #330	Licensee on Probation 6/8/2001 - 6/8/2003
9. Patricia A. Tenanty Case #232	License Revoked 12/15/99. Appealed by Licensee, and affirmed by Court of Special Appeals on 6/11/01.
10. Keith A. Wagner Case #124	Licensee on Probation 05/13/94-Present
11. Melita Williams Case #104	License Suspended 03/08/96 - Present
12. Charles A. Fleming Case #414	License Surrendered 09/05/01
13. Leslie Faye Lewis Case #374	License Surrendered 04/23/01
14. Joanne S. Nibblett Case # 388	License Revoked 12/14/01
15. Wanda M. Wilson Case # 413	License Revoked 12/14/01
16. Kathleen A. Stewart Case #405	License Suspended 1/24/02 - 1/24/03
17. Elizabeth A. Titus Case #411	Licensee on Probation 03/08/02 03/08/04

ATTENTION

In order to practice social work in Maryland, you must be licensed by the Maryland Board of Social Work Examiners.

You must be licensed as a LGSW in order to begin to accumulate the hours necessary to qualify for advanced licensure (LCSW & LCSW-C).

New Sanctions

18. Tear P. Plater – Case #388
The Board revoked LGSW license on 8/26/02 based upon a finding that the licensee violated Annotated Code of Maryland, Health Occupations Article 19-311 (4) (commits any act of gross negligence, incompetence, or misconduct in the practice of social work) and (6) (engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work).
19. Jennifer R. Peverly – Case #465
The Board placed licensee on Probation 10/11/02 - 10/11/03 based on a finding that licensee violated 19-311 (4) (commits any act of gross negligence, incompetence, or misconduct in the practice of social work), and (6) (engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work), and (17) (fails to maintain adequate patient records).

Reminder to Sanctioned Licensees

Jane E. Pilliod
Board Counsel



The Board has determined that the names of licensees currently sanctioned by the Board should be published in the Board newsletter as a matter of public protection.

Depending on the seriousness of the disciplinary infraction, a sanction may include a period of suspension followed by a period of probation in which the licensee is required to practice under supervision and meet certain educational requirements. Many sanctioned licensees who may have completed the suspension period and the probationary requirements continue to be listed among the sanctioned licensees in the Board's newsletter because they failed to notify the Board of the completion of their conditions, and request that their probation be lifted. If you are currently under a sanction by the Board, please be certain to provide written notification to the Board when you have completed all of the requirements of your sanction along with a request that any limitation on your license to practice social work be removed.

After 7 years of distinguished service, we regret that Jane E. Pilliod is leaving the Board of Social Work Examiners to serve as Counsel to other Boards. We wish her all the best while welcoming our new Board Counsel, Delia T. Schadt.

Supervision Committee Report

Wanda W. Moore, LCSW-C
Chair, Supervision Committee



The regulations governing supervision were filed for publication on April 24, 2002 and were published in the Maryland Register on September 6, 2002 for comments. You are invited to review them.

Have you considered how the new supervision regulations will impact your work and your employment setting? I suggest that it might be advantageous for you to confer with your colleagues and the administrative personnel where you work to determine whether those identified as supervisors have had appropriate supervision training. If you determine that training is needed, the following types will satisfy the required twelve (12) hours:

- A graduate course on supervision
- An agency sponsored course on supervision (BSWE authorized sponsor)
- A workshop on supervision (BSWE authorized sponsor)

We are nearing the end of this process and I'm excited about how supervision regulations will make our profession even more responsive to the needs of the public. To review the new supervision regulations, you may go to: www.dsd.state.md.us Look under the Maryland Register Online section. The Volume number is 29, Issue number 18 dated September 6, 2002.

Alert to Supervisors of Candidates for Advanced Licensure

Part of your responsibility as a supervisor is to ensure that the person you are supervising is a licensed social worker. Therefore, the date you place on the Professional Reference Form to document when your supervision began cannot pre-date the issuance date of the Licensed Graduate Social Worker's license. If you indicate that you supervised an individual prior to when they became licensed you would have violated the social work statute: Section 19-311 Item (11) "Practices social work with an unauthorized person or supervises or aids an unauthorized person in the practice of social work." Violations of the social work statute are subject to review by the Board and can result in disciplinary action.

Notice

The Board of Social Work Examiners recently assisted in the prosecution of a social work impersonator, LARRY DEXTER WILLIAMS, by the Attorney General's Office. Mr. Williams was convicted of practicing social work without a license and misrepresenting himself as a clinical social worker in the District Court for Anne Arundel County and the District Court for Baltimore County. He had provided a fraudulent Masters Degree diploma and LCSW-C license to prospective employers.

BOARD STAFF MEMBERS



(Standing L-R) Gloria Jean Hammel (Staff Social Worker), Harold G. Gordon (Executive Director), Kevin D. Brydie (Office Secretary), Howard (Rick) Kenney (Investigator)

(Seated L-R) Delia T. Schadt (Board Counsel), Bernnadette Staten-Evans (Administrative Specialist), James D. Slade (Legislative Officer), Beverly J. Lewis (Office Services Clerk), and Jane E. Pilliod (Board Counsel)

NOT PICTURED: Diane V. Cooper (Office Secretary)

Budget Matters

Maryland Health Occupation Boards have been self-funded since the early 1990's. The Board of Social Work Examiners, as most others, is within the general framework of the Department of Health and Mental Hygiene. Our fees represent our income; our budget and expenditure are approved by the Department of Health and Mental Hygiene as well as by the Legislature. We have a membership of approximately 11,000 Social Workers licensed by the Board and the fees that were recently increased had not changed since 1992. After we could not cover our expenses in FY 2000 and 2001, we developed a fee structure that represented the costs of today. As licensees renew the current fees they have a top payment for LCSW and LCSW-C at \$200 biannually, still placing us toward the low end compared to other professions. As an illustration, pharmacists pay \$150 biannually, professional counselors \$350 and optometrists \$500.

The bulk of our costs are in personnel. We have had a staff of eight until the recent cut in three positions. This group is additionally supported by staff members whose time is split among many Boards and is used in disciplinary and other legal matters and services such as personnel, and accounting. These costs are covered under a line item called indirect costs. This represents about thirty-five percent (35%) of our approved budget which for FY 2002 was \$669,000. (All numbers in this article are rounded off). We will be reviewing and revising our budget proposals as the need changes.

While self funded, we are subject to Departmental and Legislative review. We present to the legislature a projected budget and are then given specific spending limitations. This annual cycle of projections and approvals does permit change and we will recommend changes, as future budgets are prepared. We will keep you posted and will

Continuing Education – Distance Learning

The Continuing Education Committee prepared a policy statement for the Board regarding Distance Learning (programs taken over the internet or through conference calls). At their September 2002 Board meeting the Board approved the following policy regarding Distance Learning.

A licensed social worker can obtain Category I credit hours from programs taken over the internet or through conference calls if the program meets all of the following criteria:

- 1) The program is offered by a Board authorized sponsor.
- 2) The content of the program is intended for bachelor, master or doctoral level students and practitioners in social work, or those equivalent levels in related professions.
- 3) The program is a formally organized learning experience, oriented toward the enhancement of social work practice with education as the principal intent.
- 4) The presentations are provided by professionals who are qualified in the defined content areas and presentations occur in a clearly stated time period. (Category I programs must be at least 3

*Emanuel (Manny) Mandel LCSW-C, ACSW
Chair Budget Committee*



inform you of other budget matters in future Newsletters.

HCACC FEES

In another matter . . . many have called to complain about the funds that we are obliged to collect on behalf of the Maryland Health Care Commission. Currently, all Graduate, Certified, and Certified-Clinical practitioners must submit an additional \$34.00 with the license fees. We hope the following information will be helpful.

The Maryland Legislature established the Maryland Health Care Commission in 1999 in merging the Health care Access and Cost Commission and the Maryland Health Resources Planning Commission. This newly formed body administers a State Health Plan, the Certificate of Need program, which develops quality and performance measures for HMO's, nursing homes, hospitals, and other health facilities. A share of the cost of the Commission's operation is borne by health practitioners. This amounts to about nineteen percent (19%) of the total operational costs of the Commission. In the case of Social Workers, only Associate level Social Workers are exempt. Recently, this sharing of cost was broadened to include practitioners who were previously exempt (e.g., dentists and nurses) and the cost, now more broadly spread was reduced from a \$64 biannual fee to \$34. The figure is adjusted based on periodic review and the Board only COLLECTS these funds with license renewals and passes them on. While it is a substantial sum of money, we only incur the cost of the work in collecting, and receive no direct benefit from these funds. Any questions should be directed to the Maryland Health Care Commission. You can reach the Commission at (410) 764-3460.

*Laurie T. Thomas, Chair
Continuing Education Committee*



hours in length unless part of a series, with individual sessions of at least 1.5 hours after November 1, 2003.)

- 5) The program is a live real-time transaction between teachers and learners. This can include face to face transactions or interactive technology.
- 6) The sponsor of the program must maintain a record of registration and attendance and provide the social work licensee with a certificate of completion.
- 7) The certificate of completion or participation must include:
 - a) The name of the Board authorized sponsor;
 - b) The title and date of the program;
 - c) The number of credit hours earned and
 - d) Include the name(s) of the individual(s) from the sponsoring organization responsible for the program.

Note: Chat room discussions and video streaming would not be considered appropriate distance learning experiences.

Disciplinary Issues

*Charles W. Griffin, Ed.D.
Consumer Member*



During my tenure as one of the members of the Board of Social Work Examiners beginning March 1994, I have observed disciplinary matters before the Board with a unique perspective, that of Consumer Member. I have served on the Board's Disciplinary Case Review Committee for most of my tenure, and I have chaired the committee for over five years, during which time 240 of the over 500 cases have come before the Board for resolution. The types of cases that come before the Board fall in the general areas of: 1) boundary violations with clients, 2) quality of care concerns, 3) practice management issues, 4) breach of confidentiality, and 5) fraud. From my view, the Board has been diligent in carefully reviewing cases and reviewing them within a reasonable time-frame. The Board implements a variety of informal and formal means to resolve the cases referred to it.

The Board is convinced that the better consumers are educated about the services to be expected from social workers, and the more that social workers are educated, trained, and supervised, the better the public is served. The Board shares with its licensees, through communications such as this newsletter, the areas they should be aware of in order to avoid violations of the social work statute. Other efforts include an ethics course requirement for CEU's, the new disclosure requirements about services and fees, and the requirement to maintain financial records and session notes.

With licensed social workers numbering more than 11,000 in Maryland, the importance of the social work profession in providing mental health and other services is evident. Whether the service is obtained in the private offices of independent practitioners, or in federal, state, or private agencies, the Board's role of protecting and educating the public, and educating and regulating social workers remains paramount.

Board Composition

*Harold G. Gordon
Executive Director*



As this publication of the Board's fall newsletter goes to print, the Board of Social Work Examiners has two vacancies. We regret to announce the resignation of Dr. Maxwell C. Manning, LCSW-C, due to personal reasons. While on the Board, Dr. Manning served on the Oversight Committee, and chaired the Credentialing Committee.

The other vacancy on the Board is the LSWA slot, which has been vacant since March of this year. Even though the Board has advocated for the appointment of this position, it remains unfilled. The following is an excerpt from the Code of Maryland Regulations in reference to appointments to the Board:

"The Governor shall appoint all members of the Board with the advice of the Secretary of the Department of Health and Mental Hygiene and the advice and consent of the Senate. All the social work members must be derived from a list of nominees containing names submitted by:

- i) Professional social work association in the State;
- ii) Any person who provides a statement of nomination signed by at least 25 social workers licensed in the State; or
- iii) The secretaries of public agencies of the State where social workers are employed."

The only other qualification is that one must be a resident of the State. The Board of Social Work

Examiners is comprised of eleven (11) members with the official term of office beginning on the first of July each year.

Board members are expected to attend monthly meetings that last the entire day. Additionally, members are expected to participate in various committees, possibly attend certain Legislative hearings, and serve as liaisons to disciplinary cases.

If you are interested in becoming a Board member, please contact your professional association or the Department of Health and Mental Hygiene's appointment office at (410) 767-6485.

BSWE Committee Chairpersons

Budget Committee

Emanuel (Manny) Mandel, LCSW-C

Continuing Education Committee

Laurie T. Thomas, Consumer Member

Disciplinary Committee

Charles W. Griffin, Ed.D., Consumer Member

Newsletter Committee

Sheila D. Scriggins, LCSW-C

Oversight Committee

Mary C. Burke, LCSW-C, BCD

Rehabilitation Committee

Anne E. Walker, LCSW-C

Supervision Committee

Wanda W. Moore, LCSW-C

As We Go to Press

We have just received a draft copy of our Sunset Review. The Department of Legislative Services has recommended extending the Board's termination date until July 1, 2014. Obviously, there were other recommendations made that the Board needs to review and implement.

Mary C. Burke, Chair

"FREQUENTLY ASKED QUESTIONS"

Sheila D. Scriggins, LCSW-C



Q: Can I receive continuing education credit hours for courses related to computer software programs like Word, Excel, Access etc?

A: No. The objectives of the continuing education requirements are to: acquire new knowledge of professionally relevant ideas and information; maintain and increase proficiency in service delivery; refine social work skills; and reinforce appropriate professional attitudes.

Q: If I am unable to obtain supervisory hours from a LCSW or LCSW-C supervisor in my agency can I go outside of the agency to obtain supervision which will qualify for licensure at one of the advanced levels?

A: Yes. Arrangements to obtain supervision for licensure at one of the advanced levels can be made within or outside of the agency. All supervision must be under an employment contract and the supervision must be accountable to the employer. Please refer to social work regulations Title 10 Subtitle 42 Chapter 01 Section .02 Items (7) and (9) and Section .04 Items C. and D.

Q: What do I need to know about the HIPAA (Health Insurance Portability and Accountability Act of 1996) in relation to my social work practice?

A: HIPAA establishes national minimum standards to protect the privacy of individually identifiable information. The HIPAA standards address the many varied uses and disclosures of health information and apply not only to functions relating to treating patients and reimbursing health care providers, but also to activities that range from when health information should be available for research without authorization to whether a provider may release health information about a patient for law enforcement purposes.

The Board cannot provide advice in this area to individual social workers as to the implications of HIPAA in their practice. The Board recommends that social workers seek out training opportunities and perhaps contact their professional associations.

Q: Does the Board keep a list of approved continuing education programs and sponsors?

A: The Board does not keep a list of approved programs. However, the Board does maintain a list of approved sponsors on the Board's webpage which you can access at www.dhmb.state.md.us/bswe/

"Frequently Asked Questions" will be an ongoing column in the newsletter. Please submit questions you would like to have addressed to:

Editor
C/O The Board of Social Work Examiners
4201 Patterson Avenue Room 323
Baltimore Maryland 21215-2299

Ethics and Professional Conduct Continuing Education Program

Gloria Jean Hammel, LCSW-C
Staff Social Worker



Effective November 1, 2003 all licensed social workers will be required to obtain three (3) Category I continuing education credit hours, every two years, in the content area focusing on ethics and professional conduct, including boundary issues. The program must be given by a Board Approved Sponsor and must be at least a three-hour program.

The content area must be related to social work ethics and professional conduct which may include maintaining appropriate boundaries with clients and a review of the social work statute and Code of Ethics as it relates to conduct which is consistent with generally accepted professional standards. In addition, the content of the program may address issues related to avoiding dual relationships and the acceptance of gifts.

Since many mental health professionals require their licensees to take similar ethics programs, you may be receiving notices of programs offered by their national professional associations who are approved by the Board to provide Category I continuing education credit hours. It would be appropriate to participate in their programs. Additionally, the Board believes that various social work professional associations and other Board approved sponsors are developing programs which pertain specifically to social work ethics.

Deadline for Board Meeting Consideration

Sheila D. Scriggins, LCSW-C
Newsletter Editor

The Board of Social Work Examiners wants to be responsive to the issues and concerns regarding licensees and to do so in a timely manner. We are aware that licensees who have questions, concerns or issues about their license are anxious to have them resolved since these issues often affect employment and career concerns. In order to assist in this process, we thought it would be helpful for licensees to understand about Board procedures.

The Board meets on the second Friday of each month, except in July when there is no meeting. Our agenda is full and for that reason, Board members receive all the items to be considered one week ahead of time. In so doing, they are able to review the material beforehand so that they are able to give careful consideration and their full attention to each item for discussion by the full Board. The Board wants to make well thought-out decisions within as short a time frame as possible. Consequently the issues that the Board will review at its monthly meeting need to be submitted at least two weeks prior to the Board meeting date. Any items coming after two weeks prior to the meeting are deferred to the next month's meeting. We appreciate your consideration of our process to ensure sound decisions.

Legislative Updates

The Maryland Social Workers Act was significantly revised during the 2000 Maryland legislative session, which required the Board to revise its regulations relating to the practice of social work. To explain how the Statute differs from regulations, a statute is a law that passes the Maryland General Assembly. Maryland legislators vote on a bill and the Governor signs the bill into law. Once a bill is effective it is called a statute. The Maryland Social Workers Act is a statute and it gives the Board the authority to regulate social workers.

Under this authority, the Board develops and implements regulations to carry out the statute. Regulations may not change the intent or the spirit of the law. Statute and regulations are both enforceable law and you must comply with both. The statute is found in the Annotated Code of Maryland. The Maryland Social Workers Act is found specifically in Title 19 of the Health Occupations Article of the Annotated Code of Maryland. Regulations are found in the Code of Maryland Regulations, which is also referred to as COMAR. The regulations relating to the practice of social work are in COMAR 10.42. How to access these laws will be discussed below. There are other laws with which you may have to comply, such as insurance or confidentiality laws, which are not in Health Occupations Title 19 or COMAR 10.42.

In the process of developing regulations, (with comments from interested parties) the Board drafts revisions to existing regulations or it creates new regulations in response to change in statute or Board policy. The Board may even repeal existing regulations. Once the Board is satisfied that the proposed regulation will protect the public health, it votes to publish the regulations for comment. The proposed regulations are then placed in the Maryland Register, where anyone may comment during a 30-day comment period. Depending on whether comments are received, the Board either revises the proposed regulation or makes the proposal effective without change. If no comments are received, generally the proposal will become effective as proposed. The Board can also withdraw a proposal if necessary.

As you may know, the Board has been, and still is, revising the regulations that govern the practice of social work in Maryland. Once the Board has completed the revisions to its regulations, it will be printing a booklet of the new regulations. You may know the "blue book" that is now in circulation with the old statute and regulations. Presently, there is a salmon colored book with just the new Maryland Social Workers Act in it, which all licensees were sent. You may also obtain one from the Board. This booklet does not have the new regulations in it at present. The salmon colored book containing the statute and a book containing the new regulations will replace the blue book.

If you wish to view the existing statute on the web, logon to www.mlis.state.md.us. Page down to the "Everything Else"

*James D. Slade, Esq.
Legislative/Regulations Officer*



section and click on the "2002-Statute text" link. Enter "Health Occupations" in the first query slot. The Maryland Social Workers Act is Title 19 of the Health Occupations Article, so in the second query slot type "19-101" to view the first statute. Click the "next" link to view the next social work statute.

To view the current regulations on the web, logon to www.dsd.state.md.us.

Click on the "COMAR Online" link. When the next page is displayed, click search option 1, "Search on a word or phrase, or enter the codification number." When the next page is displayed, enter in the query slot "10.42*". This *should* display links to all of the social work regulations.

State Board of Social Work Examiners

Board Members	Terms of Office
Mary C. Burke, LCSW-C, BCD <i>Board Chairperson</i>	07/01/01 - 06/30/05
Emanuel (Manny) Mandel, LCSW-C <i>Board Secretary</i>	07/01/99 - 06/30/03
Charles W. Griffin, Ed.D <i>Consumer Board Member</i>	07/01/00 - 06/30/04
Isadora R. Hare, LCSW <i>Board Member</i>	04/13/01 - 06/30/03
Wanda W. Moore, LCSW-C <i>Board Member</i>	07/01/98 - 06/30/06
Sheila D. Scriggins, LCSW-C <i>Board Member</i>	07/01/99 - 06/30/03
Stephanie E. Sharpe, LGSW <i>Board Member</i>	03/22/02 - 06/30/04
Laurie T. Thomas <i>Consumer Board Member</i>	07/01/01 - 06/30/05
Anne E. Walker, LCSW-C <i>Board Member</i>	07/01/01 - 06/30/05
Vacancy <i>LCSW-C Board Member</i>	
Vacancy <i>LSWA Board Member</i>	