

IN THE MATTER OF \* BEFORE THE STATE  
HELAINÉ S. BENESH, LCSW-C \* BOARD OF SOCIAL WORK  
Respondent \* EXAMINERS  
License Number: 00790 \* Case No. 06 - 1046

\*\*\*\*\*

**PRE-CHARGE CONSENT ORDER**

On September 8, 2006, the Maryland State Board of Social Work Examiners (the "Board"), voted to charge Helaine S. Benesh, LCSW-C, (the "Respondent") (D.O.B. 10/19/50), License Number 00790, under the Maryland Social Workers Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 19-101 *et seq.* (2000 Repl. Vol. & 2004 Supp.).

The pertinent provisions under §19-311 of the Act provide the following:

Subject to the hearing provisions of § 19-312 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (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 the Board;

The provision of the Act, which Respondent is charged with violating, is:

HO § 19-301 (a) Except as otherwise provided in this title, an individual shall be:

- (1) Licensed by the board before the individual may practice social work in this State while representing oneself as a social worker;
- (2) Licensed as a certified social worker-clinical before the individual may practice clinical social work in this State.

Respondent was notified by certified mail of the Board's vote to charge Respondent with violations of the Act and was provided the opportunity to enter into this Pre-charge Consent Order prior to the issuance of disciplinary charges under the Act.

### **FINDINGS OF FACT**

The Board makes the following findings of fact:

#### **I. Background Findings**

1. Respondent is a social worker licensed to practice social work in the State of Maryland.

2. At all times relevant to these charges, Respondent maintained and currently maintains an office for the private practice of clinical social work in Baltimore, Maryland.

3. Respondent was originally issued a license to practice social work in the State of Maryland on April 4, 1977, being issued license number 00790.

4. Respondent has been approved for vendorship since March 10, 1979.

5. On or about September 2002, Respondent renewed her license. Respondent's license expired on October 31, 2004.

6. In or about August 2004, the Board sent Respondent an application for renewal.

7. On or about April 2006, Respondent contacted the Board to inquire about renewal of her license. Because more than two months had elapsed since Respondent last renewed, Board staff informed Respondent that she would need to file an application for reinstatement and pay the appropriate fee.

8. On April 25, 2006, the Board received Respondent's application for reinstatement and a check for the reinstatement fee.

9. In response to a question on the application, Respondent stated affirmatively that she had failed to renew a license in "any" state and attached to her application a letter of explanation.

10. Respondent stated in the letter that she was unaware until recently of the fact that the Board had not received the check that she submitted in October 2004 for renewal. She stated she recently found out that the check "was not registered in the system," and she is in the process of getting records from her bank.

11. To date, Respondent has not submitted to the Board a copy of her check.

12. On May 5, 2006, the Board reinstated Respondent's license to practice social work in Maryland, which license will expire on October 31, 2008.

## **II. Investigative Findings**

13. Thereafter, the Board initiated an investigation.

14. Respondent informed the Board investigator that she became aware that she did not have a current license when she was required to submit a copy of her license for the purpose of being a provider under a health insurance plan.

15. Respondent practiced social work without a license from November 1, 2004 through May 2, 2006, a period of twenty (20) months.

### **CONCLUSION OF LAW**

Based on the above findings of fact, the Board concludes as a matter of law that Respondent's practicing clinical social work without a license constitutes:

1. An act of misconduct in the practice of social work, in violation of HO § 19-311 (4);

2. Engaging in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work, in violation of HO § 19-311 (6); and
3. Violating any provision of this title or regulations governing the practice of social work adopted and published by the Board, in violation of HO §§ 19-311 (7) and 19-301(a)(1) and (2) for practicing social work without a license.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 11<sup>th</sup> day of May, 2007, by a majority of the full authorized membership of the Board considering this case:

**ORDERED** that Respondent's license to practice social work shall be **REPRIMANDED**; and be it further

**ORDERED** that Respondent shall pay to the Board, for payment into the General Fund of the State, a monetary fine in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** within sixty (60) days of the date that this Consent Order is signed by the Board; and be it further

**ORDERED** that Respondent will comply and practice within all statutes and regulations governing the practice of social work in the State of Maryland; and be it further

**ORDERED** that any violation of any of the terms of this Consent Order shall constitute unprofessional conduct; and be it further

**ORDERED** that if the Board has probable cause to believe that the public health, safety or welfare imperatively requires emergency action, the Board, without prior notice and an opportunity for a hearing, may summarily suspend the Respondent's license,

provided that Respondent is given prompt written notice of the Board's suspension, the finding, and the reasons in support thereof, and an opportunity for a hearing within thirty (30) days after requesting same in accordance with Md. State Govt. Code Ann. § 10-226(c) (2004 Repl. Vol.); and be it further

**ORDERED** that if Respondent violates any of the terms of this Consent Order, the Board, after notice and a hearing, and a determination of violation, may impose any other disciplinary sanctions it deems appropriate, said violation being proved by a preponderance of evidence; and be it further

**ORDERED** that this Pre-Charge Consent Order is a public document pursuant to Md. State Govt. Code Ann. § 10-611 *et seq.*

5-11-07

Date

  
Yvonne M. Perret, LCSW-C, Chair  
Board of Social Work Examiners

**CONSENT**

I, HELAINE S. BENESH, LCSW-C, acknowledge that I have been informed that I may be represented by counsel prior to signing this Consent Order and have knowingly and voluntarily elected not to be represented by counsel.

I am aware that I am entitled to a formal evidentiary hearing before an administrative law judge of the Office of Administrative Hearings. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other

procedural and substantive protections to which I am entitled by law. I am waiving those procedural and substantive protections.

I voluntarily enter into and agree to abide by the foregoing Findings of Fact, Conclusions of Law and Order, and I agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.

I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice social work.

I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order, consisting of seven (7) pages.

3/21/07  
Date

Helaine S Benesh, LCSW-C  
Helaine S. Benesh, LCSW-C  
Respondent

**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY of Baltimore Harford

I HEREBY CERTIFY that on this 21 day of March, 2007,  
before me, a Notary Public of the State and County aforesaid, personally appeared

Helaine S. Benesh, LCSW-C, and made oath in due form of law that the foregoing was her voluntary act and deed.

**AS WITNESS** my hand and Notarial Seal.

  
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Notary Public

My Commission Expires: 9/16/07