

IN THE MATTER OF

* BEFORE THE STATE

LISA ANN BRENNER, LCSW-C

* BOARD OF SOCIAL WORK

Respondent

* EXAMINERS

License Number: 14584

* Case No. 12-1848

* * * * *

CONSENT ORDER

On September 13, 2013, the Maryland Board of Social Work Examiners ("the Board") issued a Notice of Intent to Revoke (the "Notice") the social work license of LISA ANN BRENNER, LCSW-C (the "Respondent"), License 14584, based on alleged violations of the Maryland Social Work Examiners Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 19-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.).¹

Based upon the allegations made in the Complaint and the Board's investigation, the Board charged the Respondent under the following provisions of the Act:

**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;

(3) Is mentally or physically incompetent; [and]

(7) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board; to wit:

COMAR 10.42.03.06B A licensee may not: (1) Undertake or continue a professional relationship with a client when the competence or objectivity of the licensee is or could reasonably be expected to be impaired due to: (a) Mental, emotional, physiological, pharmacological, substance abuse, or personal

¹ On September 13, 2013, the Board erroneously issued the Notice to a Silver Spring, Maryland address. The Notice was returned to the Board as undeliverable. On October 15, 2013, the Board reissued the Notice to the Respondent's address of record.

problems;

On February 24, 2014, a Case Resolution Conference was convened in this matter. After negotiations between the State and the Respondent, through counsel, the Respondent agreed to enter into this Consent Order, including Findings of Fact and Conclusions of Law, and sanction.

FINDINGS OF FACT

The Board finds the following:

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 on November 6, 2008. Her license is scheduled to expire on October 31, 2014.
2. The Respondent's license is currently summarily suspended.
3. At all times relevant, the Respondent was employed as a social worker.
4. On or about August 2, 2012, the Board received information from the Dorchester County Parole and Probation Department ("Complainant A") alleging that the Respondent was recently arrested and charged with a controlled dangerous substance ("CDS") violation.
5. On or about September 25, 2012, the Board received a written complaint from a Complainant A alleging that the Respondent "is providing services to the community and has a substance abuse issue." The written complaint included a copy of criminal charging documents.
6. Thereafter, the Board initiated an investigation.
7. On or about February 1, 2013, the Board received a second complaint from a social worker ("Complainant B") who conducted a forensic evaluation of the

Respondent. Complainant B alleged that the Respondent "has a significant history of substance abuse and [she fears that the Respondent] may be providing therapy while under the influence."

8. The Board's investigation revealed that on or about July 12, 2012, the Respondent arrested and charged with CDS possession (not marijuana) and CDS possession of paraphernalia. The charges stemmed from an incident during which police searched the Respondent's vehicle during a routine traffic stop and located crack cocaine and paraphernalia associated with the smoking of crack cocaine.

9. On or about August 20, 2012, the Respondent was arrested and charged with CDS possession (not marijuana) and CDS possession of paraphernalia. These charges were not prosecuted.

10. On or about December 19, 2012, in the District Court for Dorchester County, the Respondent was found guilty of CDS possession (not marijuana) stemming from her July 2012 arrest ("2012 criminal case"). The Respondent's sentence was held *sub curia* and she was referred to the Dorchester County Drug Court Program.

11. The Respondent submitted to a mental health evaluation through her participation in the Dorchester County Drug Court Program. According to the evaluator, the Respondent was "untruthful in her testimony as evidenced by discrepancies, omissions, and contradictions made in each interview." The Respondent "showed no signs of remorse over the legal consequences of her substance abuse." Further, the evaluator opined that the Respondent "minimized the severity of her substance use and legal issues."

12. On December 19, 2012, the Respondent entered into the Dorchester County Drug Court Program. The Respondent successfully completed that program on December 30, 2013.

13. Upon the Respondent's successful completion of the drug court program, the court entered a finding of probation before judgment in her 2012 criminal case.

14. The Respondent maintains that she did not practice social work while under the influence of drugs and alcohol.

15. The Respondent's alleged conduct, if proven true, would constitute a violation of H.O. §§19-311(3) and (7), to wit: COMAR 10.42.03.06B(1)(a).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concluded that, if proven true, the factual allegations would support a finding as a matter of law that the Respondent violated H.O. §§ 19-311(7), to wit: COMAR 10.42.03.06B(1)(a). The Board drops the charge under § 19-311(3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the agreed upon terms of the resolution of the Charges by consent, on this 9th day of May, 2014, by a majority of the full authorized membership of the Board considering this case, it is hereby

ORDERED that the summary suspension of the Respondent's license is hereby **LIFTED**; and it is further

ORDERED that the Respondent shall be immediately placed on **PROBATION** for a period of at least **THREE (3) YEARS**, subject to the following terms and conditions:

1. The Respondent's status as a social worker will be listed in the Board's computer records and website as being on "Probation;"

2. The Respondent shall enroll in a licensed substance abuse aftercare program;

3. The Respondent shall sign any written release/consent forms, and update them, as required by the Board. Specifically, the Respondent shall sign any written release/consent forms required by the Board to authorize the aftercare program to make verbal and written disclosures to the Board, including disclosure of any and all treatment program records and files and confidential drug and alcohol abuse information about the Respondent. The Respondent shall also sign any written release/consent forms required by the treatment program to authorize the treatment program to exchange with (i.e., disclosure to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information about her, including confidential drug and alcohol abuse information.

4. The Respondent shall participate in individual mental health counseling, as recommended by the aftercare program;

5. The Respondent shall be responsible for assuring that any treatment provider(s) submit written reports to the Board and to the treatment program twice annually regarding her attendance, progress, payment of fees, and recommendations as to the continuation, frequency, and/or termination of treatment. The Respondent shall sign any consent forms required to authorize the Board and the treatment program to receive written reports from any treatment providers;

6. The Respondent shall attend a minimum of three (3) Alcoholics Anonymous weekly and provide written documentation of her attendance to the Board on a quarterly basis;

7. During the first year of the probationary period, the Respondent shall submit to weekly, random urinalysis as directed by the Board. During the second year of the probationary period, the Respondent shall submit to monthly, random urinalysis as directed by the Board. During the third year of the probationary period, the Respondent shall submit to quarterly, random urinalysis as directed by the Board;

8. In the event that the Respondent no longer works as a solo practitioner, the Respondent shall provide a copy of this Consent Order to her employer within five (5) days of commencing any employment;

9. The Respondent shall secure a Board-certified supervisor ("supervisor") who shall supply the Board with quarterly, written reports on the Respondent's practice, as outlined in attachment "A". The Respondent shall provide the supervisor with a copy of this Consent Order prior to their initial meeting, and the Board may release to the supervisor any portion of the investigative file as is deemed necessary by the Board and/or supervisor, provided that a copy of the investigative file is also released to the Respondent. The Respondent shall consent to her supervisor communicating with the Board;

10. A negative report from the Respondent's supervisor may result in a violation of this Consent Order and further sanctions at the Board's discretion, after notice and opportunity for hearing; and it is further

ORDERED that the Respondent shall obey all state and federal laws. If the Respondent is charged with, convicted of, or pleads guilty to, any crimes, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Respondent shall notify the Board, in writing, of any criminal charge(s), conviction(s), or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a criminal charge, conviction, or guilty plea to the Board in writing within **TEN (10) DAYS** is a violation of probation and this Consent Order, and it is further

ORDERED that 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 for the entire duration of the **THREE (3) YEAR** probationary period, the Respondent shall completely abstain from the ingestion of alcohol, unprescribed controlled dangerous substances ("CDS"), narcotics, illegal drugs and other mood-altering substances. The Respondent 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 Respondent shall provide the licensed health care provider with a copy of this Consent Order. Within 48 hours of being prescribed CDS, the Respondent 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; and it is further

ORDERED that a violation of any of the requirements in the preceding paragraphs and/or a conviction, plea or finding of guilty or *nolo contendere* to any

criminal offense, other than a minor traffic violation, during the suspension period shall constitute a violation of the suspension 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 additional suspension, additional probation and/or permanent revocation of her license;

ORDERED that after **THREE (3) YEARS** from the effective date of the Respondent's probationary period, 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, may 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 Probation and 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 Consent Order is a **PUBLIC DOCUMENT**, pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2009 Repl. Vol. and 2011 Supp.), and is reportable to any entity to which the Board is obligated to report.

5/9/14
Date



Judy Levy, LCSW-C, Board Chair
State Board of Social Work Examiners

CONSENT

I, Lisa Ann Brenner, acknowledge that I have consulted with counsel before signing this document. 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 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 am waiving 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.

4/29/2014
Date

Lisa Ann Brenner
Lisa Ann Brenner, LCSW-C

William McAllister
William McAllister, Esq.
Attorney for Ms. Brenner

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Dorchester:

I HEREBY CERTIFY that on this 29 day of April, 2014, before me, a Notary Public of the foregoing State personally appeared Lisa Ann Brenner, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Judy L. Durham
Notary Public

My Commission Expires: 12/20/16

