

IN THE MATTER OF

*

BEFORE THE STATE

MILTON A. CLARKE, LCSW-C

*

BOARD OF SOCIAL WORK

Respondent

*

EXAMINERS

License Number: 07196

*

CASE NUMBER: 799

* * * * *

**FINAL ORDER OF REVOCATION OF RESPONDENT'S LICENSED CERTIFIED
SOCIAL WORKER-CLINICAL LICENSE**

Pursuant to Md. State Govt. Code Ann. § 10-226 C (1) (2004 Repl. Vol.) and the Maryland Social Workers Act, codified at Md. Health Occ. Code Ann. § 19-101, et seq., (the "Social Workers Act") (2005 Repl. Vol.), the State Board of Social Work Examiners (the "Board") hereby **REVOKES** the licensed certified social worker-clinical license of **Milton A. Clarke, LCSW-C**, ("the Respondent"), License Number 07196.

On September 12, 2006, the Board sent the Respondent an Initial Notice of Revocation and informed him that he had 30 days to request a hearing. More than 30 days have passed and the Respondent failed to request a hearing. Therefore, this Order is Final.

**FACTS THAT WARRANT THE REVOCATION OF THE RESPONDENT'S
LICENSED CERTIFIED SOCIAL WORKER-CLINICAL LICENSE**

1. At all times relevant, the Respondent was licensed by the Board to practice clinical social work in the State of Maryland. The Respondent was initially licensed on February 15, 1992. The Respondent's license expires on October 31, 2006.

2. At all times relevant hereto, the Respondent was subject to the requirements of a Consent Order, dated April 12, 2005, with the Board.

3. The Consent Order was based upon the following actions which the Respondent engaged in:

A. At all times relevant hereto, the Respondent maintained a clinical practice in Wheaton, Maryland;

B. On or about December 3, 2002, Patient A¹ began seeing the Respondent due to the patient's feelings about an abortion that his wife had had. After several sessions, Patient A's wife, Patient B, began accompanying him to sessions for couples counseling. At times, Patient B would also have one-on-one sessions with the Respondent;

C. After several months, Patient A began seeing another counselor for treatment of depression. In November 2003, Patient B informed Patient A that she would be trading services with the Respondent; specifically, the Respondent would provide Reiki² services to Patient B in exchange for Patient B's provision of Pilates³ training to the Respondent. The Reiki services would take place in the Respondent's home office and the Pilates training would occur in the garage located behind Patient A and B's marital home;

1 Patients' names are confidential.

2 Reiki is a system of healing which is believed to have originated in Tibet thousands of years ago. It accesses a universal life force energy. This energy, also known as prana, mana, chi, holy spirit, and source, helps promote healing in all living things on the physical, mental, emotional and spiritual levels. The Reiki practitioner places his hands on various parts of the client's body, including the chest and genital areas.

3 Pilates Method is an exercise system focused on improving flexibility and strength for the total body without building bulk. It is also a series of controlled movements engaging body and mind, performed on specifically designed exercise apparatus and supervised by extensively trained teachers.

D. In July and August 2003, the Respondent sent several emails to Patient B, asking about her interest in Reiki treatments and informing her that the first treatment would be a "gift." These emails to Patient B occurred in the midst of couples counseling by the Respondent to Patients A and B;

E. These exchange sessions occurred in November and December 2003;

F. The Respondent continued to email Patient B, even after individual and/or couples therapy was discontinued, informing her about his personal status, providing his cell phone number for her and urging her to contact him;

G. The Respondent failed to take any notes of his counseling sessions with Patients A and B;

H. The Respondent failed to use "-C" indicating that he was authorized to engage in clinical social work on his letterhead after his name. Rather his letterhead indicates that he is a Licensed Certified Social Worker "LCSW".⁴ LCSWs may not provide psychotherapy without supervision, which the Respondent did.⁵ As such, his letterhead is misleading.

4 LCSWs may only "apply the theories, knowledge, procedures, methods, or ethics derived from a formal educational program in social work to restore or enhance social functioning of individuals, couples, families, groups, organizations, or communities through: (i) Assessment; (ii) Formulating diagnostic impressions; (iii) Planning; (iv) Intervention; (v) Evaluation of intervention plans; (vi) Case management; (vii) Information and referral; (viii) Counseling that does not include diagnosis or treatment of mental disorders; (ix) Advocacy; (x) Consultation; (xi) Education; (xii) Research; (xiii) Community organization; or (xiv) Development, implementation, and administration of policies, programs, and activities." § 19-101 (m) (1).

5 "Psychotherapy" which means a method for the treatment of mental disorders and behavioral disturbances in which a licensed health care practitioner enters into a professional contract with the patient and, through a therapeutic communication or interaction, attempts to: (1) Alleviate emotional disturbances; (2) Reverse or alter maladaptive patterns of behavior; or (3) Encourage personality growth and development. § 19-101 (n).

4. As a result of the settlement of the above charges, the Respondent and the Board entered into a Consent Order, dated April 21, 2005 which required the Respondent, *inter alia*, to be placed on Probation, subject to the following conditions:

A. For the first year of probation, the Respondent shall be supervised by a Board-approved supervisor who shall supervise the Respondent's practice;

B. The Respondent shall meet with the Board approved supervisor weekly during the first 3 months of probation; monthly, during the next 3 months; and quarterly during the last 6 months of the first year of Probation. The Respondent is solely responsible for paying for the costs of the supervisor. The Respondent shall ensure that the supervisor submits a written report for the Board following his/her supervisory visits;

C. During the first year of Probation, the Respondent shall take a one-on-one ethics tutorial, which is Board pre-approved, focused on boundary violations and record documentation, and the Respondent must present a written thesis to the Board at the end of the tutorial [;].

5. By letter dated April 10, 2006, the Board reminded the Respondent of his obligations under the Order, but received no response from him.

6. The Order contained the following language:

ORDERED that should the Board receive information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order or of Probation, the Board may take further disciplinary action against the Respondent, including suspension or revocation, after providing the Respondent with notice and an opportunity for a hearing. The

burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions.

7. By failing to comply with the terms and conditions of the Consent Order, the Respondent has violated the Act and the terms of Probation and the Order.

CONCLUSION OF LAW

The pertinent provisions of § 19-311 the Act state:

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

- (20) Fails to comply with the requirements of any order entered by the Board as a result of any disciplinary matter with the Board, including payment of costs as required by § 19-312 of this subtitle [;].

ORDER

Based on the foregoing Facts that Warrant Revocation of the Respondent's Certificate and Conclusion of Law, by a majority vote of a quorum of the Board present, it is hereby

ORDERED on this 13 day of October 2006, that the Respondent's license to practice as a licensed certified social worker-clinical in the State of Maryland be and is hereby **REVOKED**; and be it further

ORDERED that upon presentation of this Order of Revocation, the Respondent shall immediately have delivered to the Board the display license and wallet-sized license to

practice as a licensed certified social worker-clinical the State of Maryland, previously issued by the Board; and be it further

ORDERED that this is a final Order of the Maryland Board, and as such is a public document pursuant to the Maryland Public Information Act, codified at Md. State Govt. Code Ann. § 10-611, et seq.

10-13-06
Date


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

NOTICE OF RIGHT TO APPEAL

Pursuant to H.O. § 19-313, you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty days of your receipt of this executed Order, and shall be made as provided for judicial review of a final decision in the APA, codified at State Govt. Code Ann. § 10-201, et seq.