

IN THE MATTER OF

* BEFORE THE

* MARYLAND STATE BOARD OF

LACHANDRA COLBERT, LGSW

* SOCIAL WORK EXAMINERS

Respondent

*

License Number: G10593

* Case Number: 07-1191

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ORDER OF REINSTATEMENT

I. PROCEDURAL HISTORY AND FACTUAL BACKGROUND

This case arose out of charges and a Notice of Intent to Revoke a License to Practice Graduate Social Work brought by the Maryland State Board of Social Work Examiners (the "Board") against LaChandra Colbert, LGSW ("Respondent"), License No. G10593, under the Maryland Social Workers Act (the "Act"), Md. Health Occ. Code Ann. ("HO") §§ 19-101 *et seq.* (2005 Repl. Vol.), pursuant to its authority under HO § 19-311. On or about February 12, 2008 and February 24, 2008, the charges and notice were brought under the following provisions of HO § 19-311:

Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny 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:

- (1) Obtained or attempted to obtain a license for the applicant or licensee or for another through fraud, deceit, or misrepresentation;
- (4) Commits an act of gross negligence, incompetence, or misconduct in the practice of social work;
- (5) Knowingly violates any provision of this title;
- (7) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board; [and]

The pertinent provision of § 19-308 of the Act provides:

(d) *Applications for renewal.* – Before the license expires, the licensee periodically may renew it for an additional 2-year term, if the licensee:

* * *

(2) Pays to the Board the appropriate renewal fee specified in this subtitle; and

(3) Submits to the Board:

* * *

(ii) Satisfactory evidence of compliance with any continuing education requirement set under this section for license renewal.

The Board charged the Respondent with violating the following regulations: Code Md. Regs. (“COMAR”) tit. 10 § 42.01.16, “Renewal of License.”

* * *

G. If a licensee fails to renew a license and does not file an application for renewal with payment of the appropriate fees within 60 days after expiration of the license, the licensee and the licensee’s right to practice:

(1) Shall terminate; and

(2) May not be reinstated except by application for reinstatement provided in regulation .17 of this chapter.

H. Change of Address

(1) A licensee shall notify the Board within 60 days of a change in the licensee’s address or before August 1 of the licensee’s renewal year, whichever occurs first, to ensure that the notice of renewal and renewed license are properly addressed.

The Board also charged the Respondent with violating the following regulations: Code Md. Regs. (“COMAR”) tit. 10 § 42.06.08, “Reporting, Documenting, and Auditing Compliance with Continuing Education Requirements.”

* * *

C. On request by the Board, a social worker shall provide full documentation of the credit hours completed in accordance with the requirements of §§D and E of

this regulation.

In its Notice, the Board informed the Respondent that she had the opportunity to request a hearing before the Board by submitting a request in writing to the Board's Executive Director within thirty days of the date of the Notice. More than thirty days elapsed, and the Respondent did not request a hearing. Therefore, on April 25, 2008, the Board issued a Final Order of Revocation of a License to Practice Graduate Social Work ("Final Order of Revocation"), wherein the Board concluded by a preponderance of the evidence that Respondent had violated HO § 19-311 (1), (4), (5) and (7), as well as COMAR 10.42.01.16 and 10.42.06.08. (See Exhibit A).

Pursuant to the Final Order of Revocation, Respondent's license to practice social work in Maryland was revoked, effective as of the date of the Order, and has remained revoked until this time. On September 22, 2008, Respondent filed with the Board a request for reinstatement of her Maryland social work license.

Respondent has since corrected the infractions that were the basis for the Order of Revocation. Respondent has paid to the Board all fees owed in full, demonstrated completion of all required continuing education units for license renewal and verified a current mailing address.

On October 10, 2008, the Board considered Respondent's application for reinstatement. The Board voted to grant Respondent's application as contained in this Order of Reinstatement. On March 13, 2009, the Board reviewed this matter and ratified and adopted this Order of Reinstatement.

II. FINDINGS OF FACT

The Board adopts and incorporates by reference the Findings of Fact as set out in the Final Order of Revocation dated April 25, 2008 and as set out above in the "Procedural History and Factual Background" section of this Order of Reinstatement. The Final Order of Revocation dated April 25, 2008 is attached and incorporated herein as Exhibit A.

III. CONCLUSIONS OF LAW

The Board adopts and incorporates by reference the Conclusions of Law as set out in the Final Order of Revocation dated April 25, 2008 and as set out above in the "Procedural History and Factual Background" section of this Order of Reinstatement.

When a social worker applies for reinstatement of a revoked license, it is his or her burden to demonstrate to the Board that the criteria for reinstatement have been met. Furthermore, reinstatement is a discretionary act on the part of the Board. The decision of the Board is final, and no appeal arises from said decision.

In considering a petition for reinstatement, health occupation boards in Maryland have been guided by the factors used by the Court of Appeals in attorney license reinstatement cases, which are:

1. The nature and circumstances of petitioner's original misconduct;
2. Petitioner's subsequent conduct and reformation;
3. His present character; and
4. His present qualifications and competence to practice [social work].

See Matter of Kahn, 328 Md. 698, 699 (1992), citing In re Braverman, 271 Md 196,199-200 (1974).

Upon consideration of the above factors, the Board has found that the reinstatement of Respondent's social work license is appropriate at this time.

IV. CONCLUSION

For the reasons stated above, the Board has concluded to reinstate Respondent's license to practice social work in Maryland.

V. ORDER

Based upon the foregoing, it is this 13th day of March, 2009, by a majority of the full authorized membership of the Board, hereby

ORDERED that the Maryland social work license of LaChandra Colbert is **REINSTATED**; and it is further

ORDERED that the Maryland social work license is restored without conditions or restrictions; and it is further

ORDERED that Respondent shall abide by the laws and regulations regarding the practice of social work. Failure to do so shall subject Respondent to further disciplinary action by the Board. The Board, after notification to the Respondent, and an opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including but not limited to suspension or revocation of Respondent's social work license; and it is further

ORDERED that this Order of Reinstatement is a final order of the Maryland Board of Social Work Examiners and, as such, is a PUBLIC DOCUMENT and is reportable to any entity to which the Board is obligated by law to report, and is disclosable under the Maryland Public Information Act, Md. State Gov't Code Ann. §§ 10-611 *et seq.*; and it is further

ORDERED that this Order of Reinstatement shall be effective as of the date that it is signed by the Board.


Cherie Cannon, LCSW-C
Chair
Maryland State Board of
Social Work Examiners