

IN THE MATTER OF * BEFORE THE MARYLAND
TINA MARIE HYATT, LGSW * BOARD OF SOCIAL WORK
Applicant * EXAMINERS
License Number: G11102 (expired) * Case Number: 11-1628

* * * * *

CONSENT ORDER FOR REINSTATEMENT

On February 11, 2011, the Maryland Board of Social Work Examiners ("the Board") notified **TINA MARIE HYATT, ("the Applicant") (DOB: 11/28/1975)**, of the Board's intent to deny her application for reinstatement of her license to practice social work under the Maryland Social Work Examiners Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 19-101 *et seq.* (2009 Repl. Vol. and 2010 Supp.).

The pertinent provisions of the Act are as follows:

H.O. § 19-302. Qualifications of applicants.

(a) *In general.* – To obtain a license, an applicant shall demonstrate to the satisfaction of the Board that the applicant:

(3) Is of good moral character.

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:

(8) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

On April 7, 2011, a Case Resolution Conference was convened in this matter. The Applicant agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds the following:

1. The Applicant was initially licensed by the Board on February 11, 2004. The Applicant failed to renew her license in 2006, and therefore it lapsed on October 31, 2006.

2. On January 4, 2011, the Board received the Applicant's Reinstatement Application ("the application") dated December 10, 2010. On the application, the Applicant answered "yes" to the question, "Within the last two years, have you pled guilty to, nolo contendere to, been convicted of, or received probation before judgment for any criminal act (excluding misdemeanor or traffic violations)?"

3. The Applicant included a detailed explanation with the application. The Applicant revealed that she had a history of substance abuse, which resulted in legal issues.

4. The Applicant provided documentation indicating that or about April 15, 2009, in the Circuit Court of the Fifteenth Judicial Circuit of Florida in and for Palm Beach County, the Applicant pleaded guilty to one count of Grand Theft and one count of Possession of Schedule II Controlled Dangerous Substances. Both are felonies. The Applicant stole money from her co-worker, and when the police searched her handbag, they discovered controlled

dangerous substances and drug paraphernalia.

5. Adjudication of guilt was withheld, and the Applicant was sentenced to confinement in the County Jail for 27 days, with credit for 27 days served, and 12 months of probation as to each count, concurrent. The Applicant was also ordered to submit to a drug and alcohol evaluation and random urinalysis.

6. On or about October 22, 2009, the Applicant pleaded guilty to violation of probation and her probation was extended to April 16, 2011. The Applicant did not address the violation of probation in her explanation to the Board.

7. The Applicant's probation was transferred from Florida to Pennsylvania, where the Applicant currently resides.

8. The Applicant successfully completed her probation on April 14, 2011.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant violated H.O. § 19-311(8) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 13th day of MAY, 2011, by a majority of a quorum of the Board considering this case:

ORDERED that the Applicant shall be granted a license to practice social work in the State of Maryland, and it is further

ORDERED that the Applicant shall be placed on probation for a period of at least **FIVE (5) YEARS** to commence from the date when the Applicant begins practicing social work in the State of Maryland; and it is further

ORDERED that the Applicant's practice of social work shall be supervised for **FIVE (5) YEARS** by a Board-approved supervisor; and it is further

ORDERED that the Applicant's supervisor shall provide the Board with reports according to the following schedule:

1. Monthly reports during the first year of the Applicant's probation,
2. Bi-monthly reports during the second year of the Applicant's probation,
and
3. Quarterly reports during the third, fourth and fifth years of the Applicant's probation; and it is further

ORDERED that if the Applicant's practices clinical social work during her probationary period, her supervisor shall be registered with the Board; and it is further

ORDERED that the Applicant shall provide a copy of this Consent Order to her employer within **five (5) days** of commencing any employment; and it is further

ORDERED that the Applicant shall continue her participation in mental health therapy until such time as her therapist opines that therapy is no longer recommended, and such opinion is confirmed by an independent assessment from a different Board-approved therapist; and it is further

ORDERED that the Applicant shall comply with any treatment recommendations of her treating therapist, including but not limited to recommendations for substance abuse treatment and psychiatric or psychological treatment; and it is further

ORDERED that the Applicant shall enter into a urine monitoring contract with a Board-approved treatment provider, such as First Lab, within thirty (30) business days of the beginning of the probationary period, and fully comply with all the terms and conditions of the treatment and urine monitoring contracts. The Applicant shall maintain and abide by all terms and conditions of the treatment and urine monitoring contracts for the five (5) year probationary period. The Applicant shall be required to submit to random monitored urinalysis/toxicology screens as recommended by the Board-approved treatment provider. The Applicant shall undergo her random monitored urine tests at a facility or laboratory approved by the Board as follows:

1. The Applicant shall submit, when requested, to additional monitored, unannounced and observed urinalysis/toxicology screens by the Board-approved treatment provider for the detection of substances prohibited under this Consent Order, within the time frame requested by

the Board-approved treatment provider. The Applicant shall inform the Board-approved treatment provider sufficiently in advance of any vacations, conferences, or work related trips that would affect submission of urinalysis/toxicology screens with the time frame requested by the Board-approved treatment provider. The Board-approved treatment provider shall make arrangements to accommodate the Applicant's travel requests of reasonable duration.

2. A positive result on a urinalysis or toxicology screen shall constitute a violation of Probation and this Consent Order unless the result is positive for a lawfully prescribed medication; and it is further

ORDERED that if substance abuse treatment is recommended by the Applicant's treating therapist, the Applicant shall attend and actively participate in any support group programs recommended by the substance abuse treatment program at the frequency recommended by the support group provider. The Applicant shall provide written verification of attendance from the substance abuse and other treatment providers to the Board on at least a quarterly basis or as otherwise directed; and it is further

ORDERED that the Applicant shall completely abstain from the use of controlled substances, mood altering drugs or drugs of abuse, including narcotic analgesics and alcoholic beverages, in any form except under the following conditions:

1. The Applicant is a *bona fide* patient of a licensed health care practitioner who is aware of the Applicant's treatment contract and urine monitoring contract and the terms of this Order;

2. Such medications were lawfully prescribed by the Applicant's treating practitioner or such medications approved by the substance abuse treatment facility and other treatment providers; and it is further

ORDERED that the Applicant's execution of this Consent Order shall constitute a release of any and all medical health reports, substance abuse

treatment records, and psychological/psychiatric records pertaining to the Applicant both to the Board and to the substance abuse treatment program; and be it further

ORDERED that no earlier than **FIVE (5) YEARS** from the commencement of the probationary period, the Applicant may submit a written petition to the Board requesting termination of probation. Accompanying her written petition requesting termination of probation, the Applicant shall submit to the Board letters of recommendation from her therapist (or from an independent medical examiner, to be determined by the Board at that time) and from her work supervisor advocating for the termination of her probation. After consideration of the petition, the probation may be terminated, through an order of the Board. The Board will grant the termination if the Applicant 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 Applicant 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, 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 Applicant shall practice according to the Maryland Social Work Examiners Act and in accordance with all applicable laws, statutes and regulations; and it is further

ORDERED that the Applicant shall be 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 considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.* (2009 Repl. Vol.)


Daniel Buccino, LCSW-C, BCD, Chair

CONSENT

I, Tina Marie Hyatt, acknowledge that I have made the decision not to consult 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.

4/25 2011
Date

Tina Marie Hyatt
Tina Marie Hyatt, Applicant

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 25th day of April, 2011, before me, a Notary Public of the foregoing State personally appeared Tina Marie Hyatt (Applicant), 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.

[Signature]
Notary Public 4/25/2011

My Commission Expires: _____

