

IN THE MATTER OF
YIN KAM LEUNG, LSWA

Respondent

License Number: A04867

* BEFORE THE STATE
* BOARD OF SOCIAL WORK
* EXAMINERS
* Case No. 08 - 1372

PRE-CHARGE CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland State Board of Social Work Examiners (the "Board"), has voted to offer a Pre-Charge Consent Order to Yin Kam Leung, LSWA, (the "Respondent"), License Number A04867, in lieu of issuing Charges for violations of the Maryland Social Workers Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 19-101 *et seq.* (2005 Repl. Vol. & 2008 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 provisions of the Act, which Respondent is charged with violating, are:

HO § 19-301. License required; exceptions.

(a) *In general.* - 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;

HO § 19-401. Practicing without license.

(a) *Social Work.* – Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice social work in this State while representing oneself to be a social worker unless licensed by the Board.

HO § 19-402. Misrepresentation.

Unless authorized to practice social work under this title, a person may not:

- (1) Represent to the public that the person is a licensed social worker; or
- (2) Use any title, abbreviation, sign, card, or other representation that the person is a licensed social worker, including the use of the words “social worker” or “social work” and the use of the abbreviations “LSWA”, “LGSW”, “LCSW”, or “LCSW-C”.

Respondent was notified by first class and certified mail of the Board’s vote to enter into this Pre-charge Consent Order prior to the issuance of formal disciplinary Charges under the Act.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. Respondent is a social worker licensed to practice social work in the State of Maryland.
2. Respondent was originally issued a license to practice social work in the State of Maryland in July 2002.
3. Respondent failed to renew her license prior to October 31, 2006, and her license expired on that date.

4. Respondent subsequently applied for reinstatement and stated on her reinstatement application that she had worked as a social worker during the period that she was unlicensed.

5. The Board issued a license to Respondent on October 18, 2008.

6. Respondent was unlicensed from November 1, 2006 through and including October 17, 2008.

7. Respondent practiced social work without a license in the State of Maryland from November 1, 2006 until October 17, 2008.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes as a matter of law that Respondent's conduct 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), for violating HO §§ 19-301(a)(1), 19-401(a) and 19-402.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 11th day of September, 2009, by a majority of the full authorized membership of the Board considering this case, hereby:

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 with 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 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

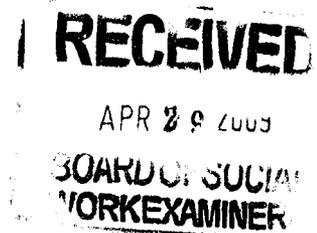
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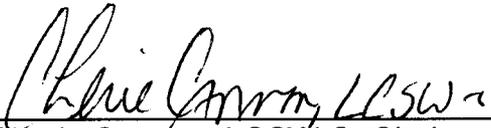
ORDERED that if Respondent violates any of the terms of this Consent Order, the Board, after notice and a hearing, and a determination of violation, may impose any other disciplinary sanctions it deems appropriate, said violation being proved by a preponderance of evidence; and be it further

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


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



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


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

CONSENT

I, YIN KAM LEUNG, LSWA, 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 at 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 understand and agree that this Consent Order results from formal disciplinary action and is, therefore, a public document.

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 Board's case based on the findings set out herein. I acknowledge and understand that the Board has entered into this Consent Order in lieu of proceeding with formal 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.

7-10-09
Date

Yin Kam Leung
Yin Kam Leung, LSWA
Respondent

NOTARY

STATE OF MARYLAND
CITY/COUNTY of Baltimore

I HEREBY CERTIFY that on this 10th day of July, 2009, before me, a Notary Public of the State and County aforesaid, personally appeared Yin Kam Leung, LSWA, and made oath in due form of law that the foregoing was his voluntary act and deed.

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

Reginald D. Rolison Jr.
Notary Public

REGINALD D. ROLISON JR.
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 23, 2013

Commission Expires: _____

RECEIVED

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BOARD OF SOCIAL
WORKERS