

IN THE MATTER OF	*	BEFORE THE STATE
IAN LYONS, LCSW-C	*	BOARD OF SOCIAL WORK
Respondent	*	EXAMINERS
License Number: 18191	*	Case No. 13-1851

\* \* \* \* \*

**CONSENT ORDER**

On November 8, 2013, the Maryland Board of Social Work Examiners ("the Board") charged **IAN LYONS, LCSW-C (the "Respondent")**, License Number **18191** with violating the Maryland Social Work Examiners Act ("the Act") codified at Md. Health Occ. Code Ann. ("H.O.") §§ 19-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

The pertinent provisions of the Act are as follows:

**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;

(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;  
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 problems[.]

(9) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of prescribed amounts or without valid medical indication.

On January 14, 2014, a Case Resolution Conference was convened in this matter. The Respondent 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. At all times relevant, the Respondent was and is a clinical social worker. The Respondent was initially licensed on June 27, 2012. His license is currently active and is scheduled to expire on October 31, 2014.

2. At all times relevant, the Respondent was employed as a social worker by the Facility A in Baltimore, Maryland.

3. On or about March 19, 2013, the Board received a complaint from Facility A alleging that the Respondent was referred to Facility A's Occupational Health Department for a fitness for duty evaluation due to erratic attendance and a complaint from an outside agency. The complaint further alleged that the fitness for duty evaluation revealed a positive toxicology report. Finally, the complaint stated that the Respondent failed to comply with recommendations for treatment.

4. Thereafter, the Board initiated an investigation.

5. On or about December 12, 2012, the Respondent was referred to Facility A's Occupational Health department for a fitness for duty evaluation. The Respondent had been absent from work on five occasions since June 2012 and one complaint had been made regarding unprofessional behavior.

6. On December 13, 2012, the Respondent consented to a urine drug screen. The results revealed the presence of a schedule II controlled dangerous substance ("CDS").

7. On May 22, 2013, a member of the Board's staff interviewed the Respondent under oath. The Respondent admitted to using a schedule II CDS "three to four times in the 10 to 14 days prior" to the urine drug screen. His recollection was that he last used the schedule II CDS two days prior to the urine drug screen.

8. The Respondent further stated that his use of the schedule II CDS is not habitual, but rather, secondary to another medical condition. According to the Respondent, when his medical condition became unstable, he self-medicated.

9. The fitness for duty assessment concluded that the Respondent was not fit for duty.

10. Several days after Facility A referred the Respondent for an evaluation, the Respondent sought a leave of absence from his employment for health reasons. The Respondent's request was granted from December 19, 2012 through February 25, 2013.

11. The Respondent's short term disability coverage was extended through March 20, 2013.

12. On February 14, 2013, the Respondent's treating physician certified that the Respondent was unable to perform his duties until April 15, 2013.

13. By a letter dated April 18, 2013, Facility A notified the Respondent that his employment was terminated because his "health leave of absence expired on February 25, 2013 and you have not yet returned to work or requested an extension as a reasonable accommodation under the Americans with Disabilities Act, or your request for a reasonable accommodation was denied."

14. The Respondent's conduct, as described above constitutes, in whole or in part, violation of H.O. §§ 19-311(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; 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 problems; and (9) Provides professional services while: (ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of prescribed amounts or without valid medical indication.

### 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(6), (7), and (9)(ii), as well as COMAR 10.42.03.06B(1)(a). The Board drops the charge under H.O. § 19-311(4).

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 14<sup>th</sup> day of MARCH, 2014, by a majority of a quorum of the Board considering this case:

**ORDERED** that the Respondent's license to practice social work shall be **REPRIMANDED**, and it is further

**ORDERED** that the Respondent shall be placed on Board-supervised probation for a period of at least **TWO (2) YEARS** and until the following terms and conditions are fully and satisfactorily complied with:

1. The Respondent's status as a licensed clinical social worker will be listed in the Board's computer records and website as being on "Probation";
2. Within **thirty (30) days** from the date of this Consent Order, the Respondent shall secure a Board-approved clinical supervisor ("supervisor") who shall supply the Board with written reports on the Respondent's practice. For the first three (3) months of the probationary period, the supervisor shall provide monthly face-to-face supervision reports. Thereafter, the supervisor shall provide quarterly face-to-face

supervision reports. 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. An unsatisfactory report from the supervisor may result in a violation of this Consent Order and further sanctions at the Board's discretion, after notice and opportunity for hearing;

3. The Respondent shall provide a copy of this Consent Order to his business partner within **five (5) days** of the date of this Consent Order. If the Respondent changes employment during the probationary period, the Respondent shall provide a copy of this Consent Order within **five (5) days** of commencing any employment;

4. Within **ten (10) days**, the Respondent shall sign any written release/consent forms required to authorize his psychiatrist to make verbal and written disclosures to the Board, including disclosure of any and all mental health records and confidential drug and alcohol abuse information about the Respondent. The Respondent shall also sign any written release/consent forms required by the psychiatrist to authorize the psychiatrist to provide with verbal and written information about him, including confidential drug and alcohol abuse information;

5. The Respondent's psychiatrist shall provide quarterly reports to the Board regarding the Respondent's progress and recommendations as to

the continuation, frequency, and/or termination of treatment. The first report shall be due two (2) weeks from the date of this Consent Order, and subsequent reports shall be due quarterly thereafter; and

6. The Respondent shall 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.

7. Within five (5) days of the date of this Consent Order, the Respondent shall enter into a urine monitoring contract with a Board-approved treatment provider, such as First Lab, and fully comply with all the terms and conditions of the treatment and urine monitoring contracts. The Respondent shall maintain and abide by all terms and conditions of the treatment and urine monitoring contracts for the two (2) year probationary period. The Respondent shall be required to submit to random monitored urinalysis/toxicology screens on a monthly basis for the first three (3) months of the probationary period, and then quarterly

thereafter. The Respondent shall undergo his random monitored urine tests at a facility or laboratory approved by the Board as follows:

- a. The Respondent 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 Respondent 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 Respondent's travel requests of reasonable duration; and
- b. 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 the Respondent shall continue his participation in mental health therapy until such time as his 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 Respondent shall comply with any treatment recommendations of his treating therapist, including but not limited to recommendations for substance abuse treatment and psychiatric or psychological treatment; and it is further

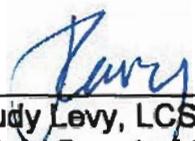
**ORDERED** that no earlier than **TWO (2) YEARS** from the commencement of the probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. Accompanying his written petition requesting termination of probation, the Respondent shall submit to the Board letters of recommendation from his clinical supervisor and mental health provider. After consideration of the petition, the probation may be terminated, through an order of the Board. The Board will 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, 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 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 Respondent 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. and 2013 Supp.)

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

**CONSENT**

I, Ian Lyons, acknowledge that I 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.

3/6/14  
Date

  
Ian Lyons, Respondent

Read and approved:

Peter A. Prevas, Esq., Attorney for Mr. Lyons

**NOTARY**

**STATE OF MARYLAND**

**CITY/COUNTY OF** Baltimore :

I HEREBY CERTIFY that on this 6<sup>th</sup> day of March, 2014, before me, a Notary Public of the foregoing State personally appeared Ian Lyons and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

  
Notary Public

My Commission Expires: February 3, 2018

