

IN THE MATTER OF	*	BEFORE THE STATE
ROSEMARY McDOWALL, LCSW-C	*	BOARD OF SOCIAL WORK
Respondent	*	EXAMINERS
License Number: 04465	*	Case No. 10-1606
* * * * *	*	* * * * *

FINAL ORDER

On September 13, 2013, the Maryland Board of Social Work Examiners (the "Board") issued a Notice of Intent to Revoke (the "Board's Notice") the social work license of **ROSEMARY McDOWALL (the "Respondent")**, License Number **04465**, based on her violation of the Maryland Social Workers Act (the "Act") codified at Md. Health Occ. Code Ann. (H.O.) §§ 19-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

The Board found that the Respondent violated the following provisions of the Act:

H.O. § 19-301. License Required; exceptions; practice without a license.

- (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 while representing oneself as a social worker; or
 - (2) Licensed as a certified social worker-clinical before the individual may practice clinical social work in this State.

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:

- (2) Fraudulently or deceptively uses a license;
- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (5) Knowingly violates any provision of this title;
- (6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;
- (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;
- (12) Knowingly makes or files a false report or record in the practice of social work;
- (14) Submits a false statement to collect a fee;

H.O. § 19-401. Practicing without a 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.

(b) *Clinical social work*.—Except as otherwise provided in this title, a person may not practice, attempt to practice or offer to practice clinical social work in this State unless licensed by the Board as a certified social worker-clinical.

H.O. § 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".

On or about _____, 2013, the Respondent received the Board's Notice. The Board notified the Respondent that this Final Order would be executed thirty (30) days from the Respondent's receipt of the Board's Notice, unless the Respondent requested a hearing. The Respondent's written request for a hearing was due on _____, 2013. The Respondent did not request a hearing.

FINDINGS OF FACT

The Board bases its charge on the following facts that the Board has reason to believe are true:

1. At all times relevant, the Respondent was and is licensed to practice clinical social work in the State of Maryland. The Respondent was initially licensed on September 14, 1984. Her license is non-renewed, having expired on October 31, 2006.

2. On or about June 10, 2005, the Respondent entered into a Consent Order ("2005 Consent Order") suspending her license for one year and placing her on probation for two years. The 2005 Consent Order was the result of charges alleging that the Respondent violated the following provisions of the Act:

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:

- (2) Fraudulently or deceptively uses a license;
- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (5) Knowingly violates any provision of this title;

(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; [and]

(21) Fails to maintain adequate patient records;

H.O. § 19-401. Practicing without a license.

(b) Clinical social work. – Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice clinical social work in this State unless licensed by the Board as a certified social worker-clinical.

H.O. § 19-402. Misrepresentation.

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

(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".

The charges also alleged that the Respondent violated the following provisions of COMAR:

10.42.03.03 General Conduct.

A. The Licensee shall:

(2) Make the fee for service clear, maintain adequate financial records, and confirm arrangements for financial reimbursement with the client;

(5) Maintain documentation in the client's record which:

(b) Accurately reflects the services provided, including treatment plans, treatment goals and progress notes [.]

B. In the capacity of or identity as a licensed social worker, the licensee may not:

(2) Misrepresent professional qualifications, education, experience, or affiliation;

(3) Exploit a relationship with a client for personal advantage or satisfaction; or

(7) Share with another individual a confidence revealed by a client without a client's consent, except if there is a danger to self or to another individual, or for a compelling professional reason.

C. The Licensee may not enter into a nonprofessional, social, or dual relationship with a client, or an individual with whom the client has a close professional relationship.

3. Recently, the Board received information from Insurance Company A alleging that the Respondent was submitting claims for service while her license was suspended. Insurance Company A also forwarded this information about the Respondent to the Federal Bureau of Investigation ("FBI"), which initiated an investigation.

4. The FBI's subsequent investigation revealed that between 2005 and 2010, while the Respondent's license was suspended, the Respondent submitted false claims to Insurance Company A for more than \$120,000 but less than \$200,000.

5. According to the statement of facts set forth in the plea agreement and signed by the Respondent, from 2005 through 2008 the Respondent's license was suspended by the Board and she continued to provide social work services and bill Insurance Company A for her services.

6. In 2008, Insurance Company A terminated the Respondent as a participating provider. However, the Respondent continued to be a non-participating provider, which permitted her to continue to collect her allowed fees from the patient

and then Insurance Company A reimbursed the patient. The Respondent also submitted claim forms to Insurance Company A during this time.

7. As a result of her conduct, the Respondent was charged in federal court with health care fraud in violation of 18 U.S.C. 1347(1).

8. On or about December 12, 2012, the Respondent entered into a plea agreement to resolve the charges.

9. The Respondent's sentencing is scheduled for September 19, 2013.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated H.O. §§ 19-311(2), (4), (5), (6), (8), (12), and (14) and §§ 19-401(a) and (b), and §§ 19-402(1) and (2).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's license to practice social work in the State of Maryland is hereby **REVOKED**;

ORDERED that this Order is a PUBLIC DOCUMENT, pursuant to Md. Code Ann., State Govt. § 10-611 et seq. (2009 Repl. Vol. and 2012 Supp.).

11.8.2013
Date



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

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §19-313 (2009 Repl. Vol. and 2012 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol. and 2012 Supp.), and Title 7, Chapter 200 of the Maryland Rules.