

IN THE MATTER OF * BEFORE THE STATE BOARD
THOMAS MUMAW, LSWA * OF SOCIAL WORK
License No. A01666 * EXAMINERS
Respondent * Case Number: 780

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Social Work Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 19-101, *et seq.*, (2000 Repl. Vol. and 2004 Supp.) (the "Act"), the Board charged Thomas Mumaw, LSWA, (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 19-311:

Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny a license to any applicant, 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;
- (12) Knowingly makes or files a false report or record in the practice of social work;
- (21) Fails to maintain adequate patient records.

The Board charged that the Respondent violated H.O. § 19-101:

(i) *Practice associate social work.* – “Practice associate social work” means to practice social work:

- (1) Under the supervision of a licensed certified social worker, licensed certified social worker-clinical, or licensed graduate social worker who meets the conditions specified in regulations; and
- (2) Utilizing the education and training required under § 19-302 (b) of this title.

The Board further charged that the Respondent violated the following Code of Ethics, Code Md. Regs. tit. 10, § 42.03.03 (August 5, 2002):

.03 General Conduct.

A. The licensee shall:

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

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

(c) Indicates the time and date the services were provided[;].

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

(1) Participate or condone dishonesty, fraud, deceit, or misrepresentation;

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

The Respondent was given notice of the issues underlying the Board's charges by letter dated March 11, 2005. Accordingly, a Case Resolution Conference was held on June 10, 2005, and was attended by Emanuel Mandel, ACSW, LCSW-C, and

Stephanie Sharpe, LGSW, Board members, William R. Fleming III, Executive Director of the Board, Deborah A. Evans, Administrative Specialist, Board staff, and Delia Schadt, Assistant Attorney General, Counsel to the Board. Also in attendance were the Respondent and his attorney, William L. Kirk, and the Administrative Prosecutor, Roberta Gill.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant to the charges herein, Respondent was licensed to practice as a social work associate in the State of Maryland. The Respondent was originally licensed to do so on July 11, 1984. The Respondent's license expires on October 31, 2006.

2. Patient A¹ filed a complaint with the Board against another social worker who had made an adverse recommendation with regard to Patient A's custody battle with his son's mother. As part of the complaint, Patient A attached numerous documents, including a letter from the Respondent.

3. The Respondent wrote to the Manager of Medical Records of Sheppard Pratt a letter dated November 19, 2003 on "Problem Solvers and Associates" stationery that listed the Respondent's home address, phone number, name and title, and his

¹ Patients' names are confidential.

license number. The Respondent stated that he was “currently seeing [Patient A] in counseling; that he has “known [Patient A] for approximately 13 years while facilitating a combination of marital, family and individual therapy. This therapy also included [Patient A’s] son, [Patient B].” The Respondent further stated that he has “read the documentation (both from 1998 and 2002) originating from Shepard (sic) Pratt in reference to [Patient A’s son] and wish to express a concern that the psychological and personal description of [Patient A] in the 2002 documents does not accurately describe the person I have known for the period of time he has been in *my care*.” (Emphasis added.) The Respondent concluded by stating that he is “in support of the recommendation of [Doctor A] that [Patient A] be the primary care taker of [Patient B].”

4. When the Board’s investigator questioned the Respondent about the letter, the Respondent told the Investigator that he “made it up,” because he was just “trying to help out Patient A whom he knew from the past.” The Respondent further stated that “Problem Solvers and Associates” was not a real company and never existed.

5. On behalf of his client, the Respondent’s attorney wrote the Board on June 17, 2004. In that letter, which was signed by the Respondent as “true and correct to the best of [his] information, knowledge and belief,” and was “in lieu of a “previously scheduled statement under oath,” the Respondent stated that, “[w]hile employed with a previous group some 11-12 years ago, a private practice group, [Patient A] became a patient of the group. At that time, a LSWA could offer psychotherapy counseling/treatment/evaluation and under the direction of the LCSWC (my prior

employer) said services were rendered.” The Respondent claimed that he had been licensed as a LSWA for “30 years” but “has not been in private practice for the past 5 years.” The Respondent stated that “notwithstanding that *no treatment had been rendered to [Patient A] for many years,*” (emphasis added) the Respondent “directed a letter to the doctor in an attempt to assist him...” The Respondent further stated that there were no medical records available from the Respondent’s previous employment.

6. By letter dated June 18, 2004, the Respondent’s attorney sent a second letter amending the previous letter, which the Respondent also signed as “true and correct to the best of [his] information, knowledge and belief.” In this letter, the Respondent stated that *he had seen [Patient A] in counseling 11-12 years ago, and that [Patient B] was not his patient, but may have appeared during a counseling session with [Patient A.]*” (Emphases added) The Respondent further stated that he “had no contact with [Patient B] during the past 11-12 years...”

7. As set forth above, by indicating that he engaged in psychotherapy/counseling², by supporting a recommendation for custody, even though he had not treated the patient in 11-12 years, by failing to maintain treatment records, by falsifying a practice and falsifying information in the letter with regard to counseling, the Respondent is in violation of the Act and regulations thereunder.

CONCLUSIONS OF LAW

² In 2003, social work associates could not practice psychotherapy, even under supervision.

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 19-311 (2), (4), (5), (6), (7),(12), (21),and H.O. § 19-101 (ii) (1) and (2). The Board further finds that the Respondent violated Code Md. Regs. tit. 10, § 42.03.03 A (5) and B (1) and (2).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 16 day of September, 2005, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice as a Social Work Associate is hereby **SUSPENDED** for six months; prior to the cessation of the suspension, the Respondent shall submit to the Board for approval the name(s) and curriculum vita(e) of a supervisor and an ethics tutor. Prior to the end of the Suspension, the Respondent shall petition the Board for a termination of Suspension; and be it further

ORDERED that, if the Respondent has not violated any of the laws and regulations governing the practice of social work, the Board shall reinstate his license; and be it

ORDERED that upon reinstatement of the Respondent's license after the Board terminates the suspension period, pursuant to the Respondent's petition, the Respondent shall be placed on two years' supervised Probation, subject to the following conditions:

1. The Respondent shall have weekly meetings with a Board-pre-approved supervisor, who must provide quarterly reports to the Board;
2. The Respondent shall take an individual ethics tutorial by a Board-pre-approved individual; said tutorial shall focus on professional and business ethics, boundaries, and record-keeping and shall be 12 weeks in duration. The Respondent shall provide to the Board upon completion of the tutorial a final written paper from that tutorial;

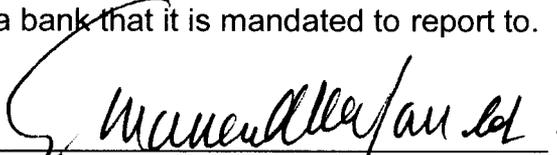
ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that should the Board receive information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order or of Suspension or Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation/Suspension shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice as a social work associate in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on his license, provided that he can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 1999), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.


Emanuel Mandel, LCSW-C, Chair
Board of Social Work Examiners

CONSENT OF THOMAS MUMAW , LSWA

I, Thomas Mumaw, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, William L. Kirk, and have been advised by him of the legal implication of signing this Consent Order.

2. I am aware that without my consent, my license to practice as a social work associate in this State cannot be limited except pursuant to the provisions of § 19-312 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2004 Repl. Vol.).

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 19-312 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 19-313 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order, and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice social work in the State of Maryland.

7/2/05
Date

Thomas Mumaw, LSWA
Thomas Mumaw, LSWA

STATE OF

CITY/COUNTY OF Baltimore:

I HEREBY CERTIFY that on this 21st day of July, 2005, before me, Barbara L. McGee, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared Thomas Mumaw, LSWA, License No. A01666, 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.

Barbara L. McGee
Notary Public



My Commission Expires: 4/12/08