

IN THE MATTER OF
DONNA RICE, LCSW-C

Respondent

LICENSE NUMBER: 15489

* * * * *

* BEFORE THE
* MARYLAND BOARD
* OF SOCIAL WORK EXAMINERS

* CASE NUMBER: 2016-2205

* * * * *

CONSENT ORDER

On August 12, 2016, the Maryland Board of Social Work Examiners ("the Board") charged **DONNA RICE, LCSW-C** (the "Respondent"), License Number **15489** with violating the Maryland Social Work Examiners Act ("the Act") codified at Md. Health Occ. Code Ann. ("H.O.") §§ 19-101 *et seq.* (2014 Repl. Vol.) and Code Md. Regs. ("COMAR"), tit. 10, § 42.03.01 *et seq.*

The Board charged the Respondent with violating the following provisions of H.O. § 19-311:

Subject to the hearing provisions of §19-213 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;¹

(5) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;

(6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board, to wit:

10.42.03.03 Responsibilities to Clients. A. The licensee shall: (5) Maintain documentation in the client's record which: (a) Is legible; (b) Accurately reflects the services provided, including treatment plans, treatment goals, and contact notes; (e) Is sufficient and timely to facilitate the

¹ The Board dismisses this charge.

delivery and continuity of services to be delivered in the future;

10.42.03.03 Responsibilities to Clients. B. The licensee may not: (3) Exploit a relationship with a client for personal advantage or satisfaction;²

10.42.03.05. Relationships. A. The licensee may not enter into a dual relationship with a client or an individual with whom the client has a close personal relationship;

10.42.03.05. Relationships. C. The licensee may not engage in sexual misconduct with either current or former clients.³

10.42.03.06. Standards of Practice. A. Professional Competence. The licensee shall: (7) Document and maintain appropriate records of professional service, supervision, and research work;

10.42.03.06. Standards of Practice B. A licensee may not: (2) Engage in other relationships that could limit the licensee's objectivity or create a conflict of interest or the appearance of a conflict of interest; [and]

(20) Fails to maintain adequate medical records[.]

On September 13, 2016, 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. The Respondent was initially licensed as a licensed certified social worker - clinical ("LCSW-C") on October 1, 2009. The Respondent's LCSW-C license is current and is scheduled to expire on October 31, 2017.

² The Board dismisses this charge.
³ The Board dismisses this charge.

2. At all times relevant, the Respondent was employed as a social worker in a private, solo practice. The Respondent was also employed for Agency A, the county health department.⁴ The Respondent worked at Agency A during the day and at her private practice in the evening.

3. On or about March 29, 2016, the Board received a complaint from the wife ("the Complainant") of the Respondent's former client ("Client A"). The Complainant alleged that the Respondent was engaged in a "romantic emotional affair" with Client A through counseling and text messages. The Complainant provided the Board with printouts of text messages between the Respondent and Client A.

4. Thereafter, the Board initiated an investigation.

5. The Respondent provided counseling services to Client A approximately once per week for marital issues and alcoholism from November 18, 2015 until March 22, 2016. According to documentation provided by the Complainant to the Board, between March 23, 2016 and March 27, 2016, there were numerous text messages sent between Respondent and Client A's cellular phones. The majority of the texts were sent during the later hours of March 26 and 27. The latest messages were sent by the Complainant, representing herself as Client A.

6. The Complainant also provided photographs of some of the text messages between the Respondent and Client A. The following are text messages between the Respondent and Client A:

⁴ In order to maintain confidentiality, the names of individuals and facilities are not used in these Charges.

The Respondent: My very own grey moccasins. Still at Dave's. Dinner was good but I'd rather be home texting you....ok, well snuggling on the couch would be better.

Client A: I agree. Snuggling us [sic] great...(As long as it's naked)...remember naked therapy+!! lol

The Respondent: I need to get another tv in the bedroom

Client A: Why?? Do u need that???? I'm intised. [sic]

The Respondent: You are what? So I can watch tv in bed naked and snuggle.⁵

Client A: I love being naked...it's my favorite. I'm very comfortable like that. Are you home yet?

The Respondent: No. Watching a movie. Let you know when I get home.

Client A: Ok. u watching a movie..it's gonna be a while

The Respondent: I'm back. You still awake?

Client A: Yeah sorry to [sic] busy arguing with her

The Respondent: That's not fun. I was laying here thinking about you and my dad.

Client A: No it's not fun...so are you naked thinking about me.

The Respondent: Nope. In a t shirt again. [Gave] up on you and came to bed.

Client A: Never give up on me lol

The Respondent: Where does she work

Client A: Same place I do...why I thought I told you

The Respondent: Only if you don't give up on me. I thought so. Just wasn't sure if I remembered.

Client A: No same shift but soon to be different

⁵ The Respondent states that she was referring to her dog.

The Respondent: You two spend a lot of time together then don't you?

Client A: Yeah unfortunately. Not worried about her....let's talk about u

The Respondent: That can cause a lot of issues by itself. Too much time together. What do you want to know?

Client A: What do you want out of life..where do u see things going

The Respondent: Funny you ask. I've always had a plan and when I don't, I feel lost. I wanted my own practice and I still haven't fully wrapped my head around the fact that I have it. Worried about how broke I am and that I will never get to retire or travel. Haven't done very well for myself in that respect. I used to think I would be married, have a home and children and doing what everyone else is doing. Turns out I'm not. I've achieved a lot by myself though.

Client A: Hey gotta [sic] she's coming now...talk to you soon.

7. According to the Complainant, Client A deleted all other text messages between Client A and the Respondent.

8. On May 18, 2016, the Board's investigator interviewed Client A. Client A denied having a sexual or inappropriate relationship with the Respondent. Client A acknowledged that he and the Respondent communicated via text message.

9. Client A further stated that their text messages were "a joke" and were not sexual at all. Client A stated that their text messages about naked therapy were in reference to a book on the Respondent's desk in her office.

10. In furtherance of the Board's investigation, the Board's investigator asked the Respondent to provide her billing records for Client A. In a letter dated April 29, 2016, the Respondent stated that she does "not have any records to

show payment from [Client A] because [she] was seeing him without payment due to not having [her] billing process up and running at the time of seeing him."

11. Further investigation revealed that between October 2015, when the Respondent opened her private practice, and May 1, 2016, when the Respondent's billing system became operational, the Respondent did not bill any of her private clients.

12. On May 20, 2016, the Board's investigator interviewed the Respondent. The Respondent stated that she provided counseling services to Client A for marital issues and alcoholism.

13. The Respondent denied engaging in a sexual or emotional relationship with Client A.

14. The Respondent stated that she is an addictions counselor and Client A asked the Respondent questions about whether he was a sex addict. The Respondent stated that Client A believed that he was a sex addict.

15. The Respondent further stated that when Client A contacted her via text message on March 26, the Respondent considered their communications to be an "after-hours emergency" because the text messages concerned Client A fighting with his wife (the Complainant).

16. A review of the Respondent's client record for Client A revealed that the Respondent failed to document her text conversation with Client.

17. Furthermore, the Respondent's client record for Client A is inadequate. The record lacks a treatment plan and treatment goals and minimally documents their weekly sessions.

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(5) and (6) and (20). The relevant COMAR provisions are: COMAR 10.42.03.03A(5)(a), (b), (e); 10.42.03.05A; 10.42.03.06A(7); 10.42.03.06B(2). The Board dismisses the charges under H.O. § 19-311(4), COMAR 10.42.03.03B(3) and 10.42.03.05C.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 4th day of November, 2016, by a majority of a quorum of the Board considering this case:

ORDERED that the Respondent's license to practice social work shall be **SUSPENDED** for a period of at least **ONE (1) YEAR, STAYED**; and it is further

ORDERED the Respondent shall be immediately placed on Board-supervised **PROBATION** for a period of at least **TWO (2) YEARS** and until the following terms and conditions are 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. The Respondent shall provide a copy of this Consent Order to her employer(s) within five (5) days of commencing any employment. The

Respondent shall ensure that her employer(s) send confirmation of their receive of this Consent Order to the Board;

3. During the probationary period, the Respondent shall enroll in and successfully complete a Board-approved, in-person, 12-hour ethics tutorial, focusing on the issues that gave rise to this case. After the successful completion of the ethics tutorial, the instructor shall provide the Board with a written report detailing the Respondent's participation in and completion of the course. The Respondent shall also submit a written statement to the Board stating what she has learned from the ethics tutorial. The Respondent may not use any continuing education credits earned through taking the required course to fulfill any continued education requirements that are mandated for licensure renewal in this State;

4. The Respondent shall secure a Board-certified supervisor ("supervisor") who shall supply the Board with quarterly, written reports on the Respondent's practice during the first year of the Respondent's probation. 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. A negative report from the supervisor may result in a violation of this Consent Order and further sanctions at the Board's discretion. The Board, in its discretion, may extend the

supervision requirement beyond the first year of the Respondent's probation; 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. The Board shall, in its discretion, grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions, including successful completion of the ethics tutorial, 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; 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 shall be a PUBLIC DOCUMENT pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol.).



Denise Capaci, LCSW-C, Board Chair
State Board of Social Work Examiners

CONSENT

I, Donna Rice, 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.

10/11/16
Date

Donna L. Rice, LCSW-C
Donna Rice, LCSW-C
Respondent

Read and approved:
[Signature]
Richard Bloch, Esq., Attorney for Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 11th day of October, 2016, before me, a Notary Public of the foregoing State personally appeared Donna Rice 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

My Commission Expires: 7-17-17

