

**IN THE MATTER OF**

\*

**BEFORE THE**

**MARYLAND STATE BOARD OF**

**PATRICIA TENANTY**

\*

**SOCIAL WORK EXAMINERS**

**Respondent**

\*

**Case Number: 456**

**License Number: 01355**

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**ORDER OF REINSTATEMENT**

**I. PROCEDURAL HISTORY AND FACTUAL BACKGROUND**

This case arose out of charges brought by the Maryland State Board of Social Work Examiners (the "Board") against Patricia Tenanty ("Respondent"), License No. 013555, under the Maryland Social Workers Act (the "Act"), Md. Health Occ. Code Ann. ("HO") §§ 19-101 *et seq.* (1994), pursuant to its authority under HO § 19-311. The charges were brought under the following provisions of HO § 19-311:

- (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 the code of ethics adopted and published by the Board;
- (12) Willfully makes or files a false report or record in the practice of social work; and
- (14) Submits a false statement to collect a fee[;].

The Code of Maryland Regulations ("COMAR"), 10.42.03.02, adopted by the Board as its Code of Ethics at the time of the charges, stated in relevant part:

- A. The licensee, in his capacity or identity as a licensed social worker, may not participate in, condone, or knowingly associate with dishonesty, fraud, deceit or misrepresentation.
- D. The licensee may not exploit relationships with clients or patients for personal advantage or satisfaction.
- N. The licensee shall make the fee for service clear, maintain adequate financial records, and inform the client or patient of the financial management plan.

A hearing on the merits was held on August 10, 11 and 13, 1998 and September 14 and 15, 1998 at the Office of Administrative Hearings ("OAH"). The Administrative Law Judge ("ALJ") who presided over the hearing issued a Proposed Decision on December 23, 1998 wherein the ALJ concluded by a preponderance of the evidence that Respondent had violated HO § 19-311 (4), (6), (7), (12) and (14) and the Code of Ethics as a result of Respondent engaging in a systematic pattern of billing improprieties and failing to maintain adequate record keeping. The ALJ recommended a sanction of revocation of Respondent's license.

Counsel for Respondent filed Exceptions to the Proposed Order, and the Administrative Prosecutor filed a Response to Respondent's Exceptions. On June 18, 1999, the parties appeared before a quorum of the Board for a hearing on the Exceptions. On December 15, 1999, the Board issued a Final Order in this case wherein the Board adopted the Findings of Fact, Conclusions of Law and sanction as recommended by the ALJ. Pursuant to the Final Order, Respondent's license to practice social work in Maryland was revoked, effective thirty (30) days from the date of the Final Order, and has remained revoked until this time.

On October 11, 2004, Respondent requested reinstatement of her social work license. Attached to Respondent's petition to the Board were numerous letters of reference from various persons in Respondent's personal life and professional community, a performance appraisal from a past employer, a letter of reference from Respondent's current employer, and verification of educational courses Respondent took in the areas of social work, addictions counseling and real estate.

On December 10, 2004, the Board considered Respondent's petition for reinstatement. The Board voted to grant Respondent's petition as contained in this Order of Reinstatement. On January 14, 2005, the Board approved and adopted this Order of Reinstatement.

## **II. FINDINGS OF FACT**

The Board adopts and incorporates by reference the Findings of Fact as set out in the Final Order dated December 15, 1999, with the OAH Proposed Decision attached as its Appendix A, and as set out above in the "Procedural History and Factual Background" section of this Order of Reinstatement. The Final Order dated December 15, 1999 is attached and incorporated herein as Appendix 1.

## **III. CONCLUSIONS OF LAW**

The Board adopts and incorporates by reference the Conclusions of Law as set out in the Final Order dated December 15, 1999 and as set out above in the "Procedural History and Factual Background" section of this Order of Reinstatement.

When a social worker applies for reinstatement of a revoked license, it is his or her burden to demonstrate to the Board that the criteria for reinstatement have been met. Furthermore, reinstatement is a discretionary act on the part of the Board. The decision of the Board is final, and no appeal arises from said decision.

In considering a petition for reinstatement, health occupation boards in Maryland have been guided by the factors used by the Court of Appeals in attorney license reinstatement cases, which are:

1. The nature and circumstances of petitioner's original misconduct;
2. Petitioner's subsequent conduct and reformation;
3. His present character; and
4. His present qualifications and competence to practice [social work].

See Matter of Kahn, 328 Md. 698, 699 (1992), *citing* In re Braverman, 271 Md 196,199-200 (1974).

Upon consideration of the above factors, the Board has found that the reinstatement of Respondent's social work license with conditions is appropriate at this time.

#### **IV. CONCLUSION**

For the reasons stated above, the Board has concluded to reinstate Respondent's license to practice social work with the specific conditions as set out in this Order of Reinstatement.

**V. ORDER**

Based upon the foregoing, it is this 14<sup>th</sup> day of January, 2005, by a majority of the full authorized membership of the Board, hereby

ORDERED that the Maryland social work license of Patricia Tenanty is reinstated; and it is further

ORDERED that Respondent shall be placed on PROBATION for a period of TWO (2) YEARS, effective the date of this Order of Reinstatement, subject to the following terms and conditions:

1. Respondent shall be supervised by a Board pre-approved licensed social worker supervisor, who will monitor all aspects of Respondent's social work practice, with a focus on billing and record keeping.
2. The supervisor shall be provided with the entire investigative file in this case, including investigative interviews, investigative reports (excluding medical records), the charging document, the Final Decision dated December 15, 1999, with the Proposed Decision from OAH attached as Appendix A, and this Order of Reinstatement.
3. Respondent shall meet with the supervisor on a monthly basis for the probationary period.
4. Respondent shall ensure that the supervisor submits reports to the Board on a quarterly basis that address Respondent's participation in evaluative supervision
5. The first of the quarterly reports shall be due to the Board within ninety (90) days from the date that Respondent returns to the practice of social work in Maryland.

AND IT IS FURTHER ORDERED that if Respondent fails to comply with the terms and conditions of this Order of Reinstatement, it shall be deemed a violation of probation, and Respondent may be subject to additional charges by the Board; and it is further

ORDERED that while Respondent's license is on probation, she may not mentor or supervise other social workers or participate in field instruction; and it is further

ORDERED that there will be no early termination of probation; and it is further

ORDERED that there shall be no automatic termination of probation after two (2) years, and Respondent must petition the Board for termination of probation and full reinstatement of her license without restriction or conditions. If Respondent has satisfactorily complied with all conditions of probation, there are no outstanding complaints or other disciplinary action pending against Respondent, and the Board-approved supervisor's reports have been, in the opinion of the Board, favorable for Respondent, the Board shall terminate probation. If Respondent fails to make any such petition, then the probationary status shall continue indefinitely, subject to the terms and conditions set forth in this Order of Reinstatement; and it is further

ORDERED that Respondent shall abide by the laws and regulations regarding the practice of social work. Failure to do so shall constitute a violation of probation and of this Order of Reinstatement and may subject Respondent to further disciplinary action by the Board. The Board, after notification to the Respondent, and an opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including but limited to suspension or revocation of Respondent's social work license. The burden of proof for any action

brought against Respondent as a result of a breach of the conditions of this Order of Reinstatement shall be on Respondent to demonstrate compliance with this Order of Reinstatement; and it is further

ORDERED that Respondent's failure to fully comply with the terms and conditions of this Order of Reinstatement shall be deemed a Violation of Probation and of this Order of Reinstatement, and that upon such violation the Board may impose any discipline that it might have imposed for Respondent's actions in this case; and it is further

ORDERED that the burden of proof shall be on Respondent to demonstrate compliance with this Order of Reinstatement and the terms and conditions of Probation, except for any new charges issued by the Board that are unrelated to this case, and it is further

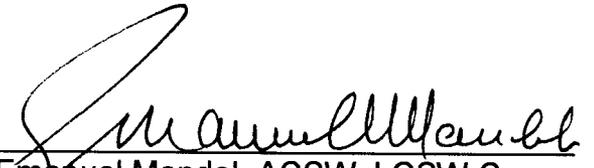
ORDERED that any violation of this Order of Reinstatement by Respondent shall constitute unprofessional conduct; and it is further

ORDERED that Respondent is responsible for all costs associated with carrying out the provisions of this Order of Reinstatement and the terms and conditions of probation; and it is further

ORDERED, that this Order of Reinstatement is a final order of the Maryland Board of Social Work Examiners and, as such, is a PUBLIC DOCUMENT and is reportable to any entity to which the Board is obligated by law to report, and is disclosable under the Maryland Public Information Act, Maryland State Gov't Code Ann. §§ 10-611 *et seq.*; and it is further

ORDERED that this Order of Reinstatement shall be effective as of the date that it is signed by the Board.

1/14/05  
Date

  
Emanuel Mandel, ACSW, LCSW-C  
Chairman  
Maryland State Board of Social Work  
Examiners