

IN THE MATTER OF LACHANDRA COLBERT, LGSW Respondent License Number: G10593	* * * * *	BEFORE THE MARYLAND STATE BOARD OF SOCIAL WORK EXAMINERS Case Number: 12-1775
* * * * *		

CONSENT ORDER

On February 8, 2013, the Maryland State Board of Social Work Examiners (the "Board") charged the Respondent with violating the Maryland Social Workers Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ."), §§ 19-101 *et seq.* (2009 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under Health Occ. § 19-311:

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;
- (12) Knowingly makes or files a false report or record in the practice of social work; [and]
- (17) Fails to cooperate with a lawful investigation conducted by the Board[.]

Additionally, the Board charged the Respondent with violating the following provisions of the Board's regulations under Code Md. Regs. ("COMAR"), tit. 10 § 42:

COMAR 10.42.03.03 – Responsibilities to Clients.

A. The licensee shall:

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

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

(e) Is sufficient and timely to facilitate the delivery and continuity of services to be delivered in the future[.]

B. The licensee may not:

(1) Participate or condone dishonesty, fraud, deceit, or misrepresentation[.]

COMAR 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[.]

On April 25, 2013, a Case Resolution Conference was held before a panel of the Board. As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

BACKGROUND

1. At all times relevant hereto, the Respondent was and is licensed to practice graduate social work in the State of Maryland. The Respondent was originally

license to practice graduate social work in Maryland on December 26, 2002, under License Number G10593.

2. At the time of events stated herein, the Respondent was employed as a part-time therapist at a mental health clinic ("Clinic A")¹ in Maryland. The Respondent began employment at Clinic A in November 2010 and was terminated in December 2011 for professional misconduct.

3. On or about May 7, 2012, the Board received a complaint from the program director (the "Program Director") at Clinic A alleging that the Respondent falsified a client's guardian's signature in a treatment plan. Specifically, the Program Director reported that after Clinic A terminated the Respondent's employment in December 2011, it assigned a new therapist ("Therapist A") to cover the Respondent's clients. Therapist A reported that when visiting one of Respondent's former clients, he showed a copy of the client's treatment plan to the client's guardian, who stated that the signature in the treatment plan purported to be her signature, was not hers. The Program Director further stated that she made several attempts by telephone calls and letters to contact the Respondent to clarify the allegation but the Respondent never responded to her attempts to contact her.

4. Based on the complaint, the Board initiated an investigation of the Respondent.

BOARD'S INVESTIGATION

5. On or about June 15, 2012, the Board's investigator called the Respondent and left a telephone message asking her to respond. On the same date,

¹ To ensure confidentiality, the names of individuals, health care facilities and hospitals involved in this case are not disclosed in this document.

the Board' investigator also sent an electronic-mail to the Respondent asking her to respond. The Respondent failed to respond to the Board's investigator's June 15, 2012, telephone message and electronic-mail.

6. By letter dated July 5, 2012, to the Respondent's address of record, the Board's investigator again asked the Respondent to respond to the complaint. The Respondent failed to respond to the Board investigator's July 5, 2012 letter.

7. On or about July 16, 2012, the Board's investigator sent another electronic-mail to the Respondent asking her to respond. The Respondent failed to respond to the Board's investigator's July 16, 2012, electronic-mail.

8. On the same date, the Board issued a *Subpoena Ad Testificandum* to the Respondent's address of record requiring that she appear in person on July 30, 2012, 10:00 a.m. at the Board's offices to address the complaint. The Respondent failed to appear on July 30, 2012, for the interview and thus failed to comply with the Board's subpoena, dated July 16, 2012.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's falsification of a client's guardian's signature in a treatment plan and failing to cooperate with the Board's inquiries and subpoena constitute: committing an act of gross negligence, incompetence, or misconduct in the practice of social work, in violation of Health Occ. § 19-311(4); engaging in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work, in violation of Health Occ. § 19-311(6); violating any provision of this title or regulations governing the practice of social work adopted and published by the Board,

In violation of Health Occ. § 19-311(7); knowingly making or filing a false report or record in the practice of social work, in violation of Health Occ. § 19-311(12); failing to cooperate with a lawful investigation conducted by the Board, in violation of Health Occ. § 19-311(17); failing to maintain documentation in the client's record which accurately reflects the services provided, including treatment plans, treatment goals, and contact notes, and is sufficient and timely to facilitate the delivery and continuity of services to be delivered in the future, in violation of COMAR 10.42.03.03A(5)(b) and (e); participating or condoning dishonesty, fraud, deceit, or misrepresentation, in violation of COMAR 10.42.03.03B(1); and failing to document and maintain appropriate records of professional service, supervision, and research work, in violation of COMAR 10.42.03.06A(7).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by a majority of the Board considering this case:

ORDERED that the Respondent's license to practice graduate social work in the State of Maryland is hereby **SUSPENDED** for a total period of **THIRTY (30) DAYS**, to commence on June 15, 2013, and continuing until the conclusion of the thirty (30) day period; it is further

ORDERED that following the conclusion of the **THIRTY (30) DAY PERIOD OF SUSPENSION**, the Respondent shall be placed **PROBATION** for a minimum period of **TWO (2) YEARS** and until the following terms and conditions are fully and satisfactorily complied with:

- (1) Within one (1) year from the date the Board executes this Consent Order, the Respondent shall enroll in and successfully complete a Board-

approved one-on-one ethics tutorial. Promptly after the completion of the tutorial, the Respondent shall ensure that the instructor provide the Board with a written report detailing the Respondent's participation in and completion of the tutorial. This ethics tutorial shall be in addition to any course required to satisfy the continuing education requirements for the applicable 2-year licensure renewal period.

- (2) During the probationary period, the Respondent shall be supervised by a Board-approved supervisor ("Probation Supervisor"), subject to the following terms and conditions:
 - (a) Prior to the commencement of probation, the Respondent shall contact the Board to obtain a list of Board-approved supervisors and choose a Probation Supervisor from a list. The Respondent shall provide the Probation Supervisor with a copy of this Consent Order prior to their initial meeting. The Board may release to the Probation Supervisor any portion of the investigative file as it deems necessary by the Board and/or the Probation Supervisor;
 - (b) The Respondent shall fully comply with all Board guidelines relating to probation supervision as well as all recommendations from the Probation Supervisor;
 - (c) The Respondent shall ensure that the Probation Supervisor provide the Board with written quarterly reports on the Respondent's progress during the supervision;
 - (d) At the conclusion of one (1) year of supervision, the Respondent may petition the Board, or a designated committee of the Board, for a termination of the supervision requirement. The Board or its designated committee may terminate the Respondent's supervision requirement if it deems such action appropriate and the Probation Supervisor recommends such action; and
 - (e) A negative report from the Probation Supervisor or any failure to comply with the Probation Supervisor's recommendations shall be deemed a violation of probation or of this Consent Order.
- (3) Within **THIRTY (30) DAYS** of the execution of the Consent Order, the Respondent shall pay a fine in the amount of **FIVE HUNDRED DOLLARS (\$500)** by certified check or money order to the Maryland Board of Social Work Examiners.
- (4) The Respondent shall comply with the Maryland Social Workers Act and all laws, statutes and regulations pertaining thereto.

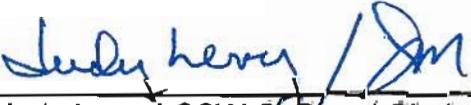
AND IT IS FURTHER ORDERED that after the conclusion of the **TWO (2) YEAR** probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, may 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 similar to the issues in this case; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing, before the Board otherwise, may impose any sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of her probation and this Consent Order; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't, §§ 10-611 *et seq.* (2009 Repl. Vol.).

7.12.2013
Date



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

CONSENT

I, Lachandra Colbert, LGSW, acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions. I acknowledge the violations as set forth above and accept personal responsibility for my behavior.

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 provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

June 14, 2013
Date

Lachandra Colbert, LGSW
Lachandra Colbert, LGSW

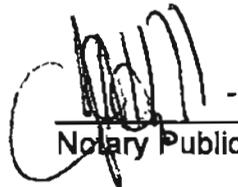
NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 14 day of June, 2013, before me, a Notary Public of the foregoing State and City/County personally appear Lachandra Colbert, LGSW, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.


Notary Public

My commission expires:

**J.A. HYPOLITE
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES NOV. 28, 2013**

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 14 day of June,
2013, before me, a Notary Public of the foregoing State and City/County personally
appear Lachandra Colbert, LGSW, and made oath in due form of law that signing the
foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



Notary Public

My commission expires:

**J.A. HYPOLITE
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES NOV. 28, 2013**