

APR 29 2009

**BOARD OF SOCIAL
WORK EXAMINER**

IN THE MATTER OF	*	BEFORE THE STATE
ARTHUR E. MAKHOLM, LCSW-C	*	BOARD OF SOCIAL WORK
Respondent	*	EXAMINERS
License Number: 03387	*	Case No. 08 - 1373

PRE-CHARGE CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland State Board of Social Work Examiners (the "Board"), has voted to offer a Pre-Charge Consent Order to Arthur E. Makholm, LCSW-C, (the "Respondent"), License Number 03387, in lieu of issuing Charges for violations of the Maryland Social Workers Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 19-101 *et seq.* (2005 Repl. Vol. & 2008 Supp.).

The pertinent provisions under §19-311 of the Act provide the following:

Subject to the hearing provisions of § 19-312 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the 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;

The provision of the Act, which Respondent is charged with violating, is:

HO § 19-301. License required; exceptions.

(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 this State while representing oneself as a social worker;

Respondent was notified by first class and certified mail of the Board's vote to enter into this Pre-charge Consent Order prior to the issuance of formal disciplinary Charges under the Act.

FINDINGS OF FACT

The Board makes the following findings of fact:

- 1. Respondent is a social worker licensed to practice social work in the State of Maryland.
- 2. Respondent was originally issued a license to practice social work in the State of Maryland in 1981 and renewed his license as required for the following renewal cycles until October 2006.
- 3. Respondent failed to renew his license prior to October 31, 2006, and his license expired on that date.
- 4. Respondent subsequently applied for reinstatement, and the Board issued him a license, effective on August 1, 2008.
- 5. Respondent was unlicensed from November 1, 2006 through and including July 31, 2008.
- 6. Respondent practiced social work without a license in the State of Maryland from November 1, 2006 until July 31, 2008.

APR 29 2009

BOARD OF SOCIAL WORK EXAMINERS

CONCLUSION OF LAW

Based on the above findings of fact, the Board concludes as a matter of law that Respondent's practicing social work without a license constitutes:

1. An act of misconduct in the practice of social work, in violation of HO § 19-311 (4);
2. Engaging in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work, in violation of HO § 19-311 (6); and
3. Violating any provision of this title or regulations governing the practice of social work adopted and published by the Board, in violation of HO §§ 19-311 (7) and 19-301(a)(1) for practicing social work without a license.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 13th day of February, 2009, by a majority of the full authorized membership of the Board considering this case, hereby:

ORDERED that Respondent's license to practice social work shall be **REPRIMANDED**; and be it further

ORDERED that Respondent shall pay to the Board, for payment into the General Fund of the State, a monetary fine in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** within sixty (60) days of the date that this Consent Order is signed by the Board; and be it further

ORDERED that Respondent will comply with and practice within all statutes and regulations governing the practice of social work in the State of Maryland; and be it further

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APR 29 2009

**BOARD OF SOCIAL
WORK EXAMINER**

CONSENT

I, ARTHUR E. MAKHOLM, LCSW-C, acknowledge that I have been informed that I may be represented by counsel prior to signing this Consent Order and have knowingly and voluntarily elected not to be represented by counsel.

I am aware that I am entitled to a formal evidentiary hearing before an Administrative Law Judge at the Office of Administrative Hearings. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other procedural and substantive protections to which I am entitled by law. I am waiving those procedural and substantive protections. I understand and agree that this Consent Order results from formal disciplinary action and is, therefore, a public document.

I voluntarily enter into and agree to abide by the foregoing Findings of Fact, Conclusions of Law and Order, and I agree to abide by the terms and conditions set forth herein as a resolution of the Board's case based on the findings set out herein. I acknowledge and understand that the Board has entered into this Consent Order in lieu of proceeding with formal Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.

I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice social work.

I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order, consisting of six (6) pages.

4/27/2009
Date

Arthur E. Makholm, LCSW-C
Respondent

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APR 29 2009
BOARD OF SOCIAL
WORK EXAMINER

NOTARY

STATE OF MARYLAND
CITY/COUNTY of Prince Georges

I HEREBY CERTIFY that on this 27th day of April, 2009, before me, a Notary Public of the State and County aforesaid, personally appeared Arthur E. Makholm, LCSW-C, and made oath in due form of law that the foregoing was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Amrik Singh Nagi
Notary Public 4/27/09

My Commission Expires: _____

AMRIK SINGH NAGI
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 17, 2012