

Winter 2010



Special points of interest:

- Disciplinary Corner
- Déjà Vu
- Continuing Education Audit
- Public Information Act

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Bulletin of BSWE



Daniel Buccino
LCSW-C, BCD
Board Chair

Greetings.

I am honored and grateful for the opportunity to serve as the Chair of the Maryland Board of Social Work Examiners. From the humbling perspective as Chair, the view of the social work community in Maryland is striking and inspiring. The 12,000 licensed social workers in Maryland are engaged in practice across the life span, with every major public health and policy question, and in settings ranging from hospitals to schools, within the public and private sectors. Unfortunately in these difficult economic times, the need for licensed, professional social workers has never been greater. Many of the issues before the Board are highly complex, yet the Board remains committed to providing oversight and guidance to licensees in order to best protect and serve the public who rely on social work services, often in times of great distress.

In the past five years that I have been a member, I have seen the Board become more engaged with and accessible to the public and the social work community. I am optimistic the Board will continue that momentum. Recent budgetary efficiencies have allowed the Board to add more staff members in order to be increasingly responsive. The Board's robust website provides ready answers to many of the most commonly asked questions about social work licensure in Maryland and the statutes and regulations that pertain to our work.

Over the past four years, the Board has mailed out seven newsletters and three electronic bulletins in an effort to keep you informed of the Board's activities and revisions to regulations. The website also is updated continuously. While the Board tries to reach out, it is also incumbent on licensees to stay informed themselves.

Several recent initiatives underscore the Board's engagement with the community in an effort to best balance the need to maintain high professional stan-

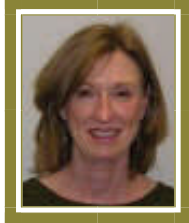
dards while recognizing changes that have affected our profession and the public it serves.

Last Spring, the Board incorporated feedback from several different constituencies as it revised the Continuing Education Regulations which became effective in March 2010. These new regulations maintain the high standards expected for master's level providers, while acknowledging the need for some flexibility with regard to Licensed Social Work Associates. The regulations also reflect an effort to recognize the influence of new technologies while still valuing the need for periodic, real-time, face-to-face gatherings of social workers to discuss the latest developments in our profession.

Regulations for license renewal were clarified to address the "extension" period (that potentially added an extra three months to obtain any outstanding continuing education credits), which some licensees sought when their biannual licenses were due to expire on October 31st. Effective this year, licensees must apply for an extension by August 31st. If they are not able to meet the requirements for renewal by October 31st, their licenses will automatically expire at that time. Therefore, they will not be able to practice social work until they meet the requirements for relicensure and apply for reinstatement.

Although the supervision regulations were revised in 2004, many misunderstandings about them still persist. These uncertainties can best be addressed by reading the full regulations, which are available on the Board's website. This year, the supervision regulations were made clearer by requiring that a contractual agreement form for supervision for advanced licensure be established and executed before supervision begins. Social workers with work hours for advanced licensure accrued on or after December 17, 2007, are now required to produce a properly executed contractual agreement form dated on or before the date the work began.

MEET BOARD MEMBERS



Judy Levy, LCSW-C
Vice Chair

**Please note that the Board makes every effort to ensure the accuracy of this list; however, the occasional typographical error may occur. Please contact the Board office with any questions or for clarification.*



Thomas Smith, LSWA
Secretary/ Treasurer

Updated Sanctions:

From May 14, 2010 through November 14, 2010*

Eva V. Beavan, LCSW-C 10608	Consent Order dated 9/10/2010. Licensee reprimanded and fined for failing to comply with continuing education requirements for renewal.
Alice J. Bellamy, LSWA A03278	Consent Order dated 9/10/2010. Licensee reprimanded and fined for practicing social work without a license.
Charles J. Cravath 14646	Letter of Surrender, effective 11/12/2010, for felony conviction.
Barbara Ann Dorsey, LSWA A01830	Consent Order dated 9/10/2010. Licensee reprimanded and fined for failing to comply with continuing education requirements for renewal.
Harald M. Graning, Jr. 10333	Letter of Surrender, effective 7/30/2010, for allegations of professional misconduct.
Theresa Marie Hesch, LGSW G05254	Consent Order dated 7/9/2010. Licensee reprimanded and fined for failing to comply with continuing education requirements for renewal.
Caryn McCardell, LCSW-C 13024	Consent Order dated 6/11/2010. Licensee reprimanded and fined for failing to comply with continuing education requirements for renewal.
Joseph James Mullen, LCSW-C 00996	Consent Order dated 6/11/2010. Licensee reprimanded and fined for failing to comply with continuing education requirements for renewal.
Sharron Preston, LGSW G06188	Consent Order dated 5/14/2010. Licensee reprimanded and fined for failing to comply with continuing education requirements for renewal.
Tammy Smith 09997	Order of Revocation, dated 5/14/2010, for felony conviction
Kevin R. Sutter, LGSW G13105	Consent Order dated 11/12/2010. Licensee suspended for 30 days, followed by a minimum of 18 months of probation with conditions, for unprofessional conduct.
Juliana Yachtis, LCSW-C 07171	Consent Order dated 6/11/2010. Licensee reprimanded and fined for failing to comply with continuing education requirements for renewal.

Chair's Report (Continued from Page 1)

The Board undertook a path-breaking effort this past winter to address some of the many questions about "reciprocity" that come up. In response to a perceived workforce crisis, the Board was charged by the legislature in 2009 to establish a workgroup to see if there could be a way for experienced licensees from out-of-state to become licensed in Maryland more expeditiously. There are currently 62 different acronyms and abbreviations (LCSW-C, LCSW, LGSW, LSW, LICSW, etc.) to account for all the different types of licensure throughout the United States because the licensing of professions is held to be a State's right. Therefore, there is no national social work license.

Although the Board's workgroup did not establish a "reciprocity" provision, it did create a new and accelerated mechanism for licensure by which highly experienced and qualified licensees from other States could become licensed in Maryland at the LCSW and LCSW-C levels. This Board workgroup included not only Board members and staff, but opened itself to participation by major stakeholders in the social work practice and employer communities. The goal was to reach a

consensus about how to maintain Maryland's high standards of practice while recognizing the experience and licensure status of those from other states.

The resulting regulations went into effect on October 1, 2010. It is clear that Maryland is leading the way nationally toward recognition that, given a highly mobile work-force, states must develop mechanisms by which comparability of license status is achieved. As Maryland moves in the direction of finding ways to recognize experienced professionals with advanced licensure, it is hoped that other states will look with reciprocal favor on Maryland licensees.

Following the resounding success of the licensure workgroup, the Board immediately established another workgroup of Board members, staff, and stakeholders in the social work practice, academic, and employer communities to review the Code of Ethics for social workers in Maryland as it exists in the Maryland Code of Regulations. The Board is nearing completion of its review of the revised and expanded Code of Ethics. It will be available for public comment before it becomes final. It appears that most

social workers are more aware of professional association Codes of Ethics than they are of the State-specific code. As the updated Code is disseminated for comment, licensees will have a much richer, more contemporary Code of Ethics to guide our practice.

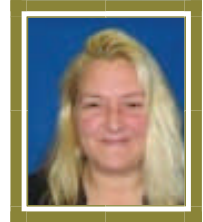
Soon, the Board will turn its attention to updating the overarching statute for social work practice, The Maryland Social Workers Act, Health Occupations Article, Title 19. In the spirit of engagement, the Board will establish another combined workgroup to revise the Statute. If you are interested in working on that project, please contact the Board.

Thank you again for this opportunity to serve. I am pleased to say our profession is broad, deep, and active, and your Board remains fully engaged with it. Please keep in touch with the Board, as it is here to serve you, as well as to protect the health, safety, and welfare of the citizens of Maryland.

Daniel L. Buccino, LCSW-C,
BCD

Chairman

Maryland Board of Social Work
Examiners



Yvonne Bryant, LCSW-C

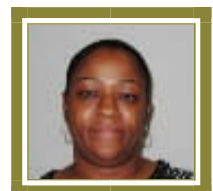
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Disciplinary Corner

Did you know that?

- All social workers are mandated reporters of child abuse and neglect per Maryland Family Law § 5-704. This mandate applies regardless of whether the social worker suspects the allegation cannot be substantiated or was a second-hand report from another family member ("hearsay"). It

Continued on Page 5



Joyce Bell, LCSW-C, PhD

Reporting Disciplinary Actions

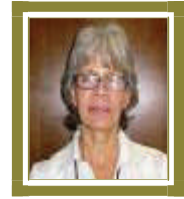
Under federal law, all health occupation boards are required to report all formal disciplinary sanctions to the National Practitioner Data Bank. The Data Bank, consisting of the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB), is a confidential information clearinghouse created by Congress to improve health care quality, protect the public, and reduce health care fraud and abuse in the U.S. Under Section 5 of the Medicare and Medicaid Patient and Program Protection Act of 1987, the Federal Government is authorized to collect information concerning sanctions taken by State licensing authorities against all health care practitioners and entities. It is the

intent of this law to improve the quality of health care by encouraging State licensing boards, hospitals, professional societies, and other health care organizations to identify and discipline those who engage in unprofessional behavior; to report medical malpractice payments; and to restrict the ability of incompetent physicians, dentists, and other health care practitioners to move from State to State without disclosure or discovery of previous medical malpractice payment and adverse action history. Adverse actions can involve licensure, clinical privileges, professional society membership, and exclusions from Medicare and Medicaid. The enabling statutes for the Data Bank do not allow disclosure to the general public. The general public may not

request information that identifies a particular health care practitioner, provider, or supplier from the NPDB or the HIPDB. However, persons or organizations can request information in a form that does not identify any particular organization or practitioner. For more information:

www.npdb-hipdb.hras.gov/index.jsp

In addition to reporting sanctions to the NPDB, effective October 1, 2010, Maryland state law requires each health occupation board to post on its website a list of licensees that have been sanctioned and provide a copy of the Final Orders issued by the board. In Maryland this posting is available to the public.



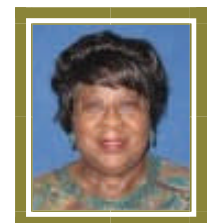
Harriett Mandell, LCSW-C

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Maryland
consent
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now available
to the public
on the
Board's
website.
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Disciplinary Corner (Continued from Page 3)

even applies in cases where the alleged abuse occurred decades ago or the presumed perpetrator has since died. There is no leeway for discretionary judgment in these situations and social workers should not take it upon themselves to evaluate the veracity of the allegation. Child Protective Services will conduct an investigation and reach its own determination. Maryland social workers who fail to comply with this mandate to call CPS immediately (and file a written report within 48 hours) can be charged by the Board with violating §19-311(15) of the Health Occupations Act.

- All social workers who practice in Maryland must be licensed in Maryland. Some Maryland-based agencies employ social workers who are licensed in the District of Columbia or Virginia, for example, but not in Maryland. They falsely assume that since the social worker holds an active license from another state (or may be working toward becoming licensed in Maryland), the agency is protected. This is an incorrect assumption. It is incumbent on social workers to ensure they are not practicing with, or supervising, an unlicensed individual. Otherwise, social workers place their own license at risk and could be charged by the Board with violating §19-311 (11) of the Health Occupations Act.
- Social workers have an ethical obligation to address the situation where a colleague's professional behavior appears to be impaired by substance use or a psychological or physical disability. If efforts to assist the colleague in taking remedial action are not successful, or in any case in which the welfare of a client is in potential danger, the licensee should report the impairment to the Board. The Board's Ethics Regulation, currently in the draft stage, will contain a section on this important issue.



Lillye Wells,
Consumer Member



Loretta Wall, LCSW-C

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 ☆ *Keeping* ☆
 ☆ *adequate* ☆
 ☆ *records is not* ☆
 ☆ *an option; it* ☆
 ☆ *is a* ☆
 ☆ *requirement.* ☆
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Trinita Robinson
Consumer Member

Déjà Vu

Keep your **mailing address and email address** current at all times. **Name changes** must also be submitted to the Board.

The Board requires an applicant or licensee to use her/his **“legal name”** on all applications, forms, correspondence with the Board. The license must be in the licensee’s legal name. The licensee’s signature must be the same as the legal name shown on the license and particular attention should be paid to hyphenated names, e.g with or without a dash.

Any and all documentation submitted to the Board should not include **“white outs.”**

Supervision session notes must be maintained for 5 years by the supervisor and supervisee. The notes need to contain the **“date, duration and focus”** of the supervisory session.

A social worker with an active license must retain records **documenting completion of continuing education requirements** for 2 years after the license is renewed.

Individuals licensed as **LCSWs** may only provide psychotherapy under the supervision of a qualified LCSW-C supervisor. LCSWs may not render a diagnosis.

The **importance of keeping records** cannot be stressed enough. The Social Work Statute cites the failure to maintain adequate client records as one of the grounds to deny a license, fine a licensee, reprimand a licensee, place a licensee on probation, suspend or revoke a license. Keeping adequate records is not an option; it is a requirement.

Licensees must inform the Board of unethical conduct by a licensed social worker and inform the Board about an unlicensed individual who represents herself/himself as a social worker.

The Board’s website is a fantastic resource. It contains information regarding licensing, supervision, continuing education, the social work statute, regulations, complaints, applications, forms, current and past newsletters etc.

Approval to sit for the licensing examination will be sent electronically, using the email address provided by the applicant on the application. A link is provided in the approval notice to the Association of Social Work Boards regarding the **“Candidate Handbook.”** Please notify the Board if your email address changes.

The “Contractual Agreement” form, for social work supervision for advanced licensure, must be completed before supervision is initiated and all three parties (administrator, supervisor and supervisee) must sign & date the agreement. It is recommended that the end date, for the duration and termination of supervision, reflect the month/date/year for a period of three or four years. This keeps the agreement active in the event that there are breaks in employment due to unexpected or extended leave and after the application is submitted in the event that more time is needed to meet the licensing requirements. The form is posted on the Board’s website under the **“Supervision”** tab. The original signed agreement should be kept by the supervisee and submitted with the application.

New Ethics Regulations

In accordance with the State's Regulatory Review and Evaluation Act, state agencies are required to review and evaluate their regulations every eight years. The Board's Ethics Regulation was scheduled for review in 2010. In the spring, the Board invited members of the social work community (schools of social work, social work associations, and individual licensees) to form a workgroup to review the current regulation and make recommendation for developing a new regulation. The group met during the summer and, working with Board members and staff, developed a final report (draft regulation) that was presented to the Board at the October 8, 2010 meeting.

Some of the recommendations made by the workgroup include:

Organizational format.

The content is now divided among four categories: Responsibilities to Clients, Responsibilities to Colleagues, Relationships, and Standards of Practice.

Additional areas covered.

Mandates social workers to have a plan for transfer of clients/records in the event of unforeseen events;
Incorporates computer and Internet technology in discussion of confidentiality of information;
Limits practice to areas in which the social worker has competence;
Includes a set of guidelines for social work researchers;
Mandates the provision of culturally competent services;
Addresses the issue of impaired colleagues.

The Board is in the process of reviewing the draft and will be discussing the proposed recommendation at future meetings. Once the Board votes on the final regulation, it will be published in the Maryland Register and will be subject to a 30-day comment period. As in the past, the Board will send an e-mail notice to all licensees when the proposed regulation is published.

PIA

The Maryland Public Information Act (PIA) governs access by the public to records of all units of State government. The intent of the PIA is to enable citizens to have access to government records without unnecessary cost or delay. A licensee may not have his or her contact information that is on file with the Board kept private and be exempt from a PIA request. Listed below is the information the Board must disclose if requested by a member of the public.

- The name of the licensee;
- The business address of the licensee or, if the business address is not available, the home address;
- The business telephone number;
- The educational and occupational background;
- The professional qualifications; and

Any orders of the Board that result from formal disciplinary actions.

The rationale behind this is the belief that the public has a right to examine certain items in the licensure files to be assured that licensees are competent and qualified. Additionally, the public has a right to have access to basic directory information about a licensee, should it need to locate or contact the licensee. In essence, in return for the privilege of having a license to practice social work in Maryland, a person's basic licensure information is subject to disclosure in the interest of public protection under the PIA.



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★ *The intent of* ★
★ *the PIA is to* ★
★ *enable citizens* ★
★ *to have access* ★
★ *to government* ★
★ *records* ★
★ *without* ★
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Continuing Education Audit

By law the Board is required each renewal cycle to audit a certain number of licensees to verify their continuing education. Failure to meet this renewal requirement can result in disciplinary sanctions against the licensee. In the past the Board has conducted these audits in-house using Board staff to send out the audit letters, track the responses, review the certificates and report to the Board any licensee failing the audit. This relatively simple activity took up an inordinate amount of the Board's manpower and resources. In an effort to make the required audit process more efficient, the Board has partnered with the Association of Social Work Boards (ASWB), under our membership agreement, to conduct the continuing education audit on our licensees. The Board is working with ASWB to establish the specific criteria for our continuing education requirements. Once that has been accomplished, the Board will send ASWB a list of licensees to be audited from the last renewal cycle. ASWB will send the initial letter to the licensees selected for audit and instruct the licensee what information needs to be sent to ASWB for review. ASWB will review the information and make a report to the Board as to whether a licensee has passed or failed the audit. Board staff will review all licensees that have failed the audit prior to sending them to the Board for disciplinary action.

Post Renewal 2010

As you are aware, well half of you anyway, the Board's annual renewal is over for another year. Once again over 90% of our licensees completed their renewal online. Those of you that renew online have a chance to provide the Board with feedback about the renewal process and the Board in general. Those who use paper and snail-mail don't get the opportunity. With this past renewal, the Board received 25 pages of comments. Below is a sampling for the comments we have received, both positive and constructive.

...fields for entering the CEU course title and sponsor name were not long enough to provide all the information.

This was biggest criticism about the online system. Prior to the next renewal in 2011, we will have this corrected and also plan to have better editing capabilities. Our goal is to have the process take no more than 15 minutes. Licensees can help by having their CEU information ready prior to logging on the renewal page.

I keep a list on my computer of all my CEU activities. Could we attach this to the application instead of typing it all in? It would save time.

It would save the licensee time but it would overwhelm the Board. The Board renews between 5,000 and 6,000 licenses per year. The data base is setup so that the CEU information is part of the information collected. One way to cut down on some of the typing, if you have your CEU information in a word processing document, is to copy the information and paste it to the CEU portion of the application.

Directions on what to do after selecting credit card payment option were absent. I was able to call for tech assistance and reached someone by phone immediately.

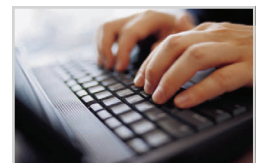
During the next two months, the IT staff and the Licensing staff will review all the comments and make recommendations for changes to not only the process but also to the directions licensees need to complete their renewal. Remember when you call the Board for help or any other matter, it must be during the business week, not on weekends or holidays.

The credit card payment to a secure bank was an excellent choice. Thanks.

Thank you.



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★ Failure to ★
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★ renewal ★
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★ can result in ★
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