

A P P R O V E D
VIRGINIA BOARD OF SOCIAL WORK
MINUTES
INFORMAL CONFERENCE COMMITTEE
FRIDAY, NOVEMBER 18, 2005

TIME & PLACE: The Informal Conference Committee convened at 12:30 a.m. on Friday, November 18, 2005, at the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: Valerie Carter-Williams, LCSW, Chair
David Boehm, LCSW

STAFF PRESENT: Evelyn B. Brown, Executive Director
Grant Kronenberg, Adjudication Analyst
Arnice Covington, Administrative Assistant

OTHERS PRESENT: Michael Goodman, Esquire
Client A
Therese A. Rothchild (court reporter)
Judy Zwelling
Client B

CONFERENCE
SCHEDULED: **SHOMER ZWELLING, LCSW**
Case 97041

Mr. Zwelling appeared before the Informal Conference Committee on Friday, November 18, 2005 at 12:30 p.m. to review allegations that he may have violated portions of the laws and regulations governing the practice of social work in the Commonwealth of Virginia.

The Chair recognized Mr. Zwelling and Mr. Goodman and invited their comments regarding the allegations. Mr. Zwelling made an opening statement.

Client B made comments to the Committee.

Mr. Boehm moved that the Special Conference Committee convene a Closed Meeting pursuant to §2.2-3705(A)(15) of the *Code of Virginia* for the purpose of discussion or consideration of medical or mental records of Shomer Zwelling excluded from the Freedom of Information Act by § 2.2-3705(A)(5) of the Code. Additionally, Mr. Boehm moved Ms. Brown, Mr. Kronenberg, and Ms. Covington attend the Closed Meeting because their presence in the Closed Meeting will aid the Committee in its consideration of the matter.

The motion was seconded and carried.

The Committee reconvened in open session.

Mr. Boehm moved that the Informal Conference Committee certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom on Information Act and only such public business matters as were identified in the motion for Closed Meeting.

Mr. Boehm moved that the Committee convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Shomer Zwelling regarding the allegations outlined in the Notice of Hearing. Additionally, Mr. Boehm moved that Ms. Brown, Mr. Kronenberg and Ms. Covington attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.

The motion was seconded and carried.

The Committee reconvened in open session.

Mr. Boehm moved that the Informal Conference Committee certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom on Information Act and only such public business matters as were identified in the motion by which the Closed Meeting was convened. The motion was seconded and carried.

FINDINGS OF FACT:

Mr. Zwelling violated 18 VAC 140-20-150(1), (2), (3) and (9), and 18 VAC 140-20-160(5) of the Board of Social Work Regulations, in that, his treatment of Client A was conducted in an inappropriate manner, to include his developing a relationship with Client A that violated appropriate therapist-client boundaries and his creating a therapeutic relationship which he was not equipped to properly deal with. By his own admission, Mr. Zwelling should have established stronger and clearer boundaries with Client A. Additionally, by his own admission, Mr. Zwelling would not again take the “risks” he took in his treatment of Client A.

Mr. Zwelling violated 18 VAC 140-20-150(1) and (7), and 18 VAC 140-20-160(5) of the Board of Social Work Regulations, in that, he and Client A encouraged Client B, Client A’s husband, to enter into therapy with Mr. Zwelling, despite Mr. Zwelling having already developed an intense relationship

with Client A. Specifically, Mr. Zwelling urged Client B to come into therapy in an effort to help resolve marital conflict between he and Client A, despite the fact that Client A was romantically interested in Mr. Zwelling and Mr. Zwelling had admitted to Client A his attraction to her. By his own admission, Mr. Zwelling took considerable risks in the course of treatment of Client B, and mistakes he made in treating Client B, and his wife, created permanent ruptures in the therapeutic relationship with Client B. Additionally, during the course of Mr. Zwelling's treatment of Clients A and B, he divulged confidential information to one spouse that was learned during treatment of the other spouse.

ACTION:

On the basis of the foregoing, the Virginia Board of Social Work, effective upon entry of this Consent Order, and in lieu of further proceedings, hereby ORDERS that License No. 0904-001895, issued to Shomer S. Zwelling, L.C.S.W., be SUSPENDED for a period of not less than one (1) year from the date of entry of this Consent Order.

Mr. Zwelling may petition the Board after not less than one (1) year from the date of entry of this Consent Order for reinstatement of his license to practice as a clinical social worker, at which time an administrative proceeding will be convened in accordance with the Administrative Process Act to receive evidence satisfactory to the Board that Mr. Zwelling is capable of resuming the safe and competent practice of a licensed clinical social worker.

ADJOURNMENT:

The Conference was adjourned at 4:00 p.m.

Valerie Carter-Williams, LCSW

Evelyn B. Brown, Executive Director
Board of Social Work

As provided by law, this decision shall become a Final Order thirty days after the service of such order unless a written request to the Board for a formal hearing on the allegations made against Mr. Zwelling is received from Mr. Zwelling within such time. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this conference shall be vacated.