

IN THE MATTER OF * BEFORE THE STATE BOARD
WAYNE E. BOHANNON, Ph.D. * OF EXAMINERS OF
RESPONDENT * PSYCHOLOGISTS
License Number: 1601 *

* * * * *

CONSENT ORDER

The Maryland State Board of Examiners of Psychologists (the "Board") charged **Wayne E. Bohannon, Ph.D.**, (the "Respondent"), D.O.B.: 08/08/51, License Number: 1601, with violating certain provisions of the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann., §§ 18-101 et seq. (2000). Specifically, the Board charged the Respondent with violating the following:

H.O. § 18-313:

Subject to the hearing provisions of § 18-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of any licensee if the applicant or licensee:

- (7) Violates the code of ethics adopted by the Board under § 18-311 of this subtitle;
- (12) Violates any provision of this title or any regulation adopted by the Board;
- (16) Behaves immorally in the practice of psychology;
- (17) Commits an act of unprofessional conduct in the practice of psychology;
- (20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology.

The Board also charged the Respondent with violation of Code Md. Regs. tit. 10, § 36.05:

03. Ethical Responsibility

A. In general, a psychologist shall:

- (6) Refrain from engaging in other relationships that could limit the psychologist's objectivity or create a conflict of interest.

04. Competence

B. Impaired Competence. A psychologist shall:

- (2) Seek competent professional assistance to determine whether to suspend, terminate, or limit the scope of professional or scientific activities when the psychologist becomes or is made aware that personal problems interfere with providing or conducting psychological services.

05. Client Welfare

A. Exploitation or Undue Influence. A psychologist shall:

- (1) Refrain from exploiting or harming clients, colleagues, students, research participants, or others;
- (3) Refrain from allowing personal, social, religious, organizational, financial, or political situations and pressures to lead to a misuse of the psychologist's influence;
- (5) Refrain from exploiting the trust and dependency of clients, students, and subordinates.

B. Impaired Objectivity and Dual Relationships.

- (1) A psychologist may not undertake or continue a professional relationship with a client when objectivity is or could reasonably be expected to be impaired because of a present or previous familial, social, sexual, emotional, financial,

supervisory, political, administrative, or legal relationship with the client or a relevant person associated with or related to the client.

- (2) A psychologist may not:
 - (a) Engage in an exploitative relationship with a past or a present client, including, but not limited to, any:
 - (i) Sexual intercourse or other sexual contact,
 - (ii) Verbal or physical behavior which is sexually seductive, demeaning, or harassing; [or]
 - (b) Enter into a dual relationship with a past or present client.
- (3) Whether a relationship with a former client is exploitative is dependent on, but not limited to, the:
 - (a) Type of professional services rendered to the client;
 - (b) Length of the professional relationship;
 - (c) Length of time between the termination of the professional relationship and the initiation of the nonprofessional relationship; and
 - (d) Mental stability of the psychologist and former client.

07. Confidentiality and Client Records.

- A. In general, a psychologist shall maintain confidentiality regarding information obtained from a client in the course of the psychologist's work, and shall:
 - (1) Safeguard information obtained in clinical or

consulting relationships or evaluative data concerning children, students, employees, and others;

- (4) Reveal confidential information to others only with the informed written consent of the client or the client's legal representative, including:
 - (a) Information that relates to or identifies a client seen in couple, group, or family therapy, and
 - (b) Diagnostic interviews or therapeutic sessions with a client which are to be observed or electronically recorded.

C. A psychologist shall keep records of a patient's condition and assessment results, and shall:

- (3) Limit access to the client records and ensure that a person working under the psychologist's authority complies with the requirements for confidentiality of client material.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document dated March 9, 2001. A Case Resolution Conference on those charges was held on June 1, 2001 and at that time the parties agreed to enter into this Consent Order.

FINDINGS OF FACT

1. At all times relevant to the charges herein, the Respondent was licensed to practice psychology in the State of Maryland. The Respondent was originally licensed to practice psychology on or about November 13, 1982.
2. At all times relevant to the charges herein, the Respondent maintained a

practice known as Behavioral Science Associates located at 10751 Falls Road, Suite 255, Lutherville, Maryland.

Patient A¹

3. In July 1998, Patient A was referred to the Respondent following her hospital discharge from Union Memorial Hospital partial hospitalization program. Patient A had been hospitalized for severe depression and a recent suicide attempt. Patient A was diagnosed as having major depressive disorder and panic disorder. Patient A met with the Respondent for individual therapy once or twice per week. Patient A continued in treatment with the Respondent until the Fall of 1999.²

4. It is alleged that in the Fall of 1999, the Respondent began discussing his failing marriage, his pending divorce, and his children with Patient A. It is also alleged that the Respondent told Patient A that she was attractive and wanted to meet her outside of the office. It is further alleged that the Respondent told Patient A that he could not see her personally if they maintained a professional relationship. Subsequently, Patient A's therapeutic relationship with the Respondent was terminated and a personal relationship commenced between Patient A and the Respondent.

5. As their personal relationship developed, the Respondent and Patient A began dating each other. The Respondent continued to talk about his personal life, took Patient

¹ To ensure confidentiality, Patient names are not set forth in this document. The Administrative Prosecutor has released the names of the patients to the Respondent.

² Patient A's medication was being administered and managed by Alfred W. Forrester, M.D.

A's car to the mechanic for servicing, and picked up her dog. The Respondent and Patient A also visited with members of Patient A's family and they took vacations together to Ocean City, Maryland and West Virginia. During the early part of their personal relationship, the Respondent and Patient A kissed and hugged. Their relationship became sexual in December 1999.

6. In the Winter of 2000, the Respondent hired Patient A to update and organize his billing records that contained patient names and their diagnosis codes. The Respondent brought his patient billing files to Patient A's home in a brown paper bag. Patient A was able to identify patient names and the diagnoses of the Respondent's patients from the patient billing files that the Respondent gave her. The Respondent paid Patient A two hundred dollars (\$200) for the work that she had done for him.

7. In July 2000, Patient A ended her personal relationship with the Respondent after seeing the Respondent with another woman, hereinafter described as Patient B.

Patient B

8. In the Fall of 1995, Patient B, a licensed clinical social worker, asked the Respondent to supervise her clinical practice. Patient B wanted the Respondent to supervise her work because he had worked extensively with children and adolescents, and she believed that the Respondent could provide her with the appropriate guidance.

9. The Respondent and Patient B met approximately two (2) times per month to review Patient B's caseload. In the Spring of 1996, Patient B began therapy sessions with the Respondent and he continued to supervise Patient B's patient caseload. Patient B was suffering from dysthymic disorder and was experiencing problems in her marriage and with

her children.

10. In the Spring of 1997, Patient B and the Respondent ended their supervisory relationship, but Patient B continued to see the Respondent for therapy. She saw the Respondent for therapy approximately one (1) day per week for one (1) hour. During therapy sessions, the Respondent and Patient B hugged one another.

11. In November 1998, Patient B ended therapy with the Respondent because she was uncomfortable with the hugging that took place during therapy sessions.

12. In February 1999, Patient B resumed her therapy sessions with the Respondent. Patient B received individual therapy approximately one (1) day per week for one (1) hour. It is alleged that during therapy sessions, the Respondent and Patient B hugged and kissed one another. It is further alleged that the Respondent discussed other patients with Patient B. When discussing other patients, the Respondent referred to these patients by name.

13. In March 1999, Patient B ended therapy with the Respondent. Patient B was feeling depressed and confused about what occurred during therapy sessions with the Respondent. Although the Respondent was not treating Patient B, the Respondent and Patient B continued to correspond by electronic mail ("e-mail") and by telephone. Patient B refused to see the Respondent again until late Fall 1999. In the late Fall of 1999, the Respondent and Patient B began a sexual relationship that lasted until July 2000.

CONCLUSIONS OF LAW

The Board finds that the Respondent violated H.O. §§ 18-313(a)(7), (12), (16), (17), and (20) of the Act and Code Md. Regs. tit. 10, § 36.05.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 9th day of November 2001, the Board on the affirmative vote of a majority of its members then serving hereby:

ORDERED that the Respondent's license to practice psychology is hereby **SUSPENDED INDEFINITELY**; and be it further

ORDERED that the Respondent may not apply for reinstatement of his license to practice psychology for at least three (3) years from the date that said Consent Order is signed by the Board; and be it further

ORDERED that the Respondent shall not be eligible for reinstatement unless he has complied with the following requirements:

- a. Continue therapy with James Olsson, Ph.D., or a therapist approved by the Board;
- b. Successfully complete an ethics tutorial course given and supervised by S. Michael Plaut, Ph.D.;
- c. Obtain continuing education credits that would be required if the Respondent was not indefinitely suspended;
- d. Take and pass the Board's law examination;
- e. Refrain from engaging in employment in the mental health field without prior approval from the Board;
- f. The Respondent shall be responsible for ensuring that his therapists, evaluators, and supervisors submit quarterly reports to the Board. The first quarterly report shall be received by the Board on or before March 1, 2002;
- g. The Respondent shall insure that his name does not

appear on the office, letterhead or promotional literature of any psychology practice;

- h. The Respondent shall insure that any patients referred to the Respondent in any psychology practice shall be informed that he is no longer licensed to practice psychology; and be it further

ORDERED that the Board will have sole discretion to reinstate the Respondent's license to practice psychology upon the Board's review of the Respondent's efforts at rehabilitation and the quarterly reports that the Board receives from the Respondent's therapists, evaluators, employers, and supervisors; and be it further

ORDERED that if after determining that the Respondent has complied with the conditions herein, the Board determines that Respondent's suspension is lifted and his license to practice psychology is reinstated, the Respondent shall be placed on indefinite probation. The Board may set any probationary conditions that the Board deems to be appropriate, which shall at a minimum include the following: no female patients, including no couples counseling; supervision of his entire practice by a Board approved supervisor, at the Respondent's expense; continuation of therapy; prior approval by the Board of any change in supervisors or therapists; and submission of quarterly reports to the Board by the Respondent's therapist and supervisors; and be it further

ORDERED that the Respondent shall provide his therapists with a copy of said Consent Order, including the Board's findings of fact and conclusions of law, within ten (10) days of the date the said Consent Order is signed by the Board. If the Respondent receives Board approval to change his therapist, the Respondent must provide his new therapist with a copy of said Consent Order within ten (10) days of the Board approval; and be it further

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, as set forth herein, then the Board, after a determination of violation and notice and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including revocation, said violation of probation being proved by a preponderance

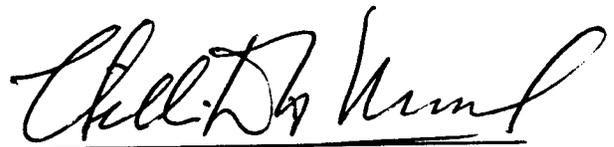
of evidence; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby effective as of the date of this Consent Order; and be it further

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

ORDERED that this is a **FINAL ORDER** and as such is a public document pursuant to Md. State Gov't. Code Ann. §§ 10-611 et seq. (1999).

11/9/2001
Date



William D. A. Musick, Ph.D.

Chair

Board of Examiners of Psychologists

CONSENT OF WAYNE E. BOHANNON, Ph.D.

I, Wayne E. Bohannon, Ph.D., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Edward J. Baines. I have been advised by and have consulted with my attorney in regards to signing this Consent Order.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to § 18-315 of the Act, Md. State Gov't. Code Ann. §§ 10-201 et seq. (1999), and Code Md. Regs. tit. 10, § 10.36.03.

3. I acknowledge the validity of this Consent Order as if entered after 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 law.

4. 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 as set forth in § 18-316 of the Act and Md. State Gov't Code Ann. §§ 10-201 et seq. (1999).

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action which may include revocation of my license to practice psychology in the State of Maryland.

6. I sign this Consent Order without reservation as my voluntary act and deed, after consulting with my attorney and acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

10/31/01
Date

Wayne E. Bohannon
Wayne E. Bohannon, Ph.D.
Respondent

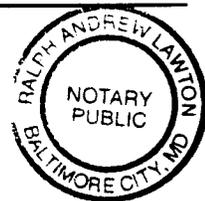
NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY THAT on this 31 day of OCTOBER, 2001, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Wayne E. Bohannon, Ph.D., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

[Signature]
Notary Public



My Commission Expires: 3/4/02