

.03 Ethical Responsibility.

A. In general, a psychologist shall:

(2) Notify the Board if any licensee, certificate, permit, or registration granted by another state, including the District of Columbia, for the practice of psychology, has been limited, restricted, suspended, revoked, or subjected to other disciplinary action by the particular licensing or certifying agency.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging documents sent to Respondent on January 5, 1996. A telephone prehearing conference on those charges was held on November 6, 1996. The participants of said teleconference were Sister Trinitas Bochin, Ph.D., member of the Board, Joe Compton, Executive Director of the Board, Paul Ballard, Assistant Attorney General, Counsel to the Board, Roberta Gill, Assistant Attorney General, Administrative Prosecutor, the Respondent and his attorney, Richard Grace. Following the prehearing conference, the parties agreed to make the following Findings of Fact and Conclusions of Law and Order.

FINDINGS OF FACTS

The Board finds that:

1. At all times relevant hereto the Respondent was licensed to practice psychology in Maryland. The Respondent maintains a private practice in an office in Friendsville, Pennsylvania.

2. On October 20, 1994, the Pennsylvania State Board of

Psychology (the "Pennsylvania Board") accepted a consent agreement from the Respondent and issued an Order that was made effective on November 20, 1994 (the "Order").

3. The Order found that the Respondent had violated the Professional Psychologists Practice Act, Act of March 23, 1972, P.L. 136, No. 52, as amended, Act of April 25, 1986, P.L. 89, No. 33, 63 P.S. §1208(a)(11).

4. Among other requirements, the Order placed the Respondent's license on a two-year period of restriction during which his psychology practice must be conducted under the supervision of a Pennsylvania licensed psychologist or psychiatrist approved by the Pennsylvania Board. In addition, the Order required the Respondent to undergo a psychological evaluation to determine the Respondent's fitness to practice psychology and to submit to therapy if recommended by the evaluator. (See Exhibit A).

5. In the Consent Agreement entered into between the Respondent and the Pennsylvania Board, the Respondent admitted to the following facts, which facts formed the basis for the Order's restrictions on the Respondent's practice:

- a. In July, 1988, Respondent began to provide psychological treatment to an adult female, Ms. Deborah W.
- b. Initially, the treatment needs and goals which she was able to articulate were vague. It became evident that anxiety and panic restricted her mobility. Respondent's initial diagnosis of her was Adjustment Disorder With Mixed Emotional Features, DSM III 309.28.

- c. Beginning in or around October, 1988, Respondent allowed Ms. W. to hug him briefly in parting at the end of therapy sessions.
- d. Later, Respondent perceived that this was inappropriate in light of his belief about Ms. W's psychological makeup vis-a-vis maintaining professional boundaries.
- e. Beginning in October, 1988, during particularly emotional therapy sessions, Ms. W. wanted to be held and comforted by Respondent while Respondent was seated. Respondent decided to maintain focus on the emotional issues of these relatively brief emotional crises and to delay dealing with the necessary boundary issues. Respondent believed Ms. W. might have perceived anything else as a personal rejection and abandonment, thus compounding the therapy to her detriment. In retrospect, such boundary issues should have been addressed at the time, even if it did precipitate another crisis with the patient.
- f. During some therapy sessions, Respondent allowed Deborah W. to kneel in front of his legs in front of his chair.

In the consent agreement, the Respondent further admitted that the foregoing facts made him subject to disciplinary action under the Professional Psychologists Practice Act, Act of March 23, 1972, P.L. 136, No. 52, as amended, Act of April 25, 1986, P.L. 89, No. 33, 63 P.S. §1208(a)(11), which in pertinent part reads as follows:

Committing immoral or unprofessional conduct. Unprofessional conduct shall include any departure from, or failure to conform to, the standards of acceptable and prevailing professional practice. Actual injury to a client need not be established.

6. The Respondent's license was restricted by the Pennsylvania Board because of the Respondent's admitted unprofessional conduct. Unprofessional conduct in the practice

of psychology also constitutes a ground for disciplinary action under the Board's disciplinary statute contained in §18-313(17) of the Act.

7. The Respondent had originally notified the Board on January 20, 1994 accompanying his appeal for licensure in which he indicated that a disciplinary matter was pending. Proceedings began in Pennsylvania in the fall 1991. The Pennsylvania Order was not signed until October, 1994, with an effective date of November, 1994. Due to Respondent's having to have surgery and the recuperation thereafter, a supervising psychologist was not approved until early 1996. Since March 1996, the Respondent has been practicing under supervision. The Respondent would have notified the Board about the discovery in Pennsylvania after the Order became effective in November, 1994, but did not.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Respondent violated §§18-313 (7) and (11) and COMAR 10.36.05.03.

ORDER

Based upon the Board's Findings of Fact and Conclusions of Law, and by agreement of the parties to settle this matter without an evidentiary hearing, it is this ____ day of

_____, 1996, by a majority of a quorum of the Board,
hereby

ORDERED that the Respondent be placed on **PROBATION** for two (2) years, subject to the following condition:

The Respondent shall send to the Board a copy of each and every report of the Supervising Psychologist, including the ones previously submitted to the Pennsylvania Board.

ORDERED that in the event the Board finds for any reason in good faith that Respondent has substantially violated any provision of Title 18 of the Health Occupations Article, Maryland Annotated Code, or the regulations thereunder, or if Respondent violates the foregoing condition of Probation, or if the Board receives an unfavorable report from the Supervising psychologist, the Board, after notification to the Respondent and an opportunity for a hearing, may take immediate action or impose any lawful disciplinary sanctions it deems appropriate, including, but not limited to, revocation or suspension of Respondent's license to practice psychology; and be it further

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

ORDERED that the Respondent shall practice psychology in accordance with the Act and in a competent manner; and be it further

ORDERED that at the date of the termination of the probationary period, the Board shall entertain a petition for

termination of Respondent's probationary status and full reinstatement of his license to practice psychology without any conditions or restrictions as to the scope of practice. If the Board determines that the termination of probation and complete reinstatement would be inappropriate at the time, the Board may modify one or more conditions upon which Respondent was placed on probation. However, if Respondent fails to make any such petition the probationary status shall continue indefinitely, subject to the conditions set forth in this Order; and be it further

ORDERED that this is a Final Order and as such is a public document pursuant to §10-617(h) of the State Government Article, Annotated Code of Maryland.

Date 1/3/97



Daniel Malone, Ph.D.,
Board of Examiners of Psychology



CONSENT OF RICHARD NORMILE, Ph.D.

I, Richard Normile, Ph.D., by affixing my signature hereto, acknowledge that:

1. I am represented by attorney, Richard Grace, who has advised me with regard to signing the Consent Order.
2. I am aware that, without my consent, my license to practice psychology in this State cannot be limited except pursuant to the provisions of §18-313 of the Act and §10-201 et seq. of the Administrative Procedure Act, State Government

Article, Annotated Code of Maryland.

3. I am aware that I am entitled to a formal evidentiary hearing before the Board where I could call witnesses and contest each and every allegation made by the State.

By this Consent Order, in the interest of avoiding protracted litigation, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §18-315 of the Act and §10-201 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland, and any right to appeal as set forth in §18-316 of the Act and §10-201 et seq. of the Administrative Procedure Act. I acknowledge that by failure to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action, including revocation, against my license to practice psychology in the State of Maryland.

Date

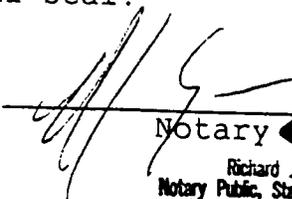
Richard Normile
Richard Normile, 

NEW YORK
STATE OF ~~MARYLAND~~
~~CITY~~/COUNTY OF ~~BROOME~~

I HEREBY CERTIFY that on this 9TH day of DECEMBER, 1996, a Notary Public of the State of ~~MARYLAND~~ ^{NEW YORK} and (~~City~~/County), OF BROOME, personally appeared Richard Normile, Ph.D., License No. 434, and made oath in due form of law that

signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESS my hand and Notarial Seal.


Notary 

Richard J. G...
Notary Public, State of New York
Qualified in Broome County
My Commission Expires May 31, 19 28

My Commission Expires: _____

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