

**IN THE MATTER OF  
KRISTINA E. LYHUS, PH.D.**

**Respondent**

**License Number: 05084**

**\* BEFORE THE MARYLAND  
\* STATE BOARD OF EXAMINERS  
\* OF PSYCHOLOGISTS**

**\* Case Number: 2013-015**

\* \* \* \* \*

**FINAL ORDER**

On the 20th day of May, 2013, the Maryland State Board of Examiners of Psychologists (the "Board") notified **KRISTINA E. LYHUS, PH.D.** (the "Respondent"), License Number 05084, of its intent to revoke her license to practice psychology in the State of Maryland under the Maryland Psychologists Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 18-101 *et seq.* (2009 Repl. Vol.).

Specifically, the Board based its intent to revoke on the Respondent's violation of the following provisions of the Act under Health Occ. § 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;
- (14) Is professionally, physically, or mentally incompetent;
- (16) Behaves immorally in the practice of psychology; and
- (17) Commits an act of unprofessional conduct in the practice of psychology.

Additionally, the Board based its intent to revoke on the Respondent's violation of the following provisions of the code of ethics adopted by the Board under Md. Regs. Code ("COMAR") tit. 10, § 36.05:

**.04 Competence.**

**B. Impaired Competence.**

(2) A psychologist may not:

- (b) Engaged in other relationships that could limit the psychologist's objectivity or create a conflict of interest or the appearance of a conflict of interest.

**.07 Client Welfare.**

**B. Exploitation. A psychologist may not:**

- (1) Exploit or harm clients, colleagues, students, research participants, or others;
- (3) Exploits the trust and dependency of clients, students, and subordinates;
- (5) Enter into a new nonpsychological, nonprofessional relationship with a former client that is considered exploitative dependent on, but not limited to:
  - (a) The nature, duration, and intensity of professional services rendered to the client;
  - (b) The length of the professional relationship;
  - (c) The length of time between the termination of the professional relationship and the initiation of the nonprofessional relationship;
  - (d) The mental stability of the psychologist and former client;
  - (e) The circumstances of termination, including, but not limited to, statements or actions of the psychologist suggesting or inviting the possibility of a post-termination relationship; and

(f) The likelihood of adverse impact on the client.

C. Sexual Misconduct. A psychologist may not:

- (1) Engage in sexual intimacies with a current client;
- (2) Engaged in sexual intimacies with a former client:
  - (a) For at least 2 years after the cessation or termination of professional services.

In its Notice, the Board informed the Respondent that she had the opportunity to request a hearing before the Board by submitting a request in writing to the Board's Executive Director within thirty days of service of the Notice. More than thirty days have elapsed since the service of the Notice on the Respondent, and the Respondent has not requested a hearing.

### **FINDINGS OF FACT**

The Board makes the following findings of fact:

#### **BACKGROUND**

1. At all times relevant hereto, the Respondent was and is licensed to practice psychology in the State of Maryland. The Respondent was originally licensed to practice psychology in the State of Maryland on April 30, 2012, under License Number 05084. The Respondent's license is current through March 31, 2014.

2. At all times relevant hereto, the Respondent was employed as a psychotherapist at a behavioral health clinic ("Clinic A")<sup>1</sup> in Maryland. The Respondent worked at Clinic A from approximately June 2012 to January 2013, when she was terminated from her employment.

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<sup>1</sup> To ensure confidentiality, the names of individuals and facilities involved in this case are not disclosed in this document.

## **BOARD INVESTIGATION**

3. On or about January 15, 2013, the Board received a complaint from the president of Clinic A ("Complainant") alleging that on January 8, 2013, the Respondent invited several patients from Clinic A to her apartment and engaged in inappropriate behaviors with them, which included consumption of alcohol and sexual activities with one of the patients ("Patient A"). Later during the day, a female patient who was invited to the Respondent's apartment ("Patient B") called Clinic A and requested someone to pick her up, stating that she felt uncomfortable with the activities that were occurring at the Respondent's apartment. The following day, the Complainant spoke to Patient B, who stated that while she was in the Respondent's apartment on January 8, 2013, the Respondent served alcohol to the patients and engaged in sexual relations with one of the male patients ("Patient B") in her bedroom. The Complainant further stated that the Respondent called him on January 14, 2013, and asked him when she could return to work, at which time he told the Respondent that she was terminated from her employment.

4. Based on the complaint, the Board initiated an investigation of the Respondent, which included, but was not limited to, interviewing witnesses and the Respondent, and obtaining the Respondent's personnel file and patient therapy records from Clinic A.

5. Board investigation found evidence that on or about January 8, 2013, the Respondent engaged in unprofessional and unethical behaviors involving several patients, which included the following boundary and non-boundary violations: drinking alcohol the night before and smelling of alcohol on the day she was scheduled to work

at Clinic A on or about January 8, 2013; bringing an open container of alcohol (beer) with her when she was scheduled to work at Clinic A on or about January 8, 2013; inviting three patients to her apartment after leaving Clinic A and having one of the patients purchase a bottle of vodka while on their way to her apartment; providing vodka to and drinking vodka with the three patients in her apartment; and having sexual relations with and being engaged to one of the patients.

6. The details of the Board's findings are set forth *infra*.

### **UNPROFESSIONAL AND UNETHICAL BEHAVIORS**

7. In or around December 2012, the Respondent made a request to the Complainant for a leave of absence from Clinic A, stating that she was being harassed by a stalker, which she stated reopened past emotional issues. The Complainant agreed that the Respondent could be on leave until January 8, 2013, when she would return to work.

8. On or about January 8, 2013, at approximately 11:00 a.m., the Respondent appeared at Clinic A in a disheveled and intoxicated state, and having a strong odor of alcohol on her breath. The Respondent met with the Complainant and a staff member ("Staff Person A") in an office and told them that she had decided to pursue her dream of making a movie instead of practicing psychology. The Complainant encouraged her to resolve her issues, gave her \$20 for cab fare and escorted her out of Clinic A.

9. While waiting for a taxi outside, the Respondent solicited Patients A, B and a third male patient ("Patient C") to participate in the movie she planned to make and invited them to her apartment.

10. Patients A, B and C were mental health patients at Clinic A, all of whom were diagnosed with serious psychological issues. Both Patients A and B had received direct therapy from the Respondent within the past few months. Patient C was receiving therapy from other therapists at Clinic A.

11. On the way to the apartment, the Respondent stopped by a liquor store and had Patient A go into the store to purchase a 750 ml bottle of vodka.

12. After arriving at her apartment, the Respondent and the three patients began talking and consuming vodka. During the conversation, the Respondent made disparaging remarks about the Complainant and Staff Person A, and made sexual advances towards Patients A and C.

13. Patient C felt extremely uncomfortable about the Respondent's sexual advances toward him and her disparaging remarks about the Complainant, who was Patient C's therapist. Not long thereafter, Patient C left the Respondent's apartment, feeling angry and confused.

14. In the meantime, Patient B stayed and continued to consume vodka with the Respondent and Patient A. At one point in time, the Respondent began kissing Patient A in front of Patient B. The Respondent and Patient A then went into the bedroom with the door partially closed and engaged in sexual relations.

15. While waiting outside the Respondent's bedroom, Patient B began to feel extremely uncomfortable because she was able to overhear the Respondent and Patient A engaging in sexual activities through the partially opened bedroom door. As a result, Patient B telephoned Clinic A and asked that someone come and pick her up.

Shortly thereafter, a staff member from Clinic A went to the Respondent's apartment and picked up Patient B.

### **THE RESPONDENT'S BOARD INTERVIEW**

16. On or about February 11, 2013, the Respondent agreed to a telephone interview with a Board investigator. At the time of the telephone interview, Patient A was present in the room with the Respondent. At one point in time during the telephone call, the Respondent handed the telephone receiver to Patient A, whom the Board investigator also interviewed.

17. During the telephone interview, the Respondent admitted to: drinking alcohol the night before her scheduled work at Clinic A on or about January 8, 2013; bringing an open container of beer with her to Clinic A on or about January 8, 2013; inviting Patients A, B and C to her apartment after leaving Clinic A and having Patient A purchase a bottle of vodka while on their way to her apartment; drinking vodka with Patients A, B and C in her apartment; and having a relationship with and being engaged to Patient A.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Health Occ. § 18-313(7) when she violated the code of ethics adopted by the Board under § 18-311, specifically, for: engaging in other relationships that could limit her objectivity or create a conflict of interest or the appearance of a conflict of interest as a psychologist, in violation of COMAR 10.36.04.04B(2)(b); exploiting or harming clients, colleagues, or others, in violation of COMAR 10.36.05.07B(1); exploiting the trust and dependency of clients, in violation of

COMAR 10.36.05.07B(3); entering into a new nonpsychological, non professional relationship with a former client that is considered exploitative, in violation of COMAR 10.36.05.07B(5); engaging in sexual intimacies with a current client, in violation of COMAR 10.36.05.07C(1); and engaging in sexual intimacies with a former client within 2 years after the cessation or termination of professional services, in violation of COMAR 10.36.05.07C(2); and the Respondent violated Health Occ. § 18-313(14) by being professionally, physically, or mentally incompetent; violated Health Occ. § 18-313(16) by behaving immorally in the practice of psychology; and violated Health Occ. § 18-313(17) by committing an act of unprofessional conduct in the practice of psychology, based on the following reasons:

- a. drinking alcohol the night before and smelling of alcohol on the day she was scheduled to work at Clinic A on or about January 8, 2013;
- b. bringing an open container of alcohol (beer) with her when she was scheduled to work at Clinic A on or about January 8, 2013;
- c. inviting Patients A, B and C to her apartment after leaving Clinic A and having Patient A purchase a bottle of vodka while on their way to her apartment;
- d. providing vodka to and drinking vodka with Patients A, B and C in her apartment; and
- e. having sexual relations with and becoming engaged to Patient A.

**ORDER**

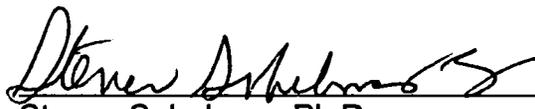
Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of a majority of the Board considering this case:

**ORDERED** that the Respondent Kristina E. Lyhus, Ph.D.'s license to practice psychology in the State of Maryland under License Number 05084, be and hereby is **REVOKED**; and it is further

**ORDERED** that the Respondent is prohibited from practicing psychology in the State of Maryland; and it is further

**ORDERED** that this Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't §§ 10-611 *et seq.* (2009 Repl. Vol.).

June 24, 2013  
Date

  
Steven Sobelman, Ph.D.  
Chair  
Maryland State Board of Examiners  
of Psychologists

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. § 18-316(b) (2009 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in the Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2009 Repl.) and Title 7, Chapter 200 of the Maryland Rules.