IN THE MATTER OF	*	**BEFORE THE STATE BOARD**
SPENCER COOPER, Ph.D.	*	**OF EXAMINERS OF**
Respondent	*	**PSYCHOLOGISTS**
License No. 1170	*	**Case Number: 2013-027**

* *

CONSENT ORDER

The Maryland State Board of Examiners of Psychologists (the "Board") charged **Spencer Cooper, Ph.D.** (the "Respondent"), License Number: 1170, with violations under the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 18-101, *et seq.* (2009 & 2014 Repl. Vol.)[1] and related regulations.

Specifically, the Board charged the Respondent with violating the following provisions of H.O. § 18-313:

> **§ 18-313. Denials, reprimands, suspensions, and revocations–Grounds.**
>
> 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;
>
> (17) Commits an act of unprofessional conduct in the practice of psychology; and
>
> (20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology.

The Board also charged the Respondent with violating one or more of the

[1]This statute has been recodified at H.O. II. Code Ann. §§ 18-101, *et seq.*, (2014 Repl. Vol.).

following provisions of the Code of Ethics and Professional Conduct, as set forth in Code Md. Regs. ("COMAR") tit. 10, § 36.05.

COMAR 10.36.05 Code of Ethics and Professional Conduct

.03 Responsibilities and Requirements.

A. In General.

(2) A psychologist may not:

(b) Intimidate or influence an individual to withhold or change testimony in /hearings or proceedings before the Board or those otherwise delegated to the Office of Administrative Hearings.

.04 Competence.

A. Professional Competence. A psychologist shall:

(6) Engage in ongoing consultation with other psychologists or relevant professionals and seek appropriate education, training, and experience, when developing competence in a new service or technique; and

(7) Document and maintain appropriate records of professional and scientific work.

.07 Client Welfare.

B. Exploitation. A psychologist may not:

(1) Exploit or harm clients, colleagues, students, research participants, or others;

(2) Take actions that violate or diminish the legal and civil rights of clients or of others who may be affected by the action;

(3) Exploit the trust and dependency of clients, students, and subordinates;

(4) Allow personal, social, religious, organizational, financial, or political situations and pressures to lead to a misuse of their influence[.]

F. Termination of Services. A psychologist shall:

(1) Make or recommend referral to other professional, technical, or administrative resources if the referral is clearly in the best interest of the client; and

(2) Unless precluded by the actions of the client, terminate the professional relationship in an appropriate manner, notify the client in writing of this termination, and assist the client in obtaining services from another professional, if:

(a) It is reasonably clear the client is not benefiting from the relationship;

(b) A multiple relationship develops or is discovered after the professional relationship has been initiated;

(c) Impaired competency or objectivity develops or is discovered after a professional relationship has been initiated; or

(d) The psychologist has been threatened or otherwise endangered by the client or another person with whom the client has a relationship.

.08 Confidentiality and Client Records.

C. Record Keeping. A psychologist shall:

(1) Keep records of a patient's condition and assessment results;

(2) Maintain clinical records of informed consent, presenting problems, diagnosis, fee arrangements, dates and substance of each billed service, original test data with results and other evaluative material, and the results of any formal consultations with other professionals.

FINDINGS OF FACT

BACKGROUND

The Board makes the following Findings of Fact:

1. At all times the relevant to the charges, the Respondent was and is licensed to practice psychology in the State of Maryland. The Respondent was originally issued a license to practice psychology in the State of Maryland on November 18, 1978, and his current license to practice psychology expires on January 31, 2015.

2. At all times relevant to the charges, the Respondent was providing therapy and counseling services for clients through his private practice.

3. The Board initiated an investigation after receiving a complaint from the mother of a client ("Client A"),[2] who had been referred to the Respondent for court ordered counseling with her boyfriend ("Client B") by the Charles County Department of Social Services as a result of a Child In Need Of Assistance (CINA) case.[3] The Complaint alleged that the Respondent filed an incomplete report with the Charles County Department of Social Services, and abruptly terminated therapy with Clients A and B without making appropriate referrals for follow-up counseling.

4. The Complainant stated that the Respondent provided a letter to the Charles County Department of Social Services, regarding the status of counseling for Clients A and B. In the letter, which was later submitted in a court proceeding, the Respondent indicated that counseling sessions with clients A and B had been completed successfully and the counseling relationship terminated.

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[2]The names of Clients A and B are not included in this document in order to protect the privacy of the clients. This information, however, will be provided to the Respondent if requested.

[3]A CINA case is an investigation of reported child abuse or neglect initiated by a local Department of social services, which may include court action if social services files a petition alleging neglect and/or abuse with the appropriate court.

5. According to the Complainant, the counseling was terminated abruptly when Client B threatened the Respondent. The Complainant also stated that the therapy was not terminated on the date indicated in the Respondent's report submitted to the Court.

6. The Complainant alleged that Client B later assaulted Client A, and in a separate incident caused injury to their minor child. Based on the above complaint, the Board initiated an investigation The Board's investigative findings are set forth *infra.*

BOARD INVESTIGATIVE FINDINGS

7. Board staff interviewed Client A, who stated that she and Client B began couples counseling with the Respondent in or about August 2012, and that several months later the Respondent started providing individual counseling to Client B.

8. Client A reported that during a couples counseling session the Respondent recommended that Client B participate in substance abuse counseling, and that Client B responded by saying, "you get my little boy taken away from me, I'm going to come back and spray your office with bullets."

9. Client A reported that in response the Respondent stated "30 some odd years of practice, I have never ever had anybody come in here and threaten me." According to Client A, the Respondent then asked both clients to leave his office, and instructed them not to return.

10. Client A stated that she apologized for Client B's outburst, but the Respondent requested that both of them leave his office. Client A stated that the Respondent did not refer her or Client B to another therapist, and that she was never contacted by the Respondent after the incident in his office.

11. Client A stated that the Respondent sent a letter to Charles County Department of Social Services advising that therapy had been terminated, but did not refer Client B for further counseling. Client A reported that subsequent to the termination of therapy Client B continued to have problems with substance abuse and anger issues. She reported that after counseling was terminated Client B physically assaulted her.

12. Board staff interviewed the Respondent on or about September 17, 2013, regarding the allegations in the Complaint. He stated that he provided counseling services to Clients A and B, who were both substance abusers. He stated that he advised Client B to seek substance abuse counseling, and that client B threatened him with physical harm during a session. He stated that Client B: "....made a harmless threat: "I'll blow this place up if you make me go into treatment. I'll just blow this place up. I'll blow you up and blow this place up."

13. The Respondent stated that he terminated counseling on September 14, 2012, after Client B threatened him. He stated that Client B called him later and apologized, but that he felt that it was important to set limits with Client B by not resuming counseling.

14. The Respondent stated that he later provided a report to social services that Clients A and B had successfully completed counseling. He stated that he did not mention the threats that Client B made in his office, because Client B apologized and he did not think it was a "big deal."

15. The Respondent stated that he provided a report to social services that "revolved around the referral questions; co-parenting and relationship issues, not about custody of a child, who would make a better parent."

16. The Respondent stated that he believed that Client A and her mother were seeking a recommendation regarding who should be awarded custody of Client A and B's minor child, and that he did not believe it was his role to provide such a recommendation.

17. The Respondent provided a letter to Charles County Department of Social Services dated September 12, 2012, which stated:

> This is to certify that Mr. Theodore Mix has started individual psychotherapy. He is currently treatment compliant, although we have not been able to have regular individual sessions due to scheduling difficulties. He has attended two (2) sessions of individual psychotherapy to date. His next appointment for individual psychotherapy is September 19, 2012, at 11:30 am. If additional information is needed, please advise.

18. The Respondent provided a letter to social services dated January 24, 2013, which stated:

> This is to certify that [Clients A and B] were both seen together for treatment from the period of June 25, 2012, through September 14, 2012, During this period significant progress was made in treatment and it appears that both parties gained some insight about their parenting skills. Treatment was terminated on September 14, 2012 with maximal benefit gained.

19. The Respondent did not inform social services[In the September 12, 2012 or January 24, 2013 letter] that Client B made a verbal threat against him that resulted in his decision to terminate counseling with Clients A and B, and he did not make any follow-up recommendations for counseling for Client A or B.

20. The Respondent claims that he terminated therapy with clients A and B on September 14, 2012. He denies that he changed the termination date to a later date.

21. In furtherance of its investigation the Board requested the Respondent's client treatment records for Client's A and B. The records submitted failed to accurately

identify the services provided, failed to describe the client's level of participation, and/or what occurred during the session.

22. The Respondent stated that after he discovered that Client A and her mother had made a Complaint against him with the Board he hired an attorney who advised Client A and her mother that the Respondent would file defamation charges against them if they did not withdraw their Complaint.

23. The Respondent's actions, as set forth above, constitute, in whole or in part, one or more of the following violations of the Act: H.O. § 18-313, (7) violates the code of ethics adopted by the Board under §18-311 of this subtitle; H.O. § 18-313 (12), violates any provision of this title or any regulation adopted by the Board; H.O. § 18-313 (17); commits an act of unprofessional conduct in the practice of psychology; and/or does an act that is inconsistent with generally accepted professional standards in the practice of psychology, in violation of H.O. § 18-313 (20).

24. In addition, the Respondent's actions, as set forth above, constitute violations of the following provisions of COMAR 10.36: COMAR 10.36.05.03A (2) (b); COMAR 10.36.05.04A (6) and (7); COMAR 10.36.05.07B (1-4); COMAR 10.36.05.07F (1) and (2); and 10.36.05.08C (1) and (2).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board finds that the Respondent violated H.O. §§ 18-313 (7), (12), (17), and (20); COMAR 10.36.05.03A (2) (b); COMAR 10.36.05.04A (6) and (7); COMAR 10.36.05.07B (1-4); COMAR 10.36.05.07F (1) and (2); and COMAR 10.36.05.08C (1) and (2).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of April, 2015, by a majority of the quorum of the Board considering this case hereby:

ORDERED that effective the date of this Consent Order, a Reprimand shall be placed on the Respondents license and the Respondent shall be placed on **PROBATION** for a period of **two (2) years,** subject to the following terms and conditions:

1. Within Six months of the date of execution of this Consent Order, the Respondent shall enroll in and successfully complete a Board-approved course in ethics.

2. Within twelve (12) months of the date of execution of this Consent Order, the Respondent shall enroll in and successfully complete a Board-approved course in record keeping.

3. The Respondent shall submit the course description/syllabus to the Board for approval prior to enrolling in a course required under this Order. The Board reserves the right to require the Respondent to provide further information regarding the course he proposes, and further reserves the right to reject the proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and the duration of the course to be adequate to fulfill the Respondent's requirements under this Order. The Respondent shall be responsible for all costs incurred in fulfilling the course

requirements and for submitting to the Board written documentary proof of his successful completion of the course.

3. The courses completed under this Order cannot be used to satisfy the continuing education requirements for the applicable licensure renewal period.

4. The Respondent is responsible for ensuring that he completes the required courses in a timely manner;

5. The Respondent shall meet with a Board approved clinical supervisor, at least monthly for twelve months, who will monitor compliance with the ethical and record keeping requirements of the Maryland Psychologists Act.

AND BE IT FURTHER ORDERED, that the Respondent shall not petition the Board for early termination of his probation or the terms of this Consent Order; and it is further;

ORDERED that the Respondent's failure to comply with any of the conditions of this Consent Order in a timely manner as set out above, shall be considered a violation of this Consent Order; and it is further;

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any other disciplinary sanctions that the Board may have imposed in this case, including additional probationary terms and conditions, reprimand, suspension, revocation and monetary penalty; and it is further

CONSENT

I, Spencer Cooper, Ph.D., License No. 1170, by affixing my signature hereto, acknowledge that:

1. I have consulted with counsel, Brent Ahalt, Esquire, and I have knowingly and voluntarily elected to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Health Occ. Code Ann. § 17-511(2014 Repl. Vol.) and Md. State Gov't Code Ann §§ 10-201 *et seq.* (2014 Repl. Vol.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have 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 as provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. 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 any adverse ruling of the Board that might have followed any such hearing.

ORDERED that the Respondent shall comply with the Maryland Psychologists Act and all applicable laws, statutes and regulations; and it is further

ORDERED that the Respondent may submit a written petition to the Board requesting termination of his probation no earlier than **two (2) YEARS** from the date of commencement of the probationary period, but only if she has fully and satisfactorily complied with all terms and conditions of this Consent Order, including all terms and conditions of probation, and including the expiration of the twelve (12) month period of probation, and there are no pending complaints against her ; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014).

July 10, 2015
Date

Neal Morris, Ed.D., ABPP
Chair, State Board of Examiners
of Psychologists

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice as a licensed professional counselor.

6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6-29-15
Date

Spencer Cooper, Ph.D.
Respondent

NOTARY

STATE OF Maryland

COUNTY OF Montgomery

I HEREBY CERTIFY that on this 29 day of June, 2015, before me, a Notary Public of the State and County aforesaid, personally appeared Spencer Cooper , Ph.D., License Number 1170, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal:

Notary Public

My Commission expires: _____

GENE MOLOVINSKY
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES NOV. 3, 2018