

<p>IN THE MATTER OF</p> <p>TERRENCE W. DUNLOP, Ph.D.</p> <p>Respondent</p> <p>License Number: 01080</p> <p>* * * * *</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE</p> <p>BOARD OF</p> <p>EXAMINERS OF</p> <p>PSYCHOLOGISTS</p> <p>* * * * *</p>
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CONSENT ORDER

PROCEDURAL BACKGROUND

On November 8, 2002, the State Board of Examiners of Psychologists (the "Board") charged Terrence W. Dunlop, Ph.D. (the "Respondent") (D.O.B. 11/29/43), License Number 01080, under the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 18-101 et seq. (2000 Repl. Vol.).

Specifically, the Board charged Respondent with violating the following provisions of H.O. § 18-315:

- (7) Violates the code of ethics adopted by the Board under 18-311 of this subtitle; and
- (17) Commits an act of unprofessional conduct in the practice of psychology [;].

The Board also charged Respondent with a violation of the Code of Ethics and Professional Conduct, Code Md. Regs. tit. 10, § 36.05. The pertinent provision of the Code of Ethics provides the following:

- 08. Psychological Assessment. A psychologist shall:
 - E. Refrain from reproducing or describing psychological tests or other assessment devices in popular publications, lectures, or public presentations in ways that might compromise the validity [;].

On January 10, 2003, a conference with regard to this matter was held before the Case Resolution Conference (the "CRC"). As a result of negotiations entered into before the CRC, Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds the following:

I. Background

1. At all times relevant, Respondent was and is licensed to practice psychology in the State of Maryland. Respondent was originally issued a license to practice psychology in Maryland on or about December 19, 1977. Respondent last renewed his license in January 2002, which license expires March 31, 2004.

2. At all times relevant, Respondent was employed as a Psychological Officer by the Social Security Administration (SSA), Office of Central Operations, Division of Medical/Vocational Policy, Baltimore, Maryland. Respondent's position is that of Chief Psychological Officer, having been employed by the SSA for more than 22 years, wherein he is responsible for setting national policy regarding disability applications.

II. Specific Findings

3. On or about March 3, 2000, the Board received a complaint from a psychologist who, at the time, was a psychological consultant to the North Carolina Department of Social Services. The complaint was in regard to an interactive video training (IVT) session that Respondent conducted on August 3, 1999, and re-broadcast

on August 4, 1999, for the SSA for lay persons in Departments of Social Services throughout the country and all U.S. territories. The complainant alleged that Respondent compromised test security of the WISC-III¹ (Wechsler Intelligence Scale for Children), by exhibiting actual test items, to a training session on mental retardation and intelligence testing attended by lay individuals who worked on the disability determination process.

4. At some time prior to March 1998, Respondent was instructed by his supervisor, who is not a psychologist, to conduct a national training seminar pertaining to disability application procedures. The training was structured for health care professionals involved in the evaluation of disability applications and for policy analysts within SSA. The IVT seminar was a live, interactive broadcast from the SSA offices in Baltimore and was transmitted via satellite to SSA Disability Determination Services nationally and to a couple of the Territories, as well as taped for future viewing. The IVT was also videotaped by the local training departments in the settings where it was shown and thereafter was available for viewing.

5. Respondent was the only psychologist who presented in the IVT. Psychiatrists, psychologists and policy analysts and their supervisors attended the IVT.

6. In the IVT session, Respondent reproduced, demonstrated and described verbatim a portion of the actual items on all but two of the subtests² of the WISC-III, as follows:

- a. Picture completion – out of 30 items on the subtest, Respondent demonstrated items #14, 28, and 30.
- b. Information – out of 30 items on the subtest, Respondent demonstrated

¹ The WISC-III is a psychological assessment commonly used to test the intelligence of children.

² The symbol search and digit span subtests were not compromised.

item # 1, 11, 27, 29, and 30.

- c. Coding - Respondent showed the worksheets for both A and B subtests on the video screen long enough for a person to copy the keys for the symbols on the top of the worksheets.
- d. Similarities - out of 19 items on the subtest, Respondent demonstrated items # 1, 5, 10, 11, 18, and 19.
- e. Arithmetic – out of 24 items on the subtest, Respondent demonstrated items #16, 20, and 24.
- f. Block Design – out of 12 items on the subtest Respondent demonstrated item #3 and Respondent permitted the design cards for items #4, 10 and 12 to be seen.
- g. Vocabulary – out of 30 items on the subtest, Respondent demonstrated items # 1, 13, 17, 23, 29, and 30.
- h. Object Assembly – out of 5 items, Respondent named all 5 of the items.
- i. Comprehension – out of 18 items on the subtest, Respondent demonstrated items # 1, 9, 10, and 18.
- j. Mazes - Respondent showed the most difficult item and one other.

7. According to Respondent, approximately 300 individuals, nationally, viewed the IVT, of whom approximately 1/3 were psychologists and 2/3 policy analysts.

8. According to Respondent, the videotapes of the IVT have been destroyed.

9. Respondent committed an act of unprofessional conduct in the practice of psychology and violated the Code of Ethics and Professional Conduct in that he reproduced and described at the IVT, a presentation where two-thirds of the audience were not psychologists, a portion of the actual items on all but two of the subtests of the WISC-III as described in paragraph 7 above.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that Respondent violated the Code of Ethics adopted by the Board and committed an act of unprofessional conduct in the practice of psychology, in violation of Md. Health Occ. Code Ann. § 18-315(7), (17) and in violation of Code Md. Regs. tit. 10 § 36.05.08(e).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of January, 2003, by a majority of the full-authorized membership of the Board considering this case:

ORDERED that Respondent shall be placed on **PROBATION** for one (1) year subject to the conditions that he shall:

1. Enroll in a Board approved individual educational tutorial or graduate level course in professional ethics, specifically, but not exclusively, focused on reproducing or describing psychological tests in public presentations and general issues of ethical practice including ethical reasoning and decision making;
2. Authorize the Board to provide the tutor, or teacher, with the entire investigative file, including all investigative interviews and investigative reports, the Board's Disciplinary Charges and the Consent Order;
3. Ensure that the tutor, or teacher, submits to the Board an assessment at the completion of the educational tutorial or course which includes a report of attendance, participation and completion of assignments, including a copy of any essay or other written assignment, if any, which Respondent is required to write;

4. Successfully complete the individual tutorial or course in professional ethics;

5. Maintain the required amount of continuing education units (CEUs) requisite for licensure renewal in addition to the individual tutorial or course;

6. Be responsible for all costs associated with fulfilling the terms and conditions of this Consent Order; and be it further

ORDERED that Respondent shall not engage in the conduct as described in the Findings of Fact; and be it further

ORDERED that Respondent will comply and practice within all statutes and regulations governing the practice of psychology in the State of Maryland; and be it further

ORDERED that any violation of any of the terms of this Order shall constitute unprofessional conduct; and be it further

ORDERED that if Respondent has satisfactorily complied with all conditions of probation, and there are no outstanding complaints regarding Respondent's practice, Respondent may petition the Board for termination of probation without further conditions or restrictions after the **one (1) year period of PROBATION** imposed under this Consent Order; and be it further

ORDERED that if the Board has probable cause to believe that Respondent presents a danger to the public health, safety or welfare, the Board, **WITHOUT PRIOR NOTICE AND AN OPPORTUNITY FOR A HEARING, MAY SUMMARILY SUSPEND THE RESPONDENT'S LICENSE**, provided that Respondent is given notice of the Board's action and an opportunity for a hearing within thirty (30) days after requesting

same in accordance with Md. State Govt. Code Ann. § 10-226(c) (2000 Supp.); and be it further

ORDERED that if the Board has probable cause to believe that Respondent has violated any of the terms or conditions of this Order as set forth herein, the Board, after notice and an opportunity for a Show Cause Hearing before the Board, and upon a determination of a violation, may impose any other disciplinary sanction it deems appropriate under H.O. § 18-313, said violation to be proven by a preponderance of the evidence and said failure to be deemed a violation of this Order; and be it further

ORDERED that this Consent Order is a public document pursuant to Md. State Govt. Code Ann. § 10-611 *et seq.*

1/28/2003

Date



William D. A. Musick, Ph.D., Chair
Board of Examiners of Psychologists

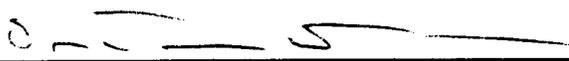
CONSENT

I, Terrence W. Dunlop, Ph.D., acknowledge that I am not represented by counsel, I understand that I have the right to consult with counsel before entering into this Consent Order and have decided not to do so. By this consent, I hereby admit the Findings of Fact and Conclusions of Law and submit to the foregoing Consent Order, consisting of 9 pages.

I acknowledge the validity of this Consent Order as if entered after the conclusion of 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 the law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

01/24/03
Date

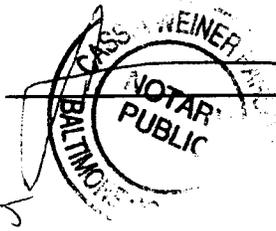


Terrence W. Dunlop, Ph.D.
Respondent

STATE OF MARYLAND

COUNTY OF Baltimore

I HEREBY CERTIFY that on this 24th day of January, 2003, before me, and the subscriber, a Notary Public of the State of Maryland, and in for the County aforesaid, personally appeared Terrence W. Dunlop, Ph.D., who made oath in due form of law that he is the person described herein, who executed the above instrument and acknowledged to me the act of signing and sealing thereof.

 _____ (SEAL)

MY COMMISSION EXPIRES: 10/01/05

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