

IN THE <u>MATTER</u> OF	*	BEFORE THE STATE BOARD
DONALD HUDSON, Ph.D.	*	OF EXAMINERS FOR
License No. 2133	*	PSYCHOLOGISTS
Respondent	*	
* * * * *		

CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Examiners for Psychologists (the "Board"), and subject to Health Occupations Article, §18-313, Annotated Code of Maryland (the "Act"), the Board charged Donald Hudson, Ph.D., License number 2133 (the "Respondent"), with violation of §18-313 of the Act.

Specifically, the Board charges the Respondent with violation of the following provisions:

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;

The Code of Ethics adopted by the Board pursuant to §18-311 provides, in part, as follows:

Psychologists respect the dignity and worth of the individual and strive for the preservation and protection of fundamental human rights. They are committed to increasing knowledge of human behavior and of people's understanding of themselves and others and to the utilization of such knowledge for the promotion of human welfare. While pursuing these objectives, they make every effort to protect the welfare of those who seek their services and of the research participants that may be the object of study. They use their skills only for purposes consistent with these values and do not knowingly permit their misuse by

others. While demanding for themselves freedom of inquiry and communication, psychologists accept the responsibility this freedom requires: competence, objectivity in the application of skills, and concern for the best interests of clients, colleagues, students, research participants, and society. In the pursuit of these ideals, psychologists subscribe to principles in the following areas: 1. Responsibility, 2. Competence, 3. Moral and Legal Standards, 4. Public Statements, 5. Confidentiality, 6. Welfare of the Consumer, 7. Professional Relationships, 8. Assessment Techniques, 9. Research With Human Participants, and 10. Care and Use of Animals.

Acceptance of membership in the American Psychological Association commits the member to adherence to these principles.

Psychologists cooperate with duly constituted committees of the American Psychological Association, in particular, the Committee on Scientific and Professional Ethics and Conduct, by responding to inquiries promptly and completely. Members also respond promptly and completely to inquiries from duly constituted state association ethics committees and professional standards review committees.

Principle 1 - Responsibility - In providing services, psychologists maintain the highest standards of their profession. They accept responsibility for the consequences of their acts and make every effort to ensure that their services are used appropriately.

- e. As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship by presenting psychological information objectively, fully, and accurately.

Principle 2 - Competence - The maintenance of high standards of competence is a responsibility shared by all psychologists in the interest of the public and profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques. They only provide services and only use techniques for which they are qualified by training and experience. In those areas in which recognized standards do not exist, psychologists take whatever precautions are necessary to protect the welfare of their clients. They maintain knowledge of current scientific and professional information related to the

services they render.

- f. Psychologists recognize that personal problems and conflicts may interfere with professional effectiveness. Accordingly, they refrain from undertaking any activity in which their personal problems are likely to lead to inadequate performance or harm to a client, colleague, student, or research participant. If engaged in such activity when they become aware of their personal problems, they seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional and/or scientific activities.

Principle 6 - Welfare of the Consumer - Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When conflicts of interest arise between clients and psychologists' employing institutions, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative, treatment, educational, or training procedure, and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

- a. Psychologists are continually cognizant of their own needs and of their potentially influential position vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting the trust and dependency of such persons. Psychologists make every effort to avoid dual relationships that could impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, research with and treatment of employees, students, supervisees, close friends or relatives. Sexual intimacies with clients are unethical.

Principle 7 - Professional Relationships - Psychologists act with due regard for the needs, special competencies, and obligations of their colleagues in psychology and other professions. They respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

- d. Psychologists do not exploit their professional relationships with clients, supervisees, students, employees, or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document sent to Respondent on August 13, 1993. This matter was referred to the Office of Administrative Hearings. During the pendency of this action, the Board reviewed the recommended settlement proposed by the Administrative Prosecutor and the Respondent. Following the Board's review, the parties and the Board agreed to resolve the administrative charges by way of settlement.

FINDING OF FACT

1. At all times relevant to the charges herein, Respondent was licensed to practice psychology in the State of Maryland.
2. In the fall of 1987, complainant¹ enrolled in a course of studies with the intent of pursuing a doctorate in pastoral counseling. During her studies in the pastoral counseling program, complainant took three courses from the Respondent. The first course, Clinical Case Conference which commenced in the fall of 1988 and concluded in December of 1988; the second commenced in January of 1989, Interdisciplinary Case Conference concluded in May of 1989. Both were non-doctoral, graduate level

¹Complainant's name is confidential but her identity has been disclosed to Respondent's counsel.

courses, in Clinical Case Supervision. The clinical supervision course involved the clinical supervision of ongoing counseling sessions through student presentations and focused on the psychodynamics of counseling relationship, and management of case and legal ethics issues. The course included clinical review of the interdynamics between the student and the patient/client. The course required that the Respondent provide analysis, guidance and direction to the complainant so the complainant could develop the skills and knowledge to develop professionally as a counselor and be an effective in the counseling relationship with her client/patient.

3. As part of the course curriculum, Respondent critiqued, evaluated and discussed complainant's professional growth as a therapist and her case development. Formal evaluation of each student occurred at the end of both semesters. On December 14, 1988, complainant met with Respondent for the purpose of conducting a scheduled evaluation. During the course of this evaluation, complainant shared with Respondent her concerns about herself, her career development and her future. In response to Respondent's questions, complainant shared with the Respondent personal intimacies. After sharing these concerns and personal intimacies, the complainant and the Respondent discussed her career development.

4. In May of 1989, Respondent recommended complainant for participation for the doctoral program of studies. In September of 1989, Respondent entered her doctoral studies. In January

1990, she enrolled as a student in a class on neurosubstrates of human behavior taught by the Respondent. This was a one-semester course to study brain behavior relationships related to neuropsychological aspects of clinical practice. The course covered neuroanatomy, psychotropic drug influence, learning theory and perception.

5. On September 9, 1990, after her course had ended, complainant, no longer being a student in Respondent's classes, had a chance encounter with Respondent in the parking lot of the University campus. At that time, she informed Respondent that she was involved in an internship and teaching a college level course in an adult education program at the college. As a result of this encounter, Respondent suggested to complainant that they meet to discuss her academic and career development, which they did on September 25, 1990. She discussed her internship, her general career goals and a potential topic for her doctoral dissertation. During the course of this conversation, Respondent indicated to the complainant that he felt she was under stress and that she could use a "massage." Respondent indicated to the complainant that he had learned the massage technique while studying in California. Respondent advised complainant that he would teach her the massage technique, there would be no fee for the massage, as she could reciprocate for what she learned by massaging Respondent. Respondent advised the complainant that the massage was a professional method by which to relieve stress. During the massage, Respondent engaged in sexual intimacies with

the complainant.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that Respondent violated §18-311 of the Act and the standard of ethics as established by the Board pursuant to COMAR 10.36.01.09.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 16th day of September, 1994, by a majority of a quorum of the Board,

ORDERED that Respondent shall be placed on PROBATION for a period of three (3) years, subject to the following conditions:

1. The Respondent shall attend therapy, as determined by the Board, to continue until such time as the Board determines that therapy is no longer required;
2. Respondent will not accept any teaching position during the period of probation;
3. Respondent shall attend ethics courses as required by the Board;
4. Respondent shall obtain monthly supervisory peer review of his practice, which would include a review of relationships with his patients, by a psychologist approved by the Board, for a period of one (1) year subject to the determination by the Board that further supervision is not necessary; and be it further

ORDERED that this is a Final Order and as such is a public document pursuant to §10-611 et seq. of the State Government

Article, Annotated Code of Maryland; and be it further

ORDERED that for purposes of public disclosure as permitted by Maryland State Government Article, §10-617(h) of the Md. Annotated Code, this document consists of the foregoing Findings of Fact, Conclusions of Law and Order.

October 28, 1994

Date

W. Sherod Williams

W. Sherod Williams, Ph.D.

Chair

Board of Examiners of
Psychologists

CONSENT OF DONALD HUDSON, Ph.D.

I, Donald Hudson, Ph.D., by affixing my signature hereto, acknowledge that:

1. I am represented by Richard Block, Esquire, and I have had the opportunity to consult with counsel before signing this document;

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 §16-313 of the Act and §10-205 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.

By this Consent Order, 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 §10-205 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 §10-215 of the Administrative Procedure Act. I acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice psychology in the State of Maryland.

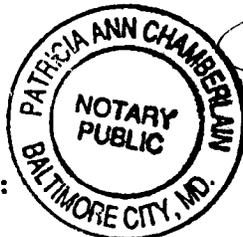
10-26-94
Date

Donald W. Hudson Ph.D.
Donald Hudson, Ph.D.

STATE OF MARYLAND
~~CITY/COUNTY~~ OF: Baltimore

I HEREBY CERTIFY that on this 26th day of October, 1994, a Notary Public of the State and City/County aforesaid, personally appeared Donald Hudson, Ph.D., License No. 2133, 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 WITNESSETH my hand and notarial seal.



Patricia Ann Chamberlain
Notary Public

My Commission Expires:

hudson.co2

6-5-96