

IN THE MATTER OF
BARBARA LOVE, Ph.D.

Respondent

License No. 2672

* BEFORE THE STATE BOARD
* OF EXAMINERS OF
* PSYCHOLOGISTS
* Case Number: 2012-002 &018

* * * * *

CONSENT ORDER

The Maryland State Board of Examiners of Psychologists (the "Board") charged **Barbara Love, Ph.D.** (the "Respondent"), D.O.B. 9-13-53, License Number: 2672, with violating certain provisions of the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 18-101, *et seq.* (2009 Repl. Vol.) and related regulations.

The pertinent provisions of the Act and regulations provide as follows:

**H. O. § 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:

- (19) Fails to cooperate with a lawful investigation conducted by the Board.
- (20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology.

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

.08 Confidentiality and Client Records.

A. A psychologist shall:

(4) Release mental health records or other confidential information only as permitted or required by law;

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; [and]

(6) Provide evaluations or treatment reports within a reasonable time consistent with State and federal laws on proper and lawful requests by a client, insurance carrier, court, institution, or other authorized health provider.

FINDINGS OF FACT

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.

2. At all times relevant to the charges the Respondent maintained an office for the practice of psychology in the State of Maryland.

3. On or about August 1, 2011, the Board received a complaint from the parent of a minor patient ("Patient A")¹ that the Respondent failed to send a report of Patient A's psychological evaluation to the referring physician.

¹Patient A is not identified in this document in order to protect the privacy of the patient. This information, however, will be provided to the Respondent upon request.

4. On or about December 20, 2011, the Board received a second complaint from a Patient (Patient B),² who alleged that the Respondent performed a neuropsychological evaluation, but failed to provide the results to Patient B's health care providers in a timely manner.

5. Based on the above complaint, the Board initiated an investigation of these allegations. The Board's investigative findings are set forth *infra*.

BOARD INVESTIGATIVE FINDINGS

Patient A

6. On or about August 1, 2011, the Board received a complaint from the mother of Patient A that the Respondent failed to send a psychological evaluation performed on Patient A to the referring primary care physician in a timely manner.

7. Patient A was referred to the Respondent by his primary care physician for an evaluation for ADHD issues. The Respondent met with Patient A and performed the evaluation in or about February and March of 2011.

8. On or about April 5, 2011, Patient A's parents discussed the results of the evaluation with the Respondent, who recommended that Patient A be placed on medication for ADHD related problems. The Respondent agreed to contact Patient A's primary care physician to discuss the evaluation, and she agreed to provide a written report to the primary care physician.

9. Patient A's mother made repeated calls and left messages at the Respondent's office requesting the evaluation report, but her calls were not returned. On or about June 23, 2011, she sent a letter to the Respondent's office requesting the

²Patient B is not identified in this document in order to protect the privacy of the patient. This information, however, will be provided to the Respondent upon request.

report. Subsequently, in August 2011, Patient A's mother filed a complaint with the Board.

10. Board staff attempted to schedule an interview with the Respondent between November 16, 2011 and February of 2012. The Respondent, however, failed to contact the Board in a timely manner to schedule the interviews.

11. Board staff interviewed the Respondent on or about February 16, 2012, regarding the allegations in the complaint. The Respondent stated that she left a message with Patient A's primary care physician on or about April 5, 2011, regarding the findings of the evaluation.

12. Patient A's primary care physician, however, informed Board staff that she received one phone message from the Respondent, and that she attempted to contact the Respondent at least twice, but never received a return call from the Respondent.

13. The Respondent stated in her interview with Board staff that she mailed the report to Patient's A's parents on or about June 30, 2011, by placing it in an envelope and mailing it through the U. S. Postal Service ("USPS"), regular postage. She was later advised by Patient A's parents that the zip code on the envelope was incorrect, and that the report was never received. The Respondent resent the report, and Patient A's parents received a copy of the report in or about February 2012.

14. The Respondent's failure to transmit the evaluation report in a timely manner delayed Patient A's treatment for ADHD.

Patient B

15. The Board's investigation determined that Patient B presented to the Respondent for psychological testing in July and August of 2011, and signed a medical information release agreeing to have the test results forwarded to her health care provider ("Provider A").³

16. In or about September 2011, Patient B contacted Provider A, and was informed that Provider A had not received a copy of the Respondent's report. Patient B called the Respondent and left several messages asking about the report, and requesting that the Respondent send a copy of the report to Provider A.

17. Provider A also made repeated calls to the Respondent in September and October, 2011, requesting that the Respondent forward a copy of her report to Provider A.

18. Patient B contacted her Health Insurance Company ("Company A"), and requested their assistance in obtaining the report. On or about October 10, 2011, a representative of Company A telefaxed a copy of a medical records request for the report to the Respondent. Company A contacted the Respondent by phone on October 6, 10, 12, and 13, 2011, and left messages requesting that the report be forwarded to Provider A.

19. On or about October 17, 2011, the Respondent contacted Company A, and informed a Company A representative that she sent the report to Provider A in September. The Respondent, however, indicated that she would send a second report by priority mail.

³Provider A and the other health care providers involved in this case are not identified by name in order to protect the privacy of the providers. This information, however, is available upon request.

20. On or about November 9, 2011, Patient B contacted Company A, and advised that the Respondent never sent a copy of the report to Provider A. A representative for Company A then left telephone messages on or about November 9 and 15, informing the Respondent that the report had not been received.

21. In or about December 2011, Patient B filed a complaint with the Board alleging that the Respondent failed to provide Provider A with a copy of the report in a timely manner.

22. On or about May 1, 2012, Board staff sent a letter via the U.S. Postal Service (USPS) mail to the Respondent requesting that she confirm her appearance for an interview at the Board on May 17 or 18, 2012. The letter also requested that the Respondent provide a copy of Patient B's medical records. The letter was not returned to the Board as undeliverable. The Respondent, however, failed to schedule an interview for May 17 or 18, 2012.

23. On or about May 29, 2012, Board Staff issued a Subpoena Duces Tecum to the Respondent via USPS requesting that she appear at the Board on June 15, 2012, and provide sworn testimony as well as a copy of Patient B's medical record. Board staff determined that USPS left a notice at Respondent's office advising that Respondent needed to claim the package sent by the Board within 15 days. The Respondent did not contact the Board to confirm the interview scheduled for June 15.

24. On or about June 19, 2012, Board staff left a message at the Respondent's office requesting that she contact the Board in regards to scheduling an interview. On or about June 20, 2012, the Respondent contacted Board staff and

agreed to an interview on June 29, 2012. On June 26, 2012, the Respondent contacted the Board and advised that her attorney was unavailable on June 29, 2012.

25. The interview was subsequently scheduled for July 2, 2012, and then rescheduled by the Board for August 23, 2012 due to a power outage at the Board's offices. The Respondent failed to appear on August 23, and the meeting was scheduled for August 28, 2012.

26. Board Staff interviewed the Respondent on or about August 28, 2012, regarding the allegations in Patient B's complaint. The Respondent stated that she completed the report on September 30th, 2011, and that she put the report in the mail to Provider A on September 30th or October 1, 2011. She, however, could not provide confirmation that the report was actually mailed.

27. The Respondent admitted during the Board interview that she had failed to adequately document the request for the evaluation report and her processing of that request in her records, and that she was in the process of implementing changes in her office routine to rectify the problems that occurred in the processing of Patient B's request for a copy of the evaluation report.

28. Board staff interviewed a representative of Company A, who informed Board staff that Provider A did not receive a copy of the report in September or October 2011. As of the date of the Board interview (August 28, 2012) Provider A had not received a copy of the evaluation report from the Respondent.

29. The Respondent also stated during her Board interview that she provided Patient B with a copy of the report in June 2012.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact the Board concludes that the Respondent violated H.O. § 18-313 (19) and (20); Code of Md. Regs. tit. 10 §§ 36.05.08A(4); and 36.05.08C(1), (2), and (6).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 8th day of November, 2013, by a majority of the quorum of the Board considering this case hereby:

ORDERED that effective the date of this Consent Order, the Respondent's shall be placed on **PROBATION** for a period of **ONE (1) year**, subject to the following terms and conditions:

1. The Respondent shall pay a fine of two thousand dollars (\$2,000) to the Board within ninety days of the execution of this Consent Order.;
2. During the **ONE (1) Year** period of probation to begin on the date of execution of this Consent Order, the Respondent's psychology practice shall be supervised, at her own expense, by a Board assigned, licensed psychologist, who will review her clinical and administrative record keeping, practice organization, and compliance with requests for records, reports and evaluations;
3. The Respondent shall meet face to face monthly with the supervisor, and the supervisor shall submit quarterly reports to the Board regarding the Respondent's compliance with appropriate clinical and administrative record keeping, practice organization, and timely compliance with

- requests for records, reports, and evaluations;
4. After completion of one (1) year of probation, the Respondent may petition the Board for termination of probation provided that she has been fully compliant with the terms of probation and there are no pending complaints filed against her;
 5. An unsatisfactory report from the Respondent's supervisor may constitute a violation of probation and of this Consent Order; and
 6. The Board reserves the right to extend the probationary period should the supervisor's report indicate failure to adhere to the monitored practice standards or should there be insufficient data on which to base a report and recommendation

AND BE IT FURTHER ORDERED, that the Respondent shall not petition the Board for early termination of her 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

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 her probation no earlier than one year 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 one year period of probation, and there are any pending complaints against her related to the issues in this case; 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. State Gov't Code Ann. § 10-611 *et seq.* (2009 Repl. Vol.)



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

CONSENT

I, Barbara Love, Ph.D., License No.: 2672, by affixing my signature hereto, acknowledge that:

1. I have consulted with counsel, Rose Matricciani, 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. § 18-315. (2009 Repl. Vol.) and Md. State Gov't Code Ann §§ 10-201 *et seq.* (2009 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.

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.

10/28/13
Date

Barbara Love, Ph.D.
Barbara Love, Ph.D.
Respondent

10/28/13
Date

Rose Matricciani
Rose Matricciani,
Counsel for Respondent

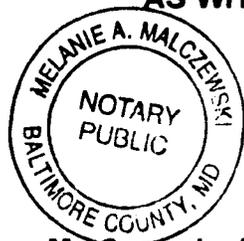
NOTARY

STATE OF Maryland

COUNTY OF Baltimore

I HEREBY CERTIFY that on this 28th day of October, 2013, before me, a Notary Public of the State and County aforesaid, personally appeared Barbara Love, Ph.D., License Number: 2672, 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:



Melanie A. Malczewski
Notary Public

My Commission expires: 10/20/17