

IN THE MATTER OF	*	BEFORE THE BOARD
ERVIN ROSE, Ph.D.	*	OF EXAMINERS
	*	OF PSYCHOLOGISTS
*	*	*

**PROPOSED
FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER**

Upon certain information coming to its attention, the Board of Examiners of Psychologists (the "Board") determined to charge Ervin Rose, Ph.D., (the "Respondent") with certain violations of the Annotated Code of Maryland. The violations charged involve the following subsections of Article 43, Section 636 (b):

- (1) has been guilty of fraud or deceit in connection with his services rendered as a psychologist;¹
- (2) has been guilty of unprofessional conduct as defined by the Rules established by the Board.² (See COMAR 10.34.01.11B).³

¹ This Section was amended and recodified effective July 1, 1981 to Health Occupations Article §16-312(2). There was a change in language but not in substance. Health Occupations Article §16-312(2) states "fraudulently or deceptively uses a license".

² This Section was amended and recodified effective July 1, 1981 to Health Occupations Article §16-312 (7). There was a change of language but not of substance. The Section states: "violates the Code of Ethics adopted by the Board under §16-311 of this subtitle".

³ COMAR 10.34.01.11B (1977) stated that the words "unprofessional conduct" as described in the Psychologists' Certification Act "are defined as being any conduct which violates the Ethical Standards of Psychologists promulgated by the American Psychological Association". Effective December 10, 1982, this regulation was repealed and new regulations adopted. COMAR 10.36.01 states:

.09 Code of Ethics

A. All persons who represent themselves to be psychologists in the State shall adhere strictly to the

Appropriate notice of the charges and the grounds upon which they arose was given to the Respondent on or about October 25, 1977 and a hearing on said charges was held on January 27, 1978 at which time the Respondent appeared with Joseph R. Tyrrell, Jr., Esquire, his attorney. Stephen J. Sfekas, Assistant Attorney General presented the case on behalf of the Board. Jack C. Tranter, Assistant Attorney General advised the Board as to rules of evidence.

The hearing began with Mr. Tyrrell making a Motion to Dismiss the charges which motion was denied by the Board. In connection with this motion, Mr. Tyrrell introduced into evidence as Respondent's Exhibit #1 a copy of a letter dated January 10, 1978 which he sent to the Board.

Following opening statements, Mr. Sfekas presented the State's case. Testimony was heard from the following persons: Mrs. Thomas P. Moran and Eugene L.J. Cord, Ph.D. The following persons were called as witnesses by Mr. Tyrrell: Sara Carroll and Irene C. Hypps, Ph.D. The following documentary evidence was produced:

Footnote continued from page 1

Ethical Standards of Psychologists adopted and published by the American Psychological Association and to any subsequent revisions and additions. When relevant to one's specialty area, Principles for the Care and Use of Animals, published by the American Psychological Association shall also be adhered to in research, practice, and teaching.

B. Each psychologist in the State should be familiar with the provisions of the Health Occupations Article and its revisions, and shall adhere to these provisions in the interests of the welfare of the citizens of the State and of the highest standards of the science and profession of psychology.

C. All questions involving matters of ethics will be reviewed by the Board of Examiners. The Board may take action initially or may refer the matter to the Ethics and Professional Practices committee of the Maryland Psychological Association for preliminary action. Final decision in each referral rests with the Board.

State's Exhibit #1 - check of Mrs. Thomas P. Moran dated April 16, 1977.

State's Exhibit #2 - check of Mrs. Thomas P. Moran #3047, dated May 25, 1977 for \$100.

State's Exhibit #3 - note on letterhead of Dr. Kenneth R. Greenberg.

State's Exhibit #4 - copy of a University of Maryland College of Education Reading Center "Report of Initial Screening" dated June 1, 1977.

State's Exhibit #5 - copy of a letter dated November 24, 1975 from C.M. Pennington to Eugene L.J. Cord, Ph.D.

State's Exhibit #6 - copy of a case summary for Blue Cross/Blue Shield Patient #R04-102-130.

State's Exhibit #7 - copy of a letter dated October 13, 1975 from Ervin Rose, Ph.D. to Ms. Mary Tappin.

State's Exhibit #8 - copy of a letter dated November 18, 1975 from Blue Cross/Blue Shield to Ervin Rose, Ph.D.

State's Exhibit #9 - copy of a letter dated December 11, 1975 from Eugene L.J. Cord, Ph.D. to Ervin Rose, Ph.D.

State's Exhibit #10 - copy of a letter dated January 13, 1976 from Eugene L.J. Cord, Ph.D. to Mr. C.M. Pennington.

State's Exhibit #11 - copy of a letter dated January 28, 1976 from Eugene L.J. Cord, Ph.D. to Julian Abrams, Ph.D.

Because the hearing could not be completed at this session, it was continued to June 30, 1978. At that time, Mr. Sfekas called Anthony J. Pino and Julian Abrams, Ph.D. as witnesses. He also introduced the following documentaty evidence:

State's Exhibit #12 - Blue Cross/Blue Shield Peer Review records.

State's Exhibit #13 - summary of State's Exhibit #12 prepared by Julian Abrams, Ph.D.

At this session, the Respondent testified on his own behalf and produced as Respondent's Exhibit #2 a letter dated January 4, 1971 from Irene C. Hypps, Ph.D. to the American Board of Professional Psychology, Inc. and as Respondent's Exhibit #3,

his file on Kathleen Moran. Because the hearing could again not be completed, it was continued to December 12, 1978. At that time, Dr. Abrams was again called as a witness because he had not completed his testimony at the earlier session. The Respondent again testified on his own behalf. The following documentary evidence was produced:

Respondent's Exhibit #4 - copy of a letter dated May 15, 1975 from Julian Abrams, Ph.D. to Dr. Ervin Rose.

Respondent's Exhibit #5 - copy of a letter dated August 13, 1975 from Julian Abrams, Ph.D. to Dr. Ervin Rose.

Board's Exhibit #1 - copy of a letter dated June 19, 1975 from Ervin Rose, Ph.D. to the American Psychological Association.

Board's Exhibit #2 copy of a letter dated July 3, 1975 from Arthur Centor, Ph.D. to Dr. Ervin Rose.

Following closing arguments by Mr. Tyrrell and Mr. Sfekas, the hearing was concluded.

On August 7, 1979 the Board issued an Order revoking the Respondent's certification. The Respondent appealed the Board's decision to the Circuit Court for Prince George's County. On September 10, 1980 Judge Robert H. Mason issued an Opinion and Order of Court reversing and remanding the Board's Order, deciding in part that the Board had cited the wrong ethical standards adopted by its rules and regulations, in its Conclusion of Law. The Court reversed and remanded the matter to the Board to allow the Board, without further hearing, to issue a decision based on findings and conclusions other than the impermissible ones the Board considered in reaching its decision. On November 18, 1980 Judge Mason issued a Supplemental Order of Court. This decision revised his earlier decision by allowing for a hearing on the Board's order and by changing the language of "reverse and remand" to simply "remand". Thus, the Board's Order was remanded for proceedings consistent with the

Court's opinion of September 1979.

Pursuant to the remand, on October 10, 1980, the Board issued a new Proposed Findings of Fact, Conclusions of Law and Order. Respondent filed Exceptions to the Board's Findings of Fact, Conclusions of Law and Order. A hearing on the Exceptions was scheduled. At the hearing on Exceptions, the Proposed Findings of Fact, Conclusions of Law and Order was withdrawn when the Board determined that not all members had reviewed the entire record in this case.

Thereafter, Judith G. Armstrong, Ph.D., Allan M. Leventhal, Ph.D., Donald K. Pumroy, Ph.D., Barbara R. Slater, Ph.D. and Leopold O. Walder, Ph.D., constituting a quorum of the Board, completed their review of the record and on April 4, 1981 unanimously voted in favor of a Findings of Fact, Conclusions of Law and Order. On April 9, 1981 the Board issued its Proposed Findings of Fact, Conclusions of Law and Order. The Board notified Respondent on April 9, 1981 that it would conduct a hearing on its Proposed Order on May 16, 1981. On May 14, 1981, two days prior to the hearing, Respondent filed a Petition for an Ex-Parte Interlocutory Injunction and/or Permanent Injunction in the Circuit Court for Prince George's County, Maryland. Respondent prayed the Court to enjoin the Board from suspending, recharging, reprimanding or attempting to reprimand or in any other way adjudicating the license or certification of the Respondent on the same charges, complaints and facts as were brought against Respondent pursuant to the Board's charge letter of October 25, 1977. On July 13, 1981 Respondent was granted a permanent injunction as prayed. The Board appealed the Order granting Respondent a permanent injunction to the Court of Special Appeals. By Mandate and Memorandum dated June 4, 1982 the injunction was dissolved. Respondent petitioned the Court of

Appeals for a Writ of Certiorari. On August 4, 1982 the Court of Appeals denied Respondent's Petition for a Writ of Certiorari.

From the time of Respondent's filing the Petition for an Injunction until the denial of Respondent's Petition for a Writ of Certiorari new members had been appointed to the Board necessitating the entire Board reviewing the entire record in the case.

Thereafter, Judith G. Armstrong, Ph.D., Allan M. Leventhal, Ph.D., Chairman, S. Michael Plaut, Ph.D., Daniel Eshelman and Lois Powell, Ph.D., constituting a quorum of the Board, completed their review of the record and on March 8, 1983, unanimously voted in favor of the Findings of Fact, Conclusions of Law and Order set forth below.

FINDINGS OF FACT

By a unanimous vote of the Board reviewing the records the Board finds:

1. That Mrs. Moran sought psychological achievement testing from the Respondent for her daughter, Kathleen, age 9, to decide whether she should repeat the third grade;
2. That Mrs. Moran was told by the Respondent that in all likelihood a one-half battery would be sufficient at a cost of \$150 which fee would include the initial conference, the actual testing, a follow-up visit to report the findings and a written report;
3. That Mr. and Mrs. Moran and Kathy arrived on time for their 7:30 P.M. appointment on April 15, 1977 and that they waited one hour until they were able to see the Respondent;
4. That at 7:30 P.M. there was one other client in Respondent's office, and another client waiting to be seen by Respondent;
5. That Mrs. Moran reported the outer office to be

somewhat shabby. She stated that the furniture was quite dirty, that there were several large glass jars of trick-or-treat type candy, priced at 3 cents and 5 cents for the smaller candy, and at 15 cents for the slightly larger candy;

6. That the Morans were disturbed at the candy for sale because their child continually asked if they could buy some during their hour-long wait;

7. That on April 15, 1977 the Respondent informed the Morans that a full test battery would take two, and probably three days and a one half battery would take one day;

8. That at this conference, the Respondent recommended a one-half battery and stated that the full battery included a greater number and different types of tests;

9. That the Respondent testified that the addition of one test made the one-half battery a full battery;

10. That when the Respondent learned that the Morans had Aetna Government High Option insurance, he urged a full battery, stating a number of times that they (the Morans) would not have to pay for the additional testing;

11. That an insurance form was left with the Respondent on April 15, 1977;

12. That Mrs. Moran called the Respondent the evening of April 15, 1977 and ascertained that achievement testing was in the one-half battery and believes that she indicated at that time that a one-half battery was sufficient;

13. That Kathy was brought to the Respondent's office the next day, Saturday April 16, 1977, and spent approximately one-half hour with the Respondent. After one-half hour the Respondent told Mr. Moran that Kathy had gotten too tired to finish and had to return for additional testing;

14. That Mr. Moran specifically told the Respondent on

Saturday, April 16, 1977, that they wanted only the one-half battery and that the Respondent assured him that he was giving a one-half battery and that the reason for the additional testing visit was because Kathy was not able to finish;

15. That the Respondent administered what he interprets as a full test battery in spite of the parent's request for one-half battery;

16. That Mr. Moran was asked to pay \$50 on April 16, 1977 which he did;

17. That a second appointment was made for Wednesday, April 20, 1977 to test Kathy. This appointment took less than one hour;

18. That on May 2, 1977 the Morans met with the Respondent for an oral report of the test results;

19. That the Respondent advised the Morans that Kathy's reading level achievement test placed her in the reading test grade 1.0;

20. That Mrs. Moran was confused by this report of Kathy's reading level since the Respondent had advised her on April 14, 1977 that Kathy was reading at the third grade level;

21. That the Respondent administered an incorrect advanced section of the reading test used, estimating the level incorrectly and then scored this section and used it in his interpretation. This was a violation of test manual procedures and resulted in a total invalidation of the procedure and the results;

22. That the Morans had Kathy tested on June 1, 1977 at the University of Maryland, College of Education Reading Center. These test results placed her at the third or fourth grade level. Mrs. Moran also was advised that Kathy did not need to go through a tutoring program;

23. That the Respondent had recommended retention in the third grade unless intensive remedial reading supportive help were given and possibly psychotherapy;

24. That the Morans had asked the Respondent to send a copy of his report to Dr. Greenberg and signed release forms for such purpose on May 2, 1977;

25. That on May 11, 1977 Dr. Greenberg had not received the test results. On telephoning the Respondent's office on May 11 to request that this information be sent, Mrs. Moran was told by the Respondent's secretary that reports are not sent until bills are paid in full;

26. That this restriction was not explained to Mrs. Moran by the Respondent and she offered to come in the next day to pay the bill so the report could be released;

27. That on May 11, 1977, in a telephone call with the Respondent's secretary, Mrs. Moran was told she owed \$350 for the whole battery plus \$50 for the initial conference in psychotherapy;

28. That the Respondent came to the telephone and insisted that Kathy had a full battery and became very angry and shouted at Mrs. Moran. That the Respondent shouted that if Mrs. Moran did not like what they were doing in their office, she could forget the whole thing and take Kathy elsewhere and have her tested;

29. That the Morans were willing to pay the \$150 for which they contracted;

30. That on May 23, 1979 the Respondent's secretary telephoned and said the Respondent had reconsidered, advising that if the Morans paid \$150 he would consider the bill paid and send the test results;

31. That Mrs. Moran sent a check for \$100 and asked

the Respondent to send the completed insurance forms so she would be reimbursed. She also asked the Respondent to send her the results. The Respondent contradicted himself in stating that no reports are sent without payment of the bill, and in also stating that reports are sent whether or not the bill is paid if the necessity of the report is more important than the money. In either event, this is a violation of the American Psychological Association's Code of Ethics;

32. That at the time of the original hearing on January 27, 1978, Mrs. Moran had not received the insurance forms from the Respondent nor the test report. The Respondent did not complete the insurance forms after she paid the Respondent's bill;

33. That Mrs. Moran had not been reimbursed by the insurance company because she has not received the insurance forms from the Respondent;

34. That Dr. Greenberg received the test report on July 30, 1977 with a notation that it was a duplicate, although Dr. Greenberg never received the original that the Respondent claimed he sent;

35. That the Respondent advised the Morans that Kathy was very emotionally disturbed and strongly recommended psychotherapy because of schizophrenic and paranoid tendencies;

36. That Dr. Greenberg did not see a need for intensive psychotherapy and he disagrees with the diagnosis of schizophrenia;

37. That the Respondent's report of the intelligence testing did not include any reference to weakness or strengths even though the test data revealed these areas;

38. That the Respondent claimed he did not prepare a fully informative report because it was going to the parents and

not to a school or psychologist, although the report was, in fact, sent to Dr. Greenberg, a pscyhologist;

39. That the Respondent used the incorrec informant on the Vineland Social Maturity Scale. The informants should have been the parents and not the child. This demonstrates unprofessional and inaccurate use of the test, contrary to standard procedure in the test manual and invalidates the test results;

40. That the Respondent split the WRAT giving different parts of the test on different days;

41. That the Respondent administered the proper test level (one) for arithmetic and spelling but gave Kathy the reading test at level two, a level far too advanced for her age, indicating at best carelessness in administering the test and at worse a lack of knowledge of proper test administration;

42. That the Respondent stated that neither the Vineland nor the WRAT are valid tests but that he uses them because there are no better tests, implying that he uses tests that are without value;

43. That the Respondent's comments in administering the CAT were intimidating to Kathy. Urging her to complete the questions, he stated to Kathy: "Talk". "We will never get out of here if you don't". He admitted that such a statement, if made, would be more than intimidating;

44. That when the Respondent was asked to explain two sentences included in his report on Kathy taken from the Bender Gestalt, he was unable to do so coherently;

45. That the Respondent stated that he charged \$150 for a one-half test battery and \$300 for a full battery, the additional \$150 being for one projective test;

46. That the Respondent initially charged the Morans

\$50 for psychotherapy (the first visit) plus \$350 for a full battery. He was confused as to the charge;

47. That the Respondent stated that if a client did not know what he wanted, then an additional \$50 charge was made as compared with a client who knew what was needed;

48. That the Respondent expects the client to determine the best course of action. Therefore, he does not make decisions on what evaluative tests a client needs;

49. That Dr. Cord of the Maryland Psychological Association, Inc., Professional Standards Review Committee (PSRC) stated that at the request of Medical Services of D.C. (Blue Cross Insurance) PSRC reviewed sixteen of the Respondent's cases because of a concern over length and frequency of treatment;

50. That Dr. Cord received a letter from Blue Cross/Blue Shield on November 24, 1975 asking for assistance and a recommendation on a client of the Respondent's, a Sara Carroll. PSRC was asked to clarify if continued treatment was necessary, whether the frequency of treatment was acceptable and whether the treatment meets accepted professional standards;

51. That the psychological report on Mrs. Carroll that the Respondent sent to Blue Cross/Blue Shield was reviewed by PSRC which found this report to be very confused indicating no understanding of the patient's problems;

52. That PSRC invited the Respondent to meet with them on January 9, 1975 to obtain the benefit of his thinking in this case;

53. That the Respondent came to the meeting with the patient, Sara Carroll, a highly irregular, and a highly questionable act. He stated that he would not meet with the committee without Mrs. Carroll present. He maintained that Mrs. Carroll insisted on being there, and he led her into the meeting

over Dr. Cord's protest;

54. That the Respondent alleges that he is trained in psychoanalytic theory of therapy. By his own testimony, his "training" does not support his claim, nor his competence to practice psychoanalytic therapy;

55. That Dr. Cord who practices psychoanalytical therapy, stated that her presence at this type of proceeding could at best be confusing to her and at the worse detrimental;

56. That PSRC was unable to clarify the issues based on the Respondent's answers. PSRC felt that the Respondent did not understand the issues involved in Mrs. Carroll's treatment;

57. That the Respondent talked about Mrs. Carroll being "in the middle of a transference" without, according to Dr. Cord, being aware that transference is effective in treating a patient only to the extent that the therapist maintains a degree of anonymity;

58. That PSRC concluded that the treatment offered Mrs. Carroll was not professionally competent;

59. That Mrs. Carroll testified that when she asked the Respondent if she could go to the PSRC meeting, he said yes and did not give her any reasons why it might be ill advised;

60. That the Respondent claims that he had no free days including Sundays from August, 1972 through March, 1973, and that he gave therapy seven days per week;

61. That the Respondent billed for twenty-three hours of therapy on March 14, 1973;

62. That during the period April, 1972 through March 1973, the number of hours per day for which the Respondent requested insurance reimbursement varied between fourteen and twenty-three hours exclusive of time eating, sleeping, performing administrative duties (which he stated takes 5-10% of his time),

keeping up with professional literature, performing psychological evaluations, and taking care of personal hygiene;

63. That the Respondent stated that not all of his time was spent on insurance cases;

64. That the Respondent claimed he was able to be fully aware and awake with his patients during three years of working approximately twenty hours per day, seven days per week;

65. That the Respondent engaged in double billing practices. When he felt it necessary to continue therapy past a scheduled hour, he would do so. Even if the session ran only five minutes into the second hour, the insurance company was billed for two hours for that patient. Therefore, the Respondent could bill the insurance company for three hours of service even though the two patients and two therapy hours were involved because of the overlap of one patient into the second patient's hour. From the testimony of the Blue Cross/Blue Shield witness it appears that they were unaware of the Respondent's practices of double billing which is why they did not find any fraud;

66. That a therapist is in control of the therapy time. The Respondent appears to have made it a common practice to extend the therapy five or more minutes over the hour and then bill for two hours. It is not customary, usual, or accepted practice to bill a patient or insurance company when the session goes beyond the scheduled hour without explicit patient awareness and agreement;

67. That the Respondent's extension of the therapy hours was detrimental to the patient whose therapy sessions followed the extended therapy session, violating that patient's therapy contract time;

68. That from September 24, 1973 to July 31, 1974 the Respondent treated a three year old child with a diagnosis of

"acute adjustment reaction to childhood". The Diagnostic and Statistical Manual of the American Psychiatric Association II specifies that adjustment reaction to childhood is a transient state and does not require long term therapy. The therapy administered was "oriented toward behavior modification, eclectically integrated with psychoanalytic approaches". Psychoanalysis does occur with three year old but generally is conducted by psychiatrists or psychologists intensively trained in psychoanalytic theory and therapy. Very few people do this work since it is a very special kind of treatment for a child this young and requires very special and specific training, which the Respondent admits he does not have;

69. That in addition, the Respondent treated this three year old child and other children and adolescents with more 2 hour sessions than 1 hour sessions. It is not customary or usual to see a child for this length of time since a child's attention span does not permit tolerating sessions of such length;

70. That the Respondent's progress note on a three year old states: "the patient continues to display significant difficulty in developing an ego awareness and a super ego control". Psychoanalytic theory regarding the super ego holds that the super ego ordinarily does not begin to develop in even rudimentary form until about age three to four and certainly would not be expected to have it achieved a strength to exercise behavioral control at age three (3). Dr. Rose is not trained in analysis and improperly uses psychological terms and treatment;

71. That he bills twice for the same hour of treatment;

72. That his billing practices are not consistent with those of competent practitioners;

73. That the intensity and duration of treatment rendered for patients is excessive in light of diagnosis;

74. That the treatment in the Moran case was based on the nature and insurance coverage available to the patient rather than that what is called for by the diagnosis;

75. That in the Moran case he administered a full battery of testing and charged \$350, plus \$50 for an initial consultation after agreeing with the parents to administer only a half battery at a cost of \$150 (including the initial consultation) and refused to forward a written test report as agreed when the client refused to pay for the full test battery;

76. That communication regarding charges, appointment arrangements, and evaluation arrangements were inconsistent and misleading;

77. That Respondent failed to meet minimal standards of acceptable testing practices in the evaluation of Kathy Moran;

78. That Respondent's formulations regarding diagnosis and treatment failed to meet minimum standards generally acceptable within the profession of psychology;

79. That Respondent demonstrated self interest to the potential detriment of his patients, thus failing to meet minimum standards generally acceptable within the profession of psychology;

80. That the Ethical Standards of Psychologists in effect at the time Respondent committed these actions was the 1972 Code (Attached hereto);

81. That the Ethical Standards of Psychologists in effect at the time of the hearing was the 1977 Revised Code (Attached hereto);

82. That the Ethical Standards of Psychologists in

and Conclusions of Law and Order was the 1981 Code of Ethics (Attached hereto);

83. That Respondent violated Principle 1 of the Ethical Standards of Psychologists (the "Standards") - 1972 Edition, recodified in the 1977 Standards as Principle 1 and recodified in the 1981 standards as Principal 1 by providing inappropriate treatment both in terms of length and type for the diagnosis made;

84. That Respondent violated Principle 2 of the 1972 Standards, recodified as Principal 2 of the 1977 Standards and Principle 2 of the 1981 Standards by providing inappropriate treatment in terms of both type and diagnosis made and length of treatment; and

85. That Respondent violated Principle 12 of the 1972 Standards recodified in the 1977 Standards as 6(d) and recodified in the 1981 Standards as 6(d) by employing a billing system which results in double billing charging for the same hour of therapy;

86. That Respondent violated Principal 1 of the Ethical Standards of Psychologists 1972 Edition, recodified as Principal 1 in the 1977 Standards and recodified in the 1981 Standards as Principal 1, by failing to meet minimum standards of acceptable testing practices in the evaluation of Kathy Moran;

87. That Respondent violated Principle 2 of the Ethical Standards of Psychologists, 1972 Edition, recodified as Principal 2 in the 1977 Standards and recodified in the 1981 Standards as Principal 2, by failing to meet minimum standards of acceptable testing practices in the evaluation of Kathy Moran; and

88. That the Respondent's diagnosis and treatment practices reflect that he is incompetent to practice psychology;

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board concludes that the Respondent is GUILTY of fraud and deceit in connection with services rendered as a psychologist (Article 43, Section 636(b)(1) (now Health Occupations Article §16-312(2)) and is GUILTY of unprofessional conduct as defined by the rules established by the Board (Article 43, Section 636(b)(3)) (Health Occupations Article §16-312(7)) and COMAR 10.34.01.11B now COMAR 10.36.09.

ORDER

Upon the foregoing Findings of Fact and Conclusions of Law, it is this 8 day of March, 1983, by the unanimous vote of those members of the Board considering this case,

ORDERED that the certification (now called license) as a psychologist heretofore issued to Ervin Rose, Ph.D, is hereby REVOKED.



Allan M. Leventhal, Ph.D.
Chairman
Board of Examiners of Psychologists

NOTICE TO RESPONDENT OF RIGHT TO FILE EXCEPTIONS
AND PRESENT ARGUMENT

Pursuant to Article 41, §253, whenever in a contested case, a majority of the officials of the agency who are to render a final decision have not heard the evidence, as in this case, the party adversely affected is entitled to file exceptions and present argument to a majority of the officials who are to render the decision and who shall personally consider the record or such

portions thereof as may be cited by the parties.

If Respondent intends to file Exceptions the Exceptions should be filed with the Board by April 11, 1983. A hearing on the Exceptions is presently scheduled for April 16, 1983 at 11:00 A.M.



Allan M. Leventhal, Ph.D.
Chairman
Board of Examiners of Psychologists