

IN THE MATTER OF
DANIEL STERN, Ph.D

* BEFORE THE
* MARYLAND STATE BOARD
* OF EXAMINERS
* OF PSYCHOLOGISTS

* * * * *

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

BACKGROUND

Based upon certain information having come to the attention of the Board of Examiners of Psychologists (the Board) in June 1985 regarding the psychology practice of Daniel A. Stern Ph.D. (the Respondent), the Board requested an investigation by the Investigative Unit of the Department of Health and Mental Hygiene. Based on information discovered during that investigation, the Board determined to charge the Respondent with Health Occupations Article, §16-313(7), §16-313(10), §16-313(14) and §16-313(17).

Respondent was notified of the charge by certified letter dated September 4, 1987. As the result of subsequent negotiations, the parties have agreed to proceed as described below:

Settlement Agreement Between the Parties

With respect to the above-captioned case, the Respondent agrees to the following procedure. The State hereby submits into evidence the statement of facts that follow, summarizing Patient A and her husband's testimony as well as the

expert testimony of Dr. Laurence Donner and the treatment records for Patient A in the above-captioned case. The Respondent will produce no evidence contradicting the statement presented by the State.

The Statement of Facts is not, in itself, to be construed as an admission by the Respondent. The Respondent understands, however, that the Board will find him guilty of the charges pertaining to Patient A based on the Statement of Facts. With respect to disposition in this case, the State and Respondent have agreed that the Board shall revoke Dr. Stern's license to practice psychology. Said revocation shall begin on May 6, 1988. In the sixty (60) days prior to May 6, 1988, Respondent shall, in a manner consistent with the American Psychological Association's professional code of ethics, divest himself of all responsibilities that require a license to practice psychology in Maryland, including but not limited to the following:

1. Respondent shall terminate, transfer or otherwise dispose of his entire patient caseload.
2. Respondent shall also terminate, transfer or otherwise dispose of all assignments, tasks and responsibilities related to persons whom he has supervised for the purpose of the practice of psychology.

Respondent shall notify the Board when he has completed the disposition of his caseload and mentor responsibilities. There are no other agreements between the parties.

My attorney, Paul Dorf, Esquire, has fully explained the provisions listed above. I understand and agree to these provisions.

March 2, 1988
(dated)

Daniel A. Stern
Daniel A. Stern, Ph.D.

Statement of Facts

At all times relevant to the charges in this case, the Respondent was licensed in Maryland as a psychologist and practiced psychology in an office located in Towson, Maryland.

Patient A was first referred to Daniel Stern, Ph.D. on July 14, 1982 when he evaluated her at the request of Mahmood Jahromi, M.D. In his written evaluation of her, Dr. Stern noted that, four months previously, Patient A had been hospitalized for three weeks as a result of a suicide attempt. He noted that "she has a very poor self-image, feels worthless, and a burden to others". He observed that she tended to feel social inadequacy as well as guilt centered around sexual matters. He postulated that Patient A was "likely to form passive-dependent relationships with the therapist". Finally, he noted his belief that she might be capable of additional suicide attempts.

After the initial evaluation, Dr. Stern became Patient A's therapist and they had sessions on a weekly basis for eleven months. During several of those sessions, beginning with a

session in November, 1982, Patient A discussed her suicidal thoughts with Dr. Stern.

Around Christmastime, Dr. Stern began hugging Patient A at the end of their sessions. She enjoyed this attention and did not object to the hugs. Dr. Stern said to her on one occasion "Don't worry, I am safe." By this time, her sessions with Dr. Stern took place at 9:00 p.m. every Wednesday night.

At the conclusion of one of their sessions, Dr. Stern walked Patient A to the parking lot where both their cars were located. Dr. Stern insisted on driving Patient A the length of the parking lot to her car. After he did so, and before she left his car, he leaned over and kissed her. He then asked if she were angry; she said, "no" and left.

Dr. Stern frequently shared details of his personal life with Patient A. He told her of his interest in attending law school and his marital problems. He called his wife on the phone in Patient A's presence. He announced to Patient A that he was going on an 800 calorie per day liquid diet. She decided to go on a diet as well because "if he could do it, I could do it."

Over the course of the first few months of therapy, Dr. Stern's remarks became more and more sexual in nature. At one point, he told Patient A that she had good legs, should always wear her skirts short and that he was a "leg man". Dr. Stern once told Patient A that he had dreamt that she came into his office wearing a raincoat, that she took off her raincoat and did

not have anything on underneath. They frequently discussed having extramarital affairs.

Dr. Stern told Patient A that he had had an affair with a nurse while he was doing his residency but decided not to leave his wife and children. On one occasion, they discussed travelling to Atlanta together where he would attend a conference and she would visit her brother. He said that he could never stay in the same hotel with her because he wouldn't be able to keep his hands off her. He also said that she would be fun to have an affair with.

Dr. Stern's hugs at the end of Patient A's sessions began as friendly hugs but gradually changed in character. By March, 1983, the hugs became longer and closer. On several occasions, Patient A could tell from his erection that Dr. Stern had become aroused. He also began to place his hands underneath her clothing as they hugged. At some point, he began the practice of pulling her onto his lap, kissing her and placing his hand underneath her clothing on her breasts. This behavior occurred more than once a month and always toward the end of their sessions.

Sometime during March, 1983, at the end of their session and after Dr. Stern had hugged Patient A, he opened his fly and pulled out his penis. She backed away and he asked if she wanted him. She replied "no", to which he responded "that's okay, we both have to want this."

Approximately two weeks later, on March 30, 1983, Patient A wore a nightgown under her clothing to her session. Dr. Stern, who had previously told Patient A he was going to go on an 800 calorie per day diet, said to Patient A, "Gee, you haven't said anything about all the weight that I have lost." When she replied that he hadn't said anything about all the weight she lost, he responded that how could he since she wore clothes like jeans and a sweatshirt. She then took off her clothes, leaving only the nightgown, and said, "Now can you tell?" He next said, "that is really very nice, except you should have gotten a short one, to show your legs." He removed her nightgown, they hugged and then Dr. Stern removed his clothes. They subsequently had sexual intercourse on the floor of the office. Afterward, Dr. Stern said that he had to catch a plane and they parted.

The next week, they met for her regular session at 9:00 p.m. Dr. Stern said he had been wondering how he would react to seeing her again. She asked how he felt. He said that everything was fine and they did not discuss the incident further. Dr. Stern changed Patient A's appointment to 8:00 p.m., saying that he was no longer seeing patients at 9:00 p.m. Yet, the next week, she observed a patient in the waiting room after her 8:00 p.m. session. According to Patient A, she felt rejected by Dr. Stern at this point.

During this period, the patient's husband had contacted Dr. Stern on two occasions because he was concerned about his

wife. Patient A's husband called once in late March and again in early April and advised Dr. Stern that Patient A was suicidal. Dr. Stern took no action with regard to the possibility that Patient A might again attempt suicide. She did indeed attempt suicide on April 18, 1983. Dr. Stern did not visit her during her treatment at Harford Memorial Hospital in the wake of her suicide attempt.

At Patient A's next session with him, Dr. Stern referred to her suicide attempt and told her, "that was a fucking stupid thing to do". He indicated that none of his patients had committed suicide, and that she was not going to be the first. After one or two more sessions with Dr. Stern, Patient A stopped seeing him as a therapist and saw Dr. Jahromi instead.

In the opinion of Dr. Lawrence Donner, an expert who would have testified on behalf of the State, it is generally accepted by the psychology community that it is never appropriate for a therapist to have sexual relations with his patient. It also falls below the ethical standards of psychological care for a psychologist to discuss his personal life or engage in sexual banter with a patient. In Dr. Donner's opinion, sexual advances toward or sexual relations with a patient can seriously confuse a patient and jeopardize that patient's well-being. In the instant case, it is his opinion that the sexual entanglement between Dr. Stern and Patient A and her subsequent feeling that he rejected her was a direct cause of Patient A's second suicide attempt. In Dr. Donner's opinion, Dr. Stern's discussions of his own dreams,

his personal life and his acting out his sexual attraction to Patient A confused her and unduly influenced her.

Dr. Donner also holds the opinion that Dr. Stern failed to meet the standard of care in psychology by his failure to act on Patient A's husband's report that Patient A was suicidal as well as his failure to visit her at Harford Memorial Hospital.

Dr. Donner notes that Patient A showed no symptoms of anorexia nervosa prior to Dr. Stern's inappropriate behavior toward her. At the time Dr. Stern told her that he was planning to go on a diet and she decided to follow suit, she weighed 132 pounds. On May 21, 1983, when she entered North Charles General for treatment, she weighed 92 pounds and was diagnosed as anorexic. In Dr. Donner's opinion, Dr. Stern's undue influence and sexual involvement with Patient A directly contributed to her development of anorexia nervosa. Dr. Donner would testify that, in his opinion, Dr. Stern is presently a clear danger to the community because of his behavior as a psychologist.

FINDINGS OF FACT

The Board adopts the Statement of Facts set out above as its findings of facts.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated Section 16-312(7) by violating principles (1), (2), (3) and (6) of the American Psychological

Association's Code of Ethics. The portions of these principles applicable to the Respondent's conduct are:

Principle 1: Responsibility. In providing services, psychologists maintain the highest standard of their profession.

Principle 2: Competence. (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 3: Moral and Legal Standards. Preamble: Psychologists' moral and ethical standards of behavior are a personal matter to some degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities, or reduce the public trust in psychology and psychologists. Regarding their own behavior, psychologists are sensitive to prevailing community standards and to the possible impact that conformity to or deviation from these standards may have upon the quality of their performance as psychologists. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties. (c) In their professional

roles, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

Principle 6: Welfare of the Consumer. (a)

Psychologists are continually cognizant of their own needs and of their potentially influential position ... vis-a-vis persons such as clients.... They avoid exploiting the trust and dependency of such persons. Psychologists make every effort to avoid dual relationships ... which would increase the risk of exploitation.... Sexual intimacies with clients are unethical.

The Board also finds, based on the foregoing Findings of Facts, that the Respondent violated Section 16-312(14): "Is professionally incompetent" and Section 312(7): "Commits an act of unprofessional conduct in the practice of psychology."

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 7th day of March, 1988

ORDERED by the Board of Examiners of Psychologists that the license of Daniel Stern, Ph.D., an individual licensed to practice psychology in Maryland be **REVOKED**, said revocation to begin on May 6, 1988.

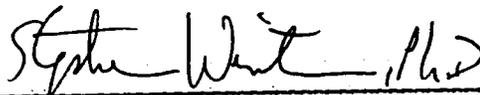
It is further **ORDERED** that prior to May 6, 1988, Respondent shall, in a manner consistent with the American Psychological Association's professional code of ethics, divest

himself of all responsibilities that require a license to practice psychology in Maryland, including, but not limited to:

1. Respondent shall terminate, transfer or otherwise dispose of his entire patient caseload.

2. Respondent shall also terminate, transfer or otherwise dispose of all assignments, tasks and responsibilities related to persons whom he has supervised for the purpose of the practice of psychology.

It is further **ORDERED** that Respondent shall notify the Board of Examiners of Psychologists upon completion of said divestment.



Stephen Winters, Ph.D.
Chair, Board of Examiners of
Psychologists

WAIVER OF RIGHT TO APPEAL

Respondent hereby waives any and all rights to which he is entitled pursuant to Health Occupations Article, §16-314 and the Administrative Procedure Act, State Government Article, Annotated Code of Maryland, §10-215 to take a judicial appeal from the revocation ordered by this Board.

March 2, 1988
(dated)


Daniel Stern, Ph.D.