

Received

IN THE MATTER OF
SHANTI TAYAL, PH.D.
LICENSE NO. 838

* BEFORE THE STATE
* BOARD OF EXAMINERS
* OF PSYCHOLOGISTS

* * * * *

FINAL CONSENT ORDER

Based on information received by the Maryland State Board of Examiners of Psychologists (the "Board"), and subsequent investigation, the Board hereby charged Shanti Tayal, Ph.D., (the "Respondent") with violation of certain provisions of Md. Health Occupations Article, Code Ann. §18-313.

Specifically, the Board charged the Respondent with violation of the following provision:

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;

(11) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(12) Violates any rule or regulation adopted by the Board;

(14) Is professionally, physically, or mentally incompetent;

(16) Behaves immorally in the practice of psychology; or

(17) Commits an act of unprofessional conduct in the practice of psychology.

The Code of Maryland Regulations adopted by the Board (COMAR) provides 10.36.01.09.

B. Every psychologist in the State should be familiar with the provisions of the Health Occupations Article and its revisions, and shall adhere to those 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.

The Code of Ethics adopted by the Board provides:

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.

f. As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others.

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 5 - Confidentiality - Psychologists have a primary obligation to respect the confidentiality of information obtained from persons in the course of their work as psychologists. They reveal such information to others only with the consent of the person or person's legal representative, except in those unusual circumstances in which not to do so would result in clear danger to the person or to others. Where appropriate, psychologists inform their clients of the legal limits of confidentiality.

a. Information obtained in clinical or consulting relationships, or evaluative data concerning children, students, employees, and others, is discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports present only data germane to the purposes of the evaluation, and every effort is made to avoid undue invasion of privacy.

Principal 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, 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, supervisors, close friends or relatives. Sexual intimacies with clients are unethical.

e. Psychologists terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. They offer to help the consumer locate alternative sources of assistance.

The Respondent was given notice of the charges and the issues underlying those charges by documents dated November 22, 1991 sent to Respondent. Because the charges were primarily (but not entirely) based upon actions by the Virginia State Board of Psychology which revoked Respondent's license to practice psychology in ^{Virginia} ~~Maryland~~, Respondent, by letter dated December 12, 1991, from his attorney, Attachment A, requested that the Maryland Board stay its proceedings pending the outcome of the appeal of the Virginia revocation order. Consequently the Board and the Respondent agreed to resolve the administrative charges in Maryland by way of settlement.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice psychology in Maryland.
2. In addition to being licensed to practice psychology in Maryland, Respondent was licensed to practice psychology in the State of Virginia. On September 19, 1991, the Virginia State Board of Psychology held a formal administrative hearing on

alleged violations of the Virginia Code by Respondent, for which Respondent received a notice dated July 25, 1991. As a result of said hearing, the Virginia Board adopted as Findings of Fact that:

- a. During the course of individual psychotherapy, the Respondent engaged in sexual relations with three patients;
- b. During the course of therapy with Patient A, Respondent also counseled Patient A's husband, Patient B;
- c. Respondent violated confidentiality requirements by disclosing personal information about Patient A to her husband Patient B and vice versa.
- d. Respondent did not consistently treat Patient D, failed to seek consultation concerning Patient D and failed to refer Patient D for appropriate services.

3. As a result of the Findings of Facts determined by the Virginia Board, the Virginia Board found that the Respondent violated numerous regulatory provisions and, on October 7, 1991, revoked the Virginia license of Respondent.

4. The Order of the Virginia Board is incorporated within this Consent Order and is attached hereto as Attachment B.

5. All of the above actions of Respondent, if found to be true, which led to the revocation of his license to practice psychology in Virginia, constitute violations of the Maryland Act.

CONCLUSIONS OF LAW

Based upon the aforecited actions, the Respondent has been disciplined by a licensing authority of another State for acts that would be grounds for disciplinary action under Maryland's

statutes (§18-317(11)). Specifically, if the underlying acts upon which the Virginia revocation is based are true, Respondent violated the Code of Ethics adopted by the Board (§18-313(7)), violated a regulation adopted by the Board (§18-313(12)), was professionally incompetent (§18-313(14)), behaved immorally in the practice of psychology (§18-313(16)) and committed acts of unprofessional conduct in the practice of psychology (§18-313(17)).

ORDER

Based upon the foregoing Findings of Facts, Conclusions of Law and agreement of the parties, it is the 10th day of January, 1992, by a majority of the quorum of the Board hereby

ORDERED that Respondent's license #838 to practice psychology in the State of Maryland be surrendered, effective January 31, 1992; and be it further

ORDERED that the Respondent may petition the Board for reinstatement, reactivation of his license and authority to practice psychology in Maryland after submitting the written reconsideration by the Virginia State of Board of Psychology. Upon the submission of the Petition, the Board will determine whether to proceed with the prehearing conference and evidentiary hearing which were stayed pending the resolution of the Virginia appeal or whether to place the Respondent's license in the same category and under the conditions harmonious with that of the Virginia Board; and

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.

1-24-92

DATE

Lawrence Donner Ph.D.
LAWRENCE DONNER, Ph.D.
President, Board of Examiners
of Psychologists

CONSENT OF SHANTI TAYAL, Ph.D.

I, Shanti Tayal, Ph.D., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney who has counseled me in regard to 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 §18-315 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 any any right to appeal as set forth in §18-316 of the Act and §10-215 of the Administrative Procedure Act.

January 9, 1992
(Date)

Shanti Tayal
Shanti Tayal, Ph.D.

~~STATE OF MARYLAND~~ Washington, D.C.
CITY/COUNTY OF:

I HEREBY CERTIFY that on this 9th day of January, 1992, a Notary Public of the State of ~~Maryland~~ and (City/County), Washington, D.C., personally appeared Shanti Tayal, License No. 838, 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.

Edward M. Cost
Notary Public

My Commission Expires: October 10, 1992