

IN THE MATTER OF \* BEFORE THE MARYLAND BOARD  
BARBARA URBAN, Ed.D \* OF EXAMINERS  
Respondent \* OF PSYCHOLOGISTS  
License No. 1593 \*

\* \* \* \* \*

FINAL ORDER FOLLOWING REMAND

PROCEDURAL BACKGROUND

On September 16, 1994, the Board of Examiners issued a Final Order revoking the license of Barbara Urban, Ed.D. for engaging in an intimate sexual relationship with a patient one day following the termination of therapy, and for failing to ensure that this patient had a referral for the continuation of essential psychotherapy. The Board found that Dr. Urban's conduct was prohibited by Md. Code Ann., Health Occupations §18-313(7), (12), (17), and COMAR 10.36.01.09, the Code of Ethics, Principle 6; and COMAR 10.36,01.09b). On February 20, 1996, the Circuit Court for Prince George's County (Judge Thomas P. Smith, presiding) remanded this matter back to the Board of Examiners of Psychologists in order that the penalty against Barbara Urban, Ed.D., be reconsidered in light of the Circuit Court's determination to vacate the Board's decision to revoke Dr. Urban's license. (See attached Court Order).

Because the Circuit Court found that "no articulable standard existed in the profession which communicated to Dr. Urban [or other psychologists] the amount of time that must elapse before a post-termination intimate relationship is permitted between a

psychologist and a patient," (Court Order, p.3), the Court concluded that the Board erroneously found that Dr. Urban violated the Maryland Psychologists Act and Board regulations by engaging in an intimate relationship with her patient on the day following the termination of therapy. However, the Circuit Court left intact the Board's remaining finding that Dr. Urban had violated §18-313(7), (12), (17), and COMAR 10.36.01.09, the Code of Ethics, Principle 6; and COMAR 10.36,01.09b) by failing to refer the patient for needed continuing psychotherapy. The Circuit Court remanded this matter to the Board to reconsider the penalty to be imposed for these remaining violations.

On April 17, 1996, a quorum of the Board held a hearing in this matter to consider the parties' arguments regarding the penalty that should be imposed in this case. Dr. Urban was in attendance and was represented by Robert Silberman, Esquire, and the State was represented by Roberta Gill, Assistant Attorney General.

#### FINDINGS OF FACT

The Board reaffirms, adopts, and incorporates the findings of fact contained in the Administrative Law Judge's Recommended Decision and the Board's Final Order in this case. (See attached copies).

#### CONCLUSIONS OF LAW

The Board reaffirms its conclusions of law that Dr. Urban engaged in conduct prohibited under Md. Code Ann., Health Occ.

§18-313(7), (12), (17), and COMAR 10.36.01.09, the Code of Ethics, Principle 6; and COMAR 10.36,01.09b), when she failed to appropriately refer a severely disturbed patient for continued essential psychotherapy. The Board reaffirms, adopts, and incorporates the conclusions of law on these issues contained in both the Administrative Law Judge's Recommended Decision and the Board's Final Order in this case. (See attached copies).

#### SANCTION

The Board concludes that the sanction imposed in this case should take into account the fact that Dr. Urban's inappropriate referral arose out of her inability to cope with her countertransference problem of feeling attracted to a patient. Given Dr. Urban's inability to deal with her feelings towards her patient in a way that did not recklessly endanger his mental health, the Board believes that it is necessary that her continued licensure be contingent on receiving appropriate supervision regarding countertransference and referral issues in her practice. The Board finds that a period of suspension, immediately stayed, with appropriate conditions of probation and supervision, is necessary to safeguard the public from conduct that endangers patient safety and health. This sanction is also necessary to help restore public confidence in Dr. Urban as a representative of the psychological profession.

At the hearing held before the Board on April 17, 1996, Mr. Silberman made several arguments on behalf of Dr. Urban that should be expressly addressed by the Board. First, he argued that the Board was pre-disposed to find that Dr. Urban had negligently disregarded her patients's serious psychological needs in failing to appropriately refer the patient because the Board's hearing notice dated March 20, 1996 stated as such. However, this statement is simply what the Board had previously found in its Final Order (Board's Final Order, p. 7), which finding had not been overturned on appeal. The limited issue on remand to the Board concerns what sanction is most appropriate for Dr. Urban's remaining violations of the Maryland Psychologists Act, not whether she violated the Act.

Second, Mr. Silberman argued that Dr. Fred Berlin had testified that Dr. Urban was not an unsafe practitioner and that her history of no previous violations of the Maryland Psychologists Act meant that a severe penalty should not be imposed. However, the Board finds that the circumstances of this case indicate that Dr. Urban cannot be trusted to continue to practice psychology in an unsupervised manner. The potential harm to her patient's mental health was great when she terminated psychotherapy and began a sexual relationship with him without appropriately referring him for essential continuing psychotherapy for his severe mental problems. For this reason, it is critical that such behaviors are not repeated with other patients and that a message be sent to the

psychological profession that such cavalier treatment of patients is unacceptable. The Board's sanction is also consistent with Dr. Urban's request made to the Board in her written exceptions to the Administrative Law Judge's Recommended Decision that "a mentor-type of relationship could be placed into effect for some period of time to assure the proper behavior and character of [Dr. Urban]." (Board's Final Order, p. 18).

**ORDER**

On this 14th day of June 1996 it is hereby **ORDERED** by unanimous vote of a quorum of the Board that Dr. Urban's license to practice psychology in Maryland be **SUSPENDED** for a period of **TWO YEARS** to begin from the effective date of this Final Order Following Remand, which suspension shall be immediately **STAYED**; and it is further

**ORDERED** Dr. Urban shall immediately be placed on **PROBATION** for the two-year period of her stayed suspension under the following conditions:

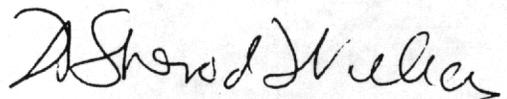
1. Dr. Urban shall submit for monthly review to a Board-approved supervisor (the "supervisor") all of her cases so that the supervisor may determine whether there are cases involving issues relating to referrals and/or countertransference, and shall cooperate with any requests made by the supervisor for information regarding these issues. Dr. Urban shall be responsible for paying the cost of the supervision and for advising patients of the supervision. Dr. Urban shall follow any recommendations made by the supervisor with respect to her clinical practice.

2. Within one year following the date of the effective date of this Final Order Following Remand, Dr. Urban shall successfully complete a Board-approved graduate-level ethics course addressing boundary issues and countertransference issues in the practice of psychology and must earn at least a grade of "B" or better in that course.

3. If Dr. Urban violates any of the foregoing conditions of **PROBATION**, the Board may, after providing Dr. Urban with the opportunity to be heard, lift the stay and impose the **SUSPENSION** of her license. And it is further

**ORDERED** that one year after this Final Order Following Remand is in effect, at Dr. Urban's request, the supervisor shall re-evaluate her clinical practice and make written recommendations to the Board regarding (1) whether the conditions of probation should be modified or terminated, and (2) whether her license should be reinstated without further restrictions. Dr. Urban shall be responsible for the costs of this re-evaluation and report.

6/14/96  
Date

  
W. Sherod Williams, Ph.D.  
Board Chairman