

IN THE MATTER OF * BEFORE THE STATE BOARD
UZI BEN-AMI, Ph.D. * OF EXAMINERS OF
License No. 01074 * PSYCHOLOGISTS
Respondent *

* * * * *

CONSENT ORDER

BASED on the information received and a subsequent investigation by the Maryland State Board of Examiners of Psychologists (the "Board") , the Board charged Uzi Ben-Ami, Ph.D. License Number (the "Respondent") with violating certain provisions of the Maryland Psychologists Act, Md. Code Ann., Health Occ. Art. §18-101 et seq. Repl. Vol. (1994) (the "Act"). Specifically, the Board charged the Respondent with violation of the following provisions of §18-313 of the Act:

Subject to the hearing provisions of §18-315 of this subtitle, the Board, on the affirmative vote of a majority of 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 licensee of any licensee if the applicant or licensee:

- (7) Violates the code of ethics adopted by the Board under §18-311 of this subtitle;
- (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;

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

The Board also charged the Respondent with violating COMAR 10.36.01 of the Code of Ethics and Professional Conduct which states in pertinent part that:

.05 Client Welfare

A. Exploitation or Undue influence. A psychologist shall:

- (1) Refrain from exploiting or harming clients, colleagues, students, research participant, or others
- (3) Refrain from allowing personal, social, religious, organizational, financial, or political situations and pressures to lead a misuse of the psychologist's influence;
- (5) Refrain from exploiting the trust and dependency of clients, students, and subordinates.

B. Impaired Objectivity and Dual Relationships.

- (1) A psychologist may not undertake or continue a professional relationship with a client when objectivity is or could reasonably be expected to be impaired because of a present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client or a relevant person associated with or related to the client.
- (2) A psychologist may not:
 - (a) Engage in an exploitative relationship with a past or a present client, including, but not limited to, any:
 - (I) Sexual intercourse or other sexual contact,
 - (ii) Verbal or physical behavior which is sexually seductive, demeaning, or harassing or,
 - (b) Enter into a dual relationship with a past or present client.

The Board further charges the Respondent with violating the American Psychological Association's Ethical Principles of Psychologist and Code of Conduct (1981 and 1989 revision) ("Ethical Principals") adopted and published by the American Psychological Association ("APA") which provides in pertinent part that:

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. They are alert to personal, social, organizational, financial, or political situations and pressures that might lead to misuse of their .

Principle 2 - Competence - The maintenance of high standards of competence is a responsibility shared by all psychologists in the interest of the public and profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques. They only provide services and only use techniques for which they qualified by training and experience. In those areas in which recognized standards do not exist, psychologists take whatever precautions are necessary to protect the welfare of their clients. They maintain knowledge of current scientific and professional information related to the services they render.

- a. Psychologists accurately represent their competence, education, training, and experience. They claim as evidence of educational qualifications only those degrees obtained from institutions acceptable under the Bylaws and Rules of Council of the American Psychological Association.

- 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 and/or scientific assistance to determine whether they should suspend, terminate, or limit the scope of their activities.

Principle 3 - Moral and Legal Standards - Psychologists' moral and ethical standards of behavior are a personal matter to the same 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.

- b. As employees or employers, psychologists do not engage in or condone practices that are inhumane or that result in illegal or unjustifiable actions. Such practices include, but are not limited to, those based on considerations of race, handicap, age, gender, sexual preference, or national origin in hiring, promotion, or training.
- 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.
- d. As practitioners and researchers, psychologists act in accord with Association standards and guidelines related to practice and to the conduct of research with human beings and animals. In the ordinary course of events, psychologists adhere to relevant governmental laws and institutional regulations.

When federal, state, provincial, organizational, or institutional laws, regulations, or practices are in conflict with Association standards and guidelines, psychologists make known their commitment to Association standards and guidelines and, wherever possible, work toward a resolution of the conflict. Both practitioners and researchers are concerned with the development of such legal and quasi-legal regulations as best serve the public interest, and they work toward changing existing regulations that are not beneficial to the public interest.

Principle 6 - Welfare of the Consumer - Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When conflicts of interest arise between clients and psychologists' employing institutions, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative, treatment, educational, or training procedure, and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

- 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, supervisee, close friends or relatives. Sexual intimacies with clients are unethical.
- b. When a psychologist agrees to provide services to a client at the request of a third party, the psychologist assumes the responsibility of clarifying the nature of the relationships to all parties concerned.
- c. Where the demands of an organization require psychologists to violate these Ethical Principles,

psychologists clarify the nature of the conflict between the demands and these principles. They inform all parties of psychologists' ethical responsibilities and take appropriate action.

- d. Psychologists make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients. They neither give nor receive any remuneration for referring clients for professional services. They contribute a portion of their services to work for which they receive little or no financial return.
- 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.

Principle 7 - Professional Relationships - Psychologists act with due regard for the needs, special competencies, and obligations of their colleagues in psychology and other professions. They respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

- d. Psychologists do not exploit their professional relationships with clients, supervisee, students, employees, or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

FINDINGS OF FACTS

The Board finds that:

1. At all times relevant to the charges herein, the Respondent was licensed to practice psychology in the State of Maryland.
2. At all times relevant to the charges herein, the Respondent was employed by the Jewish Social Service Agency of

Metropolitan Washington ("JSSA"), located in Rockville, Maryland.

3. The Respondent provided counseling to JSSA members. The Respondent also maintained a private practice in Montgomery County, Maryland.

4. The following facts pertain to the Respondent's relationship with Patient A¹, while the Respondent was employed by JSSA:

a. In 1981, Patient A met the Respondent when she sought psychological testing for one of her children. Patient A had three children and eventually the Respondent conducted psychological testing on all of them.

b. For approximately four years, the Respondent acted as a liaison between Patient A and officials at her children's schools. The Respondent and Patient A frequently discussed the progression of Patient A's children both in and out of school.

c. The Respondent and Patient A soon became personal friends. They frequently discussed the events that were happening in their lives. They spoke on the telephone and they occasionally met for lunch.

d. Patient A invited the Respondent to her son's

In order to protect their identity and maintain patient confidentiality, patient names have been omitted.

bar mitzvah and the Respondent attended the bar mitzvah. The Respondent and Patient A maintained a personal relationship until 1994.

e. In 1986, Patient A sought the Respondent's help in determining whether she suffered from a learning disability or neurological deficit. Patient A asked the Respondent to test her. The Respondent agreed to evaluate and perform the appropriate psychological testing on Patient A. The Respondent evaluated and tested Patient A on August 29, 1986 and again on September 25, 1986.

f. The Respondent indicated in Patient A's treatment records that occasionally he had personally met with Patient A when he did not do so. The Respondent admitted to the JSSA staff members that he did not meet with Patient A like he had indicated in Patient A's treatment records. The Respondent also admitted that he listed some telephone contacts with Patient A as face to face meetings.

g. The Respondent further admitted that his telephone conversations with Patient A were shorter than what he indicated in the Patient A's treatment records. The Respondent further admitted that he

guessed the dates and times that he spoke with Patient A.

5. The following facts pertain to the Respondent relationship with Patient B, while the Respondent was employed by JSSA.

a. In the winter of 1987, Patient B began working with the Respondent. Patient B performed administrative and clerical duties for the Respondent from her home. Patient B was recommended to the Respondent by Patient A. The Respondent hired Patient B after interviewing her over the telephone. Patient B did not personally meet the Respondent in person until the Spring of 1987.

b. In the Spring of 1987, Patient B asked the Respondent to recommend a therapist. Instead of recommending someone else, the Respondent told Patient B that he was available to provide counseling.

c. Patient B entered into therapy with the Respondent in the Spring of 1987. Patient B was being treated for depression and she also received marriage counseling.²

d. Patient B continued therapy with the Respondent

Patient B's husband also met with the Respondent for couple's therapy.

until the Spring of 1989. The therapy ended because of a disagreement between the Respondent and Patient B. Patient B continued to work for the Respondent. On some occasions, Patient B worked out of the Respondent's home.

e. A few weeks after therapy was terminated, Patient B and the Respondent began having a sexual relationship. They also exchanged gifts and went out on dates.

f. Patient B continued to work for the Respondent and had a sexual relationship with him until 1993.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document sent to the Respondent April 22, 1997. A case resolution conference on those charges was held on June 2, 1997, and was attended by Eric Bowen, Ph.D., Board Member; and Paul Ballard, Assistant Attorney General and Counsel to the Board. Also in attendance were Sherrai V. Hamm, Assistant Attorney General and Administrative Prosecutor, and Richard Bloch, Esquire, attorney for the Respondent, and the Respondent.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Respondent violated §18-313 (7), (12), (14), (16), and (17) of

the Act, COMAR 10.36.01 (05) and the APA.

ORDER

Based upon the Board's Findings of Fact and Conclusions of Law, and by agreement of the parties to settle this matter without an evidentiary hearing, it is this 12th day of September 1997, by a majority of a quorum of the Board hereby;

ORDERED that the Respondent's license to practice psychology, counseling, or therapy of any nature or form, be and is hereby **SUSPENDED** for a period of two years with all but one year **STAYED**, with actual suspension commencing **30 days** from the date that this Order is signed by the Board; and be it further

ORDERED that following said suspension, the Respondent shall be placed on **PROBATION** for a period of one year **PROVIDED** the Respondent has satisfied the following condition:

1. The Respondent must submit to a psychological or psychiatric examination by a licensed practitioner approved by the Board. The Respondent shall provided the Board approved practitioner with a copy of this Consent Order. The evaluation shall be for the purpose of determining whether the Respondent may return to the practice of psychology with supervision. The Respondent

shall pay for all cost associated with the evaluation.

If the evaluator concludes and the Board agrees that the Respondent is not ready to return to the practice of psychology with supervision, the Board may refuse to stay the remainder of the Respondent's suspension; and be it further

ORDERED that the Board agrees that the Respondent is able to practice psychology with supervision the Respondent shall be placed on probation and subjected to the following conditions:

1. The Respondent shall be under the supervision of a Board approved licensed psychologist and the Respondent shall bear the cost of said supervision.

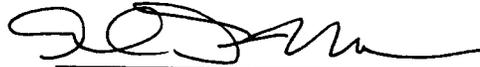
2. The Respondent's meet with the Board approved supervisor at least once a month.

3. The Respondent shall have the responsibility of ensuring that the Board receives from his supervisor quarterly reports in a timely fashion. Said reports shall be provided to the Board on 3/15/99. A final report shall be due on 12/15/99. The final report shall advise the Board whether the Respondent shall continue to be supervised. After receiving all the required reports from the Respondent's supervisor, the Board will determine if the Respondent's

license may be reinstated without further conditions or restrictions.

4. The Respondent shall take and pass a Board approved graduate level ethics course with at least a "B" or better.

10/31/97
Date



Daniel Malone, Ph.D., Chair
Board of Examiners of Psychologists

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8/29/97

CONSENT OF UZI BEN-AMI, Ph.D

I, UZI BEN-AMI, Ph.D., by affixing my signature hereto acknowledge that:

1. I am represented by Richard Bloch, Esquire, and I have had the opportunity to consult with counsel before signing 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 Section 18-313 of the Act and Section 10-205 et seq if 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 Section 18-315 of the Act and Section 10-205 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland and any right to appeal as set forth in Section 18-316 of the Act and Section 10-215 of the Administrative Procedure Act. I acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary actions, possibly including

revocation, against my license to practice psychology in the State of Maryland.

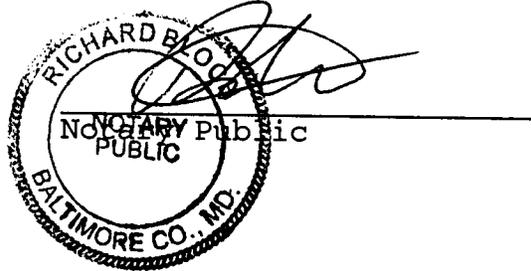
9/4/97
Date

[Signature]
Uzi Ben-Ami, Ph.D.

State of Maryland
City of Baltimore:

I HEREBY CERTIFY that on this 4th day of September, 1997, a Notary Public of the State and City/County aforesaid, personally appeared Uzi Ben-Ami, Ph.D., License No. 01074, 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.



My Commission Expires:
11/1/99