

IN THE MATTER OF
PATRICIA WEBBINK, Ph.D.
LICENSE NO. 810
RESPONDENT

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

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board Examiners of Psychologists (the "Board") and subject to Health Occupations Article §18-313, Annotated Code of Maryland, the Board charged Patricia Webbink, Ph.D. (the "Respondent"), with violations of Title 18 (the "Act"). The charges were as follows:

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:

- (5) Aids or abets an unauthorized person in practicing psychology or representing oneself to be a psychologist;
- (7) Violates the code of ethics adopted by the Board under §18-311 of this subtitle;
- (9) Submits a false statement to collect a fee;
- (10) Willfully makes or files a false report or record in the practice of psychology;
- (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 Code of Ethics adopted by the Board pursuant to §18-311 provide as follows:

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 influence.

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.

- 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 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, supervisees, close friends or relatives. Sexual intimacies with clients are unethical.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging documents delivered to Respondent on or about May 23, 1994. Respondent submitted a detailed written response to each of the charges, supported by a series of 36 affidavits and letters from persons with knowledge of facts pertinent to the charges.

A prehearing conference on those charges was held on July 24, 1994, and was attended by Douglas Peddicord, Ph.D., of the Board, Roslyn Blackman, Administrator of the Board, and Nancy P. Tennis, Assistant Attorney General, Counsel to the Board.¹ Also in attendance were Roberta L. Gill, Assistant Attorney General, Administrative Prosecutor, the Respondent and her attorneys, William Saraille and Kevin T. Baine. During the prehearing conference, Respondent and the Board representative in attendance tentatively agreed upon the terms of a settlement, subject to the Board's approval. The Board rejected those terms and the matter was referred for a hearing at the Office of Administrative Hearings (OAH): hearing dates subsequently set for the week of September

¹Lena Robbins, a law clerk to Ms. Tennis, was present in an observational capacity only.

18, 1995.

Following the prehearing, the Respondent submitted various proposals for settlement to the Board.

At its July 14, 1995 meeting, the Board agreed to resolve the administrative charges by way of settlement. However, the Respondent then proposed to substantially alter the terms of the settlement, a consent order was not executed in a timely manner and the Board re-referred the matter to OAH. Following more negotiations and acceptance of the draft proposal by the Board, the parties and the Board have agreed to this Final Consent Order.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was and is licensed to practice psychology in Maryland. At all times relevant hereto, the Respondent was engaged in private practice at two different locations.

2. The investigation in this matter was initiated as a result of a complaint by a patient, Patient A² to whom the Respondent provided counseling from January 1990 through January 1991. During this time period, the Respondent was alleged to have engaged in the following activities:

a. It was alleged that the Respondent allowed Patient A to perform painting and repair work for Respondent's personal properties, accepted a hand-carved wooden sign and groceries from Patient A, allowed Patient A to pick her up at airports and

² Patients' names are confidential.

cook for Respondent's weekend "retreats," allowed Patient A to assist her with Respondent's son's birthday party, and to babysit for Respondent's son. It was alleged that these activities were performed as a barter arrangement of Patient A's services for fees owed to Respondent for counseling Patient A when Patient A's insurance ran out. Respondent denies that there was ever any such barter arrangement or any discussion about the patient's insurance running out. It was further alleged that these weekend "retreats" were billed to patient's insurance company as "group therapy." Respondent has explained that group therapy sessions were conducted at the weekend retreats, and that it was appropriate for those sessions to be billed as such.

b. It was alleged that on occasion the Respondent billed Patient A's insurance company for services not rendered or for services not rendered as billed. For example, in the case of Patient A it was alleged that the Respondent would bill indicating that she had conducted individual therapy sessions when, in fact, group therapy sessions had been conducted; that Respondent would bill for canceled sessions where no service had been provided; and that Respondent would bill for telephone consultations as individual therapy sessions. Respondent has denied these charges and produced detailed statements and affidavits to the following effect: (1) Patient A did, in fact, attend sessions on some of the dates that it was alleged she did not attend sessions; and (2) Patient A's own records confirm that she did have individual therapy on some of the dates when it was alleged she attended group sessions. Respondent asserts further any mistakes in billing that may have occurred were inadvertent.

3. In the course of the investigation of Patient A's complaint, information was provided concerning individuals identified as Patients B through E. The charges alleged that Respondent requested Patient B to work in Respondent's office, that Respondent took Patient B's minor son (who was also a patient) trick or treating, and that Patient B baby-sat for the Respondent's son. Respondent admits that Patient B was allowed to work in the office on just a few brief occasions while she was waiting for her son during his psychotherapy session, and that she took Patient B's son trick or treating.

4. The charges alleged that Respondent requested that Patient C paint the outside and inside of one of the Respondent's homes and the inside of another of her homes. Respondent denies that the individual identified as "Patient C" in the charges was a patient, but, rather, states that he was a friend of a patient.

5. The charges alleged that Respondent billed Patient D for a weekend group therapy retreat that was canceled, and that although the Respondent met with Patient D's minor child on only one occasion, she billed his mother's insurance company for several sessions where service was not provided. Respondent has submitted a contract signed by Patient D acknowledging responsibility for canceled sessions. Patient D has indicated that one session was canceled by the Respondent; therefore, Patient D should not have been billed. Respondent notes that she has not been given any details concerning this allegation and asserts that any mistakes that may have occurred were inadvertent.

6. The charges alleged that Respondent breast-fed her child in front of Patients A, B, D and D's minor son. Respondent does not deny that she has breast-fed her child in the presence of patients but does deny that the alleged conduct is unethical. The Board

finds, however, that said conduct was unprofessional.

7. The charges alleged that the Respondent allowed her office manager to conduct group sessions, and that the office manager is neither a licensed psychologist nor an authorized psychology associate. Respondent denies this allegation and has submitted affidavits from the office manager and others that the office manager did not conduct group sessions.

8. The charges allege that from February to May 1981, while the Respondent was providing psychotherapy to Patient F, the Respondent engaged in a sexual relationship with Patient F, and that the sexual relationship continued after the termination of counselling until late 1982 or early 1983. Respondent admits this allegation. Respondent very much regrets the relationship and agrees that it was wrong.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated §§18-313 (7), (12), (14)(is professionally . . . incompetent), (16) and (17) of the Act. The Board further concludes as a matter of law that the Respondent violated the Code of Ethics adopted by the Board pursuant to §18-311 of the Act by violating Principle 1 and f thereunder, 2 and f thereunder, and 6 and a thereunder. The Board makes no finding with respect to §§18-31³5 (5), (9) and (10).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 7th day of July, 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 from the effective date of this Order, subject to the following conditions:

1. That within 60 days from the effective date of this Order, the Respondent shall appropriately refer her entire patient load elsewhere; and
2. The Respondent shall take and pass a Board pre-approved ethics course and submit documentation of the completion of same to the Board within the suspension period; and be it further

ORDERED that upon completion of the suspension period, if the Board has determined that the Respondent has complied with the Order, the Respondent shall be placed on **PROBATION** for two years, subject to the following conditions:

1. The Respondent shall retain at her own expense a psychologist-mentor approved of by the Board to review her professional practices, focusing on the prevention of dual relationships and other ethical grounds. The psychologist-mentor shall submit semi-annual reports to the Board. The Respondent may seek assistance from the Maryland Psychology Association in submitting to the Board the names and curriculum vitae of psychologists

who are willing to be mentors; and it is further

ORDERED that Respondent shall refrain from engaging in the conduct which led to the disciplinary action herein and that the Respondent shall practice in accordance with the Maryland Psychologists Act in a competent manner; and be it further

ORDERED that if Respondent substantially violates any of the foregoing conditions of suspension or probation, or if the Board receives a report from the psychologist-mentor or Respondent's personal therapist indicating that the Respondent is a threat to the public health and safety and is unable to practice psychology in a safe competent manner, the Board after notification of the violations, shall revoke the Respondent's license, providing the Respondent with a notice and hearing thereafter; and be it further

ORDERED that on or after the two (2) year probationary period has ended, and upon petition by the Respondent, the conditions of probation will be removed and Respondent's license to practice psychology will be restored without conditions or restrictions only after the Respondent has demonstrated to the Board that she has practiced psychology in compliance with the Act and with the conditions of probation. Should the Respondent fail to file said petition, the conditions of probation will remain as is; and be it further

ORDERED that in the event the Board of receives an unsatisfactory report from the mentor which it believes in good faith to be accurate, or in the event that the Board finds for any reason in good faith that Respondent has substantially violated any provision of Title 18 of the Health Occupations Article or regulations thereunder, the Board may take action, including, but not limited to, revocation or suspension of the Respondent's license

to practice psychology after giving Respondent notice, and an opportunity for hearing thereafter, in accordance with the Administrative Procedure Act, State Government Article, §10-201 et seq.; and it is further

ORDERED that for purposes of public disclosure, as permitted by §10-617(h) State Government Article, Annotated Code of Maryland, this document consists of the contents of the foregoing Findings of Facts, Conclusions of Law and Order.



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

CONSENT OF PATRICIA WEBBINK

I, Patricia Webbink, Ph.D., by affixing my signature thereto, acknowledge that:

1. I am represented by an attorney, Kevin T. Baine, Esquire, and have been advised by him of the legal implication of signing this Consent Order.
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 §10-201 et seq. of the Administrative Procedure Act ("APA"), 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 Facts, Conclusions of Law and Order provided the Board adopts the foregoing Final Consent Order in its entirety. By so doing, I waive my right to a formal hearing as set forth

in §18-315 of the Act and §10-201 et seq. of the APA and any right to appeal as set forth in §18-316 of the Act and §10-201 et seq. of the APA. I acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice psychology in the State of Maryland.

6/07/97
Date

Patricia G. Webbink, Ph.D.
Patricia Webbink, Ph. D.

STATE OF MARYLAND)
) ss
COUNTY OF BALTIMORE)

I HEREBY CERTIFY that on this 7 day of JUNE, 1997, a Notary Public of the State of Maryland and County of Baltimore, personally appeared Patricia Webbink, Ph.D., License No. 810, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Shirley Chatteroy
Notary Public

My Commission Expires: _____

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**My Commission Expires
July 27, 1998**