

IN THE MATTER OF

*** BEFORE THE STATE**

J. Michael Willis, Ph.D.,

*** BOARD OF EXAMINERS**

Respondent

*** OF PSYCHOLOGISTS**

License Number: 3234

*** Case Number: 2005-016**
*** OAG Case #: 05-BP-107**

*** * * * ***

CONSENT ORDER

On May 25, 2005, the Maryland Board of Examiners of Psychologists (the "Board") charged J. Michael Willis, Ph.D., (the "Respondent") (D.O.B. November 5, 1943), License Number 3234, under the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 18-101 *et seq.* (2000 Repl. Vol.).

The pertinent provision under §18-313 of the Act provides the following:

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;
- (12) Violates any provision of this title or any regulation adopted by the Board;
- (17) Commits an act of unprofessional conduct in the practice of psychology; or
- (20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology.

The pertinent sections of the Code of Ethics in the Code of Maryland Regulations adopted by the Board under § 18-311 of the Act and under which the Board charges Respondent are as follows:

Code Md. Regs. tit. 10 § 36.05.07 Client Welfare

B. Exploitation. A psychologist may not;

(5) Enter into a new nonpsychological, nonprofessional relationship with a former client that is considered exploitive dependent of, but not limited to:

(a) The nature, duration, and intensity of professional services rendered to the client;

(b) The length of the professional relationship;

(c) The length of time between the termination of the professional relationship and the initiation of the nonprofessional relationship;

(d) The mental stability of the psychologist and the former client;

(e) The circumstances of termination, including, but not limited to, statements or actions of the psychologist suggesting or inviting the possibility of a post-termination relationship and

(f) The likelihood of adverse impact on the client.

C. Sexual Misconduct. A psychologist may not:

(2) Engage in sexual intimacies with a former client:

(a) for at least 2 years after the cessation or termination of professional services[;].

Respondent was notified of the charges through service on his attorney on May 25, 2005. A hearing was scheduled for this matter before the Office of Administrative Hearings for October 25 and October 27, 2005. On July 8, 2005,

Respondent, his attorney, Kristin L. Kremer, Esquire, and Janet Klein Brown, Administrative Prosecutor, appeared before the Case Resolution Conference Committee (the "CRC") of the Board. As a result of negotiations with the Office of the Attorney General and the CRC, Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below.

FINDINGS OF FACT

The Board makes the following findings of fact:

I. Background

1. At all times relevant to the charges, Respondent was and is licensed to practice psychology in the State of Maryland. Respondent was initially licensed to practice psychology in Maryland on December 1, 1995 under License Number 3234. On or about March 3, 2004, Respondent renewed his license. Respondent's current license will expire on March 31, 2006.

2. Respondent received his Ph.D. in December 1993 and was originally licensed in Kentucky.

3. At all times relevant to the charges, Respondent maintained an office for the practice of psychology in Annapolis, Maryland.

4. On or about October 8, 2004, the Board received correspondence from Respondent stating that he is writing "to report I have violated COMAR 10.36.05.07.C(2)(a)"¹, wherein approximately one month after the conclusion of

¹ Code Md. Regs. tit.10, 36.05.07.C (2)(a) states that "A psychologist may not: Engage in sexual intimacies with a former client: For at least 2 years after the cessation or termination of professional services[;]."

treatment of a patient, he developed a social, then a romantic relationship with her. Respondent stated that due to reservations about his "ethical obligation to a recent former patient," he sought counseling and terminated the relationship with the patient.

5. On or about October 20, 2004, the Board received a written complaint about Respondent from a psychologist who reported that on July 21, 2004, Respondent informed her that he had been having a sexual relationship with a former patient, Patient A², whom he had been seeing in treatment for three (3) years.

6. The Board opened an investigation of the complaint, interviewing the reporting psychologist, Patient A, and Respondent, and obtaining copies of Patient A's treatment records.

II. Patient Specific Findings

Patient A

9. Respondent initially saw Patient A, then a fifty-year-old female, on May 2, 2001. Respondent noted a history of her having been in recovery from alcoholism for 6 months, having problems with her marital relationship, and that she had been a "stay-at-home Mom" for 18 years.

10. Respondent noted that Patient A had been in recovery for six months and was having problems with relationships in that she was "driving people away." Patient A informed Respondent that her goal in therapy was to be self-sufficient.

² The patient's name is confidential and is not included in this Consent Order. Respondent is aware of the identity of Patient A.

11. Thereafter, Respondent began seeing Patient A, for weekly, then biweekly, individual psychotherapy sessions. Patient A and her husband of over twenty years separated in Spring 2002. Patient A and Respondent dealt with issues in regard to Patient A's involvement with AA, her divorce, her going back to school, her plans to become employed, and her relationships with men.

12. In or about April 2003, Respondent documented that Patient A began to consider if she needed to continue in therapy.

13. In or about December 2003, Respondent documented that Patient A again spoke about possible termination. Respondent documented that they "continue to talk about it and try to define criteria" and that Patient A "liked the idea."

14. On January 5, 2004, Respondent documented that he reminded Patient A that one of her termination criteria was her wanting to feel settled for a consistent period of time.

15. In January 2004, Respondent initiated a discussion of termination, stating they "need to start talking about closure."

16. On February 2, 2004, Respondent documented that "if things continue to go well, might terminate in a few months."

17. On March 16, 2004, Respondent documented that termination seems appropriate and that they would meet in one month as a last session.

18. On April 13, 2004, Respondent documented that Patient A waited until near the end of the session to mention somewhat mixed feelings about termination. April 13, 2004 was Patient A's last session with Respondent.

19. On May 6, 2004, Patient A's divorce became final.

20. On May 14, 2004, Respondent called Patient A "to check on her status and how she was doing." Respondent also invited Patient A to play tennis, being aware that at one time, she had played tennis every day but had not done so in a number of years and that he might "re-stimulate that (tennis) in her."

21. On May 15, 2004, Respondent picked up Patient A at her home and they played tennis.

22. Thereafter, Respondent began calling and sending email to Patient A, and going to her home. Respondent and Patient A began a sexual relationship.

23. In or about July 2004, Patient A and Respondent had some disagreements.

24. In July 2004, Patient A resumed drinking.

25. From July 2004 through Fall 2004, Respondent and Patient A intermittently maintained the personal relationship, then intermittently had disagreements and did not see each other.

26. In October 2004, Respondent "self-reported" to the Board.

27. In late November 2004, Respondent and Patient A resumed a personal relationship, but continued to have disagreements. The relationship was intermittent through Winter 2004-2005.

28. Respondent's personal relationship with Patient A ended early Spring 2005.

III. Summary

29. The above referenced acts constitute: violation of the code of ethics adopted by the Board in regard to exploitation of patients and sexual misconduct; violation of any provision of the Board's title or any regulation adopted by the Board, specifically the regulations pertaining to client welfare; committing an act of unprofessional conduct in the practice of psychology; or doing an act that is inconsistent with generally accepted professional standards in the practice of psychology.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions constitute a violation of the appropriate standard of care for the delivery of quality medical services, in violation of the Maryland Psychologists Act, H.O. § 18-313(a)(7), (12), (17), and (20) and Code Md. Regs. tit. 10 § 36.05.07B(5) and C(2).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16 day of September, 2005, by affirmative vote of a majority of its members then serving:

ORDERED that Respondent's license shall be **SUSPENDED**, effective thirty (30) days from the date of the Consent Order; and that Respondent may not apply for reinstatement until three years from date of suspension; and be it further

ORDERED that prior to reinstatement Respondent shall:

- a. Enroll in a Board approved individual educational tutorial in professional ethics, specifically focused on boundary violations by health care providers;
- b. Authorize the Board to provide the tutor with the entire investigative file, including all investigative interviews and investigative reports, the Board's Disciplinary Charges and the Consent Order;
- c. Authorize the tutor to send reports to and communicate with any health professional providing psychotherapeutic treatment to or psychiatric/psychological evaluation of Respondent;
- d. Ensure that the tutor submits to the Board an assessment at the completion of the educational tutorial which includes a report of attendance, participation and completion of assignments, including a copy of any essay or other written assignment, if any, which Respondent is required to write;
- e. Successfully complete the individual tutorial in professional ethics;
- f. Continue participation in individual psychotherapy, as frequently as and for as long as the individual psychotherapist requires, with a Board approved psychotherapist, focusing on specific vulnerabilities that lead to boundary violations, especially as described in this Consent Order;
- g. Authorize the Board to provide the individual psychotherapist with all of the documents enumerated in paragraph 4b, as well as the assessment of the tutor;
- h. Authorize the individual psychotherapist to send reports to and communicate with any health professional providing an individual tutorial with Respondent;
- i. Ensure that the individual psychotherapist submits quarterly reports to the Board which include a report of attendance, participation in psychotherapy and progress in dealing with the specific vulnerabilities that lead to boundary violations, especially as described in this Consent Order; the first quarterly report is due within three (3) months of the date of this Order;

- j. Complete twenty (20) continuing education credits;
- k. Take and pass the Maryland Jurisprudence Examination; and be it further

ORDERED that no earlier than three years following the effective date of this Order, and provided that Respondent had complied with the Consent Order's terms during Respondent's period of suspension, Respondent may petition the Board to lift the suspension; and be it further

ORDERED that prior to reinstatement, Respondent shall appear before the Board's Case Resolution Conference, with notification to the Attorney General's Office, Administrative Prosecutor, to explain how the completion of the course in professional ethics and his psychological treatment would affect his actions in the future, and to change or modify the conditions of probation; and be it further

ORDERED that after reinstatement, Respondent shall be on two (2) years probation, subject to the following conditions:

1. Respondent shall participate in evaluative supervision of his patients with a Board approved supervisor, who is not connected with Respondent through any current or past collegial, professional or academic affiliation, the frequency and duration will be determined by the Board after the Case Resolution Conference, who will monitor Respondent's practice and promote his skill in the appropriate use of supervision;
2. Respondent shall authorize the Board to provide the supervisor with the entire investigative file, including all investigative interviews and, investigative reports, the assessment of the tutor, the Board's Disciplinary Charges and the Consent Order;
3. Respondent shall authorize the supervisor to send reports to and communicate with any health professional providing an

individual tutorial with or psychological treatment of Respondent;

4. Respondent shall ensure that the supervisor submits quarterly reports to the Board; the first quarterly report shall be due within three (3) months of the date of reinstatement of the license;
5. Respondent shall participate in individual psychotherapy, as frequently as and as long as the individual psychotherapist requires, with a Board approved psychotherapist, focusing on specific vulnerabilities that lead to boundary violations;
6. Respondent shall authorize the Board to provide the psychotherapist with all of the documents listed in paragraph 8b above;
7. Respondent shall authorize the psychotherapist to send reports to and communicate with any health professional providing an individual tutorial with, or supervision of Respondent;
8. Respondent shall ensure that the psychotherapist submits quarterly reports to the Board; and be it further

ORDERED that any violation of the terms and conditions of this Order shall be deemed a violation of this Order; and it is further

ORDERED that Respondent shall comply with the Maryland Psychologists Act and all laws, statutes and regulations pertaining to the practice of psychology; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this probation and/or this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before an Administrative Law Judge at the Office of Administrative Hearings if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any sanction which the Board may have

imposed in this case under §§ 14-404(a) and 14-405.1 of the Medical Practice Act, including a reprimand, probation, suspension, revocation and/or a monetary fine, said violation being proved by a preponderance of the evidence; and be it further

ORDERED that the Respondent shall not petition the Board for early termination and conditions of this Consent Order; and be it further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. State Gov't Code Ann. § 10-611 et seq.

9-16-05
Date

Gayle O'Callaghan, Psy.D.
Chair
Maryland Board of Examiners of
Psychologists

CONSENT

I, J. Michael Willis, M.D., acknowledge that I am represented by legal counsel, Kristin L. Kremer, Esquire, and I have had the opportunity to consult with counsel before entering into and signing this document. By this consent, and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order.

I acknowledge the validity of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

9/14/05
Date

J. Michael Willis
Respondent

Reviewed by:

Kristin L. Kremer
Kristin L. Kremer, Esquire
Counsel for Respondent

STATE OF MARYLAND

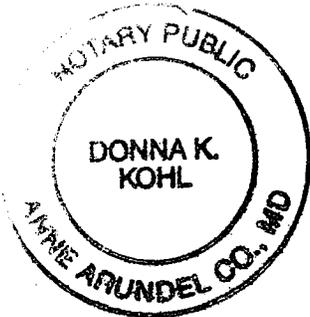
CITY/COUNTY of Anne Arundel

I HEREBY CERTIFY that on this 14th day of September, 2005, before me, a Notary Public of the State and County aforesaid, personally appeared J. Michael Willis, Ph.D., and made oath in due form of law that the foregoing was his/her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Donna K Kohl
Notary Public

My Commission Expires: 12/01/07



My Comm. Exps.
DEC. 1, 2007