

ORIGINAL
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF PSYCHOLOGY

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Richard Scott Lenhart, Ph.D.,
Respondent

Docket No.

File No.

12-63-11617

PROTHONOTARY
2013 JAN 29 PM 3:03
Department of State

NOTICE

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached order to show cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within twenty (20) days of the date on the Order to Show Cause. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF PSYCHOLOGY**

Commonwealth of Pennsylvania	:	
Bureau of Professional and	:	
Occupational Affairs	:	
	:	
vs.	:	Docket No. -63-12
	:	File No. 12-63-11617
Richard Scott Lenhart, Ph.D.,	:	
Respondent	:	

ORDER TO SHOW CAUSE

AND NOW, this 28th day of January, 2013, Richard Scott Lenhart, Ph.D. ("Respondent") is hereby ORDERED TO SHOW CAUSE why the State Board of Psychology ("Board"), upon consideration of the Factual Allegations and the applicable law, should not suspend, revoke or otherwise restrict Respondent's license, impose a civil penalty, or impose the costs of investigation. This action is brought pursuant to the Professional Psychologists Practice Act, Act of March 23, 1972, P.L. 136, No. 52, ("Act"), 63 P.S. §§ 1201-1218, *as amended*; the Act of July 2, 1993, P.L. 345, No. 48 ("ACT 48"), 63 P.S. §§ 2201-2207, *as amended*; and will be conducted in accordance with the Administrative Agency Law, 2 Pa. C.S. §§ 501-508, 701-704, ACT 48, and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251.

IT IS FURTHER ORDERED that Respondent file an Answer to this Order to Show Cause in writing within twenty (20) days of the date of this Order stated above, in accordance with 1 Pa. Code § 35.37.

FACTUAL ALLEGATIONS

1. Respondent holds the following license to practice psychology in the Commonwealth of Pennsylvania: License No. PS006795L.

2. Respondent's license was originally issued on May 27, 1993, and was active through November 30, 2013; however, Respondent's license is currently suspended pursuant to an Order of Immediate Temporary Suspension issued by the Probable Cause Screening Committee of the State Board of Psychology on November 5, 2012.

3. At all times pertinent to the Factual Allegations, Respondent held a license to practice psychology in the Commonwealth of Pennsylvania.

4. Respondent's last known address on file with the Board is 293 Homan Avenue, State College, PA 16801.

COUNT ONE

5. Paragraphs 1 through 4 are incorporated by reference.

Patient A.M.

6. From June 17, 2003 until March 1, 2010, Respondent provided psychological services to Patient A.M.¹, an adult female.

7. A.M. initially saw Respondent on a biweekly basis, however, A.M.'s sessions with Respondent increased over time to where A.M. saw Respondent for two-hour sessions twice per week.

8. A.M. was a complex patient who presented with symptoms of mood disturbance, anxiety, dissociation, post-traumatic stress disorder, unresolved family issues, self-abuse, and notably, a history of childhood sexual abuse.

9. Respondent also had a history of eating disorders and had undergone bariatric surgery prior to beginning her treatment with Respondent.

¹ The participants will be identified only by initials in order to protect their privacy. A key identifying the participants will be supplied with Respondent's copy of the Order to Show Cause.

10. Despite A.M.'s clinical complexity, Respondent provided a very loose, unstructured treatment regimen that incorporated physical "holding", touching, and sexualized behavior and attempting to resolve issues of trauma utilizing the clinical relationship, *i.e.*, transference.

11. Over the course of the nearly seven-year treatment relationship, Respondent, through a variety of improper behaviors, developed an inappropriate and harmful personal and sexual relationship with A.M. and provided treatment below the standard of care.

I. Boundary Violations

12. During his therapeutic relationship with A.M., Respondent failed to develop and maintain appropriate professional boundaries with A.M.

A. Time Boundary Violations – Between Session Contacts

13. Respondent engaged in a significant amount of between session contacts with A.M. through a variety of electronic media.

14. The vast majority of the between session contacts between Respondent and A.M. had no therapeutic value and were unrelated to professional treatment.

15. Respondent's significant number of between session contacts with A.M. jeopardized the therapeutic relationship and created an unhealthy personal relationship with A.M.

16. Respondent's between session contacts with A.M. included the following:

- a. Respondent permitted A.M. to "friend" him on Facebook.
- b. Respondent and A.M. communicated and sent numerous personal messages via Facebook.
- c. Respondent provided A.M. with his cell phone number and they communicated and sent numerous personal messages via text message.

17. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he engaged in significant between session contacts of a personal nature with A.M.

COUNT TWO

18. Paragraphs 1 through 17 are incorporated by reference.

19. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he engaged in significant between session contacts of a personal nature with A.M.

COUNT THREE

20. Paragraphs 1 through 19 are incorporated by reference.

21. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or

Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he engaged in significant between session contacts of a personal, and sometimes sexual, nature with A.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT FOUR

22. Paragraphs 1 through 22 are incorporated by reference.

23. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he engaged in significant between session contacts of a personal, and sometimes sexual, nature with A.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT FIVE

24. Paragraphs 1 through 23 are incorporated by reference.

25. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under

Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent engaged in sexual intimacies with a current client when he engaged in significant between session contacts of a personal, and sometimes sexual, nature with A.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.81(a).

COUNT SIX

26. Paragraphs 1 through 25 are incorporated by reference.

27. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he engaged in significant between session contacts of a personal, and sometimes sexual, nature with A.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT SEVEN

28. Paragraphs 1 through 27 are incorporated by reference.

B. Session Length Boundary Issues

29. At the outset of the therapeutic relationship, Respondent and A.M. agreed upon psychotherapy sessions of 45-50 minutes.

30. As the therapeutic relationship continued, Respondent continually extended the length of sessions until each session reached 2 hours in duration.

31. There is no notation in A.M.'s records to document this change in the therapeutic relationship.

32. Respondent failed to obtain informed consent prior to deviating from the agreed upon session length.

33. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he significantly extended and deviated from the agreed upon session length with A.M. without informed consent.

COUNT EIGHT

34. Paragraphs 1 through 33 are incorporated by reference.

35. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he significantly extended and deviated from the agreed upon session length with A.M. without informed consent.

COUNT NINE

36. Paragraphs 1 through 35 are incorporated by reference.

37. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he significantly extended and deviated from the agreed upon session length with A.M. without informed consent, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT TEN

38. Paragraphs 1 through 37 are incorporated by reference.

39. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he significantly extended and deviated from the agreed upon session length with A.M. without informed consent, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT ELEVEN

40. Paragraphs 1 through 39 are incorporated by reference.

41. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he significantly extended and deviated from the agreed upon session length with A.M. without informed consent, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT TWELVE

42. Paragraphs 1 through 41 are incorporated by reference.

C. Space Boundary Issues

43. During the course of the psychotherapeutic relationship, Respondent conducted sessions with A.M. outside the office.

44. Respondent accompanied A.M. out of the office to engage in psychotherapy sessions at a specialty toy store, the Penn State Campus, a parking garage, and a public library.

45. There is no treatment plan to indicate the reasons for out-of-the office sessions with A.M.

46. There was no therapeutic purpose for Respondent conducting psychotherapy sessions with A.M. outside the office.

47. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of

ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he conducted psychotherapy sessions with no legitimate therapeutic purpose with A.M. outside the office.

COUNT THIRTEEN

48. Paragraphs 1 through 47 are incorporated by reference.

49. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he conducted psychotherapy sessions with no legitimate therapeutic purpose with A.M. outside the office.

COUNT FOURTEEN

50. Paragraphs 1 through 49 are incorporated by reference.

51. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section

3.08, by developing and engaging in an exploitative relationship when he conducted psychotherapy sessions with no legitimate therapeutic purpose with A.M. outside the office, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT FIFTEEN

52. Paragraphs 1 through 51 are incorporated by reference.

53. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he conducted psychotherapy sessions with no legitimate therapeutic purpose with A.M. outside the office, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT SIXTEEN

54. Paragraphs 1 through 53 are incorporated by reference.

55. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he conducted psychotherapy sessions with no legitimate therapeutic purpose with A.M. outside the

office, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT SEVENTEEN

56. Paragraphs 1 through 55 are incorporated by reference.

D. Clothing Boundary Issues

57. During a psychotherapy session, Respondent unbuttoned his shirt so that A.M. could feel his skin.

58. During another psychotherapy session, Respondent placed his hand underneath A.M.'s shirt in order to touch her stomach.

59. During the course of providing psychological services to A.M., Respondent gave A.M. one of his shirts so she could smell it and be reminded of him when they were not together.

60. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he gave an article of clothing to A.M., touched A.M. underneath her clothing and allowed A.M. to touch his bare skin after unbuttoning his shirt during therapy sessions.

COUNT EIGHTEEN

61. Paragraphs 1 through 60 are incorporated by reference.

62. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he gave an article of clothing to A.M., touched A.M. underneath her clothing and allowed A.M. to touch his bare skin after unbuttoning his shirt during therapy sessions.

COUNT NINETEEN

63. Paragraphs 1 through 62 are incorporated by reference.

64. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he gave an article of clothing to A.M., touched A.M. underneath her clothing and allowed A.M. to touch his bare skin after unbuttoning his shirt during therapy sessions, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT TWENTY

65. Paragraphs 1 through 64 are incorporated by reference.

66. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he gave an article of clothing to A.M., touched A.M. underneath her clothing and allowed A.M. to touch his bare skin after unbuttoning his shirt during therapy sessions, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT TWENTY-ONE

67. Paragraphs 1 through 66 are incorporated by reference.

68. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent engaged in sexual intimacies with a current client when he gave an article of clothing to A.M., touched A.M. underneath her clothing and allowed A.M. to touch his bare skin after unbuttoning his shirt during therapy sessions, in violation of regulations promulgated by the Board at 49 Pa. Code §41.81(a).

COUNT TWENTY-TWO

69. Paragraphs 1 through 68 are incorporated by reference.

70. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he gave an article of clothing to A.M., touched A.M. underneath her clothing and allowed A.M. to touch his bare skin after unbuttoning his shirt during therapy sessions, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT TWENTY-THREE

71. Paragraphs 1 through 70 are incorporated by reference.

E. Self-disclosure Boundary Issues

72. Respondent made excessive self-disclosures of a personal and sexual nature to A.M. throughout the course of the psychotherapeutic relationship.

73. Respondent made excessive self-disclosures to A.M. during therapy sessions and between sessions through a variety of electronic media, including Facebook and text messages.

74. Respondent's self-disclosures included the following:

- a. Respondent discussed his past sexual relationships;
- b. Respondent's awareness of A.M.'s body and that he could have been attracted to her in another context;
- c. Respondent's belief that he could become sexually aroused by his patients and not act on it;
- d. Respondent's potential to desire A.M. sexually and that he would never act on it;
- e. Respondent's sexual attraction to A.M. without a desire to be intimate with her;
- f. Respondent's belief that he might become sexually aroused if A.M. took her clothes off in his office;

g. Respondent's admission that he became sexually aroused by a fantasy that A.M. wrote; and

h. Respondent's admission that under different circumstances, he would be attracted to her.

75. Respondent's excessive self-disclosures broke down the professional boundary with A.M.

76. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he made excessive self-disclosures of a personal and sexual nature to A.M. throughout the course of the psychotherapeutic relationship.

COUNT TWENTY-FOUR

77. Paragraphs 1 through 76 are incorporated by reference.

78. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he made excessive self-disclosures of a personal and sexual nature to A.M. throughout the course of the psychotherapeutic relationship.

COUNT TWENTY-FIVE

79. Paragraphs 1 through 78 are incorporated by reference.

80. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he made excessive self-disclosures of a personal and sexual nature to A.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT TWENTY-SIX

81. Paragraphs 1 through 80 are incorporated by reference.

82. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he made excessive self-disclosures of a personal and sexual nature to A.M. throughout the course of the

psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT TWENTY-SEVEN

83. Paragraphs 1 through 82 are incorporated by reference.

84. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent engaged in sexual intimacies with a current client when he made excessive self-disclosures of a personal and sexual nature to A.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.81(a).

COUNT TWENTY-EIGHT

85. Paragraphs 1 through 84 are incorporated by reference.

86. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he made excessive self-disclosures of a personal and sexual nature to A.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT TWENTY-NINE

87. Paragraphs 1 through 86 are incorporated by reference.

F. Physical Contact Boundary Issues

88. Respondent used physical contact with A.M. for the majority of her treatment and believed that physical contact and touching were essential ingredients to effective psychotherapy.

89. Respondent engaged in the following physical contact with A.M. during the course of the treatment relationship:

- a. Physical holding in which Respondent would hold A.M. in his arms while seated;
- b. Physical holding in which Respondent would hold A.M. while she sat on his lap;
- c. Physical holding in which Respondent agreed to lie down on the floor to hold A.M.;
- d. Frequent hugging that became a regular part of the treatment relationship;
- e. Role playing with A.M. focusing on physical contact;
- f. Wrestling with A.M.;
- g. Writing messages on parts of A.M.'s body;
- h. Respondent rubbing lotion on parts of A.M.'s body;
- i. Allowing A.M. to rub lotion on parts of his body;
- j. Rubbing and massaging each other during sessions; and
- k. Brushing A.M.'s hair during treatment sessions.

90. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he repeatedly utilized physical touch with A.M. throughout the course of the psychotherapeutic relationship.

COUNT THIRTY

91. Paragraphs 1 through 90 are incorporated by reference.

92. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he repeatedly utilized physical touch with A.M. throughout the course of the psychotherapeutic relationship.

COUNT THIRTY-ONE

93. Paragraphs 1 through 92 are incorporated by reference.

94. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he repeatedly utilized physical touch with A.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT THIRTY-TWO

95. Paragraphs 1 through 94 are incorporated by reference.

96. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he repeatedly utilized physical touch with A.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT THIRTY-THREE

97. Paragraphs 1 through 96 are incorporated by reference.

98. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent engaged in sexual intimacies with a current client when he repeatedly utilized physical touch with A.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.81(a).

COUNT THIRTY-FOUR

99. Paragraphs 1 through 98 are incorporated by reference.

100. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S.

§1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he repeatedly utilized physical touch with A.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT THIRTY-FIVE

101. Paragraphs 1 through 100 are incorporated by reference.

G. Sexual Boundary Issues

102. Respondent engaged in a variety of behaviors that romanticized and sexualized his relationship with A.M.

103. Respondent's behaviors began with touching, hugging and holding and progressed to more direct sexualizing of the therapeutic relationship.

104. Respondent's romantic and sexual behaviors toward A.M. included the following:

a. Overt sexualized and romantic writing by Respondent ("Dear Sweetheart", "I love you", "I've loved you for a long time", "Would you accept my sexual needs and desires, etc. Yes, I would be aware that you are physically attractive, but would we be compatible in what we liked about sex").

b. Sexualized, romantic and crude Facebook and text messaging by Respondent. Examples of messages sent to A.M. by Respondent include: "Down here they call me long horn"; "Only if you take off the clothes from your bottom

half”; “thanks. I’m well hung too”; I’m too busy downloading porn. Back Door Trombonista”.

c. Sexual topics and sexualized fantasies and feelings as part of treatment endorsed and supported by Respondent and unrelated to any treatment goal.

d. Sexual and romantic behaviors during sessions, including A.M. sitting on Respondent’s lap and straddling him, Respondent holding A.M.’s genitals over her clothing, and Respondent and A.M. laying together on the couch and pulling their shirts up.

e. Respondent kept naked pictures of A.M.

f. Respondent viewed pictures of A.M. wearing lingerie.

g. Respondent endorsed that A.M.’s sexual feelings for him were a natural part of the psychotherapy relationship and indicated that A.M. was making progress when she felt sexually connected or sexually aroused by treatment.

105. Respondent’s sexualized and romanticized behaviors toward A.M. created an unhealthy and unnecessary dependency for A.M.

106. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent’s license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he engaged in a variety

of behaviors that romanticized and sexualized his relationship with A.M. and resulted in an unhealthy and unnecessary dependency for A.M.

COUNT THIRTY-SIX

107. Paragraphs 1 through 106 are incorporated by reference.

108. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he engaged in a variety of behaviors that romanticized and sexualized his relationship with A.M. and resulted in an unhealthy and unnecessary dependency for A.M.

COUNT THIRTY-SEVEN

109. Paragraphs 1 through 108 are incorporated by reference.

110. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he engaged in a variety of behaviors that romanticized and sexualized his relationship with A.M. and resulted in an

unhealthy and unnecessary dependency for A.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT THIRTY-EIGHT

111. Paragraphs 1 through 110 are incorporated by reference.

112. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he engaged in a variety of behaviors that romanticized and sexualized his relationship with A.M. and resulted in an unhealthy and unnecessary dependency for A.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT THIRTY-NINE

113. Paragraphs 1 through 112 are incorporated by reference.

114. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent engaged in sexual intimacies with a current client when he engaged in a variety of behaviors that romanticized and

sexualized his relationship with A.M. and resulted in an unhealthy and unnecessary dependency for A.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.81(a).

COUNT FORTY

115. Paragraphs 1 through 114 are incorporated by reference.

116. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he engaged in a variety of behaviors that romanticized and sexualized his relationship with A.M. and resulted in an unhealthy and unnecessary dependency for A.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

FORTY-ONE

117. Paragraphs 1 through 116 are incorporated by reference.

II. Patient Abuse

118. On or about June 13, 2006, Respondent provided psychological services to A.M.

119. During this emotionally-charged therapy session, A.M. asked that Respondent hurt her.

120. In response, Respondent struck A.M. on the back, which, in turn, provoked severe fright and fear on the part of A.M. due to her history of physical and sexual abuse by men.

121. Respondent kissed the back of A.M.'s neck to make her feel better.

122. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he physically struck A.M. during a therapy session.

COUNT FORTY-TWO

123. Paragraphs 1 through 122 are incorporated by reference.

124. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he physically struck A.M. during a therapy session.

COUNT FORTY-THREE

125. Paragraphs 1 through 124 are incorporated by reference.

126. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under

Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he physically struck A.M. during a therapy session, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT FORTY-FOUR

127. Paragraphs 1 through 126 are incorporated by reference.

128. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he physically struck A.M. during a therapy session, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT FORTY-FIVE

129. Paragraphs 1 through 128 are incorporated by reference.

130. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and

dependency of a client/patient and engaged in an exploitative dual relationship when he physically struck A.M. during a therapy session, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT FORTY-SIX

131. Paragraphs 1 through 130 are incorporated by reference.

III. Critical Errors in Treatment

132. Throughout the course of the psychotherapeutic relationship, Respondent made serious clinical errors that created a harmful treatment relationship with A.M.

133. Respondent decided to start holding A.M. during their 20th session and continued holding A.M. throughout the course of the treatment relationship.

134. The holding technique utilized by Respondent is not a generally acceptable form of psychotherapy within the community of professional psychologists.

135. Respondent continued the holding technique despite A.M. expressing romantic feelings for, and sexual attraction to Respondent.

136. Respondent failed to recognize or understand A.M.'s feeling of transference in the relationship and Respondent's actions of holding A.M. contributed to sexualizing the relationship.

137. When not working on eating disorder treatment, Respondent focused many sessions on A.M.'s past history of emotional, sexual, and physical abuse.

138. Respondent approached A.M.'s possible recovered memories of childhood abuse with a preconceived notion that the abuse must have happened and documented his belief that all of A.M.'s recovered memories of abuse were true.

139. Respondent's treatment of A.M. involved using physical contact as a means to "help" A.M. feel safe and connected in order to recover and cope with her memories of abuse even though A.M. informed Respondent that she used the sexual nature of their relationship to avoid dealing with her thoughts and memories of abuse.

140. In February 2006, A.M. expressed her desire to see an unlicensed therapist in Canada who advocates the use of physical contact, including primal therapy, holding therapy and suckling therapy and claims to help individuals work through childhood trauma by allowing patients to suckle his nipple.

141. This Canadian therapist previously had his medical license suspended for allegations of sexual misconduct and later surrendered his license to practice the profession.

142. Respondent agreed that A.M. may benefit from seeking alternative treatment from a practitioner whose license had been suspended and later surrendered.

143. Respondent's endorsement of alternative treatment of primal therapy in Canada showed a complete disregard for A.M.'s safety and wellbeing.

144. In March 2008, A.M. recounted a memory in which she felt sexually aroused as a child when one of her cousins got on top of her to simulate sexual intercourse, and A.M. became sexually aroused recounting this memory.

145. In response to this recounted memory, Respondent informed A.M. that this was a positive experience as a child and that becoming sexually aroused by a childhood memory of sexual play was healthy for A.M.

146. In September 2009, A.M. presented with fantasies of her as a child being sexual with an adult male.

147. Respondent described this pedophilic fantasy as positive and appealing in that the fantasy involved innocence, gentleness and joy.

148. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he committed serious clinical errors while providing psychotherapy to A.M. resulting in harm to the patient.

COUNT FORTY-SEVEN

149. Paragraphs 1 through 148 are incorporated by reference.

150. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he committed serious clinical errors while providing psychotherapy to A.M. resulting in harm to the patient.

COUNT FORTY-EIGHT

151. Paragraphs 1 through 150 are incorporated by reference.

152. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 2.01, by committing serious clinical errors while providing psychotherapy to A.M. resulting in harm to the patient and by providing services outside the boundaries of his competence, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT FORTY-NINE

153. Paragraphs 1 through 152 are incorporated by reference.

154. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent failed to maintain high standards of professional competence, committed serious clinical errors while providing psychotherapy to A.M. resulting in harm to the patient, and provided services for which he was not qualified by education and training to perform, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 2(a).

COUNT FIFTY

155. Paragraphs 1 through 154 are incorporated by reference.

156. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he committed serious clinical errors while providing psychotherapy to A.M. resulting in harm to the patient, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT FIFTY-ONE

157. Paragraphs 1 through 156 are incorporated by reference.

IV. Informed Consent

158. A psychologist must communicate to a patient, as early in therapy as possible, the nature of and anticipated length of therapy, all fees, the involvement of third parties, and the limits of confidentiality.

159. Informed consent also includes: an explanation of the procedures that will be used as well as their purpose; the role of the person who is providing the therapy; the professional qualifications of that provider; discomforts and risks reasonably to be expected; benefits that are reasonably to be expected; alternative treatment options that may be of similar benefit; a statement that questions will be answered at any time; and a statement that the individual can withdraw his or her consent and discontinue participation in therapy at any time.

160. Informed consent does not have to be in written form; however, there is no indication in Respondent's treatment records of A.M. that he provided any verbal version of informed consent at the outset of psychotherapy.

161. There is nothing in Respondent's treatment records of A.M. which shows that Respondent provided written informed consent to A.M.

162. There is no indication from Respondent's treatment records that Respondent provided information about typical length of treatment. The length of treatment sessions with A.M. varied from 45-50 minutes to over two hours.

163. There is no indication from Respondent's treatment records that Respondent outlined how he worked with eating disorder patients.

164. There is no indication from Respondent's treatment records that Respondent outlined how he worked with patients who have been sexually, emotionally or physically traumatized.

165. There is no indication from Respondent's treatment records that Respondent explained how he works with other family members as part of the treatment process.

166. There is no indication from Respondent's treatment records that Respondent explained that his "multi-modal" approach to treatment involved frequent physical touching and hugging of patients.

167. There is no indication from Respondent's treatment records that Respondent disclosed that his holding technique was not mainstream psychological practice prior to the initiation of holding A.M.

168. There is no indication from Respondent's treatment records that Respondent disclosed that holding the patient was a significant part of his treatment. Respondent did not

disclose the benefits and risks of such a procedure and did not highlight that holding may lead to sexual arousal or to create romantic feelings for his patients.

169. There is no indication from Respondent's treatment records that Respondent disclosed that hugging the patient was a significant part of his treatment. Respondent did not disclose the benefits and risks of such a technique and did not highlight that hugging may lead to sexual arousal or to create romantic feelings for his patients.

170. There is no indication from Respondent's treatment records that Respondent disclosed that touching the patient's genitals, stomach, shoulders, feet, or hands was a part of his treatment. He did not disclose the benefits and risks of such a technique and did not highlight that touching A.M.'s body may lead to sexual arousal or to create romantic feelings toward him.

171. There is no indication from Respondent's treatment records that Respondent outlined his social media policy, even though he used Facebook to communicate with A.M.

172. Respondent's use of Facebook to communicate with A.M. was inconsistent with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Security Rule, which requires appropriate administrative, physical and technical safeguards to ensure the confidentiality, integrity, and security of electronic protected health information.

173. There is no indication from Respondent's treatment records that Respondent outlined how he managed between session contacts with patients. He did not indicate the types, frequency, or appropriateness of contacts between sessions, and whether or not he would bill for such services.

174. There is no indication from Respondent's treatment records that Respondent outlined how he handled between session contacts with text messages, even though he used text message to communicate with A.M. between sessions. There is no indication that the text

messaging was compliant with the HIPAA Security Rule, which requires appropriate administrative, physical and technical safeguards to safeguard the confidentiality, integrity, and security of electronic protected health information.

175. There is no indication from Respondent's treatment records that Respondent disclosed, at the beginning of treatment, that his secretary was also his wife.

176. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.10, by failing to obtain the informed consent of A.M. using language that is reasonably understandable to the client/patient, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT FIFTY-TWO

177. Paragraphs 1 through 176 are incorporated by reference.

178. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 10.01(a), by failing to obtain the informed consent of A.M. and inform her as early as was

feasible in the therapeutic relationship about the nature and anticipated course of therapy, fees, involvement of third parties, and limits of confidentiality and to provide A.M. with sufficient opportunity to ask questions and receive answers, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT FIFTY-THREE

179. Paragraphs 1 through 178 are incorporated by reference.

180. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 10.01(b), by failing to obtain the informed consent of A.M. for treatment for which generally recognized techniques and procedures have not been established and inform her of the developing nature of the treatment, the potential risks involved, alternative treatments that may be available and the voluntary nature of her participation, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT FIFTY-FOUR

181. Paragraphs 1 through 180 are incorporated by reference.

182. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of

ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he failed to obtain the proper informed consent of A.M.

COUNT FIFTY-FIVE

183. Paragraphs 1 through 182 are incorporated by reference.

184. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he failed to obtain the proper informed consent of A.M.

COUNT FIFTY-SIX

185. Paragraphs 1 through 184 are incorporated by reference.

V. Diagnostic Formulation Errors and Misdiagnosis

186. Respondent billed for completing a Comprehensive Psychological Evaluation; however, there is no indication in his records that he completed such an evaluation at the outset of treatment.

187. Respondent's records are devoid of any notations that he used the Diagnostic and Statistical Manual's multi-axial system or the International Classification of Diseases' classification system.

188. In spite of the lack of a diagnostic interview, Respondent concluded that A.M. suffered with Anorexia Nervosa even though there is no information in the record to support a diagnosis of Anorexia Nervosa.

189. Respondent made this diagnosis of Anorexia Nervosa despite the fact that A.M. had undergone bariatric surgery and was required to restrict her food intake as part of the aftercare program.

190. Later in the treatment relationship in 2010, Respondent changed A.M.'s diagnosis to Bulimia Nervosa even though there was no diagnostic work-up which highlighted the signs and symptoms of Bulimia Nervosa.

191. Respondent failed to complete a sufficient diagnostic procedure to reach the conclusion that A.M. suffered from Bulimia Nervosa.

192. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he incorrectly diagnosed A.M. and failed to pursue psychological testing, self-report measures or a structured diagnostic interview to validate his clinical impressions of A.M.

COUNT FIFTY-SEVEN

193. Paragraphs 1 through 192 are incorporated by reference.

194. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he incorrectly diagnosed A.M. and failed to pursue psychological testing, self-report measures or a structured diagnostic interview to validate his clinical impressions of A.M.

FIFTY-EIGHT

195. Paragraphs 1 through 194 are incorporated by reference.

Patient N.M.

196. From approximately 1994 through approximately early 2012, Respondent provided psychological services to Patient N.M., an adult female.

197. N.M. worked with Respondent in individual therapy on both a weekly and twice weekly basis; however, most of the treatment utilized psychotherapy sessions that occurred twice per week for 17 years.

198. Respondent provided psychotherapy sessions with N.M. that initially lasted one hour; however, the majority of treatment sessions lasted two hours.

199. N.M. was a complex patient who presented with symptoms of mood disturbance, anger management difficulties, anxiety, dissociation, unresolved family issues, chronic suicidal tendencies and notably, a history of sexual trauma.

200. Despite N.M.'s clinical complexity, Respondent provided a very loose, unstructured treatment regimen that incorporated physical "holding", resolving issues of trauma utilizing the clinical relationship, *i.e.*, transference, helping N.M. feel more autonomous, reducing the number of flashbacks and coping with job difficulties.

201. Respondent's treatment records contain no clear treatment plan, a lack of therapeutic structure and no definitive treatment goals.

202. Over the course of the 17+ year treatment relationship, Respondent, through a variety of improper behaviors, developed an inappropriate and harmful personal and sexual relationship with N.M. and provided treatment below the standard of care.

I. Multiple Boundary Violations

203. During his therapeutic relationship with N.M., Respondent failed to develop and maintain appropriate professional boundaries with N.M.

A. Financial Assistance Provided to N.M.

204. During the course of the treatment relationship in 2003, N.M. experienced financial difficulties.

205. Respondent wrote a check to N.M. in order to provide financial support for her.

206. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to,

the standards of acceptable and prevailing psychological practice when he provided financial assistance to N.M. during the course of the treatment relationship.

COUNT FIFTY-NINE

207. Paragraphs 1 through 206 are incorporated by reference.

208. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he provided financial assistance to N.M. during the course of the treatment relationship.

COUNT SIXTY

209. Paragraphs 1 through 208 are incorporated by reference.

210. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he provided financial assistance to N.M. during the course of the treatment relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT SIXTY-ONE

211. Paragraphs 1 through 210 are incorporated by reference.

212. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he provided financial assistance to N.M. during the course of the treatment relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT SIXTY-TWO

213. Paragraphs 1 through 212 are incorporated by reference.

214. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he provided financial assistance to N.M. during the course of the treatment relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT SIXTY-THREE

215. Paragraphs 1 through 214 are incorporated by reference.

B. Time Boundary Violations – Between Session Contacts

216. Respondent engaged in a significant amount of between session contacts with N.M.

217. Respondent provided N.M. with his cell phone number and they engaged in numerous lengthy telephone calls between sessions.

218. Respondent and N.M. engaged in multiple phone contacts per week to the point where Respondent damaged the treatment relationship and declared that he could not be an effective psychologist to N.M.; however, Respondent continued to provide psychological services to N.M.

219. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he engaged in significant between session contacts with N.M.

COUNT SIXTY-FOUR

220. Paragraphs 1 through 219 are incorporated by reference.

221. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of

ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he engaged in significant between session contacts with N.M.

COUNT SIXTY-FIVE

222. Paragraphs 1 through 221 are incorporated by reference.

223. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he engaged in significant between session contacts with N.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT SIXTY-SIX

224. Paragraphs 1 through 223 are incorporated by reference.

225. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he engaged in

significant between session contacts with N.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT SIXTY-SEVEN

226. Paragraphs 1 through 225 are incorporated by reference.

227. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he engaged in significant between session contacts with N.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

SIXTY-EIGHT

228. Paragraphs 1 through 229 are incorporated by reference.

C. Session Length Boundary Issues

229. Respondent engaged in various lengths of psychotherapy sessions with N.M.

230. At times, Respondent spent one hour with N.M. and at other times, the sessions lasted two hours.

231. On numerous occasions throughout the treatment relationship, Respondent could not keep to the agreed upon session length of 45 to 50 minutes and the sessions with N.M. would last for two hours or longer.

232. There is no notation in N.M.'s records to document this change in the therapeutic relationship.

233. Respondent failed to obtain informed consent prior to deviating from the agreed upon session length.

234. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he significantly extended and deviated from the agreed upon session length with N.M. without informed consent.

COUNT SIXTY-NINE

235. Paragraphs 1 through 234 are incorporated by reference.

236. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he significantly extended and deviated from the agreed upon session length with N.M. without informed consent.

COUNT SEVENTY

237. Paragraphs 1 through 236 are incorporated by reference.

238. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he significantly extended and deviated from the agreed upon session length with N.M. without informed consent, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT SEVENTY-ONE

239. Paragraphs 1 through 238 are incorporated by reference.

240. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he significantly extended and deviated from the agreed upon session length with N.M. without informed consent, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT SEVENTY-TWO

241. Paragraphs 1 through 240 are incorporated by reference.

242. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he significantly extended and deviated from the agreed upon session length with N.M. without informed consent, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT SEVENTY-THREE

243. Paragraphs 1 through 242 are incorporated by reference.

D. Clothing Boundary Issues

244. During a psychotherapy session, Respondent gave N.M. one of his shirts to help her feel safe during sessions.

245. During another psychotherapy session, Respondent permitted N.M. to lift her shirt and Respondent placed his hand on her bare abdomen.

246. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he gave an article of

clothing to N.M., allowed N.M. to lift her shirt, and touched N.M.'s bare stomach during therapy sessions.

COUNT SEVENTY-FOUR

247. Paragraphs 1 through 246 are incorporated by reference.

248. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he gave an article of clothing to N.M., allowed N.M. to lift her shirt, and touched N.M.'s bare stomach during therapy sessions.

COUNT SEVENTY-FIVE

249. Paragraphs 1 through 248 are incorporated by reference.

250. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he gave an article of clothing to N.M., allowed N.M. to lift her shirt, and touched N.M.'s bare stomach during therapy

sessions, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT SEVENTY-SIX

251. Paragraphs 1 through 250 are incorporated by reference.

252. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he gave an article of clothing to N.M., allowed N.M. to lift her shirt, and touched N.M.'s bare stomach during therapy sessions, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT SEVENTY-SEVEN

253. Paragraphs 1 through 252 are incorporated by reference.

254. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he gave an article of clothing to N.M., allowed N.M. to lift her shirt, and touched N.M.'s bare stomach

during therapy sessions, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT SEVENTY-EIGHT

255. Paragraphs 1 through 254 are incorporated by reference.

E. Self-disclosure Boundary Issues

256. Respondent made excessive self-disclosures of a personal and sexual nature to N.M. throughout the course of the treatment relationship.

257. Respondent self-disclosed information to N.M. about his sexual arousal with N.M., his sexual arousal with other patients, his sex life in general, issues with his health, his ongoing legal issues with another patient, treatment interventions with other patients, issues related to his adopted children, and his spiritual struggles.

258. Over the course of time, the relationship between Respondent and N.M. changed such that N.M. was supporting and counseling Respondent with his painful issues by holding him while he cried and comforting him, including sexually, on many occasions.

259. Respondent's excessive self-disclosures broke down the professional boundary with N.M.

260. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he made excessive self-

disclosures of a personal and sexual nature to N.M. throughout the course of the psychotherapeutic relationship.

COUNT SEVENTY-NINE

261. Paragraphs 1 through 260 are incorporated by reference.

262. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he made excessive self-disclosures of a personal and sexual nature to N.M. throughout the course of the psychotherapeutic relationship.

COUNT EIGHTY

263. Paragraphs 1 through 262 are incorporated by reference.

264. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he made excessive self-disclosures of a personal and sexual nature to N.M. throughout the course of the

psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT EIGHTY-ONE

265. Paragraphs 1 through 264 are incorporated by reference.

266. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he made excessive self-disclosures of a personal and sexual nature to N.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT EIGHTY-TWO

267. Paragraphs 1 through 266 are incorporated by reference.

268. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent engaged in sexual intimacies with a current client when he made excessive self-disclosures of a personal and sexual

nature to N.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.81(a).

COUNT EIGHTY-THREE

269. Paragraphs 1 through 268 are incorporated by reference.

270. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he made excessive self-disclosures of a personal and sexual nature to N.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

EIGHTY-FOUR

271. Paragraphs 1 through 270 are incorporated by reference.

F. Physical Contact Boundaries

272. Respondent used physical contact, both sexual and non-sexual, with N.M. for the majority of her treatment and believed that physical contact and touching were essential ingredients to effective psychotherapy.

273. Respondent engaged in the following physical contact with N.M. during the course of the treatment relationship:

- a. Physically holding and embracing N.M.;
- b. Physically holding N.M.'s genitals and rectum;
- c. Frequent hugging that made it appear that it was a normal part of treatment; and

d. Physical touch in which N.M. in a regressed state would touch his lips and teeth.

274. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he repeatedly utilized physical touch of both a sexual and non-sexual nature with N.M. throughout the course of the psychotherapeutic relationship.

COUNT EIGHTY-FIVE

275. Paragraphs 1 through 274 are incorporated by reference.

276. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he repeatedly utilized physical touch of both a sexual and non-sexual nature with N.M. throughout the course of the psychotherapeutic relationship.

COUNT EIGHTY-SIX

277. Paragraphs 1 through 276 are incorporated by reference.

278. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he repeatedly utilized physical touch of both a sexual and non-sexual nature with N.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT EIGHTY-SEVEN

279. Paragraphs 1 through 278 are incorporated by reference.

280. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he repeatedly utilized physical touch of both a sexual and non-sexual nature with N.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT EIGHTY-EIGHT

281. Paragraphs 1 through 280 are incorporated by reference.

282. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent engaged in sexual intimacies with a current client when he repeatedly utilized physical touch of both a sexual and non-sexual nature with N.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.81(a).

COUNT EIGHTY-NINE

283. Paragraphs 1 through 282 are incorporated by reference.

284. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he repeatedly utilized physical touch of both a sexual and non-sexual nature with N.M. throughout the course of the psychotherapeutic relationship, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT NINETY

285. Paragraphs 1 through 284 are incorporated by reference.

G. Sexual Boundary Issues

286. Respondent engaged in a variety of behaviors that sexualized his relationship with N.M., ultimately culminating in a sexual relationship between them.

287. Respondent's sexualized behaviors began with touching, hugging, and holding and progressed to a sexual relationship.

288. Respondent's sexualized behaviors during sessions with N.M. included the following:

- a. Allowing N.M. to straddle him;
- b. Lying on top of N.M. and placing his leg between her legs;
- c. Holding N.M.'s genitals and rubbing her rectum; and
- d. Stroking and touching N.M.'s body, including her breasts and genitals.

289. Respondent and N.M. began engaging in sexual activity in Respondent's office.

290. The sexual activity included kissing, N.M. masturbating Respondent to orgasm, Respondent performing oral sex on N.M., Respondent and N.M. holding and stroking each other while naked, and Respondent simulating vaginal intercourse with N.M. on one occasion.

291. Respondent informed N.M. that having a good sexual experience with him was probably the only bridge remaining for N.M. to heal from the trauma of severe childhood sexual abuse.

292. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he engaged in sexual

activity with N.M. during the course of the treatment relationship and engaged in a variety of behaviors that romanticized and sexualized his relationship with N.M.

COUNT NINETY-ONE

293. Paragraphs 1 through 292 are incorporated by reference.

294. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he engaged in sexual activity with N.M. during the course of the treatment relationship and engaged in a variety of behaviors that romanticized and sexualized his relationship with N.M.

COUNT NINETY-TWO

295. Paragraphs 1 through 294 are incorporated by reference.

296. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he engaged in sexual activity with N.M. during the course of the treatment relationship and engaged in a variety of

behaviors that romanticized and sexualized his relationship with N.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT NINETY-THREE

297. Paragraphs 1 through 296 are incorporated by reference.

298. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he engaged in sexual activity with N.M. during the course of the treatment relationship and engaged in a variety of behaviors that romanticized and sexualized his relationship with N.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT NINETY-FOUR

299. Paragraphs 1 through 298 are incorporated by reference.

300. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent engaged in sexual intimacies with a current client when he engaged in sexual activity with N.M. during the course of the treatment relationship and engaged in a variety of behaviors that romanticized and

sexualized his relationship with N.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.81(a).

COUNT NINETY-FIVE

301. Paragraphs 1 through 300 are incorporated by reference.

302. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he engaged in sexual activity with N.M. during the course of the treatment relationship and engaged in a variety of behaviors that romanticized and sexualized his relationship with N.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT NINETY-SIX

303. Paragraphs 1 through 302 are incorporated by reference.

H. Unnecessary and Unhealthy Dependency

304. Through his multiple boundary violations, Respondent's inappropriate actions and improper behaviors created an unhealthy and unnecessary dependency by N.M.

305. Respondent spent at least four hours per week with N.M. in addition to numerous telephone conversations each week for 17+ years.

306. Many sessions involved discussing intimate details about each other's lives, including sexual issues.

307. Treatment sessions regularly involved physical touching, including Respondent touching N.M.'s genitals and anus.

308. Respondent and N.M. also engaged in sexual activity during treatment sessions.

309. The dependency created by Respondent's actions became such that Respondent once informed N.M. that he had more weekly quality time with N.M. than he did with his wife and children.

310. Although N.M. began the process of terminating her treatment with Respondent in March 2010, Respondent continued to engage in sexual intimacies and other unhealthy behaviors with N.M. that promoted N.M.'s unhealthy reliance on him.

311. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he engaged in numerous improper behaviors that created an unhealthy and unnecessary dependency by N.M.

COUNT NINETY-SEVEN

312. Paragraphs 1 through 311 are incorporated by reference.

313. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of

ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he engaged in numerous improper behaviors that created an unhealthy and unnecessary dependency by N.M.

COUNT NINETY-EIGHT

314. Paragraphs 1 through 313 are incorporated by reference.

315. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.08, by developing and engaging in an exploitative relationship when he engaged in numerous improper behaviors that created an unhealthy and unnecessary dependency by N.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT NINETY-NINE

316. Paragraphs 1 through 315 are incorporated by reference.

317. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section

3.04, by failing to take reasonable steps to avoid harming his client/patient when he engaged in numerous improper behaviors that created an unhealthy and unnecessary dependency by N.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT ONE HUNDRED

318. Paragraphs 1 through 317 are incorporated by reference.

319. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent exploited the trust and dependency of a client/patient and engaged in an exploitative dual relationship when he engaged in numerous improper behaviors that created an unhealthy and unnecessary dependency by N.M., in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 6(b).

COUNT ONE HUNDRED-ONE

320. Paragraphs 1 through 319 are incorporated by reference.

II. Informed Consent

321. A psychologist must communicate to a patient, as early in therapy as possible, the nature of and anticipated length of therapy, all fees, the involvement of third parties, and the limits of confidentiality.

322. Informed consent also includes: an explanation of the procedures that will be used as well as their purpose; the role of the person who is providing the therapy; the professional

qualifications of that provider; discomforts and risks reasonably to be expected; benefits that are reasonably to be expected; alternative treatment options that may be of similar benefit; a statement that questions will be answered at any time; and a statement that the individual can withdraw his or her consent and discontinue participation in therapy at any time.

323. Informed consent does not have to be in written form; however, there is no indication in Respondent's treatment records of N.M. that he provided any verbal version of appropriate informed consent at the outset of psychotherapy.

324. There is nothing in Respondent's treatment records of N.M. which shows that Respondent provided appropriate written informed consent to N.M.

325. There is nothing in Respondent's treatment records of N.M. that Respondent provided information about typical length of treatment sessions. The length of treatment sessions varied from 45 to 50 minutes to over two hours. There were multiple sessions in which treatment lasted even longer than two hours.

326. There is nothing in Respondent's treatment records of N.M. that Respondent provided information about the typical length of treatment in terms of the number of sessions for treatment.

327. There is nothing in Respondent's treatment records of N.M. that Respondent outlined how he worked with suicidal patients.

328. There is nothing in Respondent's treatment records of N.M. that Respondent outlined how he worked with patients who have been sexually, emotionally or physically traumatized.

329. There is nothing in Respondent's treatment records of N.M. that Respondent explained his treatment approach to working with survivors of sexual and emotional abuse. He

did not inform NM of his liberal use of abreaction as part of treatment or how abreaction can be used to treat victims of sexual and emotional abuse.

330. There is nothing in Respondent's treatment records of N.M. that Respondent disclosed that his holding technique was not mainstream practice prior to the initiation of holding N.M.

331. There is nothing in Respondent's treatment records of N.M. that Respondent disclosed that holding the patient was a significant part of his treatment. Respondent did not disclose the benefits and risks of such a procedure and did not highlight that holding may lead to sexual arousal, create romantic feelings for his patients, or produce dependency on the psychologist.

332. There is nothing in Respondent's treatment records of N.M. that Respondent disclosed that holding the patient may risk sexual arousal on the part of Respondent and highlighted that holding and Respondent's sexual arousal may create a barrier in the working relationship.

333. There is nothing in Respondent's treatment records of N.M. that Respondent disclosed that hugging the patient was a significant part of his treatment. Respondent did not disclose the benefits and risks of such a technique and did not highlight that hugging may lead to sexual arousal, create romantic feelings for his patients, and may produce dependency on the part of his patients.

334. There is nothing in Respondent's treatment records of N.M. that Respondent disclosed that touching the patient's genitals, face, legs, anus, or back was a part of his treatment. Respondent did not disclose the benefits and risks of such a technique and did not highlight that

touching N.M.'s body may lead to sexual arousal or create romantic feelings toward him, or produce dependency.

335. There is nothing in Respondent's treatment records of N.M. that Respondent disclosed that engaging in sexual relations was a part of his treatment. Respondent did not disclose the benefits and risks of such a technique and did not highlight that sexual relations is contraindicated in all forms of psychotherapy.

336. There is nothing in Respondent's treatment records of N.M. that Respondent outlined how he handled between session contacts with phone calls before they started, even though he permitted the use of phone calls between sessions.

337. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.10, by failing to obtain the informed consent of N.M. using language that is reasonably understandable to the client/patient, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT ONE HUNDRED TWO

338. Paragraphs 1 through 337 are incorporated by reference.

339. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or

Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 10.01(a), by failing to obtain the informed consent of N.M. and inform her as early as was feasible in the therapeutic relationship about the nature and anticipated course of therapy, fees, involvement of third parties, and limits of confidentiality and to provide N.M. with sufficient opportunity to ask questions and receive answers, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT ONE HUNDRED THREE

340. Paragraphs 1 through 339 are incorporated by reference.

341. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 10.01(b), by failing to obtain the informed consent of N.M. for treatment for which generally recognized techniques and procedures have not been established and inform her of the developing nature of the treatment, the potential risks involved, alternative treatments that may be available and the voluntary nature of her participation, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT ONE HUNDRED FOUR

342. Paragraphs 1 through 341 are incorporated by reference.

343. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he failed to obtain the proper informed consent of N.M.

COUNT ONE HUNDRED FIVE

344. Paragraphs 1 through 343 are incorporated by reference.

345. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he failed to obtain the proper informed consent of N.M.

COUNT ONE HUNDRED SIX

346. Paragraphs 1 through 345 are incorporated by reference.

III. Failure to Obtain Consultation

347. Any time a psychologist believes that he is struggling with a patient, he should consider consulting with a peer to obtain more technical information, such as assistance in formulating treatment plans or types of clinical interventions, or identification of ways to

strengthen the clinical relationship, to receive feedback as to his emotional response to the patient, or to help him think through his own case conceptualization.

348. In spite of N.M.'s chronic suicidal ideation, breakdowns in the therapeutic alliance, frequent flashbacks and abreactions by N.M., and other therapeutic problems on the part of N.M., Respondent failed to seek consultation or supervision.

349. Respondent's lack of ability to engage in this type of support, demonstrates Respondent's lack of insight into his professional role and how badly the therapeutic relationship with N.M. had been damaged.

350. Although N.M. encouraged Respondent to seek consultation, Respondent informed her that he did not have the time, energy or courage to lay out what had been happening with N.M. for the duration of their treatment relationship.

351. Respondent decided to continue providing poor, uninformed and possibly dangerous treatment rather than consult a colleague or make the decision to refer N.M. to another psychologist.

352. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S. §1208(a)(11) and committed unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he failed to engage in consultation or supervision regarding his treatment of N.M. and when he failed to refer N.M. to another psychologist for treatment.

COUNT ONE HUNDRED SEVEN

353. Paragraphs 1 through 352 are incorporated by reference.

354. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he failed to engage in consultation or supervision regarding his treatment of N.M. and when he failed to refer N.M. to another psychologist for treatment.

COUNT ONE HUNDRED EIGHT

355. Paragraphs 1 through 354 are incorporated by reference.

356. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his client/patient when he failed to engage in consultation or supervision regarding his treatment of N.M. and when he failed to refer N.M. to another psychologist for treatment, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

COUNT ONE HUNDRED NINE

357. Paragraphs 1 through 356 are incorporated by reference.

Pattern of Conduct with Patients A.M. and N.M.

358. A.M.'s treatment relationship with Respondent ended in March 2010 and A.M. is currently under the care of another licensed healthcare provider to help her deal with the years of inappropriate treatment provided by Respondent.

359. N.M.'s treatment relationship with Respondent ended in approximately early 2012 and N.M. is currently under the care of another licensed healthcare provider to help her deal with the years of inappropriate treatment provided by Respondent.

360. Respondent engaged in multiple boundary violations, including physical touch, sexualized the treatment relationship, engaged in sexual intimacies, and created a damaging and unhealthy dependency with A.M. and N.M., and Respondent also engaged in sexual conduct with N.M.

361. Respondent exploited two survivors of sexual trauma by re-traumatizing them in his role as a psychologist.

362. Respondent's malevolent pattern of sexual grooming and repeated sexual misconduct with female patients over years of treatment makes him a threat to current and future patients.

363. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(11), 63 P.S.

§1208(a)(11) and committed immoral and/or unprofessional conduct by departing from, or failing to conform to, the standards of acceptable and prevailing psychological practice when he engaged in a pattern of sexual grooming and repeated sexual misconduct with female patients over years of treatment.

COUNT ONE HUNDRED TEN

364. Paragraphs 1 through 363 are incorporated by reference.

365. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8 of the Act, 63 P.S. §1208; or impose a civil penalty under Section 11(b) of the Act, 63 P.S. §1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. §2205(b)(5), in that Respondent violated the Act at Section 8(a)(4), 63 P.S. §1208(a)(4) and displayed gross incompetence, negligence or misconduct in carrying on the practice of psychology when he engaged in a pattern of sexual grooming and repeated sexual misconduct with female patients over years of treatment.

COUNT ONE HUNDRED ELEVEN

366. Paragraphs 1 through 365 are incorporated by reference.

367. Based upon the foregoing Factual Allegations, the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Section 8(a)(9) of the Act, 63 P.S. §1208(a)(9); or impose a civil penalty under Section 11(b) of the Act, 63 P.S. § 1211(b), and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), in that Respondent deviated from the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, Section 3.04, by failing to take reasonable steps to avoid harming his clients/patients when he engaged in

a pattern of sexual grooming and repeated sexual misconduct with female patients over years of treatment, in violation of regulations promulgated by the Board at 49 Pa. Code §41.61, Ethical Principle 3(e).

PENALTIES

If the Board finds that the Factual Allegations are true and correct, and determines that it has the authority to suspend or revoke the Respondent's license, the Board may, in its discretion, impose one or more of the following penalties:

- The revocation, suspension or other restriction of any licenses, certifications, registrations, permits or other authorizations to practice a profession held by Respondent in the Commonwealth of Pennsylvania, or the imposition of any other disciplinary or corrective action that the Act authorizes the Board to impose.
- The imposition of a civil penalty of up to ten thousand dollars (\$10,000.00) for each and every violation of the Act. Where criminal proceedings are a basis for a violation of the Act, each count for which the Respondent was convicted may be considered a separate violation of the Act.
- The imposition, as part of any disciplinary sanction, of the costs of investigation underlying that disciplinary action in the amount of \$18,433.00.

PROCEDURES

All proceedings are conducted in accordance with the Administrative Agency Law, 2 Pa. C.S. §§ 501-508, 701-704; Act of July 2, 1993, P.L. 345, No. 48 (Act 48), 63 P.S. §§ 2201-2207; and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251.

RESPONDENT IS HEREBY ORDERED TO FILE A WRITTEN ANSWER TO THIS

ORDER TO SHOW CAUSE WITHIN TWENTY (20) DAYS OF THE DATE OF THIS ORDER. The Answer shall specifically admit or deny each of the Factual Allegations made herein, and shall set forth the facts and state concisely the matter of law upon which Respondent relies. If Respondent fails to file an Answer within the time allowed herein, the Factual Allegations may be deemed admitted, and the Board will issue an Order which may impose penalties as set forth above.

If Respondent desires a formal administrative hearing, at which Respondent may defend against the allegations in the Order to Show Cause or to present evidence in mitigation of any penalty which may be imposed upon Respondent or any of Respondent's licenses, certifications, registrations, permits or other authorizations to practice a profession, a written request for hearing must be filed within twenty (20) days of this Order. **IF RESPONDENT FAILS TO FILE A WRITTEN REQUEST FOR HEARING WITHIN TWENTY (20) DAYS OF THIS ORDER, RESPONDENT WILL BE DEEMED TO HAVE WAIVED HIS OR HER RIGHT TO A HEARING AND FINAL JUDGMENT MAY BE ENTERED WITHOUT A HEARING.**

If a hearing is scheduled, Respondent will be notified of the specific time and place of the hearing. The hearing will be held before the Board or its duly designated Presiding Officer, in accordance with 1 Pa. Code § 35.185. Respondent may appear, with or without counsel, offer testimony or other evidence on his or her behalf, and confront and cross-examine the Commonwealth's witnesses.

Answers, requests for hearings, preliminary motions, protests, petitions to intervene, or any other pleading must be filed with:

Prothonotary
Pennsylvania Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105
717-772-2686

Also, you must send a separate copy of the Answer, and any other pleadings or documents, to the prosecuting attorney named below at:

Bridget K. Guilfoyle
Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649

Notices and petitions to intervene must be filed within twenty (20) days of the date of this Order, unless in extraordinary circumstances for good cause shown, a later filing is authorized by the agency.

**BY ORDER:
DEPARTMENT OF STATE
OFFICE OF CHIEF COUNSEL**



Bridget K. Guilfoyle
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
Office of Chief Counsel
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200

DATE: January 28, 2013

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF PSYCHOLOGY**

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Richard Scott Lenhart, Ph.D.,
Respondent

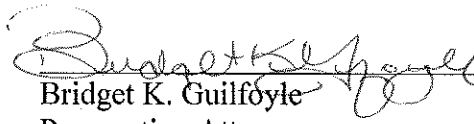
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: File No. 12-63-11617
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CERTIFICATE OF SERVICE

I, Bridget K. Guilfoyle, hereby certify that I have this 29th day of January, 2013, caused a true and correct copy of the foregoing Notice and Order to Show Cause to be served upon all parties of record in this proceeding in accordance with the requirements of Section 33.31 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 33.31 (relating to service by the agency).

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL,
POSTAGE PREPAID:**

Richard Scott Lenhart, Ph.D.
293 Homan Avenue
State College, PA 16801


Bridget K. Guilfoyle
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
Office of Chief Counsel

P. O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200

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