

IN THE MATTER OF

CHARLES BOSMAJIAN, Ph.D.

Respondent

License Number: 1783

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BEFORE THE

BOARD OF EXAMINERS OF

PSYCHOLOGISTS

Case Number: 2005-046

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

On April 28, 2006, the Board of Examiners of Psychologists (the "Board") charged Charles Bosmajian, Ph.D. (the "Respondent") (D.O.B. 10/16/47), License Number 1783, with violating certain provisions of the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 18-101 et seq. (2005 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under H.O. § 18-313(a):

(a) Subject to the hearing provisions of § 18-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke the license of any licensee if the applicant or licensee:

- (7) Violates the code of ethics adopted by the Board under § 18-311 of this subtitle;
- (12) Violates any provision of this title or any regulation adopted by the Board;
- (16) Behaves immorally in the practice of psychology;
- (17) Commits an act of unprofessional conduct in the practice of psychology;
- (20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology.

The pertinent sections of the Code of Ethics in the Code of Maryland Regulations ("COMAR") adopted by the Board under § 18-311 of the Act, and under which the Board also charged the Respondent are as follows:

**COMAR 10.36.05 Code of Ethics and Professional Conduct**

**.07 Client Welfare.**

B. Exploitation. A psychologist may not:

- (1) Exploit or harm clients, colleagues, students, research participants, or others; and
- (3) Exploit the trust and dependency of clients, students, and subordinates.

C. Sexual Misconduct. A psychologist may not:

- (1) Engage in sexual intimacies with a current client;
- (2) Engage in sexual intimacies with a former client:
  - (a) For at least 2 years after the cessation or termination of professional services; or
  - (b) After the 2 years following the cessation or termination of professional services if the sexual relationship is exploitative in light of the following factors:
    - (i) The nature, duration, and intensity of professional services rendered to the client;
    - (ii) The length of the professional relationship;
    - (iii) The length of time between the termination of the professional relationship and the initiation of the nonprofessional relationship;
    - (iv) The mental stability of the psychologist and former client;

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

(vi) The likelihood of adverse impact on the former client.

- (3) Engage in sexual intimacies with individuals known to be the parents, guardians, spouses, domestic partners, sexual partners, children, or siblings of the client or for at least 2 years after cessation or termination of professional services;
- (4) Terminate a professional relationship with a client for the purpose of engaging in sexual intimacies with one of the individuals set forth in §C(3) of this regulation;
- (5) Engage in sexual behavior with a client in the context of a professional evaluation, treatment, procedure, or service to the client, regardless of the setting in which the professional service is rendered.

**D. Harassment. A psychologist may not:**

- (1) Engage in sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, which behavior occurs in connection with the psychologist's professional role;
- (2) Engage in sexual harassment of the psychologist's past or present clients, supervisees, research participants, or employees, with deliberate or repeated comments, gestures, or physical contacts of a sexual nature; or
- (3) Create a hostile workplace or educational environment by unwelcome and offensive behaviors that are sufficiently severe or intense to be abusive of a reasonable individual in that environment whether it consists of a single act or of multiple persistent or pervasive acts.

On Friday, June 9, 2006, a Case Resolution Conference was convened in this matter. Based on negotiations occurring as a result of this Case Resolution Conference, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

The Board finds the following:

1. At all times relevant, the Respondent was and is licensed to practice psychology in the State of Maryland. The Respondent has been licensed to practice psychology in the State of Maryland since May 11, 1984, under License Number 1783.

2. The Respondent maintains an office at 100 Charleston Lane, Frederick, Maryland 21702.

3. On or about June 9, 2005, the Board received a written complaint, dated June 6, 2005, from a woman (identified *infra* as "Patient A")<sup>1</sup> who alleged that the Respondent provided professional services to her in 2003, and that approximately 11 months later, in 2004, entered into a sexual relationship with her. Patient A alleged that the Respondent had also been involved in a sexual relationship with another former patient (identified *infra* as "Patient B").

4. Based on the above complaint, the Board initiated an investigation of these allegations. The Board's investigative findings are set forth *infra*.

### **BOARD INVESTIGATIVE FINDINGS**

#### **Patient A**

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<sup>1</sup> The identities of individuals identified herein are confidential. The Respondent is aware of their identities.

5. Patient A, then a 42-year-old woman, commenced psychotherapy with the Respondent in March 2003. Patient A initially consulted the Respondent for issues related to her marital relationship and divorce. Patient A saw the Respondent for psychotherapy for one-hour sessions on a weekly basis until September 2003. During this time period, the Respondent saw Patient A at his 100 Charleston Lane address in Frederick, Maryland.

6. Approximately three months after commencing psychotherapy, Patient A began developing feelings of attraction for the Respondent. Patient A divulged her feelings to the Respondent, who discussed them with her in psychotherapy. The Respondent's psychotherapy notes indicate that Patient A frequently discussed her fantasies of the Respondent, her attraction to him, and her developing feelings for him. At this same time, Patient A informed the Respondent of the dissolution of her relationship with her spouse, and her intent to obtain a divorce.

7. During psychotherapy, Patient A frequented an area café that the Respondent also patronized. The Respondent permitted Patient A to sit with him, which she considered an intimate experience.

8. The Respondent terminated providing professional services to Patient A on or about September 12, 2003. The Respondent documented in his records that he was discontinuing providing psychotherapy to Patient A due in part to her attraction to him, and to her insistence on establishing a personal relationship with him.

9. Thereafter, Patient A continued to see the Respondent from time to time at the café that they patronized.

10. In or about August 2004, the Respondent established a personal and sexual relationship with Patient A. The Respondent continued this relationship with Patient A for approximately nine months, until May/June 2005.

11. In her complaint, Patient A reported that she was currently seeking the professional help of another psychologist to deal with the trauma that she believed she experienced as a result of her relationship with the Respondent.

### **Patient B**

12. Patient B, then a 32-year-old woman, commenced psychotherapy with the Respondent in January 1998, on a weekly basis. At or around this same time period, Patient B was marital counseling with her then husband. After Patient B and her spouse determined that their marriage was not salvageable, Patient B continued to pursue individual psychotherapy with the Respondent. During this time period, the Respondent was associated with Frederick Psychological Center ("FPC"), located in Frederick, Maryland. The Respondent provided professional services to Patient B at the offices of FPC.

13. The Respondent concluded providing professional services to Patient B after her separation.

14. The Respondent concluded providing professional services to Patient B in or about February 1999.

15. About six months after terminating providing professional services to Patient B, the Respondent entered into a personal and sexual relationship with her. The Respondent openly socialized with Patient B.

16. In or around 2000, the Respondent's practice colleagues at FPC became aware of the Respondent's sexual involvement with Patient B and confronted him about it. The Respondent's colleagues discussed with the Respondent the ramifications of his conduct, and implored him to discontinue his relationship with Patient B or alternatively, resign from their joint practice.

17. The Respondent elected to resign from his practice, rather than discontinue his relationship with Patient B.

18. Thereafter, the Respondent continued his personal and sexual relationship with Patient B. The Respondent stated that he engaged in his relationship with Patient B for "about five years," after which the relationship ended.

19. The Respondent's actions, as set forth above, constitute the following violations of the Act: violates the code of ethics adopted by the Board under § 18-311 of this subtitle, in violation of H.O. § 18-313(a)(7); and commits an act of unprofessional conduct in the practice of psychology, in violation of H.O. § 18-313(a)(17).

20. In addition, the Respondent's actions, as set forth above, constitute a violation of the following provision of COMAR 10.36.05.07:

**10.36.05 Code of Ethics and Professional Conduct**

**.07 Client Welfare.**

**C. Sexual Misconduct. A psychologist may not:**

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

**(a) For at least 2 years after the cessation or termination of professional services.**

21. The Respondent voluntarily ceased the practice of psychology as of December 21, 2005.

22. The Respondent cooperated fully with the Board after it commenced its investigation of him. When the Board contacted the Respondent about the above matters, the Respondent offered to immediately surrender his license to practice psychology.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent: did violate the code of ethics adopted by the Board under § 18-311 of this subtitle, in violation of H.O. § 18-313(a)(7); committed an act of unprofessional conduct in the practice of psychology, in violation of H.O. § 18-313(a)(17); and engaged in sexual intimacies with former clients within two years after the cessation or termination of professional services, in violation of COMAR 10.36.05.07C(a)(2).<sup>2</sup>

### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 17<sup>th</sup> day of July, 2006, by a quorum of the Board considering this case:

**ORDERED** that the Respondent's license to practice psychology in the State of Maryland be and is hereby **PERMANENTLY REVOKED**; and be it further


**ORDERED** that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Govt Code Ann. §§ 10-611 et seq. (2004 Repl. Vol.).

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<sup>2</sup> The other remaining charged provisions of the Maryland Psychologists Act and COMAR regulations were not pursued in the interests of case resolution.



July 19, 2006  
Date

  
Doug Johnson-Greene, Ph.D., ABPP  
Chair  
Maryland Board of Examiners of Psychologists

**CONSENT**

I, Charles Bosmajian, Ph.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Facts and Conclusions of Law, and I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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

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

July 10, 2006  
Date

Charles P. Bosmajian  
Charles Bosmajian, Ph.D.  
Respondent

STATE OF MARYLAND  
CITY/COUNTY OF: FREDERICK

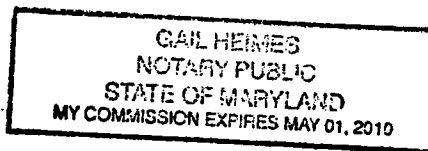
I HEREBY CERTIFY that on this 10<sup>th</sup> day of July, 2006, before me, a Notary Public of the State and County aforesaid, personally appeared Charles Bosmajian, Ph.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

↓  
Dated July 10, 2006  
consisting of ten  
pages

AS WITNESS, my hand and Notary Seal.

Gail Heimes  
Notary Public

My commission expires: \_\_\_\_\_



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