

**IN THE MATTER OF**  
**JOANN LANCASTER, Ph.D.**

**Inactive License No. 1812**

**Respondent**

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

**FINAL DECISION AND ORDER**

**Procedural Background**

This case arose from allegations that the Respondent, Joann Lancaster, Ph.D. (the "Respondent"), Inactive License Number 1812, among other things, engaged in the unauthorized practice of psychology and misrepresented herself as a psychologist licensed to practice in this State. Based upon the investigation of the Board of Examiners of Psychologists<sup>1</sup> (the "Board") and pursuant to its authority under the Maryland Psychologists Act, *Md. Code Ann.*, Health Occ. ("H.O.") §18-101 *et seq.* (the "Practice Act"), the Board issued a Notice of Intent to Revoke, dated November 23, 2005, against the Respondent for violating the Practice Act. The Board's Notice of Intent was served upon the Respondent and Respondent's counsel, Mr. Henson. (Attachment 2, State's Response to Respondent's Exceptions) On December 5, 2005, the Respondent requested a hearing on the matter and stated that she "will be seeking an attorney to represent [her] in this case." (Attachment 3, State's Response to Respondent's Exceptions) Mr. Henson later advised the Administrative Prosecutor that he would not be representing the Respondent in this matter and therefore, he should not receive any further notices.

On February 14, 2006, the Board mailed, via certified mail, a Notice of Hearing to the Respondent advising her of the dates of a Case Resolution Conference (March 10, 2006), the Pre-Hearing Conference (May 10, 2006), and the evidentiary hearing (June 8, 2006). The Respondent signed the receipt for the certified mailing on February 17, 2006. (Attachments 4 and 5, State's Response to Respondent's Exceptions) The Board convened a Case Resolution Conference panel on March 10, 2006. The Respondent did not attend, and therefore no settlement was reached and the case proceeded to the Pre-Hearing Conference.

On March 27, 2006, the Office of Administrative Hearings ("OAH") mailed a Notice of Pre-Hearing Conference to the Respondent. The Notice of Pre-Hearing Conference stated the date, time and place of the Pre-Hearing Conference and advised the Respondent that, "Failure to appear or to give timely notice of your inability to appear for the pre-hearing conference may result in a decision against you." (Attachment 6, State's Response to Respondent's Exceptions) The Notice also contained instructions for filing pre-hearing statements no later than 15 calendar days before the Pre-Hearing Conference. The Administrative Prosecutor filed a pre-hearing conference statement on April 25, 2006, with a copy sent to the Respondent. (Attachment 7, State's Response to Respondent's Exceptions) No pre-hearing conference statement was filed by the Respondent. On April 28, 2006, the Administrative Prosecutor received a voicemail message from the Respondent at 4:29 a.m., stating that she received the Prosecutor's Pre-Hearing Conference statement and requested to speak with the Prosecutor. The

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<sup>1</sup> The Respondent was interviewed as part of the Board's investigation and was accompanied by her counsel, Mr.

Prosecutor returned the Respondent's call on April 28, 2006, at 9:30 a.m., but never received a call back from the Respondent.

The Respondent retained counsel, Mr. Heneson, on May 2, 2006. (Exhibit 1, Respondent's Exception to Vacate Default Order) The Respondent provided Mr. Heneson with the Board's Notice of Hearing, dated February 14, 2006, which contained the dates of the Case Resolution Conference, the Pre-Hearing Conference, and the evidentiary hearing.

ALJ Murray convened the Pre-hearing Conference on May 10, 2006, as scheduled. The Administrative Prosecutor was present. The Respondent failed to appear. The Respondent did not request any postponement nor did the Respondent contact the Prosecutor or ALJ advising of her inability to appear. The ALJ and the Prosecutor waited for twenty (20) minutes after which the Prosecutor filed a Motion for Default against the Respondent pursuant to COMAR 28.02.01.20A. The ALJ granted the Motion for Default and issued the Proposed Default Order, dated May 11, 2006, wherein the ALJ proposed that the Allegations of Fact as set forth in the Board's Charges are true, the violations of the Maryland Psychologists Act be affirmed, all further proceedings in OAH be terminated, and that the Respondent's license be revoked. (See Proposed Default Order, attached as Exhibit A.)

After being advised by the Administrative Prosecutor that a Proposed Order of Default had been entered by ALJ Murray, the Respondent's counsel filed an Answer to State's Motion for Proposed Default. ALJ Murray advised that the he no longer had

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Henson, during the interview.

jurisdiction over this matter as the Proposed Order of Default had been entered, and that the Respondent should file exceptions to the Proposed Order with the Board. (Attachment 10, State's Response to Respondent's Exceptions)

The Proposed Default Order contained notice informing the parties of the right to file a written motion to modify or vacate the Proposed Default Order. The Respondent filed Exceptions to Vacate Default Order on May 25, 2006. The State filed a Response on June 2, 2006. The Respondent filed an Answer to the State's Response and Supplemental Exceptions on June 7, 2006, and the State filed a Motion to Strike the Respondent's Supplemental Exceptions on July 6, 2006.<sup>2</sup>

On July 14, 2006, the parties appeared before a quorum of the Board for a hearing on the exceptions. The Respondent did not attend the exceptions hearing; however, argument was presented on her behalf by her counsel. On that same date, July 14, 2006, the Board convened for a final decision in the case.

### **FINDINGS OF FACT**

The Board adopts the Allegations of Fact as recommended in the Proposed Default Order, dated May 11, 2006, and as set out in the Notice of Intent to Revoke, dated November 23, 2005, as the Board's final Findings of Fact. Those pertinent findings are set out more fully below.

1. Respondent was initially licensed to practice psychology in Maryland on May 11, 1984, under License Number 1812. On or about March 16, 2000, Respondent last renewed her license.

2. Respondent received her Ph.D. in May 1982.

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<sup>2</sup> It appears that the State's Motion to Strike was erroneously dated, but in any event was filed at some point after June 7, 2006.

3. On May 9, 2000, Respondent wrote to the Board requesting that she be placed "on inactive status at this time as due to medical problems I currently am unable to work in the profession. As such time as my medical condition improves and I am once again able to resume work as a psychologist, I will request from you reinstatement upon compliance with your requirements."

4. On May 31, 2000, Respondent submitted to the Board her then current wallet size Certificate of Renewal and a check for \$100. Respondent wrote in her correspondence that the payment was "in order to place my license on inactive status. I recognize that I must comply with CE requirements in order to have my license reinstated."

5. On June 22, 2000, the Board notified Respondent that it granted her May 9, 2000 request to have her license placed on inactive status and informed her that if she wished to reactivate her license she must submit a written request, pay a fee and satisfactorily document having met continuing education requirements.

6. On January 13, 2005, the Board received a complaint from Detective William C. Hughes ("Det. Hughes"), a fire investigation officer of the Baltimore County Police Department, stating that on December 24, 2004, "Ms. Lancaster misrepresented herself as a doctor to several police and fire officers at the scene of a fire. She made an effort to have someone transported by ambulance for an emergency petition evaluation<sup>3</sup> claiming to be his doctor." Det. Hughes attached to the complaint a Police Report regarding Respondent's arrest on December 24, 2004 for hindering a police investigation.<sup>4</sup>

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<sup>3</sup> Under Health-General § 10-620 *et seq.*, a physician, psychologist, clinical social worker, licensed professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, or a health officer, who has examined the patient, may petition for the emergency evaluation of an individual if the petitioner has reason to believe that the individual has a mental disorder and presents a danger to the life or safety of the individual or others. The petitioner shall give the petition to a peace officer who shall take the individual to the nearest emergency facility. A lay petitioner shall present the petition to a court for immediate review of probable cause to believe the individual has a mental disorder and presents a danger to the life or safety of the individual or others.

<sup>4</sup> Respondent was charged with "hindering a police officer," a misdemeanor under common law statutes. Respondent was acquitted of the criminal charges because the State was not able to prove criminal intent.

7. The Board opened an investigation of the complaint, interviewing the Complainant and Respondent.

8. At all times relevant to these charges, Respondent's license to practice psychology in Maryland has been inactive.<sup>5</sup>

9. Respondent does not maintain an office for the practice of psychology.

10. On or about December 24, 2004, at approximately 3:00 p.m., there was a "two alarm" house fire in White Marsh, Maryland. Det. Hughes, along with other Baltimore County police officers, an investigative officer from the Baltimore County Fire Department and medics with an ambulance appeared on the scene.

11. On December 24, 2004, Det. Hughes filed a "Crime Report" of the events on December 24, 2004. Det. Hughes reported that the adult son of the owner of the residence, and a friend, had been in the basement of the home smoking cigarettes and they left to buy cigarettes. The adult son told Det. Hughes that he did not know how the fire started.

12. According to Det. Hughes, based on his interview with the father, the adult son has been diagnosed a manic depressive, is under a doctor's care for the condition, including being on medication, and has lived in the family environment for many years.

13. According to Det. Hughes, the family was upset because they thought the son might have had something to do with the fire and in fact spoke about wanting to have an emergency evaluation and have him committed. Det. Hughes stated he told the family that he did not feel the facts supported his writing an emergency petition without indications that he is a danger.

14. Later, during the investigation, Respondent approached Det. Hughes and Fire Investigator Meyers, Baltimore County Fire Department, asking if she could help the victims of the fire in any way, such as money or Christmas gifts. Det. Hughes told

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<sup>5</sup> An inactive license is not a license to practice psychology while the individual is on inactive status. However, an individual on "inactive status" is a "licensee" of the Board for purposes of jurisdiction. See H.O. § 18-310.

Respondent that the Red Cross was assisting the victims and she could make a donation to the Red Cross if she wanted. Respondent left the officers and went toward the house fire.

15. Due to the volume of water used to extinguish the fire, the basement of the house was flooded and it took some time for the basement to be pumped out so Det. Hughes and the other officers could conduct an "origin and cause" investigation.

16. While waiting outdoors for the pumps, Det. Hughes received notice on his radio that the ambulance on the scene was going to take the adult son to Franklin Square Emergency Room ("Franklin Square") for an emergency petition evaluation and that another ambulance had been summoned to replace the ambulance on the scene. Det. Hughes was also informed that the adult son's "doctor" had arrived and was making arrangements for the adult son to be committed.

17. Officer White of the Baltimore County Police Department advised Det. Hughes "this guy's (the adult son) doctor showed up, the doctor said he admitted to starting the fire and she's going to commit him."

18. Officer White observed Respondent with the father and talking to Franklin Square to make arrangements for the son to be evaluated, saying she's got a patient coming in and what the patient will require.

19. Respondent was in a neighbor's house and had spoken to the father of the adult son who requested "a place to put my son." Respondent identified herself to the father as a "doctor." Respondent said that the son is "manic-depressive" and needed to go to an emergency room. Respondent called a "crisis unit" and inquired about an emergency room and was informed there was one at Franklin Square.

20. Det. Hughes, who was in "fire gear"<sup>6</sup> requested that the "doctor", who was in a neighboring house, to come outside to be interviewed. Det. Hughes considered the

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<sup>6</sup> Det. Hughes was dressed in a fireman's coat, boots and hat and was dirty from being inside the house that had the fire.

adult son to be a material witness and did not want him to leave the scene of the fire.

21. Det. Hughes then discovered that the "doctor" was the female who had just previously approached him on the street in regard to providing assistance to the family. The female was subsequently identified as the Respondent.

22. Det. Hughes identified himself and requested that Officer White, who was in police uniform, join him. Respondent informed Det. Hughes that she was just riding by and wanted to help. She stated she was not a doctor of the adult son but repeatedly stated that she was a doctor. Respondent stated she observed the adult son's actions and that he is "manic depressive and he needs to be committed."

23. Det. Hughes requested Respondent to produce identification to demonstrate she is a doctor.

24. Respondent produced a photo employee identification card from the Social Security Administration, dated 2/1998 with "MEDS" printed on the bottom corner. Respondent stated that this proved she was a doctor.

25. Det. Hughes requested further identification due to the age of the card and the ambiguity of the term "MEDS".

26. Respondent did not respond when Det. Hughes inquired whether she was licensed in Maryland.

27. Det. Hughes inquired in regard to her authority to enter the home and interview the adult son, a witness in the fire.

28. Respondent replied that "he needed her help."

29. Det. Hughes again requested that Respondent produce identification. Respondent replied that the officer should be glad she stopped to help.

30. Det. Hughes informed Respondent that if she did not produce some type of doctor's identification, she would be placed under arrest for hindering a police officer in the performance of his duties. Respondent replied, "Then just arrest me."

31. Det. Hughes arrested Respondent and placed her in handcuffs. Respondent



was transported to the precinct where she was processed and booked.

32. Thereafter, Det. Hughes and Officer White conducted an "origin and cause" investigation of the fire and determined the fire was accidental in nature and started by electrical wiring in the basement ceiling. The adult son was not involved in the fire in any manner.

33. Det. Hughes, Officer White, and Fire Investigator Meyers had interviewed the adult son and found no need for an emergency petition evaluation. Paramedics present on the scene also came to the same conclusion. Det. Hughes determined there was no indication of the adult son being an immediate risk to himself or others.

#### **CONCLUSIONS OF LAW**

The Board affirms the finding of default by ALJ Murray in accordance with COMAR 28.02.01.20A. Furthermore, based on the foregoing, and after consideration of the exceptions filed in this matter, the Board adopts the ALJ's Conclusions of Law and finds that the Respondent violated *Md. Code Ann.*, Health Occ. § 18-313(12) and § 18-401 and 402.

#### **SANCTION**

The Board adopts the proposed sanction of revocation as recommended by ALJ Murray in the Proposed Default Order, dated May 11, 2006.

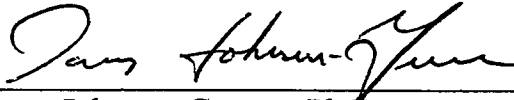
**ORDER**

Based upon the foregoing, it is this 8 day of Sept, 2006, by an affirmative vote of a majority of its members, under the authority of Health Occupations Art. § 18-313, hereby,

ORDERED that the Respondent, JOANN LANCASTER, be found in DEFAULT; and be it further,

ORDERED that the inactive license held by the Respondent, JOANN LANCASTER, is hereby REVOKED.

Sept 8, 2006  
Date

  
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Doug Johnson-Greene, Ph.D.  
Board Chair

**NOTICE OF RIGHT TO APPEAL**

Pursuant to *Md. Code Ann.*, Health Occ. § 18-316, you have a right to take a direct judicial appeal. A petition for appeal shall be filed within thirty (30) days of your receipt of this Final Order and shall be made as a petition for judicial review of a final decision in accordance with the Maryland Administrative Procedure Act, *Md. Code Ann.*, State Gov't §§ 10-201 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules.