

IN THE MATTER OF * BEFORE THE STATE
YULA PONTICAS, Ph.D., * BOARD OF EXAMINERS
Respondent * OF PSYCHOLOGISTS
License Number: 2426 * Case Number: 2005-015
OAG Case #: 05-BP-347

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On March 10, 2006, the State Board of Examiners of Psychologists (the "Board") charged Yula Ponticas, Ph.D., (the "Respondent") (D.O.B. 10/31/57), License Number 2426, under the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 18-101 *et seq.* (2000 Repl. Vol. & 2004 Supp.).

The pertinent provisions under §18-313 of the Act provide the following:

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

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

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

- B. Exploitation. A psychologist may not:
- (1) Exploit or harm clients, colleagues, students, research participants, or others;
 - (3) Exploit the trust and dependency of clients, students, and subordinates[;].

Code Md. Regs. tit. 10, § 36.05.08 Confidentiality and Client Records.

- A. A psychologist shall:
- (1) Maintain confidentiality regarding information obtained from a client in the course of the psychologist's work[;]

Respondent was notified of the charges through service on her attorney on March 10, 2006. A hearing was scheduled for this matter before the Office of Administrative Hearings for July 6, 2006. On April 7, 2006, Respondent, her attorney, Richard Bloch, Esquire, and Janet Klein Brown, Administrative Prosecutor, appeared before the Case Resolution Conference Committee (the "CRC") of the Board. As a result of negotiations with the Office of the Attorney General and the CRC, Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below.

FINDINGS OF FACT

The Board makes the following finding of facts:

I. Background

1. At all times relevant to the charges, Respondent was and is licensed to practice psychology in the State of Maryland. Respondent was initially licensed to practice psychology in Maryland on November 11, 1988 under License Number 2426. On or about March 2004, Respondent renewed her license. Respondent's current license will expire on March 31, 2006.

2. At all times relevant to the charges, Respondent maintained an office for the practice of psychology as the Associate Director for Clinical Services, Center for Sexual Health and Medicine, Department of Psychiatry and Behavioral Sciences, Johns Hopkins University School of Medicine ("Hopkins"), Baltimore, Maryland.

II. The Complaint

3. On or about November 30, 2004, the Board received a complaint from a representative of The Johns Hopkins Hospital ("JHH") regarding Respondent, informing the Board that Respondent revealed confidential patient information to an unauthorized person who disclosed the confidential patient information to other unauthorized persons.

4. The representative of JHH stated that on June 17, 2004, she received a complaint from an individual, Patient A¹, who, along with his wife, Patient B, had been patients of Respondent for "couples therapy." Patient A reported the following to JHH: A friend of Respondent told Respondent she had

¹ To ensure confidentiality, patient names are not used in a consent order. Respondent is aware of the identity of the patients referred to in herein.

been at a party where Patient B was present. Respondent then told her friend that she had seen Patients A and B in couples therapy, and also told her friend some of the matters that Patients A and B had discussed in therapy. Respondent's friend then told a third person, who is familiar with Patient B, what she had learned from Respondent about Patients A and B. The third person then informed a fourth person, a close friend of Patient B, that Respondent had disclosed personal information about Patients A and B. The fourth person then informed Patients A and B about the preceding events. Thereafter, Patient B filed his complaint with JHH.

5. The JHH representative informed the Board that Respondent was credentialed at the Johns Hopkins School of Medicine as a member of the affiliate staff, specializing in counseling for sexual issues, having been a member of the affiliate staff for over 18 years.

6. JHH investigated the complaint as a failure to comply with HIPAA Privacy Regulations and violation of JHH by-laws. During the investigation by JHH, Respondent admitted to the alleged activity. As a result, Respondent's staff privileges at JHH were revoked in November 2004.

III. The Board's Investigation

7. The Board opened an investigation of the Complaint, interviewing the representative from JHH, Patient A, Patient B, Respondent, and the friend of Respondent to whom Respondent disclosed the information. The Board's investigation revealed the following.

8. In or about Spring 2004, Respondent began seeing Patient A and his wife, Patient B, regarding marital problems that included some joint and conjoint evaluative and consultative sessions. Following receipt of Respondent's recommendations, Patients A and B did not continue to see Respondent for couples treatment.

9. Approximately three months after termination, Patients A and B learned that Respondent revealed some of what the couple had said to Respondent, to a friend of Respondent, who subsequently told another person, who told another person, a close friend of Patient B. The close friend of Patient B called Patient A and told him what she had learned. Patient A then notified his wife, Patient B, about these disclosures

10. Patient B confirmed what occurred by directly asking Respondent's friend, who acknowledged that Respondent had discussed personal information regarding Patients A and B with her. Patient B did not confront Respondent regarding the disclosure.

11. During the Board's investigation, Respondent acknowledged telling her friend that she was seeing Patients A and B and some details she obtained during the evaluations.

12. During the investigation, Respondent also acknowledged disclosing to others, "vignettes" regarding her patients, without identifying the names.

13. Since her termination at JHH, Respondent has continued seeing patients in a private practice in Baltimore, Maryland.

IV. Summary

14. The above referenced acts constitute violation of:
- a. §18-313(7) Violates the code of ethics adopted by the Board pertaining to client welfare and confidentiality;
 - b. §18-313(12) Violates any provision of the Board's title or any regulation adopted by the Board, (specifically, the regulations pertaining to client welfare and confidentiality);
 - c. §18-313(17) Commits an act of unprofessional conduct in the practice of psychology; and
 - d. §18-313 (20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology.

CONCLUSIONS OF LAW

The Board concludes that Respondent violated H.O. § 18-313(7), (12), (17), and (20), and Code Md. Regs. tit. 10, § 36.05.07 B(1) and (3) and tit. 10, § 36.05.08 A(1) as stated in Paragraph 14.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 12th day of May, 2006, by affirmative vote of a majority of its members then serving:

ORDERED that Respondent's license to practice psychology shall be **SUSPENDED** for **one (1) year**, with all being **STAYED** and it is further

ORDERED that effective the date of this Consent Order, Respondent shall be placed on **PROBATION** for a period of **two (2) years** from the date of this Consent Order under the following terms and conditions:

1. Respondent shall enroll in a Board approved individual

educational tutorial. Such tutorial shall cover professional ethics, informed consent, and confidentiality of mental health information, to include, at minimum, Maryland laws regarding confidentiality of mental health records and relevant HIPAA provisions;

2. Respondent shall authorize the Board to provide the tutor with the entire investigative file, including all investigative interviews and investigative reports, the Board's Disciplinary Charges and the Consent Order;

3. Respondent shall authorize the tutor to send reports to and communicate with any health professional providing professional supervision of Respondent;

4. Respondent shall ensure that the tutor submits to the Board an assessment at the completion of the educational tutorial, which includes a report of attendance, participation and completion of assignments, including a copy of an essay, a model informed consent document, and any other written assignment, which Respondent is required to write;

5. Respondent shall successfully complete the individual tutorial in professional ethics;

6. Respondent shall participate in individual professional supervision, as frequently as and for as long as the supervisor requires, however, for at least a period of one (1) year. The supervisor may be the same individual who provides the tutorial as set forth above;

7. Respondent shall authorize the Board to provide the professional supervisor with all of the documents enumerated in paragraph 2, as well as any assessments or reports of the tutor;

8. Respondent shall authorize the professional supervisor to send reports to and communicate with any health professional providing an individual tutorial with Respondent;

9. Respondent shall ensure that the professional supervisor submits semi-annual reports to the Board which include a report of attendance, participation in supervision, and progress in dealing with the specific vulnerabilities that lead to the breach of confidentiality, especially as described in this Consent Order. The first semi-annual report is due within six (6) months of the date of this Consent Order;

10. Respondent shall not discuss any of her clients and her cases, even in the abstract, unless this occurs in a professional context; and be it further

ORDERED that Respondent shall maintain continuing education credits with the understanding that individual tutorial and professional supervision shall be in addition to continuing education credits necessary for licensure renewal; and be it further

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

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

ORDERED that if Respondent violates any of the terms and conditions of this probation and/or this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before an Administrative Law Judge at the Office of Administrative Hearings if there is a genuine dispute as to the underlying material facts, or after an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case under §§ 18-313 and 18-313.1 of the Maryland Psychologists Act, including a reprimand, probation, suspension, revocation and/or a monetary fine, said violation being proved by a preponderance of the evidence; and it is further


ORDERED that no earlier than two (2) years following the effective date of this Consent Order, and provided that Respondent has complied with the

Consent Order terms during Respondent's period of probation, Respondent may petition the Board to terminate the probation; and it is further

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

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

5/12/2006
Date


Marla Sanzone, Ph. D.
Vice Chair
State Board of Examiners of
Psychologists

CONSENT

I, YULA PONTICAS, PH.D, acknowledge that I am represented by counsel and have reviewed this Consent Order with my attorney, Richard Bloch, Esquire, before signing this document.

I am aware that I am entitled to a formal evidentiary hearing before an administrative law judge of the Office of Administrative Hearings. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other procedural and substantive protections to which I am entitled by law. I am waiving those procedural and substantive protections.

I voluntarily enter into and agree to abide by the foregoing Findings of Fact, Conclusions of Law, and Order and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law and I waive my right to a full evidentiary hearing as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.

I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice medicine.

I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order, consisting of eleven (11) pages.

5-5-06

Date

Yula Ponticas
Yula Ponticas, Ph.D.
Respondent

Reviewed and approved by:

Richard Bloch
Richard Bloch, Esquire
Attorney for Respondent

STATE OF MARYLAND

CITY/COUNTY OF _____ :

I HEREBY CERTIFY that on this 5th day of May, 2006,
before me, a Notary Public of the State and County aforesaid, personally
appeared Yula Ponticas, Ph.D., and gave oath in due form of law that the
foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Maria J. Struck
Notary Public



My commission expires: 10/01/06