

IN THE MATTER OF
HARRY S. SHABSIN, Ph.D.
LICENSE NUMBER: 1763

* BEFORE THE STATE
* BOARD OF EXAMINERS OF
* PSYCHOLOGISTS
* CASE NO. 2004-013

Respondent

* * * * *

CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Examiners of Psychologists (the "Board"), the Board charged Harry S. Shabsin, Ph.D. (the "Respondent"), D.O.B. 2/21/48, License Number 1763, with violating certain provisions of the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 18-101 *et seq.* (2000 Repl. Vol. and 2003 Supp.). Specifically, the Board charged the Respondent with violating the following provisions of the Act:

H. O. § 18-313:

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;
- (10) Willfully makes or files a false report or record in the practice of psychology;
- (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;

- (20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology.

The regulation that the Board charged the Respondent with violating is Code Md. Regs. ("COMAR") tit. 10 § 36.05 (1992).

10.36.05 Code of Ethic and Professional Conduct

.03 Ethical Responsibility.

A. In general, a psychologist shall:

- (1) Take credit only for work the psychologist has actually performed[;].

The Respondent was given notice of the issues underlying the Board's charges by notice dated June 3, 2005. On July 8, 2005, a Case Resolution Conference was held in order to determine if the Charges could be resolved prior to a hearing. In attendance were the Respondent; James C. Anagnos, Assistant Attorney General/Administrative Prosecutor; Linda M. Bethman, Assistant Attorney General/Board Counsel; Dr. Douglas Johnson-Green, Board Member; Adele Hammerman, Board Member; and Lorraine Smith, Board Executive Director. As a result of the Case Resolution Conference, the parties agreed to this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds:

1. At all times relevant hereto, the Respondent was and is licensed to practice psychology in the State of Maryland. The Respondent was originally issued a license to practice psychology on or about November 18, 1983.

2. On or about November 12, 2003, the Board received a complaint regarding the Respondent's conduct that was filed by another psychologist, Dr. A,¹ who was and is licensed to practice psychology in the State of Maryland.

3. The complaint alleged that the Respondent copied a management plan that Dr. A had already written for a developmentally disabled patient, Patient A.

4. On April 20, 2001, Dr. A prepared a "Behavioral Management Program" for Patient A, who at the time was living in a community residential placement within an Alternative Living Unit (ALU) operated by Shura, Inc., located in Salisbury, Maryland.

5. Two years later, on September 28, 2003, the Respondent also prepared a "Behavioral Management Program" for Patient A.

6. The Respondent borrowed liberally and verbatim from Dr. A's work-product, including the patient's background, adaptive positive behaviors, social context in which behavior occur, long term goal, short term outcomes, conclusions, potential reinforcers, communication strategies, preventative strategies, habilitative strategies, reinforcement strategies, management strategies, and data collection.

7. The Respondent signed the document as the "Professional(s) Developing this Behavioral Management Plan" without acknowledging that he adopted parts of Dr. A's plan.

8. In addition, Dr. A made four revisions to Patient A's vocational behavioral protocol since the original one was authored in 2001; thus, the one utilized by the Respondent was no longer appropriate.

¹ The identities of other individuals identified herein are confidential.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated H.O. §§ 18-313(7), (10), (12), (17), (20), and COMAR 10.36.05.03A(1).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and agreement of the parties, it is this 18 day of November 2005, by a majority of a quorum of the Board

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a period of at least two (2) years, subject to the following conditions:

1. The Respondent shall pay a fine to the Board in the amount of One Thousand Dollars (\$1,000.00) on or before the probationary period ends;
2. The Respondent shall successfully complete a Board-approved graduate-level ethics course, which may not be applied toward the Respondent's continuing education requirements for licensure renewal; and
3. The Respondent shall take and pass the State Jurisprudence Examination; and it is further

ORDERED that if the Board receives a report that the Respondent's practice is a threat to the public health, welfare and safety, the Board may take immediate action against the Respondent, including suspension or revocation, providing notice and an opportunity to be heard are given to the Respondent in a reasonable time thereafter. If the Board receives information that the Respondent has violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the

Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof of any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and it is further

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of psychology in Maryland; and it is further

ORDERED that at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on his license provided that he can demonstrate compliance with the conditions of this Order, including the expiration of the entire two (2) year period of probation. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary; and it is further

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

ORDERED that the Consent Order is effective as of the date that it is signed by the Board Chairperson; and it is further

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

11-18-05
Date

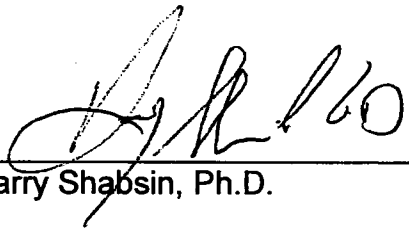
P. Gayle D'Callaghan, Psy.D.
P. Gayle D'Callaghan, Psy.D. Chairperson
State Board of Examiners of Psychologists

CONSENT OF HARRY S. SHABSIN, Ph.D.

I, Harry S. Shabsin, Ph.D., License Number 1763, by affixing my signature hereto, acknowledge that:

1. I have knowingly and voluntarily waived my right to counsel.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 18-315 (2000 Repl. Vol. and 2004 Supp.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.*
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other procedural and substantive protections to which I am entitled by law. I am voluntarily waiving those procedural and substantive protections.
4. I voluntarily admit to the foregoing Findings of Fact, Conclusions of Law and Order, and submit to 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.
5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may suffer disciplinary actions, which may include revocation of my license to practice psychology in the State of Maryland.
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning, and terms of this Consent Order

11/10/05
Date

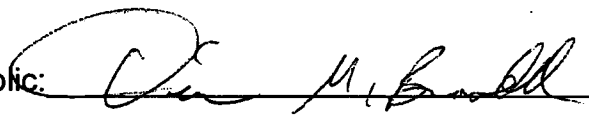

Harry Shabsin, Ph.D.

STATE OF Maryland

CITY/COUNTY OF Baltimore City

I HEREBY CERTIFY that on this 10th day of November 2005,
before me, a Notary Public of the foregoing State and City/County, personally appeared
Harry S. Shabsin, Ph.D., License No. 1763, and made oath in due form of law that
signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Notary Public: 

My Commission Expires: DIANN M BRASWELL
NOTARY PUBLIC, STATE OF MARYLAND
CITY OF BALTIMORE
COMMISSION EXPIRES APRIL 1, 2006