

IN THE MATTER OF

MAUREEN CONKLIN VERNON, Ph.D.

LICENSE NO. 2323

RESPONDENT

* BEFORE THE STATE

* BOARD OF

* EXAMINERS OF

* PSYCHOLOGISTS

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Examiners of Psychologists (the "Board") and subject to Health Occupations Article Subsection 18-315, Annotated Code of Maryland, the Board charged Maureen Conklin-Vernon, Ph.D. (the Respondent), with violations of Title 18 (the "Act").

Specifically the Board charged the Respondent with violation of the following provisions of § 18-313:

Subject to the hearing provisions of Section 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;
- (9) Submits a false statement to collect a fee;
- (12) Violates any rule or regulation adopted by the Board; and
- (14) Is professionally, physically or mentally incompetent.

The Code of Ethics, adopted by the Board pursuant to §18-311, provides as follows:

.03 Ethical Responsibility.

- (3) Take appropriate steps to disclose to all involved parties conflicts of interest which arise, with respect to a psychologist's clients, in a manner which is consistent with applicable confidentiality requirements;
- (4) Provides psychological services for minor children only with appropriate authorization;
- (5) Take special care to protect the interest of minors or clients who are unable to give voluntary, informed consent;
- (9) Provide evaluations or treatment reports within a reasonable time or on proper or lawful request by a client, insurance carrier, court, institution or other authorized health provider.

.04 Competence.

A. Professional competence. A psychologist shall:

- (1) Limit practice to the areas of competence by which proficiency has been gained through education, training and experience;

.05 Client Welfare.

B. Exploitation or undue influence. A psychologist shall:

- (1) Refrain from exploiting or harming clients, colleagues, students, research participants or others;
- (2) Avoid action that violates or diminishes the legal and civil rights of clients or of others who may be affected by the action; and
- (3) Refrain from exploiting the trust and dependency of clients, students and subordinates.

C. Impaired objectivity in dual relationships.

- (1) A psychologist may not undertake or continue a professional relationship with a client when objectivity is or could reasonably be expected to be impaired because of a present or previous familial,

social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client or a relevant person associated with or related to the client.

- (2) A psychologist may not:
 - a. Enter into a dual relationship with a past or present client.

D. Termination of services. A psychologist shall:

- (1) Make or recommend referral to other professional, technical or administrative resources when the referral is clearly in the best interest of the client;
- (2) Terminate the professional relationship in an appropriate manner, notify the client in writing of this termination, and assist the client in obtaining services from another professional:
 - (a) When it is reasonably clear that the client is not benefiting from the relationship,
 - (b) If a dual relationship develops or is discovered after the professional relationship has been initiated, or
 - (c) If impaired competency develops or is discovered after a professional relationship has been initiated; and
- (3) Offer to help locate alternative sources of professional services or assistance, if indicated, whenever professional services are terminated.

E. Informed Consent. A psychologist shall inform and make full disclosures to clients, students and research participants including:

- (1) The purpose and nature of any evaluations, treatment, educational or training procedure;
- (2) What is reasonable to expect in the therapeutic relationship, including the nature and purpose of testing, reports, consultations, limits of confidentiality, fees, billings and psychotherapeutic schedules, including termination of therapy;
- (3) Notification that permission shall be given by the client, student or

research participant before the use of observation or electronic taping, recording, or filming procedures.

.07 Confidentiality and Client Records.

- A. In general, psychologists shall maintain confidentiality regarding information obtained from a client in the course of the psychologist's work, and shall:
- (1) Safeguard information obtained in clinical or consulting relationships or evaluative data concerning children, students, employees and others;
 - (2) Reveal confidential information to others only with the informed written consent of the client or the client's legal representative, including:
 - (a) Information that relates to or identifies a client seen in couple, group or family therapy, and
 - (1) Treat any assessment result or interpretation regarding an individual as confidential information.
- B. A psychologist shall keep records of a patient's condition and assessment results, and shall:
- (1) Provide timely evaluation reports to a client's insurance company or other concerned party by lawful and proper request.

BACKGROUND

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging documents dated November 1, 1994. A prehearing conference on those charges was held on December 2, 1994 and was attended by Daniel Malone, Ph.D., Board Member, Rosalyn Blankman, Board Administrator, and Paul Ballard, Board Counsel. Also in attendance were Roberta L. Gill, Assistant Attorney General, Administrative Prosecutor, the Respondent and her attorney, Linda Boyd.

Due to the inability to reach a settlement, a hearing was commenced on July 14, 1995 and continued sporadically through October 4, 1997. At that time the Respondent was represented by Donald DeVries, Esquire. On December 20, 1997, before the scheduled hearing was to reconvene, the parties herein agreed to the following Consent Order:

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. At all times relevant hereto the Respondent was licensed to practice psychology in Maryland. The Respondent is self-employed, and at all times relevant hereto, maintained a clinical practice in Edgewater, Maryland.

A, B, C and D

2. Pursuant to an Opinion and Order dated February 22, 1993 by Judge James Cawood, Jr. of the Circuit Court for Anne Arundel County, Maryland, the Respondent was appointed in a separation proceeding between an estranged husband and wife (A and B), involving their two minor children (C and D), to "fashion and monitor any visitation (with the father of the two minor children) subject to further order of the court."¹

A. The Respondent was intent on carrying out the Judge's Order. To this end, the Respondent encouraged C and D to have a cordial relationship with A, to whom

¹Although the parties are identified in the public court records, for purposes of this Consent Order all parties' names will be kept confidential.

C and D displayed intense hostility.

B. The children, C and D, felt that Respondent refused to listen carefully to them or to their mother in the visitation sessions and they felt that the Respondent showed bias toward A.

C. Without advising B, the Respondent met with the natural mother and stepfather of B, although the Respondent knew that parental rights had been severed many years earlier by B. The natural mother had made the appointment with Respondent at A's suggestion. B's natural mother and stepfather had virtually no contact with A, B, C or D for over six years, although B and C had lived with the natural mother and stepfather for four years prior to B's marriage to A. D did not know these individuals at all, but both C and D knew B's adoptive parents.

3. The Respondent's records of the above case did not utilize forms tailored to the setting of forensic psychology. The forms utilized by Respondent for consent and information-gathering were the type used in a clinical setting and were not specific to a forensic setting. Although some of the sessions were taped with full consent of the parties, the notes of the other sessions did not contain sufficient detail for forensic work. The Respondent appeared to lose the objectivity required for forensic work.

E and F

4. On June 21, 1993 Judge Cawood appointed the Respondent to evaluate a couple seeking divorce and custody of two minor children.

A. Despite a request by the husband/father (E) for a copy of

Respondent's report, the Respondent said that she sent the report to the attorney for E, which is standard procedure in forensic work, believing that E's counsel would send a copy of the report to E. It is contended that neither E nor his attorney received a copy of the report until one month later. E was also charged a fee for a teleconference with the attorneys for E and F.

While E's attorney does not remember whether this teleconference took place, F's attorney specifically recalls this teleconference. Respondent charged for the teleconference because she had it for with the attorney for one of the parties. Rather than dispute the matter with E, Respondent refunded the charge for the call.

Patients G, H, I and J

5. G was a patient of Respondent. After G's wife, H, filed for a divorce, Patient G requested that his wife accompany him to one of the therapy sessions, which occurred on December 19, 1990. H thought that the purpose of the session was for reconciliation of the marriage. By way of a later Consent Order signed on March 28, 1991, Patient G was to have the minor children (I and J) with him for excursion visitations pending a recommendation from the Respondent that Patient G was capable of having such excursion visits. Respondent met with the children twice in October 1991. Patient G requested that Respondent share information with H regarding issues discussed in his individual therapy session as it pertained to the issue of excursion visitations. While Respondent had oral permission to make such disclosures, there was no written consent for same.

6. The records of Respondent's meetings with H, I and J did not contain sufficient detail for forensic work.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that Respondent violated §18-313(7), and COMAR 10.36.05.03A(5) by failing to take special care to protect the interest of minors or clients who are unable to give voluntary, informed consent, and violated §18-313(12) for the following reasons:

1. The Respondent failed to keep appropriately detailed records of her interactions with A, B, C and D for forensic work.
2. The Respondent failed to utilize office forms tailored to the setting of forensic psychology and utilized forms for consent and information-gathering tailored to a clinical setting rather than a forensic setting.
3. The Respondent exercised poor judgment in agreeing to meet with the natural mother and stepfather of B.
4. With regard to E, the Respondent failed to utilize forms specifically tailored to the setting of forensic psychology and utilized forms for consent and information-gathering tailored to a clinical setting rather than a forensic setting.
5. Despite the fact that H specifically requested that Respondent evaluate Patient G's ability to have excursion visitation with I and J, and despite the fact that Patient G specifically consented to her playing this role, Respondent utilized poor judgment in

agreeing to play the role set forth in the Consent Order because of the potential for confusion by H as to Respondent's role.

6. Respondent failed to keep appropriately detailed records of her interaction with H for forensic purposes.

7. With regard to H, I and J the Respondent failed to utilize forms specifically tailored to the setting of forensic psychology and utilized forms for consent and information-gathering tailored to a clinical setting rather than a forensic setting.

The Board finds no violations of §§18-317(9) and (14).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 20th day of December, 1997 by majority of the quorum of the Board, hereby:

ORDERED that the Respondent shall be placed on Probation for a period of one year subject to the following conditions:

1. The Respondent shall within one year attend and complete an ethics course preapproved by the Board and document successful completion of the course.
2. The Respondent shall within one year attend a tutorial in clinical record-keeping preapproved by the Board and provide documentation from the tutor of the successful completion of this tutorial.
3. Respondent shall commence to be supervised by a Board preapproved

clinical supervisor for all of Respondent's clinical work with a specific focus on Respondent's forensic and child custody clinical work. By agreeing to this Consent Order, Respondent authorizes the Board to communicate to the clinical supervisor all information that it deems relevant regarding the circumstances of this case. The Respondent shall meet with the clinical supervisor at least every two weeks for the first six months and at least once a month for the following six months. The clinical supervisor shall provide quarterly reports on the content of the supervision and nature of any deficiencies identified during those sessions.

ORDERED that Respondent shall refrain from engaging in the conduct which led to this disciplinary action under the Act; and be it further

ORDERED that Respondent shall practice in accordance with the Maryland Psychologists Act and regulations; and be it further

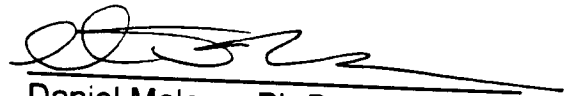

ORDERED that the conditions of this Consent Order are effective as of the date of this Order; and be it further

ORDERED that if the Board, acting in good faith, has reason to believe that the Respondent has engaged in conduct of the type that led to the complaint or has violated any conditions within this Consent Order, or has not practiced in accordance with the Act, or if the Board receives an unfavorable report from the supervisor regarding the Respondent's practice, the Board may suspend Respondent's license to practice psychology after giving Respondent notice and an opportunity for a hearing; and be it further

ORDERED that on or after the one-year probationary period has ended and upon petition by the Respondent, the conditions of Probation shall be removed and Respondent's license to practice psychology will be restored without conditions or restrictions after the Respondent has demonstrated to the Board that she has complied with the conditions of this Order and with the conditions of Probation. Should the Respondent fail to file said petition, the conditions of Probation will remain in effect; and be it further

ORDERED that this Order is effective upon the date of signature by the Board; and be it further

ORDERED that for purposes of public disclosure, as permitted by §10-617(H), State Government Article, Annotated Code of Maryland, this document consists of the contents of the foregoing Background, Findings of Fact, Conclusions of Law and Order.


Daniel Malone, Ph.D., Chairman
Board of Examiners of Psychologists
1/9/98 

CONSENT OF MAUREEN CONKLIN-VERNON

I, Maureen Conklin-Vernon, Ph.D., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Donald DeVries, Esquire, and have been

advised by him of the legal implication of signing this Consent Order.

2. I am aware that without my consent, my license to practice psychology in this State cannot be limited except pursuant to the provisions of §18-315 of the Act and §10-201, et seq., of the Administrative Procedure Act ("APA"), State Government Article, Annotated Code of Maryland.

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law and Order provided the Board accepts the foregoing Final Consent Order in its entirety. By so doing I waive my right to a formal hearing set forth in §18-315 of the Act and §10-201, et seq. of the APA and any right to appeal as set forth in §18-316 of the Act §10-201, et seq., of the APA. I acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures I may suffer disciplinary action, possibly including revocation, against my license to practice psychology in the State of Maryland.

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12/20/97

DATE

Maureen Conklin-Vernon, Ph.D.

MAUREEN CONKLIN-VERNON,

Ph.D.

STATE OF MARYLAND

COUNTY OF CARROLL

I hereby certify that on this 20th day of December 1997 before me, a notary public of the State of Maryland and County of Carroll, personally appeared Maureen Conklin-Vernon, Ph.D., License Number 2323, and made oath in due form of law that signing the foregoing Consent was a voluntary act and deed, and the statements made herein are true and correct.

As witnesseth my hand and notarial seal.

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My commission expires: 10/1/99

Sharon A. Beatty
Notary Public