

IN THE MATTER OF  
WILLIAM G. MILLER, Ph.D.

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

\* \* \* \* \*

FINDINGS OF FACT  
CONCLUSIONS OF LAW AND ORDER

BACKGROUND

Based upon certain information having come to the attention of the Maryland State Board of Examiners of Psychologists (the "Board") in September of 1984, regarding the psychology practice of WILLIAM G. MILLER, PH.D. (the "Respondent"), the Board requested that the practice of the Respondent be investigated by the Investigative Unit of the Department of Health and Mental Hygiene. After considering the investigative report the Board determined to charge the Respondent with violation of the Psychologists Practice Act found in the Health Occupations Article of the Maryland Annotated Code, (the "Act"), Sections 16-101 and following. Specifically the Board charged that the Respondent violated Section 16-312(7) of the Act.

Respondent was notified of the charges by letter dated October 24, 1985. A prehearing conference was scheduled and held on Friday, December 6, 1985. A second prehearing conference was scheduled and was held on December 5, 1986. The second

prehearing conference was attended by the following Board member, Sherman Ross, Ph.D., President of the Board. Also in attendance was Respondent, Respondent's attorney, Elwood E. Swam, Esquire, and Barbara Hull Foster, Assistant Attorney General, counsel for the Board. At the prehearing conference the Respondent and the Board's representative entered into negotiations in an attempt to settle the case without the necessity of having a hearing. The Board agreed to accept the following Consent Order which was a result of the negotiations between the Board representative and the Respondent.

#### FINDINGS OF FACT

The Board finds that:

1. At all times Respondent was a psychologist licensed to practice psychology in Maryland;
2. Between February and June of 1978, Respondent treated Patient Y.<sup>1</sup> and performed psychotherapy;
3. Respondent admitted to having sexual intercourse with Patient Y. when he believed that therapy had terminated;
4. Patient Y. believed that therapy continued during the time when Patient Y. had sexual intercourse with Respondent.
5. Immediately after his involvement with Patient Y. Respondent sought professional help;

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<sup>1</sup> The Patient's name is coded to protect the patient's confidentiality. The Board retains the identity of the patient, said identity is not subject to disclosure.

6. Respondent has acknowledged that his behavior was inappropriate and can damage a patient or former patient;

7. The behavior occurred during a period in Respondent's life when he was under great personal strain and Respondent avowed such behavior was a one-time occurrence; and

8. Respondent has indicated his desire and intention to redirect his practice to the field of clinical neuropsychology.

#### CONCLUSION OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated Sections 16-312(7) of the Act, specifically the following Ethical Principles: Principle 1, Principle 1e; Principle 2, Principle 2e; Principle 3; Principle 6, Principle 6a; Principle 7, specifically:

Violates the Code of Ethics adopted by the Board under §16-311 of this subtitle.

#### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law it is this 15<sup>th</sup> day of May, 1987, by a unanimous vote of the quorum of those members of the Maryland State Board of Examiners of Psychologists considering this case:

ORDERED that the license of WILLIAM G. MILLER, PH.D. an individual licensed to practice psychology in the State of Maryland is hereby **SUSPENDED**; and be it further

ORDERED that the SUSPENSION is immediately STAYED and Respondent is placed on PROBATION subject to the following conditions of probation:

1. Within thirty (30) days from the effective date of this Order, that date being the date the Board signs the Order, the Respondent shall provide the Board with a detailed description of Respondent's current activities in the field of psychology, said report to be updated on an annual basis, by the 31st of December of each year;

2. Within thirty (30) days from the effective date of this Order, Respondent shall submit a detailed written report to the Board outlining the progress he has made in becoming respecialized;

3. Within thirty (30) days from the effective date of this Order, the Respondent shall arrange to have the individual with whom Respondent consulted after his relationship with Patient Y. submit a factual, and analytic report to the Board regarding the consultation;

4. Within thirty (30) days from the effective date of this Order, Respondent shall be evaluated by a Board approved therapist and follow all recommendations made by the therapist;<sup>2</sup>

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<sup>2</sup> The Board shall write to the therapist outlining the concerns of the Board and explaining how the Board expects the case to be handled.

5. In the event that the therapist recommends that Respondent enter therapy Respondent shall follow these recommendations and bear all expenses involved in the evaluation and therapy program;

6. In the event that it is recommended that Respondent receive psychotherapy Respondent shall arrange for Respondent's therapist to submit written quarterly reports to the Board commencing a month from the effective date of this Order, indicating that Respondent is making satisfactory progress and following the therapist's recommendations;

7. In the event that it is recommended that Respondent receive psychotherapy Respondent shall continue in therapy until the therapist certifies to the Board in writing that the Respondent is discharged;

8. Upon discharge from the therapy the Respondent shall arrange for the therapist to submit a final report to the Board indicating that Respondent had satisfactorily made progress in treatment and that the therapist has recommended that Respondent be discharged;

9. In the event that the Respondent terminates therapy prior to discharge by the Respondent's therapist the therapist shall immediately notify the Board that Respondent has left therapy;

10. In the event that Respondent wishes to change

therapists Respondent shall notify the Board of the identity of the new psychotherapist and the new psychotherapist shall comply with the conditions listed above;

11. In the event that Respondent moves his residence permanently or temporarily Respondent shall promptly notify the Board in writing of Respondent's new address and telephone number during the probationary period;

12. Respondent shall bear any and every cost involved for the fulfillments of conditions of probation;

13. The Respondent shall not engage in the conduct that led to the charges by the Board against Respondent; and

14. The Respondent shall practice in accordance with the laws governing the practice of psychology in Maryland; and be it further

**ORDERED** that if the Board receives a report from the Respondent's therapist indicating that Respondent can not practice psychology ethically or competently, the Board, **WITHOUT PRIOR NOTIFICATION OR HEARING** may withdraw the stay of suspension of Respondent's license, provided that Respondent is given immediate notification and an opportunity to be heard within thirty (30) days from the Board's receiving notice that Respondent desires a hearing on the violations of probation; and be it further

**ORDERED** if Respondent violates any of the terms of

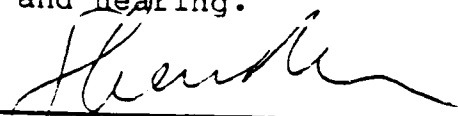
Respondent's probation, other than the above, the Board, AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD may withdraw the stay of suspension of Respondent's license or may impose any other disciplinary sanctions it deems appropriate; and be it further

ORDERED that this Consent Order is a Final Decision and is subject to discovery under the Public Information Act; and be it further

ORDERED that any reports or evaluations received by the Board as fulfillment of conditions of probation are records of a medical review committee as more fully described in Health Occupations Article §14-601, Annotated Code of Maryland; and be it further

ORDERED that on January 1, 1989, the Board will entertain a petition for termination of Respondant's probationary status and reinstatement of Respondent's license to practice psychology without any conditions or restrictions whatsoever. At that time, if the Board determines that Respondent has complied with all conditions of probation, it will remove the conditions and restrictions on Respondent's license. If the Board determines based on either reports from Respondent's therapist or Respondent's failure to comply with all conditions of probation, that termination of probation would not be appropriate, the Board

may modify one or more of the conditions upon which Respondent was placed on probation, after notice and hearing.



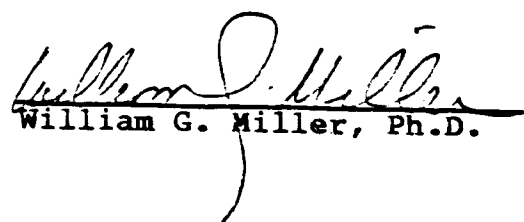
Sherman Ross, Ph.D.  
Chair, Board of Examiners of  
Psychologists

CONSENT

By this Consent, I hereby neither admit nor deny the truth of the Findings of Fact, but I submit to the foregoing Conclusions of Law, and Order its conditions. I have consented to the Order solely for the purpose of resolving this case.

I recognize and understand that by settling the allegations against me in this fashion I am surrendering my right to appeal from this Order.

I further understand the conditions of said Order, and that my failure to abide by said conditions could result in some disciplinary action against my license to practice psychology in the State of Maryland. I sign this Order after having an opportunity to consult with an attorney, without reservation, and I fully understand its meaning.



William G. Miller, Ph.D.

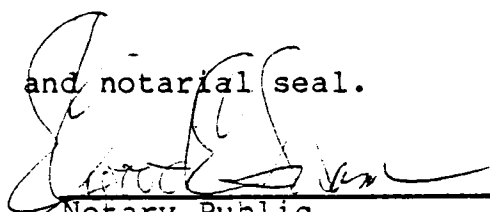
STATE OF MARYLAND  
CITY/COUNTY OF CHARLES

I HEREBY CERTIFY that on this 27<sup>th</sup> day of April, 1987, before me, a Notary Public of the State and City/County



aforesaid, personally appeared William G. Miller, Ph.D., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

  
Notary Public

My Commission Expires:

7/1/90