

IN THE MATTER OF
AARON HEATON, PSY.D.
PSYCHOLOGIST
License No. 4297

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BEFORE THE MARYLAND
BOARD OF EXAMINERS
OF PSYCHOLOGISTS
Case No. 2021-007

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CONSENT ORDER

HISTORY

On or about November 10, 2020, the Maryland Board of Examiners of Psychologists (the “Board”) received a complaint concerning the practice of Dr. Aaron Heaton, Psychologist, License No. 4297. The complaint was made by a patient (“Patient A”) who alleged that Dr. Heaton failed to provide a report for an evaluation he performed on her upon her request. Upon review of the complaint and the materials provided, the Board was concerned that Dr. Heaton failed to provide the report in a timely fashion and was unresponsive to multiple attempts the patient made to contact him. More importantly, however, the Board became concerned that Dr. Heaton lacked the competence necessary to perform psychological testing.

In lieu of instituting formal proceedings against Dr. Heaton, in accordance with the Maryland Psychologists Act, Md. Code Ann., Health Occ. § 18-101 *et seq.*, and Board regulations, COMAR 10.36.01, a Pre-charge Case Resolution Conference (“CRC”) was held with members of the Board, Board Counsel, and Dr. Heaton on May 25, 2021. Thereafter, the Board and Dr. Heaton agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant hereto, Dr. Heaton was licensed by the Board to practice as a psychologist in Maryland, License No. 4297. Dr. Heaton was first licensed by the Board on May 23, 2007; his license is currently active and is set to expire on March 31, 2023.
2. In February 2018, Patient A had an accident which caused issues with her memory and speech. Patient A’s neurologist suggested she undergo a psychological evaluation, and because

had seen Dr. Heaton for an evaluation after a different accident 15 years earlier, she approached him to perform an evaluation in late 2018.

3. Dr. Heaton performed an evaluation on Patient A over several sessions between January and September of 2019. The evaluation consisted of a clinical interview and several timed tests and lasted 9 months due to scheduling lapses caused by Dr. Heaton. Dr. Heaton explained that several personal issues and a change in offices caused the lapses.

4. Patient A's last clinical contact with Dr. Heaton took place in September 2019. In November 2019, Patient A still had not received a report of the evaluation, so she began attempting to contact Dr. Heaton to follow up. Patient A attempted to contact Dr. Heaton by email, phone, text, and mail every 30-60 days but Dr. Heaton was unresponsive. Patient A attempted to contact Dr. Heaton for a year without any response or report; she had her neurologist's office try to contact him as well, to no avail.

5. Dr. Heaton only reached out to Patient A after she filed a complaint with the Board. He apologized profusely for his failure to communicate, but did not provide a report of her evaluation.

6. In an interview with the Board's investigator, Dr. Heaton admitted that part of the reason he did not provide a report was because he never completed a full evaluation and that he only "did some assessments" with Patient A. He also submitted his *curriculum vitae*, which indicated that he had no formal training in neuropsychological testing.

7. On May 25, 2021, the Board held a CRC with Dr. Heaton. At the CRC, Dr. Heaton again expressed regret at how he handled the case and admitted that the administrative work of running an office was not his strong suit. Dr. Heaton informed the Board that he was in the process of hiring someone to help run his office.

8. At the CRC, Dr. Heaton also agreed that he is not competent to do neuropsychological testing and stated that he did not believe he was doing a neuropsychological evaluation in this case, because he was only noting the presence of any deficits. Dr. Heaton also stated that he turns down most requests for neuropsychological evaluations and that he now recognizes he should have referred Patient A to another psychologist, but failed to do so because of their prior relationship.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Dr. Heaton is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 18-313(7), (12), and (20), and COMAR 10.36.05.04A(1), 10.36.05.06A(2), and 10.36.05.08C(6).

ORDER

It is this **14th day of October, 2021**, by an affirmative vote of the Maryland Board of Examiners of Psychologists, hereby:

ORDERED that Dr. Heaton's registration be placed on immediate PROBATION for at least ONE (1) YEAR, during which he shall sign up for and complete an ethics tutorial with a Board-approved psychologist ethics tutor, with terms and conditions of the tutorial (including the length of the tutorial and frequency of tutoring sessions) to be determined by the tutor, and ensure that his ethics tutor provides a report to the Board at the conclusion of the tutorial; and be it further,

ORDERED, as a permanent condition of this Consent Order, that Dr. Heaton shall not perform any psychological testing until such time that he proves, to the satisfaction of the Board, that he is competent to do so, at which point he will submit to a period of supervision of his psychological testing; and be it further,

ORDERED that after serving one (1) year of probation, Dr. Heaton may petition the Board to terminate probation, provided that he has been fully compliant with the terms of probation and does not have any pending complaints filed against him; and be it further,

ORDERED that Dr. Heaton shall agree and consent to the release by the Board, to his ethics tutor, the complete investigative file in this case; and be it further,

ORDERED that Dr. Heaton shall at all times cooperate with the Board in the monitoring, supervision, and investigation of his compliance with the terms and conditions of this Order; and be it further,

ORDERED that Dr. Heaton's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Order; and be it further,

ORDERED that in the event the Board finds in good faith that Dr. Heaton has violated any of the conditions of probation herein, or in the event the Board finds in good faith that Dr. Heaton has committed a violation of Title 18 of the Health Occupations Article or regulations adopted thereunder, the Board may impose further disciplinary action against his registration, including suspension or revocation, after notice and an opportunity for a hearing; and be it further,

ORDERED that Dr. Heaton shall bear the expenses associated with this Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Examiners of Psychologists and as such is a public document pursuant to Maryland Code Ann., Gen. Provisions § 4-333(b).

October 14, 2021

Date

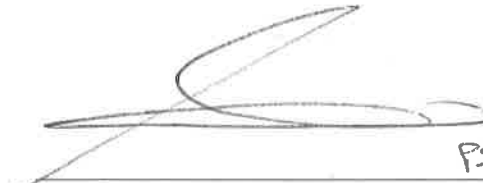
Crystal L. Barksdale

Crystal L. Barksdale, Ph.D., MPH
Chair, MD Board of Examiners of Psychologists

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

11/17/21
Date

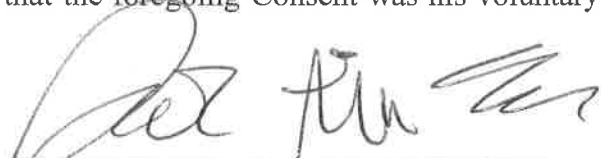


Aaron Heaton, Psy.D. PS: Δ

STATE OF MARYLAND
COUNTY/CITY OF Baltimore

I hereby certify that on this 17th day of November, 2021, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared AARON HEATON, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

SAMARA AVIVA TURNER
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES January 4, 2022



Notary Public
My commission expires: 01/04/2022