

IN THE MATTER OF

*

BEFORE THE

SALLYANN SACK, Ph.D.

*

STATE BOARD

LICENSE NO. 00709

*

OF EXAMINERS

Respondent

*

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 Md. Health Occ. Ann. § 18-101, et seq., (the "Act"), (2000 Repl. Vol.), the Board charged Sallyann Sack, Ph.D., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 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 a license of any licensee if the applicant or licensee:

- (6) Practices psychology fraudulently or deceitfully;
- (7) Violates the code of ethics adopted by the Board under § 18-311 of this subtitle;
- (12) Violates any rule or 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 Board also charged the Respondent with a violation of its Code of Ethics and Professional Conduct found at Code Maryland Regulations (COMAR) tit. 10, § 36.05 (October 26, 1992).

.03 Ethical Responsibilities.

A. In general, a psychologist shall:

(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;

.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.

A. Exploitation or Undue Influence. A psychologist shall:

(4) Avoid action that violates or diminishes the legal and civil rights of clients or of others who may be affected by the action; and

.06 Representation of Services and Fees.

A. Public statements.

(1) A psychologist shall:

(a) Represent accurately and objectively the psychologist's professional qualifications, affiliations and functions;

(b) Avoid making public statements that contain:

- (i) False, fraudulent, misleading, deceptive, or unfair statements,
- (ii) Partial disclosures of relevant facts that misrepresent, mislead or deceive, or
- (iii) Statements intended or likely to create false or expectations of favorable results;

(c) Refrain from misrepresenting directly or by implication, psychologist's:

- (i) Professional qualifications such as education, experience or areas of competence,

.07 Confidentiality and Client Records.

C. A psychologist shall keep records of a patient's condition and assessment results, and shall:

- (1) Make provisions for maintaining confidentiality in the storage and disposal of written and electronic records;
- (2) Ensure that professional records are maintained for a period of not less than 5 years after the date of service;
- (3) Limit access to client records and ensure that a person working under the psychologist's authority complies with the requirements for confidentiality of client material; and
- (4) Provide timely evaluation or treatment reports to a client's insurance company or other concerned party by lawful and proper request.

.08 Psychological Assessment. A psychologist shall:

- (1) Using adequate interpretative aids or explanations,
- (2) Including any deficiencies of the assessment norms for the individual assessed, and any relevant reservations or qualifications which affect the validity, reliability, or other interpretation of results[, and].

In addition, as a psychologist, the Respondent is bound by the requirements of Md. Health-Gen. Code Ann. §4-403 (2000 Repl. Vol., 2003 Supp.) to maintain patient records for a period of five years.

The Respondent was given notice of the Board's charges by letter dated June 13, 2003. Accordingly, a Case Resolution Conference was held on August 28, 2003, and was attended by Douglas Johnson-Greene, Ph.D., and Adele Hammerman, Board members, and Linda Bethman, Counsel to the Board. Also in attendance were the Respondent and her attorney, Alfred F. Belcuore, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General.¹

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant to the charges herein, the Respondent was licensed to practice psychology in the State of Maryland. The Respondent was first licensed on December 8, 1973. The Respondent's license expires on March 31, 2003.

2. At all times relevant hereto, the Respondent maintained a private practice in Bethesda, Maryland in Montgomery County.

¹ The Respondent's daughter, Elizabeth Felber, was also present in an observational/support capacity.

3. On or about March 27, 2002, the Complainant² filed a complaint with the Board alleging that the Respondent misrepresented her expertise to a judge who was hearing a child custody dispute, and, in so doing, caused the judge to appoint her to initiate individual psychotherapy with the children's father. The complaint further alleged that, in conducting this psychotherapy, the Respondent failed to contact or gain information from other parties involved, e.g., the mother, who had custody of the children, or other individuals, such as the children's therapist. The complaint also alleged that the Respondent failed to keep any notes of her psychotherapy sessions with the children's father, although she reported having provided 49 sessions with him, and, that she failed to maintain testing data or records, even though she testified about the results of said tests in her support of custody for her client.

4. The Board investigated the complaint. Its investigation disclosed the following:

A. On or about September 17, 2001, the Respondent sent a letter to the Montgomery County Circuit Court (in which the child-custody issue was being considered) indicating that, as part of her psychotherapy practice she has "often" had a "need to help parents with issues of 'parental alienation, parenting, boundary setting and children-parent relations. I (and my colleagues) consider myself quite expert in this area." On October 17, 2001, Judge Scrivener approved the Respondent to be the psychotherapist for Patient A³.

² The name of the Complainant is confidential.

³ The patient's name is confidential.

B. In August 2001, the Respondent began individual psychotherapy sessions with the father (Patient A) of the minor children that were the subject of the custody dispute. Although the Respondent knew that the court had ordered Patient A to receive psychotherapy, the Respondent failed to obtain information from the court regarding the basis for the order.

C. Although the Respondent began psychotherapy sessions with Patient A on August 1, 2001, and knew that other parties were involved, e.g., the Complainant and the children's psychotherapist, it was not until January 2002, approximately one month before the custody hearing, that the Respondent spoke to the Complainant and the children's psychologist. At that point, prompted by the Complainant's attorney, the Respondent contacted the Complainant for permission for her (the Respondent) to speak to the children's therapist. However, she had no in-depth discussion with the Complainant to get another perspective on the dispute.⁴

D. Even though the Respondent claimed to have conducted 49 psychotherapy sessions with Patient A, the Respondent failed to maintain treatment notes on Patient A. The Respondent also claimed to have administered a series of psychological tests to Patient A; yet she failed to maintain those test results and interpretations. Despite failure to maintain test results or treatment notes, the Respondent testified about the test results and further testified about Patient A's treatment and diagnosis. The Respondent

⁴ Even though the Respondent informed the judge that she was an expert in parental alienation, at a February 5, 2002 deposition, she denied knowing what "parental alienation syndrome" was and testified that she asked Patient A for a definition of parental alienation.

had an obligation to maintain treatment notes and tests results and interpretations because she knew that critical issues were before the court, i.e., parental visitation/custody.

E. As set forth above, the Respondent violated the Act and regulations.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 18-313 (7), (12), (17), and (20). The Board further makes no conclusion regarding § 18-313 (6). The Board further concludes as a matter of law that the Respondent violated its Code of Ethics and Professional Conduct found at Code Md. Regs. tit. 10, § 36.05 .03 A.(3); .04 A. (1); .05 A. (4); .06 A. (1) (a), (b) (i)-(iii), (c) (1); .07 C. (1)-(4); .08 (1) and (2). The Board also finds that the Respondent violated Md. Health-Gen. Code Ann. §4-403.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 10th day of October, 2003, by a majority of a quorum of the Board,

ORDERED that the Respondent is hereby placed on **PROBATION** for at least eighteen (18) months, subject to the following conditions:

1. The Respondent shall practice under a Board-pre-approved Mentor, focusing on areas such as ethics and the standards of practice governing recordkeeping, psychological testing and reports, and supervision of psychological tests;

2. The Respondent shall ensure that the Mentor submits to the Board monthly progress reports for the first six (6) months, and quarterly progress reports thereafter;

3. The Respondent shall successfully complete a Board-pre-approved continuing education course in recordkeeping;

4. The Respondent shall successfully complete a Board-pre-approved continuing education course on the Health Insurance Portability and Accountability Act (HIPAA) requirements;

5. The Respondent may not apply the above coursework to her continuing education requirements for licensure renewal;

6. The Respondent shall take and achieve a passing score on the Maryland Jurisprudence Examination prepared by the Board; and

7. The Respondent shall be responsible for all costs in carrying out the conditions of Probation.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare and safety, the Board may take immediate action

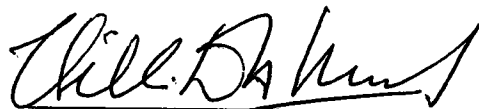
against the Respondent, including suspension or revocation, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violates 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 for 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 be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of psychology in Maryland; and be it 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 her license, provided that she can demonstrate compliance with the conditions of this Order and the Mentor has deemed that the Respondent is competent to practice independently. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 1999), this document consists of the contents of the

foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



William D. A. Musick, Ph.D., Chair
State Board of Examiners of Psychologists

CONSENT OF SALLYANN SACK, Ph.D.

I, Sallyann Sack, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Alfred F. Belcuore, 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 § 18-313 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (1999 Repl. Vol.).
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as 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 and §10-201, et seq., of the APA. I acknowledge that my 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.

10/7/23
Date

Sallyann Sack, Ph.D.
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