

IN THE MATTER OF	*	BEFORE THE MARYLAND
SAMUEL BERKOWITZ, Ph.D.	*	STATE BOARD OF EXAMINERS
Respondent	*	OF PSYCHOLOGISTS
License Number: 00461	*	Case Numbers: 2020-004, 2020-008, 2023-011

FINAL ORDER

On the 27, day of June and the 6, day of August, 2024, the Maryland State Board of Examiners of Psychologists (the “Board”) attempted to notified **SAMEUL BERKOWITZ, PH.D.** (the “Respondent”), License Number 00461, of its intent to revoke his license to practice psychology in the State of Maryland under the Maryland Psychologists Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 18-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

Specifically, the Board based its intent to revoke on the Respondent’s violation of the following provisions of the Act under Health Occ. § 18-313:

§ 18-313. Denials, reprimands, suspensions, and revocations-Grounds.

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 or registration to any applicant, reprimand any licensee or registrant, place any licensee or registrant on probation, or suspend or revoke a license or registration of any licensee or registrant if the applicant, licensee, or registrant:

...

- (7) Violates the code of ethics adopted by the Board under § 18-311 of this subtitle;
- (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 Board also charged the Respondent with violating one or more of the following provisions of the Code of Ethics and Professional Conduct, as set forth in Code Md. Regs. ("COMAR") 10.36.05.

COMAR 10.36.05 Code of Ethics and Professional Conduct

.03 Responsibilities and Requirements.

A. In General.

...

- (3) A psychologist or psychology associate shall:

...

- (e) Interact with individuals in the workplace in a respectful manner without engaging in behavior that is harassing or demeaning[.]

.05 Representation of Services and Fees.

...

C. Financial Arrangements and Fees. A psychologist or psychology associate shall:

- (1) Make advance financial arrangements that are clearly understood by the client; [and]

...

- (3) Comply with the provisions regarding patient referrals contained in Health Occupations Article, §§ 1-301. . .1-306, Annotated Code of Maryland[.]

.07 Client Welfare.

...

B. Exploitation. A psychologist or psychology associate may not:

- (1) Exploit or harm clients, colleagues, students, research participants, or others;

...

- (3) Exploit the trust and dependency of clients, students, and subordinates[.]

...

D. Harassment. A psychologist or psychology associate may not:

- (1) Engage in sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, which behavior occurs in connection with the psychologist's or psychology associate's professional role;
- (2) Engage in sexual harassment of the psychologist's or psychology associate's past or present clients, supervisees, research participants, or employees, with deliberate or repeated comments, gestures, or physical contacts of a sexual nature; or
- (3) Create a hostile workplace or educational environment by unwelcome and offensive behaviors that are sufficiently severe or intense to be abusive of a reasonable individual in that environment whether it consists of a single act or of multiple persistent or pervasive acts.

FINDINGS OF FACT

The Board makes the following findings of fact:

I. BACKGROUND

1. At all relevant times, the Respondent was and is licensed to practice psychology in the State of Maryland. The Board initially issued the Respondent a license to practice psychology in Maryland on December 13, 1969, under License Number 00461. His license expired on March 31, 2023.

2. Prior to the expiration of his license on March 31, 2023, the Respondent practiced psychology in the State of Maryland for over fifty years. Some of his areas of practice included family therapy, marital therapy, and consultations in geriatric facilities. Most recently, the Respondent practiced “individualized insight” psychotherapy from his bed at home via telephone.

CASE NUMBERS 2020-004 AND 2020-008 – LETTER OF AGREEMENT

3. On July 27, 2021, the Respondent signed a Letter of Agreement with the Board to resolve two pending investigations against him (Case Numbers 2020-004 and 2020-008) arising from two separate complaints alleging sexual advances and/or inappropriate physical contact by the Respondent during therapy sessions with two of his clients.

4. By signing the Letter of Agreement, the Respondent voluntarily consented to the following terms and conditions, in part:

1. I agree that for a minimum of one (1) year, I will meet at least once a month with a Board-approved clinical supervisor. I understand that each supervisory session shall last at a minimum one (1) hour, and the meetings shall be either in person or through videoconference. I understand the supervision will pertain to all aspects of ethical practice. I understand and agree that the supervisor will provide quarterly reports to the Board. I agree that I will begin my supervisory sessions, either in person or through videoconference, once I am physically able to do so.
2. I agree that within six (6) months of the date of this Letter of Agreement, I will sign up for and complete an ethics tutorial with a Board-approved tutor. The tutorial shall focus on ethical conduct with clients and others in the workplace. I understand and agree that the Board shall provide the

tutor with its complete investigative file on this matter, including the attached Letter of Admonishment. I understand and agree that the frequency and duration of the tutorial shall be determined by the tutor. I understand and agree that, upon completion of the tutorial, I shall ensure that the tutor provides a report to the Board detailing the results of the tutorial.

...

6. I understand and agree that failure to fully comply with all terms herein shall be deemed a violation of this Letter of Agreement and shall constitute an act of unprofessional conduct under the Maryland Psychologists Act, Md. Code Ann., Health Occ. § 18-313(17), and that the Board may pursue further disciplinary action.

5. The effective date of the Letter of Agreement was September 10, 2021.

6. As of the date of this filing, the Respondent had failed to comply with the terms of the Letter of Agreement by failing to complete any of the conditions as stated in the Letter of Agreement (i.e., supervision with a Board-approved clinical supervisor for a minimum of one year and completion of an ethics tutorial with a Board-approved tutor).

CASE NUMBER 2023-011

II. COMPLAINT

7. On or around December 20, 2022, the Board received a third complaint (the “Complaint”) against the Respondent. The complaint was submitted by a former patient¹ of

¹ For confidentiality reasons, the Complainant and any witnesses referenced herein will not be identified by name. The Respondent may obtain the identity of any individual referenced herein by contacting the administrative prosecutor.

the Respondent (the “Complainant”) who alleged that the Respondent had engaged in sexual harassment and inappropriate behavior towards the Complainant during the period of their professional relationship.

III. BOARD INVESTIGATION

8. The Board initiated an investigation after receiving the Complaint. As part of its investigation, the Board, *inter alia*, conducted interviews with the Complainant and the Respondent.

9. On or about January 17, 2023, the Board interviewed the Complainant who provided the following information:

- a. The Complainant participated in therapy sessions with the Respondent from on or about June 7, 2022 through July 14, 2022. The sessions were conducted primarily by phone.
- b. The Respondent initially told the Complainant that he participated in EAP² but later informed her that he did not participate because his secretary said that the EAP was too complicated. However, the Complainant’s health insurance provider informed her that the Respondent was supposed to participate in the EAP. When the Complainant inquired further, the Respondent told her that he would take care of it.
- c. The Respondent called the Complainant multiple times outside of their scheduled session times. The Complainant became uncomfortable with the number of times that the Respondent

² EAP refers to the Employee Assistance Program that was available to the Complainant through her insurance provider and allowed her to have a free trial period with a therapist.

called her but she answered the phone calls anyway because she thought he was calling to help her.

- d. The Respondent would call the Complainant two or more times a week but did not clearly explain to her how the sessions would be billed. The Respondent told the Complainant not to worry about it when she inquired about the billing.
- e. The Respondent told the Complainant that he likes to have at least one face-to-face meeting with his clients and kept asking her when they were going to meet. They ultimately decided to meet at a delicatessen. The Respondent informed the Complainant that he was unable to drive so the Complainant agreed to pick him up from his home.
- f. On the way to the delicatessen, the Respondent rubbed the Complainant's hand as she was holding the steering wheel and he made a comment about her skin being soft. The Complainant told him to stop and that his behavior was inappropriate.
- g. The Complainant ended the session at the delicatessen after approximately one and a half hours. The Respondent paid for the food that they ate while there. The Complainant drove the Respondent home thereafter and helped him inside.
- h. The Respondent asked the Complainant for a hug multiple times. She told the Respondent no, but "felt sorry for him, the guy is 90 years old. And [she] said okay, fine, and [she] gave him a hug inside of his home and then [she] left."

- i. Other examples of inappropriate comments made by the Respondent include, but are not limited to: asking the Complainant if her husband knew she was talking to the Respondent; asking the Respondent about her race, skin color, and what she looked like; telling the Complainant multiple times that she is beautiful; and asking the Complainant when they were going to “hook up”.

10. The Complainant provided the Board with a copy of an email she sent to the Respondent dated July 14, 2022, terminating the professional relationship. In the email, the Complainant stated: “Although I am grateful for what I have learned from you, I find that the touching, hugging, cursing and insensitivities are inappropriate. Therefore, today, Thursday, July 14, 2022, I am terminating our therapy sessions, effective immediately. Please do not call me. My decision is final.”

11. On or about February 1, 2023, the Board interviewed the Respondent who stated the following:

- a. As of the date of the interview, the Respondent was still practicing psychology from his bed at home by phone. He had approximately fourteen (14) clients at the time.
- b. The Respondent did not remember the Complainant’s name or any details about her but he also did not agree with the assertions made in her “treatise”.
- c. He admitted that he does occasionally “sit outside in daylight in a social setting” with some of his clients.

- d. The Respondent did not recall asking the Complainant for a hug but said that he may have done that.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions in failing to comply with the terms of the Letter of Agreement constitute, in whole or in part, unprofessional conduct in the practice of psychology, a violation of Health Occ. § 18-313(17). In addition, the Respondent's conduct including, but not limited to, sexual harassment and inappropriate behavior towards a client, constitute, in whole or in part, a violation of the following provisions of the Act under Health Occ. § 18-313(7), (12), (17), and/or (20), and COMAR 10.36.05.03(A)(3)(e), .05(C)(1), .05(C)(3), .07(B)(1), .07(B)(3), and/or .07(D)(1-3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of a majority of the Board considering this case:

ORDERED that the Respondent Samuel Berkowitz, Ph.D.'s license to practice psychology in the State of Maryland under License Number 00461, be and hereby is **REVOKED**; and it is further

ORDERED that the Respondent is prohibited from practicing psychology in the State of Maryland; and it is further

ORDERED that this Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't §§ 10-611 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

December 5, 2024

Brenda Terry-Leonard, Ph.D.
Chair, MD Board of Examiners of Psychologists

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 18-316(b) (2021 Repl. Vol. & 2023 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in the Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol. & 2023 Supp.) and Title 7, Chapter 200 of the Maryland Rules.