

Del Nero, Paul

500 Cleveland Road
Linthicum, Maryland 21090
December 5, 1987

State Board of Examiners of Psychologists
Department of Health and Mental Hygiene
1st Floor
201 West Preston Street
Baltimore, Maryland 21201

Dear Board Members:

Please be advised that I have decided to surrender my Maryland license which entitled me to practice as a licensed psychologist in the State of Maryland, effective December 31, 1987.

My decision to discontinue practice as a licensed psychologist has been prompted by an investigation of my conduct by the Maryland State Board of Examiners of Psychologists (the "Board"). I acknowledge that the Board has charged me with violations of Sections of the Maryland Psychologists Act, found in the Health Occupations Article, specifically sections 16-312 (5), (7) and (9) along with §627 of Article 43, Annotated Code of Maryland. A copy of the Board's charge letter, dated May 27, 1987 is enclosed and incorporated into this letter. My decision to discontinue practicing as a licensed psychologist has been prompted by my desire to avoid a formal disciplinary proceeding before the Board.

In executing the agreement to surrender my license as a psychologist to the Board, I recognize and agree that my status as a resignee is the same as that of a person whose license has been revoked following a hearing before the Board. In other words, I agree that if, in the future, I determine that I would like once again to practice as a licensed psychologist in Maryland, at that time, I will approach the Board in the same posture as one whose license has been revoked for reasons as above set forth and in the charge letter of May 27, 1987.

I realize that if I wish to resume practice as a psychologist, I must petition the Board for reinstatement of my revoked license. At that time, the Board will review my case and determine my fitness to have my license reinstated. I understand that it is possible that my license to practice psychology in the State of Maryland may never be reinstated. In other words, the Board has no obligation to reinstate my license. In the event that the Board is willing to reinstate my license, before my license is reinstated I must pass the licensure examinations accepted by the Board at that time. I understand that my educational credentials, a Ph.D. with a major in Human Development from the University of Maryland, will be accepted by

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the Board to fulfill the educational component for eligibility to take the licensure examinations.

In addition, I agree that this letter, the enclosures and the Board's disposition may be released or published by the Board to the same extent as a final order which would result from a disciplinary action, under the Public Information Act, State Government Article, Sections 10-611 through 10-630, Annotated Code of Maryland.

Finally, I wish to make clear that I have had the opportunity to discuss this matter with an attorney and have consulted an attorney. With regard to the signing of this letter and the surrender of my license as a psychologist in the State of Maryland, I have voluntarily and knowingly decided not to consult an attorney because of financial concerns; however, I understand both the charge letter and this letter of surrender fully. I make this decision voluntarily and knowingly.

Sincerely,

Paul H. Del Nero

Paul H. Del Nero, Ph.D.

witness:

Roslyn Blankman
Roslyn Blankman

ACCEPTANCE

On this 5th day of December, 1987, pursuant to §16-311.1 of the Maryland Psychologists Act, the Board of Examiners of Psychologists hereby agrees to accept the surrender of license by Paul H. Del Nero, Ph.D. as tendered above.

Stephen Winters, Ph.D.

Stephen Winters, Ph.D.
Chairman
Board of Examiners of
Psychologists

Enclosures

cc: Barbara Hull Foster, Assistant Attorney General
Counsel to the Board
Alice D. Ike, Assistant Attorney General,
Administrative Prosecutor

State of



Maryland

DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF EXAMINERS OF PSYCHOLOGISTS

201 W. PRESTON STREET • BALTIMORE, MARYLAND 21201 • Area Code 301-383-7535

MAY 28 1987

The Attorney General
Department of Health and Mental Hygiene

May 27, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Paul Del Nero, Ph.D.
500 Cleveland Road
Linthicum, Maryland 21090

Dear Dr. Del Nero:

The State Board of Examiners of Psychologists (the "Board") hereby charges you with violating provisions of the Maryland Psychologists Act (the "Act"), §16-101 et seq. of the Health Occupations Article as enacted effective July 1, 1981 and of the Article 43, Annotated Code of Maryland. The specific charges are violation of §16-312(5), (7) and (9) of the Act which provide:

Subject to the hearing provisions of §16-313 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;

- (5) Aids or abets an unauthorized person in practicing psychology or representing oneself to be a psychologist.
- (7) Violates the code of ethics adopted by the Board under §16-311 of this subtitle;
- (9) Submits a false statement to collect a fee;

and violation of §627, Article 43 which provides:

The Board shall adopt a Code of Ethics for psychologists in the State. The Code of Ethics shall take into account the professional character of psychological services and shall be designed to protect the interest of the public. In adoption of the Code of Ethics, the Board shall announce and hold public hearings on the subject, and shall take into account the Ethical Standards of Psychologists promulgated by the American Psychological Association. (1957, ch. 748).

Section 16-311 of the Act provides in pertinent part:

(a) the Board shall adopt a Code of Ethics for psychologists in this State. The Code of Ethics shall be designed to protect the public interest.

(b) in adopting the Code of Ethics, the Board shall consider:

(1) The ethical standards of psychologists published by the American Psychological Associations; and

(2) The professional character of psychological services.

The Board's regulations, appearing at COMAR 10.36.01.09, state in relevant sections:

- A. All persons who represent themselves to be psychologists in the State shall adhere strictly to the Ethical Standards of Psychologists adopted and published by the American Psychological Association and to any subsequent revisions and additions ...
- B. Each psychologist in the state should be familiar with the provisions of the Health Occupations Article and its revisions and shall adhere to these provisions in the interest of the welfare of the citizens of the State and the highest standards of the science and profession of psychology.

The Board adopted by reference the 1979 revision of Ethical Standards of Psychologists (the "Standards") published by the American Psychological Association in "Monitor" (March, 1977) (copy enclosed). The Board hereby charges you with violating the following provisions of the Standards:

Principle 1 - RESPONSIBILITY

In their commitment to the understanding of human behavior, psychologists value objectivity and integrity, and in providing services they maintain the highest standards of their profession. They accept responsibility for the consequences of their work and make every effort to insure that their services are used appropriately.

- e. As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations or pressures that might lead to misuse of their influence.

Principle 2. COMPETENCE

The maintenance of high standards of professional competence is a responsibility shared by all psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques and only provide services, use techniques, or offer opinions as professionals that meet recognized standards. Psychologists maintain knowledge of current scientific and professional information related to the services they render.

- e. Psychologists recognize that their effectiveness depends in part upon their ability to maintain effective interpersonal relations, and that aberrations on their part may interfere with their abilities. They refrain from undertaking any activity in which their personal problems are likely to lead to inadequate professional services or harm to a client; or engaged in such activity when they become aware of their personal problems, they seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional and/or scientific activities.

Principle 6. WELFARE OF THE CONSUMER

Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When there is a conflict of interest between the client and the psychologist's employing institution, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists fully inform consumers as to the purpose and nature of an evaluative treatment, educational or training procedure, and they freely

acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

- a. Psychologists are continually cognizant of their own needs and of their inherently powerful position vis-a-vis clients, in order to avoid exploiting their trust and dependency. Psychologists make every effort to avoid dual relationships with clients and/or relationships which might impair their professional judgement or increase the risk of client exploitation. Examples of such dual relationships include treating employees, supervisees, close friends or relatives. Sexual intimacies with clients are unethical.

Subsequent to adoption of the Standards, the Board adopted by reference the Ethical Principles of Psychologists (the "Principles") published by the American Psychological Association at 36 American Psychologists 633-38 (June, 1981) (copy enclosed). The Board hereby charges you with violating the following provisions of the Principles:

Principle 1 - RESPONSIBILITY

- f. As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations and pressures that might lead to misuse of their influence.

Principle 2 - COMPETENCE

- f. Psychologists recognize that personal problems and conflicts may interfere with professional effectiveness. Accordingly, they refrain from undertaking any activity in which their personal problems are likely to lead to inadequate performance or harm to a clients, colleague, student, or research participant. If engaged in such activity when they become aware of their personal problems, they seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional and/or scientific activities.

Principle 3 - MORAL AND LEGAL STANDARDS

Preamble

Psychologists, moral and ethical standards of behavior are a personal matter to the same degree as they are for any other citizen, accept as these may compromise the fulfillment of their

professional responsibilities, or reduce the public trust in psychology and psychologists. Regarding their own behavior, psychologists are sensitive to prevailing community standards and to the possible impact the conformity to or deviation from these standards may have upon the quality of their performance as psychologists. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

- c. In their professional roles, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or others who may be affected by their actions.

Principle 6 - WELFARE OF THE CONSUMER

- a. Psychologists are continually cognizant of their own needs and of their potentially influential positions vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting the trust and dependency of such persons. Psychologists make every effort to avoid dual relationships which could impair their professional judgement or increase the risk of exploitation. Examples of such dual relationships include but are not limited to research with and treatment of employees, students, supervisees, close friends or relatives. Sexual intimacies with clients are unethical.

Principle 7 - PROFESSIONAL RELATIONSHIPS

- d. Psychologists do not exploit their professional relationships with clients, supervisees, students, employees, or research participants sexually or otherwise. Psychologists do not condone nor engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of sexual nature that are unwanted by the recipient.

Based upon a complaint filed by [REDACTED] (copy enclosed) and further investigation by the Board (Investigative Report Enclosed), the Board alleges that:

1. From on or about September 8, 1980 to about November 20, 1980 you provided psychological therapy to [REDACTED] and were involved in a patient-therapist relationship with [REDACTED].
2. From on or about February 10, 1981 to until sometime in

March, 1981, you sexually harrassed [REDACTED] by telephone, calling her almost daily at or around 7:30 a.m. and making sexual suggestive remarks. Also, after she started working, you continued to sexually harrass her by calling her on the telephone at her place of employment describing your sexual fantasies and telling her you were masturbating.

3. On or about March, 1981, you hired [REDACTED] to do clerical work in your home/office and continued during the course of her employment to see her professionally as her therapist.
4. On or about April 3, 1981, you sexually harrassed your patient, [REDACTED] by lifting her blouse and touching her breast. On or about April 1, 1981, you picked [REDACTED] up from her place of employment, [REDACTED] Company, on [REDACTED] in Baltimore City, drove her to the parking lot of St. Agnes Hospital, on Wilkens Avenue in Baltimore and requested her to perform fellatio upon you and asked her to stimulate you to a climax.
5. During the course of therapy when [REDACTED] expressed her reluctance to have sexual intercourse with you or to perform fellatio upon you, you insisted that she do so and that she "be an adult" and "give up the little girl guilty feelings" in spite of the fact that you identified one of her basic problems as putting the needs of others ahead of her own and taking care of other people.
6. You exploited the trust and dependency of your patient on or about April 25, 1981 when you had sexual intercourse with your patient, [REDACTED] at her home, [REDACTED] Maryland after which you told her to "give up [REDACTED] (her father), to give up the "rigid guilty little girl" and advised her that God would forgive her.
7. On or about May 1, 1981, you checked into the Quality Inn Motel in Towson, Maryland with [REDACTED] registered under a name other than your own, and had sexual intercourse with her.
8. From May, 1981 through November, 1982 you continued to treat [REDACTED] as a patient and continued to sexually harrass her by requiring that she perform fellatio on you during her therapy sessions under the guise of helping her "free up" and enjoy the "here and now".

9. From July, 1981 through September, 1982, you allowed your [REDACTED] to treat your patient [REDACTED] in both group and individual sessions. [REDACTED] is not and was not at that time a licensed psychologist.
10. In September, 1982, you hired [REDACTED] to provide music lessons for yourself, your wife, and your children and paid her \$20.00 for 2 hours of lessons.
11. On October 10, 1982, you sexually harrassed [REDACTED] by telephone, requesting that she come to your house for sexual purposes and ridiculing her by asking if she was going to play "no, I don't want to and you can't make me"... When she complied with your request and went to your house, you requested that she perform fellatio and then used a vibrator extension to touch and enter [REDACTED] in a sexual manner.
12. On or about October 25, 1982 when [REDACTED] appeared for her individual therapy session, you required that she perform fellatio on you.
13. In November, 1982, you discontinued paying [REDACTED] for music lessons but instead required that she provide the lessons without charge in exchange for therapy sessions.
14. In 1982 you required that [REDACTED] falsify records which resulted in the generation of unpaid bills for therapy. These records reflected that she was seen three times per week for therapy even though you saw her only two times per week after the first 2 months of treatment.
15. It is your responsibility as a psychologist to know that your professional behavior would result in undue influence upon your patient, [REDACTED]
16. The use of sexual intercourse and fellatio during the course of psychotherapy is professionally and ethically inappropriate and harmful to the patient.
17. Your knowledge of sex therapy techniques is seriously deficient and below the standard of a professional competent psychologist insofar as you failed to recognize that the use of fellatio during psychotherapy with a female client is not accepted practice amongst psychologists properly trained in sex therapy.

18. As a licensed psychologist you are aware of unprofessional and unethical behavior and your apparent insensitivity to the effects of your sexual harrassment of a patient contributes significantly to the reduction of the public trust and confidence in psychology and psychologists in the State of Maryland.
19. You exploited your patient's trust and dependency on you as her therapist when you refused to discontinue the use of sexual intercourse and fellatio despite her express request that you do so.
20. You further exploited the trust and dependency of [REDACTED] by becoming involved in a dual relationship with her as both client and employee when she performed clerical work and taught organ lessons for you.
21. You knew or should have know that sexual intimacies with clients are unethical.
22. In connection with your treatment of [REDACTED] you allowed the "bartering" of services by trading her services as an office assistant, typist and music teacher in exchange for therapy.
23. In connection with your treatment of [REDACTED] you falsely reported unpaid bills which reflected dates of therapeutic treatment when in fact you had not seen or treated [REDACTED]

At this time, a formal evidentiary hearing before the Board has not been scheduled. However, please be informed that proceedings before the Board are conducted in accordance with the Administrative Procedure Act, Maryland Annotated Code, State Government Article, §10-201 et seq. The Administrative Procedure Act gives you the right to call witnesses, to cross-examine every witness called by the State or by the Board, and to present summation and argument. In the event that a formal evidentiary hearing is necessary, you will be informed by letter of the date, time, and location.

Your license to practice as a psychologist in the State of Maryland may be revoked or suspended or the Board may refuse to renew your license or may issue you a reprimand if it finds you guilty of violating the Act, and you are strongly urged to retain and be represented by an attorney at the hearing. If you intend to retain legal counsel, you should do so immediately after receiving this notice of hearing. The Board does not customarily grant postponements unless there is a compelling

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reason to support such a request.

The case against you will be presented to the Board by Alice D. Ike, Assistant Attorney General, Administrative Prosecutor, Department of Health and Mental Hygiene, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201, (301) 225-1846. You or your attorney may contact Ms. Ike directly at any time prior to the hearing. At your request Ms. Ike will advise you of the names and addresses of any witnesses that may be called to testify against you and will allow you or your attorney to examine and copy any non-privileged documentary evidence, reports or other communications regarding your case which are included in the file. In addition, the administrative prosecutor will furnish you with a copy of the Board's rules of procedures. It is strongly advised that you or your attorney contact the administrative prosecutor immediately upon receipt of this letter.

A prehearing conference has been scheduled for Monday, June 29, 1987 at 9:30 a.m., in room 211, 300 West Preston Street, Baltimore, Maryland 21201. The purpose of a prehearing conference is to see if there are any grounds for settling this case without the necessity of proceeding to a hearing. If this is not possible, the prehearing conference will be used to handle any procedural matters and determine if the legal and factual issues involved in the case can be simplified or resolved. Your attendance is required and your attorney may also attend. You should call the Administrator of the Board, Ms. Roslyn Blankman, to confirm the conference. The Board's telephone number is (301) 225-5914. A formal hearing is not being scheduled at this time.

Please acknowledge receipt of this letter.

Very truly yours,

Sherman Ross, Ph.D.
Chairman

SR:mcd

cc: Varda N. Fink, Acting Principal Counsel
Barbara Hull Foster, Assistant Attorney General
Counsel to the Board
Alice D. Ike, Assistant Attorney General
Administrative Prosecutor
Investigative Unit