

IN THE MATTER OF

STEVEN C. ZIMMERMAN, PH.D.

RESPONDENT

LICENSE NUMBER: 01971

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BEFORE THE

MARYLAND BOARD

OF EXAMINERS OF

PSYCHOLOGISTS

CASE NUMBER: 2006- 009

CONSENT ORDER

On September 14, 2009, the Maryland Board of Examiners of Psychologists (the "Board") charged Steven C. Zimmerman, Ph.D., (the "Respondent") (D.O.B. 02/15/49), License Number 10971, under the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 18-101 *et seq.* (2005 Repl. Vol. & Supp. 2008).

The pertinent provisions under §18-313 of the Act provide the following:

- (a) 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:
 - (12) Violates any provision of this title or any regulation adopted by the Board;
 - (20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology[;].

The pertinent sections of the Code of Maryland Regulations adopted by the Board and under which the Board charged Respondent are as follows:

Code Md. Regs. tit. 10, § 36.07.05 A (2) A supervisor shall document the delegated supervision in accordance with §B(3) (sic) of this regulation;

Code Md. Regs. tit. 10, § 36.07.05 B (4) A supervisor shall maintain appropriate documentation of the nature and extent of the supervision provided or delegated, including the: (a) dates and duration of supervisory sessions; (b) client names or other identification for all cases reviewed; (c) Outcome of each case reviewed; and (d) Reason for any delegation of supervisory responsibility.

Code Md. Regs. tit. 10, § 36.07.05 B (10) A supervisor shall take full responsibility for all services provided by a psychology associate under the supervisor's supervision.

Code Md. Regs. tit. 10, § 36.07.06 C A supervisor or a psychology associate shall inform all clients of the supervision arrangement and its possible implications for insurance reimbursement and confidentiality.

Code Md. Regs. tit. 10, § 36.07.06 H A supervisor has full responsibility for all entries made by a psychology associate in a client file, medical record, or billing statement.

Respondent was notified of the charges through personal service and service on his attorney on September 14, 2009. On November 12, 2009, Respondent, his attorney, and the Administrative Prosecutor, appeared before the Case Resolution Conference Committee (the "CRC") of the Board. As a result of negotiations with the Office of the Attorney General and the CRC, Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. **Background**

1. At all times relevant to the charges, Respondent was and is licensed to practice psychology in the State of Maryland. Respondent was initially licensed to practice psychology in Maryland on May 17, 1985 under License Number 01971. On or about January 20 2009, Respondent renewed his license. Respondent's current license will expire on March 31, 2011.

2. At all times relevant to the charges, Respondent maintained, and continues to maintain, an office, known as "Emmorton Psych Chartered," for the practice of psychology in Abingdon, Maryland. Respondent is the Director of a group practice which provides mental health, and alcohol and drug treatment services.

3. Respondent also maintains a private practice for psychological assessment and individual and family therapy.

4. Respondent is a Diplomate of the American Board of Forensic Examiners.

5. At all times relevant to these charges, Respondent was, and is, the Supervisor of a psychology associate (the "Psychology Associate"). A psychology associate is an unlicensed individual with at least a master's degree that meets the requirements in the Board's regulations at Code Md. Regs. tit. 10, § 36.07.04, who is granted an exemption from licensure to provide psychological services under the supervision of a licensed psychologist.

6. On or about January 3, 1995, Respondent submitted to the Board, an "Application to Supervise a Psychology Associate." The Application contained a statement of supervision and assumption of responsibility, which states, in pertinent part:

...I do hereby certify that I will directly supervise and assume full responsibility as required by law for the psychological services and activities as performed by a Psychology Associate....The Board shall be informed immediately of any substantial changes in the supervisory relationship....

7. Respondent, as supervisor, and the Psychology Associate¹, as supervisee, both signed the Application on January 3, 1995.

8. At the time of the application, the Psychology Associate held a masters degree. In 2001, the Psychologist Associate obtained a Ph.D. in counseling psychology.

9. On March 6, 1995, the Board sent correspondence to Respondent, with a copy to the Psychology Associate, that it had approved an exemption to be given to the Psychology Associate. The Board also sent Respondent a copy of the proposed regulations for supervision of a Psychology Associate. The proposed regulations became effective on September 25, 1995.

10. On March 27, 2006, Respondent responded to a Board "Audit of Supervision of Psychology Associates," in which he stated the maiden and married name of the Psychology Associate.

11. On June 1, 2007, after being aware that the Board had received a complaint against the Psychology Associate, Respondent again notified the

¹ At the time of filing the application, the Psychology Associate was known by her maiden name.

Board in writing that the Psychology Associate had remarried several years previously and changed her name. Respondent provided the Board with the Psychology Associate's current name.

II. The Complaint

12. On or about October 13, 2005, the Board received a complaint from a former client of the Psychology Associate, Client A,² regarding the Psychology Associate.³

13. Client A, the father in a family that was the subject of a court ordered psychological evaluation, stated in his complaint that the Psychology Associate, who has an office in Bel Air, Maryland, was court-appointed by the Circuit Court for Harford County to perform a psychological evaluation of him, his ex-wife, and their teenage son. The father stated that as a result of the Psychology Associate's report, he "lost custody" of his son who went to live with his sister and he was permitted supervised visitation. Over a year later, the father hired another psychologist to perform a re-evaluation, which was submitted to the court. The father noted that he has since regained custody of his son.

14. The Complainant also stated that although he was given three "objective tests," the Psychology Associate discounted the objective tests and only used the subjective test, the Rorschach. The Complainant expressed his opinion that the Psychology Associate was negatively biased against him.

² Client names are confidential and are not used in the Consent Order. Respondent is aware of the identity of Client A.

³ At the time of filing the complaint, the Psychology Associate was known by her married name.

15. The Complainant attached a copy of the "Confidential Psychological Evaluation" of Client A, Client A's wife, and Client A's son, dated May 13, 2004.

16. The Complainant attached a copy of a "Psychological Evaluation" performed on July 5, 2005 by another psychologist for the purpose of making recommendations regarding Client A's potential to be a custodial parent of his adolescent son.

III. The Board's Investigation

17. The Board opened an investigation of the Complaint, interviewing Client A, Respondent, the Psychology Associate, and the subsequent evaluating psychologist.

18. Respondent informed Board staff that he met with the Psychology Associate on two occasions, for almost two hours, that he reviewed the test data, the clinical interviews, and the information obtained from collateral contacts, and he discussed diagnostic formulations with the Psychology Associate. Respondent stated that he made all his supervisory notes on a rough draft of the report, which he then instructed the Psychology Associate to destroy.⁴ Respondent stated that he made some edits and actual changes to the rough draft of the report.⁵

⁴ Respondent states that it is the policy of his group practice to shred the rough draft of the report after the final report is completed, to avoid confusion about which is the final report.

⁵ Respondent states that it was his usual practice to transfer the supervisory notes to a separate file.

19. The Board subpoenaed additional documents from Respondent, including the Psychology Associate's complete file pertaining to her evaluation of Client A.

20. The Board submitted the relevant documents to a psychologist who is a Diplomate in Forensic Psychology of the American Board of Professional Psychology, for an expert review.

V. Case Specific Findings

21. On or about April 15, 2004, the Circuit Court for Harford County issued an Order for Psychological Evaluation of Client A, Client A's ex-wife, and their son.

22. On or about May 13, 2004, the Psychology Associate issued a "Confidential Psychological Evaluation" of Client A, Client A's ex-wife, and Client A's son. The name on the top of the psychological evaluation is that of the Psychology Associate, with Ph. D. following her name, and the address is in Bel Air, Maryland.

23. The Psychology Associate stated on the first page of her report that she was the "Examiner" and that Respondent was the "Supervisor."

24. The Psychology Associate covered the following topics in her report:

- a. Reason for Referral
- b. Procedures administered
- c. Behavioral Observations
- d. Background Information
- e. Relationship History
- f. Collateral contacts
- g. Test results
- h. Diagnosis

i. Recommendations

25. In the "Recommendations" section, the Psychology Associate stated in her report, among other statements, that

... the information gathered from the clinical interviews, observations, and analysis of test data strongly suggest that [Client A] is undergoing a manic episode with psychotic features... [He] needs immediate psychiatric intervention and assessment for medication... In light of [Client A's] diagnosis and clinical presentation, I cannot support a change in primary custody at this time. [The ex-wife] is not without her share of difficulties, however, at present she is the more stable parent. I recommend that [the son] be returned to her primary physical care with supervised parenting time for [Client A] and involvement of the Department of Social Services.

26. Respondent signed the Report and did not state on the signature line that he was the supervisor of the Psychology Associate.

27. The Psychology Associate signed the report and did not state on the signature line that she was a psychology associate, supervised by Respondent.

V. Expert Review

28. In a written report to the Board, the expert stated concerns about:
1.) The nature in which the Psychology Associate represented herself, especially her relationship with Respondent and the nature of supervision and 2.) The apparent lack of oversight of the Psychology Associate which Respondent exercised regarding disregard of certain pieces of information within the diagnostic picture.

29. Specifically, according to the expert:

Initially, I have some concerns about the manner in which [the Psychology Associate] represented herself. As noted above, she is not licensed by the Board of Examiners of Psychologists and, despite this, [Client A] was under the impression that she was, in

fact, a psychologist. In looking at the details of this, while her business card does say "Psychology Associate", her letterhead does not say anything.

30. Regarding the accuracy of the Psychology Associate's statements, the expert found:

There are some frank misstatements in [the Psychology Associate's] psychological evaluation regarding the test results and, if Doctor Zimmerman were, in fact, closely reviewing [the Psychology Associate's work], he would have needed to bring these to her attention. For instance, in [the Psychology Associate's] report, she talks about an individual on the MMPI having a high score on the L or Lie Scale. She states that such an individual is ruminative, rigid, has difficulty in relationships and sometimes is involved in conscious deception. What she does not mention is that elevations on this scale are common in custody evaluations and that it is really a measure of social desirability rather than of lying. A careful supervisor would have picked this up.

31. According to the expert, observations of being ruminative, rigid, having difficulty in relationships and being involved in conscious deception, cannot be derived from elevations on the Lie scale. Similarly, while elevations on the L scale measure an attempt to deny any kind of minor personality defects, or conversely to present oneself in the most favorable light, they do not measure "deception," *per se*.

32. The expert noted that the Psychology Associate misstates some of the data on the Millon Clinical Multiaxial Inventory. The Psychology Associate discussed the elevations on the scales measuring "Depressive" and "Bipolar: Manic Disorder" psychopathology. Both of these scores according to the expert reviewer; however, are below the level of clinical significance. Moreover, the Psychology Associate fails to mention the scores which do reach clinical significance, that is, in the areas of "desirability" and "compulsivity."

33. The Psychology Associate described the MMPI-2 as a "three/eight profile." According to the expert reviewer, the "eight," which is the Schizophrenia scale, is below the level of clinical significance. The "three," which is an "hysteria" scale is only very slightly elevated. The Psychology Associate described this profile in the Report as evidence of a thought disorder, unconventional thinking, irrelevant speech, delusions, hallucinations, tension, resentfulness, feelings of alienation, fear, obsessional individual, insecurity over sexual expression, excessive needs for attention and affection, uninvolved, apathetic, passively resistant to interpersonal relationships, immature, self-centered, dependent, subject possibly to brief psychotic reactions with highly sexualized content.

34. In the opinion of the expert, none of these diagnostic statements can be derived from this profile. These diagnostic statements in regard to schizophrenia should not be made if the schizophrenia scale is below 65, which it was in this case. The Psychology Associate has misstated what the MMPI profile is by listing impressions that are not necessarily characteristic of Client A and the Psychology Associate also failed to include analysis of the subscales of the MMPI.

35. In regard to the Projective testing, specifically the Rorschach which generates a series of sentence stems or interpretive statements from a computer program, the Psychology Associate used the statements directly from the computer printout rather than integrating them with other data. The Psychology Associate indicates that the Rorschach is consistent with psychosis but, in fact, Rorschach contains no "Special Scores" which would be indicative of

psychosis. In addition, the Perceptual Thinking Index ("PTI") is not near the range that would specify a Psychotic Disorder. One of the diagnostic statements in the computer printout is that people with this profile "often meet the criteria for psychosis". The Psychology Associate indicates, rather than reporting this accurately, that the father "reaches the criteria for a psychotic degree of disturbance." The Psychology Associate also omits statements that would be counter to her opinion. She omits the statement that the father "appears capable of attending to experience in a reasonably open and flexible manner," omits the statement that he has "the adaptive capacity to think logically and coherently" and omits the statement "for the most part, is capable as most people of coming to reasonable conclusions about relationships between events, and of maintaining a connected flow of associations in which ideas follow each other in a comprehensible manner," Respondent failed to review the Psychology Associate's test data and her report, to reveal these omissions and errors.

36. The Psychology Associate administered the Personality Assessment Inventory ("PAI") which shows both parents with profiles within normal limits, however, the Psychology Associate does not in her report discuss the results of the PAI. The Psychology Associate then reaches a conclusion that the father is undergoing a manic episode with psychotic features which, as noted above, is inconsistent with many of the test findings.

37. The Psychology Associate suggests a possible diagnosis of "Shared Psychotic Disorder" between the father and son and yet none of the son's psychological tests appear to be psychotic.

38. The Psychology Associate makes a statement that the father's allegations are untrue regarding his wife's bizarre behavior. This is an inappropriate statement for any psychologist to make as a psychologist should never address ultimate legal issues, such as the truth or falsity of a particular assertion.

39. Respondent failed to provide sufficient oversight in his supervision of the Psychology Associate, which would have caught the misstatements, misdiagnoses, omissions, and other erroneous entries in the Confidential Psychological Evaluation report which the Psychology Associate submitted to the Harford Circuit Court, as described above.

40. Respondent failed to maintain any documentation of the nature and extent of the supervision he provided the Psychology Associate in regard to the preparation of the Confidential Psychological Evaluation report which the Psychology Associate submitted to the Harford County Circuit Court.

VI. Summary

41. The above referenced acts are evidence of violation of:

- a. §18-313 (12) Violates any provision of the Board's title or any regulation adopted by the Board;
- b. §18-313 (20) Does an act that is inconsistent with generally accepted professional standards in the practice of psychology;

- c. Code Md. Regs. tit. 10, § 36.07.05 A (2) A supervisor shall document the delegated supervision in accordance with §B(3) (sic) of this regulation;
- d. Code Md. Regs. tit. 10, § 36.07.05 B (4) A supervisor shall maintain appropriate documentation of the nature and extent of the supervision provided or delegated, including the: (a) dates and duration of supervisory sessions; (b) client names or other identification for all cases reviewed; (c) Outcome of each case reviewed; and (d) Reason for any delegation of supervisory responsibility.
- e. Code Md. Regs. tit. 10, § 36.07.05 B (10) A supervisor shall take full responsibility for all services provided by a psychology associate under the supervisor's supervision.
- f. Code Md. Regs. tit. 10, § 36.07.06 C A supervisor or a psychology associate shall inform all clients of the supervision arrangement and its possible implications for insurance reimbursement and confidentiality.
- g. Code Md. Regs. tit. 10, § 36.07.06 H A supervisor has full responsibility for all entries made by a psychology associate in a client file, medical record, or billing statement.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that Respondent violated H.O. § 18-313 (12) (violates any regulation), and (20) (does an act that is inconsistent with generally accepted professional standards), and Code Md. Regs. tit. 10, § 36.07.05 A (2) A supervisor shall document the delegated supervision in accordance with §B(3) (sic) of this regulation; Code Md. Regs. tit. 10, § 36.07.05 B (4) A supervisor shall maintain appropriate documentation of the nature and extent of the supervision provided or delegated; Code Md. Regs. tit. 10, § 36.07.05 B (10) A supervisor

shall take full responsibility for all services provided by a psychology associate under the supervisor's supervision; Code Md. Regs. tit. 10, § 36.07.06 C A supervisor or a psychology associate shall inform all clients of the supervision arrangement; Code Md. Regs. tit. 10, § 36.07.06 H A supervisor has full responsibility for all entries made by a psychology associate in a client file, medical record, or billing statement.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 11 day of December, 2009, by affirmative vote of a majority of its members then serving:

ORDERED that Respondent's license to practice psychology shall be **REPRIMANDED**, and it is further

ORDERED that effective the date of this Consent Order, Respondent shall comply with the following terms and conditions for a minimum of two (2) years:

1. Within sixty (60) days of the date of this Consent Order, Respondent shall submit for Board-approval, all letterhead, business cards, standardized forms, advertising, and any other professional documents which are utilized in his practice, which contain the name of a psychology associate, and which include Respondent's name as the supervising psychologist;
2. After Board-approval, Respondent shall ensure that all psychology associates that he supervises utilize the Board-approved letterhead, business cards, standardized forms, and any other professional documents;
3. Respondent shall ensure that all psychology associates that he supervises shall inform all clients of the supervision arrangement and its possible implications for insurance reimbursement and confidentiality;
4. Respondent shall maintain appropriate documentation of the nature and extent of the supervision provided or delegated, including the: (a) dates and duration of supervisory sessions; (b) client names or other identification for all

cases reviewed; (c) outcome of each case reviewed; and (d) reason for any delegation of supervisory responsibility;

5. For two (2) years from the date of this Consent Order, on a quarterly basis, Respondent shall submit to the Board, copies of all documentation of supervisory sessions;

6. Respondent shall not perform any child custody evaluations while the terms and conditions of this Consent Order are in effect;

7. Respondent agrees that he will notify the Board if he intends to supervise any psychology associate in regard to psychological testing;

8. Respondent shall engage in clinical supervision with a Board-approved supervisor who will review a random selection of, at a minimum six (6) of Respondent's psychological testing reports, three of which have been completed and three of which are in draft form, focusing on the issues described in this Consent Order. In the event the supervisor determines that additional supervision is necessary, the supervisor will review additional testing reports, for as long as the supervisor requires;

9. Respondent shall authorize the Board to provide the supervisor with a copy of this Consent Order and all of the relevant documents in the investigative file, including the Psychology Associate's Psychological Evaluation of May 13, 2004, which Respondent signed, and the underlying test data;

10. Respondent shall ensure that the supervisor submits quarterly reports to the Board which include a report of attendance, participation in supervision and progress in performing psychological evaluations, especially as described in this Consent Order; the first quarterly report is due within three (3) months of the date of this Consent Order;

11. Respondent shall be responsible for all costs associated with fulfilling the terms and conditions of this Consent Order; and be it further

ORDERED that Respondent shall comply with the Maryland Psychologists Act and all laws, statutes and regulations pertaining to the practice of psychology; and it is further

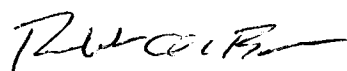
ORDERED that Violation of the terms and conditions of this Consent Order shall be deemed unprofessional conduct in the practice of psychology; and be it further

ORDERED that if Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before an Administrative Law Judge at the Office of Administrative Hearings if there is a genuine dispute as to the underlying material facts, or after an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case under §§ 18-313 and 18-313.1 of the Maryland Psychologists Act, including a reprimand, probation, suspension, revocation and/or a monetary fine; and it is further

ORDERED that no earlier than two (2) years following the effective date of this Consent Order, and provided that Respondent has complied with the Consent Order terms during Respondent's period of two years and there are no new complaints, Respondent may petition the Board to terminate the conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.*

12/11/09
Date


Robert Brown, Ph. D., Chair
State Board of Examiners of
Psychologists

CONSENT

I, Steven C. Zimmerman, Ph.D, acknowledge that I am represented by counsel and have reviewed this Consent Order with my attorney, Richard Bloch, Esquire, before signing this document.

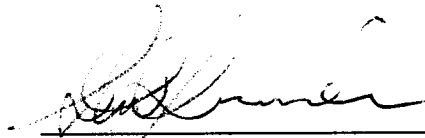
I am aware that I am entitled to a formal evidentiary hearing before an administrative law judge of the Office of Administrative Hearings. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other procedural and substantive protections to which I am entitled by law. I am waiving those procedural and substantive protections.

I voluntarily enter into and agree to abide by the foregoing Findings of Fact, Conclusions of Law, and Order and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law and I waive my right to a full evidentiary hearing as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.

I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice psychology.

I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order, consisting of eighteen (18) pages.

12/02/2009
Date


Steven C. Zimmerman, Ph.D.
Respondent

STATE OF MARYLAND

~~CITY~~/COUNTY OF Hartford:

I HEREBY CERTIFY that on this 2 day of December, 2009, before me, a Notary Public of the State and County aforesaid, personally appeared ^{SZ} Steven C. Zimmerman, Ph.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public

Paul A. Bianchi, Sr.
Notary Public State of Maryland
My Commission Expires May 1, 2011

My commission expires: 5/1/11