

IN THE MATTER OF

THOMPSON E. DAVIS, JR.

Respondent

License No.: <sup>0932</sup>~~0990~~

\* BEFORE THE MARYLAND  
\* STATE BOARD OF EXAMINERS  
\* OF PSYCHOLOGISTS  
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**ORDER OF REVOCATION**

Pursuant to Md. State Gov't. Code Ann. § 10-226 (c)(1) (1999), and the Maryland Psychologists Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 18-101 et seq., the Maryland State Board of Examiners of Psychologists (the "Board") hereby **REVOKES** the psychology license of Thompson E. Davis, (the "Respondent"), License No.: 0930.

Specifically, the Board charges the Respondent with violating the following provisions of H.O § 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:

- (7) Violates the code of ethics adopted by the Board under § 18-311 of this subtitle;
  
- (11) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or county or disciplined by any branch of the United States uniformed services or the United States Veterans Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
  
- (12) Violates any provision of this title or any regulation adopted by the Board;

- (14) Is professionally, physically, or mentally incompetent;
- (16) Behaves immorally in the practice of psychology;
- (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 charges the Respondent with violations of Code Md.

Regs. tit. 10.36.05 – Code of Ethics and Professional Conduct:

**.05 Client Welfare.**

**A. Exploitation or Undue Influence. A psychologist shall:**

- (1) Refrain from exploiting or harming clients, colleagues, students, research participants, or others;
- (3) Refrain from allowing personal, social, religious, organizational, financial, or political situations and pressures to lead to a misuse of the psychologist's influence;
- (5) Refrain from exploiting the trust and dependency of clients, students, and subordinates.

**B. Impaired Objectivity and Dual Relationships.**

- (1) A psychologist may not undertake or continue a professional relationship with a client when objectivity is or could reasonably be expected to be impaired because of a present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client or a relevant person associated with or related to the client.

(2) A psychologist may not:

(a) Engage in an exploitative relationship with a past or a present client, including, but not limited to, any:

(i) Sexual intercourse or other sexual contact,

(ii) Verbal or physical behavior which is sexually seductive, demeaning, or harassing;

(b) Enter into a dual relationship with a past or present client;

(c) Engage in sexual behavior with a client in the context of a professional evaluation, treatment, procedure, or service to the client, regardless of the setting in which the professional service is rendered.

C. Termination of Services. A psychologist shall:

(1) Make or recommend a referral to other professional, technical, or administrative resources when the referral is clearly in the best interest of the client.

#### **FINDINGS OF FACT**

1. At all times relevant, the Respondent was licensed to practice psychology in the State of Maryland, having been issued license number 0930 by the Board on June 12, 1976. The Respondent's license to practice psychology has been in inactive status since 1990. The Respondent was originally issued a license to practice psychology in South Carolina on January 14, 1984. The Respondent was originally issued a license to practice psychology in North Carolina on May 7, 1986.

2. On August 5, 1996, the State Board of Psychology Examiners of South Carolina charged the Respondent with engaging in improper and wrongful conduct with a patient between October 1993 and October 1995. The Respondent's alleged improper conduct with a patient included: sending letters, visiting the patient at home, sending cards, telephoning, perpetuating sexually explicit writing, promoting religious beliefs and activities, physical caressing and sexual relations. During a portion of the time that the Respondent was allegedly engaged in improper conduct with the patient, the Respondent received compensation for psychological services that he provided to this patient. The Respondent also concealed articles used by the patient to attempt suicide. Further, the Respondent failed to make proper referrals when it became apparent that the patient was a danger to herself and the Respondent's objectivity was impaired (A copy of the Notice of Charges and of Hearing, dated August 5, 1996, *In the Matter of Thompson E. Davis, Jr., Ph.D.*, before the South Carolina State Board of Psychology Examiners is attached hereto and incorporated herein as Exhibit A).

3. On November 8, 1996, the Respondent agreed by way of a consent order to the revocation of his license to practice psychology in the State of South Carolina. The Respondent admitted to the conduct set forth in the Notice of Charges (see Exhibit A). Further, the Respondent admitted that he had violated the following provisions of the S.C. Code of Laws Ann. § 40-55-150, the South Carolina Rules and Regulations No. 100-4, and 100-10 at Appendix B.

S.C. Code of Laws Ann. § 40-55-150:

(A) The Board may revoke, suspend, or restrict the license or permit of a psychologist or reprimand a psychologist when it is established that the is guilty of misconduct. Misconduct is a satisfactory showing to the board that a license or permit holder:

(8) Has violated the principles of ethics as adopted by the board and published in its regulations;

(9) Has engaged in conduct that is deceptive, fraudulent, or harmful to the public;

(10) Is guilty of obtaining fees or assisting in obtaining fees under deceptive, false, or fraudulent circumstances;

(12) Has been found by the board to lack the professional competence to practice psychology;

(13) Has violated a provision of this chapter regulating the practice of psychology.

South Carolina Rules and Regulations No. 100-4 Code of Ethics:

C. Competence.

(3) Maintaining competency. A psychologist shall maintain current competency in the area(s) in which he/she practices through continuing education, consultation and/or other procedures, in conformance with current standards of scientific and professional knowledge.

(5) Referral. The psychologist shall make or recommend referral to other professional, technical or administrative resources when such referral is clearly in the best interests of the client(s).

D. Impaired objectivity and dual relationships.

(2) Dual relationships affecting psychologist's judgment. The psychologist shall not undertake or continue a professional relationship with a client when the objectivity or competency of the psychologist is, or could reasonably be expected by the Board to be, impaired because of the psychologist's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the client or a relevant person associated with or related to the client. If such dual

relationship develops or is discovered after the professional relationship has been initiated, the psychologist shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination, and shall assist the client in obtaining services from another professional.

**(3) Prohibited dual relationships.**

(a) The psychologist, in interacting with any current human services client or with a person to whom the psychologist has at any time within the previous 24 months rendered counseling, psychotherapeutic, or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not:

(i) Engage in any verbal or physical behavior toward him/her which is sexually seductive, demeaning, or harassing; or

(ii) Engage in sexual intercourse or other physical intimacies with him/her; or

(iii) Enter into a financial or other potentially exploitative relationship with him/her.

**E. Client Welfare.**

(4) Sexual or other dual relations with a client. The psychologist shall not enter into a sexual or other dual relationship with a client, as specified in Section (D) of these rules of conduct.

**Appendix B Ethical Principles of Psychologists:**

**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 client, 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**

(b) As employees or employers, psychologists do not engage in or condone practices that are inhumane or that result in illegal or unjustifiable actions. Such practices include, but are not limited to, those based on considerations of race, handicap, age, gender, sexual preference, religion, or national origin in hiring, promotion, or training.

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

(d) As practitioners and researchers, psychologists act in accord with accepted standards and guidelines related to practice and to the conduct of research with human beings and animals. In the ordinary course of events, psychologists adhere to relevant governmental laws and institutional regulations. When federal, state, organizational, or institutional laws, regulations or practices are in conflict with accepted standards and guidelines, psychologists make known their commitment to standards and guidelines and, wherever possible, work toward a resolution of the conflict. Both practitioners and researchers are concerned with the development of such legal and quasi-legal regulations as best serve the public interest, and they work toward changing existing regulations that are not beneficial to the public interest.

#### Principle 6: Welfare of the Consumer

(a) Psychologists are continually cognizant of their own needs and of their potentially influential position vis-à-vis persons such as clients, student, and subordinates. They avoid exploiting the trust and dependency of such persons. Psychologists make every effort to avoid dual relationships that could impair their professional judgment 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 friend, 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 or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

## Principle 8: Assessment Techniques

(c) In reporting assessment results, psychologists indicate any reservations that exist regarding validity or reliability because of the circumstances of the assessment or the inappropriateness of the norms for the person tested. Psychologists strive to ensure that the results of assessments and their interpretations are not misused by others.

(d) Psychologists recognize that assessment results may become obsolete. They make every effort to avoid and prevent misuse of obsolete measures.

(A copy of the Consent Order dated November 8, 1996, *In the Matter of Thompson E. Davis, Jr., Ph.D.*, before the State Board of Psychology Examiners of South Carolina is attached hereto and incorporated herein as Exhibit B).

4. On October 3, 2001, the North Carolina Psychology Board charged the Respondent with violating N.C.G.S. § 90-270.15(a)(6) which provides:

"Has had a license or certification for the practice of psychology in any other jurisdiction suspended or revoked, or has been disciplined by the licensing or certification board in any other jurisdiction for conduct which would subject him or her to discipline under this Article".

5. The North Carolina Psychology Board charges against the Respondent were a result of the Respondent's relationship with the patient described in paragraph two (2) and the disciplinary action taken by the South Carolina Board. (A copy of the Notice of Charges from the North Carolina Psychology Board dated October 3, 2001 is attached hereto and incorporated herein as Exhibit C).

6. On December 13, 2001, the North Carolina Psychology Board revoked the Respondent's license to practice psychology. The Board found that the Respondent violated N.C.G.S. § 90-270.15(a)(6).<sup>1</sup>

7. The revocation of the Respondent's license to practice psychology by the State Board of Psychology Examiners of South Carolina for the conduct set forth in paragraph two (2) constitutes grounds for discipline in the State of Maryland pursuant to H.O. § 18-313 (11).

8. The revocation of the Respondent's license to practice psychology by the North Carolina Psychology Board for the conduct set forth in paragraph two (2) would be grounds for discipline in the State of Maryland under §18-313 (11).

9. The Respondent's conduct as set forth in paragraph two (2) and Exhibits A, B, and C would be grounds for discipline under H.O. § 18-313 (7), (11), (12), (14), (16), (17), and (20), and Code Md. Regs. tit. 10.36.05.05 A(1), (3), (5), B(1), (2)(a)(i), (2)(a)(ii), (2)(b), (2)(c), and C(1).

#### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Facts, the Board finds that the Respondent violated H.O. § 18-313 (7), (11), (12), (14), (16), (17), and (20) of the Act, and Code Md. Regs. tit. 10.36.05.05 A(1), (3), (5), B(1), (2)(a)(i), (2)(a)(ii), (2)(b), (2)(c), and C(1).

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<sup>1</sup> At the time that the North Carolina Psychology Board issued charges against the Respondent, his license had been automatically suspended by operation of North Carolina law for failure to renew his license.

**ORDER**

Based on the foregoing Findings of Fact, it is this 14<sup>th</sup> day of June, 2002, by the Maryland State Board of Examiners of Psychologists hereby **ORDERED** that the license of the Respondent, Thompson E. Davis, Jr. Ph.D., to practice psychology in the State of Maryland be and is hereby **REVOKED**; and be it further

**ORDERED** that upon presentation of this Order of Revocation, Respondent shall immediately deliver to the Board, through the Board's Executive Director, Joe F. Compton, any display, renewal certificate, and wallet-sized license to practice psychology previously issued by the Board; and be it further

**ORDERED** that this is a **FINAL ORDER** of the Board, and as such is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't. Code Ann. §§ 10-611 et seq.

6/14/02  
Date

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

## **NOTICE OF RIGHT TO APPEAL**

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

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