

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
PSYCHOLOGY BOARD

IN THE MATTER OF:

JOHN C. POAG, PH.D.,
Respondent.

)
)
)
)

FINAL DECISION

The North Carolina Psychology Board ("Board") heard this cause on August 14, 2015. A Notice of Hearing, dated June 11, 2015, was served upon John C. Poag, Ph.D., (hereinafter, "Respondent") and his attorney. Respondent was present and was represented by Norman F. Klick, Jr., of Greensboro, North Carolina. Sondra C. Panico, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board heard testimony from "VB", Susan Batts, M.A., John Poag, Ph.D., and Jeffrey Younggren, Ph.D. The Board accepted exhibits and testimony into evidence in a closed session.

After receiving all of the evidence, the Board retired into an executive session to deliberate, during which deliberations it made the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Board finds, by a preponderance of the evidence, that the following facts are true and relevant:

1. Respondent is licensed in North Carolina as a Psychologist. (T p 129).
2. Respondent was served with the Statement of Charges in this matter, dated February 26, 2015. (Board Exhibit Number 3(C)).
3. Respondent was served with the Notice of Hearing in the matter, dated June 11, 2015. (Board Exhibit Number 1(A)).
4. From March 2001 through January 2005, Respondent provided psychological services to client VB, with two breaks in services during that period. (Board Exhibit Number 19(S)).
5. When VB began treatment with Respondent she was 18 years of age and a freshman in college. Her presenting problem was that she was in a live-in relationship with her admissions counselor who was 11 years older than her. (Board Exhibit Number 9 (I)). Depression was also a main reason for VB to seek out treatment. (T p 20).

6. Respondent met with VB for approximately 70 individual therapy sessions during this time period. (Board Exhibit Number 19(S)).
7. VB saw Respondent in treatment over the course of her entire college career with two breaks in treatment. (T pp 20, 170).
8. Respondent would see VB for treatment generally weekly or biweekly. (T p 173).
9. In March, 2001, Respondent diagnosed VB with adjustment disorder with mixed anxiety and depressed mood. (Board Exhibit Number 19 (S), page 7).
10. During treatment with Respondent, VB discussed her history of sexual abuse as a child by her father and mother's boyfriend. The abuse began when she was around 5-6 years of age. (T p 21). She also discussed issues in her current intimate relationships. (Board Exhibit Number 19(S)).
11. VB discussed in her treatment with Respondent the impact of her father's sexual abuse on her current relationships, including her anxiety and attraction to men who were older than herself. (Board Exhibit Number 19 (S)).
12. In October 2002, VB returned to treatment with Respondent after a break since November 2001, when she was studying abroad. At that time, Respondent diagnosed VB with post-traumatic stress disorder. (Board Exhibit Number 19 (S), p 32).
13. Throughout the course of treatment, VB discussed her father's and mother's boyfriend's sexual abuse on a frequent basis, even as treatment ended in January 2005. (Board Exhibit Number 19(S)).
14. VB discussed that therapy with Respondent was a big part of her life. "It was the first place where I really started working through some of these really heavy things from my past. I found it really helpful and ... It was big part of my life, but it was also confusing. You know, you can see the letters that I wrote. I spent six months in prison during college for protesting. And I look at some of the letters and some of the feelings, I realized that it was – it was always hard because I felt this like huge emotional component or attachment, which is confusing in the context of a professional relationship." (T p 25).
15. VB explained that she was very emotionally attached to Respondent during therapy. (T p 50).
16. VB further explained that during therapy with Respondent she was in prison for six months for trespassing on a military base and that she wrote him letters during that time. (T p 26; Board Exhibit Number 19(S)).
17. When VB graduated from college, she moved away and therapy ended on January 27, 2005. (Board Exhibit Number 19 (S), T pp 25-26).

18. On August 16, 2005, VB wrote Respondent a letter thanking him and asking if they could have a friendship now that therapy is over. She writes, "I am not sure what your therapist rules say, but you've been an important person in my life and I care about you." (Board Exhibit Number 19 (S), page 188).

19. Respondent did not respond to the letter. (T p 215).

20. In June 2006, VB reached out to Respondent to complete an evaluation for her to join the Peace Corp. Respondent completed the evaluation at the time. He made an assessment of her on the telephone in order to complete the evaluation. (T pp 139, 217).

21. On February 4, 2011, VB sent Respondent an electronic mail message stating that she was in the Hillsborough, NC area and looking for mental health treatment. She stated that she was struggling with depression and dealing with relationship issues with her father and looking for help. She stated that she was interested in seeing if antidepressants might help her through this year of transition before she settles down again and finds a therapist to work with regularly. She asked if he has any ideas or contacts near Carrboro, NC. (T p 29, Board Exhibit Number 10(J)).

22. On February 8, 2011, Respondent responded to her email. He responded that he did not know of anyone in the Carrboro area and invites her to give him a call. (Board Exhibit Number 10 (J)).

23. VB explained that at that time she was depressed and having thoughts about taking her life. (T p 31).

24. Subsequent to receipt of Respondent email, in February 2011, VB called Respondent and they went out to dinner. (T p 31).

25. After the dinner, VB invited Respondent over to dinner to the house where she was house sitting. At that dinner Respondent and VB started to realize that it could become a romantic relationship. (T pp 31-32).

26. The third time they got together, in February 2011, they became sexually intimate. (T p 32).

27. Before becoming romantic, Respondent showed VB the ethics rules and they discussed that having an intimate relationship was a risk of violating the ethics rules, but decided that it would be okay. (T p 32).

28. Respondent is approximately 28 years older than VB. (Board Exhibit Number 4 (D)).

29. VB described that during the course of their romantic relationship she loved Respondent and they talked about marriage and having a family. The relationship became serious very quickly. She describes that he knew everything about her. (T p 33).

30. During the course of the relationship, VB moved to Charlottesville and they would see each other probably every weekend. (T p 33).

31. Respondent and VB were considering a trip to Greece together to be involved in a case study as a couple. It was a couples' therapy training program for therapists. (Board Exhibit Number 10 (J)).

32. The relationship ended when VB become concerned about Respondent's controlling behavior. He did not want her to spend time with her friends. (T p 36). Also, in the course of the relationship she would have sex when she didn't really want to, and that concerned her. The relationship ended in April, 2011.

33. When VB ended the relationship, Respondent was very upset and he wouldn't leave. He threatened to end his life if she went through with it. (T p 37).

34. VB filed the complaint against Respondent because she felt embarrassed and confused over it. It had weighed on her for a long time and after doing "energy work", she filed the complaint to continue healing. (T p 19).

35. VB explained in her complaint, "given my history as a survivor of child sexual abuse, our 28 year age difference, my mental state at the time we began a sexual relationship, his behavior during our romantic relationship, and my subsequent immense guilt, shame and discomfort processing it, I have come to believe that it's possible that Dr. Poag was violating standard 10.08 of the APA Ethics Code. I do not wish him harm but feel as a survivor I must speak out about what's happened in case there are other women put at risk by his poor choices." VB further wrote, "I think that given my abuse history, our age difference, and his training and profession, it should have been his role to maintain a friendly, healthy boundary and not allow our relationship to become so intimate and sexual." (Board Exhibit Number 4(D)).

36. When asked about how the relationship impacted her, VB responded that after the relationship she was in a pretty severe period of depression. The relationship with Respondent caused VB to become severely depressed. She also felt that there was a possibility that Respondent exploited her, although not maliciously. She sought mental health treatment afterward. (T pp 41-42).

37. Susan Batts, M.A, Board investigator, investigated this matter and during her investigation she interviewed Respondent and VB. (T p 76).

38. Jeff Younggren testified that he is licensed in California and Florida. He reviewed this matter for Respondent. (T p 109). He stated that he did not see that Respondent exploited VB. (T p 117).

39. Dr Younggreen testified that he thinks entering into this relationship with VB was a “very dangerous thing to do,” and that the burden is on the psychologist to decide whether it’s a violation of 10.08(b). (T p 122).

40. Dr Younggreen also agreed that it’s possible that VB could have been harmed by this sexual relationship. (T p 127).

41. Respondent testified at the hearing that he has had experience treating victims of abuse who suffer from post-traumatic stress disorder. (T p 130).

42. Respondent testified about how VB discussed her sexual abuse history during treatment with him. (T p 132).

43. Respondent agreed that as VB’s psychologist he knew her background from when he treated her and he did not think there was any risk of harm. (T p 153).

44. Respondent explained that he went over American Psychological Association Ethics Rule 10.08 with VB. (T p 150). He said that she agreed that she did not see any harm or exploitation and Respondent was satisfied that she understood it. (T p 151).

CONCLUSIONS OF LAW

1. The Board has jurisdiction of the subject matter of this contested case and over the Respondent.

2. Respondent’s conduct constitutes a violation of N.C. GEN. STAT. § 90-270.15(a)(10), insofar as it was unprofessional and unethical conduct as defined in this subsection or in the then current code of ethics of the American Psychological Association, which alone warrants the disciplinary action taken by the Board.

3. Respondent’s conduct constitutes a violation of Ethical Standard 10.08(b) of the Ethics Principles and Code of Conduct (American Psychological Association, 2002) insofar as Respondent engaged in sexual intimacies with a former client after a two year interval, which is not permitted except in the most unusual circumstances, which alone warrants the disciplinary action taken by the Board. The Board concludes that based upon the evidence that VB was exploited by Respondent in light of the relevant factors.

- The therapy was a long term relationship beginning when VB was 18 years of age and ending when she left college 4 years later.
- In therapy, VB discussed her childhood sexual abuse history on a frequent basis with Respondent.
- VB has a long history of childhood sexual abuse and became involved in relationships with older men as a result, which Respondent was well aware, having been her psychologist.
- Respondent was 28 years older than VB.

- When VB contacted Respondent and the romantic relationship began she told him that she was depressed and looking for a therapist, so he should have been aware of her mental health issues at that time.
- Respondent only waited until their third date before becoming sexually intimate with VB.
- Based upon VB's long history of sexual abuse Respondent should have foreseen the potential negative impact this relationship with her former therapist would have on her.
- Respondent entered into this romantic relationship with VB for his own personal benefit without regard to the potential negative impact on her.
- Therefore, in light of all relevant factors, the Board concludes that Respondent exploited VB.

Respondent bears the burden of demonstrating that there has been no exploitation in light of all relevant factors. The Board concludes that Respondent has not met his burden of establishing that VB was not exploited by his conduct.

NOW, THEREFORE, the NORTH CAROLINA PSYCHOLOGY BOARD ORDERS:

I. Respondent's license is hereby SUSPENDED for a period of six (6) months beginning on December 15, 2015.

II. Respondent has one month to notify his current patients of the 6 months suspension and transfer them to other mental health professionals, as appropriate.

III. During the 6 month suspension, Respondent shall successfully complete a minimum of twenty hours of tutorials and any required readings assigned by the tutor. The number of sessions and hours shall be determined by the psychologist conducting the sessions, provided that the tutorials shall be conducted in no fewer than ten sessions and consist of a total of no fewer than twenty hours. The tutorials shall be conducted face-to-face with a psychologist designated by the Board regarding the following: appropriate boundaries with former clients and sexual intimacies with former clients; how Respondent's behavior resulted in this action taken by the Board; Respondent's plan of action to prevent the recurrence of the behavior which resulted in Board action; and general ethical conduct.

IV. The Board shall be provided with a final report by the tutoring psychologist regarding Respondent's attendance, progress, and response to the tutorials set forth in Paragraph III. Respondent's progress and response must be satisfactory to the tutoring psychologist and the Board. If the tutoring psychologist or the Board does not find Respondent's progress and response to be satisfactory then the tutoring shall continue until such time as Respondent's progress and response is satisfactory to the tutoring psychologist and the Board. All costs and associated expenses of the tutorials shall be borne by the Respondent. Respondent shall contact the assigned tutor within one month of notification from the Board as to the name of the tutor, and shall complete all tutorials no later than six months from the execution of this Consent Order, unless the Board is advised by the tutor that more time is needed to complete the tutorials,

upon which the Board may, within its discretion, extend the time for completion. The tutorials shall not count for continuing education credit, as required under 21 NCAC 54 .2104.

V. The Respondent shall pay the costs of this disciplinary proceeding in accordance with 21 NCAC 54.1605, calculated by the Board Executive Director as \$ 1,950.00.

VI The Board shall maintain this Final Decision as a public record. N.C. GEN. STAT. §§ 132-1, 90-270.15(e). The Board shall send a copy of this decision to the all applicable State and Federal agencies and/or boards.

This the 5th day of November, 2015.

NORTH CAROLINA PSYCHOLOGY BOARD

BY:


Robert W. Hill, PH.D., ABPP
BOARD CHAIRPERSON

APPEAL

Pursuant to N.C. Gen. Stat. § 150B-45, any party wishing to appeal this Final Decision may commence their appeal by filing a Petition for Judicial Review in the superior court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. The party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.

CERTIFICATE OF SERVICE

I, Daniel P. Collins, Executive Director of the North Carolina Psychology Board, do hereby certify that I have this day served a copy of the foregoing FINAL DECISION upon the following by depositing a copy of same in the United States mail, certified mail, return receipt requested:

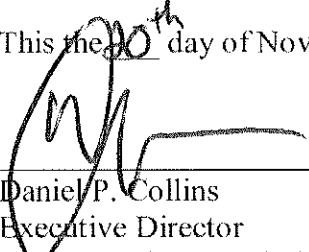
John C. Poag, Ph.D.
200 Bessemer Avenue
Greensboro, NC 27401

I do further certify that I have this day served a copy of the foregoing upon the following by depositing a copy of same in the United States mail, first class, postage prepaid:

Norman Klick, Jr.
Carruthers & Roth, PA
235 North Edgeworth Street
PO Box 504 (27402)
Greensboro, NC 27401

Sondra C. Panico
Assistant Attorney General
NC Department of Justice
PO Box 629
Raleigh, NC 27602-0629

This the 20th day of November, 2015.



Daniel P. Collins
Executive Director
North Carolina Psychology Board
895 State Farm Road, Suite 101
Boone, NC 28607
(828) 262-2258