

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF PSYCHOLOGY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

MICHAEL F. ABRAMSKY, Ph.D.
_____ /

Complaint No. 63-04-96403

ADMINISTRATIVE COMPLAINT

Attorney General Michael A. Cox, through Assistant Attorney General Michele M. Wagner-Gutkowski, on behalf of the Department of Community Health, Bureau of Health Professions (Complainant), files this complaint against Michael F. Abramsky, Ph.D., (Respondent), alleging upon information and belief as follows:

1. The Board of Psychology, (Board), an administrative agency established by the Public Health Code (Code), 1978 PA 368, as amended; MCL 333.1101 et seq, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee (DSC).
2. Respondent is currently licensed to practice psychology pursuant to the Public Health Code.
3. At all times relevant to this complaint, Respondent practiced psychology at 111 South Old Woodward, Suite 246, Birmingham, Michigan 48009.

4. Section 16221(a) of the Code provides the DSC with authority to take disciplinary action against Respondent for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to, or supervision of employees or other individuals, whether or not injury results, or any conduct, practice, or condition which impairs or may impair, the ability to safely and skillfully practice psychology.

5. Section 16221(b)(i) of the Code provides the DSC with authority to take disciplinary action against Respondent for incompetence, defined at section 16106(1) to mean: "[A] departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession whether or not actual injury to an individual occurs."

6. Section 16221(b)(vi) of the Code provides the DSC with authority to take disciplinary action against Respondent for a lack of good moral character, defined at section 1 of 1974 PA 381, as amended; MCL 338.41 *et seq.*, as the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.

7. Section 16226 of the Code provides the DSC with authority to impose sanctions against persons licensed by the Board, if after opportunity for a hearing, the DSC determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

Factual Allegations

8. In 2001, S.V. (initials used to protect patient confidentiality) was abducted and held captive by her treating dentist. During her period of captivity, S.V. was drugged and sexually

assaulted. In January of 2002, while the criminal proceedings were pending against the dentist, S.V. threatened suicide. Following the suicide attempt, S.V. was referred to Respondent for treatment of depression and post traumatic stress disorder. S.V. averaged two therapy sessions a week with Respondent between March 2002 and December 2003.

9. In April 2003, S.V. applied for disability benefits with the Social Security Administration claiming that she was unable to work due to post traumatic stress disorder, anxiety, depression, and panic attacks. Respondent assisted S.V. with her application and recommended that she receive disability benefits. Currently, S.V. still receives disability benefits and a guardian has been appointed to oversee her financial affairs.

10. During the spring and summer months of 2003, S.V. and Respondent frequently spoke to each other on the telephone. Respondent also began hugging S.V. and touching her shoulders and rubbing her back during therapy sessions.

11. Between June 2003 and June 2004, S.V. wrote Respondent approximately 20-30 letters. In many of those letters, S.V. told Respondent that she was fond of him.

12. At a regularly scheduled therapy session in early December 2003, Respondent informed S.V. that she needed to decide whether to continue with their friendship relationship or therapeutic relationship because he couldn't 'keep doing both.' S.V. told Respondent that she would pursue therapy with a new therapist and continue having a friendship with Respondent.

13. S.V.'s first two appointments with her new therapist, Dr. Elizabeth Robbins, were on December 9, 2003, and December 11, 2003. On Friday, December 12, 2003, Respondent called S.V. and told her he wanted to see her before he left on a vacation to Africa. S.V. and Respondent agreed to meet later in the evening in the parking lot of a local restaurant.

14. Prior to meeting Respondent in the restaurant parking lot, S.V. started to feel stressed and suffered a panic attack. S.V. spent the evening of December 12, 2003, and the early morning hours of December 13, 2003, in the William Beaumont Hospital emergency room. On Sunday, December 14, 2003, S.V. purposefully over-dosed on prescription medication and was hospitalized at St. John Providence Hospital. After being evaluated by Dr. Hollander, S.V. was released to the care of her estranged husband on December 16, 2003.

15. Dr. Hollander's consultation report indicates that he spoke with Respondent as part of his evaluation of S.V. According to Dr. Hollander's report, he was advised by Respondent that S.V. was experiencing transference issues and had a desire to be with Respondent. Respondent also told Dr. Hollander that S.V. was borderline and that she had been confronted within the last two months regarding her transference issues. Dr. Hollander scheduled an appointment for S.V. to see Respondent at 3:00 pm on December 17, 2003.

16. On December 17, 2003, S.V. met with Respondent at his office. S.V. was crying at the time and informed Respondent that she was sad because their relationship was changing. S.V. was concerned that Respondent would not time to spend with her. Respondent told S.V. that he would not leave her and the two hugged.

17. On January 8, 2004, S.V. visited Respondent at his office and he gave her a wooden elephant statute from Africa. On January 22, 2004, S.V. and Respondent met for dinner at a restaurant near his office, and Respondent showed S.V. photographs from his trip to Africa.

18. On or about February 18, 2004, S.V. received a handwritten letter from Respondent. In the letter, Respondent tells S.V. that he cares for her and expresses concern that having a physical relationship with her will cause her to feel abused.

19. Around the end of March 2004, Respondent asked S.V. to take a personality test on the internet. Respondent informed S.V. that he would explain the test results from the internet test at their up-coming dinner date scheduled on April 8, 2004.

20. On April 8, 2004, Respondent and S.V. ate dinner together at Diamond Jim Brady's Restaurant in Novi, Michigan. Respondent brought with him a 16 page document to explain S.V.'s personality test results to her. After dinner, S.V. suggested that Respondent stop by her apartment and Respondent agreed. At Respondent's request, S.V. performed oral sex on Respondent in her apartment. After the sexual encounter, Respondent told S.V. that she should only call him on his cell phone.

21. On or about April 23, 2004, Respondent called S.V. and apologized to her for the sexual contact. S.V. accepted Respondent's apology and suggested they just go back to being

friends. Respondent arranged to visit S.V. at her apartment on May 10, 2004, after his workout at the gym.

22. On May 10, 2004, Respondent visited S.V. at her apartment as planned and gave her two books he purchased on May 7, 2004. The books were: *The Story of O* and *Drop City*. Despite their agreement to remain platonic friends, Respondent and S.V. performed oral sex on each other.

23. On May 18, 2004, S.V. accompanied Respondent to a yoga class. After class, Respondent drove S.V. to her car and kissed her goodbye on the lips.

24. Over the next month and a half, Respondent and S.V. exchanged telephone calls and discussed the direction of their relationship. S.V. informed Respondent that she thought she would be able to spend more time with him after she discontinued therapy with him. Respondent advised S.V. that his fiancée was the woman in his life and there would be no competition between the two of them.

25. In early June 2004, S.V. informed Dr. Robbins of her sexual relationship with Respondent during a therapy session. On June 10, 2004, Dr. Robbins advised Respondent that his conduct was detrimental to S.V. and that he should not contact her anymore.

COUNT I

28. Respondent's conduct as described above constitutes negligence, in violation of section 16221(a) of the Code.

COUNT II

29. Respondent's conduct as described above constitutes incompetence, in violation of section 16221(b)(i) of the Code.

COUNT III

30. Respondent's conduct as described above constitutes lack of good moral character, in violation of section 16221(b)(vi) of the Code.

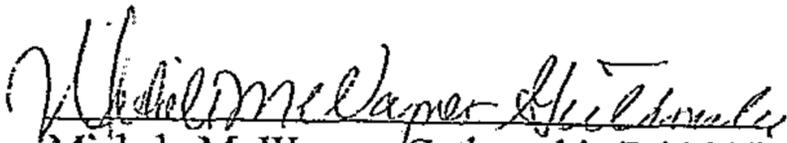
THEREFORE, Complainant requests that this complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq*; MSA 3.560(101) *et seq*.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, Respondent has 30 days from receipt of this complaint to submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Health Services, Department of Community Health, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(8),

failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

MIKE COX
Attorney General


Michele M. Wagner-Gutkowski (P44654)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30754
Lansing, Michigan 48909
(517) 373-1146

Dated: October 4, 2005

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