

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES
BOARD OF PSYCHOLOGISTS
DISCIPLINARY SUBCOMMITTEE

In the Matter of

PRIYA KAUR RAO, Ph.D.
License No. 63-01-011888

Complaint No. 63-12-125703

FIRST SUPERSEDING ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Andrew J. Hudson, on behalf of the Department of Licensing and Regulatory Affairs, Complainant herein, files the within First Superseding Administrative Complaint against Priya Kaur Rao, 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 as a psychologist pursuant to the Code.

3. At all times relevant to this complaint, Respondent was employed at the Center for Forensic Psychiatry, 8303 Platt Road, Saline, Michigan 48176.

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 16226 of the Code authorizes the DSC 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.

FACTS

6. On November 16, 2011, Respondent interviewed R.W. (initials used to protect patient confidentiality) in response to orders from the 83rd District Court that defendant R.W. be evaluated for competency to stand trial and criminal responsibility. On November 21, 2011, Respondent signed and submitted an evaluation of R.W. to the court.

7. On January 26, 2012, Respondent interviewed D.A. (initials used to protect patient confidentiality) in response to orders from the 54-A District Court

that defendant D.A. be evaluated for competency to stand trial and criminal responsibility. On January 30, 2012, Respondent signed and submitted an evaluation of D.A. to the court.

8. On June 4, 2012, Respondent interviewed M.K. (initials used to protect patient confidentiality) in response to orders from the 58th District Court that defendant M.K. be evaluated for competency to stand trial. On June 7, 2012, Respondent signed and submitted an evaluation of M.K. to the court.

9. After learning that D.A. had complained about inaccuracies in his evaluation, Respondent's supervisor reviewed the aforementioned evaluations submitted by Respondent. The supervisor read that R.W. claimed he had been trying to "save a drowning child" when he was arrested for disturbing the peace. When reviewing Respondent's evaluation of D.A., the supervisor found language identical to R.W.'s evaluation, including the line "save a drowning child."

10. Respondent's supervisor also discovered that large portions of the clinical presentation and competency sections from Respondent's evaluation of D.A. had been copied into her evaluation of M.K., including the line "save a drowning child." This resulted in Respondent signing and submitting evaluations containing significant factual inaccuracies about these defendants to the courts.

11. The supervisor attempted to meet with Respondent regarding the factually inaccurate evaluations, but Respondent abruptly resigned via email message on July 19, 2012.

12. During a March 18, 2013 interview with an investigator from the Bureau, Respondent admitted that she must have used R.W.'s evaluation as a template for D.A.'s evaluation but forgot to take out some of the information that applied only to R.W., such as the line "save a drowning child." However, Respondent denied copying large portions of D.A.'s evaluation into M.K.'s evaluation. Respondent claimed that she was being "set up" by co-workers at the Forensic Center, theorizing that they accessed her reports through a shared computer drive and made the alterations to M.K.'s evaluation without her knowledge.

13. An expert review of the Bureau's investigative file concluded that Respondent was "negligent and failed to exercise due care in preparation of her reports."

COUNT I

14. Respondent's conduct as described above constitutes negligence, in violation of section 16221(a) 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 Care Services, Department of Licensing and Regulatory Affairs, 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.

FURTHER, the administrative complaint previously filed against Respondent on July 18, 2013, is hereby WITHDRAWN and replaced in full by this superseding complaint.

BILL SCHUETTE
Attorney General



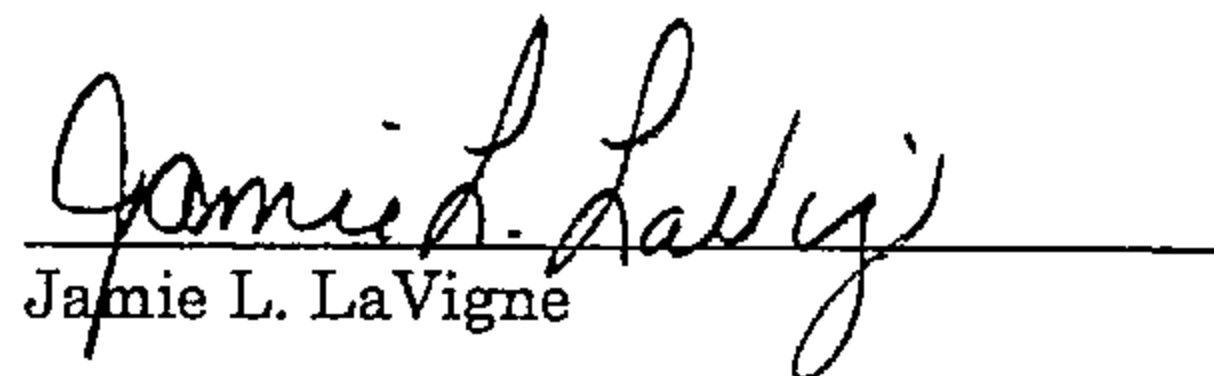
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Dated: November 1, 2013

PROOF OF SERVICE

The undersigned certifies that on the date indicated above a copy of the foregoing document was served upon Robert S. Iwrey, Attorney for Priya Kaur Rao, Ph.D., Respondent, by mailing the same enclosed in an envelope bearing first class postage fully prepaid and plainly addressed as follows:

Robert S. Iwrey
The Health Law Partners, P.C.
29566 Northwestern Highway, Suite 200
Southfield, MI 48034



Jamie L. LaVigne