

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF PSYCHOLOGY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

STUART LEE DONESON, Ph.D.,
License No. 63-01-005005

Complaint No. 63-16-142375

ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Graham H. Filler on behalf of the Department of Licensing & Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this Complaint against Stuart Lee Doneson, PhD., Respondent, alleging upon information and belief as follows:

1. The Board of Psychology, an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee.
2. Respondent is currently licensed to practice as a psychologist pursuant to the Public Health Code. At all times relevant to this complaint, Respondent practiced as a psychologist in East Lansing, Michigan.
3. Section 16221(a) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee 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 that impairs, or may impair, the ability to safely and skillfully practice as a psychologist.

4. Section 16221(b)(i) of the Code provides the Disciplinary Subcommittee with the authority to take disciplinary action against a licensee for incompetence, which is defined in section 16106(1) of the Code to mean "a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice from the health profession, whether or not actual injury to an individual occurs."

5. Section 16221(b)(vi) of the Code provides the Disciplinary Subcommittee with the authority to take disciplinary action against a licensee for 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."

6. Section 16221(e)(vi) of the Public Health Code provides the DSC with authority to take disciplinary action against a licensee for unprofessional conduct consisting of any conduct by a health professional with a patient while he is acting within the health profession for which he is licensed, including conduct initiated by a patient or to which the patient consents, which is sexual or can reasonably be interpreted as sexual.

7. Section 16221(h) of the Code authorizes the Disciplinary Subcommittee to take disciplinary action against a licensee for violating, or aiding and abetting in a violation of, Article 15 or a rule promulgated under Article 15.

8. Michigan Administrative Code R 338.2527(b) prohibits a psychologist from soliciting or engaging in a sexual relationship with a current patient.

9. Michigan Administrative Code R 338.2527(d) prohibits a psychologist from soliciting or engaging in a multiple relationship with a patient.

10. Section 16226 of the Code authorizes the Disciplinary Subcommittee to impose sanctions against persons licensed by the Board if, after opportunity for a hearing, the Disciplinary Subcommittee determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

FACTUAL ALLEGATIONS

11. Respondent has been practicing as a licensed psychologist for over 30 years.

12. From 2006 until 2016, M.K. (initials used to protect confidentiality) began individual counseling with Respondent, intent on working on her marriage and family issues. After entering into the psychologist-patient relationship, M.K. began writing letters to Respondent outside of the counseling sessions. Respondent encouraged the letter writing for the purpose of sharing ideas.

13. In 2010, Respondent lengthened the therapy sessions to 3-4 hours. Partway through the session, Respondent and M.K. would embrace for one hour.

14. Beginning in April 2011, Respondent began touching M.K.'s breasts during their therapy sessions. Soon after, M.K. began performing oral sex on Respondent at every session she attended for the next two years.

15. In November of 2014, Respondent digitally penetrated M.K. during a therapy session. Shortly after, Respondent admitted herself to Hurley Hospital in Flint, claiming suicidal thoughts stemming from the sexual experience with Respondent.

16. Beginning in 2014 and continuing through 2016, Respondent and M.K. carried out a sexual relationship along with maintaining a psychologist-patient relationship. They also communicated by phone and email. Respondent called M.K. daily and emailed her multiple times per week, even sending a romantic Valentine's Day card to M.K. in 2014.

17. In May of 2016, Respondent's wife discovered the emails between Respondent and M.K. The therapy sessions were then discontinued.

COUNT I

18. Respondent's conduct as described above constitutes a violation of general duty consisting of negligence or failure to exercise due care in violation of section 16221(a) of the Code.

COUNT II

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

COUNT III

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

COUNT IV

21. Respondent's conduct as described above constitutes sexual conduct by a health professional with a patient in violation of section 16221(e)(vi) of the Code.

COUNT V

22. Respondent's conduct as described above constitutes engaging in a sexual relationship with a patient contrary to Mich Admin Code, R 338.2527(b) in violation of section 16221(h) of the Code.

COUNT VI


23. Respondent's conduct as described above constitutes engaging in a multiple relationship with a patient, contrary to Mich Admin Code, R 338.2527(d), in violation of section 16221(h) 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.*

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from the 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 Professional Licensing, 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(9), 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 the transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

BILL SCHUETTE
Attorney General


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Dated: January 12, 2017

LF: 2016- 0162594-B/Doneson, Stuart Lee, Ph.D., 142375/Complaint - Administrative - 2017-01-11