

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

In the Matter of

LEWIS OKUN, Ph.D.

Complaint Nos. 63-01-1669-00 and 63-01-2398-00

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Psychology on April 15, 2003, relative to no. 63-01-1669-00, charging Lewis Okun, Ph.D. (Respondent) with having violated sections 16221(a), (b)(i) and (i) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.* An administrative complaint has not been filed with respect to no. 63-01-2398-00, which involves allegations similar to those in no. 63-01-1669-00.

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaints. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the administrative complaint relative to no. 63-01-1669-00 are true and that Respondent has violated sections 16221(a) and (i) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for a period of 90 days commencing on the effective date of this order. Reduction of the probationary period shall occur only while Respondent is employed as a psychologist. Respondent shall be automatically discharged from probation at the end of the probationary period provided Respondent has complied with the terms of this order. The terms and conditions of the probation, which Respondent must complete within the period of probation, are as follows:

A. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.

B. RESIDENCY AND PRACTICE OUTSIDE MICHIGAN. Periods of residency and practice outside Michigan shall not reduce the probationary period of this order. Respondent shall report any change of residency or practice outside Michigan to the Department within fifteen days after the change occurs. Compliance with this provision does not satisfy the requirements of section 16192(1) and 16171(f) of the Public Health Code regarding Respondent's duty to report name or mailing address changes to the Department.

C. REPORT OF NON-EMPLOYMENT. If, at any time during the period of probation, Respondent is not employed as a psychologist, Respondent shall file a report of non-employment with the Department. Respondent shall file this report within 15 days after becoming unemployed. If Respondent subsequently returns to practice as a psychologist, Respondent shall notify the Department of this fact within 15 days after returning to practice.

Respondent is FINED \$1,000.00 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint nos. 63-01-1669-00 and 63-01-2398-00 clearly indicated on the check or money order) within 60 days from the effective date of this order. The timely payment of the fine shall be Respondent's responsibility.

Count II of the administrative complaint relative to no. 63-01-1669-00, which alleges violation of section 16221(b)(i) of the Public Health Code, is DISMISSED.

The investigation in complaint no. 63-01-2398-00 is resolved by this order and shall be closed.

Respondent shall direct any communications to the Department that are required by the terms of this order, except the payment of fines, to: Sanction Monitoring Unit, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, Michigan 48909.

Respondent shall mail any fine required by the terms of this order to: Sanction Monitoring, Bureau of Health Professions, Department of Community Health, P.O. Box 30185, Lansing, Michigan 48909.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of 1996 AACRS, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on July 7, 2004.

MICHIGAN BOARD OF PSYCHOLOGY

By Melanie B. Brim  
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. Except for the allegations in Count II in the administrative complaint filed with respect to no. 63-01-1669-00, which Respondent denies, Respondent does not contest the allegations of fact and law in such complaint. Respondent understands that, by pleading no contest, he does not admit the truth of the remaining allegations but agrees that the Disciplinary Subcommittee may treat these allegations as true for resolution of the complaint and may enter an order treating these allegations as true.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*, to require the Department to prove the charges in the two complaints (no. 63-01-1669-00 and the investigation in no. 63-01-2398-00) by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative.

3. The Disciplinary Subcommittee may enter the above consent order, which Board conferee Jack Haynes, Ph.D., supports.

4. The Board conferee and the parties considered the following factors in reaching this agreement:

- In an effort to resolve complaint no. 63-01-1669-00 and the investigation in complaint no. 63-01-2398-00, Respondent agreed to meet with David A. Vore, Ph.D., for counseling relative to the circumstances that led to the allegations made against him. Dr. Vore met with Respondent on two occasions, and advises that he believes Respondent now "has a clear understanding of the ethical issues and standard of practice related to each incident." A copy of Dr. Vore's report is attached.

- Respondent has been a licensed psychologist for 25 years. This is the first disciplinary action taken against him.
- Respondent has been completely cooperative during the course of this disciplinary proceeding.

5. This consent order incorporates the conditions of a counteroffer made by the Disciplinary Subcommittee at its meeting held on May 13, 2004.

AGREED TO BY:

Thomas P. Scallen  
 Thomas P. Scallen (P22988)  
 Assistant Attorney General  
 Attorney for Complainant  
 Dated: 6/21/04

AGREED TO BY:

Lewis Okun  
 Lewis Okun, Ph.D.  
 Respondent  
 Dated: 6/10/2004

Alan T. Rogalski  
 Alan T. Rogalski (P44550)  
 Attorney for Respondent  
 Dated: 6/16/2004

State of Michigan

County of Washtenaw

On June 10<sup>th</sup>, 2004, I observed Lewis Okun, Ph.D., sign this stipulation.

Michael Bauer  
 Notary Public, LIVINGSTON County Acting in  
 State of MICHIGAN Washtenaw  
 My commission expires: 10/5/2007

MICHAEL BAUER  
 NOTARY PUBLIC LIVINGSTON CO., MI  
 MY COMMISSION EXPIRES Oct 5, 2007