

Head Games

An alarming number of Massachusetts psychiatrists have gotten caught again and again having sex with some of this society's most vulnerable people: their own patients.

THE MAN WAS PERSISTENT. For months, he complimented her, shared personal details about himself, and made sexually charged comments. Sallie Park resisted, but as a fortysomething homemaker with marital problems, "I was feeling very, very vulnerable," she says. "My husband was saying very hurtful things. And this guy was very sympathetic."

Finally, the man reached for her hand. He moved his own hand up her arm and down her blouse. "I hyperventilated," she remembers. "I guess at that point, he figured he had me under some sort of con-

trol." They had sex again and again over the next two months.

The man was her psychiatrist.

The things that he had done "are all red flags if you know what the situation is, but if you don't, they're flattering," especially to a neglected spouse, Park says now. It wasn't until 18 years later, when she told another therapist this story, that Park concluded that what had happened wasn't an affair. It was sexual abuse.

By that time, it was too late to sue. Her only option was to go to the American Psychiatric Association, which exonerated the psychiatrist after spending a year trying to

decide where to hold a hearing. (He had moved out of state.) "I feel I was doubly raped," says Park, who now speaks at Smith College about therapist ethics.

It's a fertile topic, particularly in this state. Between 1989 and 2002, 54 doctors have lost their licenses to practice medicine in Massachusetts after being charged with sexual misconduct with their patients.

There was Dr. William Kadish, director of psychiatry at UMass Memorial Marlborough Hospital, who took nude photographs of a female patient and had her snap one of him as he lay sprawled beneath his framed degree from the Yale University School of Medicine—wearing nothing but a black condom that read "lollipop."

There was Dr. Param Shukla, a psychiatrist at Children's Hospital, who had his license suspended after allegations that he fondled and kissed one female patient who was 12 years old and cyberstalked another, who was 13. Because Shukla's alleged victims were children, he was charged criminally. His case is pending.

And there was even Dr. Ralph Engle Jr., an expert in psychiatric ethics and a force at the Boston Psychoanalytic Society and Insti-

**DANGEROUS
LIAISONS**

Many doctors still practice after losing their licenses for sexually abusing patients.



Medicine

tute, who surrendered his license after admitting to an undisclosed "boundary violation" with a female patient, an offense that could have ranged from giving gifts to having sex.

Of the Massachusetts doctors who have lost their licenses for sexual misconduct with patients, almost half—26—were psychiatrists. And all but one were men. The exception: Dr. Margaret Bean-Bayog, who resigned her medical

Since 1989, more than 50 local doctors have lost their licenses after their patients accused them of sexual misconduct.

license in 1992 after a Harvard medical student she had treated—and with whom, by many accounts, she had shared intense sexual fantasies—committed suicide.

Which leads to another problem: Even after losing her license, Bean-Bayog reportedly was still seeing patients, thanks to a loophole in state law—a loophole that remains today. And lawyers and victim advocates continue to hear about doctors practicing some form of therapy years after they lost their licenses for sexually abusing patients.

"Nobody's watching it," says Stanley Spero, a Cambridge lawyer who in 1985 tried the first psychiatrist-sexual-abuse lawsuit in Massachusetts. "Maybe they're doing 'counseling' or 'coaching' in their homes. It's a perfect setup to bring people back in."

OF ALL THE PRINCIPLES DRUMMED into psychiatrists during medical training, none is more sacred than this: Don't sleep with your patients. Sexual contact with a therapist can be so damaging that psychiatric ethics forbid it, even after the patient has completed treatment.

So why is psychiatry such a hotbed of sexual misconduct? There's no definitive answer, just as there's no way to predict who might commit it. Engle, for example, who taught psychiatry at Harvard, organized a conference on therapist abuse in 1998. "I sat on a committee with him for two years, planning the conference," says Estelle Disch, a professor of sociology at UMass Boston who co-founded a group that counsels victims of sexual abuse by professionals called BASTA! (Boston Associates to Stop Treatment Abuse). "Six women and



a pool, boat rides,
bike riding, ice cream

SummerFest **\$139*** (regain your hero status)
2 children under 18 stay free!

For memories that your family will cherish forever, spend a SummerFest weekend at Sonesta Boston. By enjoying complimentary boat and bike rides along the Charles River, belly flops in the pool, and some favorite ice cream, you'll find endless opportunities to spend quality time with your family. For more information, call your travel planner, 800-SONESTA, the hotel directly at (617) 806-4200, or visit our website at www.sonesta.com/boston.

 Royal Sonesta Hotel Boston
exhale

*rates start at \$139 per room per night, available from May 23-Sept. 1, certain restrictions apply. guaranteed internet rooms add \$40 per night.

the sonesta collection

Boston • Miami • New Orleans • Bermuda • Brazil • Egypt • Peru • Tuscany

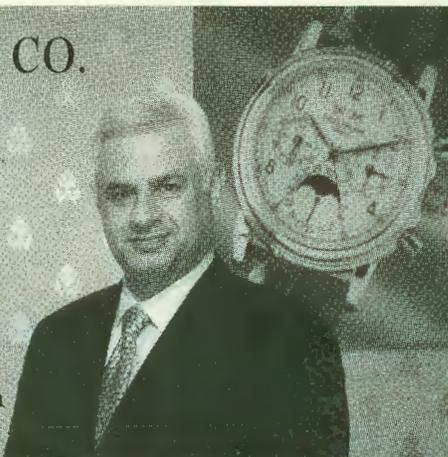
EUROPEAN WATCH CO.

Offering the best prices on new, pre-owned and vintage timepieces. Buy, sell and trade-in services. Expert repair and restoration on mechanical watches. Exotic watch bands.

Patek Philippe, Blancpain, Cartier, Vacheron Constantin, Jaeger Le Coultre, International Watch Co., Breguet, Audemars Piguet, Chronoswiss, A. Lange & Sohne

232 Newbury Street, Boston
617-262-9798

Visit our on-line catalog at
www.europeanwatch.com



him. I don't think any of us ever would have predicted he'd have a problem in boundaries with clients."

Apparently, Engle crossed the line just once. But others are serial predators. And while no excuse is acceptable—psychiatrists, of all people, ought to know better—experts say it's hardly shocking that sexual contact with patients happens so often.

"In what other circumstances do you meet behind a closed door on a couch five times a week, where you're encouraged to fantasize, including sexual fantasies, and to relate those fantasies?" asks Clyde Bergstresser, a Boston attorney who has helped dozens of patients sue their therapists for sexual abuse. "The whole nature of the process lends itself to titillation and abuse."

Other mental-health workers, including psychologists, social workers, and New Age holistic healers, also have been caught victimizing people they're supposed to be helping. The harm is immeasurable. Patients often have serious mental or emotional problems to begin with, and, at the very least, are vulnerable. "Loss, emotional turmoil,

suicidal depression, isolation, low self-esteem linked to shame and self-blame, mistrust, and relationship difficulties are so common as to be almost predictable," Disch wrote in a report last year, coauthored by Boston social worker Nancy Avery, based on a survey of 149 victims of therapist, physician, and clergy abuse.

"It's not the sex so much that does the damage, it's all the things leading up to it," says Jan Wohlberg, a Williamstown woman who was sexually abused by the psychiatrist she was seeing after her own husband, also a psychiatrist, was shot and killed by one of his patients. With four other women, Wohlberg founded TELL, or Therapy Exploitation Link Line, a network for victims of therapist abuse. "It's the slow undermining of your sense of self, the separation from your support system, and the fact that your therapy isn't getting done."

ONCE THEY'RE CAUGHT, PSYCHIATRISTS, not surprisingly, tend to fight the charges or refuse to accept responsibility by labeling the victims crazy or seductive. "They

all deny it because if they admit it, they lose their license," says Andrew Meyer Jr., a Boston attorney who has handled at least 30 therapist-abuse lawsuits, including the \$1 million settlement against Bean-Bayog. "There's no incentive to tell the truth."

Complicating the cases is the fact that the defendants are highly educated, well-spoken doctors, while their accusers have histories of psychiatric problems. Meyer sued one prominent Boston psychiatrist who vehemently denied a patient's allegations, settling the suit the day the jury was impaneled. Then, several years later, another patient of the same psychiatrist sought Meyer's help. She'd been sleeping with him during the first lawsuit, she revealed. "He'd told her how he was making our client out to be a liar," Meyer alleges. The woman said she decided to sue only after she cut off the relationship and learned the psychiatrist had set his eyes on her sister.

Keeping watch over the state's doctors is the Massachusetts Board of Registration in Medicine. The board investigates complaints of sexual abuse

Making money and protecting it are vastly different challenges. That's why Tess trusts the experts at Banknorth Investment Management Group. **Her personal wealth advisor is focused on preserving her assets.** And she appreciates that Banknorth has been advising clients for more than 80 years. Tess works hard for all she has. It's nice knowing she has a partner who's helping her make it last.

- Investment management services
- Trust and estate planning
- Charitable gift planning

To learn how we can help you build and protect your assets, visit the new Banknorth Client Services Center at 15 Broad St. in Boston, or call 877 202-5392.

Banknorth
Investment Management Group
It's nice knowing

www.BanknorthInvestmentManagement.com

Investment and insurance products are not bank deposits, are not insured by the FDIC or any federal government agency, are not obligations of nor guaranteed by any bank or bank affiliate, and may involve risk, including the possible loss of value or principal amount invested.

A division of Banknorth, N.A.

Medicine

to determine if a temporary license suspension is warranted pending a full investigation. If the medical board uncovers sexual misconduct, the doctor's license is revoked—and the public would seem to be protected.

Of course, it's not that simple.

IN MASSACHUSETTS, A PSYCHIATRIST who loses his license can continue to see patients simply by changing his title—from "psychiatrist" to "psychotherapist." Like many states, Massachusetts regulates specific types of mental-health workers, but there are gaps. In addition to psychiatrists, it requires licenses for people holding themselves out as psychologists, mental-health counselors, social workers, and marriage and family therapists. Not covered is the term psychotherapist. That means anyone from an unemployed construction worker to a psychiatrist who's been punished for abusing a patient can call himself a psychotherapist. One Boston-area phone book has 432 listings under the heading "Psychotherapists," and it's possible that not one of them is actually a licensed therapist. (Insurance compa-

nies will not pay for treatment by unlicensed therapists, but many people don't have mental-health coverage anyway.)

"Isn't it incredible that in Massachusetts, you need a license to cut someone's hair or give them a perm, yet you can do psychotherapy without a license?" laments Gary Schoener, director of a counseling center in Minneapolis who engineered a Minnesota law that makes therapist-patient sex a felony. The worst example he's seen? A newspaper deliveryman who moonlighted as a psychotherapist, charging women \$15 an hour—and then abusing them.

Nearly all of the 16 Massachusetts psychiatrists who lost or resigned their licenses due to charges of sexual misconduct in the 10 years leading up to 1994 continued to see patients, reportedly including Bean-Bayog. (Bean-Bayog says today that after resigning her license she wrapped up therapy with some patients and then stopped practicing.)

Alarmed by this loophole, the legislature passed a law allowing the attorney general to stop from practicing psychotherapy anyone who has a history of sexual misconduct with patients and

poses a threat to public safety. But in the eight years since, the AG has not barred a single person from practicing under

A loophole in the law allows doctors to keep practicing some form of therapy even after losing their licenses.

the statute. "The bottom line," says state Senator Cheryl Jacques, "is victims really need to speak out to the authorities so appropriate action can be taken if [therapists] are practicing without a license."

But practicing what, exactly?

Dr. Sheldon Zigelbaum lost his license in 1992 after five women testified before the medical board that he engaged in a variety of sexual acts with them in his office, hotel rooms, his car, and, in one case, a hot tub. Some said he shared marijuana, and one woman said he did cocaine with her. Zigelbaum denied having sex with most of his accusers—but admitted to it with one only to claim he was not her therapist. He also denied using drugs.

THREE DIFFERENT RESTAURANTS THREE DISTINCT TASTES ONE SOUL



990 GREAT PLAIN AVE
NEEDHAM, MA
781.449.4050



Bombay Club

57 JFK STREET
CAMBRIDGE, MA
617.661.8100



1318 WORCESTER ROAD
SHERWOOD PLAZA
NATICK, MA
508.653.2000

Today, Zigelbaum works out of his Roxbury apartment, seeing clients for what he describes alternately as "personal coaching," "corporate counseling," and "crisis management." He says he works "two hours a week, sometimes one hour a week." Is he involved in anything approximating psychotherapy? "I'm not," he insists. "How can I do that one hour a week?"

Another psychiatrist, Harold Goldberg, settled four sex-abuse cases in Massachusetts before moving to Hawaii, where he continued to practice. In a deposition in a case brought against him, he was asked whether a North Shore patient with whom he had had sex in Massachusetts ever lied to him.

"Yes," Goldberg replied.

"And when?" the lawyer asked.

"She told me she'd never sue me for malpractice."

LAWYERS AND VICTIM ADVOCATES continue to worry about unscrupulous therapists. Linda Jorgenson, who has handled 400 cases of therapist abuse, favors criminal charges for therapists—no matter what they're called—who abuse patients. Already, 24 states, including Maine, New Hampshire, and Connecticut, regard therapist-patient sex as a criminal act along the lines of statutory rape. But a similar proposal in Massachusetts failed.

Still, there are other means for protecting the public. Law partners Jorgenson and Spero, now suing Kadish on behalf of two women, often require in settlement talks that the defendant be evaluated to determine whether he or she can practice any kind of therapy. Sometimes the medical board makes the same request, as it did with Kadish, who after losing his license, agreed not to practice psychotherapy.

Wohlberg, who founded the network for therapy-abuse victims, believes the best protection is public awareness. "Sex, fondling, kissing—these are never part of psychotherapy," she says. "Nor is telling dirty jokes, or sexualizing the treatment, or any kind of verbal abuse. These have no therapeutic purpose whatsoever." If someone finds themselves in a situation where that is happening, Wohlberg says, they should get out.

"Unfortunately," she says, "the best abusers are often also the most charming sociopaths." **B**

FEEDBACK? editor@bostonmagazine.com.

The New York Pass

gets you into 40 of NY's best attractions.



The MasterCard® Card
gives you an extra day to enjoy them.

**Buy a 2-day New York Pass
and get a third day FREE
when you use your MasterCard card.**

The New York Pass includes:

MetroCard good for unlimited travel!
125-page guide book!

Exclusive discounts and offers!

Head of the line at many attractions!

Admission to 40 exciting New York attractions, including:

- Empire State Building
- Statue of Liberty
- New York Skyride
- Madame Tussaud's
- Museum of Modern Art
- American Museum of Natural History
- Intrepid Sea, Air, Space Museum
- Circle Line Cruises
- Tour at Lincoln Center
- Carnegie Hall Tour
- Rockefeller Center Tour
- NBC Studio Tour
- United Nations Tour
- Radio City Tour
- Guggenheim Museum
- Radio City Music Hall Stage Door Tour
- Madison Square Garden All Access Tour
- New York Waterway Cruises
- Bronx Museum of Art
- South Street Seaport Museum
- Central Park Zoo
- New York Aquarium
- Queens Museum of Art
- Whitney Museum of Art
- Prospect Park Zoo
- Disney Theatricals
- Brooklyn Botanical Garden
- Queens Zoo
- Brooklyn Children's Museum
- Historic Richmond Town
- **And Many More**

A value of over \$300 in admission fees!

Go online at www.newyorkpass.com

Call 877.714.1999

or visit Madame Tussaud's Wax Museum,
(234 West 42nd Street, between 7th and 8th Avenues)

© MasterCard is a registered trademark of MasterCard International Incorporated

Concerned about your recovery from surgery or a shortened hospital stay?

Let hotelrecovery, the leading provider of premium recovery solutions in Massachusetts work with you and your doctor to design an optimal program for your recovery and healing.

hotelrecovery, inc.

**The Finest Nursing and Aftercare Services
In Hospitals, Hotels or Home Environments**

phone: 617.715.1117

www.hotelrecovery.com