

VIRGINIA:

BEFORE THE BOARD OF PSYCHOLOGY

IN RE:

ERIC KOTHARI, PSY. D.

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and § 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Psychology (“Board”), composed of Ann T. Benson, Ed.S., Chair; and Robert S. Falk, Ph.D., met on May 25, 2007, in Henrico County, Virginia, to inquire into evidence that Eric Kothari, Psy.D., may have violated certain laws and regulations governing psychology practice in Virginia. Dr. Kothari was present and was represented by Heather L. Howard, Esquire.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Eric Kothari was issued License No. 0810-03698 to practice clinical psychology in the Commonwealth of Virginia on August 30, 2006. Said license expires on June 30, 2007.
2. In performing a sexual abuse evaluation of a child, on July 24, 2006:
 - a. Dr. Kothari practiced psychology without supervision, prior to becoming licensed as a psychologist.
 - b. Dr. Kothari falsely listed his credentials on his resume as “Psychologist, State of Virginia” and signed his sexual abuse evaluation report as “Psychologist,” when he was, in fact unlicensed in clinical psychology.
 - c. Dr. Kothari performed an activity outside his area of competence. He had never before performed a sexual abuse evaluation and he conducted said evaluation without supervision.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2a constitutes a violation of § 54.1-3606(A) of the Code and 18 VAC 125-20-160(8) of the Board of Psychology Regulations (“Regulations”).
2. Finding of Fact No. 2b constitutes a violation of 18 VAC 125-20-150(B)(2) and 18 VAC 125-20-160(8) of the Regulations.
3. Finding of Fact No. 2c constitutes a violation of 18 VAC 125-20-150(B)(1) and 18 VAC 125-20-160(5) of the Regulations.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS that Dr. Kothari be issued a REPRIMAND. Further, it is hereby ORDERED that Dr. Kothari be and hereby is placed on PROBATION with the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. Dr. Kothari may petition for termination of probation after not less than one (1) year from the date this Order is entered, at which time he shall appear before a Committee for consideration of his petition and review of his compliance with the terms and conditions of this Order.
2. All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than thirty (30) days following the date that this Order is final. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends, to include, Supervisor Evaluations shall be provided, as detailed below. Dr. Kothari is fully responsible for ensuring that all required reports are properly submitted and received by the Board in a timely matter.
3. Dr. Kothari shall enter into individual supervision of his practice with a Board approved supervisor, who shall be a licensed clinical psychologist, no later than thirty (30) days following the date this Order is final.

Within thirty (30) days following the date of entry of this Order, said supervisor shall submit his/her curriculum vitae, qualifications and credentials to the Board for approval, and shall act as a duly constituted agent of the Board. Dr. Kothari will insure that the Board approved supervisor receives a complete copy of this Order prior to supervision commencing. Prior to any change of supervision, Dr. Kothari must obtain Board approval.

Further:

a. Dr. Kothari and his supervisor shall meet in person at least two (2) times a month during the period of probation in a supervisory session for the purpose of engaging in continuous audit and monitoring of Dr. Kothari's practice.

b. The supervision shall take place at a location designated by the supervisor, with at least one (1) meeting per quarter to take place at Dr. Kothari's practice, and Dr. Kothari shall make available the records of all of his clients for audit inspection. The audit shall include an adequate sampling of age range and type of patients seen by Dr. Kothari. Dr. Kothari's supervisor shall also supervise all divorce, custody, and sexual abuse evaluations performed by Dr. Kothari.

c. Dr. Kothari's supervisor shall submit a detailed review of the supervisory activities. These reports shall be sent to the Board as stated in term number 2. Should Dr. Kothari or his practice supervisor request modification of the terms of this Order, said request shall be proffered in writing to the Board for Board approval.

d. Dr. Kothari shall bear all reasonable expenses of this supervisor including a per hour charge for the supervision, report writing and information gathering of the supervisor at his/her hourly fee.

4. Within one (1) year from the date of entry of this Order, Dr. Kothari shall submit three graduate level or publication quality research papers with a bibliography on the following topics: "Family Dynamics in Divorce Proceedings, Custody and Visitation," "Models of Custody and Visitation Evaluations," and "Best Practices in Sexual Abuse Evaluations." These papers must be based on a current review of

professional literature, must be the result of Dr. Kothari's own research and writing and must be acceptable to the Board. The Committee will review Dr. Kothari's papers upon submission.

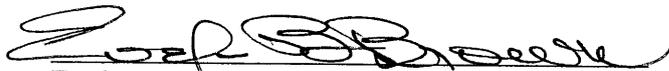
5. Dr. Kothari shall sign an authorization form, within fourteen (14) days from the date this Order becomes final, allowing unrestricted communication between and among the Board and his practice supervisor.

6. Dr. Kothari shall maintain a course of conduct in his practice as a licensed psychologist commensurate with the requirements of Title 54.1, Chapter 35 of the Code, the Regulations of the Board of Psychology and all laws of the Commonwealth.

Any violation of the terms and conditions stated in this Order, or any statute or regulation governing the practice of psychology in the Commonwealth of Virginia, shall constitute grounds for the revocation of Dr. Kothari's license and an administrative proceeding shall be convened to determine whether such license shall be revoked.

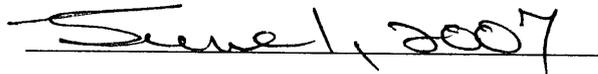
Pursuant to § 2.2-4023 and § 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE COMMITTEE



Evelyn B. Brown
Executive Director
Virginia Board of Psychology

ENTERED:



NOTICE OF RIGHT TO FORMAL HEARING

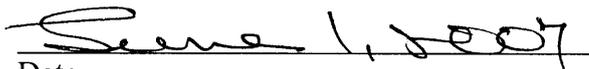
If Dr. Kothari does not consent to the Committee’s decision and desire a hearing before the Board or a panel thereof, he shall notify, in writing, Evelyn B. Brown, Executive Director of the Board of Psychology, 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230-1717, within thirty-three (33) days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Eric Kothari, Psy.D., at 4206 Matthews Lane, Kensington, Maryland, 20895, and Heather L. Howard, Esquire at Shulman, Rogers, Gandal, Pordy & Ecker, P.A., 11921 Rockville Pike, Rockville, Maryland, 20852.



Evelyn B. Brown
Executive Director
Board of Psychology



Date