

## Disciplinary Hearings

Arthur Blank, Ph.D.

In a decision released on December 9, 1997, a panel of the Discipline Committee of the College of Psychologists of Ontario found Arthur Blank, Ph.D. of Ottawa, guilty of professional misconduct involving a sexual relationship with a client. The panel ordered that Dr. Blank's certificate of registration as a psychologist be revoked.

The panel found that Dr. Blank failed to maintain appropriate therapist/client boundaries in that he made sexual advances to the complainant and used his position of power and influence to engage in an inappropriate sexual relationship with her while she was his client. Moreover, after she ceased to be his client, Dr. Blank continued to use his position of power and influence to engage in a sexual relationship with the complainant without regard to her best interests or the impact of this relationship on her.

Dr. Blank entered a plea of guilty to the allegations of professional misconduct.

In determining penalty, the Discipline Committee panel considered the admissions made by Dr. Blank and the victim impact statement from the complainant. This statement highlighted the very substantial harm which Dr. Blank had caused to a vulnerable client.

The panel noted there was no doubt whatsoever that the most severe penalty available was appropriate in the circumstances. The panel also noted that Dr. Blank's conduct constituted sexual abuse of the most extreme kind which clearly disentitled him to registration as a psychologist in Ontario. §

## Psychologist ordered to pay patient \$325,000

### Behaviour 'disgraceful,' judge rules in sex lawsuit

By Peter Hum

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A judge has ordered Ottawa psychologist Dr. Arthur Blank to pay more than \$325,000 in damages to a female former patient he sexually abused during and after her therapy.

In a scathing judgment released this week, Justice Catherine Aitken wrote that Dr. Blank, who treated and had sex with the woman in the early 1990s, "took negligence to a standard of recklessness and audacity that shocks the court.

"His behaviour was disgraceful, dishonourable and unprofessional and has no place in a profession that prides itself as being one of the helping professions," Judge Aitken wrote in her ruling.

The award is among the highest awarded in Canada in the 1990s for sexual abuse by a health practitioner.

The Ottawa woman, now in her mid-40s, first saw Dr. Blank in August 1990, complaining that she was a chronic

worrier who slept poorly, lacked confidence, and was too often unhappy. As therapy progressed, Dr. Blank made increasingly forceful sexual advances, telling the woman she had a "hot little body" and hugging and kissing her.

By February 1992, he was having sex with the woman in his office and billing her. He soon stopped billing her, but continued having sex with her until December 1993, when the woman stumbled upon Dr. Blank with another woman.

The woman's contact with Dr. Blank left her an emotional wreck near suicide. While she saw him, her health deteriorated and she became agitated, anxious and extremely depressed. She had idolized Dr. Blank, considered him a "lifeline and saviour," and after he abandoned her, she had trouble eating and sleeping. She often got up in the night and drove her car for hours. She once thought of driving into a wall to end her agony.

The woman also contracted genital warts from Dr. Blank. "When she was diagnosed ... he refused to assume any responsibility for having infected her and instead tried to foist the blame onto (her husband)," Judge Aitken wrote. "This behaviour can only be described as malicious."

The woman said she had a good marriage, but it was all but destroyed. "Over the last few years, the (couple has) had little energy to do anything other than work, exist and talk about Dr. Blank and the impact he has had on their lives," Judge Aitken wrote.

The woman's husband, who was awarded \$30,000 in damages, collapsed at work in 1995 from extreme stress. The couple went to one session of marriage counselling, and plan to consult the counsellor again when the litigation with Dr. Blank is behind them.

The judge heard expert witnesses who said that the vulnerable patient was not able to properly consent to sex with her psychologist. "Her participation in sexual activities with Dr. Blank was not based on any understanding on her part as to what was really happening," Judge Aitken wrote.

"He kept her in a constant state of confusion as to whether his advances were part of her treatment, evidence of his love for her, or something else. This was coupled with her overwhelming dependency on him, which he let develop unchecked, so that she was rendered incapable of coming to her own assessments or conclusions."

In addition to operating a private practice, Dr. Blank, now in his mid-50s, was the former chief of psychology at the Queensway-Carleton Hospital and an adjunct professor of psychology at the University of Ottawa.

Because of Dr. Blank's experience, "it is inconceivable that he did not realize the extent to which his behaviour was unprofessional and unethical. It is also inconceivable that he did not realize the risks he was courting through that behaviour," the judge wrote.

"Dr. Blank's conduct went well beyond the merely negligent," Judge Aitken wrote. "He knew that his actions could cause (the woman) irreparable harm. His behaviour was wilful, manipulative and exploitative."

Last fall, the College of Psychologists of Ontario revoked Dr. Blank's licence to practise after a professional hearing over allegations of sexual abuse against the woman.

The woman, now in her mid-40s, declined to comment on the judgment. Her lawyer, Cheryl Lean, said that the woman was greatly relieved, having waited six months for a decision since December's civil trial.

Dr. Blank could not be reached for comments on the judgment. He did not testify at the civil trial, and his lawyer, Cam Godden of Toronto, called no witnesses. At trial, Mr. Godden had contended that the woman had exceeded a legal limitation period when she made her allegation of negligence.

The woman began her civil action on Dec. 19, 1995, and reported Dr. Blank to the College of Psychologists in March 1996.

The damages awarded to the woman include \$100,000 in general damages, \$25,000 in punitive damages, and more than \$200,000 in special damages such as loss of past and future income, and past and future therapy.

Therapists who have seen the woman after her contact with Dr. Blank testified "his treatment of her was so negligent and so harmful that he may have rendered her inaccessible to any further psychiatric treatment," Judge

Aitken wrote.

Regarding punitive damages, Judge Aitken wrote: "Dr. Blank's conduct ... is offensive to the ordinary standards of decent conduct in our community. The court considers it reprehensible for a professional in a position of power, trust and privilege to have conducted himself in such a callous and irresponsible fashion.

"A strong message must be given that such conduct will not be tolerated."

Judge Aitken has also ordered Dr. Blank to pay the woman's legal costs and pre-judgment interest on the general and punitive damages. Ms. Lean said that in all, Dr. Blank has been ordered to pay more than \$400,000.

No criminal charges were ever laid against Dr. Blank.