

BEFORE THE PSYCHOLOGY EXAMINING COMMITTEE
OF THE BOARD OF MEDICAL EXAMINERS

STATE OF CALIFORNIA

In the Matter of the Accusation
against

ROBERT W. ZASLOW, Phd.
90 North Broadway, Los Gatos
License No. PL 1171

NO. D-1330

N 374

Respondent.

PROPOSED DECISION

This matter came on for hearing on July 24, 25 and 26, September 20, 21 and 22, and November 8, 1972 before the Psychology Examining Committee of the Board of Medical Examiners of the State of California. Rudolf H. Michaels, Hearing Officer, Office of Administrative Procedure, presided. The following members of the Committee were present at all stages of the proceedings: C. Norman Jacobs, Ph. D., Chairman, Elta L. S. Pfister, Ed. D., R. Warburton Miller, Ph. D., Wallace V. Lockwood, Ph. D., Sumner B. Morris, Ed. D., and S. Don Schultz, Ph. D.

The respondent was not personally present during any part of the proceedings but was represented by Remington Low and Morris Grupp, his attorneys.

The Psychology Examining Committee of the board of Medical Examiners was represented by Louis C. Castro, Deputy Attorney General.

Oral and documentary evidence was received, the hearing was closed and the matter was submitted.

After due consideration, the Psychology Examining Committee of the Board of Medical Examiners makes the following proposed decision:

FINDING OF FACTS

I

Wallace W. Thompson made the accusation in his official capacity of Executive Secretary of the Board of medical Examiners (hereafter referred to as the "Board").

II

On May 22, 1959, the Board issued to Robert W. Zaslow, Ph.D., (hereafter referred to as

“respondent”) License No. PL 1171 authorizing him to practice psychology in the State of California. This license was at all times material herein, and now is in full force and effect.

III

No psychological assistant was or had been registered with the Board by respondent prior to or on April 28, 1970

IV

On April 27 and 28, 1970, respondent was grossly negligent in the exercise of his profession in the treatment of which he subjected Paula A. Abraham (hereafter referred to as the “patient”). As a direct and proximate result of this gross negligence, the patient suffered severe physical injury. The finding that respondent was grossly negligent is based on the following particulars:

- (1) The treatment performed on the patient was reckless and dangerous in that:
 - (a) Respondent permitted the treatment to continue for approximately twelve consecutive hours.
 - (b) Respondent directed between ten and twelve assistants to restrain the patient and to hold her down on her back for the duration of the treatment.
 - (c) Respondent directed his assistants to tickle, poke and jab the patient’s body during the duration of the treatment.
 - (d) During the course of the treatment, respondent directed assistants to restrain the patient’s jaw, causing her to scream and choke, permitted his assistants to stick their fingers in the patient’s mouth and to press down her tongue thereby causing her to choke.
- (2) Respondent refused to terminate the treatment when asked by the patient to stop.
- (3) In the course of administering the treatment, respondent failed to provide in attendance any psychologist or any psychological assistant duly licensed by the Board to assist him in the administration of the treatment to the patient.
- (4) Respondent failed adequately to supervise the individuals in attendance who assisted him in the administration of the treatment to the patient.

V

Regarding the allegations contained in paragraph 4(c) of the accusation it is found that the patient did consent to and authorize the treatment in advance, and that her consent was based on inadequate information and on respondent’s failure to advise her adequately of the risk and of the consequences of the treatment. However, the allegation that this conduct by respondent constitutes gross negligence is not supported by a preponderance of the evidence in the record and is, accordingly, found not to be true.

VI

The allegations contained in paragraph 4(d), that respondent failed to provide for the attendance

of the medical doctor during the treatment, and in paragraph 4(e), that the respondent failed to refer the patient to a medical doctor on the conclusion of the treatment, are true but it is not true that, under the circumstances here involved, respondent's conduct as alleged in paragraphs 4(d) and 4(e) constitutes gross negligence.

VII

On April 27 and 28, 1970, respondent engaged in unprofessional conduct by subjecting the patient to treatment as a direct and proximate result of which the patient suffered severe physical injury.

VIII

The allegations contained in paragraph 5 of the accusation that respondent engaged in unprofessional conduct by acting outside his field of competence in prescribing the treatment and in administering the treatment without possessing the necessary skill and knowledge to do so or to ascertain the extent of physical injury incurred in the course of the treatment, are found not to be true.

IX

In the administration of the treatment to the patient on April 27 and 28, 1970, respondent at various times placed Marilyn Menta and Rod Schuyler, respectively, in charge of the treatment thereby employing each of them to perform a limited psychological function without first having notified the Psychology Examining Committee, at its Sacramento office, in writing, of the proposed employment of Marilyn Menta or Rod Schuyler and thus willfully violating sections 1380.6(a) of Title 16 of the California Administrative Code (hereafter referred to as "CAC") and 2913 of the Business and Professions Code (hereafter referred to as the "Code").

DETERMINATION OF ISSUES

I

Respondent's conduct constitutes cause for disciplinary action as follows:

- (1) Severally and Separately under the facts set forth in subparagraphs (1), (2), (3), and (4) of Finding IV and section 2960 of the Code;
- (2) Under the facts set forth in Finding VII and sections 1397.3 of Title 16, CAC and 2960(h) of the Code; and
- (3) Under the facts set forth in Finding XI and sections 1380.6(a) and 1397.2 of Title 16, CAC and 2960(h) and (j) of the Code.

II

Respondent's conduct described in Findings V, VI, and VIII does not constitute cause for

disciplinary action.

III

Each of the causes for disciplinary action determined, respectively, in subparagraphs (1) and (2) of Determination of Issues I, above, would, standing alone, justify the imposition of the penalty set forth below.

ORDER

The license heretofore issued to respondent Robert W. Zaslow and described in Finding II is revoked.

C. NORMAN JACOBS, Ph. D.
Chairman
Psychology Examining Committee

Dated: _____12/3/72_____

BEFORE THE BOARD OF MEDICAL EXAMINERS

STATE OF CALIFORNIA

In the Matter of the Accusation
against

ROBERT W. ZASLOW, Phd.
90 North Broadway, Los Gatos
License No. PL 1171

Respondent.

NO. D-1330

N 374

DECISION

The attached Proposed Decision of the Psychology Examining Committee is hereby adopted by the Board of Medical Examiners as its Decision.

This Decision shall become effective on the 12th day of February, 1973.

IT IS SO ORDERED this 10th day of January, 1973.

BOARD OF MEDICAL EXAMINERS

By _____

S. STEPHEN NAKAHIMA
Secretary-Treasurer

BEFORE THE PSYCHOLOGY EXAMINING COMMITTEE
OF THE BOARD OF MEDICAL EXAMINERS
STATE OF CALIFORNIA

In the Matter of the Accusation
against

ROBERT W. ZASLOW, Phd.
90 North Broadway, Los Gatos
License No. PL 1171

Respondent.

NO. D-1330

N 374

PROPOSED DECISION

This matter came on for hearing on July 24, 25 and 26, September 20, 21 and 22, and November 8, 1972 before the Psychology Examining Committee of the Board of Medical Examiners of the State of California. Rudolf H. Michaels, Hearing Officer, Office of Administrative Procedure, presided. The following members of the Committee were present at all stages of the proceedings: C. Norman Jacobs, Ph. D., Chairman, Elta L. S. Pfister, Ed. D., R. Warburton Miller, Ph. D., Wallace V. Lockwood, Ph. D., Sumner B. Morris, Ed. D., and S. Don Schultz, Ph. D.

The respondent was not personally present during any part of the proceedings but was represented by Remington Low and Morris Grupp, his attorneys.

The Psychology Examining Committee of the Board of Medical Examiners was represented by Louis C. Castro, Deputy Attorney General.

Oral and documentary evidence was received, the hearing was closed and the matter was submitted.

After due consideration, the Psychology Examining Committee of the Board of Medical Examiners makes the following proposed decision:

FINDINGS OF FACT

I

Wallace W. Thompson made the accusation in his official capacity of Executive Secretary of the Board of Medical Examiners (hereafter referred to as the "Board").

II

On May 22, 1959, the Board issued to Robert W. Zaslow, Ph.D., (hereafter referred to as "respondent") License No. PL 1171 authorizing him to practice psychology in the State of California. This license was at all times material herein, and now is in full force and effect.

III

No psychological assistant was or had been registered with the Board by respondent prior to or on April 28, 1970.

IV

On April 27 and 28, 1970, respondent was grossly negligent in the exercise of his profession in the treatment to which he subjected Paula A. Abraham (hereafter referred to as the "patient"). As a direct and proximate result of this gross negligence, the patient suffered severe physical injury. The finding that respondent was grossly negligent is based on the following particulars:

(1) The treatment performed on the patient was reckless and dangerous in that

(a) respondent permitted the treatment to continue

for approximately twelve consecutive hours.

(b) Respondent directed between ten and twelve assistants to restrain the patient and to hold her down on her back for the duration of the treatment.

(c) Respondent directed his assistants to tickle, poke and jab the patient's body during the duration of the treatment.

(d) During the course of the treatment, respondent directed assistants to restrain the patient's jaw, causing her to scream and choke, permitted his assistants to stick their fingers in the patient's mouth and to press down her tongue thereby causing her to choke.

(2) Respondent refused to terminate the treatment when asked by the patient to stop.

(3) In the course of administering the treatment, respondent failed to provide in attendance any psychologist or any psychological assistant duly licensed by the Board to assist him in the administration of the treatment to the patient.

(4) Respondent failed adequately to supervise the individuals in attendance who assisted him in the administration of the treatment to the patient.

V

Regarding the allegations contained in paragraph 4(c) of the accusation it is found that the patient did consent to and authorize the treatment in advance, and that her consent was based on inadequate information and on respondent's failure to advise her adequately of the risk and of the consequences of the treatment. However, the allegation that this conduct by respondent constituted

gross negligence is not supported by a preponderance of the evidence in the record and is, accordingly, found not to be true.

VI

The allegations contained in paragraph 4(d), that respondent failed to provide for the attendance of a medical doctor during the treatment, and in paragraph 4(e), that respondent failed to refer the patient to a medical doctor on the conclusion of the treatment, are true but it is not true that, under the circumstances here involved, respondent's conduct as alleged in paragraphs 4(d) and 4(e) constitutes gross negligence.

VII

On April 27 and 28, 1970, respondent engaged in unprofessional conduct by subjecting the patient to treatment as a direct and proximate result of which the patient suffered severe physical injury.

VIII

The allegations contained in paragraph 5 of the accusation that respondent engaged in unprofessional conduct by acting outside his field of competence in prescribing the treatment and in administering the treatment without possessing the necessary skill and knowledge to do so or to ascertain the extent of physical injury incurred in the course of the treatment, are found not to be true.

IX

In the administration of treatment to the patient on April 27 and 28, 1970, respondent at various times placed Marilyn Menca and Rod Schuyler, respectively, in charge of the treatment.

thereby employing each of them to perform a limited psychological function without first having notified the Psychology Examining Committee, at its Sacramento office, in writing, of the proposed employment of Marilyn Menta or Rod Schuyler and thus willfully violating sections 1380.6(a) of Title 16 of the California Administrative Code (hereafter referred to as "CAC") and 2913 of the Business and Professions Code (hereafter referred to as the "Code").

DETERMINATION OF ISSUES

I

Respondent's conduct constitutes cause for disciplinary action as follows:

(1) Severally and separately under the facts set forth in subparagraphs (1), (2), (3), and (4) of Finding IV and section 2960 of the Code;

(2) Under the facts set forth in Finding VII and sections 1397.3 of Title 16, CAC and 2960(h) of the Code; and

(3) Under the facts set forth in Finding IX and sections 1380.6(a) and 1397.2 of Title 16, CAC and 2960(a) and (j) of the Code.

II


Respondent's conduct described in Findings V, VI, and VIII does not constitute cause for disciplinary action.

III

Each of the causes for disciplinary action determined, respectively, in subparagraphs (1) and (2) of Determination of Issues I, above, would, standing alone, justify the imposition of the penalty set forth below.

ORDER

The license heretofore issued to respondent Robert W. Zaslow and described in Finding II is revoked.


C. NORMAN JACOBS, Ph. D.
Chairman
Psychology Examining Committee

Dated:

12/3/72

BEFORE THE BOARD OF MEDICAL EXAMINERS

STATE OF CALIFORNIA

In the Matter of the Accusation
against

ROBERT W. ZASLOW, Phd.
90 North Broadway, Los Gatos
License No. PL 1171

Respondent.

No. D-1330

N 374

DECISION


The attached Proposed Decision of the Psychology
Examining Committee is hereby adopted by the Board of Medical
Examiners as its Decision.

This Decision shall become effective on the 12th
day of February, 1973.

IT IS SO ORDERED this 10th day of January, 1973.

BOARD OF MEDICAL EXAMINERS

By


S. STEPHEN NAKASHIMA
Secretary-Treasurer