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Therapist admits sex with teen patient

An unlicensed psychotherapist who has worked in several Lehigh Valley practices for 15 years fought tears Monday as he admitted in civil court to taking nude photos of a teenage girl during therapy sessions and having sexual contact with her.

Andrew J. Smith's tearful admission in Lehigh County Court ended a lawsuit that will now be settled for as much as \$3.8 million.

Smith of Allentown started counseling the girl when she was 13 and initiated a sexual relationship with her in 2004 when she was 17 and Smith was 37, according to the patient's lawsuit filed in 2006.

Smith has claimed he didn't have a sexual relationship with the girl until the month she turned 18, according to the patient's attorneys.

"I took advantage of a vulnerable mentally ill teenage girl who I had been entrusted to help," Smith said Monday, as the victim, now 23, listened intently. "I acknowledge that my misconduct caused severe psychological and emotional harm to [the patient], a young woman that I was charged with the responsibility of treating and helping."

Smith made the admission before President Judge Carol K. McGinley after attorneys announced a settlement in the case had been reached. Smith had been scheduled to begin a trial Monday morning.

As part of the settlement, two of Smith's former employers have agreed to pay at least \$1.8 million, according to the patient's attorneys, [Thomas R. Kline](#) and [David Inscho](#) of the Philadelphia law firm Kline and Specter.

Kline said the settlement could reach as much as \$3.8 million, depending on further litigation with insurance companies representing Smith and the psychologists he worked for.

"This will help [the patient] put her life back together," Kline said. "She's a very broken and fragile young woman."

The patient spoke with police in 2005, but no charges were filed against Smith.

"An investigation was conducted, and there was no evidence of sexual encounters or of photographs being taken before the girl's 18th birthday," Chief Deputy District Attorney Matthew Falk said.

Falk said a charge of institutional sexual assault doesn't fit because the teen was seeing Smith as a private patient. Prison guards and mental health workers in hospitals have been charged with that crime for having sex with adult patients.

The patient's lawsuit claimed the following Allentown psychologists hired Smith between 1995 and 2005 and failed to properly supervise him: Geoffrey Sherman of Cedar Crest Counseling; George Perovich of Lehigh Valley Associates in Psychology; Philip Kinney, who ran a private practice; and Adnan Zawawi of American Medical and Neuropsychiatric Services.

All were named as defendants, but Kinney and Perovich were dismissed and paid nothing. Kline and Inscho said they were dismissed because they don't have applicable insurance. The attorneys said insurance companies for Zawawi and Sherman paid \$1.8 million to settle the case.

The woman's attorneys say Smith's former employers failed to perform a proper background check, which would have shown Smith was dismissed from a doctoral program at Seton Hall University because he had sex with a patient's married mother. Smith admitted in court Monday he did have sex with the woman while interning at KidsPeace, where in 2001 he first met the plaintiff in the civil case when she was 13.

Smith admitted he took nude photos of the teen and added them to a collection of nude photos he took of others "for my private collection and enjoyment." He agreed to destroy all the photos and to stop practicing any form of therapy in the United States. He also agreed to pay the

patient's parents \$7,245, the amount he was paid to treat her during 161 sessions.

"I am ashamed of my actions," Smith said. "I have embarrassed myself, my family and the profession of psychology in which I was training."

According to the patient's lawsuit:

The girl continued visiting Smith for therapy after she was discharged from KidsPeace when she was 13 or 14. While working in Kinney's office, Smith hugged her, held her hand and put his hand on her leg. Smith began contacting her through the Internet.

Smith moved to Perovich's office in 2002 and the girl continued seeing him. He told the girl he was convinced she had a crush on him and pressured her to talk about sex. The girl stopped seeing Smith until 2004, when he was working under Zawawi. Smith kissed the girl and gave her a ring for Christmas. He then began giving and receiving oral sex from the girl.

In 2005, while working under Sherman, Smith gave the girl a vibrator for a high school graduation gift. He also began taking nude photos of her. In August 2005, the girl told her parents about the sexual encounters and Smith told them "she was psychotic."