

**BEFORE THE MINNESOTA
BOARD OF MARRIAGE AND FAMILY THERAPY**

In the Matter of
Diane Dovenberg, LMFT
License No. 93

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by Diane Dovenberg, LMFT ("Respondent"), and the Minnesota Board of Marriage and Family Therapy ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which she holds a license to practice marriage and family therapy in the State of Minnesota.

FACTS

2. For the purpose of this stipulation, the Board may consider the following facts as true:

- a. Respondent is approved to act as a Supervisor by the Board for the purposes of supervising applicants seeking licensure by the Board.
- b. Respondent has not provided adequate supervision of her supervisees.
- c. Specifically, Respondent allowed a Supervisee to practice outside of the scope of the Supervisee's practice.

REGULATIONS

3. The Board views Respondent's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board and constitutes a reasonable basis in law

and fact to justify the disciplinary action provided for in this Stipulation and Consent Order. Respondent agrees that the conduct cited above constitutes the following violations:

- a. Failed in her responsibilities as a supervisor in violation of Minn. R. 5300.0170 (2012)
- b. Permitted a trainee under the therapist's supervision to perform or pretend to be competent to perform, professional services beyond the trainee's level of training in violation of Minn. R. 5300.0350, subp. 4(B) (2012).

REMEDY

4. Upon the foregoing facts and all the files, records, and proceedings herein, the board determines that disciplinary action is warranted. Without further notice or hearing, the Board enters an order as follows:

a. The Board hereby **REVOKES** Respondent's privilege to act as a Supervisor, a privilege granted pursuant to Minn. R. 5300.0160 (2012) and Minn. R. 5300.0170 (2012). Respondent will also cease and desist from any and all American Association for Marriage and Family Therapy (AAMFT) supervisory and mentorship work.

b. Effective as of the date of this Order, Respondent shall not act, offer, practice, advertise, or hold herself out as a Supervisor authorized to supervise applicants seeking licensure by the Board, nor shall Respondent use any credentials which indicate that she is authorized to act as a Supervisor, except as authorized below:

i. Respondent shall be permitted to complete her AAMFT Supervisory work for two of her AAMFT supervisees whose periods of supervision are scheduled to end in May 2015 and one AAMFT supervisee whose period of supervision is to be

completed by March 2015. Respondent shall not be permitted to perform any AAMFT Supervisory work after July 1, 2015.

c. Respondent may not petition for reinstatement of her Supervision status for a period of at least five (5) years. Respondent's authority to Supervise may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner in the supervision of marriage and family therapy. At the time of Respondent's petition, Respondent shall meet with a Board Review Panel. The Panel may require Respondent to provide any additional information relevant to Respondent's petition reasonably requested by the Board Review Panel.

5. IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute violation of a Board order and provide grounds for further disciplinary action.

6. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's petition for reinstatement pursuant to paragraph 4(c) above, take any of the following actions:

a. Grant an unconditional license to Respondent and reinstate Respondent's approved supervisor status;

b. Grant a license with limitations upon the scope of Respondent's practice and/or with conditions for Respondent's practice; or

c. Continue the current action on Respondent's license.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

5. If Respondent fails to comply with or violates this Stipulation and Consent Order the Review Panel may, in its discretion, seek additional discipline either by initiating a contested

case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Respondent a notice of the violation(s) alleged by the Review Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Review Panel, in its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Review Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Review Panel and Respondent may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Review Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Respondent waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Respondent's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Review Panel not to seek discipline when it first learns of a violation shall not waive the Review Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Respondent's license is in a limited and conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including, but not limited to, additional conditions or limitations on Respondent's practice, suspension, or revocation of Respondent's license.

6. In the event the Board at its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Respondent agrees that should the Board reject this stipulation and this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter.

7. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

8. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. The Complaint Panel is represented by Nicholas Lienesch, Assistant Attorney General.

9. Respondent waives all formal hearings on this matter and all other procedures before the Board to which Respondent may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

10. Respondent hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees, and representatives which may otherwise be available to Respondent under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized

against Respondent's license to practice as a licensed marriage and family therapist under this stipulation.

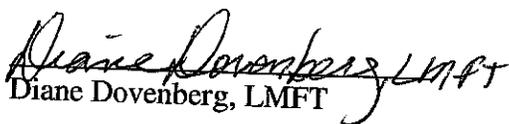
11. Respondent hereby acknowledges that she has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Respondent acknowledges she is fully aware the stipulation is not binding unless and until it is approved by the Board.

12. This Stipulation and Consent Order constitutes a disciplinary action against Respondent.

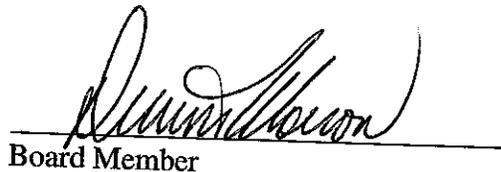
13. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and entities consistent with Board policy.

14. This Stipulation and Consent Order contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

RESPONDENT


Diane Dovenberg, LMFT

FOR THE COMPLAINT PANEL


Board Member

Dated: 1-13-15

Dated: 16 JAN 2015

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the Board accepts this stipulation and that all other terms of this
stipulation are adopted and implemented by the Board this 16 day of January,
2015.

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY


JENNIFER MOHLENHOFF
Executive Director