

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

In the Matter of
Harry Ford, LMFT
License No. 2358

STIPULATION AND ORDER

STIPULATION

Harry Ford, LMFT (“Respondent” or “Licensee”), and the Minnesota Board of Marriage and Family Therapy Complaint Panel (“Complaint Panel”) agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I. JURISDICTION

A. The Minnesota Board of Marriage and Family Therapy (“Board”) is authorized pursuant to Minnesota Statutes sections 148B.01, *et seq.* to license and regulate marriage and family therapists and applicants to the Board, and to take disciplinary action as appropriate.

B. Respondent holds a license from the Board to practice marriage and family therapy in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order. Respondent’s license was administratively revoked for nonpayment of state taxes on January 23, 2014.

II. BACKGROUND

A. The Complaint Panel, composed of Dennis Morrow, Board member, and Herb Grant, LMFT, Board member, determined this matter could be settled with a stipulation and order. Jennifer Coates, Assistant Attorney General, represents the Complaint Panel.

B. Respondent represented himself.

III. FACTS

The parties agree this Stipulation and Order is based upon the following facts:

Background

1. The Board issued Respondent a license to practice marriage and family therapy on May 20, 2011.
2. The Board administratively revoked Respondent's license to practice marriage and family therapy on January 23, 2014.

Allegations

The Board has received the following information:

3. In April 2011, Respondent began treating Client #1, a minor, for issues related to the client not doing well in school and having to undergo several life adjustments.
4. Client #1's mother (the "Mother") attended most of the sessions Respondent conducted with Client #1.
5. Around Fall 2011, Respondent discontinued therapy with Client #1.
6. Within two months of discontinuing Client #1's therapy, Respondent contacted the Mother and asked her to meet him at a city park. The Mother agreed to meet him.
7. The Mother reported that at that time, she was in a poor emotional state and responded to Respondent's assurances that he just wanted to be her friend.
8. From December 2011 to February 2012, Respondent and the Mother continued to have contact via text message and other social media. They also saw each other frequently, sometimes three times per week. The Mother reported that the frequency with which she saw Respondent heavily depended on her emotional state. The more emotional she felt, the more frequently she would see Respondent.

9. From early 2012 through June 2012, Respondent and the Mother engaged in a sexual relationship.

10. The Mother feels that Respondent did not properly treat her son, because of his attraction to her. She feels a great deal of guilt for not getting her son the help he needs and feels taken advantage of by Respondent.

11. Respondent self-reported that he had been diagnosed and treated for depression.

IV. LAWS

The Complaint Panel concludes that the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148B.37 for purposes of this Stipulation and Consent Order only and justifies the action described in section V. below. Licensee agrees that the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148B.37 if proven by the Complaint Panel but agrees to enter into this Stipulation and Consent Order for purposes of settlement. The Complaint Panel concludes that the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148B. 37, subd. 1(3) (2014); Minn. R. 5300.0350, subp. (4) (J); Minn. R. 5300.0350 subp. (5) (E) and (G) (2014) for purposes of this Stipulation and Order only and justifies the disciplinary action described in section V. below.

V. DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Suspension

The Board hereby **SUSPENDS** Licensee's license to practice marriage and family therapy in the State of Minnesota. During the period of suspension, Licensee shall not practice marriage and

family therapy in any manner, shall neither offer nor provide marriage and family therapy services of any kind within Minnesota, and shall not use the designation “licensed marriage and family therapist,” “LMFT,” or any other designation that implies that Licensee is eligible to practice marriage and family therapy in Minnesota.

B. Reinstatement of License

A. Licensee may petition for reinstatement of his license following 24 months from the date of this Order. The burden of proof will be upon Licensee to demonstrate by a preponderance of the evidence that he is capable of practicing marriage and family therapy in a fit and competent manner, and has had at least 12 months of stable mental health immediately preceding his petition. At the time of Licensee’s petition, Licensee may be required to meet with a Complaint Panel and must comply with, at a minimum, the following:

1. **Successful Completion of Boundaries Course.** Licensee shall arrange to enroll in a pre-approved individualized professional boundaries training course and comply with the following:

a. The instruction must be synchronous and offer one-on-one instruction.

b. Licensee’s course must be approved in advance by the Complaint Panel. Licensee shall submit for approval to the Complaint Panel a proposed instructor’s curriculum vitae, and a syllabus that includes goals, objectives, assignments, projects, methods, and frequency of evaluation.

c. Licensee must complete this course prior to petitioning for reinstatement of his license. All fees for the course shall be paid by the licensee and successful completion of the boundaries course shall be determined by the Complaint Panel.

2. **Report on Boundaries Course from Respondent.** Within 30 days of completing the Course, Respondent shall submit a written report to the Complaint Panel which provides and/or addresses the following:

a. The dates Respondent began and completed the Course;

b. A brief statement of the topics covered in the Course;

c. A detailed discussion of what Respondent has learned from the Course, including Respondent's comprehension and knowledge of boundary issues, as well as various boundaries issues encountered in practice and how this course will affect his practice in the future;

d. A detailed discussion of the violations that occurred, including:

(i) How Respondent came to violate professional boundaries;

(ii) The manner in which Respondent violated these boundaries;

(iii) The specific harm to each individual that resulted, and the potential harm to other individuals that could have resulted from Respondent's conduct;

(iv) How Respondent now believes the violations could have been averted;

(v) A detailed discussion of the specific ways this course may affect Respondent's practice if he is granted unconditional licensure;

(vi) Respondent's reasons for believing he is capable of conducting himself in a fit, competent, and ethical manner in the practice of marriage and family therapy; and

(vii) Any other information Respondent believes would assist the Board in its ultimate review of this matter.

3. Report on Boundaries Course From Instructor. Respondent shall cause to be submitted to the Complaint Panel a report from the instructor of the boundaries course. This report shall address:

- a. Verification that the Instructor has reviewed this Order;
- b. The extent of Respondent's participation in the course; and
- c. The instructor's assessment of Respondent's knowledge obtained

from the course, comprehension of the material issues, and opinion as to Respondent's ability to engage in the practice of marriage and family therapy.

4. **Report from Mental Health Treatment Professional.** If applicable, Licensee must cause to be submitted to the Board a report from any mental health treatment professional whom Licensee consulted during the 12 months immediately preceding the petition. The report must be submitted to the Board at the time Licensee petitions for reinstatement of his license. Each report must provide and address:

- a. Verification the mental health professional has reviewed this Order;
- b. Identification of a plan of treatment, including any medications, devised for Licensee;
- c. A statement of the involvement between Licensee and the mental health professional, including the number and frequency of meetings;
- d. Licensee's progress with therapy and compliance with the treatment plan;
- e. Licensee's awareness of his personal problems;
- f. The mental health professional's conclusion as to the need for continuing therapy and Licensee's discontinuance of therapy; and
- g. Any other information the mental health professional believes would assist the Board in its ultimate review of this matter.

5. **Mental Health Evaluation.** Prior to petitioning, Licensee must undergo a mental health evaluation performed by a mental health professional as defined in Minnesota Statutes sections 245.462, subdivision 18. The evaluation shall include the Minnesota Multiphasic Personality Inventory ("MMPI") and administration of the Rorschach Test. Licensee must submit, or cause to be submitted, the credentials of the evaluator for review and pre-approval by Board staff for purposes of this evaluation. Licensee is responsible for the cost of the evaluation. The results must be sent directly to the Board and must provide and address:

a. Verification the evaluator has reviewed a copy of this Order and any evaluation or treatment records deemed pertinent by the Board or the evaluator prior to the evaluation;

b. Evaluation results from MMPI;

c. Interpretation of Respondent's MMPI test;

d. Interpretation of Respondent's Rorschach Test;

e. Diagnosis and any recommended treatment plan;

f. Licensee's ability to handle stress;

g. Recommendations for additional evaluation or treatment; and

h. Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

6. **Compliance With Evaluator's Recommendations.** Licensee must comply promptly with any recommendations for additional evaluation and treatment made by the mental health evaluator.

7. **Waivers.** During the petition process, Licensee must complete and sign health records waivers supplied by the Board to allow representatives of the Board to discuss Licensee's case with and to obtain written evaluations and reports and copies of all of Licensee's health and mental health from his physician, mental health professional, or others from whom Licensee has sought or obtained treatment, support, or assistance.

8. **Additional Information.** Licensee must provide any additional information relevant to his petition reasonably requested by the Board. The Board will consider all competent evidence of rehabilitation presented by Licensee.

9. **Additional Requirements.** Licensee must meet all requirements in effect at the time of his petition for reinstatement, including but not limited to completing the appropriate application, payment of requisite fees, and completion of any necessary continuing education requirements.

B. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's application for licensure pursuant to the above paragraphs, take any of the following actions:

- a. Issue a license to Licensee;**
- b. Issue a license to Licensee with conditions for Licensee's practice, limitations upon the scope of Licensee's practice, impose a period of probation upon Licensee's license, and/or impose any other action available by law; or**
- c. Deny Licensee a license based upon his failure to meet the requirements for licensure and/or the burden of proof.**

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

1. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and will be submitted to the Board by United States Mail, courier, or personal delivery only.

2. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Complaint 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 Complaint Panel will schedule a hearing before the Board. At least 20 days before the hearing, the Complaint Panel will mail Licensee a notice of the violation(s) alleged by the Complaint Panel. In addition, the notice will designate the time and place of the**

hearing. Within ten days after the notice is mailed, Licensee will submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Complaint Panel, in its discretion, may schedule a conference with Licensee 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 Complaint Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Complaint Panel and Licensee may present oral argument. Argument will not refer to matters outside the record. The evidentiary record will be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Complaint Panel will have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee 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. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but will not limit the Board's authority to impose discipline for the violation. A decision by the Complaint Panel not to seek discipline when it first learns of a violation will not waive the Complaint Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a suspended status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Licensee's license.

f. Nothing herein will limit the Complaint Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 214.077, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein will limit the Complaint Panel's or the Board's right to automatically suspend Licensee's license.

VII.

ADDITIONAL INFORMATION

1. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

2. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

3. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter will constitute the entire record and may be reviewed by the Board in its consideration of this matter.

4. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

5. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

6. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

7. This Stipulation and Consent Order does not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth herein.

VIII.

DATA PRACTICES NOTICES

1. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

2. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

BOARD OF MARRIAGE AND FAMILY
THERAPY



HARRY FORD, LMFT
Respondent

Dated: 10/8, 2015



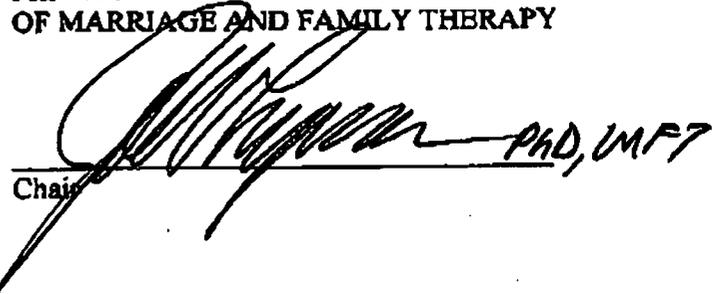
JENNIFER MOHLENHOFF
Executive Director

Dated: October 8, 2015

ORDER

Upon consideration of the Stipulation, the Board **SUSPENDS** Respondent's license and adopts all of the terms described above on this 13th day of October, 2015.

MINNESOTA BOARD
OF MARRIAGE AND FAMILY THERAPY



Chair PHD, LMFT