

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

In the Matter of
Carolyn Larson, LMFT
License No. 1277

**STIPULATION AND
CONSENT ORDER
FOR STAYED SUSPENSION**

STIPULATION

Carolyn Larson, LMFT (“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

1. The Minnesota Board of Marriage and Family Therapy (“Board”) is authorized pursuant to Minnesota Statutes sections 148B.07 to 148B.48 to license and regulate marriage and family therapists and to take disciplinary action as appropriate.

2. Licensee 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 Consent Order.

II.

CONFERENCE

3. On June 21, 2016, Licensee and her attorney, Mark W. Gehan, Collins, Buckley, Sauntry & Haugh, P.L.L.C, St. Paul, Minnesota, appeared before the Complaint Panel composed of Board members Herb Grant, Ph.D., LMFT, and Dennis Morrow, Ph.D., to discuss allegations made in a Notice of Conference dated May 17, 2016. Caitlin M. Micko, Assistant Attorney General, represents the Complaint Panel in this matter.

III.
FACTS

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

a. On June 20, 2003, Licensee was licensed by the Minnesota Board of Marriage and Family Therapy.

b. In approximately 2008, Licensee began employment with a County Human Services department ("County")

c. On July 11, 2012, Licensee was charged with DWI. Licensee pled guilty on March 11, 2013, to Fourth Degree DWI.

d. On or about May 19, 2015, Licensee received a call at approximately 10:00 p.m. about a juvenile in crisis at a center ("Center") in her capacity as a supervisor for the County. Licensee drove herself to the Center to respond to the crisis.

e. Licensee interacted with the juvenile client for approximately one hour, attempting to persuade the client to enter the Center. Licensee chased the juvenile client, and in doing so, fell and hit her head. Licensee wrestled with the client to get him to stop from running away.

f. Another staff person called the police for assistance with the crisis situation. Upon arrival, the police observed that Licensee smelled of alcohol, had bloodshot eyes, and was unstable on her feet. The police officer questioned Licensee about her alcohol use and Licensee admitted that she had a glass of wine with dinner that night. The police asked Licensee to leave the Center and instructed her to take the bus home.

g. Licensee failed to report this incident to her supervisor.

h. On or about May 19, 2015, Licensee was interviewed by her supervisors regarding the incident. During the interview, Licensee acknowledged that on more than one occasion, Licensee was directed to refer after-hours crisis to contracted staff rather than respond to them herself. Licensee told her supervisors that she took the bus home after the May 19, 2015, incident.

i. On or about June 4, 2015, Licensee was interviewed again by her supervisors. Licensee confirmed she responded to the crisis after consuming alcohol, and repeated that she took the bus home after being asked to leave by the police. After being asked again about her transportation home, Licensee admitted that she did not take the bus home the evening of May 19, 2015, and instead, she drove herself by car.

j. On or about June 27, 2015, Licensee resigned from her employment with the County.

k. In a letter to the Board dated January 15, 2016, Licensee admitted she responded to an after-hours crisis call after being instructed not to by her supervisors. Licensee admitted she consumed one and a half glasses of wine before responding to the call. Licensee admitted that her decision making that evening was impaired due to her consumption of alcohol.

IV.

LAWS

5. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148B.37, subdivision 1(1), subdivision 1(3) and Minnesota Rule 5300.0350, subpart 4(F), 4(J), 4(K), and 4(S), 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. Stayed Suspension

6. The Board hereby **SUSPENDS** Licensee's license to practice marriage and family therapy. The suspension is **STAYED** so long as Licensee complies with the following requirements and upon the condition that Licensee participates in the Health Professionals Services Program ("HPSP") as follows:

a. Contact With the HPSP. Licensee shall contact the HPSP at (651) 643-2120 to initiate enrollment in the program within 14 days of the date of this Order.

b. Participation Agreement. Licensee shall enter into a Participation Agreement with the HPSP for monitoring of Licensee's chemical dependency/mental health/physical health within 60 days of the date of this Order. Licensee must comply with all terms of the Participation Agreement.

c. Report from Employer. Licensee must cause to be submitted to the Board a report from an immediate supervisor who is employing Licensee while this Order is in effect. The report(s) are due quarterly; on September 15, January 15, April 15, and June 15. If a due date falls on a weekend or holiday the report should be turned in on the next business day. The report(s) must provide and address:

i) Respondent's ability to perform assigned tasks, and if any performance deficiencies are identified, the actions taken to address them;

ii) Respondent's attendance and reliability;

iii) Any other information the employer believes would assist the Board in its ultimate review of this matter.

d. One on one Consultation. Within 60 days of the date of this Agreement, Licensee shall arrange for one-on-one consultation with a licensed mental health professional consultant. The consultation must last a minimum of 1.5 hours per month for a period of no less than 12 months from the date of the initial consultation or until such time as the consultant determines is sufficient to achieve the learning objectives, whichever is greater. For purposes of this Agreement, the licensed mental health professional consultant must be approved by the Panel before the consultation begins. In order for the Panel to consider approving a consultant, Licensee shall submit or cause to be submitted the resume or curriculum vitae of the proposed consultant and proposed consultation outline. Licensee is responsible for arranging and paying for the consultation. The consultation must address (1) marriage and family therapy ethics; and (2) professional boundaries. The consultant must submit a report directly to the Board, addressing the following:

1) Verification the licensed mental health professional consultant has reviewed a copy of this Order;

2) An evaluation of Licensee's understanding of the subjects of the consultation prior to beginning the consultation;

3) A description of the subjects and content provided during the consultation;

4) A statement indicating what Licensee learned and achieved through the consultation and how the learning was evaluated;

5) Any recommendations for additional education, consultation or supervision directed at improving Licensee's marriage and family therapy practice; and

6) Any other information the licensed mental health professional consultant believes would assist the Board in its ultimate review of this matter.

e. Compliance With Consultant's Recommendations. Licensee shall promptly comply with any recommendations for additional education, consultation or supervision made by the licensed mental health professional consultant. Licensee must submit written documentation, such as measurable learning objectives and qualifications of the instructor, and must receive prior approval from the Panel for classes Licensee takes to comply with educational recommendations by the licensed mental health professional consultant in fulfillment of this requirement. Each class must meet the marriage and family therapy continuing education requirements. Licensee shall submit verification of participation for any class taken in fulfillment of this requirement. In addition, Licensee must submit the resume or curriculum vitae of any licensed mental health professional consultant or supervisor to the Panel and must receive prior approval of a consultant or supervisor when complying with consulting or supervision recommendations made by the licensed mental health professional consultant.

f. Type-written Report. Within one month of the date of completion of the one-on-one consultation, Licensee must submit to the Board a typewritten report at least three pages in length addressing what she learned and achieved through the one-on-one consultation. Licensee must describe how she will apply her knowledge to her current and future marriage and family therapy practice.

B. Removal of Stayed Suspension

7. Licensee may petition to have the stayed suspension removed from Licensee's license at any regularly scheduled Board meeting provided that Licensee has complied with all the conditions of her stayed suspension. Licensee's stayed suspension may be removed, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that Licensee is capable of conducting herself in a fit and competent manner in the practice of marriage and family therapy. Before requesting removal of the stayed suspension, Licensee shall meet with a Complaint Panel to review her petition and any evidence in support of the request. The Board may, at any regularly scheduled meeting following Licensee's request for removal of the stayed suspension, remove the stayed suspension, remove the stayed suspension with limitations placed upon the scope of Licensee's practice and/or conditional upon further reports to the Board, or continue the stayed suspension of Licensee's license based upon Licensee's failure to meet the burden of proof.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

8. 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 or the HPSP pursuant to Licensee's Participation Agreement are timely filed by those preparing the report, evaluation, or documentation. Failure to file payments, reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Consent Order.

Order of Removal of Stayed Suspension

9. If the Complaint Panel has probable cause to believe Licensee has failed to comply with or has violated any of the requirements for staying the suspension as outlined in paragraph 6 above or has failed to comply with the Participation Agreement, or is subject to a positive chemical screen, the Complaint Panel may remove the stayed suspension pursuant to the procedures outlined in paragraph 10 below, with the following additions and exceptions:

a. If the HPSP discharges Licensee from the program for any reason other than Licensee's successful completion of the terms of the Participation Agreement, there will be a presumption of a preponderance of the evidence that Licensee has failed to comply with the requirement(s) for staying the suspension.

b. The removal of the stayed suspension shall take effect upon service of an Order of Removal of Stayed Suspension ("Order of Removal"). Licensee agrees that the Complaint Panel is authorized to issue an Order of Removal, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 10 below. The Order of Removal shall confirm the Complaint Panel has probable cause to believe Licensee has failed to comply with or has violated one or more of the requirements for staying the suspension of Licensee's license. Licensee further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee waives any right to a conference or hearing before removal of the stayed suspension.

c. The Complaint Panel shall schedule the hearing pursuant to paragraph 10 below to be held within 60 days of the Order of Removal.

Noncompliance or Violations With Stipulation and Consent Order

10. 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 shall schedule a hearing before the Board. At least 20 days before the hearing, the Complaint Panel shall mail Licensee a notice of the violation(s) alleged by the Complaint Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall 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 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. Unless stated otherwise in this Stipulation and Consent Order, the Complaint Panel shall 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 prior to 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 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 suspended or the suspension is stayed.

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 requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or revocation of Licensee's license.

f. Nothing herein shall limit the Complaint Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 148B.175, subdivision 7 or Minnesota Statute 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 shall limit the Complaint Panel's or the Board's right to automatically suspend Licensee's license pursuant to Minnesota Statutes section 148B.175, subdivision 8.

VII.

ADDITIONAL REQUIREMENTS

11. In the event Licensee should leave Minnesota to reside or to seek employment outside of the state, Licensee shall give the Board written notification of the new location, as

well as dates of departure and return. If Licensee leaves the state, the terms of this Order continue to apply unless waived in writing.

VIII.

OTHER INFORMATION

12. 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.

13. Licensee waives any claims against the Board, the Minnesota Attorney General's Office, 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.

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

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

16. 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.

17. 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.

18. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate action 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 in this document.

IX.

DATA PRACTICES NOTICES

19. 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. Therefore, employers and other individuals will be able to see this entire Stipulation and Consent Order by searching Licensee's name on the Board's website, or by requesting a copy of this Stipulation and Consent Order from the Board. Data regarding this action will be provided to data banks as required by Federal law and 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.

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

LICENSEE:



Carolyn Larson, LMFT License No. 1277

Dated: 8/9, 2016

BOARD OF MARRIAGE AND FAMILY
THERAPY COMPLAINT PANEL:



Board Member

DENNIS R MORROW

Printed Name

Dated: 16 SEPT, 2016

ORDER

Upon consideration of the Stipulation, the Board places Licensee's license in a STAYED
SUSPENSION status and hereby adopts all other terms of the Stipulation on this 16 day of
September, 2016.

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY



JENNIFER MOHLENHOFF
Executive Director