

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY

In the Matter of
George B. Lindall, LP
License No. 1128

**STIPULATION
AND ORDER**

WHEREAS, the Minnesota Board of Psychology (hereinafter "Board") served a Notice of Conference with Board of Psychology Ethics Panel, dated July 19, 1990, upon George B. Lindall, LP (hereinafter "Licensee");

WHEREAS, Licensee and his attorney, Mary G. Dobbins, appeared before an Ethics Panel composed of Hommey Kanter, LP, and David Baraga, LCP, to discuss the allegations presented in the Notice of Conference. Thomas M. McSteen, Special Assistant Attorney General, represented the Ethics Panel. Lois E. Mizuno, Executive Director of the Board, was also present at the conference; and

WHEREAS, in the interest of settling this matter, the Ethics Panel and Licensee propose to resolve this matter by entering into the stipulation herein and consenting to the proposed order, if so approved by the Board.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Licensee and the Ethics Panel as follows:

1. During all times herein, Licensee has been and is now subject to the jurisdiction of the Board from which Licensee holds a license to practice psychology in the State of Minnesota;

2. Licensee has been represented by legal counsel during this proceeding;

3. For the purposes of this stipulation, Licensee expressly waives all procedures and proceedings before the Board to which licensee may be entitled under the Minnesota and United States constitutions, Minnesota statutes, or the rules of the Board, and also waives the right to any judicial review or approval under the Administrative Procedures Act, by writ of certiorari under Minn. Stat. § 480A.06 or otherwise from the order issued by the Board pursuant to this stipulation;

4. Licensee is aware that this Stipulation and Order, if approved by the Board, will be classified as public data under Minn. Stat. § 13.41, and that it may be disseminated, upon request, to the press and to other states. Licensee agrees that the Board may, upon request, share its investigative data with other states;

5. Licensee hereby acknowledges that he has read and understands this Stipulation and Order and has voluntarily agreed to the stipulation and consented to the proposed disciplinary action. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation. Licensee further acknowledges that the stipulation must be approved by the Board;

6. In the event that the Board in its discretion does not approve this settlement, Licensee agrees that this Stipulation and Order shall be null and void and shall not be used for any

purpose by either the Board or Licensee, except that if this Stipulation and Order is rejected and a contested case is initiated pursuant to Minn. Stat. ch. 14, Licensee will not raise any objection on any administrative level or in any court action to the Board's proceeding and hearing the case on the basis that the Board has become disqualified due to its review and consideration of this stipulation;

7. This stipulation shall not in any way or manner limit or affect the authority of the Board 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 justifying disciplinary action which occurred before or after the date of this stipulation and which is not directly related to the specific facts and circumstances set forth herein;

8. For the purpose of this stipulation, Licensee does not contest the following allegations, except as specifically denied herein;

a. Licensee engaged in unprofessional conduct with a female client as follows:

1) During a group therapy session at Golden Valley Health Care Center (hereinafter "GVHC"), this client shared her story and cried. Licensee reportedly knelt in front of her, put his hand on her knee and offered her reassurance. This client wrote Licensee a note to thank him for his support. Two days after receiving the note, Licensee reportedly came up behind this client, put both of his arms around her, and whispered in her ear his thanks for her card, licensee denies this charge;

2) When the five-week inpatient treatment program ended, this client reportedly refused to leave because she wanted to be near Licensee. She cancelled her plane reservations and remained in the program six weeks longer until her insurance would no longer pay for therapy. Licensee did not set any limits on this client's attention. He reportedly told her that she was special, and he said he would always be there for her;

3) This client continued treatment with Licensee at GVHC, even though she was no longer housed at the hospital. Licensee told her that he could not see her in private practice as long as he was employed at GVHC. This client told Licensee that she felt abandoned and betrayed. Licensee reportedly told this client they could still be friends and provided her with his home telephone number. As a result, Licensee and this client continued to see each other every day while she received treatment from him. This client called Licensee at home and stopped at his office. Licensee asserts that he never saw this client outside of the treatment facility and denies providing his home telephone number during the time that the client was in treatment at GVHC.

4) Following treatment, this client returned to her home town but continued to talk with Licensee by telephone. She wrote songs for Licensee, and she sent the songs and letters to him. She reportedly told him that he was the love she never had. Licensee states that she told

him that she had never known a male who was kind, compassionate and nonabusive. Licensee reportedly told this client that he was honored that she felt this way.

5) On February 12, 1988, Licensee reportedly told his client about his plans to open Corimagua and asked her to come to Minnesota. When Licensee told his client that he was going to be the counselor, she reportedly decided to return to Minnesota. Licensee states that when the client returned to Minnesota, the house had not yet been planned;

6) While Licensee was arranging to open Corimagua, he talked with this client weekly. They had coffee together at least weekly. Licensee asserts that he provided therapy during these sessions and that he did not see the client on a social basis. In early June, Licensee also went to one of this client's band rehearsals. After Corimagua opened, this client became a resident;

7) While this client was a resident at Corimagua, Licensee reportedly would lay with her in front of the fireplace for about an hour nearly every day and stroke her hair, hold her hands, or put his arms around her. Licensee denies this allegation, and he states that the only touching that occurred at Corimagua was when the group sat together on the floor in a circle for group support meetings;

8) After one group support meeting at Corimagua, Licensee reportedly embraced this client for approximately

15 minutes. Licensee denies the alleged length of the hug, stating that it was approximately 45 seconds. Following this episode, Licensee told this client that he could not hug her anymore because he was sexually attracted to her. Two days later, Licensee told this client that he had dealt with his sexual attraction, so they could resume hugging each other;

9) On one occasion, when Licensee brought a woman friend to Corimagua, this client reportedly became extremely upset and even threatened suicide. Licensee told his client that it was just a phase and that she was projecting things about her father and other men from her life onto Licensee;

10) This client returned to her home town but maintained telephone contact with Licensee. When this client told Licensee that she was depressed, Licensee told her she was welcome to return to Corimagua;

11) Licensee stopped telephone contact with this client. In approximately September 1988, this client called Licensee and told him she missed him and felt suicidal most of the time. Licensee said that he would like to see her perform someday, and he again told her she was welcome to return to Minnesota. He told her she should stop calling him because he was being investigated and could lose his license.

b. Licensee engaged in unprofessional conduct with a male client of Corimagua as follows:

1) On one occasion, Licensee sat on the floor in front of this client, put his client's legs on each side of his neck down over his chest, and rubbed his legs for approximately 1/2 hour. Licensee denies this allegation, but acknowledges that he may have touched this client's legs during a group support meeting;

2) On other occasions, Licensee hugged this client and held or rubbed his head and neck. The touching usually occurred within group therapy sessions or in a communal room of the residence with other clients present. The touching allegedly lasted for 5-10 minutes. Licensee states that on one occasion he hugged this client for approximately twenty seconds, and denies the remainder of these allegations.

3) This client left Corimagua on July 1, 1988. This client attended an alumni reunion of GVHC's held at Lyman Lodge from October 21 to 23, 1988. At the reunion, Licensee walked up behind this client, put his arms around him and whispered in his ear that he loved him.

c. Licensee engaged in unprofessional conduct with a male client as follows:

1) Licensee was this client's therapist during his treatment at GVHC. Upon this client's discharge, Licensee told him to return to his home town and to remain for six months. Licensee remained in telephone contact with this client. On one occasion, prior to the end of the six months, Licensee asked this client if he was going to come

to Corimagua. Licensee explains this by stating that his advice changed when the house became available. This client was confused with Licensee's changing advice;

2) This client's telephone calls to Licensee allegedly interfered with this client's relationship with his therapist in his home town.

3) In approximately May 1989, Licensee contacted this client to solicit funds for Corimagua even though Licensee knew that this client was in Debtors' Anonymous. Licensee denies that he knew that this client was in Debtor's Anonymous;

d. Licensee engaged in unprofessional conduct while serving as a counselor at Corimagua as follows:

1) On one occasion Licensee inappropriately discussed his own issues during group support meeting;

2) Licensee allowed residents to dress inappropriately. Licensee also encouraged residents to hold each other and help each other work on issues. Licensee denies that he played an active role in managing the house at this time;

3) Although a female client requested that Licensee not share information about her in the group, he reportedly revealed her confidences. Licensee contends that he only prompted this client to reveal information;

4) A male resident, whose angry behavior included putting a hole in the wall was allowed to remain at the residence for six months and another who broke a table,

was allowed to remain at the residence for 10 months. Licensee denies that he played an active role in managing the house at this time;

5) Licensee allegedly showed favoritism to certain residents, and he did not discourage residents from vying for his attention;

6) Licensee asked one of the ex-residents of Corimagua to serve as an employee of Corimagua; Licensee denies that he played an active role in managing the house at this time.

e. Licensee engaged in improper billing practices as evidenced by the following:

1) A male client became a resident of Corimagua on March 11, 1989. This client paid \$2,000 to Corimagua for room, board and therapy for the period March 11 to June 11, 1989. Licensee billed and received payment of \$420 from Medical Assistance for therapy sessions for this client for the period March 15, 1989 to June 6, 1989. Licensee did not compensate this client for the Medical Assistance payment until November 1989;

2) A female client was a resident at Corimagua from July 15, 1988 to July 1, 1989. This client paid all of her fees to Corimagua which included room, board and therapy. Licensee obtained payment from Medical Assistance for group psychotherapy sessions for this client. Medical Assistance paid for group psychotherapy sessions from April 5, 1989, to June 27, 1989, for a total of \$265.00. Licensee has not compensated this client for the \$265.00 payment;

3) A male client became a resident of Corimagua in November 1988 and paid portions of the monthly fee of \$400 (later \$500) for room, board and therapy. Licensee submitted a bill to Medical Assistance for weekly group psychotherapy sessions of \$50 per session. Licensee received payment from Medical Assistance of \$35 per session for group psychotherapy sessions which were held on the following dates:

December 5, 12, 19 and 26, 1989
January 2, 9, 16 and 23, 1989
February 1, 8, 15 and 22, 1989
March 1, 8, 15, 22 and 29, 1989
April 5, 12, 19 and 28, 1989
May 5, 12, 23 and 30, 1989
June 6, 19 and 27, 1989

Licensee has partially compensated this client for the \$980 which Licensee received from Medical Assistance.

9. Licensee agrees that the conduct outlined in paragraph 8 herein constitutes both a violation of Minn. Stat. § 148.98 (1990) and a reasonable basis in law and fact to justify the proposed disciplinary action as authorized by Minn. Stat. § 148.95 (1990);

10. Licensee agrees that a violation of this Stipulation and Order shall be considered unethical conduct and constitute grounds for further disciplinary action;

11. If the Board receives evidence that Licensee has violated the terms of the Stipulation and Order, has made misrepresentations to the Board or to those required to submit reports to the Board, and/or engaged in acts or omissions similar to those alleged in this Stipulation and Order while the order is

in effect, the Board shall so notify Licensee in writing at his last known address filed with the Board. Licensee shall have the opportunity to contest the allegations by submitting a written request to so contest within 30 days after service of a Notice of Opportunity to Contest the Allegations;

a. If Licensee does not submit a written request to contest the allegations within 30 days of service of the notice, the issues set forth in the notice may be taken as true or deemed proven without further evidence. Upon a report to the board of such allegations and of Licensee's failure to contest, the Board may impose additional disciplinary action, including revocation. Any Board order issued under this paragraph shall be final and binding upon Licensee and shall not be subject to judicial or administrative review or to a judicial stay pending any attempts to seek such review;

b. If Licensee submits a written request to contest the allegations, the Board may initiate either a proceeding conducted pursuant to Minn. Stat. ch. 214(1990) or a contested case hearing pursuant to Minn. Stat. ch. 14 (1990) to determine whether Licensee can show cause as to why additional disciplinary action should not be imposed. In any such proceeding, the Board shall have the burden of going forward to provide a sufficient factual basis supporting the allegations. The Board shall provide sufficient evidence to meet the substantial evidence standard used by appellate courts in reviewing

administrative actions, that is, evidence demonstrating that the Board is not acting unreasonably, arbitrarily, or capriciously and that some reasonable evidence exists to support the allegations. Upon such a showing by the Board, the burden of proof and persuasion as to why additional disciplinary action should not be imposed or any petition for reinstatement should not be denied shall be upon Licensee.

12. Licensee consents that, based upon both his admissions and the uncontested allegations as outlined in paragraph 8 herein, the Board may make and enter an order as follows:

a. IT IS HEREBY ORDERED that Licensee's license to practice psychology in the State of Minnesota is placed on **CONDITIONAL STATUS** in that Licensee must engage in supervision with John Richard Fowler, LCP, or with another licensee of the Board approved by the Board's Ethics Panel for a minimum of 12 months. The 12-month period shall begin upon the Board's approval of this stipulation. The supervisory sessions must occur at least twice per month, and they must begin within two weeks of the Board's approval of this stipulation. The length and scheduling of each supervisory session shall be as directed by the supervising psychologist. The supervisory session must include at least a review of Licensee's treatment plan for all his active clients. The supervising psychologist may direct Licensee to tape any or all sessions of his individual or group therapy, provided that a client or clients consent to the

taping. The supervising psychologist may review the tapes either during or independent of the supervisory sessions. Licensee shall bear all costs of both the supervisory sessions and the tape review.

The supervisory sessions must focus on, at a minimum, the following issues: 1) Licensee's insight as to his responsibility as a psychologist for his client's welfare; 2) Licensee's insight into transference and counter-transference dynamics; 3) Licensee's insight as to when to refer clients to other therapists and/or when to use a female co-therapist; and 4) Licensee's insight into appropriate boundaries, including self-disclosure, touch, and contacts outside of the therapeutic relationship.

Licensee shall sign any necessary waivers to permit the supervising psychologist to review with the Ethics Panel either before, during or after the supervisory period any concerns about Licensee's progress which the Ethics Panel may have. Licensee shall also meet, upon request, with both the Ethics Panel and the supervising psychologist either before, during or after the supervisory period.

Licensee shall cause the supervising psychologist to submit to the Board quarterly reports, with the first report being due three months after the Board approves this stipulation, and subsequent reports being due every three months thereafter. The supervising psychologist must also submit a summary report upon Licensee's petition to have his license reinstated which discusses whether Licensee is able to practice psychology in a

fit, competent and ethical manner. The nature and content of the reports shall be agreed upon between the supervising psychologist and the Ethics Panel during the consultations referred to above.

Licensee also shall submit reports from himself concerning his supervision with the supervising psychologist. Licensee must submit the first report three months after the Board approves this stipulation and submit subsequent reports every three months thereafter.

b. IT IS FURTHER ORDERED that Licensee's license to practice psychology in the state of Minnesota is placed on CONDITIONAL STATUS in that Licensee must make restitution to all former clients of Corimagua House for whom Licensee received payment for his psychotherapy services from Medical Assistance or other third-party reimbursement after the client had paid for the therapy as a part of the monthly fee to Corimagua House. Licensee shall make restitution under the supervision and direction of the supervising psychologist, and Licensee shall provide evidence of this restitution to the Board as it becomes available, but no later than the time that Licensee petitions for reinstatement of his license;

c. IT IS FURTHER ORDERED that Licensee may petition the Board at any regularly scheduled meeting after completion of both of the conditions outlined in paragraph 12.a and 12.b herein to have the same conditions removed from his license. At the time of his petition, the burden of proof will be upon Licensee to demonstrate by clear and convincing evidence that he is capable of conducting himself in a fit, competent, and ethical

manner in the practice of psychology. In order to sustain his burden of proof, Licensee must submit or cause to be submitted both the reports specified in paragraph 12.a, evidence of full restitution as required by paragraph 12.b, and a final report from Licensee which presents the reasons why Licensee believes he is capable of conducting himself in a fit, competent, and ethical manner in the practice of psychology. The Board may, at its discretion, take any of the following actions upon review of Licensee's petition;

- 1) Remove the conditions;
- 2) Amend the conditions consistent with the order herein; or
- 3) Continue the conditions upon Licensee's failure to meet his burden of proof.

CONSENT:

George B. Lindall
George B. Lindall, LP
Licensee

Dated: _____, 1991.

BOARD OF PSYCHOLOGY
ETHICS PANEL

Hommey Kanter
Hommey Kanter, LP
Board Member

Dated: 3/15/, 1991.

David Baraga
David Baraga, LP
Board Member

Dated: 3/17/, 1991.

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the license of Licensee is placed on CONDITIONAL STATUS and that all other terms of this stipulation are adopted and implemented by the Board this 15th day of March, 1991.

MINNESOTA BOARD OF
PSYCHOLOGY

Lois E. Mizuno
Lois E. Mizuno
Executive Director