

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Elizabeth R. Mitchell, M.A., L.P.
License No. LP1336

STIPULATION AND
CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by Elizabeth R. Mitchell, M.A., L.P. (Licensee) and the Minnesota Board of Psychology (Board) as follows:

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

FACTS

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

a. From approximately January or February 1995 until the end of March 1995, Licensee provided therapy to client #1 for issues related to client #1's move to Minnesota from New England, the break-up of a personal relationship in New England, and client #1's return to her professional studies. After approximately six sessions Licensee and client #1 had addressed client #1's adjustment issues and the therapy ended. Licensee told client #1 she could call Licensee in the fall if she wanted to seek further therapy.

b. In the spring of 1995, Licensee and client #1 joined the same softball team. The softball team played once a week on Tuesday nights from early May until early July.

c. In April 1995, Licensee discussed with her employment supervisor her concerns about client #1 playing on the same softball team with Licensee. Licensee and her supervisor agreed that client #1 should be transferred to another therapist, which was accomplished by May 30, 1995. Licensee's supervisor also suggested that Licensee review the Board's rules on boundaries, which Licensee agreed to do.

d. In approximately August 1995, client #1 spent the night at Licensee's home and slept on a futon couch in Licensee's living room. The next morning, Licensee drove client #1 to the airport where client #1 was departing for a trip to Vermont.

e. In late December 1995 or early January 1996, Licensee and client #1 began spending increasing amounts of time together and began developing an increasingly close friendship. Also during this period, Licensee and client #1 began to kiss and embrace each other.

f. In March 1996, Licensee told her supervisor that her relationship with client #1 had evolved into a strong friendship. Licensee and her supervisor again discussed the limitations of relationships with clients and boundary issues.

g. Beginning in approximately April 1996, Licensee and client #1 began spending the night at each other's homes one or two times a week and would sometimes sleep together in the same bed.

h. In August 1996, Licensee and client #1 traveled to Michigan on a camping trip. During this trip, Licensee and client #1 shared the same tent.

i. On one occasion in approximately August of 1996, the building manager of client #1's apartment entered client #1's apartment and saw Licensee come out of client #1's bedroom. Licensee appeared to have just gotten out of bed as her hair was messed up and she was not dressed in street clothes.

j. Some time between July and September 1996, client #1 moved into the same house with Licensee and two other women.

k. On September 23, 1996, Licensee told her supervisor that she and client #1 had slept together in the same bed and had kissed "in a friendly way." Licensee told her supervisor that she was following "the letter of the law" with respect to the Board's rules. Because the rules mention sexual activity with a client, but do not specifically mention kissing or sleeping in the same bed, Licensee believes she is not violating the Board's rules.

l. On September 30, 1996, Licensee's immediate supervisor and other supervisory personnel met with her to discuss her personal relationship with client #1. During the meeting, Licensee informed them that she and client #1 had reviewed the Board's rules and Minnesota Statutes regarding personal relationships between therapists and clients. Licensee admitted that client #1 had recently moved into the same house with her. Licensee told them that she and client #1 intended to maintain a non-sexual relationship until two years had elapsed from the date therapy terminated.

m. On October 1, 1996, Licensee was placed on a three-month unpaid leave from work, pending a review of her conduct and any action taken by the Board.

n. In November 1996, Licensee and client #1 moved into a two-bedroom apartment together in St. Paul.

o. On April 11, 1997, Licensee attended a conference with the Board's Complaint Resolution Committee. During the conference, Licensee acknowledged that she had used poor judgment in becoming involved in a close personal relationship with her former client. Specifically, Licensee engaged in unprofessional conduct in that her post-therapeutic relationship with client #1 may have been detrimental to the client's therapy. Client #1 sought assistance from Licensee for help with relationship problems and boundary issues, and Licensee's conduct with client #1 perpetuates these issues for her and may have been harmful to the therapeutic process.

REGULATIONS

3. The Board views Licensee's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minn. Stat. §§ 148.98 (1996) (rules of conduct); 148.941, subd. 2(a)(1) (1996) (violation of statute or rule Board is empowered to enforce); 148.941, subd. 2(a)(3) (1996) and Minn. R. 7200.5700 (unprofessional conduct); and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

REMEDY

4. Upon this stipulation and without any further notice of proceedings, the Board places Licensee's license in a **SUSPENDED** status until she completes the professional boundaries course described in paragraphs 4.a. through 4.c. below. Upon notification by the Committee that she has successfully completed the boundaries course, Licensee's license shall be reinstated. Upon reinstatement, Licensee's retention of her license is conditional upon her complying with and/or submitting or causing to be submitted at least the requirements set forth in paragraphs 4.d. through 4.h. below.

a. **Boundaries Course.** Licensee shall successfully complete the individualized professional boundaries training course taught by John Hung, Ph.D., L.P. All fees for the course shall be paid by Licensee. Successful completion shall be determined by the Board.

b. **Report on Boundaries Course.** Within 30 days of completing the professional boundaries course referenced above, Licensee shall submit a report to the Board which provides and addresses:

- 1) the dates Licensee began and completed the boundaries training course;
- 2) a brief statement of the topics covered in the professional boundaries training course;

3) what Licensee has learned from the boundaries training course, including Licensee's comprehension and knowledge of boundary issues, as well as various ethical issues encountered in her practice, and how this course will affect her practice in the future;

4) Licensee's reasons for believing that she is capable of conducting herself in a fit, competent, and ethical manner in the practice of psychology; and

5) any other information which Licensee believes would assist the Board in its ultimate review of this matter.

c. **Report on Boundaries Course from Instructor.** Within 60 days of completing the professional boundaries course referenced above, Licensee shall cause to be submitted to the Board a report from the instructor of the professional boundaries course. This report shall address:

1) the extent of Licensee's participation in the course; and

2) the instructor's assessment of Licensee's knowledge obtained from the course and opinion as to Licensee's recognition of boundary issues and Licensee's ethical fitness to engage in the practice of psychology.

d. **Supervision of Licensee by Board approved psychologist.** Licensee shall practice psychology only under the supervision of a supervising psychologist approved in advance by the Complaint Resolution Committee from a list of at least three names Licensee has submitted to the Committee. Licensee shall cause each psychologist listed to submit a current vitae to the Board for the Committee's review prior to its approval of a supervisor. The Committee reserves the right to reject all names submitted by Licensee. If the Committee rejects any names submitted, the Committee may require that Licensee submit additional names as described above or the Committee may provide Licensee with the name of a supervisor. Licensee shall have no previous personal or professional relationship with the supervisor. Licensee shall obtain a supervising psychologist within one month of the date her license is reinstated upon successful completion of the professional boundaries course

described above and shall meet with the supervising psychologist twice per month for no less than one hour per meeting for a period of 18 months. The purpose of the meetings is to review and discuss ethical and boundary issues occurring within Licensee's practice.

e. **Supervisor's Reports.** The supervising psychologist shall provide a report to the Board every three months and at the time Licensee petitions to have the conditions removed from her license. The first report is due three months from the date supervision begins and all subsequent reports shall be submitted on the first day of the month in which they are due. Each report shall provide and/or address:

- 1) In the first report, evidence that Licensee's supervisor has received and reviewed a copy of the Stipulation and Consent Order;
- 2) Dates on which supervision took place with Licensee;
- 3) Method by which supervision was conducted;
- 4) A statement that all cases have been reviewed, any problems which were discovered in the review, and the resolution of the problems;
- 5) The supervisor's opinion as to Licensee's ability to provide ethical and competent services;
- 6) Any other information which the supervisor believes would assist the Board in its ultimate review of this matter;
- 7) At the time Licensee petitions for removal of the above referenced conditions, the supervisor's report shall include an assessment of Licensee's ability to conduct herself in a fit, competent and ethical manner in the practice of psychology as well as whether Licensee exhibits an acceptable comprehension and knowledge of ethical issues encountered in practice as well as the ability to apply this knowledge.

f. **Licensee's Own Reports.** A report shall be submitted every three months and at the time Licensee petitions to have the conditions removed from her license. The first report is due three months after supervision begins, and all subsequent reports shall be

submitted by the first day of the month in which they are due. Each report shall provide and/or address:

1) A brief statement of the topics discussed at each supervision meeting;

2) What Licensee has learned from the consultations, including her own statement as to her comprehension and knowledge of ethical issues encountered in practice;

3) At the time Licensee petitions for removal of the conditions, Licensee's reasons for believing that she is capable of conducting herself in a fit, competent, and ethical manner in the practice of psychology; and

4) Any other information which Licensee believes would assist the Board in its ultimate review of this matter.

g. **Civil Penalty.** Licensee is assessed a civil penalty in the amount of \$1,500.00. Payment of \$1,500.00 shall be remitted in full to the Minnesota Board of Psychology at Suite 320, 2829 University Avenue S.E., Minneapolis, Minnesota 55414, within six months of the date of this order.

h. **Costs.** Licensee shall be responsible for all costs incurred as a result of compliance with this Stipulation and Order.

5. All reports shall cover the entire reporting period and provide the bases upon which conclusions were drawn.

6. The Board or its authorized representatives shall have the right to discuss Licensee's condition with and obtain records from any person with whom Licensee has contact as a result of her compliance with this Stipulation and Order or as a result of her being examined or her obtaining treatment, counseling, or other assistance on her own initiative or otherwise. Licensee shall execute and provide any health record or other waivers necessary for submission of the reports referenced in the stipulation to enable the Board to obtain the

information it desires and to authorize the testimony of those contacted by the Board in any proceeding related to this matter.

7. The Board may, at any regularly scheduled meeting at which Licensee has made a timely petition, take any of the following actions:

- a. Remove the conditions attached to the license of Licensee;
- b. Amend the conditions attached to the license of Licensee;
- c. Continue the conditions attached to the license of Licensee upon her failure to meet her burden of proof;
- d. Impose additional conditions or restrictions on the license of Licensee.

8. If Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the license of Licensee to practice psychology in the State of Minnesota shall be suspended immediately upon written notice by the Board to Licensee, such a suspension to remain in full force and effect until Licensee petitions the Board to terminate the suspension after a hearing. Nothing contained herein shall prevent the Board from revoking or suspending Licensee's license to practice psychology in the State of Minnesota after any such hearing.

9. If Licensee's license has been suspended pursuant to paragraph 8 above, Licensee may petition to have the suspension lifted at any regularly-scheduled board meeting following Licensee's submission of a petition, provided that the petition is received by the Board at least 20 working days before the Board meeting. The Board shall grant the petition upon a clear showing by Licensee that she has corrected all violations of this Stipulation and Order which were the basis for the suspension. Based on the evidence presented, the Board may impose additional conditions or limitations upon reinstating Licensee's license.

10. 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 omission 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.

11. In the event the Board at its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, then, and in that event, 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 Licensee agrees that should the Board reject this stipulation and this case proceeds to hearing, Licensee 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.

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

13. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Licensee has been represented by Ann C. Viitala.

14. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee 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.

15. Licensee 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, Licensee acknowledges that she is fully aware that the stipulation shall be approved by the Board. The Board may either approve the Stipulation and Order as proposed, approve the Stipulation and Order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein.

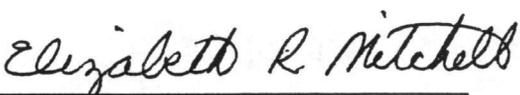
16. This Stipulation and Consent Order constitutes a disciplinary action against the Licensee.

17. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks.

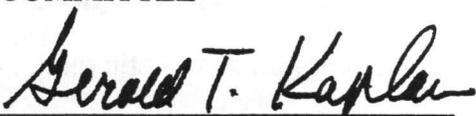
18. This stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

BOARD OF PSYCHOLOGY

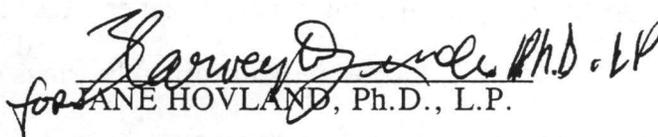
COMPLAINT RESOLUTION
COMMITTEE


ELIZABETH R. MITCHELL, M.A., L.P.
Licensee

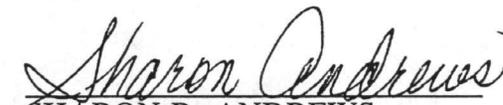
Dated: May 9, 1997


GERALD T. KAPLAN, M.A., L.P.

Dated: June 13, 1997


JANE HOVLAND, Ph.D., L.P.

Dated: June 13, 1997


SHARON R. ANDREWS

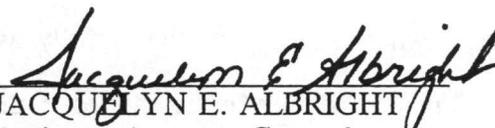
Dated: June 13, 1997


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Attorney for Licensee

Dated: 5/9, 1997


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Attorney for Board

Dated: June 13, 1997

ORDER

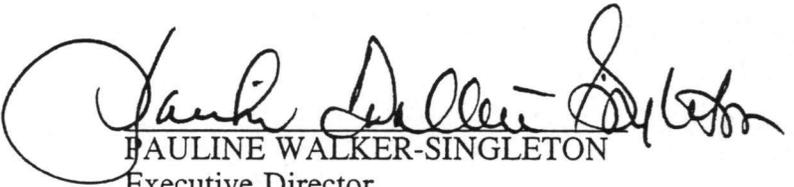
Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that the license of Licensee is placed in a SUSPENDED
status. Following reinstatement, the license of Licensee shall be in a CONDITIONAL status.

All other terms of this stipulation are adopted and implemented by the Board this 13~~th~~ day of

June, 1997.

MINNESOTA BOARD

OF PSYCHOLOGY


PAULINE WALKER-SINGLETON
Executive Director

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