

BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY

In the Matter of
Mark T. Orth, M.A., L.P.
License No. LP0184

STIPULATION AND
CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by Mark T. Orth, 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 he 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. Through his own action or by instruction to clerical staff, Licensee misrepresented to a third party payor the actual provider of services to clients, dates that services were provided to clients, the nature of services provided to clients, and the recipient of psychological services in order to obtain insurance reimbursement.

b. Licensee misbilled Medical Assistance clients and was required to reimburse the Department of Human Services for Medical Assistance misbillings.

c. Licensee failed to cooperate with the Board's investigation in that he failed to respond fully and truthfully to the Board's questions during conferences with the Discipline Committee in 1993 and in his written responses to the Board.

STATUTES

3. Licensee agrees that the Board may find that the facts and conduct as stated in paragraph 2 above constitute a violation of Minn. R. 7200.5200, subps. 2, 3 and 4 (misrepresentation to a client and/or a third party the services provided to a client); Minn. R. 7200.5600 (engaging in conduct that deceived and/or defrauded the public or the Board);

Minn. Stat. § 148.941, subd. 4 (failure to cooperate with Board investigation) and Minn. Stat. § 148.98 (violation of code of ethics) and constitute a reasonable basis in law and fact to impose the following disciplinary action.

REMEDY

4. In the interest of settling this matter and avoiding the necessity of further proceedings, Licensee and the Board hereby agree that upon this stipulation and all of the files, records, and proceedings herein, and without any further notice of hearing herein, Licensee's license to practice psychology in Minnesota is **SUSPENDED**. Licensee consents that the Board may make and enter an order as follows:

a. Licensee's license to practice psychology in the State of Minnesota is **SUSPENDED** for a period of at least six months. During the period of suspension, Licensee shall not in any manner practice psychology in this state. The suspension shall take effect sixty days from the date of this order and shall remain in effect until such time as Licensee petitions the Board to terminate the suspension.

b. Licensee may petition the Board to have the suspension lifted no sooner than six months from the date of the suspension.

c. At the time Licensee petitions to have the suspension lifted, Licensee must state his reasons for believing that he is capable of conducting himself in a fit, competent, and ethical manner in the practice of psychology.

d. Following the period of suspension and at such time that the Board reinstates his license, Licensee's retention of his license is **CONDITIONAL** upon his complying with the following:

1) **Group Practice.** Following the period of suspension and upon reinstatement, Licensee shall practice psychology only in a group setting which has been approved in advance by the Board's Discipline Committee. The Discipline Committee shall approve a group practice setting if it includes other licensed psychologists all of whom are in good standing with the Board and who have no current or former financial or personal

relationship with Licensee. For purposes of this stipulation and consent order, group practice may also include Licensee's employment by a corporation that does not employ another licensed psychologist provided that neither Licensee nor the corporation bill third parties for psychological services rendered by Licensee.

2) **Billing Prohibition.** Licensee is prohibited from having any direct responsibility for billing client services. Licensee is further prohibited from providing direction or supervision to billing staff.

5. 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 revoked immediately upon written notice by the Board to Licensee, such a revocation to remain in full force and effect until Licensee petitions the Board to terminate the revocation after a hearing. Nothing contained herein shall prevent the Board from revoking Licensee's license to practice psychology in the State of Minnesota after any such hearing.

6. If Licensee's license has been revoked pursuant to paragraph 6 above, Licensee may petition to have the revocation 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 he has corrected all violations of this Stipulation and Order which were the basis for the revocation. Based on the evidence presented, the Board may impose additional conditions or limitations upon reinstating Licensee's license.

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 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.

8. 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.

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

10. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee is represented by Michael A. Hatch.

11. 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.

12. Licensee hereby acknowledges that he 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 he is fully aware that the stipulation must 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.

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

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

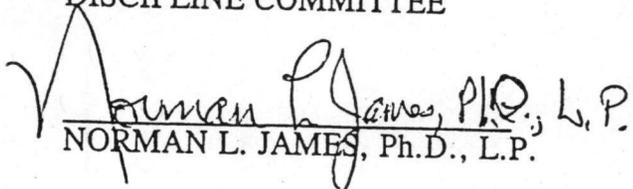
15. This stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

BOARD OF PSYCHOLOGY

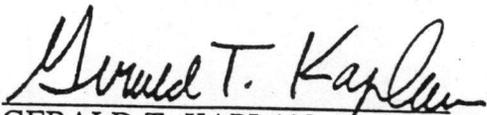
DISCIPLINE COMMITTEE


MARK T. ORTH, M.A., L.P.
Licensee

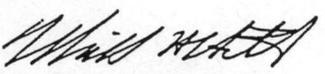
Dated: 9-8, 1995


NORMAN L. JAMES, Ph.D., L.P.

Dated: Sept 15, 1995

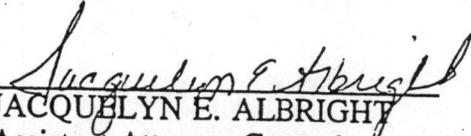

GERALD T. KAPLAN, M.A., L.P.

Dated: Sept. 15, 1995


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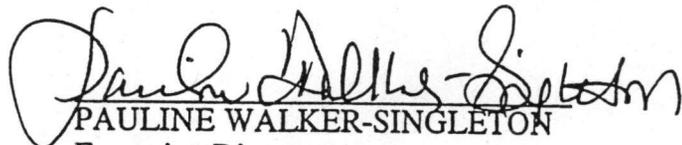
Dated: 9-15, 1995

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,
IT IS HEREBY ORDERED that Licensee's license to practice psychology in Minnesota
is **SUSPENDED** for a period of at least six months, and that the terms of this stipulation are
adopted and implemented by the Board this 15th day of Sept, 1995.

MINNESOTA BOARD

OF PSYCHOLOGY


PAULINE WALKER-SINGLETON
Executive Director

Drafted: August 18, 1995