

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

In the Matter of
Danie-Marie Osterlund, LMFT
License No. 1647

**STIPULATION AND CONSENT ORDER
FOR VOLUNTARY SURRENDER**

IT IS HEREBY STIPULATED AND AGREED by Danie-Marie Osterlund, LMFT (“Licensee”), and the Minnesota Board of Marriage and Family Therapy (“Board”) as follows:

1. Licensee has been subject to the jurisdiction of the Board from which she held a license to practice marriage and family therapy in the State of Minnesota for all times material herein.

FACTS

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

a. Licensee was licensed as a marriage and family therapist (“LMFT”) on September 12, 2008.

b. Licensee had a therapeutic relationship with a fourteen-year-old male client. In or around August of 2012, Licensee moved into an apartment close in proximity to the home of the client and his mother. As such, Licensee referred the client to another therapist. A few months later, the client and his mother moved into Licensee’s apartment building.

c. After the termination of the therapeutic relationship, Licensee and the former client frequently interacted in or near their apartment building.

d. Licensee interacted frequently with the mother of the same former client. Their interactions included: babysitting some of the former client’s siblings, asking the former

client's mother for alcohol, borrowing and lending money with the former client's mother, asking the former client's mother to babysit Licensee's daughter, and going to a bar with the former client's mother.

e. Licensee engaged in inappropriate behavior while interacting with the mother of the former client, including drinking alcohol and becoming intoxicated. On one occasion, Licensee fell in the basement when she was intoxicated and asked the former client's mother to assist her in calling an ambulance.

f. Licensee has engaged in dangerous behavior while consuming alcohol, including blacking out on at least one occasion, and on another occasion, driving a car after consuming alcohol while a child was in the car.

g. Licensee had difficulties at work. Licensee went on leave from work on May 29, 2013 due to personal and medical issues. Licensee was discharged from employment on August 2, 2013 due to violations of company policy and ethical rules.

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 and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in this Stipulation and Consent Order. Licensee agrees that the conduct cited above constitutes the following violations:

a. Engaging in the practice of marriage and family therapy in a manner harmful or dangerous to a client or to the public, in violation of Minn. Stat. § 148B.37, subd. 1(1);

b. Violating a provision of sections 148B.29 to 148B.39 or one or more of the rules of the Board, in violation of Minn. Stat. § 148B.37, subd. 1(3);

c. Failing to act in accordance with the highest standards of professional integrity and competence, in violation of Minn. R. 5300.0350, subp. 4;

d. Failing to seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment, in violation of Minn. R. 5300.0350, subp. 4.J.;

e. Engaging in unprofessional conduct, that is, violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest, in violation of Minn. R. 5300.0350, subp. 4.S.;

f. Failing to recognize the potentially influential position the therapist may have with respect to clients, and failing to avoid exploiting the trust and dependency of clients, in violation of Minn. R. 5300.0350, subp. 5.B.;

g. Failing to make every effort to avoid dual relationships with clients that could impair the therapist's professional judgment or increase the risk of exploitation, in violation of Minn. R. 5300.0350, subp. 5.B.;

REMEDY

4. Upon the foregoing facts and all the files, records, and proceedings herein, the board determines that disciplinary action is warranted. Without further notice or hearing, the Board enters an order as follows:

a. The Board accepts Licensee's **VOLUNTARY SURRENDER** of her license to practice marriage and family therapy. All state licenses and certificates shall be returned to the Board within ten (10) days of service of this Order.

b. Effective immediately, Licensee shall not practice, attempt to practice, offer to practice, or advertise or hold herself out as authorized to practice marriage and family therapy in Minnesota and shall not use the credentials LMFT or titles of marriage and family therapist, marriage and family counselor, professional therapist, professional counselor, or any other designation which indicates licensure as a licensed marriage and family therapist.

c. Licensee may not apply for a new license for a period of seven (7) years. Upon application, the burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of practicing marriage and family therapy in a fit and competent manner.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

5. If Licensee fails to comply with or violates this Stipulation and Consent Order the Review 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 Review Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Review Panel shall mail Licensee a notice of the violation(s) alleged by the Review 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 Review 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 Review Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Review

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. The Review 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 before 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 Review Panel not to seek discipline when it first learns of a violation shall not waive the Review 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 limited and conditional status.

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

6. In the event the Board at its discretion does not approve this settlement, 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.

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

8. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. The Complaint Panel is represented by Caitlin M. Grom, Assistant Attorney General.

9. 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.

10. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees, and representatives which may otherwise be available to Licensee under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Licensee's license to practice as a licensed marriage and family therapist under this stipulation.

11. 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 she is fully aware the stipulation is not binding unless and until it is approved by the Board.

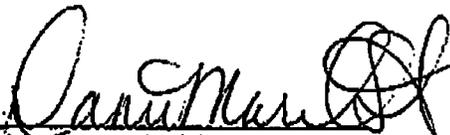
12. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

13. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and entities consistent with Board policy.

14. This Stipulation and Consent Order contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

LICENSEE

FOR THE COMPLAINT PANEL


DANIE-MARIE OSTERLUND


JENNIFER MOHLENHOFF
Executive Director

Dated: 06/23/15

Dated: July 17, 2015

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that the Board accepts Licensee's VOLUNTARY SURRENDER of her license to practice marriage and family therapy and that all other terms of this stipulation are adopted and implemented by the Board this 17 day of July, 2015.

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY


JENNIFER MOHLENHOFF
Executive Director