

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

In the Matter of the
License of Schuyler Seager, LMFT
License Number: 2049

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

The above-entitled matter came on for a prehearing conference on August 26, 2015, before Administrative Law Judge (“ALJ”) Ann C. O’Reilly at the request of the Minnesota Board of Marriage and Family Therapy (“Board”) Complaint Panel. The matter was initiated pursuant to the Notice and Order for Prehearing Conference and Hearing (“Notice of Hearing”) issued by the Board Complaint Panel on July 21, 2015. Jennifer R. Coates, Assistant Attorney General, represented the Board Complaint Panel. Schuyler Seager, LMFT (“Respondent”), made no appearance.

On September 22, 2015, the ALJ issued Findings of Fact, Conclusions of Law, and Recommendation (“ALJ’s report”), recommending the Board take disciplinary action against Respondent’s marriage and family therapy license. (A true and accurate copy of the ALJ’s report is attached hereto and incorporated herein as Exhibit A.)

The Board convened to consider the matter on November 20, 2015, in the University Room, on the first floor of University Park Plaza, 2829 University Avenue S.E., Minneapolis, Minnesota. Jennifer R. Coates, Assistant Attorney General, appeared and presented oral argument on behalf of the Board Complaint Panel. Respondent did not appear. Board members Denny Morrow, public member, and Herb Grant, LMFT board member, did not participate in deliberations and did not vote in the matter. Jennifer Mohlenhoff, Executive Director, did not

participate in the deliberations. Gregory J. Schaefer, Assistant Attorney General, was present to provide legal advice to the Board.

FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby accepts the September 22, 2015, ALJ's report and accordingly adopts and incorporates by reference the Findings of Fact therein. Paragraph 5 of the ALJ's Conclusions of Law states,

Under Minn. R. 1400.6000, when a party defaults by failing to appear at a prehearing conference without the prior consent of the judge, the allegations and the issues set out in the Notice and Order for Hearing may be taken as true and deemed proved. The Administrative Law Judge, therefore, deems the allegations set forth in the Notice and Order for Hearing to be true and proven.

The allegations contained in the Notice of Hearing are as follows:

1. The Board issued Respondent a license to practice marriage and family therapy in the State of Minnesota on August 20, 2009.
2. In, or about, July 2012, Respondent began employment with Employer #1 as an Adult Rehabilitative and Mental Health Services ("ARHMS") Supervisor.
3. As an ARHMS Supervisor, Respondent supervised several ARHMS workers and performed Diagnostic Assessment in the home of his ARHMS clients.
4. Respondent is prescribed Gabapentin to treat his seizure disorder.
5. In, or about, January 2013, a client of Employer #1 that Respondent saw regularly reported that Respondent took Gabapentin that was prescribed to the client.
6. In, or about, July 2013, Client M.B. reported that Respondent took Adderall prescribed to Client M.B.
7. In, or about, November 2013, Employer #1 noted that Respondent had incomplete diagnostic assessments and failed to complete performance reviews for his supervisees. Accordingly, Employer #1 instituted a development plan for Respondent.

8. In, or about, November 2013, Respondent began making home visits for Client C.T., who had a diagnosis of severe mental illness. Respondent visited Client C.T. on a minimum of two occasions without appropriately recording those visits in Client C.T.'s ARHMS file.

9. Client C.T. was prescribed Dilaudid and managed her own medications for several years without having issues with missing medications.

10. In November 2013, after Respondent's home visits with Client C.T. began, Client C.T. began to have issues with missing medications.

11. On, or about, November 13, 2013, Respondent visited Client C.T. at her home.

12. On, or about, November 14, 2013, the following events occurred:

a. At approximately 7:45 a.m., Respondent contacted Client C.T. via text message and asked if he could stop by Client C.T.'s house to look for his house keys that he believed he left at her home the previous day. Client C.T. agreed to let him come to the house.

b. Before Respondent arrived at her home, Client C.T. looked for Respondent's house keys and discovered 5 to 7 Dilaudid pills near where Respondent had been sitting the previous day. Client C.T. checked her Dilaudid pill bottle and discovered that she was missing between 40 to 60 pills and that some of her "Dilaudid" pills had been replaced with pills that were not Dilaudid.

c. At approximately 11:15 a.m., Respondent arrived at Client C.T.'s apartment. Client C.T. informed Respondent that she was missing Dilaudid and Respondent helped Client C.T. look for the missing Dilaudid pills in her apartment.

d. After searching for the missing Dilaudid pills, Client C.T. sat on her couch, which was covered with a sheet, and Respondent sat next to her, making Client C.T. feel

uncomfortable. While on the couch, Respondent dug around in his back pocket, while he watched Client C.T. play an electronic game.

e. At approximately 11:38 a.m., Respondent abruptly left Client C.T.'s home, without mentioning or looking for his house keys. Client C.T. asked Respondent via text message why he had not mentioned his keys. Respondent asserted that he had found his keys in the grass outside of Client C.T.'s building.

f. Client C.T. found a number of her Dilaudid pills in the folds of the sheet on the sofa where Respondent had been sitting.

13. In, or about, January 2014, Employer #1 noted that Respondent was not complying with his development plan.

14. In, or about, January 20, 2014, Respondent resigned his position with Employer #1.

15. During the course of his employment at Employer #1, Respondent treated Client M.H. who had a diagnosis of severe mental illness.

16. After Respondent's employment with Employer #1 ended in January 2014, Respondent continued to make home visits to Client M.H.

17. Between January 2014 and November 2014, Respondent made a minimum of 10 visits to Client M.H.'s home. During the time period that Respondent continued to visit Client M.H., the following occurred:

a. Respondent told Client M.H. that he would keep her company and that his wife would not mind if he came to her home.

b. Respondent visited Client M.H. in the hospital.

c. In March 2014, Client M.H. discovered that she was missing Gabapentin and Oxycodone.

d. In April 2014, Client M.H.'s ARHMS worker reported that Client M.H. continued to have missing medications, including, but not limited to, 70 missing Gabapentin pills.

e. In, or about, April 2014, Respondent made contact with Client M.H. in the following ways:

(1) Respondent took Client M.H. to appointments;

(2) Respondent ran errands for Client M.H.;

(3) Respondent often sent text messages to Client M.H.;

(4) Respondent visited Client M.H.'s home; and

(5) Respondent waited on Client M.H.'s driveway for Client M.H. to

return home. Upon Client M.H.'s return to her home, Respondent entered her home, checked her calendar, and searched her cupboards.

f. In September 2014, Client M.H. again discovered that she was missing medications. When seeking a refill for Oxycodone, Client M.H. found that the pills in her Oxycodone bottle were actually Vitamin D pills. The pharmacy denied that the prescription was filled incorrectly.

18. In January 2014, after resigning from Employer #1, Respondent began working at a facility for Employer #2.

19. In April 2014, while working at Employer #2, Respondent failed to complete paperwork, canceled client appointments, promised to change his work habits, and failed to follow through with clients or with changing work habits.

20. In May 2014, Employer #2 gave Respondent a choice between involuntary termination or resignation. Respondent resigned.

21. In May 2014, Respondent began working at Employer #3. On or about September 15, 2014, Respondent left Employer #3 to enter an alcoholism recovery program at "The Retreat."

22. From at least March 2014 through September of 2014, while employed with Employer #2 and Employer #3, but before entering treatment, Respondent consumed alcohol abusively. Respondent admitted that his "drug of choice" was alcohol.

23. On April 8, 2015, Licensee was served with a Notice of Conference With Board of Marriage and Family Therapy Complaint Panel, scheduling a conference on May 12, 2015. Licensee failed to attend the conference or notify the Board he would be unable to attend.

CONCLUSIONS OF LAW

1. The Board accepts the September 22, 2015, ALJ's report and accordingly adopts and incorporates the Conclusions of Law therein, including the ALJ's recommendation "that the Minnesota Board of Marriage and Family Therapy take reasonable and appropriate disciplinary action against the license of [Respondent]."

2. The Board concludes that Respondent's conduct constitutes a basis for disciplinary action as follows:

a. Failed 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. Stat. § 148B.37, subd. 1(3), and Minn. R. 5300.0350, subp. 4(J) (2014);

- b. Practiced under the influence of alcohol or any controlled substance not prescribed by a physician in violation of Minn. Stat. § 148B.37, subd. 1(3), and Minn. R. 5300.0350, subp. 4(K) (2014);
- c. Engaged in unprofessional conduct in violation of Minn. Stat. § 148B.37, subd. 1(3), and Minn. R. 5300.0350, subp. 4(S) (2014);
- d. Exploited the professional relationship with a client in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit in violation of Minn. Stat. § 148B.37, subd. 1(3), and Minn. R. 5300.0350, subp. 5(G) (2014);
- e. Used a client's confidence to the client's disadvantage in violation of Minn. Stat. § 148B.37, subd. 1(3), and Minn. R. 5300.0350, subp. 5(H) (2014);
- f. Provided services to a client with the therapist's objectivity or effectiveness being impaired in violation of Minn. Stat. § 148B.37, subd. 1(3), and Minn. R. 5300.0350, subp. 5(J) (2014);
- g. Failed to cooperate with an investigation of the Board in violation of Minn. Stat. § 148B.37, subd. 1(3), and Minn. Stat. § 148B.09 (2014); and
- h. Is incompetent to practice marriage and family therapy, and engaged 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).

ORDER

Based on the foregoing Findings of Fact and Conclusions and upon the recommendation of the ALJ, the Board issues the following Order:

1. NOW, THEREFORE, IT IS HEREBY ORDERED that Respondent's license as a marriage and family therapist in the State of Minnesota is **REVOKED**. Licensee shall immediately discontinue practicing marriage and family therapy in Minnesota.

2. IT IS FURTHER ORDERED that during the period of revocation Respondent shall not:

a. Engage or attempt to engage in any act or practice in the State of Minnesota which constitutes the practice of marriage and family therapy under Minnesota Statutes section 148B.01, et seq., and Minnesota Rules chapter 5300.0100, et seq.;

b. Advertise, use any of the terms or letters, including but not limited to "Marriage and Family Therapist," "MFT," "LMFT," or any other title or letters under any circumstances as to lead the public or patients to believe that he is engaged in the practice of marriage and family therapy;

c. Imply to patients or other persons by words or conduct that Respondent is authorized to practice marriage and family therapy in Minnesota; and

d. Provide, direct, or assist in the provision of marriage and family therapy to any person or engage in any other procedure or practice which may be undertaken in this state only by licensed health personnel or by the lawful delegates, assistants, technicians, or aids of such personnel.

3. IT IS FURTHER ORDERED that if Respondent is in possession of his license, Respondent shall surrender and personally deliver or mail the license to the Minnesota Board of

Marriage and Family Therapy, c/o Jennifer Mohlenhoff, Executive Director, Suite 400, 2829 University Avenue S.E., Minneapolis, Minnesota 55414, within ten days of the date of this Order.

4. IT IS FURTHER ORDERED that Respondent may apply for re-licensure following ten years from the date of this Order. Respondent must comply with all requirements for re-licensure at the time of his application. Respondent shall be required to meet with a Board Complaint Panel to review his application. Respondent shall cause to be submitted any information relevant to Respondent's application reasonably requested by the Board Complaint Panel. The burden of proof shall be on Respondent to demonstrate by a preponderance of the evidence that he is capable of practicing marriage and family therapy in a fit, competent, and ethical manner.

At the time he submits his application, Respondent shall comply with or provide the Board with, at a minimum, the following:

- a. A response to each separate fact set forth in the Findings of Fact.
- b. Evidence of compliance with the provisions of this Order. As part of the

proof of compliance, Respondent shall submit the following in support of his application:

- 1) Self-Report. Respondent shall submit to the Board a report from Respondent himself. The report shall be submitted at the time Respondent reapplies for his license. The report shall provide and address:

- a) Respondent's work schedule;
- b) Respondent's future plans in marriage and family therapy

and the steps he has taken to prepare himself to return to marriage and family therapy practice;
and

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

2) Report From Employer. Respondent shall cause to be submitted to the Board a report from Respondent's non-marriage and family therapy employer(s). The report shall be submitted at the time Respondent applies for his license. The report shall provide and address:

- a) Respondent's ability to perform assigned tasks;
- b) Respondent's attendance and reliability;
- c) Respondent's ability to handle stress;
- d) Respondent's typical work schedule; and
- e) Any other information the employer believes would assist the Board in its ultimate review of this matter.

5. IT IS FURTHER ORDERED that, pursuant to Minnesota Statutes section 148B.59(b)(7), when Respondent applies for a marriage and family therapy license, he must pay to the Board the total costs of the proceedings which resulted in the revocation of his license, including the costs paid by the Board to the Office of Administrative Hearings. The total costs of the proceedings are \$7570.00 and shall be paid by cashier's check(s) or money order(s) made payable to the Minnesota Board of Marriage and Family Therapy, c/o Jennifer Mohlenhoff, Executive Director, 2829 University Avenue S.E., Suite 400, Minneapolis, Minnesota 55414.

6. IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute the violation of a Board order for purposes of Minnesota Statutes section 148B.59(a)(1), and provide grounds for further disciplinary action.

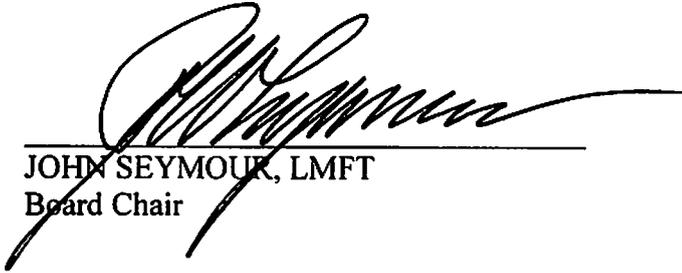
7. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's application pursuant to paragraph 4 above, take any of the following actions:

- a. Grant a marriage and family therapy license to Respondent;
- b. Grant a marriage and family therapy license to Respondent with limitations upon the scope of Respondent's practice and/or with conditions for Respondent's practice; or
- c. Continue the revocation of Respondent's marriage and family therapy license upon his failure to meet the burden of proof.

Dated: 12/07/2015

STATE OF MINNESOTA

BOARD OF MARRIAGE AND FAMILY
THERAPY



JOHN SEYMOUR, LMFT
Board Chair