

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

In the Matter of
Dee Ann Peterson, LMFT
License No. 1835

STIPULATION AND CONSENT ORDER

STIPULATION

Dee Ann Peterson, LMFT (“Licensee”), and the Complaint Panel of the Minnesota Board of Marriage and Family Therapy (“Complaint Panel”) agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Marriage and Family Therapy (“Board”) is authorized pursuant to Minnesota Statutes sections 148B.07 to 148B.48 to license and regulate marriage and family therapists and to take disciplinary action as appropriate.
2. Licensee holds a license from the Board to practice marriage and family therapy in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

BACKGROUND

3. On March 15, 2016, Licensee and her attorney, Mitchell J. Ask, Ask Law Office, 7032 East Fish Lake Road, Maple Grove, Minnesota 55311, appeared before the Complaint Panel, composed of Board members Herb Grant, Ph.D., LMFT and Dennis Morrow, Ph.D. to

discuss allegations contained in a Notice of Conference dated February 25, 2016. Caitlin M. Micko, Assistant Attorney General, represented the Complaint Panel at the conference.

III.

FACTS

4. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On October 15, 2009, Licensee was licensed by the Minnesota Board of Marriage and Family Therapy.

b. Licensee has been in private practice since December 2010 providing couples and family counseling.

c. On July 13, 2015, Licensee was hospitalized and underwent emergency surgery on her colon. Thereafter, Licensee was hospitalized for approximately one month.

d. On October 27, 2015, Licensee self-admitted to a residential treatment program. Licensee was diagnosed with severe alcohol use disorder, unspecified depressive disorder, and unspecified anxiety disorder.

e. On or about November 2, 2015, Licensee contacted the Health Professionals Services Program ("HPSP"). Licensee provided the following information to the HPSP:

i. Licensee was convicted of DUIs in 1992, 1994, and 1996.

ii. In 1996, Licensee was diagnosed with depression and anxiety.

iii. In 2010, Licensee was terminated from her employment at a medical center due to a relapse with alcohol.

iv. Licensee relapsed with alcohol again in 2015. In July of 2015, Licensee was drinking on a daily basis.

v. Licensee reported that she experienced blackouts while drinking alcohol and experienced symptoms of withdrawal including shakes, sweats, and nausea.

f. On November 30, 2015, Licensee was discharged from residential treatment with recommendations for follow up treatment.

g. On December 8, 2015, the HPSP unsatisfactorily discharged Licensee from the program for not returning enrollment materials and not following discharge recommendations from residential treatment.

h. At the March 15, 2016, conference with the Complaint Panel, Licensee admitted to a history of alcohol abuse, and stated she had gone through approximately twelve treatment programs since 1991. Additionally, Licensee admitted that she did not have an appropriate transfer of records plan in place to manage patient care and record management during her emergency surgery and subsequent medical leave in July 2015.

IV.

LAWS

5. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes § 148B.37, subd. 1(3) and Minn. R. 5300.0350, subp. 4(J), 4(K), and 4(S), and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Stayed Suspension

6. The Board hereby **SUSPENDS** Licensee's license to practice marriage and family therapy in the State of Minnesota. The suspension is **STAYED** so long as Licensee complies with the following requirements:

a) Participation in HPSP. Licensee must contact the Health Professionals Services Program ("HPSP") at (651) 642-0487 to initiate enrollment in the HPSP within 14 days of the date of this Order. Licensee is then required to sign a minimum 6-month Participation Agreement with HPSP no later than 60 days following the date of this Order. Licensee must comply with and successfully complete all terms of her HPSP Participation Agreement.

b) Emergency Management/Transfer of Records Plan. Within 60 days of this Order, Licensee shall submit to the Complaint Panel an Emergency Management/Transfer of Records Plan ("Plan"). The Plan shall address how Licensee, in the event of an emergency, will notify her clients of the emergency and transfer client records in accordance with client confidentiality and other rules of this Board. The Plan shall be approved by the Complaint Panel. The Complaint Panel shall have sole discretion to approve or deny the Plan.

c) Additional Information. Licensee must provide any additional relevant information reasonably requested by the Board.

B. Removal of Stayed Suspension

7. The stayed suspension of Licensee's license will be administratively removed upon HPSP's written notification to the Board of Licensee's successful completion of the terms of the Participation Agreement and upon satisfactory submission of the Emergency Management/Transfer of Records Plan. The removal is effective upon written notification to Licensee by the Board of the removal of the stayed suspension.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

8. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States Mail, courier, or personal delivery only.

9. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Complaint 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 Complaint Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Complaint Panel shall mail Licensee a notice of the violation(s) alleged by the Complaint 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 Complaint 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 Complaint Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Complaint 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 Complaint 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 Complaint Panel not to seek discipline when it first learns of a violation shall not waive the Complaint 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 suspended 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 additional conditions or limitations on Licensee's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Licensee's license.

f. Nothing herein shall limit the Complaint Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 148B.175,

subdivision 7 or Minnesota Statute 214.077, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. In addition, if Licensee fails to comply with or violates this Stipulation and Consent Order or it is determined Licensee has further violated Minnesota Rules Chapter 5300, the Complaint Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or bringing this matter directly before the Board.

VII.

ADDITIONAL INFORMATION

10. IT IS FURTHER STIPULATED AND AGREED that this Stipulation shall not in any way limit or affect the authority of the Board to initiate administrative contested case proceedings against Licensee on the basis of any act, conduct or omission of Licensee occurring before or after the date of this Stipulation which is not related to the facts, circumstances or requirements referenced hereinabove, nor does this Stipulation in any way limit or affect the Board's authority to seek injunctive relief or criminal sanctions against Licensee for any violation of Minnesota Statutes section 148B.32 or Minnesota Rule 5300.0350 occurring after the effective date of this Order herein.

11. This Order and the Stipulation of which it is a part shall be deemed to be public documents.

12. Licensee has voluntarily entered into this Stipulation without threat or promise by the Board or any of its members, employees or agents, and after consultation with and advice from Licensee's counsel.

13. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota United States Constitution, statutes, or rules.

14. Licensee acknowledges that she may seek the advice of legal counsel prior to executing this Stipulation.

15. This Stipulation was read in its entirety by Licensee prior to its execution, she understands all of its provisions, and she affirms that it was entered into freely and voluntarily by her.

16. Licensee waives any claims against the Board, the Minnesota Attorney General's Office, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

17. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

18. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

19. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

20. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may

either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

21. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

22. This Stipulation and Consent Order shall not limit the Board's authority 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 which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

DATA PRACTICES NOTICES

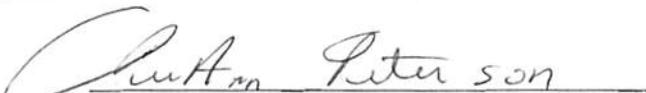
23. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Therefore, employers and other individuals will be able to see this entire Stipulation and Consent Order by searching Licensee's name on the Board's website, or by requesting a copy of this Stipulation and Consent Order from the Board. Data regarding this action will be provided to data banks as required by Federal law and consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is

considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

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

LICENSEE:

BOARD OF MARRIAGE AND FAMILY
THERAPY COMPLAINT PANEL


Dee Ann Peterson, LMFT
Licensee


Board Member Signature
DENNIS R MORROW
Printed Name

Dated: 4-25, 2016

Dated: 18 MAY, 2016

ORDER

Upon consideration of the Stipulation, the Board places Licensee's license in a **STAYED** **SUSPENDED** status and adopts all of the terms described above on this 20 day of May, 2016.

MINNESOTA BOARD OF MARRIAGE
AND FAMILY THERAPY


JENNIFER MOHLENHOFF
Executive Director