BEFORE THE MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of
Ruth Aldana-Ricketts
Applicant

FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Marriage and Family Therapy ("Board") on January 16, 2015, convened at 2829 University Avenue S.E., Minneapolis, Minnesota 55414. The Board conducted a hearing pursuant to the procedure set forth in Section VI of the 2014 Stipulation and Order ("2014 Order") adopted by the Board on March 28, 2014, regarding Ruth Aldana-Ricketts, Applicant ("Respondent"). Jennifer R. Coates, Assistant Attorney General, appeared on behalf of the Board Complaint Panel. Respondent did not appear. Board members Dennis Morrow and Herb Grant did not participate in deliberations and did not vote in the matter. Gregory J. Schaefer, Assistant Attorney General, was present as legal advisor to the Board.

FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. The Board is authorized pursuant to Minnesota Statutes sections 148B.01 to 148B.39 to license, regulate, and discipline persons who apply for, petition, or hold licenses as marriage and family therapists and is further authorized pursuant to Minnesota Statutes sections 214.10 and 214.103 to review complaints, to refer such complaints to the Attorney General's Office, and to initiate appropriate disciplinary action.

2. Respondent agreed to and signed the Stipulation and Order adopted by the Board on March 28, 2014. (A true and accurate copy of the 2014 Order is attached hereto and incorporated herein as Exhibit A.) In Section VI of the 2014 Order, Respondent expressly acknowledged and agreed to several procedures the Complaint Panel may use to resolve alleged noncompliance with or violation of the 2014 Order.

3. The Complaint Panel received information that Respondent has failed to comply with or violated the 2014 Order. On April 19, 2014, Respondent sent a letter to the Board stating that she would not complete the following requirements of the 2014 Order, because she did not intend to practice marriage and family therapy any longer:

a. Complete and pass a Board-approved Ethics course within 18 months of the date of the 2014 Order;

b. Write a report regarding Respondent's comprehension of ethical issues and cause to have submitted to the Board a report from the Ethics Course instructor; and

c. Obtain a Board-approved Supervisor.

4. On December 4, 2014, Respondent was served with a Notice of Hearing for Alleged Noncompliance With Stipulation and Order by first-class mail at her last known address on file with the Board. The Notice informed Respondent of the alleged violations and of the date, time, and place of the hearing. The Notice also informed Respondent she was required to submit a response to the allegations in the Notice within ten days after the Notice was mailed. Respondent submitted a written response dated December 10, 2014, confirming her intention not to pursue licensure by the Board.

CONCLUSIONS

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions:

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 148B.01, *et seq.*, 214.10, and 214.103.

2. The Board Complaint Panel gave proper notice of the alleged violations to Respondent, pursuant to Section VI of the 2014 Order.

3. The Board Complaint Panel has proved by a preponderance of the evidence that Respondent has violated 1) Minnesota Statutes section 148B.37 (2014) and 2) the 2014 Order.

4. As a result of the violations set forth above and pursuant to the terms of the 2014 Order, the Board has the authority to impose additional disciplinary action against Respondent.

ORDER

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the 2014 Order issued to Respondent on March 28, 2014, is hereby **RESCINDED** and shall have no future force or effect except as incorporated and restated herein.

IT IS FURTHER ORDERED that Respondent's application for licensure as a marriage and family therapist in the State of Minnesota is hereby **DENIED** immediately. 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. Sit for the National Examination in Marital and Family Therapy;

c. 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 she is engaged in the practice of marriage and family therapy;

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

e. 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.

IT IS FURTHER ORDERED that Respondent may re-apply for licensure to this Board no sooner than ten (10) years from the date of this Order. Respondent shall be treated like an initial applicant to the Board, unless otherwise stated herein, and must fulfill all requirements for licensure required for an initial applicant to the Board. At the time Respondent applies for licensure, Respondent must prove by a preponderance of the evidence that she is fit and competent to practice marriage and family therapy and that she has been sufficiently rehabilitated. The Board may consider any other factors it deems relevant in determining whether Respondent is fit and competent to practice marriage and family therapy and has been sufficiently rehabilitated. The Board shall be the sole determiner of whether Respondent is rehabilitated and fit and competent to practice marriage and family therapy.

IT IS FURTHER ORDERED that upon applying for licensure, Respondent may be required to meet with a Board Complaint Panel. Respondent must provide the Complaint Panel with any additional information it reasonably requests. Based on the evidence presented by Respondent, the Complaint Panel will make a recommendation to the Board as to whether Respondent has proved by a preponderance of evidence that she is fit and competent to practice

marriage and family therapy. The full Board, however, shall make the final decision regarding whether to license Respondent to practice marriage and family therapy.

IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's application for licensure pursuant to the above paragraphs, take any of the following actions:

a. Issue a license to Respondent;

b. Issue a license to Respondent with conditions for Respondent's practice, limitations upon the scope of Respondent's practice, impose a period of probation upon Respondent's license, and/or impose any other action available by law; or

c. Deny Respondent a license based upon her failure to meet the requirements for licensure and/or the burden of proof.

Dated: January 23, 2015

MINNESOTA BOARD
OF MARRIAGE AND FAMILY THERAPY

JOHN SEYMOUR, Ph.D., LMFT
Board Chair

STATE OF MINNESOTA
BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of
Ruth Aldana-Ricketts
Applicant

STIPULATION AND ORDER

I. INTRODUCTION

1. Ruth Aldana-Ricketts ("Respondent") and the Minnesota Board of Marriage and Family Therapy Complaint Panel ("Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

II. BACKGROUND AND JURISDICTION

2. On January 9, 2014, Respondent and her attorney, John Degnan, appeared before the Panel, composed of Board Members Dennis Morrow and Herb Grant, to discuss allegations contained in a Notice of Conference served on December 3, 2013. Jennifer Coates, Assistant Attorney General, represented the Panel at the conference.

3. The Minnesota Board of Marriage and Family Therapy ("Board") is authorized pursuant to Minnesota Statutes chapter 148B to license and regulate Marriage and Family Therapists and applicants to the Board; refer complaints against Marriage and Family Therapists to the Attorney General for investigation; and to take disciplinary action when appropriate.

4. Respondent is an applicant to the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this stipulation. Respondent applied for licensure with the Board on September 20, 2007. By letter dated September 26, 2007, the Board approved Respondent to sit for the national examination in Marriage and Family Therapy.

5. As of the date of this agreement, Respondent has not completed the requirements for licensure as a Marriage and Family Therapist and is not a licensed Marriage and Family Therapist or a Licensed Associate Marriage and Family Therapist in the state of Minnesota.

III. FACTS

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

a. On November 12, 2012, Respondent began employment at a counseling center (the "Center") in New Brighton, Minnesota.

b. While employed at the Center, Respondent engaged in the following conduct:

i. At a meeting on August 8, 2013, Respondent's supervisor discovered that Respondent had been identifying herself as a Licensed Associate Marriage and Family Therapist (LAMFT) on clinical case notes and written correspondence with social service agencies and families.

ii. Upon further questioning, Respondent admitted that she had not passed the national examination in marriage and family therapy and that she was not licensed as a LAMFT by the Board.

iii. Respondent admitted to using the designation "LAMFT" on her business cards, but stated that was instructed to do so by a staff member. She could not provide a name of the staff person who so directed her.

iv. Respondent's nametag also identified her as a LAMFT. Respondent wore the nametag in sessions with clients, but did not disclose to clients that

she was not a LAMFT. At the conference, Respondent could not articulate why this confusion would be harmful to patients.

7. On August 20, 2013, Respondent met with her clinical supervisor and the Center Program Director. At that meeting, Respondent reported that a staff member instructed her to identify herself as a "LAMFT," but she could not identify which staff member. When asked why she did not address this issue with her supervisor, Respondent reported that she was too busy with her work. At the conference, Respondent stated that she eventually stopped asking for the correction to be made. Respondent could not identify the staff member who so directed her.

8. Also at the August 20, 2013 meeting, Respondent could not provide a direct answer to the question as to why she continued to sign her name with the LAMFT designation during her nine months of employment with the Center. Respondent replied that she was too busy to fix this. At the conference, Respondent admitted that she signed her name with the LAMFT designation on all of her professional correspondence, including correspondence to the patient's physicians.

9. On August 21, 2013, Respondent resigned her employment with the Center.

IV. LAWS

10. Respondent admits that the conduct described in section III constitutes a violation of Minn. R. 5300.0350, subp. 4(A), (N), (S); subp. 5(c) (2012); Minn. Stat. 148B.37, subd.1(1) and (3) (2012). Respondent further admits that the conduct and these violations justify the disciplinary action described in section V below.

V. DISCIPLINARY ACTION

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

a. The Board hereby REPRIMANDS Respondent.

b. Upon LAMFT licensure status being granted, Respondent will be SUSPENDED. That suspension will be stayed for 12 months.

c. In addition, Respondent shall comply with the following conditions:

i. Ethics Course.

a) Within 18 months of the date of this Order, Respondent shall enroll, attend, and complete a Board-approved Ethics Course (the "Course").

b) The Course must be a 3-Credit, Graduate Level Course taught as part of an accredited Marriage and Family Therapy Program.

c) Respondent must receive a passing grade in the Course to satisfy the Course condition. A passing grade is a Pass on a Pass/Fail scale, a C or above on an A-F scale, or any equivalent thereof.

d) To secure approval of the Course, Respondent shall submit to the Board an official course description, as well as, the instructor's name and applicable credentials. The Board may also require a syllabus that includes the course's goals, objectives, assignments, projects, methods, and frequency of evaluation, as well as, any additional information required to evaluate the course for approval.

e) Respondent must provide the Board with written documentation from the Course instructor that confirms successful completion of the Course.

f) All fees for the course shall be paid by the Respondent.

ii. Report on Ethics Course from Respondent. Within 30 days of completing the Course, Respondent shall submit a written report to the Complaint Panel which provides and/or addresses the following:

a) The dates Respondent began and completed the Course;

b) A brief statement of the topics covered in the Course;

c) A detailed discussion of what Respondent has learned from the Course, including Respondent's comprehension and knowledge of ethical issues, as well as various ethical issues encountered in practice, and how this course will affect her practice in the future;

d) A detailed discussion of the violations that occurred, including:

(1) How Respondent came to violate professional ethical standards;

(2) The manner in which Respondent violated these ethical standards;

(3) The specific harm to each individual that resulted, and the potential harm to other individuals that could have resulted from Respondent's conduct;

(4) How Respondent now believes the violations could have been averted;

(5) A detailed discussion of the specific ways this course may affect Respondent's practice if she is granted unconditional licensure as an LMFT;

(6) Respondent's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of marriage and family therapy; and

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

iii. ***Report on Ethics Course From Instructor.*** Within 60 days of completing the ethics course referenced above, Respondent shall cause to be submitted to the Complaint Panel a report from the instructor of the ethics course. This report shall address:

a) The extent of Respondent's participation in the course; and

b) The instructor's assessment of Respondent's knowledge obtained from the course, comprehension of the material issues, and opinion as to Respondent's ethical fitness to engage in the practice of marriage and family therapy.

iv. ***Board-Approved Supervision.***

a) Within 60 days of the date of this Order, Respondent must obtain a Board-approved supervisor to provide supervision of Respondent's clinical ability and awareness of ethical responsibilities. Respondent's supervisor must be approved in advance by the Review Panel.

b) Supervision must be at a rate of no less than one hour of individual supervision for every five hours of client contact.

c) Supervision shall continue until Respondent is granted an unconditional LMFT license.

d) Every 6 months following approval by the Review Panel of Respondent's Board-approved supervisor, the Board-approved supervisor must file reports with the Board. Each report shall provide and/or address the following:

d. (In the first report only) Evidence Respondent's supervisor has received and reviewed a copy of this Stipulation and consent Order;

e. Dates on which supervision took place with Respondent;

f. The method by which supervision was conducted;

g. A statement that all cases have been reviewed, a description of any problems discovered in the review, and the resolution of the problems;

h. The supervisor's opinion as to Respondent's ability to provide competent services; and

i. Any other information the supervisor believes would assist the Board in its review of Respondent's application for licensure.

v. Civil Penalty. Respondent shall pay a **CIVIL PENALTY** in the amount of $1,000.00. The Board has determined a civil penalty is appropriate based on the facts herein and will serve to deprive Respondent of any economic advantage gained by reason of the violation described above and discourage repeated violations. The civil penalty shall be paid by cashier's check or money order made payable to the Minnesota Board of Marriage and Family Therapy and shall be delivered personally or by mail 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, prior to petitioning for reinstatement.

12. It is Respondent's responsibility to ensure all reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report, evaluation, or documentation. Failure to 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.

13. Respondent may petition the Board to have the suspended status removed from her LAMFT license no earlier than 12 months after such time as she is granted licensure by the Board. Her license may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner in the practice of marriage and family therapy.

14. The Board may, at any regularly scheduled meeting following Respondent's petition for removal of suspension take any of the following actions:

a. Issue an Order granting Respondent an unrestricted license;

b. Issue an Order granting Respondent a license with limitations upon

c. the scope of Respondent's practice and/or with conditions for Respondent's practice; or

d. Continue the suspension of Respondent's license upon her failure to

e. meet the burden of proof.

15. Respondent shall meet all requirements in effect at the time of her petition, including but not limited to completing the appropriate application, paying the requisite fees, and completing any necessary continuing education requirements.

VI. CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

Noncompliance With Requirements

a. If the Review Panel has probable cause to believe Respondent has failed to comply with or has violated any of the requirements as outlined above, the Review Panel may either automatically Order Denial of Respondent's Application for Licensure or Remove the stay of suspension on Respondent's license.

i. The Denial of Application for Licensure ("Order of Denial") or Order of Removal of Stay ("Order of Removal") (collectively the "Orders") shall take effect upon service. Respondent agrees that the Review Panel is authorized to issue an Order of Denial or Removal of Stay, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in this section. The Orders shall confirm the Review Panel has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements to maintain applicant status. Respondent further agrees that either Order issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act.

16. Respondent may contest the Orders pursuant to the following procedure:

b. Respondent shall request a hearing within 14 days of receiving the Orders.

c. After receiving Respondent's request, the Panel shall schedule a hearing before the Board. At least 30 days before the hearing, the Panel shall mail Respondent a notice

of the violation(s) alleged by the Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

d. The Panel, in its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

e. Prior to the hearing before the Board, the Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Panel and Respondent 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 Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present argument concerning the appropriateness of additional discipline.

f. Respondent 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.

g. Respondent'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 Panel not to seek discipline when it first learns of a violation shall not waive the Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time.

h. 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 lifting of the stay on the suspension, additional conditions or limitations on Respondent's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Respondent's license.

i. Nothing herein shall limit the Review Panel's or the Board's right to seek additional discipline pursuant to Minnesota Statutes section 148B.175, subdivision 7, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein. In addition, if Respondent fails to comply with or violates this Stipulation and Consent Order or it is determined Respondent has further violated Minnesota Statutes sections 148B.01 to 148B.39 or Minnesota Rules chapter 5300, the Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or

VII. ADDITIONAL INFORMATION

17. 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 Respondent on the basis of any act, conduct or omission of Respondent 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 Respondent for any violation of Minnesota Statutes section 148B.32 or Minnesota Rule 5300.0350 occurring after the effective date of the Order herein.

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

19. Respondent 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 Respondent's counsel.

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

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

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

23. Respondent 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 Respondent under the Americans with Disabilities Act relative to the action taken or authorized against Respondent's application for marriage and family therapy license under this Stipulation.

24. In the event Respondent should leave Minnesota to reside or to practice outside of the state, Respondent shall give the Board written notification of the new location, as well as dates of departure and return. Periods of residency and practice outside of Minnesota will not apply to the reduction of any period of Respondent's denial in Minnesota unless Respondent demonstrates that the practice in another state conforms completely with this Stipulation and

Consent Order. If Respondent leaves the state, the terms of this order continue to apply unless waived in writing.

25. 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.

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

27. Respondent 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 Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be as if this Stipulation and Consent Order did not exist and the parties will proceed according to Minnesota Statutes Chapters 214 and 148B, except as specified in the following paragraph.

28. Respondent 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, Respondent 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.

VIII. DATA PRACTICES NOTICES

29. 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. Data regarding this action will be provided to data banks as required by Federal law or 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.

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

CONSENT:

Ruth Aldana-Ricketts
Respondent

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY

Jennifer Mohlenhoff
Executive Director

ORDER

Upon consideration of this stipulation and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 28th day of March, 2014.

MINNESOTA BOARD
OF MARRIAGE AND FAMILY THERAPY

Mark A. Flaten

Mark Flaten
President

AFFIDAVIT OF SERVICE

Re: In the Matter of Ruth Aldana-Ricketts
Applicant

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

TAMMIE L. REEVES, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on January 29, 2015, s/he caused to be served the FULLY EXECUTED FINDINGS OF FACT, CONCLUSIONS, AND FINAL ORDER (WITH EXHIBIT A ATTACHED), by personally delivering to and/or depositing the same in the United States mail at said city and state, true and correct copy(ies) thereof, properly enveloped with prepaid first-class postage, and addressed to:

(VIA U.S. MAIL)

Ruth Aldana-Ricketts
405 West Nelson Street
Ellsworth, WI 54011

(HAND-DELIVERED)

Jennifer Coates
Assistant Attorney General
Office of the Attorney General
445 Minnesota Street, Suite 1400
St. Paul, MN 55101-2131

Tammie L. Reeves
TAMMIE L. REEVES

Subscribed and sworn to before me on
January 29, 2015.

Donna M. Ackerman
NOTARY PUBLIC

Donna M. Ackerman
NOTARY PUBLIC - MINNESOTA
MY COMMISSION
EXPIRES JAN. 31, 2015