

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY

In the Matter of
James M. Alsdurf, PhD, LP
License No. 1021

**SETTLEMENT STIPULATION
FOR ORDER OF RESTRICTED
AND CONDITIONAL LICENSE**

IT IS HEREBY STIPULATED AND AGREED by James M. Alsdurf, PHD, LP (Licensee) and the Minnesota Board of Psychology (Board) that without trial or adjudication of any issue of fact or law herein and without any evidence or admission by any party with respect to any such issue:

1. A Notice Of Conference With Board Of Psychology Ethics Panel was duly served upon Licensee on the 12th day of May, 1989, receipt of which is hereby acknowledged by Licensee;

2. On June 22 and July 27, 1989, Licensee and his attorney, Nancy Berg, appeared before the Board Ethics Panel composed of Isabel Harris and Jean Zilisch, Board members, to discuss allegations made in the notice referred to in paragraph 1, above. Mary L. Stanislav, Special Assistant Attorney General, represented the Board at the conference. Marilyn Arneson, Board staff, was present at the conference on June 22 and July 27. Lois E. Mizuno, Executive Director of the Board, was also present at the conference on July 27. Mary Jeanne Levitt, Board investigator, was present on June 22;

3. Licensee expressly waives the formal hearing and all other procedures before the Board to which Licensee may be

entitled under the Minnesota or United States constitutions, statutes, or rules of the Board.

4. This stipulation shall constitute the entire record of this matter and shall be filed with the Board prior to its next meeting;

5. In the event the Board in 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this settlement, or a lesser remedy than indicated in this settlement, then and in that event this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should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 if 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;

6. Licensee does not contest the facts as stated below and grants that the Board may, for the purpose of reviewing the record as indicated in paragraph 4 above, consider the following as true without prejudice to him in any current or future proceedings of the Board with regard to these or other allegations:

a. Licensee provided psychological services to CM, a female client, from April 1985 to October 1986. CM's presenting problems included depression and marital difficulties. Licensee provided joint marital therapy for four sessions and thereafter individual

therapy. The Ethics Panel alleges and Licensee denies that from approximately April 22, 1985 to October 1986, Licensee engaged in verbal and physical behavior with client CM which was sexually seductive or sexually demeaning, as set forth below:

1) The Ethics Panel alleges that on two separate occasions Licensee hugged client CM. At the conference, Licensee denied hugging her and explained he may have stood close to her because he was in a small office;

2) The Ethics Panel alleges that on one occasion Licensee stood in front of the office door playing with a check and forced client CM to reach around him to open the door. Licensee stated that he opens the door for most of his clients, is sometimes "playful" with clients, but is not coy or seductive;

3) When client CM showed up for a scheduled 7 PM appointment, all the lights in the facility were turned off except for a small light in the back counseling room. Licensee believes the outside lights were in need of repair but that his office lights were on;

4) The Ethics Panel alleges and Licensee denies that on numerous occasions Licensee made the following sexually suggestive and sexually demeaning statements to client CM:

- a) "You know you can be seduced;"
- b) "Other men would love you for who you are; I only want you for sex;"

- c) "Gee, I'll meet you at the hotel;"
- d) "If only you were single;"
- e) "In some circles of therapy, sex is part of therapy;"
- f) "You know, we are emotionally connected."
Licensee explained that he may have referred to the emotional connection between therapist and client;
- g) "I know sex is out but we could be lovers without sex and if it gets too hot we can just stop;"
- h) "I don't want to dump on you but you were sexually attracted to me." Licensee admitted he may have made some comment about CM's sexual transfer to him within the context of discussing transference but did not recall the alleged specific statement.
- i) "When girls get of Catholic schools they like to fuck."

b. The Ethics Panel alleges that Licensee continued a professional relationship with a client despite the existence of a conflict, as set forth below:

- 1) The Ethics Panel alleges that on one occasion Licensee told client MM that his wife, CM, was a prime

candidate for an affair, and that he should "take control." At the conference, Licensee stated he told MM that he should become more actively involved in the therapy process. This statement was made during the time when the couple was seeing Licensee for marital problems which included client MM's manipulation of his wife. At the conference, Licensee admitted he made a similar statement to challenge MM to participate more in therapy and to work more on the marital relationship;

2) Licensee told client MM that his wife was an attractive woman and that he might be worried when he was out of town that she was with another man. Licensee admitted saying MM's wife was an attractive woman, but denied the second clause of the sentence;

3) Licensee stated at the conference that he offered to refer CM to a female therapist several times but CM refused and he continued therapy. He admitted he should have terminated therapy when it became evident she viewed him romantically and when he was unable to more effectively resolve the transference issues around sexuality.

c. The Ethics Panel alleges and Licensee denies that Licensee entered into an interpersonal relationship with a client in which his objectivity would be impaired, as set forth below:

1) On one or more occasions, Licensee discussed experiences from his own life with clients CM and MM. For instance, Licensee:

a) Told this couple about his brother who had raped a woman. Licensee admitted and explained he used it in the context of therapy;

b) Discussed his marital and financial problems. Licensee denied that he had marital problems, admitted he used his financial and marital circumstances in the context of therapy.

2) The Ethics Panel alleges that although Licensee believed client CM was fantasizing about their professional relationship, Licensee failed to terminate the professional relationship until at least a year later. Licensee admits that he should have terminated the professional relationship two or three months earlier. Licensee admitted he became aware that CM was sexually attracted to him at least several months before therapy ended. On one occasion, he stated, she touched his foot, which he interpreted as sexual. She also said, "I think of you as more than a therapist," according to Licensee. He also stated that she called him numerous times at home. Licensee stated he tried to "deflect" her apparent attraction to him by telling her she needed to be clear that he was married. When she touched his foot he said, "That feels real sexual to me." He also stated he believed she understood and accepted that they could not have a sexual relationship. He admitted that he should not have allowed the transference problem to continue for so long.

d. The Ethics Panel alleges that Licensee failed to inform CM in writing that he was terminating therapy. At the conference, Licensee stated that during the therapy session on October 30, 1986 with CM and her spouse, Licensee informed them that due to ongoing resistance on the part of both to the therapeutic approach, that therapy could not continue. Licensee asked the parties if they wished to be referred to someone else; specifically, Licensee suggested a female therapist, but this offer was refused by the parties. Licensee admitted he failed to terminate in writing but denied the allegation that it was abrupt or that he made the statement, "That's it. I'm ending therapy. Do you want to be referred to someone else?"

e. Licensee provided psychological services to JM, a female client, from approximately July 1986 to November 1987. JM's presenting problems included sexual abuse, a severe personality disorder with paranoid features, and confusion about religious and family issues. JM had been treated in state hospitals for many years previously. The Ethics Panel alleges and Licensee denies that he engaged in sexually seductive and sexually demeaning behavior with client JM, as set forth below:

1) The Ethics Panel alleges and Licensee denies that during a session in which client JM was talking about her own

victimization, Licensee told her about taking his daughter to a beauty contest where one of the contestants had "overflowing tits";

2) The Ethics Panel alleges and Licensee denies that he told client JM that in the movie "One Flew Over The Cuckoo's Nest," he had seen a guy have a "hard-on" that raised a table. Licensee stated that he and JM discussed this movie with respect to treatment in a state hospital and group therapy sessions. Licensee denies making the statements alleged by JM;

3) The Ethics Panel alleges and Licensee denies discussing his sexual fantasies or masturbatory practices with JM. Licensee admits that he responded to JM's questions about her own masturbation when under stress by telling her that such activity was not unusual and by describing the behaviors of an adult, client M, who as a child had masturbated during her parents' arguments as a means of handling stress. Licensee denied that these discussions were sexually suggestive;

4) The Ethics Panel alleges and Licensee denies that he turned his buttocks toward client JM and started scratching. Licensee stated that he did not knowingly engaged in this conduct but does occasionally massage his back for adjustment as a result of a pre-existing herniated disk back problem. The Ethics Panel alleges Licensee told client JM that if she told a specific individual that Licensee had discussed his sexual fantasies with her, that he would deny it. Licensee denies this allegation;

5) The Ethics Panel alleges and Licensee denies that he played with his genitals for approximately two minutes in front of client JM;

6) The Ethics Panel alleges and Licensee denies telling JM about a woman in Bible School who was working out her victimization by sleeping with men to whom she was witnessing. Licensee admitted that at the end of one session JM had initiated a discussion about Jim and Tammy Bakker and the many ways in which Christian ministries exploit people, sometimes even in a sexual way. (This was during a period of time when Jim and Tammy Bakker were initially in the headlines.) Licensee agreed with JM and indicated that he had known a girl in college who he suspected had been a victim of some form of sexual abuse, who had slept with men and then witnessed to them;

7. The Ethics Panel alleges and Licensee denies that on one or more occasions Licensee used offensive language with JM, such as "fuck", "tits", "having a hard on", "stacked", and "ball breaker". Licensee admitted reflecting back to JM her use of the term "fuck you" and denied the allegations concerning the other offensive statements.

f. The Ethics Panel alleges that Licensee failed to terminate his professional relationship with client JM when there existed a conflict, and when JM was not likely to benefit from continued services, as set forth below:

1) The Ethics Panel alleges and Licensee denies that he told client JM she could "commit hari kari if you like" during a period of time JM was depressed and on Elavil 25 mg. daily;

2) The Ethics Panel alleges and licensee denies that during a session about openness and honesty Licensee called JM a "fucking bitch." Licensee stated JM called his home and office frequently, "all the time," and that he attempted to stop the calls in a sensitive way. Licensee stated that he told JM, as he tells all of his clients, that she could call if she needed to, but that he did not encourage her to call;

3) By July 1987, Licensee felt "uncomfortable" providing therapy because JM refused to follow his recommendations that she undergo an MMPI and take her prescribed medications. In addition, he believed she had distorted her past history, including accusations that church pastors, former therapists, state hospital staff, and family members had sexually abused her. Licensee recognized JM needed other resources and that he was not effective, yet he continued to provide therapy for several months. The Ethics Panel alleges he continued therapy even though she refused his recommendations and did not benefit from therapy. Licensee states he was working toward termination, but admits JM refused his recommendations and was not benefiting from therapy. During this time, Licensee stated, JM became angry toward him and more paranoid;

4) The Ethics Panel alleges and Licensee denies that on one or more occasions, as a means of control over client JM, Licensee threatened to terminate therapy;

5) The Ethics Panel alleges and Licensee denies that on one or more occasions Licensee asked client JM if she would clean his house to help pay her bill or if she would clean other people's homes to make some extra money. Licensee stated that JM suggested cleaning his house and he refused. In addition, Licensee was aware that client JM did not declare to the government the money she had made cleaning houses. Licensee admitted making the comment to JM that "Shakopee prison won't be so bad." He stated that he was being humorous and that JM understood it was a joke;

6) The Ethics Panel alleges and Licensee denies that he knew JM was an alcoholic. The Ethics Panel alleges and Licensee denies asking JM if she wanted to try some of his homemade wine. Licensee stated that to his knowledge JM had not taken a drink for seventeen years, that he did not make homemade wine and did not offer her wine;

7) The Ethics Panel alleges and Licensee denies that in the fall of 1986, Licensee stood over JM and said, "You're an alien, you're an alien." Licensee stated he had informed JM that she was "alienated from people," not that she was an alien;

8) The Ethics Panel alleges and Licensee denies that he complained because JM was on medical assistance and said it was a "hassle." Licensee admitted saying it was a hassle but

denied that he complained about it. During a session in which Licensee discussed with JM Maslow's hierarchy of needs, he told her she was only meeting lower level survival needs. The Ethics Panel alleges that Licensee told JM that because she was on low income, she was only capable of meeting lower level needs, which Licensee denied;

9) Licensee told JM, "You don't bore me like you once did." Licensee stated he made this statement to reflect therapy progress;

10) Licensee stated at the conference that JM became dependent on him and jealous of his professional relationship with another client, MF, whom JM had known for three years. He admitted that he did not effectively deal with these issues;

11) The Ethics Panel alleges and Licensee denies that as a result of therapy with Licensee, client JM was 10 pounds underweight, slept poorly, and was severely depressed and frightened by the time she ended therapy. She seriously considered suicide. Licensee stated that JM had no visible weight loss and did not mention sleeplessness, depression, or suicide.

g. Licensee provided psychological services to MF, a female client, from January 1987 to September 1988. MF's presenting problems included suicidal ideation, marriage problems and religious issues. Licensee stated at the conference that he diagnosed her as having post-traumatic stress disorder and borderline personality

disorder and found her case "complicated" and "unclear", as did other professionals. The Ethics Panel alleges that after Licensee learned that client JM was dissatisfied with the psychological services he provided and had made a complaint to the Board, Licensee gave client MF a written list of comments about client JM and coached her on a statement to be made to the Board about client JM. Licensee admitted writing down comments, at the request of MF about JM to help MF prepare for an interview with a Board investigator, but claims that MF urged him to do so to help her "organize her thoughts" and offered him information which Licensee alleged he could not possibly have had had it not been disclosed by MF;

h. The Ethics Panel alleges and Licensee denies that he failed to safeguard private information about a client, as set forth below:

1) On one or more occasions Licensee discussed client JM while counseling client MF. Licensee states he did so because MF presented this relationship as a problem within her therapy. Specifically, Licensee stated that after client JM had written a letter to MF which MF brought to a session, Licensee acknowledged to MF that it contained some paranoid schizophrenic qualities.

2) The Ethics Panel alleged and licensee denied discussing other clients with MF. Licensee denies saying anything about M's masturbation practices as a child, as alleged,

and claims that if MF had this information, she received it from JM.

i. The Ethics Panel alleges that Licensee continued a professional relationship in which his objectivity was impaired because of an interpersonal relationship, as set forth below:

1) Licensee admitted he had social contacts with MF through the church they both attended and for a brief period of time taught Sunday School with her. He states that initially, the church Pastor asked Licensee if it was all right with him if MF taught Sunday School with him and he agreed. He did this because MF asked him to but it was against his "better judgment." MF's children and Licensee's children were friends for more than eight months. Client MF became involved to some extent in Licensee's family life, e.g., car pooling for his children and stopping by his home.

2) The Ethics Panel alleges and Licensee denies that he asked her to stay in a hotel with him. At the conference, Licensee stated that on one occasion, when MF was distraught and had left her husband, Licensee picked her up at the airport where she had been drinking. Licensee admits MF wanted him to take her to a hotel. Instead, Licensee took her to his home where he and his wife talked to her for about an hour. They discussed an affair Licensee had had earlier in his marriage. Licensee explained that MF was suicidal and talked of having an affair

with someone. He discussed his own affair to illustrate how destructive affairs can be;

3) Licensee admits agreeing with MF when she commented, after seeing an old girlfriend of his, that the old girlfriend was beautiful. Licensee denies he told MF he was a virgin when he married. Licensee acknowledged discussing, in the course of therapy and as a part of therapy, personal matters arising out of his life and marriage. Licensee denied the allegation that he told MF not to tell anyone about these personal matters;

4) The Ethics Panel alleges and Licensee denies that he frequently derided MF's husband, told her how "rotten" he was, and told MF not to tell her husband about what Licensee and MF discussed. Licensee admits he was disturbed by what he perceived as the sexually and emotionally abusive behavior of MF's husband toward MF, particularly MF's husband's fundamentalist belief that a woman should submit to her husband in all matters. Licensee admits discussing with MF her desire to separate from her husband and the merits of such a separation.

j) The Ethics Panel alleges and Licensee denies that he engaged in sexually suggestive and sexually demeaning behavior with client MF, as set forth below:

1) Licensee admitted that on one or more occasions he hugged client MF briefly and held her hand in order to comfort her. Licensee denies holding MF's head on his lap. Licensee admits sitting side by side with MF on the couch in his office.

Licensee stated that these behaviors were not sexual. Licensee admitted he agreed with client MF when she joked about weight gain and commented, "you finally have a butt."

2) The Ethics Panel alleges and Licensee denies that he stroked MF's hair, neck, and back and would push her away if someone walked by the office door when he was holding MF on his lap or sat next to her on the couch;

3) Licensee admitted that on one or more occasions he told client MF that as a Christian he loved her, that they were "connected", and that he felt it was a risk to work with her. He denied that he told her she was beautiful. At the conference, Licensee stated he meant love in the Christian sense. Licensee also admitted that he told her that she was important to him and meant this as a professional and a Christian. He explained that he told her he took risks because of the difficulty of providing therapy to her. Licensee denied that he told MF that she was special, that she owed him, and that he would never terminate therapy with her. Licensee admitted that he scheduled extra appointments with her at night and on Saturdays due to issues that became crises to client MF.

k. The Ethics Panel alleges that Licensee failed to terminate therapy when MF was not likely to benefit, as set forth below:

1) Licensee admitted that on one or more occasions he asked client MF, "Why don't you just grow up?" In addition, Licensee admitted he held her wrists tightly and took her over to

a mirror so that she could look at herself and "see what a spoiled brat looked like." He stated she called herself a "spoiled brat" and spit into the mirror.

2) Even though client MF had informed Licensee that she was uncomfortable being touched, Licensee pushed her, fought with her, pinned her down on the couch with his arm and laughed at her. Licensee admitted he might have engaged in a "tug of war" with her because of her agitation, or he might have fought with her "playfully." The Ethics Panel alleges and Licensee denies that he said, "I thought you would fight back." On one occasion Licensee held MF's wrists so hard that he sprained one of them. Licensee admits he held her wrists tightly but denies knowledge of a sprain.

1. The Ethics Panel alleges that Licensee abruptly terminated therapy with client MF without written notice. Licensee produced a letter which shows the termination was in writing. He explained that about two months before termination MF was cutting herself, refused to attend a women's group that he had recommended, attempted a drug overdose and became violent. In addition, she brought a knife into therapy sessions and was in despair about her marriage, according to Licensee. After she failed to show up for a therapy session in September 1988, Licensee wrote a termination letter;

m. The Ethics Panel alleges that Licensee did not limit his practice to the areas of his competency, as evidenced by his handling of all three clients. The Ethics Panel alleges that Licensee has been insufficiently trained in psychopathology. In addition to the evidence regarding CM and JM, the Ethics Panel alleges and Licensee admits that he was not competent to provide psychological services to MF as set forth below:

1) Client MF sought therapy for marital problems, but it soon became clear to Licensee that MF was suicidal, full of mistrust and anger, had severe marital problems and probably had been abused in the past. Licensee suggested that MF undergo psychiatric evaluation which she did one month after commencing therapy. However, he states she refused to follow through with the recommendations for hospitalization contained in the psychiatrist's report. She also had abused drugs but refused to be treated. Licensee wanted her to attend a group for incest victims but MF only attended twice. Throughout therapy, she displayed psychotic and dangerous behavior, according to Licensee. She had sexual fantasies and considered meeting a man who she said had beat her and raped her. She had been prescribed Xanax by her general physician but Licensee states she was abusing it and not being properly monitored. Licensee attempted to have her husband assist in monitoring. This was not successful and she overdosed. MF's condition worsened and she had to be hospitalized. MF's relationship with her husband worsened, and

Licensee was unable to help. MF frequently went into a trancelike state during therapy and Licensee prayed with her and tried to calm her. Although MF also was under psychiatric treatment, she became extremely dependent on Licensee. She viewed Licensee as a father and wanted him to comfort her, according to Licensee. Crises were frequent and MF became actively suicidal. At the conference, Licensee admitted he was "in over his head" and unable to help her sufficiently.

7. Licensee admits and acknowledges that the facts and conduct specified in Paragraph 6 above constitute a violation of Minn. Stat. § 148.98 (1) and (2) and justify revocation of or other disciplinary action against his license and constitute a reasonable basis in law and fact to justify the disciplinary action provided for in the attached Order by violation of the following Rules of Conduct:

- a) 7200.4600 COMPETENCE, (1) and (4)
- b) 7200.4810 IMPAIRED OBJECTIVITY, EFFECTIVENESS, (2A), (3).
- c) 7200.4900 CLIENT WELFARE (6) Termination of Services. Licensee does not admit a violation of Rule 7200.4900 (7a) or (8).

8. Licensee acknowledges and admits that proof at hearing of any one or more of the allegations set forth in the notice, including proof by the Board's introduction of admissions made by Licensee at the conference, would empower the Board to

revoke or take other action against Licensee's license under Minn. Stat. § 148.95 (1988);

9. 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 admission 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 in this stipulation;

10. Upon this stipulation and record as set forth in paragraph 4 above, and without any further notice of proceedings, the Board may in its discretion issue a Consent Order of Restricted and Conditional License to Licensee which is attached to and made a part of this stipulation;

11. IT IS FURTHER STIPULATED AND AGREED that any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board referred to in paragraph 10 above;

12. Licensee's noncompliance with and/or violation of the conditions listed in this stipulation or the order referred to in paragraph 10 above shall be considered unethical conduct and constitute grounds for further disciplinary action;

13. Licensee and his legal counsel hereby acknowledge that they have read, understand, and agree to this stipulation and attached order and have 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 and order, Licensee and counsel acknowledge that they are fully aware that the stipulation and order must be approved by the Board. The Board may either approve the stipulation and/or order as proposed, approve the 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;

14. If the Board receives evidence that Licensee has violated the terms of the stipulation or order and/or receives evidence that Licensee has made misrepresentations to the Board or to those required to submit reports to the Board and/or evidence indicating acts or omissions similar to those alleged in this stipulation while the order or subsequent orders issued pursuant to paragraph 7 of the order are in effect, the Board shall so notify Licensee in writing at his last known address filed with the Board. Licensee shall have the opportunity to contest the allegations by submitting a written request to so contest within 30 days after service of the notice:

a. If Licensee does not submit a written request to contest the allegations within 30 days of service of a Notice Of Opportunity To Contest The Allegations, the issues set forth in the

notice may be taken as true or deemed proved without further evidence. Upon a report to the Board of such allegations and of Licensee's failure to contest, the Board may either impose additional disciplinary action, including revocation, or deny any petition submitted by Licensee. Any Board order issued under this paragraph shall be final and binding upon Licensee and shall not be subject to judicial or administrative review or to a judicial stay pending any attempts to seek such review;

b. If Licensee submits a written request to contest the allegations, the Board may initiate either a proceeding conducted pursuant to Minn. Stat. ch. 214 (1988) or a contested case hearing pursuant to Minn. Stat. ch. 14 (1988) to determine whether Licensee can show cause as to why additional disciplinary action should not be imposed. In any such proceeding, the Board shall have the burden of going forward to provide a sufficient factual basis supporting the allegations. The Board shall provide sufficient evidence to meet the substantial evidence standard used by appellate courts in reviewing administrative actions, that is, evidence demonstrating that the Board is not acting

unreasonably, arbitrarily, or capriciously and that some reasonable evidence exists to support the allegations. Upon such a showing by the Board, the burden of proof and persuasion as to why additional disciplinary action should not be imposed or any petition for reinstatement should not be denied shall rest with Licensee.

17. 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

ETHICS PANEL

James M. Alsdurf
JAMES M. ALSDURF, PHD, LP
Licensee

Dated: Oct 26, 1989

Nancy Berg
NANCY BERG
Attorney for Licensee

Dated: Oct 26, 1989

Lois E. Mizuno
LOIS E. MIZUNO
Executive Director

Dated: November 2, 1989

Mary L. Stanislav
MARY L. STANISLAV
Attorney for Board

Dated: Nov. 7, 1989

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY

In the Matter of
James M. Alsdurf, PhD, LP
License No. 1021

CONSENT ORDER OF
RESTRICTED AND
CONDITIONAL LICENSE

The Minnesota Board of Psychology (Board), having convened on November 3, 1989, to consider the above-referenced matter and having reviewed the stipulation agreed upon by James M. Alsdurf, PhD, LP (Licensee), now issues the following ORDER:

1. IT IS HEREBY ORDERED that the license of Licensee as a psychologist in the State of Minnesota is hereby restricted inasmuch as Licensee is prohibited from providing psychological services to private patients while his license remains in conditional status unless he elects to practice under full and adequate supervision as defined in Minn. Rules pt. 7200.0100, subp. 10 and 7200.2000B, C, and D;

2. IT IS FURTHER ORDERED that Licensee's retention of his license is conditional upon Licensee engaging in ethical consultations to discuss the Board's Rules of Conduct with a consultant who is a licensee of the Board and who has been approved by the Board Ethics Panel, but who is not personally acquainted with Licensee prior to the consultations. Licensee must engage in these consultations at his own expense, two hours per month for a period of six months;

3. IT IS FURTHER ORDERED that Licensee's retention of his license is conditional upon his submitting or causing to be submitted to the Board the following reports:

a. Evidence of successful completion of a one-quarter or one semester course in the diagnosis and treatment of psychopathology. This

course, at Licensee's own expense, must be approved in advance by the Board Ethics Panel and must be completed by October 1, 1990;

b. Reports from the ethical consultant referred to in paragraph 2 of this order. These reports shall be submitted to the Board every month for a period of six months following issuance of this order and at the time Licensee petitions to have the conditions removed from his license pursuant to paragraph 5 of this order. Each report must be submitted by the first day of the month in which it is due and must address:

- 1) In the first report, a statement that the consultant has reviewed the stipulation and order contained herein;
- 2) The dates on which consultations were held with Licensee;
- 3) Licensee's active participation in each consultation;
- 4) The ethical issues discussed in each consultation;
- 5) The consultant's opinion as to Licensee's capacity to understand boundaries;
- 6) Licensee's competency;
- 7) Licensee's ability to recognize the need for and to maintain confidentiality;
- 8) Licensee's ability to resolve conflicts in his practice;
- 9) Licensee's ability to recognize and deal with transference issues;

10) Licensee's ability to recognize the need for and to coordinate with other therapists;

11) At the time Licensee petitions for removal of the conditions, the consultant's assessment of Licensee's ability to conduct himself in a fit, competent, and ethical manner in the practice of psychology as well as whether Licensee exhibits an acceptable comprehension and knowledge of ethical issues encountered in practice;

12) Any other information which the consultant believes would assist the Board in its ultimate review of this case.

c. Reports from Licensee's supervisor if Licensee elects to provide psychological services to private patients under supervision as set forth in paragraph 1. These reports shall be submitted every month following issuance of this order and at the time Licensee petitions to have the conditions removed from his license pursuant to paragraph 5 of this order. Each report must be submitted by the first day of the month in which it is due and must address:

1) The number of hours of direct supervision each week;

2) Licensee's performance at each therapy session reviewed by the supervisor;

3) Licensee's compliance with the Board's Rules of Conduct;

4) At the time Licensee petitions for reinstatement of his license, the Supervising Psychologist's

assessment of Licensee's ability to conduct himself in a fit, competent, and ethical manner in the practice of psychology as well as whether Licensee exhibits an acceptable comprehension and knowledge of issues encountered in practice;

5) Any other information which the supervisor believes would assist the Board in its ultimate review of this case.

d. Reports from Licensee himself. A report shall be submitted to the Board on or before November 1, 1989, and every month during the six months of ethical consultations, and at the time Licensee petitions to have his license reinstated pursuant to paragraph 5 of this order. Each report must be submitted by the first day of the month in which it is due and must address:

1) A brief statement of the topics discussed at each ethical consultation and supervisory session;

2) What Licensee has learned from the ethical consultations and supervisory sessions, including his own statement as to his comprehension and knowledge of ethical and other issues encountered in practice;

3) At the time Licensee petitions for reinstatement of his license, Licensee's reasons for believing that he is capable of conducting himself in a fit, competent, and ethical manner in the practice of psychology; and

4) Any other information which Licensee believes would assist the Board in its ultimate review of this case.

4. All reports must cover the entire reporting period and provide the bases upon which conclusions were drawn;

5. IT IS FURTHER ORDERED that Licensee may petition the Board at any regularly scheduled meeting after September 1, 1990, to have the conditions and restrictions removed from his license. At the time of his petition, the burden of proof will be upon Licensee to demonstrate by clear and convincing evidence that he is capable of conducting himself in a fit, competent, and ethical manner in the practice of psychology. In order to sustain his burden of proof, Licensee must submit or cause to be submitted at least the reports referenced in paragraph 3 of this order;

6. IT IS FURTHER ORDERED that Licensee's noncompliance and/or violation of the Consent Order of Restricted and Conditional License will be considered unethical conduct and constitute grounds for further disciplinary action;

7. IT IS FURTHER ORDERED that Licensee's application for a license as a consulting psychologist will not be processed by the Board until after his current license has been fully reinstated by the Board pursuant to paragraph 5 of this order;

8. At any regularly scheduled meeting at which Licensee has made a timely petition, the Board may take any of the following actions:

a. Remove the restrictions and conditions attached to the license of Licensee upon written request of Licensee together with a presentation by Licensee of evidence satisfactory to the Board that he is capable of conducting himself in a fit and competent manner in the practice of psychology, which evidence must include at least the reports as indicated in paragraph 3 of this order;

b. Amend the restrictions and conditions attached to the license of Licensee upon the written request of Licensee and upon the evidence as specified in paragraph 3 of this order;

c. Continue the restrictions and conditions attached upon
Licensee's failure to meet his burden of proof.

CONSENT:

STATE OF MINNESOTA

BOARD OF PSYCHOLOGY

James M. Alsdurf
JAMES M. ALSDURF, PHD, LP
Licensee

Dated: _____, 1989

Nancy Berg
NANCY BERG
Attorney for Licensee

Dated: 10-24, 1989

Lois E. Mizuno
LOIS E. MIZUNO
Executive Director

Dated: November 3, 1989

Mary L. Stanislav
MARY L. STANISLAV
Attorney for Board

Dated: November 7, 1989