

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

In the Matter of
Janice Anderson, Applicant

**STIPULATION AND CONSENT ORDER
FOR REPRIMAND AND VOLUNTARY
SURRENDER OF APPLICANT STATUS**

STIPULATION

Janice Anderson and the Minnesota Board of Marriage and Family Therapy Complaint Panel ("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, applicants for licensure, and to take disciplinary action as appropriate.

2. Licensee is an applicant for licensure to practice marriage and family therapy and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

CONFERENCE

3. On December 15, 2015, Licensee and her attorney, Cassie C. Navarro, Baillon Thome Jozwiak & Wanta, LLP, appeared before the Complaint Panel, composed of Board members Herb Grant, Ph.D., LMFT, and Dennis Morrow, Ph.D., to discuss allegations made in a Notice of Conference dated November 2, 2015. Jennifer Coates, 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. Janice Anderson ("Applicant") is an applicant for licensure by the Board of Marriage and Family Therapy.

b. In 2006, Applicant began working for a clinic that provides mental health counseling.

Treatment of Child 1 and Child 2

c. On or about November 2006, Applicant began providing therapy services for a family of four by way of in-home counseling services. The family consisted of a mother, a father, and two children, ("Child 1") and ("Child 2"). Applicant was supervised in her treatment of this family.

d. After approximately two years of in-home counseling services, Applicant began treating Child 1 and Child 2 on an outpatient basis. Applicant was also supervised under this arrangement.

e. Applicant designated Child 1 as her client. Child 1 was diagnosed with a genetic disorder associated with significant cognitive limitations, anxiety, and autism spectrum features.

f. Child 2 is approximately eight years younger than Child 1. Child 2 was diagnosed with anxiety and learning disability.

g. The mother of Child 1 and Child 2 was trained in alternative therapies for children with developmental disabilities.

h. On or about November 21, 2007, the mother inquired to Applicant about transitioning from two to three visits per week to bi-weekly appointments with Applicant. Applicant discouraged the mother from this transition, and stated that bi-weekly appointments would only be available for one month.

- i. Applicant sent the mother emails that complimented her parenting.
- j. In approximately 2007, Applicant asked the mother to meet with Applicant's other clients in order to consult with them about alternative therapies for children with developmental disabilities. The mother asked Applicant if this was appropriate given their therapeutic relationship, and Applicant assured her that it was.
- k. As requested by Applicant, the mother consulted with Applicant's patients, and did so without charging a fee.
- l. In approximately March 2010, Applicant solicited the mother's participation in a multi-level marketing business. Applicant stated that she believed the mother would be interested because of her interest in health and alternative health options. Applicant described the business as an "opportunity" for the mother.
- m. Applicant and the mother discussed the business in various emails. The emails also include conversations about the counseling of the family as well as Child 1 and Child 2.
- n. On or about September 3, 2012, Applicant asked the mother to present to her Dialectical Behavior Therapy ("DBT") group. The mother agreed to speak at the group.
- o. On or about January 14, 2013, Applicant went to dinner with the father. The father paid for Applicant's dinner. Applicant billed this appointment to Child 1 even though Applicant did not have a therapy appointment with Child 1 on this day. On at least two other occasions, Applicant billed for appointments with Child 1 when she did not have a therapy appointment with Child 1.
- p. In or about March 2013, the mother filed a motion for dissolution of her marriage to the father.
- q. On or about April 29, 2013, the mother terminated the counseling relationship between Child 1 and Child 2 and Applicant. In her letter, the mother stated that Applicant took the father's side and had a dual relationship with him. The mother reported that Applicant and the father talked on the telephone at various times of the day and night.

r. On or about May 14, 2013, Applicant sent a letter to the mother stating that the clinic determined that it was in the best interest of the children to stop therapy services.

s. On or about January 14, 2014, a custody evaluation was prepared by a court-appointed custody evaluator. The custody evaluator consulted Applicant in preparation of her report. The custody evaluation indicates that Applicant conducted therapy with the family for over ten years. In fact, Applicant had worked with the family for two years, and with Child 1 and Child 2 for an additional five years. Applicant provided negative remarks to the custody evaluator about the mother that did not correspond with the compliments Applicant had given to her in the past.

Treatment of Client 1

t. In approximately 2014, Applicant provided treatment to a client ("Client 1") for individual and group therapy. Applicant worked with Client 1 regarding issues related to anger management as well as DBT.

u. Applicant's clinic provided that a patient in DBT was to see the therapist one time per week for one hour individually and one time per week for group therapy. Furthermore, therapists were to engage in after-hours phone calls and/or text messaging only in a crisis situation. It was also against policy to use personal devices/accounts to correspond with a patient or about a patient.

v. Applicant saw Client 1 for two hour sessions, two times per week. Applicant corresponded with Client 1 via text messaging and email using her personal email and cell phone.

w. Applicant admits to engaging in email, phone, and text coaching with Client 1 for reasons other than crises, including supportive listening and guidance.

x. On or about January 6, 2015, Applicant met with her employer to discuss the additional meetings and excessive time spent with Client 1. Applicant was asked to provide copies of the emails and text messages with Client 1 to her supervisor. Applicant deleted the electronic copies of the emails and text messages from her phone and computer.

y. Applicant had knowledge of Client 1's history of suicidal ideations and a prior hospitalization but did not identify this as a primary target behavior. Applicant stated she did so because she "knew he wasn't going to do it."

z. Subsequently, Applicant was removed from the DBT program and Client 1 was terminated from Applicant's care. Applicant was instructed not to have further contact with Client 1. Nevertheless, Applicant continued to contact Client 1, and Client 1 contacted Applicant on several occasions.

aa. At one point, Client 1 contacted Applicant to report that his wife was missing with their children and indicated that she was suicidal and angry. Client 1 indicated that he told his wife that his affections were no longer for his wife, but for Applicant.

Treatment of Second Individual

bb. Applicant continued to demonstrate a misunderstanding of personal and ethical boundaries when she met a female client after closing hours and conducted therapy while lying on the floor.

IV.

LAWS

5. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minn. Stat. § 148B.37, Subd. 1(3), and Minn. R. 5300.0350, subp. 5(B); Minn. R. 5300.0350, subp. 5(G); Minn. R. 5300.0350, subp. 4 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. Reprimand

6. The Board **REPRIMANDS** Applicant.

B. Voluntary Surrender of Applicant Status

7. The accept Applicant's **VOLUNTARY SURRENDER** of her application for license to practice marriage and family therapy.

8. Applicant may not apply for a new license for a period of five (5) years. Upon application, the burden of proof shall be upon Applicant to demonstrate by a preponderance of the evidence that she is capable of practicing marriage and family therapy in a fit and competent manner.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. 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.

10. 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 conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the

Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

VII.

OTHER INFORMATION

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

12. 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.

13. 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.

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

15. 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 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.

16. 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.

17. 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 action 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.

IX.

DATA PRACTICES NOTICES

18. 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 Stipulation and Consent 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.

19. 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:

FOR THE COMPLAINT PANEL:


Jamie Anderson, Applicant


DENNIS MORROW
Board Member

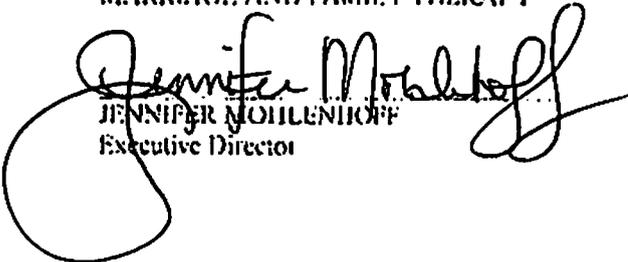
Dated: March, 3, 2016

Dated: 11 MARCH, 2016

ORDER

Upon consideration of the Stipulation, the Board issues Licensee a REPRIMAND and accepts Applicant's VOLUNTARY SURRENDER of her application for licensure to practice marriage and family therapy and adopts all of the terms described above on this 11 day of March, 2016.

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY


JENNIFER MOLLENIORF
Executive Director