

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE**

In the Matter of
David Andros, M.S., L.P.
License Number: LP3107

**AGREEMENT FOR
CORRECTIVE ACTION**

This agreement is entered into by and between David Andros, M.S., L.P. ("Licensee"), and the Complaint Resolution Committee of the Minnesota Board of Psychology ("Committee") pursuant to the authority of Minn. Stat. § 214.103, subd. 6(a). Licensee and the Committee hereby agree as follows:

FACTS

1. This agreement is based upon the following facts:
 - a. During the course of a therapeutic session with Licensee, client #1, an adolescent, stated that he had molested a younger sibling for a time period in excess of three years. Client #1 stated that the molestation had "stopped a few years ago" and that he had told his sibling not to tell anyone.
 - b. Licensee provided professional services to client #1 for approximately two years after client #1 disclosed the molestation of the sibling.
 - c. It was subsequently discovered that the molestation perpetrated by client #1 had ceased less than two years before client #1 first reported the misconduct to Licensee.
 - d. During or after the professional relationship with client #1, Licensee failed to report client #1's molestation of client #1's sibling to law enforcement or a welfare agency.

e. Licensee knew or had reason to believe a child had been physically or sexually abused within the preceding three years, and failed to immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, or the county sheriff, in violation of Minnesota Statutes section 626.556, subd. 3, and Minnesota Rule 7200.4700, subpart. 11.

f. On May 11, 2012, Licensee attended a conference with the Committee. Licensee acknowledged his failure to report, but explained that the statutory reporting obligation did not trigger in his mind because he understood the molestation was not on-going, client #1's parents were aware that it had occurred and had ceased, and that the family unit was seeking professional help for both children. Licensee acknowledged that such circumstances do not absolve the statutory obligation of a health professional to report molestation.

2. Based on discussions with Licensee, the Committee views Licensee's conduct to be a violation of Minn. Stat. § 626.556, subd. 3, Minn. R. 7200.4700, subp. 11, and Minn. R. 7200.5700. Licensee agrees that the conduct cited above occurred and constitutes a reasonable basis in law and fact to justify the corrective action described in paragraph 3 below.

CORRECTIVE ACTION

3. Licensee agrees to address the conduct referenced in paragraphs 1 and 2 by taking the following corrective actions:

a. ***Continuing Education.*** Within six (6) months of the date this Agreement is executed, Licensee shall complete a minimum of four (4) hours of continuing education which addresses, at least in part, a licensed psychologist's obligations with respect to reporting the maltreatment of minors in Minnesota. Licensee shall submit the proposed continuing education course(s) for pre-approval by the Committee. If the Committee rejects the course proposed by Licensee, the Committee may require that Licensee submit additional

courses for consideration, or the Committee may provide Licensee with suggested courses or an alternate form of continuing education in lieu of the course.

b. ***Licensee's Own Report.*** Within two (2) weeks of completing the continuing education required in paragraph 3.a., Licensee shall submit a report to the Committee which provides and/or addresses:

1) A brief statement of the topics discussed during the continuing education;

2) What Licensee has learned from the continuing education, including his own statement as to how he would have conducted himself differently with respect to the facts described in paragraph 1;

3) How Licensee has changed or will change his practice with respect to his mandated obligation to report the maltreatment of minors; and

4) Any other information Licensee believes would provide the Committee with additional insight regarding this matter.

4. Licensee shall be responsible for all costs incurred as a result of compliance with this agreement.

5. If any due date required by the Agreement for Corrective Action is not met, the Committee may fine Licensee \$100 per violation. Licensee shall pay the fine and correct the violation within five days after service on Licensee of a demand for payment and correction. If Licensee fails to do so, the Committee may impose additional fines not to exceed \$500 per violation. The total of all fines may not exceed \$5,000. Licensee waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by *writ of certiorari* under Minn. Stat. § 480A.06, by application to the Board, or otherwise. Neither the imposition

of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

6. No condition imposed as a remedy by this Agreement for Corrective Action shall be used as a continuing education activity for the purpose of renewal of Licensee's license to practice psychology.

OTHER INFORMATION

7. Licensee understands that this agreement does not constitute disciplinary action.

8. Upon Licensee's satisfactory completion of the corrective action referenced in paragraph 3, the Committee agrees to dismiss the complaint referenced in paragraph 1. Licensee agrees that the Committee shall be the sole judge of satisfactory completion. Licensee understands and further agrees that if, after dismissal, the Committee receives additional complaints similar to the facts in paragraph 1, the Committee may reopen the dismissed complaint.

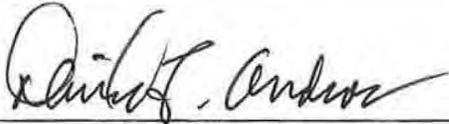
9. If Licensee fails to complete the corrective action satisfactorily, or if the Committee receives additional complaints similar to the facts described in paragraph 1, the Committee may, at its discretion, reopen the investigation and proceed according to the Board's practice act and Minn. Stat. chapters 214 and 14. In any subsequent proceeding, the Committee may use as proof of the facts of paragraph 1 Licensee's agreements herein. Licensee agrees that failure to complete corrective action satisfactorily constitutes failure to cooperate under Minn. Stat. § 148.941, subd. 4, and may subject Licensee to disciplinary action by the Board.

10. Licensee has been advised by Committee representatives that Licensee may choose to be represented by legal counsel in this matter and has so chosen Rachel B. Peterson, Bassford Remele, P.A. The Committee is represented by Benjamin R. Garbe, Assistant Attorney General.

11. This agreement shall become effective upon execution by the Committee and shall remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon receipt of such information, the Committee may, at its discretion, proceed according to the Board's practice act and Minn. Stat. chs. 214 and 14.

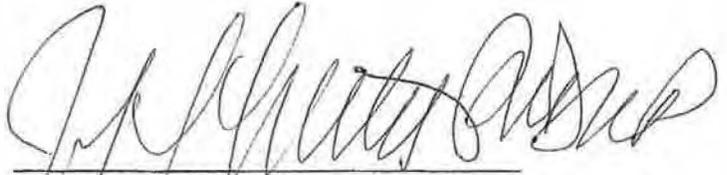
12. Licensee understands and acknowledges that this agreement and any letter of dismissal are classified as public data.

13. Licensee hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.



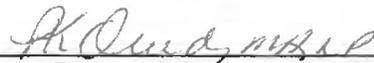
DAVID ANDROS, M.S., L.P.
Licensee

Dated: 6-29-12



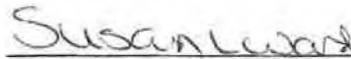
JEFFREY LEICHTER, PH.D., L.P.
Committee Chair

Dated: 8/3/12



PATRICIA ORUD, M.A., L.P.
Committee Member

Dated: 8/3/12



SUSAN WARD
Committee Member

Dated: 31 August 2012