BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of
Donna Bahr, Psy.D., L.P.
License No. LP4218

STIPULATION AND CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by Donna Bahr, Psy.D., L.P. (Licensee), and the Minnesota Board of Psychology (Board) as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which she holds a license to practice psychology in the State of Minnesota.

FACTS

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Licensee was licensed by the Board as a licensed psychologist on May 12, 2000.

b. From approximately April 1997 through September 1, 2003, Licensee practiced psychology at a facility in the Paynesville area. The primary therapeutic concerns of Licensee's clients include depression, adjustment disorders, grief issues, marriage and family issues, parenting issues, life transitions, and attention deficit disorder. Licensee had no training in the treatment of Dissociative Identity Disorder (DID) (also sometimes referred to as multiple personality disorder or MPD) and had not provided therapy to any client diagnosed with DID before February 2002.

Client #1

c. Licensee's first appointment with client #1 was at a [redacted] clinic on February 4, 2002. Client #1 reported she felt depressed, lonely, helpless, and hopeless and had difficultly sleeping, flashbacks, nightmares, migraine headaches, suicidal thoughts and gestures, including cutting herself, anxiety, irritability, claustrophobia, and arachnophobia. Client #1 reported she was diagnosed with DID and a history of sexual and emotional abuse by her stepfather. Client #1 stated that she, her husband (client #2), and her four children from a previous marriage lived in the home of her mother and grandmother. Client #1's children were 17-year-old twins (a boy and a girl), a 15-year-old daughter, and a 14-year-old daughter (client #3).

d. From February 11 through March 18, 2002, Licensee saw client #1 for 12 individual therapy sessions. These sessions focused on managing client #1's DID, issues of abuse in her family of origin, and current stressors. Licensee's notes contain many references to client #1's numerous alter egos (alters) and to her journal, which client #1 brought to sessions for Licensee to read. Toward the end of this period, Licensee noted client #1's deterioration and struggles with urges to harm herself.

e. On March 18, 2002, Licensee saw client #1 for a therapy session and documented she was "very much on the edge of wanting to cut herself, and is very unsure as to whether or not she will be able to pull herself back." Later that night, client #1 called Licensee and stated she had cut herself and was not feeling safe. Licensee had client #1 admitted to the [redacted] Hospital. On or about March 19, 2002, client #1 was transferred to [redacted] Hospital. Licensee's note dated March 19, 2002, states that after client #1 was discharged from the hospital, Licensee would resume counseling services with her.

f. Licensee's next, and last, progress note in client #1's [redacted] psychology record is dated March 27, 2002, and documents a "family therapy session" with client #1's husband (client #2), without client #1 present. Licensee's note states that since her hospitalization, client #1 had not been home, and client #2's situation was stressful because of caring for the children and living with client #1's mother and stepfather. Licensee documented, "As it is not healthy or safe for [client #1] to go back home with her mother and her mother's husband she will remain in a safe place until [client #2] and the children are able to find other housing arrangements."

g. On or about March 26, 2002, immediately or shortly after client #1 was discharged from the hospital, Licensee invited client #1 to move into Licensee's home with Licensee and Licensee's husband.

h. On or about March 29, 2002, Licensee allowed client #1's husband and client #1's three daughters to move into her home. In May 2002, Licensee asked client #1's husband to leave her home. Licensee stated to the investigator that client #1 reported to her that her husband had called out the younger alters so that he could have sex with her and had inflicted cuts on her thighs. At that time, Licensee apparently believed client #1; client #1 later admitted to Licensee that her husband had not abused her.

i. Licensee stated to the investigator that her client/psychologist relationship with client #1 ended when Licensee visited client #1 in the hospital before client #1 and her family moved in with Licensee. Although Licensee believed the relationship had ended, there is evidence that Licensee's therapeutic relationship with client #1 continued while she was living in Licensee's home. Examples include but are not limited to the following:

1) Licensee continued to provide counseling to client #1 "whenever she had time" after client #1 moved into Licensee's home. These sessions occurred when client #1 was upset and needed to talk and typically took place in client #1's bedroom behind closed doors. These "informal" counseling sessions continued frequently through approximately September 2002 and continued more infrequently after that until client #1 moved out of Licensee's home in July 2003.

2) Client #1's family members state that on numerous occasions Licensee and client #1 went into client #1's bedroom in the evening to talk. It was understood by client #1's children that while these sessions were taking place they were not to disturb client #1 and Licensee.

3) Licensee continued to read client #1's journals and to discuss with client #1 issues that appeared in the journals.

4) Licensee made a number of entries in client #1's journals that reflect her continuing role as client #1's therapist and to treat her DID.

5) Several of client #1's journal entries indicate she was under the impression Licensee was continuing to treat her.

6) In or before November 2002, Licensee's employer received a report about client #1 and her family living with Licensee. Licensee met with a [redacted] administrator who encouraged Licensee to make other living arrangements for client #1 and her family. Licensee stated to the administrator that there was nothing inappropriate about her living arrangement with client #1 and she planned to continue the arrangement until other arrangements could be made.

7) On January 6, 2003, the [redacted] Administrator wrote a memorandum to Licensee, requesting that she consider modifying the relationship. Licensee stated she wanted to end the relationship, but did not want to do so until other arrangements had been made. On June 30, 2003, Licensee submitted a letter of resignation to [redacted], effective September 1, 2003.

8) As noted above, Licensee stated to the investigator that she terminated her professional relationship with client #1 in late March 2002 but did not refer client #1 to another therapist because she did not know of another counselor or psychologist to whom she could refer client #1. Client #1 did not start therapy with another counselor until October 23, 2002. Licensee stated to the investigator that, to her knowledge, client #1 was not receiving therapy from any other counselor from April through October 2002, while client #1 was living with her.

9) In September 2002, Licensee accompanied client #1 with two of her daughters to see client #1's oldest daughter graduate. The four shared a motel room that had two queen-sized beds. The two girls shared one bed, and Licensee shared the other bed with client #1.

j. Licensee failed to limit her practice to areas of competence in which proficiency has been gained through education and training or experience. As noted above, Licensee had no training or experience in the treatment of persons with DID. Nevertheless, Licensee undertook the treatment of client #1 for her DID. Licensee stated she obtained consultation with a psychologist experienced in the treatment of DID. However, the record shows such consultation was minimal and very informal. Licensee's "consultant" was unable to recall a telephone call from Licensee referring specifically to a client with DID. The consultant

recalls that on two or three occasions Licensee discussed a client who had DID in a consultation group of psychologists they both attended. The consultant did not recall Licensee disclosing that the DID client and her family were living with Licensee and stated she would have "immediately jumped up and down" over the arrangement.

k. Licensee provided psychological services to client #1 when her objectivity or effectiveness was impaired by a dual relationship with client #1. For example, although it appears there was no formal agreement between Licensee and client #1 regarding rent client #1 would pay for living with her children at Licensee's home, several informal arrangements existed, and it is clear misunderstandings occurred, such as the following:

1) Client #1 performed housekeeping duties, yard work, and landscaping chores at Licensee's home.

2) Licensee did not receive any disability checks from client #1 for rent. However, on three occasions, Licensee received rent payments of welfare rent vouchers totalling approximately $250 for each of the three months. Licensee also had provided to client #1 money for a lawyer as well as a trip to Chicago, all of which sums were to be repaid by client #1.

3) In about May 2003, Licensee asked client #1 to move out of her home. Licensee found an apartment for client #1 and her daughters and gave the landlord a check for the apartment. Licensee stated to the investigator that client #1 "seemed very dependent. . . . She was very resistant about moving out. And I told her it's time." Initially, client #1 refused to move into the apartment; Licensee stated, "I was really angry with her when she told the landlord that she wasn't going to take the check, and she wasn't going to rent the apartment."

Client #2

l. Client #2 was client #1's husband in March 2002. Licensee engaged in unprofessional conduct, departed from or failed to conform to the minimum standards of acceptable and prevailing practice, engaged in conduct that adversely affects the person's ability or fitness to practice psychology, provided professional services to client #2 when her objectivity or effectiveness was impaired by a dual relationship, and failed to appropriately terminate her professional relationship with client #2, as follows:

1) On April 4, 2002, Licensee saw client #2 for a diagnostic assessment, although by this date, client #2 had already moved into Licensee's home with his wife and stepdaughters. Licensee documented that client #2 was having difficulty finding employment and a suitable place to live and was experiencing stress related to his wife's mental illness. Licensee noted client #2 "lives at home with his wife and three daughters." Licensee failed to document that the family was living in her home. Licensee diagnosed client #2 with adjustment disorder with depressed mood and recommended he "continue with individual therapy to address his grief response to his father's death 2 years ago, his recent move to this area with depressive type symptoms, and lack of support system."

2) On April 18, 2002, Licensee saw client #2 for an individual therapy session. Client #2 discussed his wife's illness and plans he had for moving to an apartment closer to where he worked and plans he had for doing things with the children. Licensee documented client #2 would return in one week for individual therapy.

3) Licensee did not see client #2 again for therapy but failed to document termination of treatment or referral of client #2 to another therapist. As noted above,

in May 2002, Licensee asked client #2 to move out of her home. Client #1 and client #2 later divorced.

Client #3

m. Client #3 was client #1's youngest daughter. Licensee engaged in unprofessional conduct, departed from or failed to conform to the minimum standards of acceptable and prevailing practice, engaged in conduct that adversely affects the person's ability or fitness to practice psychology, provided professional services to client #3 when her objectivity or effectiveness was impaired, failed to report suspected child abuse, and failed to appropriately terminate her professional relationship with client #3, as follows:

1) On April 4, 2002, Licensee saw client #3 for a diagnostic assessment at [redacted], although client #3 had, by this date, moved into Licensee's home with her family. Licensee documented client #3 was having a hard time adjusting to a recent move to Minnesota and was demonstrating depressive symptoms. Client #3 reported she cried often and had difficulty with sleeping, concentration, memory, fearfulness, appetite changes, social fears, arachnophobia, anxiety, panic attacks, headaches, morbid thoughts, her mother's mental illness, and a "writing disorder." Licensee also noted client #3's family had problems with their grandmother but added, "[S]he is no longer living with their grandmother. . . . [Client #3] lives at home with her mother and dad and two older sisters." Licensee failed to document in this note or in any subsequent progress notes that client #3 was living in Licensee's home. Licensee documented that client #3 "has some disorientation and confusion, and states that her head 'makes up noises.'" Licensee also documented that client #3 was being home schooled. Licensee diagnosed client #3 with adjustment disorder with depressed mood and recommended "ongoing sessions."

2) Licensee saw client #3 for nine individual therapy sessions from April 9 through May 9, 2002.

3) Client #3's last individual therapy session with Licensee was on May 9, 2002. At some undocumented date following this session, Licensee decided she could no longer provide therapy to client #3. Licensee failed to document the termination of therapy or the reason for the termination. Licensee told the investigator, "I just told [client #3] it wasn't a good idea to be her therapist." Licensee explained, "It was too complicated. . . . She'd say things at home, and I'd say we'll talk about that in the office, can't do it here. Got to the office, and she wouldn't talk about it. . . . And I'd just say this is not working. I can't do this." Licensee failed to refer client #3 to another therapist. Licensee stated she did not make a referral because she thought client #1 would find another therapist for her daughter.

REGULATIONS

3. The Board views Licensee's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148.98 (2004) (code of conduct); Minn. Stat. § 148.941, subd. 2(a)(1) (2004) (violation of statute or rule Board is empowered to enforce); Minn. Stat. § 148.941, subd. 2(a)(3) (2004), and Minn. R. 7200.5700 (unprofessional conduct); Minn. Stat. § 148.98 (2004) and Minn. R. 7200.4500 (violation of the rules of conduct/code of ethics adopted by the Board); Minn. R. 7200.4600, subp. 1 (failed to limit her practice to areas of competence in which proficiency has been gained through education and training or experience and which have been stated in writing to the Board); Minn. R. 7200.4810, subp. 1 (provided psychological services to a client when the psychologist's objectivity or effectiveness was impaired); Minn. R. 7200.4810, subp. 2.A. (provided psychological services to a client when the

psychologist's objectivity or effectiveness was impaired by a dual relationship with a client); and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

REMEDY

4. Upon this stipulation and without any further notice or proceedings, the Board places Licensee's license in a **CONDITIONAL** status. Licensee's retention of her license is conditional upon complying with the following:

a. ***Supervision of Licensee by Board-Approved Psychologist.*** Licensee shall practice psychology only under the supervision of a supervising psychologist approved in advance by the Complaint Resolution Committee (Committee) from a list of at least three names Licensee has submitted to the Committee. Licensee shall cause each psychologist listed to submit a current vitae to the Board for the Committee's review prior to its approval of a supervisor. The Committee reserves the right to reject all names submitted by Licensee. If the Committee rejects any names submitted, the Committee may require that Licensee submit additional names as described above, or the Committee may provide Licensee with the name of a supervisor. Licensee shall have no previous personal or professional relationship with the supervisor. Licensee shall obtain a supervising psychologist within one month of the date this Stipulation and Consent Order is adopted by the Board and shall meet with the supervising psychologist no less than two hours per month. Licensee may petition for a reduction in the amount of supervision or removal of this requirement after 12 months of supervision. The purpose of the meetings is to review Licensee's competent and ethical practice of psychology.

b. ***Supervisor's Reports.*** The supervising psychologist shall provide a report to the Committee every three months and at the time Licensee petitions to have the conditions

removed from her license. The first report is due three months from the date supervision begins, and all subsequent reports shall be submitted on the first day of the month in which they are due. Each report shall provide and/or address:

1) In the first report, evidence Licensee's supervisor has received and reviewed a copy of the Stipulation and Consent Order;

2) Dates on which supervision took place with Licensee;

3) The method by which supervision was conducted;

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

5) The supervisor's opinion as to Licensee's ability to provide competent services;

6) Any other information the supervisor believes would assist the Board in its ultimate review of this matter; and

7) At the time Licensee petitions for removal of the above-referenced conditions, the supervisor's report shall include an assessment of Licensee's ability to conduct herself 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 as well as the ability to apply this knowledge.

c. ***Boundaries Course.*** Within 30 days of the date this Stipulation and Consent Order is adopted by the Board, Licensee shall arrange to enroll in an individualized professional boundaries training course. The Committee will provide Licensee with a list of such courses, which have been approved, for the purposes of satisfying this requirement. If the Committee and Licensee concur that there is sufficient reason for Licensee not to enroll in any of

the courses the Committee has listed, Licensee shall, within 30 days of the date this Stipulation and Consent Order is adopted by the Board, submit to the Committee for approval a syllabus that includes goals, objectives, assignments, projects, methods, and frequency of evaluation, etc., for a similar individualized professional boundaries training course. Licensee shall also submit the course instructor's vitae to the Committee for its approval of the instructor. The instructor shall be either a licensed psychologist or have a doctoral degree in psychology. Licensee shall complete the course within twelve (12) months of the date this Stipulation and Consent Order is adopted by the Board. All fees for the course shall be paid by Licensee. Successful completion of the boundaries course shall be determined by the Committee.

d. ***Report on Boundaries Course From Licensee.*** Within 30 days of completing the professional boundaries course referenced above, Licensee shall submit a report to the Committee which provides and addresses:

1) The dates Licensee began and completed the boundaries training course;

2) A brief statement of the topics covered in the professional boundaries training course;

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

4) A detailed discussion of each boundary violation that occurred regarding the circumstances described in the Facts section of this Stipulation and Consent Order, including (a) how Licensee came to violate these boundaries; (b) the manner in which Licensee

violated these boundaries; (c) the specific harm to specific individuals that resulted or could have resulted from the boundary violations; and (d) how Licensee now believes the boundary violations could have been averted;

5) A detailed discussion of the specific ways this course will affect Licensee's practice in the future;

6) Licensee's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of psychology; and

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

e. ***Report on Boundaries Course From Instructor.*** Within 60 days of completing the professional boundaries course referenced above, Licensee shall cause to be submitted to the Committee a report from the instructor of the professional boundaries course. This report shall address:

1) The extent of Licensee's participation in the course; and

2) The instructor's assessment of Licensee's knowledge obtained from the course and opinion as to Licensee's recognition of boundary issues and Licensee's ethical fitness to engage in the practice of psychology.

f. ***Civil Penalty.*** Licensee shall pay a civil penalty to the Board in the amount of one thousand ($1000) dollars for partial recovery of the Board's costs incurred in investigation. Payment of $1000 shall be remitted in full to the Minnesota Board of Psychology at Suite 320, 2829 University Avenue SE, Minneapolis, Minnesota 55414 within sixty (60) days of the date this Stipulation and Consent Order is adopted by the Board.

g. ***Fine for Violation of Order.*** If any due date required by this Stipulation and Consent Order 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.

h. ***Costs.*** Licensee is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

i. ***Applicability to Renewal Requirements.*** No condition imposed as a remedy by this Stipulation and Consent Order, including conditions directly related to a restriction, shall be used as a continuing education activity for the purpose of renewal of Licensee's license to practice psychology, unless it is specifically stated in this Stipulation and Consent Order that the condition may be used for this purpose.

5. All reports shall cover the entire reporting period and provide the bases upon which conclusions were drawn.

6. The Board or its authorized representatives shall have the right to discuss Licensee's condition with and obtain records from any person with whom Licensee has contact as a result of her compliance with this Stipulation and Consent Order or as a result of her being examined or her obtaining treatment, counseling, or other assistance on her own initiative or otherwise. Licensee shall execute releases and provide any health record or other waivers

necessary for submission of the reports referenced in the stipulation, to enable the Board to obtain the information it desires, and to authorize the testimony of those contacted by the Board in any proceeding related to this matter.

7. ***Releases.*** Licensee shall execute releases allowing the Board and Licensee's supervisor and boundaries course instructor to exchange data related to this Stipulation and Consent Order. The releases shall allow Licensee's supervisor and boundaries course instructor to communicate with each other. Licensee shall also execute releases allowing the Board to exchange data related to this Stipulation and Consent Order with Licensee's supervisor, boundaries course instructor, and any other professional Licensee contacts in order to comply with this Order.

8. Upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, Licensee may petition the Board to remove the conditions on her license. The Board may, at any regularly scheduled meeting at which Licensee has made a timely petition, take any of the following actions:

a. Remove the conditions attached to the license of Licensee;

b. Amend the conditions attached to the license of Licensee;

c. Continue the conditions attached to the license of Licensee upon her failure to meet her burden of proof; or

d. Impose additional conditions on the license of Licensee.

9. In the event Licensee resides or practices outside the State of Minnesota, Licensee shall promptly notify the Board in writing of the location of her residence and all work sites. Practice outside of Minnesota will not be credited toward any period of Licensee's suspended, limited, conditioned or restricted license in Minnesota unless Licensee demonstrates to the

satisfaction of the Board that the practice in another jurisdiction conforms completely with Licensee's Minnesota licensure requirements to practice psychology.

10. If Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee shall submit a response to the allegations at least three days prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Licensee may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Licensee's practice, or suspension or revocation of Licensee's license.

11. This stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Licensee's license under Minn. Stat. § 148.941, subd. 3, or to initiate contested case proceedings against Licensee on the basis of any act, conduct, or omission of Licensee justifying disciplinary action occurring before or after the date of this Stipulation and Consent Order which is not related to the facts, circumstances or requirements referenced herein.

12. In the event the Board at 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 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.

13. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

14. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Licensee was represented by Timothy W. Waldeck, Minneapolis, Minnesota.

15. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

16. Licensee 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 Licensee under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Licensee's license to practice psychology under this stipulation.

17. Licensee hereby acknowledges that she has read, understands, and agrees to this stipulation and has 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, Licensee

acknowledges she is fully aware the stipulation is not binding unless and until it is approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed, approve the Stipulation and Consent 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.

18. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

19. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks.

20. 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

COMPLAINT RESOLUTION
COMMITTEE

Donna Bahr, Psy.D., L.P.
DONNA BAHR, PSY.D., L.P.
Licensee

Dated: April 28, 2005

JACK B. SCHAFFER, Ph.D., L.P.

Dated: _____, 2005

Jean K. Wolf Ph.D. L.P.
JEAN WOLF, Ph.D., L.P.

Dated: 6/18, 2005

MARCIA FARINACCI

Dated: 06-17-05, 2005

ORDER

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

IT IS HEREBY ORDERED that the license of Licensee is placed in a **CONDITIONAL** status and that all other terms of this stipulation are adopted and implemented by the Board this 17th day of June, 2005.

MINNESOTA BOARD

OF PSYCHOLOGY

PAULINE WALKER-SINGLETON
Executive Director

AG: #1378970-v1