

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of the License of
Walter Bera, Ph.D., LP
License Number: LP0707

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Walter Bera, Ph.D., LP ("Licensee"), and the Minnesota Board of Psychology Complaint Resolution Committee ("Committee") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Psychology ("Board") is authorized, pursuant to Minnesota Statutes sections 148.88 to 148.98, and the rules adopted under them, to license and regulate psychologists and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice psychology and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

FACTS

3. On, or about, January 8, 1988, the Board licensed Licensee to practice psychology in the State of Minnesota.

4. Licensee founded and is the sole member of the Minnesota limited liability company that owns and operates a multi-disciplinary family therapy clinic located in Minneapolis, Minnesota ("Clinic"). In his practice at the Clinic, Licensee supervised multiple female mental health care professionals for licensure ("Supervisees") and administratively

supervised staff employees. Licensee also worked with but did not supervise numerous female mental health care professionals who were independent contractors with the Clinic.

5. From 2014 to 2015, Licensee engaged in a pattern of conduct that violated statutes or rules the Board is empowered to enforce, failed to protect the welfare of his Supervisees, exploited the professional relationship with his Supervisees for his benefit, engaged in conduct that may be reasonably interpreted by a Supervisee as sexually seductive, demeaning, or harassing. Examples include:

a. On multiple occasions with multiple Supervisees, Licensee gave his Supervisee a book called *She Comes First*, a self-help manual about how to sexually pleasure a woman. Licensee also told the Supervisees not to let their significant others see the book.

b. On multiple occasions, during a single day, with multiple Supervisees, Licensee requested the Supervisees take a picture with him holding a sign stating "I Consent." The picture was related to a University of Minnesota consensual sex campaign. Licensee persistently asked the Supervisees to take the picture despite their reluctance to do so.

c. On multiple occasions with multiple individuals, Licensee touched Supervisees, staff members and independent contractors, or asked Supervisees, staff members and independent contractors to touch him in inappropriate ways. Examples include: requesting an individual touch his abdominal muscles, touch his biceps, and walk on his back; hugging an individual without her permission, lingering too long when hugging an individual; moving his hands to an individual's waist while hugging her; and demonstrating martial arts maneuvers and stretching techniques while touching an individual.

d. On multiple occasions with multiple Supervisees, Licensee commented on the Supervisees' clothing and appearance.

e. On at least one occasion, Licensee took a staff member to a romantic restaurant for an introductory dinner. Licensee commented to the staff member that they should keep the dinner to themselves so that Licensee's wife would not get jealous.

f. On at least one occasion, Licensee used double entendres when speaking to a Supervisee.

g. On at least one occasion, Licensee compared a x-y graph to a male erection during a Clinic staff meeting.

III.

LAWS AND REGULATIONS

6. The Committee views Licensee's practice as described in Section III. above to be in violation of statutes and rules enforced by the Board, as follows: Minnesota Statutes sections 148.941, subd. 2(a) (violated a Board statute, rule, or order), 148.941, subd. 2(a)(1), and Minn. R. 7200.4910, subp. 1 (failed to protect the welfare of supervisees); 148.941, subd. 2(a)(1), and Minn. R. 7200.4910, subp. 2.B. (exploited the professional relationship with a supervisee); 148.941, subd. 2(a)(1), and Minn. R. 7200.0110, subp. 28 (conduct that could be interpreted as sexual with a supervisee); and 148.941, subd. 2(a)(3), and Minn. R. 7200.5700 (unprofessional conduct). Licensee agrees that the conduct cited above occurred, and agrees to the imposition of the disciplinary action, and all other terms contained in this Stipulation and Consent Order.

IV.

DISCIPLINARY ACTION

7. Upon this stipulation and without any further notice or proceedings, the Board hereby places the following **LIMITATIONS** and **CONDITIONS** on Licensee's license to practice psychology in the State of Minnesota:

a. **Limitation.** Licensee shall not supervise, within the meaning of Minn. R. 7200.0110, subp. 33, any licensed or unlicensed mental health provider, including, but not limited to, licensed psychologists, licensed marriage and family therapists, licensed associate marriage and family therapists, licensed professional clinical counselors, licensed professional counselors, licensed alcohol and drug counselors, licensed independent clinical social workers, licensed graduate social workers, licensed independent social workers, licensed social workers, mental health professionals, or mental health practitioners.

b. ***Boundaries Course.*** Within six (6) months of the date of this Order, Licensee must complete a one-to-one, individualized boundaries course on professional boundaries (the “Course”) taught by a Board-approved licensed psychologist utilizing a curriculum approved by the Board. The course must be a minimum of 12 hours in duration and must address the following topics:

- Boundaries in the practice of psychology and other professional relationships;
- Identifying boundaries issues in practice;
- Dealing with boundaries issues when they arise; and
- Any other topic deemed relevant by the instructor.

The Committee will provide Licensee with a list of pre-approved courses or course instructors for purposes of satisfying this requirement. If the Committee and Licensee concur that there is sufficient reason for Licensee not to utilize the pre-approved options, Licensee shall 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 *curriculum vitae* to the Committee for its pre-approval of the instructor. All fees for the course must be paid by Licensee. To show satisfactory completion of the Course, Licensee must submit the following:

1) *Report on Boundaries Course from Licensee.* Within 30 days of completing the Course, Licensee must submit a written report to the Committee which provides and/or addresses the following:

- a) The dates Licensee began and completed the Course;
- b) A brief statement of the topics covered in the Course;

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

d) A detailed discussion of the violations that occurred, including how Licensee came to violate his professional boundaries, the effects of Licensee's conduct, and how Licensee now believes the violations could have been averted;

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

f) Licensee's reasons for believing he is capable of conducting himself in a fit, competent, and ethical manner in the practice of psychology; and

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

2) *Report on Boundaries Course from Instructor.* Within 30 days of Licensee's completion of the Course, Licensee must direct the Course instructor to provide the Board with written documentation that confirms successful completion of the Course. This written documentation must address:

a) The extent of Licensee's participation in the Course;

b) A description of the curriculum of the course, including a citation to professional materials utilized, the topics covered, and the activities undertaken to effectuate Licensee's learning;

c) A description of Licensee's level of engagement in the course and overall effort toward change; and

d) The instructor's assessment of Licensee's knowledge obtained from the Course and comprehension of the material issues.

8. Upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, and after a minimum of 24 months, Licensee may petition the Board to remove the limitations and/or conditions on his license. Licensee may be required to meet with the Committee, at the Committee's discretion, to discuss his petition as well as his fitness to practice psychology. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that Licensee is capable of conducting herself in a fit and competent manner in the practice of psychology. The Board may, at any regularly scheduled meeting at which Licensee has made a timely petition, take any of the following actions:

- a. Remove any, and/or all, limitations and conditions attached to Licensee's license;
- b. Amend any, and/or all, limitations and conditions attached to Licensee's license; or
- c. Continue any, and/or all, limitations and conditions attached to Licensee's license.

V.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Committee 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 Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged

by the Committee. 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 Committee, 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 Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee 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 Committee 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 Committee not to seek discipline when it first learns of a violation shall not waive the Committee'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 limited and conditioned 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.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 148.941, subdivision 3, or Minnesota Statutes section 214.077, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not alleged in the Notice of Conference in this proceeding.

VI.

ADDITIONAL REQUIREMENTS

10. If Licensee applies for licensure as a psychologist in another jurisdiction besides Minnesota, he shall provide the Board with his current contact address at the time of application and at all times during which he is licensed to practice psychology in another jurisdiction.

11. Within ten days of execution of this Stipulation and Consent Order, Licensee shall provide the Board with the names of all states in which Licensee is licensed to practice psychology or has applied for licensure as a psychologist.

12. 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.

13. 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.

14. 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.

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

16. 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.

17. Licensee agrees that if the Board rejects this Stipulation and Consent Order 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.

18. 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 is not alleged in the Notice of Conference in this proceeding.

19. 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.

VII.

DATA PRACTICES NOTICES

20. 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.

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

LICENSEE:

BOARD OF PSYCHOLOGY COMPLAINT
RESOLUTION COMMITTEE

Walter Bera Ph.D. LP

WALTER BERA, Ph.D., LP
Licensee

Scott A. Fisher Ph.D. LP
Board Member

Scott Fisher
Printed Name

Dated: December 13, 2016

Dated: 12/16, 2016

ORDER

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

IT IS HEREBY ORDERED that Licensee's License is **LIMITED** and **CONDITIONED**
and that all other terms of this stipulation are adopted and implemented by the Board this 16th
day of December, 2016.

MINNESOTA BOARD OF PSYCHOLOGY


ANGELINA M. BARNES
Executive Director