

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Marguerite V. Butler, Ph.D., LP
License No. LP4506

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Marguerite V. Butler, Ph.D., L.P.
(Licensee), and the Minnesota Board of Psychology (Board) as follows:

I.

JURISDICTION

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

II.

FACTS

For the purpose of this stipulation and any other proceedings before the Minnesota Board of Psychology only, but for no other purpose, including but not limited to any civil or criminal litigation, the Board may consider the following facts as true:

2. Licensee violated Minnesota Statutes sections 148.98 and 148.941, subdivisions 2(a)(1), 2(a)(3), and Minnesota Rules 7200.4810, subparts 1, 2A, and 2E, 7200.4900 subpart 7a, and 7200.5700 as follows:

a. Licensee provided psychological services to Patient #1 from October 19, 2010 through November 22, 2011.

b. Licensee had a professional relationship with Patient #1 while they were involved to a significant extent both personally and financially.

1) In September 2011, Licensee paid Patient #1 to clean her vehicle.

2) Beginning in October 2011, Licensee employed Patient #1 to provide intake for Licensee's new clients and facilitate therapy sessions at Avenues for Homeless Youth. Licensee paid Patient #1 \$20 per hour in cash.

3) On October 10, 2011, Licensee wrote the following in an email to Patient #1: "I am happy and pleased to work with you! Welcome aboard."

4) During the time Patient #1 was employed by Licensee, Patient #1's main source of income was from her employment with Licensee and child support payments.

3. Licensee exploited the professional relationship with Patient #1 for Licensee's emotional, financial, sexual, and personal advantage and benefit. Further, Licensee engaged in verbal behavior which was sexually seductive or sexually demeaning to Patient #1.

a. In June 2011, Licensee and Patient #1 went to a movie together.

b. During the Fall of 2011 and the Spring of 2012, Licensee engaged with Patient #1 and her family in a personal capacity outside of work, including paying Patient #1 to clean her vehicle, providing rides to Patient #1, and purchasing gifts for Patient #1 and her family.

c. In October 2011, Licensee hired Patient #1 on a "short-term" basis to do some tasks.

d. During the Fall of 2011, Licensee often told Patient #1 that Licensee was attracted to her.

e. In December 2011, Licensee and Patient #1 took a trip to North Carolina, which was paid for by Licensee.

f. In May 2012, Licensee and Patient #1 had a fight. Patient #1's employment ended after the fight.

g. From November 2011 through June 2012, Licensee sent Patient #1 emails and text messages. In these messages, Licensee expressed her strong personal feelings and attachment toward Patient #1.

4. The Complaint Resolution Committee requested Licensee attend a conference to discuss the complaints. Licensee appeared for the conference scheduled on October 11, 2013.

III.

REGULATIONS

5. 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 Minnesota Statutes section 148.98 (2010) (code of conduct); Minnesota Statutes section 148.941, subdivision 2(a)(1) (2010) (violated statute or rule Board is empowered to enforce); Minnesota Statutes section 148.941, subdivision 2(a)(3) (2010) (unprofessional conduct), Minnesota Rules 7200.4810 subparts 1, 2A, and 2E (impaired objectivity), Minnesota Rules 7200.4900 subpart 7a (exploitation of client), and Minnesota Rules 7200.5700 (unprofessional conduct); and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

IV.

REMEDY

6. Licensee's license to practice psychology in the State of Minnesota is **SUSPENDED** indefinitely. Licensee shall immediately discontinue practicing psychology in Minnesota. Within ten days after the terms of this Stipulation are adopted and implemented by the Board, Licensee shall return her license and the most recent evidence of renewal to the Board.

7. Licensee shall not practice, attempt to practice, offer to practice, or advertise or hold out as authorized to practice psychology in a setting in Minnesota for which licensure is required. Licensee shall not use the title psychologist or any designation which indicates she is licensed to practice psychology.

8. Licensee may petition for reinstatement of her license following twenty-four (24) months from the date of this Stipulation and Consent Order. At the time of Licensee's petition, Licensee must meet with the Board's Complaint Review Committee. The burden of proof shall be on Licensee to show by a preponderance of the evidence that she is fit to practice psychology in a safe, competent, and ethical manner. Prior to petitioning for reinstatement, Licensee shall comply with, at a minimum, the following:

a. ***Boundaries Course.*** Licensee must complete an individualized professional boundaries training course within 90 days of petitioning for reinstatement of her license. 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 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. All fees for the course shall be paid by Licensee. Successful completion of the boundaries course shall be determined by the Committee.

b. ***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.

c. **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.

d. **Course Work.** Prior to petitioning for reinstatement of her license, Licensee shall enroll in and pass a three-quarter credit, or the equivalent in semester credits, graduate-level ethics course. Licensee shall obtain approval from the Committee before commencing the course work. Successful completion shall be determined by the Committee. Licensee may not apply these units to her continuing education requirement for licensure renewal as set forth in Minnesota Rules 7200.3820.

e. **Professional Responsibility Examination.** Licensee shall take the examination described in Minnesota Rules 7200.0550, subpart 1.B., and obtain a passing score within 90 days petitioning for reinstatement of her license.

9. 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 Minnesota Statutes section 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.

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

11. 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.

12. 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.

13. Licensee shall also execute releases allowing the Board to exchange data related to this Stipulation and Consent Order with Licensee's supervisor, therapist, and any other professional Licensee contacts in order to comply with this Order.

14. Upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, Licensee may petition the Board to remove the suspension 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 suspension attached to the license of Licensee;
- b. Amend the suspension attached to the license of Licensee;
- c. Continue the suspension attached to the license of Licensee upon her failure to meet her burden of proof; or
- d. Impose additional suspension on the license of Licensee.

15. 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.

16. 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.

17. This stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Licensee's license under Minnesota Statutes section 148.941, subdivision 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.

18. 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.

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

20. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Licensee is represented by Peter G. Van Bergen, Minneapolis, Minnesota. The Committee is represented by Sara Boeshans, Assistant Attorney General.

21. 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.

22. 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.

23. 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.

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

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

26. 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

~~Handwritten signature of Marguerite Butler, Ph.D, LP~~
Marguerite Butler, Ph.D, LP
Licensee
Dated: 21 Nov 13

Patricia Stankovitch, PsyD, LP
Committee Chair
Dated: 12/20/13

[Handwritten Signature]
Committee Member
Dated: 12/20/13

[Handwritten Signature]
Committee Member
Dated: 12/20/13

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 SUSPENDED

status and that all other terms of this stipulation are adopted and implemented by the Board this

30th day of December 2013

MINNESOTA BOARD

OF PSYCHOLOGY


ANGELINA M. BARNES
Executive Director