

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY

In the Matter of
William W. Duffy, PhD,
License No. 17

SETTLEMENT STIPULATION
FOR ORDER OF
CONDITIONAL LICENSE

IT IS HEREBY STIPULATED AND AGREED by William W. Duffy, PhD, (hereinafter "Licensee") and the Minnesota Board of Psychology (hereinafter "Board") that, without trial or adjudication of any issue of fact or law herein, and without any evidence or admission by any party with respect to any such issue:

1. A Notice of Conference with the Board Ethics Panel was duly served upon Licensee on the 27th day of August, 1980, receipt of which is hereby acknowledged by the Licensee;
2. On September 30, 1980, Licensee and his attorney, Felix Phillips, appeared before the Ethics Panel, composed of Patricia Lilligren and James Martin, Board members, to discuss allegations made in the Notice referred to in paragraph 1. Harriette Hartung, Executive Secretary of the Board, and Terry P. O'Brien, Special Assistant Attorney General, representing the Board, also attended;
3. Licensee expressly waives the formal hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States Constitutions, statutes, or rules of the Board;
4. This Stipulation shall constitute the entire record herein and shall be filed with the Board prior to its November 7, 1980, meeting;
5. In the event the Board in 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this settlement, or a lesser remedy than indicated in this settlement, then and in that event, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party hereto;
6. Licensee does not contest the facts hereinafter and grants that the Board may, for the purpose of reviewing the record as indicated in paragraph 4. herein, consider the following as true, without prejudice to him in any current or future proceedings of the Board with regard to these or other allegations:

a. Between November 6, 1977, and March 13, 1979, Licensee, in his capacity as the executive director of the Center for Behavior Modification/Center for Behavior Therapy (hereinafter "Center"), hired a female employee, Ms. X. There is some dispute as to whether or not Licensee entered a relationship with Ms. X which might be characterized as an employer/employee problem solving relationship or as a professional counselor/counselee relationship. However, Licensee concedes that during the course of this relationship, at times in his private office with this employee, Ms. X discussed with Licensee such matters as her body image, her sexual relationships, and her perceived guilt problems, and that Licensee advised her with respect to these problems;

b. Licensee engaged in flirtatious behavior with Ms. X, which included teasing and making suggestive remarks. However, there was no physical intimacy or even private meetings away from the office setting;

c. That while Licensee was director of the Center, an announcement of services entitled, "WHY WE'RE HERE . . . WHERE WE'RE GOING . . . WHERE TO FIND US," dated October/November, 1979, was mailed to others, in which announcement evaluative statements with regard to the Center were made. The following statements are offered as examples: that the Center is a "highly skilled" group of individuals; it gained prominence as a dynamic, motivated organization; programs that were initially developed were "very successful"; and with the development of "unique programs" the Center has become "an invaluable adjunct to professionals in the Upper Midwest." Furthermore, the announcement addresses the "novel approach" and the "innovative therapeutic processes" of the staff, references specific staff members as doing "effective work," and refers to a unit which has "led this part of the country in its work with agoraphobics." With respect to Licensee, the announcement states that he is known for his "progressive use of biofeedback techniques for both psychosomatic problems and anxiety management";

d. That while Licensee was director of the Center, an announcement was sent to others regarding an agoraphobia conference held in Roseville on February 22-23, 1980, which announcement misrepresented the status of Robert Havel and Terry Schneider as psychologists, although neither of these individuals is licensed as such in this state;

e. That while Licensee was director of the Center, an announcement was sent to others entitled, "Intensive Behavior Therapy Unit" addressing the agoraphobia treatment program, which announcement misrepresented the status of Robert Havel and Terry Schneider as psychologists, although neither are licensed as such in this state;

f. That Licensee accepts ultimate responsibility for the allegations referenced in paragraphs c.-e., hereinabove, but states that he neither wrote nor edited the announcements which were issued, nor was he specifically aware of them prior to their publication;

g. Upon the discovery of the characterization of Mr. Havel and Mr. Schneider as psychologists, Licensee required that new announcements be available at the site of the conferences to attendees of the conferences and that Mr. Havel and Mr. Schneider announce on each day of the conference that they were not licensed as psychologists, and that Mr. Havel and Mr. Schneider write the State Board acknowledging this error, which they did;

h. Licensee has now instituted a publications/announcement review committee at the Center to ensure that all publications or announcements issued by the Center are reviewed to ensure compliance with rules of the Board.

7. Upon this Stipulation and record, as set forth in paragraph 4. above, and without any further notice of proceedings, the Board may, in its discretion, issue an Order of Conditional License to Licensee which is attached hereto and made a part hereof;

8. IT IS FURTHER STIPULATED AND AGREED that any appropriate court may, upon application to the Board, enter its decree enforcing the Order of the Board referred to in paragraph 7. hereof should the Board in good faith deem such an Order required because of Licensee's failure to comply with such conditions;

9. Any failure by Licensee to comply with the conditions listed herein shall constitute unprofessional conduct under Minn. Stat. §§ 148.95 and 148.98 (1978); and

10. 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

ETHICS PANEL

William W. Duffy, PhD.
WILLIAM W. DUFFY, PhD
Licensee

Harriette Hartung
HARRIETTE HARTUNG
Executive Secretary

Dated: November 7, 1980

Felix Phillips
FELIX PHILLIPS
Attorney for Licensee

Dated: November , 1980

Terry P. O'Brien
TERRY P. O'BRIEN
Attorney for Board

Dated: November 7, 1980

Dated: November 7, 1980

1980

STATE OF MINNESOTA
COUNTY OF HENNEPIN

BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY

In the Matter of
William W. Duffy, PhD,
License No. 17

CONSENT ORDER OF
CONDITIONAL LICENSE

The Minnesota Board of Psychology (hereinafter "Board"), having convened on October 10, 1980, to consider the above-referenced matter, and having reviewed the Stipulation agreed upon by William W. Duffy, PhD, (hereinafter "Licensee"), now issues the following ORDER:

1. IT IS HEREBY ORDERED that the license of Licensee as a Licensed Consulting Psychologist in the State of Minnesota is hereby placed in conditional status for an indefinite time;

2. IT IS HEREBY ORDERED that Licensee's retention of his license is conditional upon his submitting or causing to be submitted to the Board the following:

a. Evidence that Licensee has issued a statement to all those entities, individuals, and institutions on the mailing list of the Center for Behavior Therapy, Inc., indicating that Licensee is directed, by Order of the Board, to inform the recipients that an announcement of services entitled, "WHY WE'RE HERE... WHERE WE'RE GOING... WHERE TO FIND US," dated October/November, 1979, and an announcement regarding an agoraphobia conference to be held in Roseville on February 22-23, 1980, unintentionally contained evaluative statements concerning professional services and the efficacy of services, in violation of 7 MCAR §§ 10.010(b)(10)(dd) and (ff) and unintentionally referred to two unlicensed presenters at the program as "psychologists" in violation of Minn. Stat. § 148.96;

b. Reports from a psychologist selected by the Board, in which the reporting psychologist shall reference meetings with Licensee

during the course of the reporting period at which the ethical rules of the Board, ethical behavior, and the application and integration of ethical concepts into daily psychological practice were addressed. The first report shall be due on April 1, 1981. Further reports shall be submitted every six months thereafter during the course of the conditional license. Each report shall specifically indicate the dates when the meetings were held, the length of the meetings, and a brief description of the subject matter discussed during the course of the meetings;

c. Reports from a Licensed Consulting Psychologist, acceptable to the Board Ethics Panel, with whom Licensee shall consult at his own expense. This report shall be submitted to the Board within two months of the issuance of this Order, and shall outline to the Board a therapeutic course of action, if any is indicated, for Licensee with regard to a further understanding by Licensee of himself, of his impact upon those with whom he deals, and his ability to clearly delineate different roles by which he may affect other people.

3. IT IS HEREBY ORDERED that Licensee may apply to the Board at any regularly scheduled Board meeting following April 1, 1982, to have the conditions removed from his license provided he submits or causes to be submitted the following:

a. Evidence of the mailing as referred to in paragraph 2.a., hereinabove;

b. A report from the psychologist referenced in paragraph 2.b., hereinabove, which report shall include statements that in the reporter's judgment, Licensee understands and is well familiar with the ethical rules of the Board, that Licensee can integrate the same into his daily practice, and that he can clearly delineate his role in different capacities with respect to those with whom he deals;

c. A report from the therapist, referenced in paragraph 2.c., hereinabove, in which report the reporter shall state that Licensee has fulfilled the therapeutic regimen, if any, and that

Licensee has conscientiously addressed the question of his awareness of his impact upon others, and his ability to clearly delineate his role with respect to those with whom he deals.

4. The Board shall, at any regularly scheduled meeting at which Licensee has made a timely petition, take any of the following actions which are reasonably appropriate:

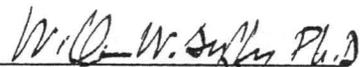
a. Remove the conditions attached to the license of Licensee upon written request of Licensee together with a presentation by Licensee of evidence reasonably satisfactory to the Board that he is capable of conducting himself in a fit and competent manner in the practice of psychology, which evidence shall include at least the reports as indicated in paragraph 2., hereinabove;

b. Reasonably amend the conditions attached to the license of Licensee upon the written request of Licensee and upon the evidence as specified in paragraph 2., hereinabove;

c. Continue the conditions for a reasonable period of time attached upon Licensee's failure to meet his burden of proof.

CONSENT:

STATE OF MINNESOTA
BOARD OF PSYCHOLOGY


WILLIAM W. DUFFY, PhD
Licensee


HARRIETTE HARTUNG
Executive Secretary

Dated: November 7, 1980

Dated: November , 1980


FELIX PHILLIPS
Attorney for Licensee


TERRY P. O'BRIEN
Attorney for Board

Dated: November 7, 1980

Dated: November 7, 1980