

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of the License of
Eric Felsch, Psy.D., L.P.
License Number: LP4514

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Eric Felsch, 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 he holds a license to practice psychology in the State of Minnesota.

FACTS

2. The Board finds the following:

a. On August 8, 2010, Licensee began providing professional therapeutic services to a female client (“Client # 1”).

b. During the course of therapy, Licensee and Client # 1 maintained a high volume of daily communication, which included numerous emails and phone calls, as well as holding therapeutic sessions in excess of two hours.

c. During the course of therapy, Licensee utilized touch such as hand-holding and hugging. Client #1 was to initiate the touching with Licensee. Licensee, however, initiated certain touching with Client #1, including kissing Client #1’s forehead, the top of her head, and her wrist, and touching her bare stomach.

d. During at least one therapeutic session, Licensee and Client # 1 sat at each other’s feet.

e. During a therapeutic session, Licensee allowed Client # 1 to wash Licensee's bare feet.

f. On January 4, 2013, Licensee met with the Board's Complaint Resolution Committee ("Committee") to discuss his conduct regarding Client # 1. Licensee acknowledged that the volume and frequency of his communications with Client # 1 was improper and that his physical contact with Client # 1 was inappropriate under the circumstances.

g. From December 9, 2008, to January 17, 2013, Licensee provided professional therapeutic services to another female client ("Client # 2").

h. During the course of therapy, Licensee initiated touching with Client # 2, including holding hands, hugging, running his hands through her hair, and rubbing her shoulders. During more than one session, Licensee hugged Client # 2 for 30 to 40 minutes.

i. During the course of therapy, Licensee often maintained a high volume of contact outside of therapy sessions through phone calls that were often lengthy and at times occurred multiple times per day. Licensee routinely used the phrase "I love you" as a greeting and farewell when communicating with Client #2.

j. In October 2011, Licensee went to Client # 2's veterinarian to ask that the veterinarian forgive an unpaid bill for Client # 2.

k. On November 8, 2013, Licensee met with the Committee to discuss his conduct regarding Client # 2. The Committee expressed concerns regarding Licensee's mental health and requested Licensee submit to a mental health evaluation.

l. On December 17 and 23, 2013, and January 16, 2014, Licensee met with a mental health evaluator.

m. On January 28, 2014, the evaluator submitted to the Committee his Psychological Evaluation of Licensee. The evaluator noted the following concerns regarding Licensee:

1) Licensee was unable to answer questions regarding the history, theoretical underpinnings, and basic tenants of a psychotherapeutic technique he identified as a key dimension to his therapy approach.

2) Licensee exhibited limited insight into the issues of transference and counter-transference.

3) While Licensee was working with Client #2, Licensee's clinical knowledge pertaining to specific psychological conditions and their treatment was deficient.

4) In his approach to therapy, Licensee had relied too heavily on his intuition as opposed to his clinical judgment.

5) Licensee exhibited mistakenly held beliefs regarding therapeutic goals as well as an over-emphasis on his personal identity versus his professional role in therapy, often personalizing his interactions with clients and sometimes projecting his own emotional needs onto his clients.

6) Licensee's personality profile appeared to make him prone to placing disproportionate emphasis on showing acceptance of others at the cost of appropriate boundaries.

n. The evaluator noted that Licensee was able to demonstrate sufficient familiarity with the DSM-IV and the DSM-V, that Licensee's views on professional boundaries had changed as a result of the Board's investigation, and that Licensee had made efforts to discontinue his inappropriate practices. The evaluator also found no evidence of impairment in

Licensee's current emotional, behavioral, stress management, cognitive, reality, or interpersonal functioning.

REGULATIONS

3. The Board views Licensee's conduct 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. § 148.941, subd. 2(a)(1) (violation of Board statutes and rules) and Minn. Stat. § 148.941, subd. 2(a)(3) and Minn. R. 7200.5700 (unprofessional conduct); 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 hereby places the following **LIMITATIONS** and **CONDITIONS** on Licensee's license to practice psychology in the State of Minnesota:

a. **Clinical Supervision.** Within sixty (60) days of the date of this Order, Licensee shall establish an arrangement with an experienced licensed psychologist for the supervision of Licensee's clinical practice for no less than twelve (12) months of continued practice. Licensee may select up to three (3) candidates for consideration and approval by Board staff. If Licensee is unable to select candidates for his clinical supervisor, Board staff may select three (3) candidates for Licensee's consideration. Licensee shall meet face-to-face with the clinical supervisor for a minimum of four hours each month. The clinical supervision shall include monitoring and review of all of Licensee's client records and notes, as well as Licensee's practices and policies, including clinical decision-making, case management, and boundaries. All costs associated with the supervision shall be paid by Licensee. Licensee shall cause the

clinical supervisor to submit a written report to the Committee every three months, which shall provide and/or address:

1) Verification that the clinical supervisor has received a copy of this Order and the January 28, 2014, Psychological Evaluation.

2) Dates and times the clinical supervisor met with Licensee.

3) Identification of any deficiencies or potential problems with Licensee's clinical approach to current clients, including, but not limited to, Licensee's assessment of clients' psychological conditions, treatment implementation, formulation of therapy goals, treatment plans, and boundary issues.

4) Any corrective actions that have been taken to remedy any deficiencies or potential problems.

5) The clinical supervisor's assessment of Licensee's clinical decision-making, approaches, and practices.

6) Any additional information the clinical supervisor believes would assist the Board in its ultimate review of this matter.

b. **Individualized Psychotherapy Training Course.** Within six (6) months of the date of this Order, Licensee shall complete a one-to-one, individualized training course of no less than eight (8) hours on psychotherapy taught by an experienced licensed psychologist.

The Course shall address the following topics:

1) Nature of the psychotherapeutic relationship;

2) Theories and foundations of the psychotherapy process;

3) Role of the psychotherapist and the nature of professionalism;

4) Empirically based psychotherapeutic techniques;

- 5) Framework for clinical decision-making;
- 6) Boundaries in psychotherapy and other professional relationships;
- 7) Transference, counter-transference, and their management in psychotherapy;
- 8) Professional standards, scope of practice, and standard of care; and
- 9) Therapist self-care.

Licensee shall submit to the Committee for approval a syllabus of the individualized psychotherapy training course that includes goals, objectives, assignments, projects, methods, and frequency of evaluation as well as the course instructor's *curriculum vitae* for its approval of the instructor. All fees for the course shall be paid by Licensee. To show satisfactory completion of the Course, Licensee shall submit the following:

- 1) *Report on Psychotherapy Course from Licensee.* Licensee shall 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 harm that may have occurred to Licensee's clients as a result of Licensee's conduct, and how Licensee now believes the violations could have been averted;

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

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

2) *Report on Psychotherapy Course from Instructor.* Licensee shall cause to be submitted to the Committee a report from the instructor of the Course. This report shall address:

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

b) The instructor's assessment of Licensee's knowledge obtained from the Course, comprehension of the material issues, and opinion as to Licensee's fitness to engage in the practice of psychology.

c. **Psychotherapy.** Licensee shall undergo psychotherapy with a licensed psychologist for no less than twelve (12) months to address Licensee's personality structure, the dynamics that contributed to his professional misconduct, processing the developments in his professional life, and any other issues Licensee seeks to address. Licensee shall meet with the psychologist at least once a month for at least one hour. Licensee shall submit, or cause to be submitted, the credentials of the psychologist for review and preapproval by the Committee. Every three (3) months, Licensee shall cause to be submitted to the Board a report from the psychologist which shall provide and address:

1) Verification the psychologist has reviewed a copy of this Order and the January 28, 2014, Psychological Evaluation and any other evaluation and/or treatment records deemed pertinent by the Board or the psychologist;

2) Dates and times the psychologist met with Licensee.

- 3) Diagnosis and any recommended treatment plan;
- 4) Licensee's fitness to engage in the practice of psychology;
- 5) Recommendations for additional evaluation or treatment; and
- 6) Any other information the psychologist believes would assist the

Board in its ultimate review of this matter.

d. **Peer Consultation Network.** Licensee shall develop a plan for establishing a network of professional peers with whom he can consult for informal guidance and professional development. Within thirty (30) days of the date of this Order, Licensee shall submit to the Board for review and approval his plan for establishing a network of professional peers.

5. Upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, Licensee may petition the Board to remove the limitations and/or conditions on his license. Licensee shall meet with the Committee to discuss his petition as well as his fitness to practice 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.

6. 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 twenty (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 suspended 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, a period of suspension with conditions of reinstatement, or revocation of Licensee's license.

7. 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.

8. 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.

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

10. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee is represented by Thomas Pearson, Esq. The Committee is represented by Hans A. Anderson, Assistant Attorney General.

11. 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.

12. 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.

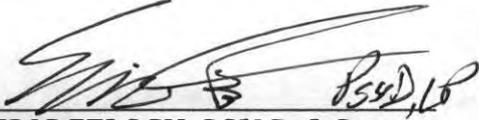
13. Licensee hereby acknowledges that he has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges he is fully aware 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.

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

15. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and other entities consistent with Board policy.

16. 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



ERIC FELSCH, PSY.D, L.P.

Dated: 10/6/14

COMPLAINT RESOLUTION COMMITTEE



SCOTT FISCHER, PH.D., L.P.
Committee Chair

Dated: 10-31-14

~~_____~~
BEN DOLLINS, J.D.
Committee Member

~~Dated: _____~~



Raja M. David, Psy.D., L.P.
Committee Member

Dated: 10/31/14

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 **LIMITED** and **CONDITIONAL** status and that all other terms of this stipulation are adopted and implemented by the Board this 31st day of October 2014.

MINNESOTA BOARD OF PSYCHOLOGY



ANGELINA M. BARNES

Executive Director