

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Darlene Heimerl, M.A., L.P.
License No. LP1597

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Darlene Heimerl, M.A., 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. Between February 9, 2004 through August 28, 2007, and April 7, 2010 through February 3, 2011, Licensee provided individual therapy to client #1.

b. Between November 9, 2005 and January 13, 2011, Licensee provided individual therapy to client #2, client #1’s mother.

c. In January 2011, Licensee noted that discussions with client #2 were becoming personal in nature. The therapeutic relationship was terminated in January 2011. Licensee did not have a termination session with client #2, failed to document a termination summary, and failed to document the rationale for the discontinuation of therapy.

d. In February 2011, Licensee and client #2 went to the residence of a third party who was not home. Licensee and client #2 were observed in an embrace inside the residence. Licensee’s motor vehicle was in the garage of the residence.

e. Between January 20, 1997 and August 19, 2009, Licensee provided psychological services to client #3. Licensee also provided psychological services to client #3's wife and client #3's step-daughter.

f. Upon termination of the professional relationship, Licensee did not have a termination session with client #3, failed to document a termination summary, and failed to document the rationale for the discontinuation of therapy.

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 rules enacted pursuant to Minn. Stat. § 148.98 and Minn. Stat. § 148.941, subd. 2(a)(1) (violation of statute or rule Board is empowered to enforce); specifically: Minn. Stat. § 148.941, subd. 2(a)(3) and Minn. R. 7200.5700 (unprofessional conduct); and Minn. R. 7200.4900, subp. 1a. (failure to maintain an accurate or complete record); and provides a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

REMEDY

4. In the interest of settling this matter and avoiding the necessity of further proceedings, Licensee and the Committee hereby agree that upon this stipulation and all of the files, records, and proceedings herein, and without further notice or hearing herein, Licensee consents that the Board may make and enter an order as follows:

a. Licensee shall **VOLUNTARILY SURRENDER** her license to practice psychology in Minnesota. Within 30 days of the date the terms of this Stipulation and Consent Order are adopted and implemented by the Board, Licensee shall surrender to the Board all State

licenses and certificates by delivering them personally or by first-class mail to Angelina M. Barnes, Executive Director, Minnesota Board of Psychology, 2829 University Avenue SE, Suite 320, Minneapolis, Minnesota 55414.

b. Licensee shall not practice, attempt to practice, offer to practice, or advise or hold herself out as authorized to practice psychology in Minnesota and shall not use the title psychologist or any designation which indicates licensure as a psychologist.

c. Upon Licensee's surrender of her license to practice psychology in Minnesota, the Board agrees to close its file in this matter.

d. Should Licensee reapply for licensure as a licensed psychologist in Minnesota, the complaints against Licensee shall be reopened and Licensee shall appear before a Board Complaint Resolution Committee to discuss the issues raised by these complaints, as well as any complaints received subsequent to the termination of Licensee's license. Further, should Licensee reapply for licensure as a licensed psychologist in Minnesota, she must meet the requirements for licensure in effect at the time of that application. At the time of application, Licensee shall demonstrate by clear and convincing evidence that she is capable of practicing psychology in a fit, competent, and ethical manner and with reasonable skill and safety to clients. Licensee shall not be relicensed in Minnesota until further order of the Board, which may include conditions and/or restrictions on Licensee's license.

e. 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.

5. If Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, or 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.

6. This stipulation shall not in any way limit or affect the authority of the Board 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.

7. 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.

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

9. Licensee was represented in this matter by Amy E. Slusser, Esq., Robins, Kaplan, Miller & Ciresi L.L.P. The Complaint Review Committee was represented by Benjamin R. Garbe, Assistant Attorney General.

10. 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.

11. 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.

12. 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.

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

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

15. 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

Darlene Heimerl
DARLENE HEIMERL, M.A., L.P.
Licensee
Dated: 12-15, 2011

Jeffrey Leichter
JEFFREY LEICHTER, Ph.D., L.P.
Committee Chair
Dated: 12/16/11, 2011

Patricia Orud
PATRICIA ORUD, M.A., L.P.
Committee Member
Dated: _____, 2011

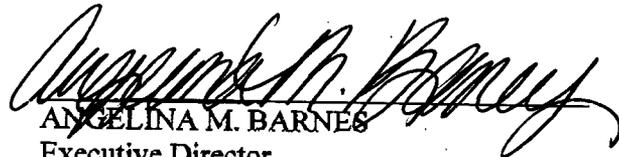
Susan Ward
SUSAN WARD
Committee Member
Dated: 16 Dec, 2011

ORDER

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

IT IS HEREBY ORDERED that the license of Licensee is **VOLUNTARILY SURRENDERED** and that all other terms of this stipulation are adopted and implemented by the Board this 10th day of December, 2011.

MINNESOTA BOARD
OF PSYCHOLOGY


ANGELINA M. BARNES
Executive Director

AG: #2902663-v1