

**BEFORE THE MINNESOTA  
BOARD OF PSYCHOLOGY  
COMPLAINT RESOLUTION COMMITTEE**

In the Matter of the License of  
E. Lynn Herrick, M.A., L.P.  
License Number: LP2227

**AGREEMENT FOR  
CORRECTIVE ACTION**

This agreement is entered into by and between E. Lynn Herrick, M.A., L.P. ("Licensee"), and the Complaint Resolution Committee of the Minnesota Board of Psychology ("Committee") pursuant to the authority of Minn. Stat. § 214.103, subd. 6(a). Licensee and the Committee hereby agree as follows:

**FACTS**

1. This agreement is based upon the following facts:
  - a. On August 3, 2012, Licensee signed a Supervision Plan agreeing to provide supervision to an individual seeking licensure as a licensed professional counselor ("Supervisee #1"). From then until October 31, 2013, Licensee provided approximately 95.5 hours of supervision to Supervisee #1 at the Agency Licensee worked.
  - b. On October 7, 2013, Licensee refused to sign off on Supervisee #1's supervision hours unless she signed a two (2) year post-licensure commitment to work at the Agency as a requirement of her supervision. Licensee informed Supervisee #1 of this requirement when she began supervision but did not include it in the August 3, 2012, Supervision Plan and failed to have Supervisee #1 sign off on the requirement at the beginning of her supervision.
  - c. The records Licensee maintained on Supervisee #1 failed to meet the requirements of Minnesota Rule 7200.4750, subpart 1, which requires that client records be

accurate, legible, and contain, at a minimum, client personal data, an accurate chronology of client visits, fees charged/payed, documentation of services, copies of all correspondence regarding the client, and copies of all client authorizations for release.

2. On July 11, 2014, Licensee met with the Committee to discuss the facts set forth in paragraph 1. Licensee acknowledged that the records he maintained on Supervisee #1 failed to meet the requirements of Minnesota Rule 7200.4750, subpart 1, and that he erred in not having Supervisee #1 sign the two (2) year post-licensure commitment policy at the beginning of her supervision. Based on the discussion and all available records and documents, the Committee views Licensee's conduct to be in violation of Minnesota Statutes section 148.941, subdivision 2(a)(1) (violation of a statute or rule the Board is empowered to enforce); Minnesota Statutes section 148.941, subdivision 2(a)(3) and Minnesota Rules 7200.5700 (unprofessional conduct); Minnesota Rules 7200.4750, subpart 1 (client records); and Minnesota Rules 7200.4910 (supervisee welfare). Licensee agrees the conduct cited above occurred and constitutes a reasonable basis in law and fact to justify the corrective action described in paragraph 3 below.

### **CORRECTIVE ACTION**

3. Licensee agrees to address the conduct referenced in paragraphs 1 and 2 by taking the following corrective action:

b. ***Record-keeping Report.*** Within 45 days of the date of this Agreement, Licensee shall research and submit a report to the Board dealing with the requirements of record-keeping during supervision. The Report shall be at least five (5) pages in length and shall contain the following:

1) A list of statutory and other record-keeping requirements as they relate to supervision;

2) A description of the policies behind the record-keeping requirements as they relate to supervision;

3) An explanation of how these record-keeping requirements apply to Licensee's practice.

4. Licensee shall be responsible for any and all costs incurred as a result of compliance with this agreement.

5. If any due date required by the Agreement for Corrective Action is not met, the Committee may fine Licensee \$100.00 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 \$500.00 per violation. The total of all fines may not exceed \$5,000.00. 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.

6. No condition imposed as a remedy by this Agreement for Corrective Action shall be used as a continuing education activity for the purpose of renewal of Licensee's license to practice psychology.

#### **OTHER INFORMATION**

7. Licensee understands that this agreement does not constitute disciplinary action.

8. Upon Licensee's satisfactory completion of the corrective action referenced in paragraph 3, the Committee agrees to dismiss the complaints(s) referenced in paragraph 1. Licensee agrees that the Committee shall be the sole judge of satisfactory completion. Licensee understands and further agrees that if, after dismissal, the Committee receives additional complaints similar to the facts in paragraph 1, the Committee may reopen the dismissed complaint(s).

9. If Licensee fails to complete the corrective action satisfactorily, or if the Committee receives additional complaints similar to the facts described in paragraph 1, the Committee may, at its discretion, reopen the investigation and proceed according to the Board's practice act and Minn. Stat. chs. 214 and 14. In any subsequent proceeding, the Committee may use as proof of the facts of paragraph 1 Licensee's agreements herein. Licensee agrees that failure to complete corrective action satisfactorily constitutes failure to cooperate under Minn. Stat. § 148.941, subd. 4, and may subject Licensee to disciplinary action by the Board.

10. Licensee has been advised of his right to be represented by legal counsel in this matter. Licensee has knowingly and voluntarily waived his right to counsel. The Committee is represented by Hans A. Anderson, Assistant Attorney General.

11. This agreement shall become effective upon execution by the Committee and shall remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon receipt of such information, the Committee may, at its discretion, proceed according to the Board's practice act and Minn. Stat. chs. 214 and 14.

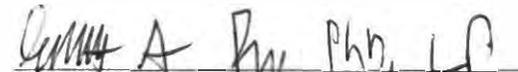
12. Licensee understands and acknowledges that this agreement and any letter of dismissal are classified as public data.

13. Licensee hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.

LICENSEE

COMPLAINT RESOLUTION COMMITTEE

  
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E. LYNN HERRICK, M.S., L.P.

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

Dated: 7/29/14

Dated: 8/9/14