

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of the Application of
Diane Hiles, Psy.D.

**STIPULATION AND
CONSENT ORDER**

STIPULATION

Diane Hiles, Psy.D. (“Applicant”), and the Minnesota Board of Psychology Complaint Resolution Committee (“Committee”) agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Psychology (“Board”) is authorized, pursuant to Minnesota Statutes sections 148.88 to 148.98, and the rules adopted under them, to license and regulate Board licensees and applicants and to take disciplinary action as appropriate.

2. Applicant is an applicant to the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

FACTS

3. On, or about, January 30, 2014, the Board received Applicant’s application for licensure as a psychologist in Minnesota.

4. The Board received a complaint regarding Applicant’s practice. During the course of investigation of the complaint, Applicant informed Board staff that she does not have a clinical supervisor as required by the Psychology Practice Act. Further investigation revealed

that Applicant has practiced psychology for at least three years without receiving appropriate supervision, as required by Minnesota Rule 7200.2000.

III.

LAWS

5. The Board views Applicant's practices described above to be in violation of statutes and rules enforced by the Board. Applicant agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148.941, subd. 2(a)(1) (violation of a statute, rule, or order that the Board issued or is empowered to enforce); Minn. Stat. § 148.907 (engaging in the independent practice of psychology without being licensed as a licensed psychologist or exempt under section 148.9075); Minn. R. 7200.2000 (supervision rules); Minn. Stat. § 148.941, subd. 2(a)(3) and Minn. R. 7200.5700 (Engaged in unprofessional conduct or any other conduct which has the potential for causing harm to the public, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without actual injury having to be established).

IV.

DISCIPLINARY ACTION

6. Upon this stipulation and without any further notice or proceedings, the Board hereby takes disciplinary action against Applicant as follows:

a. *Reprimand.* Applicant is **REPRIMANDED** for engaging in the conduct described above.

b. *New Post Doc.* Any post doc Applicant previously completed shall not count toward consideration or approval of Applicant's application. Applicant must complete a

new post doc that begins after the date this Stipulation and Order is approved and meets all other requirements regarding post docs.

c. ***Continuing Education.*** Applicant shall complete 140 hours of continuing education (20 hours for each year Applicant practiced psychology without proper supervision, as detailed above). Any APA-approved continuing education credits that Applicant completed from 2016 through 2021 can be counted toward this requirement, if official documentation is provided.

d. ***Supervised practice.*** Until such time and she is licensed as a licensed psychologist, Applicant's practice of psychology must be supervised as required by Minnesota Rule 7200.2000 and related statutes and rules. Any practice of psychology that is not subject to appropriate supervision will be considered a violation of this order.

7. Applicant will be able to apply to sit for the EPPP test and to take the EPPP test prior to completion of this Stipulation and Consent Order, consistent with the Board's application practices that allow applicants to take the EPPP during the term of their postdoc. The conditions upon Applicant's license shall be administratively removed at such time as Applicant's application is officially addressed by the Board and either granted or denied.

V.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

8. If Applicant 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 20 days before the hearing, the Committee shall mail Applicant 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, Applicant shall submit a written response to the allegations. If Applicant 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 Applicant 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 Applicant may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Applicant 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 Applicant has failed to submit a timely response to the allegations, Applicant may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Applicant 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. Applicant'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 Applicant's license is in a limited and conditioned 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 Applicant's practice, suspension, or revocation of Applicant's license.

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Applicant's license pursuant to Minnesota Statutes section 148.941, subdivision 3, or Minnesota Statutes section 214.077, based on a violation of this Stipulation and Consent Order or based on conduct of Applicant not alleged in the Notice of Conference in this proceeding.

VI.

ADDITIONAL REQUIREMENTS

9. If Applicant applies for licensure as a psychologist in another jurisdiction besides Minnesota, she shall provide the Board with her current contact address at the time of application and at all times during which she is licensed to practice psychology in another jurisdiction.

10. Within ten days of execution of this Stipulation and Consent Order, Applicant shall provide the Board with the names of all states in which Applicant is licensed to practice psychology or has applied for licensure as a psychologist.

11. Applicant waives the contested case hearing and all other procedures before the Board to which Applicant may be entitled under the Minnesota and United States constitutions, statutes, or rules.

12. Applicant has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Applicant has chosen to appear *pro se* in this matter. The Committee is represented by Nicholas Lienesch, Assistant Attorney General.

13. Applicant waives any claims against the Board, the Minnesota Attorney General's Office, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Applicant.

14. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

15. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

16. Applicant has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Applicant is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Applicant, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Applicant or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

17. Applicant agrees that if the Board rejects this Stipulation and Consent Order and this case comes again before the Board, Applicant will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

18. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Applicant by initiating a contested case hearing or by other appropriate action on the basis of any act, conduct, or admission of Applicant which constitutes grounds for disciplinary action and is not alleged in the Notice of Conference in this proceeding.

19. 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 Applicant agrees that should the Board reject this stipulation and this case proceeds to hearing, Applicant 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.

VII.

DATA PRACTICES NOTICES

20. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Therefore, employers and other individuals will be able to see this entire Stipulation and Consent Order by searching Applicant's name on the Board's website, or by requesting a copy of this Stipulation and Consent Order from the Board. Data regarding this action will be provided to data banks as required by Federal law and consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Stipulation and Consent Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

21. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

APPLICANT:

Diane Hiles Psy.D
DIANE HILES, PSY.D.
Applicant

Dated: 4/14, 2023

BOARD OF PSYCHOLOGY COMPLAINT
RESOLUTION COMMITTEE

Robin McLeod, Ph.D., LP
BOARD MEMBER

Robin McLeod, Ph.D., LP
Printed Name

Dated: May 19, 2023

ORDER

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

IT IS HEREBY ORDERED that Applicant's application is **REPRIMANDED** and **CONDITIONED** and that all other terms of this stipulation are adopted and implemented by the Board this 19th day of May, 2023.

MINNESOTA BOARD OF PSYCHOLOGY



Sam Sands
Executive Director