

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Rebecca R. Hinderscheid, Psy.D., L.P.
License No. LP4354

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

The above-entitled matter came on for hearing at a regularly scheduled meeting of the Minnesota Board of Psychology ("Board") on October 7, 2011, convened at 2829 University Avenue S.E., Fourth Floor, Conference Room A, Minneapolis, Minnesota 55414. The Board conducted a hearing pursuant to the procedure set forth in paragraph 13 of the Stipulation and Consent Order ("2010 Consent Order") issued by the Board to Rebecca R. Hinderscheid, Psy.D., L.P. ("Respondent"), on April 9, 2010.

Respondent, with legal counsel Fabian Hoffner, Esq., previously attended a conference with the Complaint Resolution Committee on October 4, 2011, at which time the parties agreed upon a settlement of the matters addressed herein. Respondent waived her right to a formal stipulation and wished to submit these Findings of Fact, Conclusions, and Final Order to the Board on October 7, 2011. Upon being fully informed of her respective rights, Respondent stipulated to the proposed findings and remedy contained herein.

At the hearing on October 7, 2011, the Committee presented evidence of Respondent's violations of the 2010 Consent Order. Per agreement of the parties, Respondent was not required to appear. Benjamin R. Garbe, Assistant Attorney General, appeared and presented oral argument on behalf of the Committee. Board members Jean Wolf, Patricia Stankovitch, and Chris Bonell did not participate in deliberations and did not vote in the matter. Patricia LaBrocca and Gail Schiff, Regulations Analysts for the Board, did not participate in the

deliberations. Karen B. Andrews, Assistant Attorney General, was present as legal advisor to the Board.

FINDINGS OF FACT

The Board has reviewed the record of this proceeding and hereby issues the following Findings of Fact:

1. The Board is authorized pursuant to Minnesota Statutes sections 148.88 to 148.98 to license, regulate, and discipline persons who apply for, petition, or hold licenses as licensed psychologists and is further authorized pursuant to Minnesota Statutes sections 214.10 and 214.103 to review complaints against psychologists, to refer such complaints to the Attorney General's Office, and to initiate appropriate disciplinary action.

2. Respondent agreed to and signed the 2010 Consent Order issued by the Board on April 9, 2010. In paragraph 13 of the 2010 Consent Order, Respondent expressly acknowledged and agreed to several procedures the Board may use to resolve alleged noncompliance with or violation of the 2010 Consent Order. The 2010 Consent Order remained in full force and effect at the time the conduct described in paragraph 5 below occurred.

3. Respondent expressly acknowledged and agreed in paragraph 13 of the 2010 Consent Order that if Respondent violates the 2010 Consent Order, the Board Committee may seek additional disciplinary action.

4. Respondent expressly acknowledged and agreed in paragraph 13 of the 2010 Consent Order that in the event the Board received evidence Respondent violated the terms of the 2010 Consent Order, she would be notified of such allegations in writing and, following the opportunity to contest the allegations, the Board may impose additional disciplinary action against Respondent's license.

5. The Board received information Respondent violated the terms of the 2010 Consent Order and engaged in acts or omissions which would be a violation of Minnesota Statutes as follows:

- a. Respondent agreed to and signed the 2010 Consent Order, placing Respondent's license in a Conditional and Restricted status.
- b. Paragraph 4.b. of the 2010 Consent Order placed a practice restriction on Respondent's license. Respondent was prohibited from providing clinical supervision to clients until such time as she completes two years of supervised practice.
- c. Paragraph 4.d. of the 2010 Consent Order required Respondent's supervisor to submit quarterly reports for Committee review. The reports are required to address Respondent's ongoing compliance with supervision.
- d. Paragraph 4.h. of the 2010 Consent Order required Respondent to enroll in and successfully pass a graduate-level ethics course by April 9, 2011.
- e. Respondent's first supervisor report was due on September 3, 2010. On August 30, 2010, Respondent requested an extension of the deadline, claiming that her supervisor had broken her elbow while on vacation and required additional time to submit the report. The Committee granted Respondent's extension request, and a new deadline of October 1, 2010 was set. The first report from Respondent's supervisor was received on February 1, 2011, four months after the extended deadline.
- f. Respondent failed to submit proof of completion of a graduate-level ethics course by the deadline of April 9, 2011. Proof of completion was not received by the Board as of the date of the Committee's Notice of Hearing for Alleged Noncompliance With Stipulation and Consent Order.

g. Respondent's second supervisor report was due on May 1, 2011. The report was received on June 24, 2011.

h. On June 14, 2011, Board staff notified Respondent by letter that she was not in compliance with the 2010 Consent Order.

i. On June 20, 2011, Respondent informed Board staff that Respondent's supervisor had recently sent the second report to the Board office, and was unsure why it had not been received. Respondent stated that she had a copy of the second report and would fax it to Board staff for Committee review. Respondent also stated that she would submit a letter to the Committee addressing her noncompliance with the ethics course requirement. Respondent was asked to submit the second report and any additional documents for the Committee's review on June 24, 2011. Respondent's letter and documents were not received in time for the Committee's review.

6. On August 24, 2011, Respondent was served with a Notice of Hearing for Alleged Noncompliance With Stipulation and Consent Order by first-class mail at her last known address on file with the Board. The Notice informed Respondent of the alleged violations and of the date, time, and place of the hearing.

7. On October 4, 2011, Respondent appeared with counsel at a conference with the Committee. Respondent admitted that she failed to comply with the 2010 Consent Order. Respondent waived her right to a formal stipulation, and wished to stipulate to the findings, conclusions, and order contained herein.

CONCLUSIONS

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions:

1. The Board has jurisdiction in this matter pursuant to Minnesota Statutes sections 148.905, 214.10, and 214.103.
2. The Board Committee gave proper notice of the alleged violations to Respondent, pursuant to paragraph 13 of the 2010 Consent Order.
3. The Board Committee has the burden of establishing the statutory violations charged by a preponderance of the evidence.
4. The Board Committee has proved by a preponderance of the evidence that Respondent has violated Minnesota Statutes section 148.941, subdivision 2(a)(1) and the 2010 Consent Order. On October 4, 2011, Respondent admitted to violating the 2010 Consent Order.
5. As a result of the violations set forth above and pursuant to the terms of the 2010 Consent Order, the Board has the authority to impose additional disciplinary action against Respondent's license to practice psychology.

ORDER

Based on the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

1. NOW, THEREFORE, IT IS HEREBY ORDERED that the 2010 Consent Order issued to Respondent on April 9, 2010, is hereby **RESCINDED** and shall have no future force or effect.
2. IT IS FURTHER ORDERED that Respondent shall pay a **CIVIL PENALTY** in the amount of \$500.00. The Board has determined a civil penalty is appropriate based on Respondent's noncompliance and to discourage repeated violations. The civil penalty shall be

paid by cashier's check or money order made payable to the Minnesota Board of Psychology and shall be delivered personally or by mail to the Minnesota Board of Psychology, c/o Angelina M. Barnes, Executive Director, 2829 University Avenue S.E., Suite 320, Minneapolis, Minnesota 55414.

3. IT IS FURTHER ORDERED that the REMEDY for Respondent's conduct is as follows:

a. ***Reprimand.*** Respondent is **REPRIMANDED** for the conduct described in paragraph 5 of the Findings of Fact above.

b. ***Practice Restriction.*** Respondent is prohibited from providing clinical supervision to others until such time as she has completed, to the satisfaction of the Committee, the requirements contained in paragraphs c. through e. below. Following the completion of the requirements of paragraphs c. through e., Respondent may petition the Board to reaffirm her competency in supervision. At the time of her petition, Respondent must demonstrate, at a minimum, an appropriate combination of education, training, experience, and supervision in supervision. Successful demonstration of Respondent's competence in providing supervision to others shall be determined exclusively by the Committee.

c. ***Supervision of Respondent by New Board-Approved Psychologist.*** Respondent shall submit a new supervisor for approval by the Committee within 30 days of the date of this Order. Respondent shall practice psychology only under the supervision of a supervising psychologist approved in advance by the Committee. Respondent shall cause the newly submitted psychologist to submit a current vitae to the Board for the Committee's review within 30 days of the date of this Order. The Committee reserves the right to reject the newly proposed supervisor. If the Committee rejects the proposed supervisor, the Committee may

require that Respondent submit additional names as described above, or the Committee may provide Respondent with the name of a supervisor. Respondent shall have no previous personal or professional relationship with the supervisor.

Respondent shall retain a new supervising psychologist within 45 days of the date this Order is adopted by the Board and shall meet with the supervising psychologist no less than two hours per month until the Board approves Respondent's petition to remove the supervision requirement.

Respondent shall practice under supervision for a minimum of two years from the date of this Order. However, after one year, and following successful completion of the requirements set forth in paragraphs d. through e. below, Respondent may petition the Committee for a reduction in supervision from two hours per month to one hour per month. The purpose of the meetings is to review the following:

d. ***Supervisor's Reports.*** The new supervising psychologist shall provide a report to the Committee every three months and at the time Respondent petitions to have the conditions removed from her license. The first report is due three months from the date supervision begins, and all subsequent reports shall be submitted on the first day of the month in which they are due. Each report shall provide and/or address:

- 1) In the first report, evidence Respondent's supervisor has received and reviewed a copy of the Order;
- 2) Dates on which supervision took place with Respondent;
- 3) The method by which supervision was conducted;
- 4) A statement that all cases have been reviewed, a description of any problems discovered in the review, and the resolution of the problems;

5) The supervisor's opinion as to Respondent's ability to provide competent services;

6) The supervisor's opinion as to Respondent's education, training, and experience to provide competent supervision to others;

7) Any other information the supervisor believes would assist the Board in its ultimate review of this matter; and

8) At the time Respondent petitions for removal of the above-referenced conditions, the supervisor's report shall include an assessment of Respondent's ability to conduct herself in a fit, competent, and ethical manner in the practice of psychology as well as whether Respondent exhibits an acceptable comprehension and knowledge of ethical boundary issues encountered in practice and supervision, as well as the ability to apply this knowledge.

e. **Course Work.** Within one year of the date this Order is adopted by the Board, Respondent shall enroll in and pass a three-quarter credit, or the equivalent in semester credits, graduate-level ethics course. Respondent shall obtain approval from the Committee before commencing the course work. Successful completion shall be determined by the Committee. Respondent may not apply these units to her continuing education requirement for licensure renewal as set forth in Minn. R. 7200.3820.

4. IT IS FURTHER ORDERED that Respondent's violation of this Order shall constitute violation of a Board order for purposes of Minnesota Statutes section 148.941, subdivision 2(a)(1), and provide grounds for further disciplinary action.

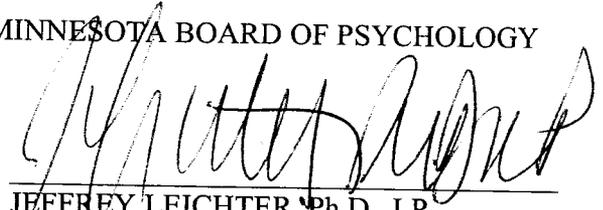
5. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting following Respondent's petition for removal of the practice restrictions and conditions, take any of the following actions:

- a. Issue an unconditional license to Respondent.
- b. Issue a license to Respondent with limitations placed upon the scope of Respondent's practice and/or conditional upon further reports to the Board.
- c. Continue the restrictions and conditions of Respondent's license upon Respondent's failure to meet the burden of proof for removal of such.

Dated: OCTOBER 7, 2011

MINNESOTA BOARD OF PSYCHOLOGY

By:


JEFFREY LEICHTER, Ph.D., LP
Vice-Chair

AG: #2889119-v1