

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

In the Matter of the License of
John Husted, Ph.D., L.P.
License Number: LP1792

**AGREEMENT FOR
CORRECTIVE ACTION**

This agreement is entered into by and between John Husted, Ph.D., 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. Licensee provided psychotherapy services to client #1. The purpose of the therapy was to assist client #1 in adjusting to a workers' compensation injury.
 - b. Licensee authored a report with respect to client #1 in which Licensee provided a diagnosis of Personality Disorder (Axis II). Licensee's report did not meet Minnesota requirements for psychological reports as set forth in Minn. R. 7200.5000, and Licensee's practice with respect to client #1 did not meet minimum standards of acceptable and prevailing psychological practice. Deficiencies included the following:
 - 1) Licensee failed to include in the report a description of all assessments, evaluations, or other procedures upon which his conclusions were based.
 - 2) Licensee failed to appropriately note in the report any reservations or qualifications concerning the validity or reliability of the conclusions he formulated, and

failed to take into account the conditions under which the procedures were carried out and the limitations of scientific procedures and psychological descriptions.

3) For example, Licensee opined within the report, “The not dating part would underlie either a very poor socialization or perhaps a latent sex-typing disorder or orientation of some sort that he may or may not have recognized.” Licensee failed to properly cite, identify, or note the source(s) of information or empirical data on which this conclusion was based.

2. On March 11, 2011, Licensee met with the Committee to discuss the facts set forth in paragraph 1. Licensee acknowledged the deficiencies within in his practice. Based on the discussion, the Committee views Licensee's practices to be a violation of Minn. Stat. § 148.941, subd. 2(a)(3), and Minn. R. 7200.5700 (unprofessional conduct) and Minn. R. 7200.5000, subp. 3 (substandard psychological report), and Licensee agrees that 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 actions:

a. ***Report and Record Review By Committee.*** Licensee shall submit for Committee review the first psychological report completed by Licensee on or after March 11, 2011. The Committee will review and determine the report’s compliance with Minn. R. 7200.5000 and minimum standards of acceptable and prevailing psychological practice. Supplemental to the report, Licensee shall also submit the corresponding client file. The client file shall be complete upon submission to the Committee. The file shall include all case notes,

records, diagnostic reports, and any other documents mandatory for inclusion. Licensee is responsible for redacting identifying information or obtaining the appropriate written client consent prior to record disclosure to the Committee. Licensee shall submit the report and records for Committee review by May 1, 2011. If Licensee is unable to submit a report and corresponding records by May 1, 2011, Licensee must request an extension of the deadline in writing no later than April 30, 2011.

b. ***Essay from Licensee.*** Within 60 days of the date this Agreement is executed, Licensee shall submit an essay to the Committee which includes the following:

1) A brief summary of the deficiencies in Licensee's practice identified in paragraph 1 and Licensee's insight as to how these deficiencies became a part of his practice;

2) What Licensee has learned from the Committee's intervention in this matter, including Licensee's own statement as to how Licensee has changed or will change his practice; and

3) Any other information Licensee believes would assist the Committee in its ultimate review of Licensee's compliance with this Agreement.

c. ***Additional Documents for Committee Review.*** Within 60 days of the date this Agreement is executed, Licensee shall submit, supplemental to the essay described in paragraph 3.b. above, documentation reflecting Licensee's previous and ongoing efforts to bring the policies and procedures of his practice into compliance with Minnesota law. Documentation includes but is not limited to psychological report templates, charting templates, and any other form (electronic or otherwise) created by Licensee for the purpose of establishing compliance with Minnesota law and correcting the deficiencies identified in this Agreement.

4. Licensee shall be responsible for 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 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.

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, unless it is specifically stated in this Agreement for Corrective Action that the condition may be used for this purpose.

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 complaint(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 by Committee representatives that Licensee may choose to be represented by legal counsel in this matter and has so chosen Charles C. Glasrud, Esq. The Committee is represented by Benjamin R. Garbe, 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


JOHN HUSTED, PH.D., L.P.

Dated: 3-29-11

MINNESOTA BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE


JEFFREY LEICHTER, PH.D., L.P.
Committee Chair

Dated: 4/15/11


PATRICIA ORUD, M.A., L.P.
Committee Member

Dated: 4/15/11


SUSAN WARD
Committee Member

Dated: 15 April 2011