

**BEFORE THE MINNESOTA
BOARD OF MARRIAGE AND FAMILY THERAPY**

In the Matter of
Caroline Jones, LMFT
License No. 1909

**STIPULATION AND CONSENT ORDER
FOR SUSPENSION**

STIPULATION

Caroline Jones, LMFT ("Licensee"), and the Complaint Panel of the Minnesota Board of Marriage and Family Therapy ("Complaint Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

The Minnesota Board of Marriage and Family Therapy ("Board") is authorized pursuant to Minnesota Statutes sections 148B.07 to 148B.48 to license and regulate marriage and family therapists and to take disciplinary action as appropriate.

Licensee holds a license from the Board to practice marriage and family therapy in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

BACKGROUND

On June 11, 2015, Licensee and her attorney, Evan H. Weiner, Neve Webb, PLLC, Suite 1080, 8500 Normandale Lake Boulevard, Minneapolis, Minnesota 55437, appeared before the Complaint Panel, composed of Board members Herb Grant, Ph.D., LMFT and Dennis

Morrow, Ph.D. to discuss allegations contained in a Notice of Conference dated April 21, 2015.

Caitlin M. Grom, Assistant Attorney General, represented the Complaint Panel at the conference.

III.

FACTS

4. The parties agree this Stipulation and Consent Order is based upon the following facts:

a. On or about 2011, Licensee began treating Patient T.C. ("Patient"). Patient was diagnosed with paranoid schizophrenia by another clinician more than twenty-five years ago.

b. Patient is approximately 61 years old and designated as a vulnerable adult.

c. Licensee diagnosed Patient with Generalized Anxiety Disorder and Schizophrenia Residual Type.

d. Licensee treated Patient on a weekly basis at a behavior health center in Minneapolis.

e. In or around November 2013, Patient broke his arm. From approximately November 2013 until May 2014, Patient was a resident of a nursing home. In May 2014, Patient transferred to a residential group home.

f. During his time at the nursing home, Patient accumulated Supplemental Security Income ("SSI") because he had medical coverage and did not have to pay rent. In addition, Patient accumulated tribal compensation income.

g. During treatment sessions, Patient talked with Licensee about the money he accumulated since November 2013.

h. Subsequent to this conversation, Patient withdrew a large amount of cash using his SSI debit card.

i. Licensee and Patient discussed Patient's money in therapy sessions. Patient expressed concern that someone in the group home or nursing home would steal the cash. Licensee suggested that Patient put the money in a bank or give money to friends or relatives for safekeeping. When Patient said that he did not like those options, Licensee suggested that he convert the cash into money orders.

j. On February 5, 2014, Patient had a therapy appointment with Licensee. During the appointment, Patient asked Licensee where to find a bank and after Licensee explained there was a bank on the first floor of her building, Patient did not understand the directions. Licensee brought him to the bank and waited in the lobby while patient purchased cashier checks. Thereafter, Patient obtained an additional \$2,622 in cashier checks.

k. Patient repeatedly asked Licensee to hold cash for him during therapy appointments over the course of several months. Initially, Licensee refused to hold Patient's cash.

l. On May 16, 2014, Licensee agreed to hold \$1,400 in cash for Patient.

m. On or about May 16, 2014, Patient's Adult Rehabilitative Mental Health Services ("ARMHS") worker called Licensee. The ARMHS worker called and left a voicemail for Licensee stating that she had purchased a lockbox in which to hold Patient's cash, but that Patient had already lost the key to the lockbox. After receiving this voicemail, Licensee continued to hold Patient's cash in a locked desk drawer in her office.

n. During this time, Patient also asked Licensee to hold a knife for him, and Licensee refused. However, Patient left the knife on a chair in Licensee's office despite her refusal. At the next therapy appointment, Licensee gave the knife back to Patient.

o. On May 22, 2014, Licensee picked up Patient at a gas station located near Patient's residential facility. Licensee drove Patient to a casino in Northwoods, Iowa, approximately two hours away from Minneapolis. Licensee states that Patient said he was bored at the group home and wanted to take a trip to the casino. Licensee states that she agreed to do so out of sympathy for Patient.

p. On the way to the casino, Licensee stopped at a bank so that Patient could cash a cashier's check.

q. Licensee and Patient gambled at the casino in Iowa for approximately one hour.

r. On May 27, 2014, Patient asked Licensee for the cash that Licensee had been holding for him. Licensee states that she then returned \$1,400 in cash to Patient. Patient disputed that this was the full amount that Licensee held for Patient, and demanded that she return an additional \$900 in cash in order to be repaid in full.

s. Licensee states that even though it was her position that she had repaid him in full when she provided Patient \$1,400, she agreed to provide Patient with the additional \$900. Licensee stated that she did so in order to avoid problems. Licensee first met Patient at a gas station near his residence and gave him \$200. Later, Licensee met Patient and gave him an additional \$600. Licensee later spoke with Patient on the phone and offered to give him an additional \$100.

t. In or around the end of May or beginning of June 2014, the counseling relationship between Licensee and Patient was terminated.

u. At the conference with the Complaint Panel on June 11, 2015, Licensee admitted the following:

- i. Licensee knew it was wrong to hold Patient's cash.
- ii. Licensee never consulted with a professional or colleague about Patient's requests to Licensee to hold his cash, the trip to the casino with Patient, or Patient's requests for repayment.
- iii. Licensee has previously received treatment for a gambling addiction.

IV.

LAWS

5. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes § 148B.37, subd. 1(3) and Minn. R. 5300.0350, subp. 5(G) (exploiting the professional relationship with a client in any manner for the therapist's advantage or benefits), Minn. R. 5300.0250, subp. 4(S) (engaged in unprofessional conduct), Minn. R. 5300.0350, subp. 5(B) (engaged in dual relationship with a client) and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

A. Suspension

6. The Board hereby **SUSPENDS** Licensee's license to practice marriage and family therapy in the State of Minnesota. During this period of suspension, Licensee shall not practice marriage and family therapy in any manner, shall neither offer nor provide marriage and family therapy services of any kind within Minnesota, and shall not use the designation "licensed marriage and family therapist," "LMFT," or any other designation that implies that Licensee is eligible to practice marriage and family therapy in the State of Minnesota.

B. Requirements for License Reinstatement

7. Licensee may petition to the Board for reinstatement at any regularly scheduled Board meeting no earlier than one year after the effective date of the Board's Order. At the time of petition, Licensee shall meet with a Review Panel and provide proof of compliance with, at a minimum, the following:

a) **Mental Health Evaluation.** Within 60 days prior to submission of a petition for reinstatement, Licensee shall undergo a mental health evaluation performed by a psychiatrist or a licensed psychologist. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff for purposes of this evaluation. Licensee is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall provide and address:

- i) Verification the evaluator has reviewed a copy of this Stipulation and Consent Order;
- ii) Diagnosis and any recommended treatment plan;
- iii) Licensee's status with regards to gambling addiction and treatment;
- iv) Recommendations for additional evaluation or treatment; and
- v) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

b) **Physical Evaluation.** Within 60 days prior to submission of a petition for reinstatement to the Board, Licensee shall undergo a physical examination with a physician.

Licensee is responsible for the cost of the examination. The results of the examination, including a history and physical from Licensee's physician, shall be sent directly to the Board and must include a statement verifying the physician has reviewed this Stipulation and Order and any evaluation or investigative records deemed pertinent by the Board or the evaluator prior to the examination. The report shall provide and address:

- i) Identification of diagnoses and any plans of treatment, including any medications, devised for Licensee; and
- ii) Any other information the physician believes would assist the Board in its ultimate review of this matter.

c) Successful Completion of Boundaries Course. Licensee shall arrange to enroll in an individualized professional boundaries training course and comply with the following:

- i) the course must be approved in advance by the Complaint Panel. Licensee shall submit for approval to the Complaint Panel a proposed instructor's curriculum vitae, and a syllabus that includes goals, objectives, assignments, projects, methods, and frequency of evaluation.

- ii) Licensee must complete this course prior to petitioning for reinstatement of her license. All fees for the course shall be paid by the Licensee and successful completion of the boundaries course shall be determined by the Complaint Panel.

d) Successful Completion of Ethics Course. Licensee shall arrange to enroll in an individualized professional ethics training course and comply with the following:

- i) the course must be approved in advance by the Complaint Panel. Licensee shall submit for approval to the Complaint Panel a proposed instructor's curriculum vitae, and a syllabus that includes goals, objectives, assignments, projects, methods, and frequency of evaluation.

ii) Licensee must complete this course prior to petitioning for reinstatement of her license. All fees for the course shall be paid by the Licensee and successful completion of the boundaries course shall be determined by the Complaint Panel.

e) Report on Courses from Licensee. Within 30 days of completing the course 7(c) and 7(d), Licensee shall submit a written report to the Complaint Panel which provides and/or addresses the following:

i) The dates Licensee began and completed the course;

ii) A brief statement of the topics covered in the course;

iii) A detailed discussion of what Licensee learned from the course, including Licensee's comprehension and knowledge of boundary and ethics issues, as well as various boundaries and ethics issues encountered in practice and how this course will affect her practice in the future

iv) A detailed discussion of the violations that occurred, including: 1) how Licensee came to violate professional boundaries and ethics; 2) the manner in which Licensee violated professional boundaries and ethics; 3) the specific harm to each individual that resulted and/or the potential harm to other individuals that could have resulted from Licensee's conduct; 4) how Licensee now believes the violation could have been averted; 5) a detailed discussion of the specific ways this course may affect Licensee's practice if she is granted an unconditional license; 6) Licensee's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of marriage and family therapy and 7) any other information Licensee believes would assist the Board in its ultimate review of this matter.

f) Report on Course from Instructors. Licensee shall cause to be submitted to the Complaint Panel a report from the instructor of the course listed in paragraph 7(c) and 7(d). The report shall address:

i) The extent of Licensee's participation in the course; and

ii) The instructor's assessment of Licensee's knowledge obtained from the course, comprehension of the material issues, and opinion as to Licensee's ability to engage in the practice of marriage and family therapy.

g) Additional Information. Licensee shall provide any additional relevant information reasonably requested by the Board.

h) Licensure Requirements. Licensee shall meet all licensure requirements in effect at the time of her petition for reinstatement, including but not limited to completing the appropriate application, paying requisite fees, and completing any necessary continuing education requirements.

i) Burden of Proof. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of practicing marriage and family therapy in a fit and competent manner.

8. Licensee shall meet with the Complaint Panel of the Board at least 60 days prior to the Board meeting to consider Licensee's application for reinstatement. The Complaint Panel shall review and discuss with Licensee her application and supporting evidence. After meeting with Licensee, the Complaint Panel shall forward a report containing its recommendations to the Board.

9. The Board may, at any regularly scheduled meeting, following Licensee's petition for removal of the suspension take any of the following actions: 1) issue an Order granting Licensee a license with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice; 2) issue an Order to continue the suspension of Licensee's license upon her failure to meet the burden of proof; or 3) any other action the Board deems appropriate.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

10. It is Licensee's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those making the payment or preparing the report, evaluation, or documentation. Failure to make payments or file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States Mail, courier, or personal delivery only.

11. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Complaint Panel 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 Complaint Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Complaint Panel shall mail Licensee a notice of the violation(s) alleged by the Complaint Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Complaint Panel, in its discretion, may schedule a conference with Licensee 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 Complaint Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Complaint Panel and Licensee 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 Complaint Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee 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. Licensee'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 Complaint Panel not to seek discipline when it first learns of a violation shall not waive the Complaint Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a suspended 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 Licensee's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Licensee's license.

f. Nothing herein shall limit the Complaint Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 148B.175, subdivision 7, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. In addition, if Licensee fails to comply with or violates this Stipulation and Consent Order or it is determined Licensee has further violated

Minnesota Rules Chapter 5300, the Complaint Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or bringing this matter directly before the Board.

VII.

ADDITIONAL INFORMATION

12. IT IS FURTHER STIPULATED AND AGREED that this Stipulation shall not in any way limit or affect the authority of the Board to initiate administrative contested case proceedings against Licensee on the basis of any act, conduct or omission of Licensee occurring before or after the date of this Stipulation which is not related to the facts, circumstances or requirements referenced hereinabove, nor does this Stipulation in any way limit or affect the Board's authority to seek injunctive relief or criminal sanctions against Licensee for any violation of Minnesota Statutes section 148B.32 or Minnesota Rule 5300.0350 occurring after the effective date of this Order herein.

13. This Order and the Stipulation of which it is a part shall be deemed to be public documents.

14. Licensee has voluntarily entered into this Stipulation without threat or promise by the Board or any of its members, employees or agents, and after consultation with and advice from Licensee's counsel.

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

16. Licensee acknowledges that she may seek the advice of legal counsel prior to executing this Stipulation.

17. This Stipulation was read in its entirety by Licensee prior to its execution; she understands all of its provisions, and she affirms that it was entered into freely and voluntarily by her.

18. Licensee 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 Licensee.

19. 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.

20. 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.

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

22. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to

Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

23. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee 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.

24. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

VIII.

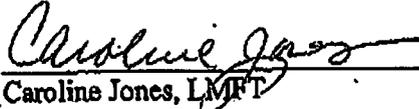
DATA PRACTICES NOTICES

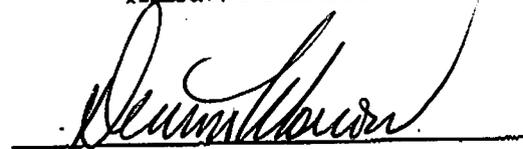
25. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Therefore, employers and other individuals will be able to see this entire Stipulation and Consent Order by searching Licensee's 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 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.

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

LICENSEE:

BOARD OF MARRIAGE AND FAMILY
THERAPY COMPLAINT PANEL


Caroline Jones, LMFT
Licensee


Dennis Morrow, Ph.D.
Board Member

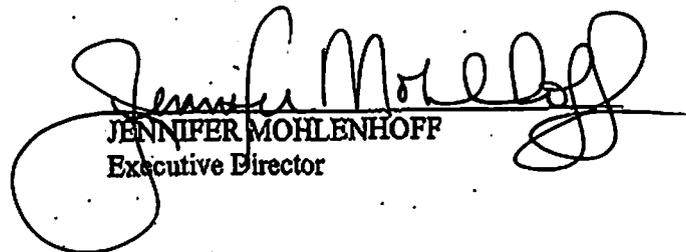
Dated: 10 / 9 , 2015

Dated: 13 Oct , 2015

ORDER

Upon consideration of the Stipulation, the Board places Licensee's license in a **SUSPENDED** status and adopts all of the terms described above on this 13 day of October, 2015.

MINNESOTA BOARD OF MARRIAGE
AND FAMILY THERAPY


JENNIFER MOHLENHOFF
Executive Director