

**BEFORE THE MINNESOTA**

**BOARD OF PSYCHOLOGY**

In the Matter of the License of  
Dick Jones, Ph.D., L.P.  
License Number: LP0361

**STIPULATION AND  
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Dick Jones, Ph.D., L.P. ("Licensee"), and the Minnesota Board of Psychology ("Board") as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which he holds a license to practice psychology in the State of Minnesota.

**FACTS**

2. For the purpose of this stipulation and any other proceedings before the Minnesota Board of Psychology only, but for no other purpose, including but not limited to any civil litigation, the Board may consider the following facts as true:

a. In May 2008, client #1 and client #2 sought couples counseling with Licensee. Client #1 and client #2 participated in three couples counseling sessions with Licensee in May 2008.

b. On May 19, 2008, Licensee administered the Minnesota Multiphasic Personality Inventory ("MMPI") testing on client #1 and client #2.

c. Client #1 and client #2 subsequently ceased the couples counseling sessions with Licensee.

d. Licensee's last contact with client #1 was May 26, 2008.

e. Neither client #1 nor client #2 had children, whether in common or otherwise, during the time period when Licensee was providing joint professional services.

f. On September 19, 2008, client #1 and client #2's son was born.

g. Licensee never observed client #1 or client #2 with the minor child.

h. In June 2009, client #2 reinitiated the professional relationship with Licensee on an individual basis.

i. In June 2009, client #1 and client #2 ended their relationship. A custody dispute subsequently arose with respect to the parties' minor child.

j. The district court presiding over the parties' custody dispute ordered a neutral custody evaluation.

k. Client #2 named Licensee as a personal character witness for purposes of the custody evaluation.

l. In August 2009, Licensee received a subpoena to produce to the Court copies of all records in Licensee's file pertaining to client #1 and client #2, regarding a motion for temporary custody. Licensee complied with this request and in addition provided an MMPI interpretation, dated August 12, 2009, regarding client #1's and client #2's May 2008 MMPI testing. Licensee opined that client #1 may not be able to meet the minor child's emotional needs based upon Licensee's interpretation of the May 2008 MMPI testing.

m. At the time Licensee submitted the August 2009 affidavit, Licensee did not have authorization to share private information or to conduct any additional work with respect to client #1. Licensee believed the MMPI interpretation was mandated by law.

n. Licensee had no contact with client #1 as of May 2008. In August 2009, Licensee offered his interpretation of client #1's May 2008 MMPI test. Licensee admits in August 2009 he had no recent basis to offer recommendations relating to client #1's custodial fitness or mental health status. Licensee appreciates that the lapse of time between the May 2008

MMPI testing and the August 2009 interpretation did not conform to the minimum standard of practice.

o. Licensee did not maintain adequate clinical notes over the course of 50 individual sessions with client #2. At that time Licensee opined frequent visits with client #2 did not necessitate frequent notes. Licensee indicates that his current practice is to produce a note for every clinical visit.

p. Licensee's clinical notes with respect to client #1 and client #2 did not meet minimum professional standards. Portions of Licensee's joint counseling notes which referenced client #1 were crossed out by Licensee sometime after May 2008. Licensee stated that the notes were crossed out in anticipation of submitting the notes to a third party at the request of client #2.

### **REGULATIONS**

3. The Board views Licensee's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148.941, subd. 2(a)(1) (violation of Board statutes and rules); Minn. Stat. § 148.941, subd. 2(a)(3) and Minn. R. 7200.5700 (unprofessional conduct); Minn. Stat. § 148.98 and Minn. R. 7200.4500 (violation of code of ethics); Minn. R. 7200.4700, subp. 1 (failure to safeguard private information); Minn. R. 7200.4900, subp. 1a. (failure to maintain accurate/complete client records); Minn. R. 7200.5000, subp. 3 (substandard psychological report); and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

## REMEDY

4. Upon this stipulation and all the files, records, and proceedings herein, and without further notice or hearing herein, Licensee does hereby consent that until further order of the Board, made after notice and hearing upon application by Licensee or upon the Board's own motion, the Board may make and enter an order as follows:

a. ***Supervision of Licensee by Board-Approved Psychologist.*** Licensee shall practice psychology only under the supervision of a supervising psychologist approved in advance by the Complaint Resolution Committee ("Committee") from a list of at least three names Licensee has submitted to the Committee. The proposed supervisor must be competent in psychological test interpretation and psychological report writing. Licensee shall cause each psychologist listed to submit a current vitae to the Board for the Committee's review prior to its approval of a supervisor. The Committee reserves the right to reject all names submitted by Licensee. If the Committee rejects any names submitted, the Committee may require that Licensee submit additional names as described above, or the Committee may provide Licensee with the name of a supervisor. Licensee shall obtain a supervising psychologist within one month of the date this Stipulation and Consent Order is adopted by the Board and shall meet with the supervising psychologist no less than 1 hour per 20 hours of Licensee's practice. Licensee may petition for removal of the supervision requirement after successful completion of one year of supervision with the approved supervisor.

b. ***Scope of Supervision.*** The scope of Licensee's supervision shall include, but is not limited to, case review, psychological test interpretation, psychological report writing, and addressing client confidentiality, privacy, and other related ethical concerns.

c. ***Supervisor's Reports.*** The supervising psychologist shall provide a report to the Committee every three months and at the time Licensee petitions to have the supervision condition removed from his 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 Licensee's supervisor has received and reviewed a copy of this Stipulation and Consent Order;
- 2) Dates on which supervision took place with Licensee;
- 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 Licensee's ability to provide competent services;
- 6) Any other information the supervisor believes would assist the Committee and Board in its ultimate review of this matter; and
- 7) At the time Licensee petitions for removal of the above-referenced conditions, the supervisor's report shall include an assessment of Licensee's ability to conduct himself in a fit, competent, and ethical manner in the practice of psychology as well as whether Licensee exhibits an acceptable comprehension and knowledge of ethical issues encountered in practice as well as the ability to apply this knowledge.

5. If any due date required by this Stipulation and Consent Order 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. Licensee is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

7. No condition imposed as a remedy by this Stipulation and Consent Order, including conditions directly related to a restriction, shall be used as a continuing education activity for the purpose of renewal of Licensee's license to practice psychology.

8. All reports shall cover the entire reporting period and provide the bases upon which conclusions were drawn.

9. Upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, Licensee may petition the Board to remove the supervision condition on his license. The Board may, at any regularly scheduled meeting at which Licensee has made a timely petition, take any of the following actions:

- a. Remove the condition attached to the license of Licensee;
- b. Amend the condition attached to the license of Licensee;
- c. Continue the condition attached to the license of Licensee upon his failure to meet his burden of proof; or
- d. Impose additional conditions on the license of Licensee.

10. In the event Licensee resides or practices outside the State of Minnesota, Licensee shall promptly notify the Board in writing of the location of his residence and all work sites. Practice outside of Minnesota will not be credited toward any period of Licensee's conditioned license in Minnesota unless Licensee demonstrates to the satisfaction of the Board that the practice in another jurisdiction conforms completely with Licensee's Minnesota licensure requirements to practice psychology.

11. If Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Licensee a notice of the violation alleged by the Committee and of the time and place of the hearing. Licensee shall submit a response to the allegations at least three days prior to the hearing. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Licensee may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Licensee's practice, or suspension, or revocation of Licensee's license.

12. This stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Licensee's license under Minn. Stat. § 148.941, subd. 3, or to initiate

contested case proceedings against Licensee on the basis of any act, conduct, or omission of Licensee justifying disciplinary action occurring before or after the date of this Stipulation and Consent Order which is not related to the facts, circumstances or requirements referenced herein.

13. 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 Licensee agrees that should the Board reject this stipulation and this case proceeds to hearing, Licensee 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.

14. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

15. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee is represented by Shelly M. Davis, Quinlivan & Hughes, P.A. The Committee is represented by Benjamin R. Garbe, Assistant Attorney General.

16. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

17. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Licensee under the Americans With

Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Licensee's license to practice psychology under this stipulation.

18. Licensee hereby acknowledges that he has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges he is fully aware the stipulation is not binding unless and until it is approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed, approve the Stipulation and Consent Order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein.

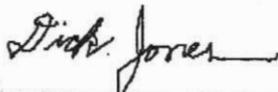
19. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

20. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and other entities consistent with Board policy.

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.

**LICENSEE**

**COMPLAINT RESOLUTION COMMITTEE**



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DICK JONES, Ph.D., L.P.

Dated: 9-21-12



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

Dated: 10-19-12

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

Dated: 10/19/12

Susan Ward  
SUSAN WARD  
Committee Member

Dated: 19 Oct 2012

**ORDER**

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

IT IS HEREBY ORDERED that the license of Licensee is placed in a CONDITIONAL status and that all other terms of this stipulation are adopted and implemented by the Board this

19th day of October 2012

**MINNESOTA BOARD OF PSYCHOLOGY**

Angelina M. Barnes  
ANGELINA M. BARNES  
Executive Director