

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of the License of
Angela A. Kennedy, Psy.D., L.P.
License Number: LP4330

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Angela A. Kennedy, Psy.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 she holds a license to practice psychology in the State of Minnesota.

FACTS

2. The Board finds the following:
- a. On March 26, 2013, Respondent disclosed to her treating therapist that she was experiencing high levels of stress and would “numb out” during these times. Respondent’s therapist concluded that Respondent “does not tolerate high levels of stress and if the stress gets high enough she will either dissociate or pass out to manage what is going on for her.”
 - b. On October 10, 2013, Respondent was taken to detox after police found her intoxicated at a bar with a blood alcohol level of .248. Respondent’s children had called 911 because Respondent was missing when they had returned home from school. Respondent was then admitted to inpatient psychology where she admitted to using alcohol to numb and cause blackouts or dissociation.
 - c. On January 21, 2014, in Otter Tail County District Court, Respondent was convicted of Gross Misdemeanor, Third Degree, Driving While Impaired (“DWI”), and sentenced to 6 years supervised probation, for an incident occurring on January 7, 2013, in which

Respondent was found passed out in her vehicle with a blood alcohol level of .20. Respondent had been on her way home from work after conducting an evaluation of a prison inmate. Respondent's evaluation of the inmate had triggered her own past trauma which led her to purchase a bottle of vodka which she drank from on her drive home.

REGULATIONS

3. The Board views Licensee's conduct 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. R. 7200.4850 (offering services when unable to practice with reasonable skill and safety due to mental illness or substance abuse), Minn. R. 7200.5500 (violating a law in which the facts giving rise to the violation involved the practice of psychology), and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in this order.

REMEDY

4. Upon this stipulation and without any further notice or proceedings, Licensee's license to practice psychology in the State of Minnesota is **SUSPENDED** for a period of no less than **12 MONTHS**. During the period of suspension, Licensee shall not engage in the practice of psychology in Minnesota. Licensee shall immediately cease to advertise or otherwise represent herself in any manner to be a licensee in this State.

5. Licensee may petition the Board for reinstatement of her license following 12 months from the date of this Order. When Licensee petitions for reinstatement, she shall meet with the Board's Complaint Resolution Committee ("Committee") to discuss her petition. Her

license may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of conducting herself in a fit and competent manner in the practice of psychology, that she has been free and sober of mood-altering chemicals during the 12 months immediately preceding her petition, and that she can demonstrate sufficient evidence of rehabilitation as determined by the Committee. In petitioning for removal of the suspension, Licensee shall comply with or provide the Committee with, at a minimum, the following:

a. Self-Report. Licensee shall submit to the Committee a report from Licensee herself. The report shall be submitted at the time Licensee petitions for reinstatement of her license. The report shall provide and address:

1) Licensee's sobriety, including the date Licensee last used mood-altering chemicals, including alcohol, and the circumstances surrounding any use while this Order is in effect;

2) Licensee's treatment and participation in a chemical dependency rehabilitation program, including weekly attendance at a chemical dependency support group such as Alcoholics Anonymous during the 12 months immediately preceding her petition;

3) Licensee's physical and mental health status, treatment plan, medications, and compliance with treatment;

4) Licensee's future plans in the practice of psychology and the steps she has taken to prepare herself to return to practice; and

5) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

b. Report from Probation Officer. Licensee shall cause to be submitted to the Committee a report from her probation officer. The report shall be submitted at the time Licensee petitions for reinstatement of her license. The report shall provide information regarding Licensee's sobriety and compliance with all terms of her probation, including results of random drug testing and any criminal charges against her.

c. Fitness for Duty Evaluation. Within 30 days prior to petitioning, Licensee shall undergo a psychological evaluation to determine whether she is fit to return to the practice of psychology. Licensee shall submit, or cause to be submitted, the credentials of the evaluator for review and preapproval by Board staff. Licensee is responsible for the cost of the evaluation. The result of the evaluation shall be sent directly to the Board and shall provide and address:

- 1) Verification the evaluator has reviewed a copy of this Order and any evaluation and/or treatment records deemed pertinent by the Committee or the evaluator prior to the evaluation;
- 2) Licensee's diagnoses and any recommended treatment plans including, but not limited to, chemical dependency and post-traumatic stress disorder;
- 3) Licensee's personality functioning, ability to handle stress, and skills for coping with stress;
- 4) The impact of Licensee's diagnoses on her professional judgment and professional functioning;
- 5) Recommendations for additional evaluation or treatment;
- 6) The evaluator's opinion as to whether Licensee is fit to return to the practice of psychology; and

7) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

d. Compliance With Evaluator's Recommendations. Licensee shall comply promptly with any recommendations for additional evaluation and/or treatment made by the evaluator.

e. Additional Information. Licensee shall provide the Committee with any additional information relevant to Licensee's petition reasonably requested by the Committee.

6. The Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph 5. above, take any of the following actions:

a. Issue Licensee an unconditional license;

b. Issue Licensee a license with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice; or

c. Continue the suspension of Licensee's license upon her failure to meet the burden of proof.

7. If Licensee 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 Licensee 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, 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 Committee, 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 Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee 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 Committee 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 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 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.

8. 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.

9. 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.

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

11. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Licensee has chosen not to seek legal representation. The Committee is represented by Hans A. Anderson, Assistant Attorney General.

12. 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.

13. 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.

14. Licensee hereby acknowledges that she 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 she 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.

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

16. 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.

17. 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

Angela A. Kennedy
ANGELA A. KENNEDY, PSY.D., L.P.

Scott Fischer
SCOTT FISCHER, PH.D., L.P.
Committee Chair

Dated: 6/24/14

Dated: 6/26/14

Ben Dollins
BEN DOLLINS, J.D.
~~Committee Member~~

Dated: _____
[Signature]

RAJA DAVID, PSY.D., L.P.
Committee Member

Dated: 6/27/14

ORDER

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

IT IS HEREBY ORDERED that the license of Licensee is SUSPENDED and that all other terms of this stipulation are adopted and implemented by the Board this 27th day of June 2014.

MINNESOTA BOARD OF PSYCHOLOGY

Angelina M. Barnes
ANGELINA M. BARNES
Executive Director