

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

In the Matter of
Kris Carl Wicklund
License No. 2896

STIPULATION AND CONSENT ORDER

STIPULATION

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

I.

JURISDICTION

1. 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.

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

II.

BACKGROUND

3. Following a thorough review of all available information and a settlement conference on October 11, 2016, the Complaint Panel, composed of Board members Herb Grant, Ph.D., LMFT, and Dennis Morrow, Ph.D., determined the matter could be resolved with a Stipulation and Consent Order. Andrew M. Pettit, Assistant Attorney General, represents the Complaint Panel. Licensee was advised that he may choose to be represented by legal counsel in this matter. Licensee knowingly waived legal representation.

III.

FACTS

4. On March 11, 2016, the Board adopted a Stipulation and Consent Order ("March 2016 Order") agreed upon with Licensee based upon the following facts:

a. On May 14, 2014, Licensee was licensed by the Board to practice marriage and family therapy in the State of Minnesota.

b. Beginning on or about September 2, 2014, Licensee was employed as a licensed marriage and family therapist at a facility in Eden Prairie, Minnesota ("Facility"). During Licensee's employment at the Facility the following occurred:

1) On June 10, 2015, Licensee began seeing Client 1 to provide therapy to Client 1. Client 1 sought therapy for obsessive compulsive disorder. In particular, Client 1 sought therapy related to extra marital affairs and concerns that she may be a sex addict. Following the initial therapy session, Licensee sent Client 1 a text message in the late afternoon to inquire if she had located a number of books, which Licensee recommended for her during her therapy session, on love addiction and co-dependency. Licensee acknowledges that he knew it was inappropriate for him to send Client 1 a text message outside of the therapy session.

2) Following the initial text message, and despite knowing that it was inappropriate, Licensee continued to send Client 1 text messages daily, to which Client 1 replied. Over the course of a few weeks, the text messaging began to escalate to flirtation and sexual innuendo. In addition, Licensee and Client 1 sent pictures of themselves to each other.

3) Licensee saw Client 1 for four additional therapy sessions in June and July 2015.

4) On July 15, 2015, following Client 1's therapy session, Licensee told Client 1 that she looked like she needed a hug. Licensee offered to give Client 1 a hug and she accepted. As Licensee hugged Client 1, he brushed his hand across her buttocks. Subsequently, Licensee kissed Client 1 on the mouth. This was Client 1's last therapy session with Licensee.

5) After Client 1's final therapy session, Licensee and Client 1 continued to send text messages to each other. The text messaging became increasingly flirtatious, and ultimately became sexually explicit, with the majority of the sexually explicit text messaging occurring on the evening of July 21, 2015.

6) On July 22, 2015, Licensee asked to meet with his supervisor ("Supervisor") at the Facility. During this meeting, Licensee informed Supervisor that he was having an inappropriate texting relationship with Client 1. Licensee told Supervisor that he initiated texting Client 1 following Client 1's initial session and that the texting had become sexual in nature. At this meeting with his Supervisor, Licensee denied any physical contact or ethical violations occurred during his therapy sessions with Client 1.

7) On July 23, 2015, Licensee met with a human resources coordinator and a clinical quality assurance coordinator from the Facility. At this meeting, Licensee again admitted that he was engaged in an inappropriate texting relationship with Client 1, which began following Client 1's initial therapy session. Licensee stated that the text messaging turned flirtatious over the following weeks, eventually becoming sexual. Licensee reported that he had sent pictures of himself in workout clothes to Client 1 and that Client 1 had sent him a picture of herself in a bikini. At this meeting, Licensee also disclosed that he hugged Client 1 during her last therapy session. Licensee denied any further physical contact. Licensee agreed to self-report his conduct to the Board, which he did.

8) On July 24, 2015, Licensee emailed the human resources coordinator from the Facility and attached text messages between himself and Client 1 from July 22, 2015, and July 23, 2015. In this email, Licensee also admitted he kissed Client 1 as she left his office following her last therapy session and that he brushed his hand across her buttocks while he hugged her. Licensee apologized for not mentioning this conduct earlier.

9) On July 27, 2015, Licensee's employment at the Facility was terminated as a result of his conduct with Client 1.

10) Following termination of his employment from the Facility, Licensee continued to engage in a texting relationship with Client 1.

5. The March 2016 Order suspended Licensee's license to practice as a marriage and family therapist in Minnesota. Accordingly, pursuant to paragraph 7 of the March 2016 Order, Licensee was prohibited from using 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.

6. On or about July 18, 2016, Licensee applied for a mental health practitioner position at mental health residential facility in Minnesota. In doing so, Licensee submitted his resume. On his resume, Licensee represented and implied that he is currently eligible to practice marriage and family therapy in the State of Minnesota, as follows:

a. Licensee listed the credentials "LMFT" after his name on the heading of his resume.

b. Licensee referred to himself as a licensed mental health professional in his work history.

c. Licensee represented that he is a "Licensed Marriage and Family Therapist" under a section titled: "Licenses, Certifications and Affiliations."

7. On or about July 26, 2016, Licensee was interviewed for the mental health practitioner position. Licensee was not initially forthcoming about the suspension of his license to practice marriage and family therapy and instead stated that he took time out of the field because of family illness. Later, Licensee stated it would be difficult to gain employment in the field if he were to remove the credentials from his resume.

IV.

LAWS

8. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minn. Stat. § 148B.37, Subd. 1(3), Minn. R. 5300.0350 Subps. 4, 4(N), 4(U), 5(B), 5(E), 5(F), 5(G), and the March 2016 Order, and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

9. Upon the foregoing facts and all the files, records, and proceedings herein, the board determines that disciplinary action is warranted. Without further notice or hearing, the Board enters an order as follows:

10. The Board hereby **RESCINDS** the March 2016 Order which shall have no future force or effect.

A. Suspension

11. The Board **SUSPENDS** Licensee's license to practice marriage and family therapy indefinitely. 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. Reinstatement of License

12. Licensee may petition for reinstatement of his license no sooner than 12 months from the date of this Order. The burden of proof shall be upon Licensee to demonstrate by a

preponderance of the evidence that he is capable of practicing marriage and family therapy in a fit and competent manner. At the time of Licensee's request, Licensee shall meet with a Complaint Panel and comply with, at a minimum, the following:

a. Successful Completion of Boundaries Course. Licensee shall arrange to enroll in a pre-approved, individualized professional boundaries training course and comply with the following:

1) 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.

2) Licensee must complete the course prior to petitioning for reinstatement of his 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.

b. Report on Course from Licensee. Within 30 days of completing the course described in paragraph 11.a., Licensee shall submit a written report to the Complaint Panel which provides and/or addresses the following:

1) The dates Licensee began and completed the course;

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

3) A detailed discussion of what Licensee learned from the course, including Licensee's comprehension and knowledge of professional boundaries, as well as various boundaries issues encountered in practice and how this course will affect his practice in the future.

4) A detailed discussion of the violations that occurred, including: 1) how Licensee came to violate professional boundaries; 2) the manner in which Licensee violated professional boundaries; 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 his license is reinstated; 6) Licensee's reasons for believing he is capable of conducting himself 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 the matter.

c. Report on Course from Instructor. Licensee shall cause to be submitted to the Complaint Panel a report from the instructor of the course described in paragraph 11.a. The report shall address:

- 1) The extent of Licensee's participation in the course; and
- 2) 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.

d. Self-Report. Licensee shall submit to the Board a report from Licensee himself. The report shall be submitted at the time Licensee petitions for reinstatement of his license. The report shall provide and address:

- 1) Licensee's employment history and work schedule from the date of this Order to the time he petitions for license reinstatement;

2) Licensee's future work plans in marriage and family therapy and the steps he has taken to prepare himself to return to the practice of marriage and family therapy; and

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

e. Report from Employer. During the petition process, if requested by Board staff, Licensee must cause to be submitted to the Board a report from any employer who has employed Licensee while this Order is in effect. The report(s) are due within one month of any such request from the Board. The report(s) must provide and address:

1) Licensee's ability to perform assigned tasks, and if any performance deficiencies are identified, the actions taken to address them;

2) Licensee's attendance and reliability;

3) Licensee's typical work schedule;

4) Any other information reasonably requested by the Board; and

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

f. Report from Mental Health Treatment Professional. Licensee shall cause to be submitted to the Board a report from any mental health treatment professional whom Licensee consults while this Order is in effect. The report shall be submitted to the Board at the time Licensee petitions for reinstatement of his license. The report shall provide and address:

1) Verification the mental health professional has reviewed this Order;

2) Identification of a plan of treatment, including any medications, devised for Licensee;

3) A statement of the involvement between Licensee and the mental health treatment professional, including the number and frequency of meetings;

4) Licensee's progress with therapy and compliance with the treatment plan;

5) The mental health professional's professional opinion as to Licensee's capacity to understand his professional role and the boundaries of that role and his ability to distinguish between his personal and professional needs, identity, and behavior; and

6) Any other information the mental health treatment professional believes would assist the Board in its ultimate review of this matter.

g. Report from Board-Approved Supervisor. At the time of Licensee's petition, Licensee must cause to be submitted a report from a proposed Board-approved supervisor who has agreed to supervise Licensee in the event the Board reinstates Licensee's license to practice marriage and family therapy. Licensee shall have no previous personal or professional relationship with the supervisor. The report from the supervisor shall include:

1) Verification that the supervisor has reviewed this Order;

2) Verification that the proposed supervisor agrees to supervise Licensee in the event the Board reinstates his license.

3) A statement of the proposed method of supervision;

4) The supervisor's opinion as to Licensee's ability to provide competent services; and

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

h. Additional Information. Licensee shall provide any additional information reasonably requested by the Board.

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

13. 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 his application and supporting evidence. After meeting with Licensee, the Complaint Panel shall forward a report containing its recommendation to the Board.

14. 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 reinstating Licensee's marriage and family therapy 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 his failure to meet the burden of proof; or 3) any other action the Board deems appropriate.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

15. 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 conditional 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, suspension, or revocation of Licensee's license.

VII.

ADDITIONAL REQUIREMENTS

16. In the event Licensee should leave Minnesota to reside or to practice outside of the state, Licensee shall give the Board written notification of the new location, as well as dates of departure and return. If Licensee leaves the state, the terms of this Order continue to apply unless waived in writing.

OTHER INFORMATION

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

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

21. 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

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.

22. 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.

23. 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 action 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.

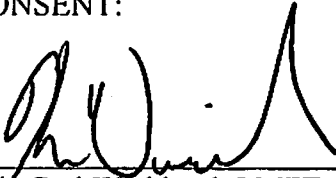
VIII.

DATA PRACTICES NOTICES

24. 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 Stipulation and Consent 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. Further, nothing herein shall be construed to change the data classification of the March 2016 Order.


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

CONSENT:


Kris Carl Wicklund, LMFT
Licensee

Dated: 10/28/16, 2016

FOR THE COMPLAINT PANEL:


DENNIS MORROW
Board Member

Dated: 09 Nov, 2016

ORDER

Upon consideration of the Stipulation, the Board hereby **SUSPENDS** Licensee's license to practice marriage and family therapy and adopts all of the terms described herein on this 18 day of November, 2016.

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY


JENNIFER MOHLENHOFF
Executive Director