

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
the Psychology License of
Brenda S. Loewen, M.S., L.P.
License Number LP0888

**FINDINGS OF FACT,
CONCLUSIONS,
AND FINAL ORDER**

The above-entitled matter was heard by Administrative Law Judge George Beck ("ALJ") at the Moorhead Police Department, 915 Ninth Avenue North, Moorhead, Minnesota, on July 22 and 23, 1996. The hearing was held pursuant to a Notice of and Order for Hearing issued by the Complaint Resolution Committee ("Committee") of the Minnesota Board of Psychology ("Board") on June 7, 1996.

Michael J. Weber, Assistant Attorney General, 525 Park Street, Suite 500, St. Paul, Minnesota 55103, represented the Committee. Brenda S. Loewen ("Respondent") represented herself.

On October 23, 1996, the ALJ issued Findings of Fact, Conclusions and Recommended Decision ("ALJ's Report"). The Committee submitted Argument and proposed Findings of Fact, Conclusions, and Order to the Board; Respondent submitted Proposed Findings of Fact.

The Board met to consider the matter on December 13, 1996, at University Park Plaza, Suite 320, 2829 University Avenue SE, Minneapolis, Minnesota. Committee members Norman L. James, Ph.D., L.P.; Gerald T. Kaplan, M.A., L.P.; and Samuel Albert, Ph.D., L.P., did not participate in deliberations and did not vote in the matter. Mr. Weber appeared and presented oral argument for the Committee. Respondent appeared and presented oral argument on behalf of herself. Sharon A. Lewis, Assistant Attorney General, was present as legal adviser to the Board.

FINDINGS OF FACT AND CONCLUSIONS

Based upon its review of the record of the proceeding, the Board adopts the Findings of Fact and Conclusions of Law contained in the ALJ's Report, attached hereto and incorporated herein by this reference, as the Board's Findings of Fact and Conclusions.

ORDER

Based upon the foregoing Findings of Fact and Conclusions, the Board issues the following Order:

1. IT IS HEREBY ORDERED that the Respondent's license as a licensed psychologist in the State of Minnesota is immediately REVOKED.

2. IT IS FURTHER ORDERED that Respondent shall not engage in any act which constitutes the practice of psychology as defined in Minnesota Statutes section 148.89, subdivision 5, and shall not imply by words or conduct that Respondent is licensed to practice psychology in the State of Minnesota.

3. IT IS FURTHER ORDERED that Respondent shall surrender to the Board her original license and current license renewal certificate. Respondent shall accomplish surrender by delivering personally or by certified mail said license and certificate to the Minnesota Board of Psychology, c/o Pauline Walker-Singleton, Executive Director, University Park Plaza, 2829 University Avenue SE, Suite 320, Minneapolis, Minnesota 55414, within five days after receipt by Respondent of this Order.

4. IT IS FURTHER ORDERED that, if Respondent applies for licensure by the Board in the future, Respondent must meet the requirements for licensure in effect at the time of that application, including the payment of all fees relating to licensure, as well as the terms specified below. Her application may be granted, if at all, based upon a favorable review of the evidence by the Board and upon the Board's assessment of the measures necessary to ensure the protection of the public. Upon Respondent's application for licensure, the burden of proof shall be upon Respondent to demonstrate to the Board by clear and convincing evidence that Respondent is capable of practicing psychology with reasonable skill and safety

to clients and is capable of conducting herself in a fit, competent, and ethical manner, either with or without restrictions. To meet this burden of proof, Respondent must comply with and/or submit at least the following:

a. Mental Health Evaluation. No more than 60 days before the meeting at which the Board will consider Respondent's application, Respondent shall obtain a complete mental health evaluation performed by a psychologist or psychiatrist chosen by the Board. The purpose of the evaluation will be to assess whether Respondent is capable of practicing psychology with reasonable skill and safety to clients and is capable of conducting herself in a fit, competent, and ethical manner, either with or without restrictions. The nature, scope, and duration of the evaluation shall be determined by the evaluator. Respondent shall complete and sign waivers to allow the Board to release any and all private information to the evaluator prior to the evaluation and to allow the Board to communicate with the evaluator before, during, and after the evaluation, if the need arises. Respondent is responsible for the cost of the evaluation; however, the results shall be sent directly to the Board and shall include the following:

- 1) Verification that the evaluator has received and reviewed a copy of this Order and the information submitted by the Board;
- 2) A description of the nature, methods used, scope, and duration of the evaluation;
- 3) The diagnosis and recommended treatment plan;
- 4) An assessment of Respondent's ability to practice psychology with reasonable skill and safety to clients and to conduct herself in a fit, competent, and ethical manner, either with or without restrictions; and
- 5) Any other information the evaluator believes would assist the Board in its ultimate review of this matter.

b. Consent to Release of Health Records. Respondent shall complete and sign health record waivers supplied by the Board to allow representatives of the Board and the

evaluator referenced in paragraph 4.a. above to discuss Respondent's case with and to obtain written evaluations and reports and copies of Respondent's health and mental health records, including medication evaluations, from any physician, therapist, or others from whom Respondent has sought or obtained treatment, support, or assistance.

c. Evidence of Compliance With the Law. Respondent must submit evidence that she has satisfactorily complied with the conditions of probation for each of her criminal convictions and that she has engaged in no additional criminal activities.

d. Consent to Release of Criminal History and Court Data. Respondent shall complete and sign record waivers supplied by the Board to allow representatives of the Board and the evaluator referenced in paragraph 4.a. above to discuss Respondent's case with and to obtain written evaluations and reports and copies of Respondent's criminal history records from the Bureau of Criminal Apprehension and records from any courts or court services, including but not limited to probation authorities and correctional agencies.

e. Meeting With Complaint Resolution Committee. After Respondent has complied with the above requirements, and at least 30 days prior to the meeting at which the Board will consider Respondent's application, Respondent must meet with a complaint resolution committee to review her application and the supporting evidence. The complaint resolution committee may require that Respondent provide the Board with information in addition to that outlined in this Order. After meeting with Respondent, the complaint resolution committee shall forward a report containing its recommendations to the Board.

5. IT IS FURTHER ORDERED that in the event the Board denies Respondent's application for licensure, Respondent may not again apply for a period of six months from the order of denial.

6. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting at which Respondent has made a timely application for licensure, take any of the following actions:

- a. Issue a license to Respondent;

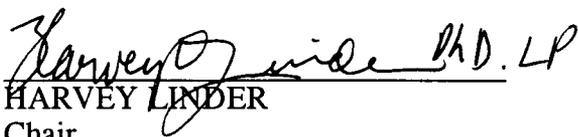
b. Issue a license to Respondent with conditions, limitations, and/or restrictions placed on the scope of Respondent's practice; or

c. Deny the application for licensure upon Respondent's failure to meet the burden of proof.

Dated: January 2, 1997

STATE OF MINNESOTA

BOARD OF PSYCHOLOGY


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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA BOARD OF PSYCHOLOGY

In the Matter of the Psychology
License of Brenda S. Loewen, M.S.,
L.P., License No. LP0888

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDED DECISION**

The above-captioned matter came on for hearing before Administrative Law Judge George A. Beck at 9:00 a.m. on Monday, July 22, 1996, at the Law Enforcement Center in the City of Moorhead, Minnesota. The hearing concluded on July 23, 1996, and the record closed on October 1, 1996, upon receipt of the final post-hearing Memorandum.

Michael J. Weber, Assistant Attorney General, Suite 500, 525 Park Street, St. Paul, Minnesota 55103-2106, appeared on behalf of the Complaint Resolution Committee of the Minnesota Board of Psychology ("the Committee"). Brenda S. Loewen ("Ms. Loewen", "the Respondent" or "Licensee"), 4824 - 24th Avenue N.W., Rochester, Minnesota 55901, appeared representing herself.

NOTICE

This Report is a recommendation, not a final decision. The Board of Psychology will make the final decision after a review of the record. The Board may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Board. Parties should contact Pauline Walker-Singleton, Executive Director, Board of Psychology, Suite 101, 2700 University Avenue West, St. Paul, Minnesota 55114, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issue in this contested case proceeding is whether or not disciplinary action should be taken against the Respondent's license to practice psychology in the state of Minnesota.

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. During all times relevant herein, Respondent was licensed by the Board as a licensed psychologist.

The Physician

2. While Respondent was pregnant with her second child in 1991 and 1992, she was under the medical care of a gynecologist ("the physician"). Following the birth of her second child, from November 1992 through January 1993, Respondent wrote the physician several personal letters. (Ex. 1 at 41, 42; Ex. 2 at 32-34 (Otter Tail Co. Criminal Trial Ex. 13 at 1-3); Ex. 87 at 1.)

3. Beginning in January 1993, after becoming pregnant with her third child, Respondent again sought treatment from the physician. During the course of this treatment, Respondent left the physician notes, wrote him letters, gave him two valentines, gave him a book and an Easter basket, and sent him a singing telegram and a gift for his birthday. During an appointment shortly before Respondent gave birth to her third child, Respondent told the physician that she was going to take an extra suitcase to the hospital and take him home in it. (Ex. 1 at 43, 44; Ex. 2 at 34, 35, 37 (Otter Tail Co. Criminal Trial Ex. 13 at 3, 4, 6); Ex. 87 at 1-3.)

4. On August 4, 1993, the day after Respondent gave birth to her third child, Respondent told the physician about a dream she had in which the physician was walking naked in the halls of the hospital. In addition, Respondent gave the physician a videotape of a movie. (Ex. 2 at 37 (Otter Tail Co. Criminal Trial Ex. 13 at 6); Ex. 87 at 5-8.)

5. In a letter dated October 5, 1993, Respondent received an offer of employment as a psychologist from Lakeland Mental Health Center ("Lakeland"). Respondent telephoned the physician to discuss the offer and informed him she missed him. (Ex. 2 at 39 (Otter Tail Co. Criminal Trial Ex. 13 at 8); Ex. 5.)

6. On November 2, 1993, Respondent began employment at Lakeland as a psychologist to perform assessments and psychotherapy for clients. Respondent worked at Lakeland's offices in Glenwood/Starbuck and Fergus Falls, Minnesota. Later that month, Respondent went to the physician's clinic in Fergus Falls and left him the book *Silent Sons* because she felt the physician had trouble with intimacy and communication. On another occasion, Respondent walked with the physician to his Jeep and asked if he would like to slip off with her to her favorite hunting spot; the physician responded "no." (Ex. 2 at 40 (Otter Tail Co. Criminal Trial Ex. 13 at 9); Ex. 87 at 13-17.)

7. On several occasions in November and December 1993, Respondent called the physician at home. During one call, Respondent told the physician she missed him.

During another, shortly after the physician arrived home at 10:30 p.m., Respondent said, "I was hoping you were out getting drunk so I could come by and have my way with you." On occasion, Respondent would drive by the physician's home. (Ex. 1 at 48-50, 57, 58; Ex. 2 at 40 (Otter Tail Co. Criminal Trial Ex. 13 at 9); Ex. 87 at 18-19.)

8. In December 1993, Respondent went to the physician's office several times. On one occasion, Respondent left the physician an audiotape which described her romantic feelings for the physician and contained sexual connotations; on another occasion, Respondent left another audiotape and a note asking the physician to meet her at the public access to a lake ("public access") behind the physician's house. Respondent also left the book Love Letters on the physician's Jeep as a Christmas gift. Toward the end of the month, Respondent called the physician to tell him she wanted to give him a videotape of a television commercial in which he appeared. The physician told Respondent not to give the videotape to him, but Respondent left it in his mailbox. That evening, Respondent telephoned the physician, but he told her he did not want to talk to her and hung up the telephone. Respondent continued to telephone the physician's house; however, the physician's wife answered the calls, told Respondent to call the physician at his office the next day, and hung up. The telephone calls ended when the physician again answered and told Respondent to call him at the office. Two days later, Respondent called the physician at his office, and the physician told Respondent he would not see her without a nurse in the room. Respondent became upset, parked her car by the physician's house, and cried. That evening, the physician and his wife left their house in the physician's Jeep, and Respondent followed them in her car. (Ex. 1 at 179, 180; Ex. 2 at 40-42 (Otter Tail Co. Criminal Trial Ex. 13 at 9-11); Ex. 87 at 19-20, 26-34.)

9. In January 1994, Respondent went to the physician's office, and the physician yelled, "Get out of my office!" The physician told Respondent that if she wrote him any more letters, he would send them to her husband. In the middle of the month, Respondent placed a balloon which read "I'm sorry" on the physician's Jeep. Respondent watched the physician's Jeep from a distance and saw the physician rip the balloon off of the vehicle. (Ex. 2 at 42, 43 (Otter Tail Co. Criminal Trial Ex. 13 at 11, 12); Ex. 87 at 34, 35, 37-39.)

10. From January 26 to February 13, 1994, the physician and his wife were on a vacation visiting their daughter. During this time, Respondent wrote the physician at least two letters. In one of the letters, Respondent wrote: "[Your wife] has had you long enough. One woman should not be entitled to have you for so long. It makes me absolutely wild that I crave to have minutes with you [and] she gets all of you." In addition, Respondent called the physician's house sitter to ask when the physician would return from his vacation. (Ex. 1 at 64-66; Ex. 2 at 43 (Otter Tail Co. Criminal Trial Ex. 13 at 12); Ex. 87 at 39, 40.)

11. On February 14, 1994, Respondent brought a plant and two Valentine's Day cards with hearts and candy on them to the physician's office. The physician told

Respondent he did not want the items, but Respondent left them on his desk. Respondent repeatedly called the physician that week. (Ex. 1 at 66; Ex. 2 at 43 (Otter Tail Co. Criminal Trial Ex. 13 at 12); Ex. 87 at 40-42.)

12. In a letter dated February 22, 1994, the physician told Respondent he did not want the Valentine's Day cards and he considered Respondent's contacts outside of the physician/patient relationship to be harassment. The physician requested that Respondent cease contacting him, including telephone calls, letters, and cards. The physician placed Respondent's letters and her Valentine's Day cards in a box, and another clinic employee returned the items to Respondent at Lakeland. (Ex. 1 at 66, 67; Ex. 2 at 6, 43 (Otter Tail Co. Criminal Trial Ex. 3; Ex. 13 at 12); see also Ex. 87 at 42.)

13. On or about February 22, 1994, Respondent was driving slowly near the physician's home, and a police officer stopped her. After Respondent passed an alcohol test, the police officer let her go. (Ex. 1 at 230-33; Ex. 2 at 43, 44 (Otter Tail Co. Criminal Trial Ex. 13 at 12, 13); Ex. 87 at 48.)

14. On February 24, 1994, Respondent left a letter and a videotape of the movie *Every Girl Should Be Married* at the physician's office. In the letter, Respondent wrote: "When I give you things it isn't just for the sake of giving you gifts. I give them as extensions of myself, my thoughts [and] feelings and because I want to make you happy." The physician returned the videotape to Respondent at Lakeland with a note stating, "Read my lips, no tapes, no presents, no letters." (Ex. 1 at 68; Ex. 2 at 43 (Otter Tail Co. Criminal Trial Ex. 13 at 12); Ex. 87 at 51.)

15. On February 28, 1994, Respondent found the items the physician had brought to Lakeland and returned them to the physician's office with a new letter. Later, Respondent went back to the physician's office and saw that the physician had thrown the box of items in the garbage. Respondent took the items out of the garbage and again placed them on the physician's desk. That evening, Respondent waited for the physician by his Jeep at the Fergus Falls Lake Region Hospital, Fergus Falls, Minnesota. Respondent watched the physician and his wife through a window while they attended a reception at the hospital. At approximately 8:00 p.m., the physician came out, found Respondent at his Jeep, and told her he did not want to talk to her. He pushed Respondent away from the car door when she refused to move, but Respondent jumped into the vehicle. The physician pulled Respondent out of the vehicle and left. Later that evening, Respondent called the physician's residence. (Ex. 1 at 71, 72; Ex. 2 at 44, 45 (Otter Tail Co. Criminal Trial Ex. 13 at 13, 14); Ex. 87 at 53-57.)

16. In early March 1994, Respondent made several telephone calls to the physician's clinic and left the physician notes. On some occasions Respondent would wait for the physician to go to a convenience store located between his office and his

home. When the physician stopped at the store, Respondent also would stop. (Ex. 2 at 47 (Otter Tail Co. Criminal Trial Ex. 13 at 16); see also Ex. 87 at 65.)

17. On March 22, 1994, the physician filed a petition for a temporary restraining order against Respondent requesting that Respondent be ordered to cease all contact with the physician, refrain from placing telephone calls to him or any members of his family, stop entering the physician's office and the hospital in Fergus Falls, refrain from mailing writings or other items to the physician, stop approaching his automobile, and refrain from leaving gifts for the physician. The temporary restraining order was issued and served on Respondent that same day. That night Respondent drove around Fergus Falls and called the physician's home crying. The next morning, Respondent waited at a convenience store near the physician's home and watched the physician drive by. (Ex. 1 at 74-78; Ex. 2 at 7-14, 47, 48 (Otter Tail Co. Criminal Trial Ex. 4; Ex. 5; 13 at 16, 17); Ex. 87 at 66, 68, 69.)

18. After the temporary restraining order was issued, the physician and his attorney agreed to meet with Respondent at the office of the physician's attorney. During the meeting, Respondent asked to meet with the physician alone. Respondent told the physician that she wanted to have a personal relationship with him. She told him to leave on a specific light in his house if he was home alone; she told him to go to the public access near his house from 7:00 to 7:30 p.m. to meet her. The physician told Respondent he did not want a relationship with her and did not want any contact with her. After the physician's attorney returned, the physician told the attorney Respondent agreed to have no contact with him, and he agreed not to seek a permanent restraining order. (Ex. 1 at 79-83, 156-58; Ex. 2 at 48 (Otter Tail Co. Criminal Trial Ex. 13 at 17); Ex. 87 at 75.)

19. Respondent, however, continued to drive by the physician's home, watch the physician from the public access near his home, drive along common routes of the physician, and telephone the physician and hang up. (Ex. 2 at 48, 49 (Otter Tail Co. Criminal Trial Ex. 13 at 17, 18); Ex. 87 at 80, 81.)

20. On April 20, 1994, the day before the physician's birthday, the physician was scheduled to work at the hospital in Morris, Minnesota. Respondent put up signs for the physician along the road near Morris and in the hospital. Respondent watched the physician as he drove by the signs. Respondent sent the physician flowers at the hospital, decorated the physician's Jeep, and put a laminated sign on the vehicle; the sign had a drawing of a naked woman's back side and read, "Everyone should be 'moonied' on their birthday." Respondent waited for the physician to leave the hospital and watched his reaction to the sign and the decorations on the Jeep. Later that evening Respondent called the physician's residence and hung up on his wife. Respondent then drove by the physician's residence. The physician telephoned Respondent's husband and told him about the road signs. (Ex. 1 at 84, 85; Ex. 2 at 49, 57 (Otter Tail Co. Criminal Trial Ex. 13 at 18; Ex. 15); Ex. 87 at 84-89.)

21. An evaluation of Respondent's employment at Lakeland dated April 29, 1994, noted that Respondent needed to do the following: "Continue to be assertive in verifying suspicious thoughts and concerns. Be direct with individuals that relate to these thoughts." Clayton Skretvedt, Respondent's supervisor, testified that the purpose of his comment was "[t]hat [Respondent] verify in reality whether or not feelings she was having about people were true or false." (R. at 51-52; Ex. 6 at 3.)

22. In late April and May 1994, Respondent continued to follow the physician in her vehicle; she left notes on his Jeep, one of which the physician sent to Respondent's husband; she sent letters to the physician's office; and she telephoned the physician. In a letter to the physician dated May 21, 1994, Respondent wrote: "It isn't easy for me to stay away [and] resist you know! . . . When do I get my ride around the block and your world famous hug? Or, I could use a good lay, how about you?"

(Ex. 2 at 25-30, 49, 50 (Otter Tail Co. Criminal Trial Ex. 8; Ex. 10; Ex. 13 at 18, 19); Ex. 87 at 89.)

23. On May 27, 1994, Respondent left a note on the physician's Jeep at his home. When the physician found the note, Respondent was watching the physician from the public access through binoculars. The physician drove away and Respondent followed, but lost him. Respondent ate and then went back to drive by the physician's home. The physician's wife was leaving the house, so Respondent followed her. Later, around 7:30 or 8:00 p.m., Respondent found the physician's Jeep parked at the Fergus Falls Lake Regional Hospital, Fergus Falls, Minnesota. Respondent waited until 10:00 p.m. when the physician and a nurse midwife left the hospital. Respondent followed them to the Fergus Falls Police Department. The physician informed the police he wanted Respondent arrested and was afraid for himself and his wife. Respondent was arrested for harassment and stalking, in violation of Minnesota Statutes section 609.749, subdivision 2. (Ex. 1 at 121-28, 165-71, 181-83, 254-59, 266-71, 275-80; Ex. 2 at 50, 51 (Otter Tail Co. Criminal Trial Ex. 13 at 19, 20); Ex. 87 at 96-102.)

24. Mr. Skretvedt at Lakeland became concerned about Respondent's ability to perform her job duties and competently provide therapy. On June 17, 1994, Respondent was suspended from her position as a psychologist, and Respondent agreed to seek counseling from Lakeland's employee assistance program. (R. at 53-55; Ex. 7; Ex. 11 at 1-3; see also Ex. 87 at 109.)

25. On Saturday, June 18, 1994, Respondent went to a festival in Fergus Falls, parked her car near the physician's Jeep, and followed the physician and his wife. (Ex. 1 at 89, 90, 186, 187; see also Ex. 22 at 11, 12; Ex. 87 at 104.)

26. In a letter dated June 20, 1994, Rick Ascano, Ph.D., L.P., a staff psychologist who at one time served as Respondent's clinical supervisor in Lakeland's sexual abuse program, raised concerns about Respondent's emotional stability to

function as a therapist and requested that Respondent "be referred to an appropriate psychologist for a thorough psychological evaluation to ascertain the appropriateness of her being able to function in her current position." (R. at 27-30; Ex. 8; see also Ex. 87 at 111.)

27. On June 29, 1994, Respondent saw Barbara Klein, LICSW, a social worker at a mental health center in St. Cloud, Minnesota, as part of Lakeland's employee assistance program. Respondent indicated as the reason for the visit: "[M]y employer wants to know I am able to work effectively and that I am okay to see my clients." Ms. Klein performed a diagnostic assessment and noted, "I have serious concerns regarding [Respondent's] ability to, currently, function as a therapist." Ms. Klein tentatively diagnosed Respondent's condition as "Delusional (Paranoid) Disorder, Erotomanic Type, Provisional." (Ex. 20 at 15, 17-22, 24-28, 78-81 (Depo. Ex. 4).)

28. On or about June 29, 1994, Ms. Klein spoke to Lakeland during a telephone call. Ms. Klein stated she was very concerned about Respondent and felt strongly that Respondent should not be counseling clients. Ms. Klein stated Respondent should undergo a full psychiatric and psychological workup to determine her stability to function as a therapist. (R. at 55, 56; Ex. 11 at 4; Ex. 20 at 30-32, 83 (Depo. Ex. 6); Ex. 87 at 109, 110, 113-15.)

29. In early July 1994, Lakeland arranged for Respondent to be evaluated by a mental health professional in Minneapolis, Minnesota, to determine whether Respondent was competent to provide therapeutic services. Respondent refused to submit to the evaluation. (R. at 56, 57; Ex. 9; Ex. 10; Ex. 11 at 4-8; Ex. 12; Ex. 87 at 115.)

30. On July 12, 1994, Lakeland terminated Respondent's employment because she failed to submit to the mental health evaluation. On July 15, 1994, during Respondent's exit interview, Respondent told Mr. Skretvedt: "I am not guilty. My work was fine. I don't need to do the evaluation. You better watch yourself now." Mr. Skretvedt responded, "How's that?" Respondent stated: "The employees are watching you. You were part of staff and now you'll be seen as management. They will be watching how you handle this. Eventually they will get you." Mr. Skretvedt responded, "Brenda, it's those kind of statements that really raise[s] my concern about you." (R. at 57, 58; Ex. 15; Ex. 16; Ex. 17; Ex. 19; Ex. 87 at 115.)

31. Until at least August 1994 Respondent continued to telephone the physician's residence. On August 21, 1994, Respondent waited at the physician's church and mimicked her position during a gynecological exam by putting her bare foot on the rear view mirror. Until at least November 1994, Respondent continued to follow the physician and to watch the physician, his wife, and one of his colleagues. Until at least December 1994, Respondent continued to go to the public access. Until at least January 1995, Respondent would wait for the physician to go to a convenience store

between his office and his home. (Ex. 26 at 18, 31, 32; Ex. 33 at 1; Ex. 42 at 1-5; Ex. 43 at 2; Ex. 87 at 65.)

32. On April 21, 1995, Respondent was convicted in Otter Tail County District Court of violating Minnesota Statutes section 609.749, subdivision 2, a gross misdemeanor, for harassing and stalking the physician. On June 19, 1995, Respondent was sentenced to one year in the Otter Tail County jail and fined \$3,000. In addition, Respondent was to reimburse the public defender fund \$30 per hour. The judge stayed Respondent's jail sentence contingent upon the following: (1) Respondent must serve two years of probation; (2) Respondent must submit the name of a psychologist or psychiatrist who will perform a mental health evaluation of Respondent; and (3) Respondent must follow any recommendations of the evaluator. (Ex. 3; Ex. 4; Ex. 87 at 131.)

Public Defender #1

33. In July 1994, public defender #1 was appointed to represent Respondent in the Otter Tail County District Court for the criminal proceedings involving the charges of harassing and stalking the physician. Subsequently, Respondent began making unwanted personal contacts with public defender #1. (Ex. 21.)

34. In a letter to public defender #1 dated September 18, 1994, Respondent wrote: "In order to stay in good behavior I've switched my romanticizing thoughts elsewhere [from the physician]. It is a distraction for me and a way I cope. You can't take a coping mechanism away from someone without replacing it with something else. I've thought about [the physician] for so long that I couldn't just shut it off. So I moved those thoughts." Next to that paragraph, Respondent wrote: "Where did I move the thoughts to? My secret!" (R. at 77-79; Ex. 32 at 7, 8.)

35. In a letter to public defender #1 dated October 5, 1994, Respondent wrote: "I have made you into [the physician and] you maybe made yourself into [the physician] for the sake of transference. . . . Do I feel so close to you because I've made you into [the physician]? [The physician] assisted in ruining my life but at times I miss him so much it hurts. When I compare you [and] he, I ask myself, 'Am I seeing true goodness rather than dysfunction?' Then I say[:] 'Quit it. Don't be fooled again by giving [and] making people gods.'" (R. at 79, 80; Ex. 35 at 5, 6.)

36. In a letter to public defender #1 dated October 8, 1994, Respondent wrote: "OK, I'll come right out and say it. I now imagine you fulfilling all the fantasies that [the physician] never fulfilled." Public defender #1 became concerned and wrote to Respondent in a letter dated October 11, 1996: "I am very troubled and concerned about comments you have made in [your recent] letter regarding me. . . . I am not [the physician], I will never be [the physician], any thoughts that you have regarding me somehow taking the place of [the physician] are thoughts from your own imagination. . . . I simply want you to be clear, from the outset, ([n]ow that you have made comments to

me in this recent letter) that I am your lawyer in this case and nothing else." (R. at 80-82; Ex. 37 at 3; Ex. 39.)

37. In mid-December 1994, Respondent gave public defender #1 a Christmas tin containing "goodies" at the courthouse in Fergus Falls, Minnesota; public defender #1 was handling a number of cases unrelated to Respondent's case. Respondent asked public defender #1 to not refuse the gift like [the physician] did. Public defender #1 told Respondent that "if she thought that this was going to turn into something like what was the situation with she and [the physician], it wasn't going to happen." (R. at 83-86; Ex. 46.)

38. In a letter to the chief public defender dated December 22, 1994, public defender #1 wrote: "During the course of my representation of [Respondent], she has written numerous letters to me regarding her case. Information has been contained in those letters that trouble[s] me greatly. There have been references and innuendoes in her letters to me that are of a very personal nature. . . . You should be aware . . . that I am troubled and deeply concerned for the situation in which she has placed me." (R. at 86; Ex. 49.) 39. Respondent repeatedly telephoned public defender #1 at his home regarding issues that were not emergencies. In a letter dated January 5, 1995, public defender #1 asked Respondent to refrain from contacting him after business hours unless she had a "true emergency." (R. at 87, 88; Ex. 58.)

40. On January 17, 1995, severe weather conditions closed schools in northwestern Minnesota; despite these conditions, Respondent drove 90 to 95 miles to Detroit Lakes, Minnesota, to meet with public defender #1. The issues did not require a personal meeting and could have been discussed by telephone. (R. at 88-90; Ex. 63.)

41. On January 26, 1995, Respondent telephoned public defender #1. Respondent asked public defender #1 for details about his vacation plans, to which public defender #1 said he did not think it was her business what he was going to be doing outside the attorney-client relationship. That night, Respondent was in Fergus Falls, Minnesota, at a location where the physician was also present. Respondent telephoned public defender #1 at his home. After some discussion, public defender #1 told Respondent he would be unavailable for two weeks and asked her to discuss any other issues she wanted to resolve. (R. at 90-92, 115; Ex. 65.)

42. On January 27, 1995, public defender #1 was at his office preparing to go on vacation. Despite public defender #1's instructions from the previous night's telephone conversation, Respondent made several attempts to call public defender #1 at his office. In addition, Respondent left repeated messages on his family's personal answering machine in which she indicated she was upset at public defender #1. On January 28, 1995, public defender #1 dictated a letter to Respondent, the court, and the chief public defender indicating that he was terminating his representation of Respondent. Public defender #1 decided he could not adequately and professionally represent Respondent: "[T]he continual contact and that type of contact, in my view,

would be sort of the straw that broke the camel's back. I came home and my wife's voice was visibly shaking and crying and things like that. . . . [W]hen it gets to the point where you're affecting my family, I basically decided that life was too short and that's why I terminated the relationship." (R. at 92-96; Ex. 66; Ex. 87 at 116, 118.) 43. On February 4, 1995, public defender #1 returned home from his vacation. Respondent telephoned public defender #1's home repeatedly.

43. Finally, public defender #1 talked with Respondent by telephone and informed her he was no longer representing her; Respondent indicated she was going to come to Detroit Lakes, Minnesota. Public defender #1 called the sheriff's office to inform them of Respondent's intentions. That evening, Respondent called public defender #1 and informed him she was at his office waiting for him. Public defender #1 called the sheriff's office to inform them Respondent was at his office. Respondent spent the night in a motel in Detroit Lakes. (R. at 96-101, 105; Ex. 70; Ex. 87 at 125, 126, 128.)

44. On February 5, 1995, Respondent followed public defender #1 from nearby his residence to his office. Public defender #1 called the sheriff's office. Respondent dropped off an envelope outside the office door. A police officer for Detroit Lakes, Minnesota, escorted Respondent out of the building and informed her that public defender #1 was no longer representing her and did not want to speak with her or have any contact with her. Respondent sat in her vehicle across from public defender #1's office for approximately one hour. The officer informed Respondent that if she talked to public defender #1 or followed him any more she would be arrested. Respondent replied that it was a public street. (R. at 101-05; Ex. 70; Ex. 71; Ex. 72; Ex. 73; Ex. 87 at 128-31.)

45. On February 6, 1995, Respondent left two messages on the answering machine of public defender #1's family. Respondent was crying and pleading that public defender #1 represent her. On February 7, 1995, Respondent sent public defender #1 a facsimile at the courthouse where he was having his trial. The facsimile contained eight comments, including, "Are you strong enough to be my boy?" On February 10 and 11, 1995, Respondent telephoned public defender #1 and asked him to represent her. Public defender #1 refused and told Respondent not to call anymore. (R. at 106, 107; Ex. 73; Ex. 74; Ex. 76.)

Public Defender #2

46. In the middle of February 1995, public defender #2 was appointed to replace public defender #1's representation of Respondent in the criminal proceedings involving her harassment and stalking of the physician. Public defender #2 immediately attempted to define the limits of a professional relationship with Respondent. (Ex. 77; Ex. 79 at 48-57; Ex. 87 at 131.)

47. After Respondent's conviction and the conclusion of the criminal proceedings in Otter Tail County, public defender #2 ended his representation of Respondent; however, Respondent placed several telephone calls and sent approximately a dozen faxes to public defender #2 even though he repeatedly informed her both orally and in writing that he was no longer her attorney. Respondent continued to contact public defender #2. (Ex. 79 at 62-66, 73-90, 94-101, 112-23, 128; Ex. 80 at 5-34, 38-62 (Clay Co. Criminal Trial Ex. 1-14, 19-25, 28); see also Ex. 79 at 282-98; Ex. 87 at 136-40.)

48. In late November 1995, Respondent mailed public defender #2 a note and a dollar bill with Santa Claus on it. In a letter dated November 30, 1995, public defender #2 wrote Respondent: "Please find enclosed the Christmas card and gift of \$1 you sent me. I do not want any gifts from you, and I think you will need this \$1 more than I do. Please DO NOT send me any more cards, gifts, etc. NO MORE!!! . . . [A]s I have stated many times before, I am no longer your attorney. You should address any questions to your present attorney. Please cease any further correspondence with me." (Ex. 79 at 123-27; Ex. 80 at 35-37 (Clay Co. Criminal Trial Ex. 26, 27); Ex. 87 at 141.)

49. On December 1, 1995, Respondent watched public defender #2 from the back row of a courtroom of the Clay County Courthouse. Later that day, Respondent waited for public defender #2 near his truck in the parking lot of his office in Moorhead, Minnesota. Public defender #2 warned Respondent that he might write her probation officer about her conduct, but the information had no effect on Respondent. Respondent asked public defender #2 if the flower on his lapel was from "her," which public defender #2 interpreted as referring to his wife. (Ex. 79 at 129-38, 238; see also Ex. 79 at 300-07; Ex. 87 at 142.)

50. On December 4, 1995, public defender #2 went to the Moorhead Police Department, Moorhead, Minnesota, with a written summary of Respondent's harassing conduct. In addition, public defender #2 sent the summary to Respondent's probation officer. (Ex. 79 at 139, 140, 142.)

51. At approximately 10:30 a.m. on December 7, 1995, Respondent telephoned public defender #2's home and hung up after his wife answered. At approximately 4:00 p.m., Respondent arrived at public defender #2's office and demanded copies of the "complaint" against her. Public defender #2 called the police. Respondent made an obscene gesture to public defender #2 and told him she would like to take a swing at him. Public defender #2 told Respondent to leave. Police officers arrived at the office and handcuffed Respondent, after which Respondent went limp and refused to walk or to get up. Respondent was carried to the squad car by three officers. Respondent was arrested and charged by Clay County for stalking and harassing public defender #2. Respondent was charged with violating Minnesota Statutes section 609.749, subdivisions 2 and 4, a felony, for harassing and stalking public defender #2. (Ex. 79 at 145-58, 226-29, 232-38, 247-49; Ex. 80 at 58, 63, 64 (Clay Co. Criminal Trial Ex. 28, 29, 30); see also Ex. 79 at 310-15; Ex. 87 at 143-46.)

52. On December 14, 1995, Respondent was released from jail. (Ex. 87 at 146, 147.)

53. From January to April 1996, Licensee received therapy during five sessions with Marilyn Tisserand, M.A., L.P., LICSW, LMFT, as part of her probation for stalking the physician. The therapy dealt with a variety of issues including Respondent's conduct with and perceptions of the physician, public defender #1, and public defender #2. During therapy, Respondent "was very unwilling to take a battery of tests"; "she did not want to look at her own issues"; "there was very little affect"; and "[her] conduct outside of the office was inappropriate." Ms. Tisserand made some tentative diagnoses of Respondent's condition, including Delusional Disorder, but she wanted to obtain a full psychiatric workup from another practitioner before making a final diagnosis. (R. at 139-45, 150.)

54. In early May 1996, Respondent's bail bondsman learned that Respondent was not cooperating with the attorney who was defending her in her current criminal proceedings and that Respondent stated she may not show up for court. The bail bondsman recalled the bond, and on May 5, 1996, Respondent was incarcerated in the Clay County jail. (Ex. 87 at 147, 148.)

55. On May 6, 1996, Respondent attended a pretrial hearing at the Clay County Courthouse. Respondent saw public defender #2 in the hallway and stated, "You f---ing a--hole, I hope you drop dead." A Clay County Deputy Sheriff escorted Respondent to a chair at the north end of the hall, at which time Respondent told the deputy she was going to shoot public defender #2's wife. (Ex. 79 at 158-60, 183-86, 190-92, 219-21; Ex. 82 at 17.)

56. On May 9, 1996, Respondent underwent a court-ordered psychiatric evaluation with Wayne Martinsen, M.D., a psychiatric resident. Dr. Martinsen diagnosed Respondent's condition as Delusional Disorder, Erotomanic Type. (R. at 170-77; Ex. 87 at 149.) The Diagnostic and Statistical Manual of Mental Disorders (4th Ed. 1994) states the following:

297.1 Delusional Disorder

Diagnostic Features

The essential feature of Delusional Disorder is the presence of one or more nonbizarre delusions that persist for at least 1 month (Criterion A). A diagnosis of Delusional Disorder is not given if the individual has ever had a symptom presentation that met Criterion A for Schizophrenia (Criterion B). Auditory or visual hallucinations, if present, are not prominent. Tactile or olfactory hallucinations may be present (and prominent) if they are related to the delusional theme (e.g. the sensation

of being infested with insects associated with delusions of infestation, or the perception that one emits a foul odor from a body orifice associated with delusions of reference). Apart from the direct impact of the delusions, psychosocial functioning is not markedly impaired, and behavior is neither obviously odd nor bizarre (Criterion C). If mood episodes occur concurrently with the delusions, the total duration of these mood episodes is relatively brief compared to the total duration of the delusional periods (Criterion D). The delusions are not due to the direct physiological effects of a substance (e.g. cocaine) or a general medical condition (e.g. Alzheimer's disease, systemic lupus erythematosus) (Criterion E).

Although the determination of whether delusions are bizarre is considered to be especially important in distinguishing between Delusional Disorder and Schizophrenia, "bizarreness" may be difficult to judge, especially across different cultures. Delusions are deemed bizarre if they are clearly implausible, not understandable, and not derived from ordinary life experiences (e.g. an individual's belief that a stranger has removed his or her internal organs and replaced them with some else's organs without leaving any wounds or scars). In contrast, nonbizarre delusions involve situations that can conceivably occur in real life (e.g., being followed, poisoned, infected, loved at a distance, or deceived by one's spouse or lover).

Psychosocial functioning is variable. Some individuals may appear to be relatively unimpaired in their interpersonal and occupational roles. In others, the impairment may be substantial and include low or absent occupational functioning and social isolation. When poor psychosocial functioning is present in Delusional Disorder, it arises directly from the delusional beliefs themselves. For example, an individual who is convinced that he will be murdered by "Mafia hit men" may quit his job and refuse to leave his house except late at night and only when dressed in clothes quite different from his normal attire. All of this behavior is an understandable attempt to prevent being identified and killed by his presumed assassins. In contrast, poor functioning in Schizophrenia may be due to both positive and negative symptoms (particularly avolition). Similarly, a common characteristic of individuals with Delusional Disorder is the apparent normality of their behavior and appearance when their delusional ideas are not being discussed or acted on. In general, social and marital functioning are more likely to be impaired than intellectual and occupational functioning.

Subtypes

The type of Delusional Disorder may be specified based on the predominant delusional theme:

Erotomaniac Type. This subtype applies when the central theme of the delusion is that another person is in love with the individual. The delusion often concerns idealized romantic love and spiritual union rather than sexual attraction. The person about whom this conviction is held is usually of higher status (e.g., a famous person or a superior at work), but can be a complete stranger. Efforts to contact the object of the delusion (through telephone calls, letters, gifts, visits, and even surveillance and stalking) are common, although occasionally the person keeps the delusion secret. Most individuals with this subtype in clinical samples are female; most individuals with this subtype in forensic samples are male. Some individuals with this subtype, particularly males, come into conflict with the law in their efforts to pursue the object of their delusion or in a misguided effort to "rescue" him or her from some imagined danger.

(Ex. 94.)

57. On June 26, 1996, Respondent was convicted in Clay County District Court of violating Minnesota Statutes section 609.749, subdivisions 2 and 4, a felony, for harassing public defender #2. (Ex. 79; Ex. 81.)

58. On July 17, 1996, Dr. Martinsen conducted a second clinical interview of Respondent to explore recommended treatment of her disorder. In his letter to the Court, Dr. Martinsen stated:

My diagnosis of Ms. Loewen remains unchanged from my previous evaluation, "Delusional Disorder, Erotomaniac Type". Simply put, this means that the patient's stalking and harassing of both (the physician) as well as (the public defender) stemmed from delusional misinterpretation of the behavior of these gentleman (sic) as flirtatious and her resulting belief that these gentleman (sic) were deeply and passionately in love with her. This delusion is powerful enough so that even now, after three months in jail and being found guilty of stalking, the patient still notes that, "I still think he (the public defender) loves me, he may be putting me through all of this (court hearing, jail time and conviction of felony) so that I can prove I'm not delusional." As I review the information noted above and interview the patient there appears to have been little or nothing in the behavior of (the physician) or (the public defender) that would elicit such perceptions from someone without severe mental health problems.

Ex. 85.

Dr. Martinsen recommended outpatient partial hospitalization with a three-fold approach to therapy for Respondent: anti-obsessional medication, antipsychotic medication, and psychotherapy. (R. at 177-84; Ex. 85.)

59. On July 22, 1996, Respondent was sentenced for harassing public defender #2. Respondent's sentence was incarceration for 30 months. The judge stayed Respondent's sentence contingent upon the following: (1) Respondent must serve six months in the Clay County jail; (2) Respondent must receive outpatient partial hospitalization for treatment of her mental illness and follow all recommended after-care; (3) Respondent must receive five full years of supervised probation; and (4) Respondent must have no contact with the physician, public defender #1, public defender #2, or their families, and she must not to enter the counties in which they reside without prior approval from her probation officer. (Ex. 82 at 13-20.)

Respondent's Defense

Respondent's Inability to Practice Psychology

60. Dr. Ascano holds a Ph.D. in clinical psychology, has been a licensed psychologist for twelve years, and specializes in forensic psychology. Dr. Ascano received his post-doctorate in forensic psychology and is Board certified in forensic psychology, behavioral medicine, medical psychotherapy, and vocational psychology. It was Dr. Ascano's professional opinion, based upon his training and experience as a licensed psychologist, that the objectivity of a licensed psychologist who has Delusional Disorder, Erotomanic Type, would be impaired and that there would be a concern of a "high risk or profound risk of countertransference." Regarding a licensed psychologist who had multiple incidents in which she stalked or harassed objects of her delusions, Dr. Ascano stated: "[She] would be in need of rehabilitation before [she] should continue providing patient care. . . . [T]he individual should not be providing patient care whatsoever." (R. at 36-39; Ex. 88.)

61. Ms. Tisserand has a master's degree in counseling and education and has been licensed as a psychologist, an independent clinical social worker, and a marriage and family therapist for five or more years. Prior to licensure, she worked as a counselor. Ms. Tisserand provides primarily individual counseling. It was Ms. Tisserand's professional opinion, based upon her training and experience as a clinical psychologist and upon her experience providing therapy to Respondent, that Respondent should not provide psychological services to patients "[a]t this time" until Respondent receives her own therapy. Ms. Tisserand testified that if Respondent is unable to attain her own emotional wellness, Respondent's "objectivity can get warped" and "[t]hat could hurt the clients." (R. at 136-39, 145-47.)

62. Dr. Wayne Martinsen is a licensed physician in his third year of a psychiatric residency. He has a master's degree and a bachelor's degree in social work and has ten years of experience in clinical social work. Dr. Martinsen testified: "[T]he disorder that [Respondent] suffers from at the current time is too pervasive in terms of her

obsession with it and her response to it. . . . [P]sychology or psychotherapy, any part of the human services field, requires good command of one's emotional responses and ability to interpret emotional nuances and behaviors." It was Dr. Martinsen's professional opinion, based on his training, experience as a social worker and psychiatric resident, and interviews of Respondent, that Respondent is unable to perform psychology in a fit, competent, and safe manner. (R. at 168-70, 185, 186.)

Based upon the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS OF LAW

1. The Board of Psychology and the Administrative Law Judge have jurisdiction of this matter pursuant to Minn. Stat. §§ 14.50, 148.941, and 210.103.

2. The Board of Psychology has complied with all relevant substantive and procedural requirements of statutes and rule.

3. The Respondent received proper and timely notice of the hearing in this matter.

4. The Complaint Resolution Committee of the Board of Psychology has the burden of proof under Minn. Rule pt. 1400.7300, subp. 5, to establish facts showing that disciplinary action should be taken against the Respondent's license.

5. Minn. Stat. § 148.941, authorizes the Board to impose disciplinary action against a licensee.

6. Minn. Rule pt. 7200.4810, provides, in part, as follows:

Subpart 1. **Psychological services prohibited.** A psychologist must not provide psychological services to a client or potential client when the psychologist's objectivity or effectiveness impaired.

Subp. 2. **Elements of impaired objectivity, effectiveness.** A psychologist's objectivity or effectiveness is impaired whenever:

...

D. the psychologist is dysfunctional as a result of a severe physical or mental health problem, including chemical abuse or dependency; or

...

7. The Complaint Resolution Committee has proved by a preponderance of the evidence that the Respondent is dysfunctional as a result of a severe mental health problem and that her objectivity or effectiveness is impaired.

8. Minn. Rule pt. 7200.5500, provides as follows:

A psychologist shall not violate any law in which the facts giving rise to the violation involve the provision of psychological services, the board shall consider:

A. the nature and seriousness of the violation the psychologist is alleged to have committed;

B. the relationship of the alleged violation to the purposes of regulating the practice of psychology; and

C. the relationship of the violation to the ability, capacity, fitness, or integrity of the psychologist in rendering psychological services.

In any board proceeding alleging a violation of this rule, the proof of a conviction of a crime shall constitute proof of the underlying factual elements necessarily underlying that conviction.

9. The Respondent has been convicted of a gross misdemeanor and a felony for harassment and stalking as set out in Findings of Fact Nos. 32 and 57.

10. The Complaint Resolution Committee has demonstrated that the facts underlying those convictions involve the provision of psychological services within the meaning of Minn. Rule pt. 7200.5500.

11. By violating the rules cited in Conclusions No. 6 and 8, the Respondent has violated Minn. Stat. § 148.941, subd. 2(a)(1), in that she has violated a rule that the Board is empowered to enforce.

12. The Complaint Resolution Committee has proved by a preponderance of the evidence that the Respondent has engaged in acts or practices tending to show that the Licensee is incompetent and has engaged in conduct reflecting adversely on the Licensee's ability or fitness to engage in the practice of psychology contrary to Minn. Stat. § 148.941, subd. 2(a)(4).

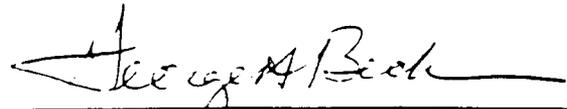
13. The above Conclusions are arrived at for the reasons set out in the Memorandum which follows and which is incorporated into these Conclusions.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDED DECISION

IT IS HEREBY RECOMMENDED that the Board of Psychology take disciplinary action against the psychology license of Brenda S. Loewen.

Dated this 23rd day of October 1996.



GEORGE A. BECK
Administrative Law Judge

Reported: Taped, Four tapes

Transcript prepared by: Brennan & Associates
(612) 454-7618

MEMORANDUM

This contested case proceeding was initiated to determine whether or not disciplinary action should be taken against the psychologist license of the Respondent, Brenda S. Loewen. The Respondent has been twice convicted of harassment and/or stalking; the first conviction was a gross misdemeanor and the second was a felony. Most of the facts of this case are uncontested. At the hearing, the Respondent indicated that she did not deny the facts alleged by the Complaint Resolution Committee. Additionally, in her post-hearing written submission, the Respondent did not deny the proposed facts submitted by the Committee, but rather offered her interpretation of why these events occurred. Despite the criminal convictions for the conduct described in the Findings of Fact, it is Respondent's belief that she was encouraged by the men she was convicted of harassing and that she was, in fact, the victim in these cases.

What is contested by the Respondent is whether or not she has a severe mental health problem and, even if that is the case, whether or not it affected her practice of psychology. The Committee offered the testimony of Dr. Wayne Martinsen on the issue of whether or not the Respondent has a mental illness. Dr. Martinsen, a psychiatric resident with ten years of clinical experience, diagnosed the Respondent's condition as delusional disorder-erotomanic type. The essential feature of this delusional disorder is the presence of one or more non-bizarre delusions or false beliefs that persist at least one month. (R. at 36, 37; Ex. 94 at 3.) A person with this disorder may have delusions of love and engage in conduct that constitutes harassment or stalking, such as telephone calls, letters, gifts, visits and surveillance. (DSM-IV at 297). Dr. Martinsen

stated that the Respondent's behaviors stem from "delusional interpretation of professional politeness from powerful and courteous professionals." (Ex. 83 at 1.) In July of 1996, Dr. Martinsen recommended outpatient partial hospitalization for the Respondent with a three-fold approach to therapy, namely, antiobsessional medication, antipsychotic medication and psychotherapy.

The Respondent offered no expert testimony on her own behalf. She asserts that she is not delusional, but merely had an "adjustment reaction" to her own victimization by the men she was convicted of harassing. She argues that she can not be found to be delusional because it is not possible for one person to judge the accuracy of the thoughts of another. Dr. Martinsen testified, however, that based upon his interview, it was clear that the Respondent's interpretation of events was not appropriate and was, in fact, delusional. He pointed, for example, to her belief that one of the men she harassed still loved her.

The record in this case, apart from the expert testimony, also provides a strong basis for a conclusion that the Respondent's interpretations of her interaction with the three victims cited in the Findings of Fact are inappropriate. The record supports the conclusion that the Respondent has taken insignificant comments or actions and interpreted them to have a special meaning or a significance that does not exist. The Committee's Post-Hearing Memorandum lists examples illustrating the Respondent's inappropriate interpretations at pages 6 through 9. The large volume of letters from the Respondent in this record plainly demonstrate her view of the intentions of her victims. The conclusions she reached are not supported by the actions described. She has the delusional belief that her victims were in love with her and desired a relationship with her. Additionally, the Respondent's post-hearing submission in which she offers her interpretation of the Findings of Fact proposed by the Committee, underscores again that her interpretation of the motivation or intent of her victims is delusional and not supported by fact. In the words of Dr. Martinsen, Respondent's responses were unusual, given the behavior of the victims that she described. Her interpretations are often beyond plausibility. It must be concluded that it is more likely than not that the Respondent's interpretations are delusional.

It is reasonable to conclude that Respondent's delusional disorder is a severe mental health problem because it has persisted since at least November of 1992 when she began harassing her first victim. The conduct involved three victims and continued in the face of prosecution and conviction for both a gross misdemeanor and a felony. The record indicates that the Respondent has limited insight into her problem. The record indicates that she has not cooperated with treatment professionals to deal with her problem in that she does not accept the necessity of the treatment ordered by the trial court.

The Respondent also argues that there were no concerns with her clients while she was employed as a psychologist at Lakeland. She suggests that the Committee has not proved that her practice of psychology was affected by whatever problems she

was experiencing. It is of course true, however, that the behavior leading to her convictions was occurring while the Respondent was practicing psychology at Lakeland Mental Health Center. It did not, however, directly involve clients. The question is whether or not the Respondent's behavior prevented her from practicing psychology in a safe and competent manner during 1993-94, and at present.

The Committee offered three experts on the issue of whether or not the Respondent can safely provide psychological services. Dr. Rick Ascano supervised the Respondent at the Lakeland Mental Health Center. He believes that Respondent presents a high risk of counter-transference in which her unresolved conflicts would be projected to the patient and intertwined with the patient's presenting problem. He believes that delusional disorder would most likely impair the objectivity of the licensee. He also testified that Respondent's multiple victims demonstrates a more severe problem and an inability by the Respondent to control the problem.

Marilyn Tisserand is licensed as a psychologist, a marriage and family therapist and a clinical social worker. She provided individual counseling to Respondent in early 1996 as a part of the Respondent's probation following her conviction for harassing the physician. She testified that a psychologist has to be open to her own issues, whereas she found that the Respondent was unwilling to look at those issues. She believes that professional behavior must extend to conduct outside the office. Ms. Tisserand does not believe that the Respondent can provide psychological services competently and safely at this time.

Dr. Martinsen offered the opinion that the Respondent's delusional disorder is too pervasive at the present time to allow her to practice psychology. He stated that psychology requires a good command of one's emotional responses and the ability to interpret emotional nuances and behaviors. He believes that Respondent is unable to do this and cannot practice psychology in a competent and safe manner.

The Respondent argues that her practice of psychology is unaffected by her actions in harassing and stalking victims. The expert witnesses, however, convincingly indicated that while some people may be able to practice a trade or occupation while having delusional disorder, this could not be done in the area of psychology. Dr. Martinsen testified that whereas a person with a delusional disorder might be able to work in a factory, the same cannot be said of a person practicing psychology. He commented that because the Respondent denies having the disorder, she would have difficulty recognizing similar problems in patients.

The Committee has established by a preponderance of the evidence that the Respondent is dysfunctional as a result of a severe mental health problem and that her objectivity and effectiveness is impaired in providing services to clients. The record indicates that this not only true at the present time, but must have been true when she was providing services to clients, even though there is no specific evidence of this having occurred with any particular client. Additionally, the conduct detailed in the

Findings of Fact reflects adversely on the Respondent's ability or fitness to engage in the practice of psychology within the meaning in the statute. The expert testimony clearly links her conduct to her ability to practice psychology. As one of the expert witnesses indicated, a psychologist must demonstrate some sense of emotional wellness and emotional health in at least keeping his or her own issues clear from clients. The Committee has also demonstrated that the Respondent's convictions constitute the violation of a law related to her provisional psychological services in that the facts underlying those convictions demonstrate her inability and lack of fitness to render psychological services.

The Conclusions contain no reference to unprofessional conduct since this provision of statute and rule seem to refer to conduct toward clients. Likewise, no reference is made to the general code of ethics violations since individual allegations were not specified. The Complaint Resolution Committee of the Board has established grounds for disciplinary action against the Respondent based upon the evidence contained in this contested case record.

G.A.B.