



*The Minnesota Board of Psychology protects
the public through licensure, regulation
and education to promote access to safe,
competent, and ethical psychological services.*

2829 UNIVERSITY AVE SE
SUITE 320
MINNEAPOLIS, MN 55414

OFFICE (612) 617-2230
FAX (612) 617-2240
HEARING (800) 627-3529

WWW.PSYCHOLOGYBOARD.STATE.MN.US

2/24/2014

Linda Marshall, PhD, LP
Associated Psychological Services, Ltd.
113 E Hickory St
Mankato, MN 56001

Dear Dr. Marshall:

This letter is your official notification from the Minnesota Board of Psychology Complaint Resolution Committee has completed its review of your compliance with the Agreement for Corrective Action, dated July 30, 2013, and has determined that you have completed the agreed upon corrective action. Therefore, the complaint referenced in the Corrective Action Agreement is closed.

Pursuant to Minnesota Statutes Section 214.103 an Agreement for Corrective Action is a public document and as such becomes a permanent part of a licensee's public file. All other material related to a complaint is classified under the Minnesota Government Data Practices Act as "confidential" while the complaint is in active status and "private" after it is closed. Therefore, such material is not a part of your public licensure file and is not available to the public. Please note, this letter will be included in your public licensure file to reflect your compliance with the Agreement for Corrective Action.

Thank you for your cooperation in this matter.

Sincerely,


Joshua Bramley
Compliance Specialist

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE**

In the Matter of the License
of Linda Marshall, Ph.D., L.P.
License Number: LP3219

**AGREEMENT FOR
CORRECTIVE ACTION**

This agreement is entered into by and between Linda Marshall, Ph.D., L.P. ("Licensee"), and the Complaint Resolution Committee of the Minnesota Board of Psychology ("Committee") pursuant to the authority of Minn. Stat. § 214.103, subd. 6(a) (2010). Licensee and the Committee hereby agree as follows:

FACTS

1. This agreement is based upon the following facts:

a. Licensee has been licensed as a psychologist in Minnesota since December 9, 1994.

b. 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.

Parent #1 (Mother)

c. Parent #1 was referred to Licensee by a Waseca County Court based on a Child in Need of Protection or Services Petition ("CHIPS Petition") filed in September 2010, when two of parent #1's adopted children were removed from the home. Parent #1 was to undergo a psychological evaluation and parenting assessment.

d. In October and November 2010, Licensee administered a number of tests to parent #1, including the: (1) Minnesota Multiphasic Personality Inventory-2 ("MMPI-2");

(2) Millon Clinical Multiaxial Inventory-III ("MCMI-III"); and (3) Wechsler Adult Intelligence Scales-IV ("WAIS-IV"). Licensee rendered the following DSM-IV-TR Diagnosis based on the assessments below:

- Axis I: Adjustment Disorder with Disturbance of Conduct;
- Axis II: Personality Disorder, NOS, with Sadistic, Histrionic, Narcissistic, and Antisocial;
- Axis III: None reported by client;
- Axis IV: Custody issues, legal issues; and
- Axis V: GAF 60.

e. On December 15, 2010, Licensee made a number of recommendations to the court based on her assessment, including that the Termination of Parental Rights Petition proceed with regard to the two adopted children of parent #1.

f. Licensee noted that her sources of information included the following in addition to the tests she administered: an interview of parent #1, an observation of parent #1 with her adopted daughters, a copy of the CHIPS Petition and the Complaint, a letter from a family therapist, a copy of the investigation report, a copy of the Amended CHIPS Petition, notes from a forensic interview, a copy of a report from the Case Manager, contact with a child protection worker, contact with the Guardian ad Litem, and a second observation of parent #1.

g. On February 28, 2011, Licensee received a letter from a licensed psychologist who reviewed Licensee's report. The psychologist asserted that the test data had been misrepresented and that the diagnoses did not represent the actual MMPI-2 and MCMI-III test data. Specifically, it was alleged that:

1) Licensee opined that parent #1's Scale 3 (Hysteria) was elevated with a T-score of 51; however, a T-score of 51 does not represent an elevation according to the MMPI-2 manual.

2) Licensee opined that parent #1's MCMI-III assessment revealed histrionic components [syndrome or personality trait], based on a score of 72; however, the typical cutoff for such a diagnosis is 75-84.

3) Licensee failed to explain how she arrived at her DSM-IV-TR Diagnosis. In particular, Licensee does not clearly support her diagnosis of sadistic traits. Parent #1's score on the Sadistic Scale of the MCMI-III is zero. Sadistic is not currently accepted as a personality trait according to the DSM-IV-TR.

4) Licensee diagnosed parent #1 with personality disorder, even though her T-scores were below 65.

5) Licensee stated that parent #1 had evidence of narcissistic traits, even though her score on the Narcissist Scale was 58—well below the cutoff. Licensee failed to explain parent #1's elevation on the anxiety scale and the compulsive scale.

h. On May 6, 2011, a Waseca County District Court involuntarily terminated parent #1's parental rights.

Parent #2 (Father)

i. Parent #2 was referred to Licensee by a Waseca County Court based on a Child in Need of Protection or Services Petition ("CHIPS Petition") filed in September 2010, when two of parent #2's adopted children were removed from the home. Parent #2 was to undergo a psychological evaluation and parenting assessment.

j. In October and November 2010, Licensee administered a number of tests to parent #2, including the: (1) MMPI-2; (2) MCMI-III; and (3) WAIS-IV. Licensee rendered the following DSM-IV-TR Diagnosis based on the assessments below:

Axis I: Adjustment Disorder with Disturbance of Conduct;

Axis II: Personality Disorder, NOS, with Narcissistic, Histrionic, and Compulsive traits;
Axis III: None reported by client;
Axis IV: Custody issues, legal issues; and
Axis V: GAF 60.

k. On December 15, 2010, Licensee made a number of recommendations to the court based on her assessment, including that the Termination of Parental Rights Petition proceed with regard to the two adopted children of parent #2.

l. Licensee noted that her sources of information included the following in addition to the tests she administered: an interview of parent #2, an observation of parent #2 with his adopted daughters, a copy of the CHIPS Petition and the Complaint, a letter from a family therapist, a copy of the investigation report, a copy of the Amended CHIPS Petition, notes from a forensic interview, a copy of a report from the Case Manager, contact with a child protection worker, contact with the Guardian ad Litem, and a second observation of parent #2.

m. On February 28, 2011, Licensee received a letter from a licensed psychologist who reviewed Licensee's report. The psychologist asserted that the test data had been misrepresented. Specifically, it was alleged that Licensee's diagnosis of personality disorder seemed to be based solely on Licensee's interpretation of the MCMI-III test data.

n. On May 6, 2011, a Waseca County District Court involuntarily terminated parent #2's parental rights.

o. Licensee submitted a written psychological report that failed to meet the minimum standards set forth in Minn. R. 7200.5000, subp. 3.

p. Pursuant to Minn. R. 7200.5000, subp. 3:

The provision of a written or oral report, including testimony of a psychologist as an expert witness, concerning the psychological or emotional health or state of a client, is a psychological service. The report must include:

A. a description of all assessments, evaluations, or other procedures upon which the psychologist's conclusions are based;

B. any reservations or qualifications concerning the validity or reliability of the conclusions formulated and recommendations made, taking into account the conditions under which the procedures were carried out, the limitations of scientific procedures and psychological descriptions, and the impossibility of absolute predictions;

C. a notation concerning any discrepancy, disagreement, or conflicting information regarding the circumstances of the case that may have a bearing on the psychologist's conclusions; and

D. a statement as to whether the conclusions are based on direct contact between the psychologist and the client.

2. On October 18, 2012, Licensee met with the Committee to discuss the facts set forth in paragraph 1. Based on the discussion, the Committee views Licensee's practices to be a violation of Minn. R. 7200.5000, subp. 3 (substandard psychological report) (2010), and Licensee agrees that the conduct cited above occurred and constitutes a reasonable basis in law and fact to justify the corrective action described in paragraph 3 below.

CORRECTIVE ACTION

3. Licensee agrees to address the conduct referenced in paragraphs 1 and 2 by taking the following corrective action. Licensee is required to submit to the Committee for review the next three MMPI-2 and/or MCMI-III forensic evaluation reports that she completes. The evaluation reports must be completed in their entirety and include the client files. The evaluation reports and files are to be directed to the attention of Angelina M. Barnes, Executive Director, Minnesota Board of Psychology, 2829 University Avenue SE, Suite 320, Minneapolis, Minnesota 55414-3237, telephone (612) 617-2230.

4. Licensee shall be responsible for all costs incurred as a result of compliance with this agreement.

5. If any of the next three evaluation reports and client files are not submitted to the Committee as required by the Agreement for Corrective Action, the Committee may fine Licensee \$100 per violation. Licensee shall pay the fine and correct the violation within five days after service on Licensee of a demand for payment and correction. If Licensee fails to do so, the Committee may impose additional fines not to exceed \$500 per violation. The total of all fines may not exceed \$5,000. Licensee waives the right to seek review of the imposition of these fines under the Administrative Procedure Act, by *writ of certiorari* under Minn. Stat. § 480A.06, by application to the Board, or otherwise. Neither the imposition of fines nor correction of the violation will deprive the Board of the right to impose additional discipline based on the violation.

6. No condition imposed as a remedy by this Agreement for Corrective Action shall be used as a continuing education activity for the purpose of renewal of Licensee's license to practice psychology, unless it is specifically stated in this Agreement for Corrective Action that the condition may be used for this purpose.

OTHER INFORMATION

7. Licensee understands that this agreement does not constitute disciplinary action.

8. Upon Licensee's satisfactory completion of the corrective action referenced in paragraph 3, the Committee agrees to dismiss the complaint(s) referenced in paragraph 1. Licensee agrees that the Committee shall be the sole judge of satisfactory completion. Licensee understands and further agrees that if, after dismissal, the Committee receives additional complaints similar to the facts in paragraph 1, the Committee may reopen the dismissed complaint(s).

9. If Licensee fails to complete the corrective action satisfactorily, or if the Committee receives additional complaints similar to the facts described in paragraph 1, the Committee may, at its discretion, reopen the investigation and proceed according to the Board's practice act and Minn. Stat. chs. 214 and 14. In any subsequent proceeding, the Committee may use as proof of the facts of paragraph 1 Licensee's agreements herein. Licensee agrees that failure to complete corrective action satisfactorily constitutes failure to cooperate under Minn. Stat. § 148.941, subd. 4, and may subject Licensee to disciplinary action by the Board.

10. Licensee has been advised by Committee representatives that Licensee may choose to be represented by legal counsel in this matter and has so chosen Ryan B. Magnus, Esq. The Committee is represented by Gregory J. Schaefer, Assistant Attorney General.

11. This agreement shall become effective upon execution by the Committee and shall remain in effect until the Committee dismisses the complaint, unless the Committee receives additional information that renders corrective action inappropriate. Upon receipt of such information, the Committee may, at its discretion, proceed according to the Board's practice act and Minn. Stat. chs. 214 and 14.

12. Licensee understands and acknowledges that this agreement and any letter of dismissal are classified as public data.

13. Licensee hereby acknowledges having read and understood this agreement and having voluntarily entered into it. This agreement contains the entire agreement between the

Committee and Licensee, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this agreement.

LICENSEE

MINNESOTA BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE

Linda L. Marshall
LYNDA MARSHALL, Ph.D., L.P.

Patricia Stankovitch, Psy D, LP
PATRICIA A. STANKOVITCH, Psy D., L.P.
Committee Chair

Dated: 7/13/13

Dated: 7/30/13

Chris Bonnell

CHRIS BONNELL, J.D.
Committee Member

Dated: 7/30/2013

AC 9440896V1