

**BEFORE THE MINNESOTA
BOARD OF BEHAVIORAL HEALTH AND THERAPY**

In the Matter of
Claudia McGrath, LADC
License No. 300752

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Claudia McGrath, LADC (Licensee), and the Minnesota Board of Behavioral Health and Therapy (Board) as follows:

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

FACTS

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. Licensee is licensed as a licensed addiction counselor in the State of North Dakota.

b. On August 22, 2005, the North Dakota Board of Addiction Counseling Examiners issued a Settlement Agreement between itself and Licensee, placing her North Dakota license on probation for six months due to violations of Principle 9b of the North Dakota Code of Ethics. (A true and correct copy of the Settlement Agreement is attached hereto and incorporated herein by reference as Exhibit A.)

REGULATIONS

3. The Board views Licensee's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited

above constitutes a violation of Minn. Stat. § 148C.09, subd. 1(2) (2004) (violation of the rules of the board), and Minn. R. 4747.0060, subp. 2.A. (discipline in another jurisdiction). Licensee further agrees that the conduct and violations cited above constitute a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

REMEDY

4. Upon this stipulation and without any further notice or proceedings, Licensee agrees that the Board may enter an order conditioning her license as an alcohol and drug counselor in the State of Minnesota as follows: Licensee's license is **CONDITIONED** upon her compliance with and successful completion of the August 22, 2005, Settlement Agreement with the North Dakota Board of Addiction Counseling Examiners.

5. Licensee is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

6. The Board or its authorized representatives shall have the right to discuss Licensee's condition with and obtain records from any person with whom Licensee has contact as a result of her compliance with this Stipulation and Consent Order or as a result of her being examined or her obtaining treatment, counseling, or other assistance on her own initiative or otherwise. Licensee shall execute releases and provide any health record or other waivers necessary for submission of the reports referenced in the stipulation, to enable the Board to obtain the information it desires, and to authorize the testimony of those contacted by the Board in any proceeding related to this matter.

7. Upon notification by the North Dakota Board of Addiction Counseling Examiners that Licensee has successfully completed the terms and conditions of the August 22, 2005, Settlement Agreement, Licensee may petition the Board for an unconditional license. The Board

may, at any regularly scheduled meeting at which Licensee has made a timely petition, take any of the following actions:

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

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

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

At the hearing before the Board, the Committee and Licensee may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Licensee waives a hearing before an administrative law judge

and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

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

10. This stipulation shall not in any way limit or affect the authority of the Board to initiate contested case proceedings against Licensee on the basis of any act, conduct, or omission of Licensee justifying disciplinary action occurring before or after the date of this Stipulation and Consent Order which is not related to the facts, circumstances or requirements referenced herein.

11. In the event the Board at its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, then, and in that event, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and this case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter.

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

13. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Although aware of her right to representation by counsel, Licensee has knowingly and expressly waived that right.

14. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions,

statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

15. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Licensee under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Licensee's license to practice professional counseling under this stipulation.

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

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

18. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks.

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

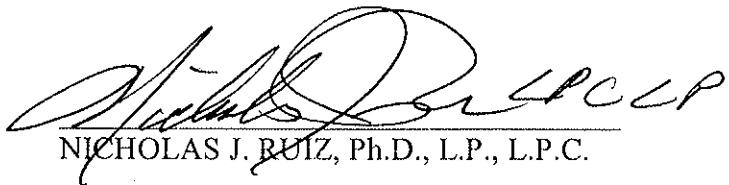
BOARD OF BEHAVIORAL
HEALTH AND THERAPY

COMPLAINT RESOLUTION
COMMITTEE



CLAUDIA MC GRATH, LADC
Licensee

Dated: 12-17-05



NICHOLAS J. RUIZ, Ph.D., L.P., L.P.C.

Dated: 1/19/06



CATHERINE A. CULLEN-BENSON, M.A.,
L.P.C., LADC

Dated: 1/19/06

KAARIN LONG

Dated: _____

ORDER

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

IT IS HEREBY ORDERED that the license of Licensee is placed in a **CONDITIONAL**

status and that all other terms of this stipulation are adopted and implemented by the Board this

19th day of January, 2006.

MINNESOTA BOARD OF
BEHAVIORAL HEALTH AND THERAPY

Kari Rechtzigel
KARI RECHTZIGEL
Executive Director

AG: #1508050-v1

COPY

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into by the North Dakota Board of Addiction Counseling Examiners ("Board") and Claudia McGrath ("McGrath").

The Board is authorized pursuant to N.D.C.C. ch. 43-45 to license and regulate the profession of addiction counseling in the State of North Dakota.

N.D.C.C. § 43-45-07.1(4) authorizes the Board to suspend, revoke, or place on probationary status any license issued under N.D.C.C. ch. 43-45 on proof at a hearing that the holder of the license has violated a provision of N.D.C.C. ch. 43-45 or the professional code of conduct adopted by the Board. Pursuant to N.D. Admin. Code § 4.5-02.1-05-01, the Board has adopted the National Association of Alcoholism and Drug Abuse Counselors Code of Ethics, as revised May 20, 1995.

McGrath is the holder of a license to practice addiction counseling in the State of North Dakota.

The Board determined that a reasonable basis exists to believe McGrath violated Principle 9b of the Code of Ethics.

McGrath acknowledges she has been informed and understands she has a right to a hearing and appeal pursuant to N.D.C.C. ch. 43-45 and N.D.C.C. ch. 28-32 prior to any adverse action being taken against her addiction counseling license.

McGrath acknowledges she has been informed and understands she has a right to seek the advice of legal counsel with regard to this matter.

The Board and McGrath agree to resolve this matter as follows:

1. McGrath waives her right to an administrative hearing and appeal pursuant to N.D.C.C. ch. 43-45 and 28-32.

EXHIBIT

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2. McGrath's license to practice addiction counseling will be placed on probation for six months from the date of execution of this Agreement.

3. As a condition of probation, McGrath will provide the Board with proof of successful completion of three hours of continuing education, approved by the Chairman of the Board, concerning dual relationships. The expense of the continuing education will be paid by McGrath. The continuing education may not be used to satisfy the continuing education required by N.D. Admin. Code § 4.5-02.1-02-02.

4. As a condition of probation, McGrath will comply with all laws and rules relating to the practice of addiction counseling during the period of her probation.

5. Without a hearing or appeal pursuant to N.D.C.C. ch. 43-45 or N.D.C.C. ch. 28-32, the Board will determine if McGrath fulfills the terms of this Agreement or violates any condition of probation. If McGrath fails to fulfill the terms of this Agreement or violates any condition of probation, the Board may take further disciplinary action against her license without a hearing or appeal pursuant to N.D.C.C. ch. 43-45 or N.D.C.C. ch. 28-32.

6. There are no covenants, promises, undertakings, or understandings outside this Agreement other than as herein specifically set forth.

7. This Agreement shall be governed by the substantive laws of the State of North Dakota without regards to conflicts of law principles.

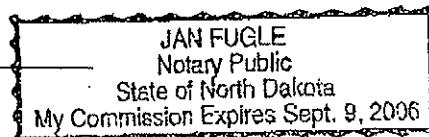
Dated this 17th day of August, 2005.

Claudia McGrath
Claudia McGrath

Subscribed and affirmed to before me

this 17th day of August, 2005.

Jan Fugle
Notary Public



Dated this 32 day of August, 2005.

NORTH DAKOTA BOARD OF
ADDICTION COUNSELING EXAMINERS

Peg Boren
Peg Boren
Chairman