

BEFORE THE MINNESOTA  
BOARD OF PSYCHOLOGY

In the Matter of  
John W. Moorman, M.S., L.P.  
License No. LP0742

STIPULATION AND  
CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by John W. Moorman, M.S., L.P. (Licensee) and the Minnesota Board of Psychology (Board) as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which he holds a license to practice psychology in the state of Minnesota.

**FACTS**

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

Violation of the Minnesota Civil Commitment Act

a. Licensee mistakenly misrepresented his qualifications and engaged in unprofessional conduct by conducting and agreeing to conduct civil commitment examinations when he was not legally qualified to do so, as described more fully below:

1) Licensee holds a master's degree and was licensed to practice psychology in Minnesota on February 1, 1976.

2) From 1974 to 1982, Minnesota law provided that only a licensed physician qualified in the diagnosis of mental illness could serve as an examiner. Where no licensed physician so qualified was available, any licensed physician or a certified consulting psychologist could do so. From 1982 to August 1991, Minnesota law provided that an examiner be a licensed physician or a licensed consulting psychologist knowledgeable, trained, and practicing in the diagnosis and treatment of the alleged impairment.

3) Since August 1, 1991, section 253B.02 of Minnesota Statutes, the Civil Commitment Act, has required that only a licensed physician or a licensed psychologist

who has a doctoral degree in psychology, or who became licensed as a licensed consulting psychologist before July 2, 1975, may serve as an examiner in a civil commitment examination.

4) On September 6, 1994, Licensee conducted a civil commitment examination for a Minnesota county and was paid \$282.10 by the county on September 30, 1994.

5) In approximately November 1994, Licensee was contacted by the same county's court administrator's office to serve as a second examiner in a civil commitment examination, and Licensee agreed to do so, believing he was qualified professionally and legally to do so. When Licensee sought information regarding the examinee from another psychologist who had seen the examinee, the other psychologist refused to release the information on the basis that Licensee was not legally qualified to conduct civil commitment examinations.

6) Subsequently, Licensee contacted the Assistant Court Administrator and informed her he had learned he apparently was not legally qualified to conduct the second examination she had requested. The Assistant Court Administrator told Licensee she would have to check with the County Attorney or the judge assigned to the case. After reviewing the statutes applicable to civil commitment examinations and finding no provision for lesser qualifications in a second examiner, the county ceased using Licensee as a civil commitment examiner in any capacity.

7) At his conference with the Board's Complaint Resolution Committee on September 25, 1998, Licensee estimated he had conducted approximately 20 civil commitment examinations since he was licensed in 1976; however, on further reflection, Licensee believes a more accurate number of such examinations would be five. Licensee was not legally qualified to conduct any of them.

#### Disclosure of Private Information

b. From September 8, 1993, to July 12, 1994, Licensee provided therapy to client #1, a nine-year-old boy. Licensee exercised poor professional judgment and failed to protect client #1's private information, as described more fully below:

1) On or about June 9, 1994, Licensee received a phone call from client #1's grandparents. The grandparents told Licensee that they had received a telephone call from client #1, who was at his mother's home, saying he was being kicked by a man to whom client #1's mother rented a room. The grandparents had heard angry swearing in the background. They went to retrieve client #1 and bring him to their home. During this telephone call or another one later the same day, the grandparents also informed Licensee that client #1's mother came to their home and slapped client #1 before taking him home with her.

2) On June 10, 1994, Licensee made verbal and written reports to the appropriate county Child Protection Services unit (CPS), in which he summarized the grandparents' accounts of abuse of client #1 by his mother and his mother's male boarder. Licensee began his written report with, "This is written to discharge my responsibility for reporting a possible child abuse incident." He went on to provide the identity and age of client #1, his relationship to client #1, and descriptions of the alleged abuse by the man and client #1's mother.

3) Also on June 10, 1994, after making his reports to CPS, Licensee tried to call client #1's mother to ascertain the need for crisis intervention services. The man who allegedly kicked client #1 answered the phone and stated to Licensee: "[client #1] was kicking me, so I kicked him back a few times so he could see what it felt like."

4) On June 16, 1994, Licensee again wrote to CPS because he remained concerned about possible neglect and abuse of client #1. In the letter, Licensee described conversations he had with the man who kicked client #1 and with client #1's mother after Licensee had made the report of abuse on June 10, 1994. Licensee also provided information about client #1's therapy and diagnoses, as well as his conflicts with client #1's mother regarding the course of therapy. In doing so, Licensee exceeded the legal responsibilities of his reporting obligation and revealed private information about client #1 to CPS.

### Failure to Limit Practice to Declared Areas of Competence

c. Licensee provided psychological services to client #1 without a declared area of competence regarding services for children.

### Recordkeeping

d. On December 26, 1994, Licensee conducted an intake evaluation with client #2, who was seeking therapy for issues related to her abusive marriage and to both her and her husband's alcohol abuse. With regard to client #2, Licensee engaged in inadequate, inaccurate, and misleading recordkeeping, as described more fully below:

1) In August 1996, in response to a Board subpoena, Licensee provided the records he maintained regarding client #2. They revealed the following:

a) Licensee's progress note for his single session with client #2, which took place on December 26, 1994, was dated in the chart as "12/26/96."

b) Licensee's client summary form for client #2 was dated "12/28/96."

c) Licensee documented a telephone call to the client, in which she stated she did not wish to return for further therapy. This was dated 1/6/96. However, Licensee's signature on his client summary form for client #2 is dated "12/28/96."

2) When interviewed by an investigator from the Attorney General's Office regarding the records he provided and the obviously incorrect dates in the chart, Licensee admitted that he created the entries in the record at the time he received the subpoena (i.e., August 1996), and he admitted that he signed the client summary form at that time, although he maintained that it had been completed on December 26, 1994. When asked why he made the entries at that time, Licensee said that after he received the Board's subpoena, he reviewed client #2's file and realized it was "very incomplete." Licensee told the investigator he "screwed up the dates" because he was in a "panic."

3) In his conference with the Complaint Resolution Committee on September 25, 1998, Licensee acknowledged that his record entries constituted an attempt to "mislead the Board."

### 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. § 148.98 (1998) (code of conduct); Minn. Stat. § 148.941, subd. 2(a)(1) (1998) (violation of a statute, rule or order that the Board issued or is empowered to enforce); Minn. Stat. § 148.941, subd. 2(a)(2) (engaging in fraudulent, deceptive or dishonest conduct that adversely affects the person's ability or fitness to practice psychology); Minn. Stat. § 148.941, subd. 2(a)(3) and Minn. R. 7200.5700 (unprofessional conduct); Minn. R. 7200.4600, subp. 1 (failure to limit his practice to areas of competence in which proficiency has been gained through education and training or experience and which have been stated in writing to the Board); Minn. R. 7200.4600, subp. 2 (failure to accurately represent areas of competence, education, training, experience, and professional affiliations to the board, the public, and colleagues); Minn. R. 7200.4700, subp. 1 (failure to safeguard private information on a client); Minn. R. 7200.4900, subp. 1a.(failure to maintain an accurate record for a client); Minn. R. 7200.5600 (1995) (engaging in conduct likely to deceive or defraud the public or the Board); and Minn. R. 7200.5500 (violation of a law in which the facts giving rise to the violation involved the provision of psychological services) and constitutes 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 of proceedings, Licensee is hereby **REPRIMANDED** for engaging in the conduct described in paragraph 2 above and the Board places Licensee's license in a **CONDITIONAL** status.

5. Upon this stipulation and without any further notice of proceedings, the Board places Licensee's license in a **CONDITIONAL** status. Licensee's retention of his license is

conditional upon his complying with and/or submitting or causing to be submitted at least the following:

a. **Boundaries Course.** Within 30 days of the date of this Stipulation and Consent Order, Licensee shall notify the Board, in writing, that he has contacted John Hung, Ph.D., L.P., and scheduled a date for commencing the boundaries course. Licensee shall successfully complete the individualized professional boundaries training course taught by John Hung, Ph.D., L.P. All fees for the course shall be paid by Licensee. Successful completion shall be determined by the Complaint Resolution Committee.

b. **Report on Boundaries Course.** Within 30 days of completing the professional boundaries course referenced above, Licensee shall submit a report to the Committee which provides and addresses:

1) the dates Licensee began and completed the boundaries training course;

2) a brief statement of the topics covered in the professional boundaries training course;

3) a detailed discussion of what Licensee has learned from the boundaries training course, including Licensee's comprehension and knowledge of boundary issues, as well as various ethical issues encountered in practice;

4) a detailed discussion of each boundary violation that occurred regarding the circumstances described in the Facts section of this stipulation, including (a) how Licensee came to violate these boundaries, (b) the manner in which Licensee violated these boundaries, (c) the specific harm to specific individuals that resulted or could have resulted from the boundary violations, and (d) how Licensee now believes the boundary violations could have been averted;

5) a detailed discussion of the specific ways this course will affect Licensee's practice in the future;

6) Licensee's reasons for believing that he is capable of conducting himself in a fit, competent, and ethical manner in the practice of psychology; and

7) any other information that Licensee believes would assist the Board in its ultimate review of this matter.

c. **Report on Boundaries Course from Instructor.** Within 60 days of completing the professional boundaries course referenced above, Licensee shall cause to be submitted to the Complaint Resolution Committee a report from the instructor of the professional boundaries course. This report shall address:

1) the extent of Licensee's participation in the course; and

2) the instructor's assessment of Licensee's knowledge obtained from the course and opinion as to Licensee's recognition of boundary issues and Licensee's ethical fitness to engage in the practice of psychology.

d. **Professional Responsibility Examination.** Licensee shall take the examination described in Minn. R. 7200.3000, subp. 1.B. within ninety (90) days of the date of this Stipulation and Consent Order and retake the examination, if necessary, until obtaining a passing score.

e. **Continuing Education.** Within two years of the date of this Stipulation and Consent Order, Licensee shall complete 18 continuing education units on the following topics:

1) confidentiality (6 CEUs); and

2) maintaining professional boundaries (12 CEUs). Each of the above continuing education units shall be pre-approved by the Complaint Resolution Committee and may count toward continuing education requirements set out in Minn. R.7200.3820 and 7200.3830.

f. **Protocols.** Within two years of the date of this Stipulation and Consent Order, Licensee shall develop and submit to the Committee for its approval, a written protocol on each of the following subjects:

- 1) written releases for confidential information;
- 2) contents of mandated reports;
- 3) discussion of client information with other professionals; and
- 4) accurate representation of himself to the public.

The Committee will determine compliance with this section.

g. **Fine for Violation of Order.** If any due date required by this Stipulation and Consent Order is not met, 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.

h. **Costs.** Licensee shall be responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

6. All reports shall cover the entire reporting period and provide the bases upon which conclusions were drawn.

7. 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 his compliance with this Stipulation and Consent Order or as a result of his being examined or his obtaining treatment, counseling, or other assistance on his own initiative or otherwise. Licensee shall execute 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.

8. 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 his failure to meet his burden of proof;
- d. Impose additional conditions or restrictions on the license of Licensee.

9. If Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the license of Licensee to practice psychology in the State of Minnesota shall be suspended immediately upon written notice by the Board to Licensee, such a suspension to remain in full force and effect until Licensee petitions the Board to terminate the suspension after a hearing. Nothing contained herein shall prevent the Board from revoking or suspending Licensee's license to practice psychology in the State of Minnesota after any such hearing.

10. If Licensee's license has been suspended pursuant to paragraph 9 above, Licensee may petition to have the suspension lifted at any regularly-scheduled board meeting following Licensee's submission of a petition, provided that the petition is received by the Board at least 20 working days before the Board meeting. The Board shall grant the petition upon a clear showing by Licensee that he has corrected all violations of this Stipulation and Consent Order which were the basis for the suspension. Based on the evidence presented, the Board may impose additional conditions or limitations upon reinstating Licensee's license.

11. This Stipulation and Consent Order shall not in any way or manner limit or affect the authority of the Board to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Licensee justifying disciplinary action which occurred before or after the date of this Stipulation and which is not directly related to the specific facts and circumstances set forth herein.

12. 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 and Consent Order 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 and Consent Order or of any records relating to this matter.

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

14. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee has been represented by Laura J. McKnight.

15. 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.

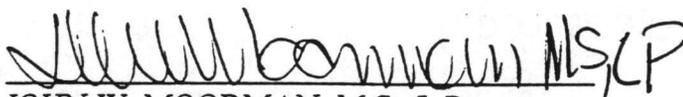
16. Licensee hereby acknowledges that he has read, understands, and agrees to this Stipulation and Consent Order and has freely and voluntarily signed it without threat or promise by the Board or any of its members, employees, or agents. When signing the Stipulation and Consent Order, Licensee acknowledges that he is fully aware that the Stipulation and Consent Order shall be approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified herein.

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

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

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

BOARD OF PSYCHOLOGY  
COMPLAINT RESOLUTION  
COMMITTEE

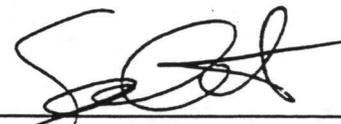
  
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JOHN W. MOORMAN, M.S., L.P.

Licensee

Dated: \_\_\_\_\_, 1999

  
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NORMAN L. JAMES, Ph.D., L.P.

Dated: 10/15, 1999

  
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SAMUEL ALBERT, Ph.D., L.P.

Dated: 10/15, 1999

**ORDER**

Upon consideration of this Stipulation and Consent Order and all the files, records, and proceedings herein,

**IT IS HEREBY ORDERED** that Licensee is REPRIMANDED, that the license of Licensee is placed in a **CONDITIONAL** status, and that all other terms of this Stipulation and Consent Order are adopted and implemented by the Board this 15<sup>th</sup> day of October, 1999

MINNESOTA BOARD  
OF PSYCHOLOGY

  
PAULINE WALKER-SINGLETON  
Executive Director