

BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of  
Edmund E. Nadolny, Ph.D., L.P.  
License No. LP 0891

STIPULATION AND  
CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by Edmund E. Nadolny, Ph.D., 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

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

2. While employed as a psychologist at a counseling center in West Central Minnesota, Licensee evaluated Client #1 and her former husband, pursuant to a referral by the Guardian Ad Litem, to explore possible psychological explanations concerning the difficulties Client #1 and her husband were having in negotiating visitation arrangements after the break-up of their marriage. In Conclusion No. 1 of Licensee's psychological report dated May 24 and April 27, 1994, Licensee diagnosed Client #1 with Borderline Personality Disorder (301.83). Licensee demonstrated impaired objectivity relative to the individuals evaluated in his report, misused diagnostic criteria in reaching his conclusions, and employed assessment techniques not meeting the minimum standards of acceptable practice, as evidenced by the following:

a. During Licensee's evaluation session with Client #1, Licensee typed notes into his computer as Client #1 provided information to him. Licensee then dictated his report and deleted the notes, thereby destroying a portion of his records regarding Client #1. In his Response to the Notice of Conference dated February 17, 1998 (Response), Licensee admitted this allegation. Licensee further stated his actions were guided by existing recordkeeping practices of his employer.

b. Licensee's report states that Client #1's mother and grandmother committed suicide and Licensee concluded that Client #1's "family history is remarkable for mood disorder and suicide completion spanning two generations prior to [Client #1]." Although Client #1's grandmother did commit suicide, her mother did not. In his Response, Licensee conceded Client #1's mother may still be alive, but his belief stemmed from Licensee's perception of Client #1's report at the time of evaluation.

c. As part of the evaluation, Licensee interviewed both Client #1 and her former husband. During her interview, Client #1 reported a history of family violence and stated that she had been battered repeatedly during her 14-year marriage. During his interview, her former husband acknowledged family violence, but said that he only responded to Client #1's physical actions.

d. During the evaluation, Licensee administered the MMPI-2, the Shipley Institute of Living Scale and the Bender-Gestalt Test to both Client #1 and her former husband. He administered the Personality Disorder Questionnaire-Revised (PDQ-R) to Client #1 only. In a deposition dated March 7, 1996, in a proceeding involving visitation issues between Client #1 and her former husband, Licensee stated that he administered the PDQ-R to Client #1 because she exhibited extreme and recurrent anger which raised diagnostic possibilities.

e. The PDQ-R is not a generally accepted or recognized psychological test meeting the requirements of a scientifically based instrument for assessing personality. It does not have a published manual identifying its psychometric properties and administration protocol. It is not listed in the Mental Health Measurement Yearbook or Tests in Print and does not meet the requirements of Minn. R. 7200.5000, subp. 1.

f. In his Response, Licensee stated that it has a manual which "will be forwarded under separate cover." During his conference on February 27, 1998, Licensee provided the Committee with a bibliography on the PDQ-R, but no manual. In deposition referenced above, Licensee stated that the PDQ-R has no separate manual, but is a working document in the literature.

g. The Shipley and Bender-Gestalt test results of Client #1 and her former husband were quite similar. In addition, both produced MMPI-2 profiles which fell within normal limits. Nonetheless, Licensee diagnosed Client #1 as having a borderline personality disorder. This was based largely on Client #1's PDQ-R score of 21. Licensee testified that the normal population typically scores 20 or less on the PDQ-R.

h. Licensee's report states, "The PDQR points convincingly in the direction of a borderline personality disorder. . . The Test results do point in the direction of an Axis II diagnosis." Licensee relied substantially on the PDQ-R to support his diagnosis and did not perform an adequate behavioral history to support it.

i. In support of his diagnosis, Licensee relied on 182 documents all of which were provided by Client #1's former husband. Some of the documents were what Licensee termed in his report, "Selected Copies of Clinic Notes from [redacted]." These were family counseling notes of sessions involving Client #1, her former husband, and their joint and individual therapist. Client #1's former husband submitted to Licensee only the therapy notes related to Client #1 and did not provide notes of his own individual therapy sessions. Licensee stated in the deposition testimony that he referred to the records as "Selected" because he had no way of knowing whether they were complete. Licensee failed to obtain a complete set of the therapy records directly from the other therapist.

j. In addition, Client #1 did not provide Licensee with documentation of her own and Licensee did not attempt to obtain documentation from any source other than Client #1's ex-husband. In deposition testimony, Licensee stated the documents he reviewed also included: (1) personal correspondence from Client #1 to her former husband and (2) transcripts of phone messages left by Client #1 for her former husband. These documents contained statements by Client #1 which, according to Licensee, were "very angry, very accusing." Licensee accepted these from Client #1's former husband because the husband was an attorney representing himself in the custody proceeding. Licensee's usual practice is not to accept records from clients because of the possibility of client selection of records.

k. In formulating a diagnosis of Borderline Personality Disorder, Licensee failed to adequately consider the possibility that Client #1's extreme anger may have been related to a 14-year history of spousal battery and not to a personality disorder.

#### 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. { 148.941, subd. 2 (a)(1) and (3) and 148.98 (1998) (code of ethics); Minn. R. 7200.4810, subp. 1 (impaired objectivity); Minn. R. 7200.4900, subp. 3 (stereotyping); 7200.5000, subps. 1 and 3 (assessments, tests, reports); and 7200.5700 (unprofessional conduct), and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in this order.

#### REMEDY

4. Upon this stipulation and without any further notice or proceedings, the Board places Licensee's license in a **CONDITIONAL** status for the conduct described in paragraph 2 above. Licensee's retention of his license is conditional upon him complying with and/or submitting or causing to be submitted at least the following:

a. Licensee must complete at least twelve (12) continuing education units within the next reporting period (March 1998 to March 2000) by attending courses, workshops, or seminars approved in advance by the Committee on the subject of the diagnosis of personality disorders and the proper use of the DSM-IV diagnostic criteria. In connection with this educational requirement, Licensee shall submit a report to the Board which provides and addresses:

- 1) A brief statement of the topics covered in the courses, workshops, and/or seminars;
- 2) What Licensee has learned from the courses, workshops, and/or seminars, including his comprehension and knowledge of the proper use of DSM-IV criteria and

the diagnosis of personality disorders, as well as how this will affect his practice in the future;  
and

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

b. Licensee is assessed a **CIVIL PENALTY** in the amount of \$2,000. Payment of \$2,000 shall be remitted in full to the Minnesota Board of Psychology at Suite 320, 2829 University Avenue SE, Minneapolis, Minnesota, 55414 **within sixty (60) days** of the date of this order.

c. Within six months of the effective date of this Stipulation and Consent Order, Licensee shall perform forty (40) hours of community service which has been pre-approved by the Committee.

d. At the time Licensee fulfills the education requirement, has paid the civil penalty in full, and completed his community service, he may petition to have the condition removed from his license.

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

5. 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 condition attached to the license of Licensee;

b. Amend the condition attached to the license of Licensee;

c. Continue the condition attached to the license of Licensee upon his failure to meet his burden of proof; and/or

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

6. 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.

7. If Licensee's license has been suspended pursuant to paragraph 5 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 Order which were the bases for the suspension. Based on the evidence presented, the Board may impose additional conditions or limitations upon reinstating Licensee's license.

8. This stipulation 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.

9. 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.

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

11. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. He was represented by Mary K. Martin at his disciplinary conference and is now represented by Nancy J. Ella.

12. 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.

13. Licensee hereby acknowledges that he 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 that he is fully aware that the Stipulation shall be approved by the Board. The Board may either approve the Stipulation and Order as proposed, approve the stipulation and 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.

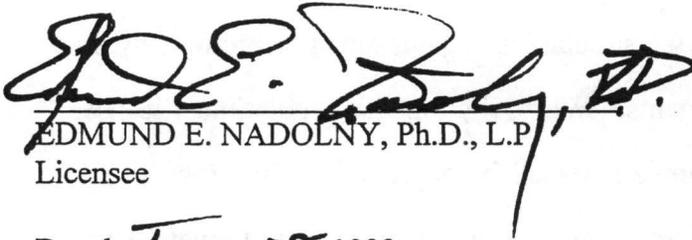
14. This Stipulation and Consent Order constitutes a disciplinary action against the Licensee.

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

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

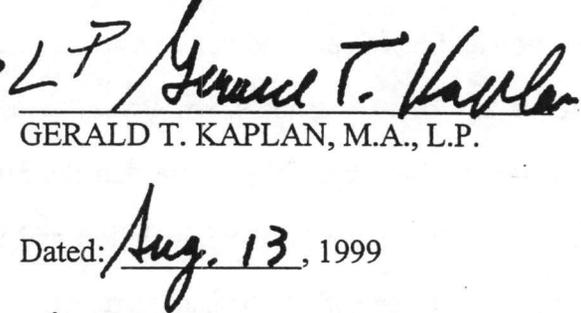
BOARD OF PSYCHOLOGY

COMPLAINT RESOLUTION  
COMMITTEE



EDMUND E. NADOLNY, Ph.D., L.P.  
Licensee

Dated: June 28, 1999



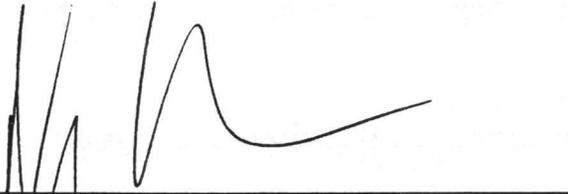
GERALD T. KAPLAN, M.A., L.P.

Dated: Aug. 13, 1999



JANE HOVLAND, Ph.D., L.P.

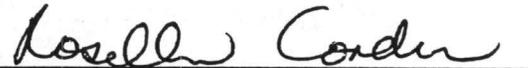
Dated: 13 August, 1999



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Dated: June 29, 1999



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Attorney for Board

Dated: July 1, 1999

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 13<sup>th</sup> day of Aug, 1999.

MINNESOTA BOARD OF  
PSYCHOLOGY

  
PAULINE WALKER-SINGLETON  
Executive Director

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