

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Robert G. Neal, Ph.D., Applicant

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Robert G. Neal, Ph.D. (Applicant), and the Minnesota Board of Psychology (Board) as follows:

1. During all times herein, Applicant has been and now is subject to the jurisdiction of the Board from which he has applied for 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:

a. Applicant was licensed by the Board as a Licensed Psychologist on November 1, 1977.

b. On September 18, 1998 ("1998 Order"), the Board adopted a stipulation and consent order allowing the surrender of Applicant's license to practice psychology in the State of Minnesota. A true and correct copy of this stipulation is attached hereto as Exhibit "A" and incorporated herein by reference in its entirety.

c. On September 7, 2004, Applicant re-applied for licensure as a Licensed Psychologist. Because Applicant had surrendered his license pursuant to the 1998 Order, the matter was referred to the Complaint Resolution Committee ("Committee") for consideration.

d. After reviewing the 1998 Order, the Committee requested that Applicant obtain a psychological fitness for duty evaluation. Applicant obtained the evaluation, and results were forwarded to the Committee on July 26, 2005. The evaluation recommended that, prior to being licensed, Applicant should complete a professional boundaries course, obtain a chemical dependency assessment and comply with any treatment recommendations, obtain training in appropriate practice management, and obtain psychotherapy to address Applicant's personality dynamics that played a role in the conduct resulting in the 1998 order.

e. After reviewing the results of the evaluation, the Committee requested that Applicant comply with recommendations outlined in paragraph 2.d., and complete them to the satisfaction of the Committee.

f. On October 3, 2005, the Committee received the results of Applicant's chemical dependency assessment. The assessment indicated that Applicant did not meet the criteria for treatment.

g. Applicant provided documentation showing that he had completed a course entitled "Professional and Ethical Accountability Through Effective Documentation".

h. On November 18, 2005, the Committee received notification that Applicant had successfully completed an individual boundaries training course.

i. On December 1, 2005, the Committee received notification that Applicant had been engaged in individual psychotherapy since August 31, 2005, and that the therapy was ongoing.

j. On December 2, 2005, the Committee met and determined that Applicant could be licensed, subject to the conditions and restrictions outlined below.

REGULATIONS

3. The Board views Applicant's practices as described in paragraph 2 above to be in violation of statutes and rules enforced by the Board, as outlined in the 1998 Order. Applicant agrees that the conduct cited in the 1998 Order 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 Applicant's license in a conditional status. Applicant's issuance and retention of his license is conditional upon complying with and/or submitting or causing to be submitted at least the following:

- a. ***Practice Setting.*** Applicant shall only practice psychology in a group setting, approved in advance by the Committee.
- b. ***Supervision of Applicant by Board-Approved Psychologist.*** Applicant shall practice psychology only under the supervision of a supervising psychologist approved in advance by the Committee. Applicant shall cause his proposed supervising psychologist to submit a current vitae to the Board for the Committee's review prior to its approval. The Committee reserves the right to reject any name submitted by Applicant. If the Committee rejects any names submitted, the Committee may require that Applicant submit additional names, or the Committee may provide Applicant with the name of a supervisor. Applicant shall have no previous personal or professional relationship with the supervisor. Applicant shall obtain a supervising psychologist within one month of the date this Stipulation and Consent Order is adopted by the Board. Applicant shall meet with the supervising psychologist no less than

one hour per week. Applicant may petition for a reduction in supervision after a period of six months.

c. ***Supervisor's Reports.*** The supervising psychologist shall provide a report to the Committee every three months, at the time Applicant petitions for a reduction in supervision, and at the time Applicant petitions to have the conditions removed from his license. The first report is due three months from the date supervision begins, and all subsequent reports shall be submitted on the first day of the month in which they are due. Each report shall provide and/or address:

- 1) In the first report, evidence that Applicant's supervisor has received and reviewed a copy of the Stipulation and Consent Order;
- 2) Dates on which supervision took place with Applicant;
- 3) The method by which supervision was conducted;
- 4) A statement that all cases have been reviewed, a description of any problems discovered in the review, and the resolution of the problems;
- 5) The supervisor's opinion as to Applicant's ability to provide competent services;
- 6) Any other information the supervisor believes would assist the Board in its ultimate review of this matter; and
- 7) At the time Applicant petitions for removal of the above-referenced conditions, the supervisor's report shall include an assessment of Applicant's ability to conduct himself in a fit, competent, and ethical manner in the practice of psychology as well as whether Applicant exhibits an acceptable comprehension and knowledge of ethical issues encountered in practice as well as the ability to apply this knowledge.

d. ***Fine for Violation of Order.*** If any due date required by this Stipulation and Consent Order is not met, the Committee may fine Applicant \$100 per violation. Applicant shall pay the fine and correct the violation within five days after service on Applicant of a demand for payment and correction. If Applicant 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. Applicant 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.

e. ***Costs.*** Applicant is responsible for all costs incurred as a result of compliance with this Stipulation and Consent Order.

f. ***Applicability to Renewal Requirements.*** No condition imposed as a remedy by this Stipulation and Consent Order, including conditions directly related to a restriction, shall be used as a continuing education activity for the purpose of renewal of Applicant's license to practice psychology, unless it is specifically stated in this Stipulation and Consent Order that the condition may be used for this purpose.

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

6. Applicant shall execute releases allowing the Board to exchange data related to this Stipulation and Consent Order with Applicant's supervisor and any other professional Applicant contacts in order to comply with this Order.

7. Upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, but no sooner than twelve months from the date this Stipulation and Consent

Order is adopted by the Board, Applicant may petition the Board for an unconditional license. The Board may, at any regularly scheduled meeting at which Applicant has made a timely petition, take any of the following actions:

- a. Remove the conditions attached to the license of Applicant;
- b. Amend the conditions attached to the license of Applicant;
- c. Continue the conditions attached to the license of Applicant upon his

failure to meet his burden of proof; or

- d. Impose additional conditions on the license of Applicant.

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

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

At the hearing before the Board, the Committee and Applicant 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. Applicant 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 Applicant's practice, or suspension or revocation of Applicant's license.

10. This stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Applicant's license under Minn. Stat. § 148.941, subd. 3, or to initiate contested case proceedings against Applicant on the basis of any act, conduct, or omission of Applicant 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 Applicant agrees that should the Board reject this stipulation and this case proceeds to hearing, Applicant 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. Applicant has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of his right to representation by counsel, Applicant has knowingly and expressly waived that right. The Committee was represented by Nathan W. Hart, Assistant Attorney General.

14. Applicant waives all formal hearings on this matter and all other procedures before the Board to which Applicant 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. Applicant 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 Applicant under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Applicant's license to practice psychology under this stipulation.

16. Applicant 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, Applicant acknowledges he is fully aware the stipulation is not binding unless and until it is approved by the Board. The Board may 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 Applicant, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Applicant 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 Applicant.

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 PSYCHOLOGY

COMPLAINT RESOLUTION
COMMITTEE

Robert G. Neal, PhD

Robert G. Neal, Ph.D., Applicant

Dated: 1-17-2006.

Myra Seibold

MYRLA SEIBOLD, Ph.D., L.P.

Dated: 1/27/06

Scott Terhune

SCOTT TERHUNE, Ph.D., L.P.

Dated: 1-27-06

Susan Ward

SUSAN WARD

Dated: 27 Jan 2006

ORDER

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

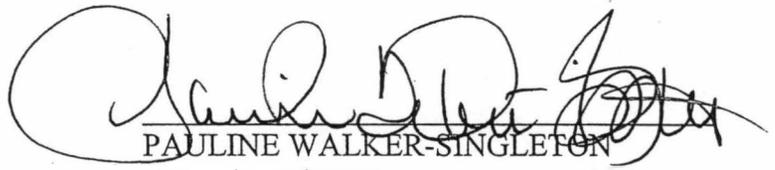
IT IS HEREBY ORDERED that the license of Applicant is placed in a **CONDITIONAL**

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

27th day of Jan., 2006.

MINNESOTA BOARD

OF PSYCHOLOGY



PAULINE WALKER-SINGLETON

Executive Director

AG: #1543794-v1