MINNESOTA BOARD OF PSYCHOLOGY

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PERSONAL AND CONFIDENTIAL

March 11, 2011

[redacted]

Dear Dr. Nelson:

This letter is notification that the Minnesota Board of Psychology Complaint Resolution Committee has completed its review of your compliance with the Agreement for Corrective Action, dated October 17, 2008, 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 part of your public licensure file and is not available to the public. Please note, however, that this letter will be included in your public licensure file to reflect your compliance with the Agreement for Corrective Action.

Sincerely,

Gail A. Schiff
Regulations Analyst

BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE

In the Matter of the License of
Donn E. Nelson, Ph.D., L.P.
License Number: LP2248

AGREEMENT FOR CORRECTIVE ACTION

This agreement is entered into by and between Donn E. Nelson, 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) (2004). Licensee and the Committee hereby agree as follows:

FACTUAL BASES

1. Solely for purposes of this agreement, and without prejudice to Licensee in a proceeding in any other forum, the following shall be considered the factual bases before the Committee:

a. Licensee was licensed on February 17, 1987.

b. In February 2004, client #1 was referred to Licensee for a psychological evaluation. Client #1 was in the process of a divorce and was referred for the evaluation by the guardian ad litem ("GAL") for use in her custody evaluation process. Licensee completed the psychological evaluation and attempted to report it to the GAL. However, the GAL's fax machine was not operating at the time Licensee attempted to send it. Before the report could be forwarded to the GAL, client #1 read the report and withdrew his consent to release it to the GAL.

c. In reviewing the report Licensee prepared for client #1, the Committee concluded there were a number of instances in which the report failed to contain the elements

required by Board rule and minimum standards of acceptable and prevailing practice. On July 22, 2005, Licensee met with the Committee to discuss the report. Licensee stated that the report he prepared for client #1 was not up to his usual standards but was compliant with "minimum" standards of practice. In response, the Committee requested that Licensee submit ten reports for it to evaluate. Licensee complied with the Committee's request, submitting ten reports related to his forensic evaluations of defendants/convicts used in criminal proceedings. Based on the Committee's review of the ten reports, the Committee concluded there were a number of departures from the minimum standards of care.

d. Licensee disputed the Committee's conclusions. Related to Licensee's dispute, Licensee obtained a preliminary review of the ten reports by a doctorate-level psychologist who has significant experience with psychological evaluations. The colleague's conclusions included the following:

> With the caveat that Dr. Nelson may wish to revise his style of reporting results, I felt these reports did meet minimum standards. . . . The reports appeared to provide the information necessary, were complete as to the information relevant to the legal issues at hand, and provided a balanced and accurate evaluation of the client.

2. Based on the foregoing, the Committee views Licensee's practices as inappropriate pursuant to Minn. Stat. § 148.941, subd. 2(a)(1) and (3) (2004), and Minn. R. 7200.5700. 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 actions:

a. ***Graduate Course in Assessment and Report Writing.*** Licensee shall complete a graduate-level course on the subject of assessment and report writing in the practice

of psychology. Licensee shall obtain approval from the Committee before commencing the course. The course must be listed as part of a graduate program and must be at least two semester credits or three quarter credits. Audited courses will not be accepted for purposes of satisfying the terms of this Agreement for Corrective Action. Licensee shall cause the school to send directly to the Board office an official transcript documenting for the Committee that Licensee received a passing grade in the course. Licensee may apply the credits from this course to his continuing education requirements for license renewal set forth in Minn. R. 7200.3820. Licensee shall complete this course within 24 months of the effective date of this Agreement for Corrective Action.

b. ***Licensee's Report.*** After completing the graduate course described in paragraph 3.a. above, Licensee shall submit a written report to the Committee. The report shall provide and/or address:

1) What Licensee has learned from the graduate course in assessment and report writing;

2) A critique of the report Licensee prepared for client #1; and

3) Any other information Licensee believes would assist the Committee in its ultimate decision of this matter.

The Committee will decide whether Licensee's report is acceptable and will communicate that decision to Licensee in writing.

OTHER INFORMATION

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

5. 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.

6. 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 (unless the Committee has already dismissed this matter), reopen the investigation and proceed according to the Board's practice act and Minn. Stat. chs. 214 and 14. In any such 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.

7. Licensee has been advised by Committee representatives that Licensee may choose to be represented by legal counsel in this matter and has so chosen Michael J. Weber, Weber Law Office, 2801 Hennepin Avenue South, Suite 200, Minneapolis, MN 55408. The Committee is represented by Nathan W. Hart, Assistant Attorney General.

8. 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.

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

10. 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

Donn E. Nelson, PhD

DONN E. NELSON, PH.D., L.P.

Dated: 10/8/08

MINNESOTA BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE

Myrla Seibold, PhD, LP

MYRLA SEIBOLD, PH.D., L.P.
Committee Chair

Susan L Ward

SUSAN WARD
Committee Member

Dated: 10/17/2008

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