

**BEFORE THE MINNESOTA  
BOARD OF PSYCHOLOGY**

In the Matter of  
Mary D. Nelson, M.A., L.P.  
License No. LP3743

**STIPULATION AND  
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Mary D. Nelson, MA, 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 she holds a license to practice psychology in the State of Minnesota.

**FACTUAL BASIS**

2. Solely for purposes of this stipulation, the Board may consider the following factual basis:

- a. Licensee was licensed as a Licensed Psychologist on August 1, 1997.
- b. At various times from November 2003 to approximately September 2008, Licensee provided psychological services to client #1 in connection with his anxiety attacks, work-related stress, and depression.
- c. During the summer of 2008, Licensee asked client #1 to spend an hour or two each week with her two minor children to educate them about the history of the local community. Licensee states that she did so only for the client's best interests, because she was having difficulty finding options in a small community to provide the client with some needed external structure to his day.
- d. In May 2009, client #1 called Licensee to request termination of the treatment relationship. Licensee and client #1 agreed to discuss the issue at a session, at which time they mutually agreed to the termination.

## REGULATIONS

3. The Board views the conduct described in paragraph 2 above to be in violation of statutes and rules enforced by the Board, specifically, a violation of Minn. Stat. § 148.98 (code of conduct); Minn. Stat. § 148.941, subd. 2(a)(1) (violation of statute or rule Board is empowered to enforce); Minn. Stat. § 148.941, subd. 2(a)(3), and Minn. R. 7200.5700 (unprofessional conduct); Minn. Stat. § 148.98 and Minn. R. 7200.4500 (violation of the rules of conduct/code of ethics adopted by the Board); Minn. R. 7200.4810, subp. 2.A. (provided psychological services to a client when the psychologist's objectivity or effectiveness was impaired by a dual relationship with a client); and Minn. R. 7200.4900, subp. 7a. (exploited the professional relationship with a client for the psychologist's emotional, financial, or personal advantage or benefit), and to constitute a reasonable basis in law and fact to justify the disciplinary action provided for in the order. Licensee does not contest the Board's interpretation.

## REMEDY

4. Upon this stipulation and without any further notice or proceedings, the Board **REPRIMANDS** Licensee and places Licensee's license in **CONDITIONAL** status. Licensee's retention of her license is conditional upon complying with the following:

a. *Supervision of Licensee by Board-Approved Psychologist.* Licensee shall practice psychology only under the supervision of a supervising psychologist approved in advance by the Complaint Resolution Committee (Committee) from a list of at least three names Licensee has submitted to the Committee. Licensee shall cause each psychologist listed to submit a current vitae to the Board for the Committee's review prior to its approval of a supervisor. The Committee reserves the right to reject all names submitted by Licensee. If the Committee rejects any names submitted, the Committee may require that Licensee submit

additional names as described above, or the Committee may provide Licensee with the name of a supervisor. Licensee shall have no previous personal or professional relationship with the supervisor. Licensee shall obtain a supervising psychologist within one month of the date this Stipulation and Consent Order is adopted by the Board and shall meet with the supervising psychologist no less than two hours per month. Licensee may petition for a reduction in the amount of supervision or removal of this requirement after 12 months of supervision. The purpose of the meetings is to review Licensee's competent and ethical practice of psychology.

b. *Supervisor's Reports.* The supervising psychologist shall provide a report to the Committee every three months and at the time Licensee petitions to have the conditions removed from her 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 Licensee's supervisor has received and reviewed a copy of the Stipulation and Consent Order;
- 2) Dates on which supervision took place with Licensee;
- 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 Licensee'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 Licensee petitions for removal of the above-referenced conditions, the supervisor's report shall include an assessment of Licensee's ability to conduct herself in a fit, competent, and ethical manner in the practice of psychology as well as whether Licensee exhibits an acceptable comprehension and knowledge of ethical issues encountered in practice as well as the ability to apply this knowledge.

c. *Boundaries Course.* Within 30 days of the date this Stipulation and Consent Order is adopted by the Board, Licensee shall arrange to enroll in an individualized professional boundaries training course. The Committee will provide Licensee with a list of such courses, which have been approved, for the purposes of satisfying this requirement. If the Committee and Licensee concur that there is sufficient reason for Licensee not to enroll in any of the courses the Committee has listed, Licensee shall, within 30 days of the date this Stipulation and Consent Order is adopted by the Board, submit to the Committee for approval a syllabus that includes goals, objectives, assignments, projects, methods, and frequency of evaluation, etc., for a similar individualized professional boundaries training course. Licensee shall also submit the course instructor's vitae to the Committee for its approval of the instructor. The instructor shall be either a licensed psychologist or have a doctoral degree in psychology. Licensee shall complete the course within twelve (12) months of the date this Stipulation and Consent Order is adopted by the Board. All fees for the course shall be paid by Licensee. Successful completion of the boundaries course shall be determined by the Committee.

d. *Report on Boundaries Course From Licensee.* 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, and how this course will affect her practice in the future;

4) A detailed discussion of each boundary violation that occurred regarding the circumstances described in the Facts section of this Stipulation and Consent Order, 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 she is capable of conducting herself in a fit, competent, and ethical manner in the practice of psychology; and

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

e. *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 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.

5. 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.

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

7. 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 Licensee'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.

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

9. 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.

10. Licensee shall execute releases allowing the Board and Licensee's supervisor and boundaries course instructor to exchange data related to this Stipulation and Consent Order. The releases shall allow Licensee's supervisor and boundaries course instructor to communicate with each other. Licensee shall also execute releases allowing the Board to exchange data related to this Stipulation and Consent Order with Licensee's supervisor, boundaries course instructor, and any other professional Licensee contacts in order to comply with this Order.

11. Upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, Licensee may petition the Board to remove the conditions on her 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.

12. 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 psychology.

13. If Licensee 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 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.

14. This stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Licensee's license under Minn. Stat. § 148.941, subd. 3, or 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.

15. 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.

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

17. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Licensee is represented by Michael J. Weber, Esq., Minneapolis, Minnesota. The Committee is represented by Daphne A. Lundstrom, Assistant Attorney General.

18. 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.

19. 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 psychology under this stipulation.

20. 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.

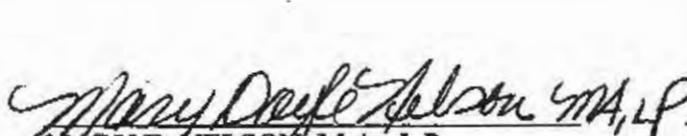
21. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

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

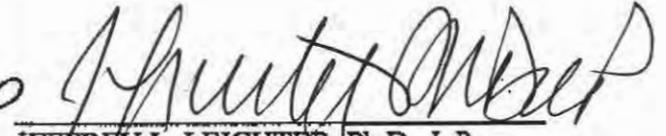
23. This stipulation contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

BOARD OF PSYCHOLOGY

COMPLAINT RESOLUTION  
COMMITTEE

  
MARY D. NELSON, M.A., L.P.  
Licensee

Dated: Dec 13, 2012

  
JEFFREY L. LEICHTER, Ph.D., L.P.  
Committee Chair

Dated: 1-18-13

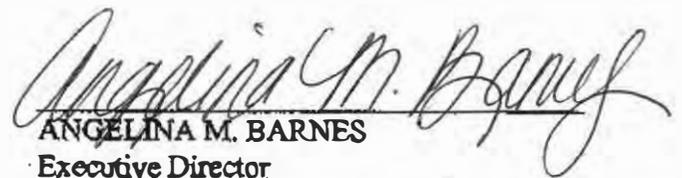
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SUSAN WARD  
Committee Member

Dated: \_\_\_\_\_

**ORDER**

Upon consideration of this stipulation and all the files, records, and proceedings herein,  
IT IS HEREBY ORDERED that Licensee is **REPRIMANDED**, 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 18th day of January, 2011-2013

MINNESOTA BOARD  
OF PSYCHOLOGY

  
ANGELINA M. BARNES  
Executive Director