

MINNESOTA BOARD OF PSYCHOLOGY

2829 University Avenue Southeast
Suite #320
Minneapolis, Minnesota 55414-3237
(612) 617-2230; FAX (612) 617-2240



Minnesota Relay Service:
1 (800) 627-3529

PERSONAL

May 16, 2000

Phyllis Phelan, Ph.D., L.P.
942 Summit Avenue
St. Paul, Minnesota 55105

Dear Dr. Phelan:

This letter is notification that the Minnesota Board of Psychology Complaint Resolution Committee has completed its review of your compliance with the Amended Agreement for Corrective Action, dated February 23, 2000, and has determined that you have satisfactorily completed the corrective action agreed upon. Therefore, the complaint referenced in the Corrective Action Agreement is dismissed.

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 a licensee's public licensure file and is not available to the public. Please note, however, that this letter dated May 16, 2000, and the Amended Agreement itself will be included in your public licensure file to reflect your compliance with the Amended Agreement For Corrective Action.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marilyn J. Arneson".

Marilyn J. Arneson
Regulations Analyst Senior

cc: Rosellen Condon, Assistant Attorney General

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE**

In the Matter of
the License of
Phyllis W. Phelan, Ph.D., L.P.
License Number: LP1119

**AMENDED AGREEMENT
FOR CORRECTIVE ACTION**

This agreement is entered into by and between Phyllis W. Phelan, 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) (1998). Licensee and the Committee hereby agree as follows:

FACTS

1. This agreement is based upon the following facts:
 - a. On July 21, 1995, September 29, 1995 and October 24, 1997, Licensee met with the Committee to discuss her psychology practice with respect to client #1. Licensee entered into an Agreement for Corrective Action with the Committee, effective January 30, 1998 ("original ACA"). The original ACA is attached hereto and incorporated herein as Exhibit A.
 - b. The original ACA required, among other things, that Licensee complete six credits of continuing education coursework in recordkeeping by January 30, 1999.
 - c. By letter dated September 2, 1998, a Board staff member advised Licensee of the status of her compliance with the original ACA. Specifically, the Committee requested that by September 11, 1998, Licensee provide required reports related to the boundaries course and consultation requirements of the original ACA. In addition, the Committee informed Licensee that it was approving two continuing education credits in recordkeeping based on

Licensee's attendance at a seminar entitled "Medical Records: Confidentiality, Collection and Access."

d. By letter dated October 13, 1999, the Board staff member advised Licensee that she had failed to comply with the terms of the original ACA in that she had completed only two of the six required continuing education units on recordkeeping by January 30, 1999. The letter requested that by October 20, 1999, Licensee provide the Committee with additional documentation of completion of continuing education activities on the subject of recordkeeping. In the alternative, the letter requested that by October 20, 1999, Licensee provide the Committee with a written explanation for not completing the final four units of continuing education required by the original ACA.

e. By letter dated October 20, 1999, Licensee informed the Committee of activities she completed or would soon complete "that may pertain to the recordkeeping requirement." Licensee stated she planned to attend the "Doctoral Level Professional Practice annual meeting on October 30, 1999, featuring a 3-hour panel discussion . . . on legal and ethical practices." Licensee asked the Committee to "advise whether any of these activities can meet a portion of the recordkeeping requirement."

f. On October 29, 1999, the Committee met to discuss Licensee's failure to comply with the original ACA.

g. On November 3, 1999, the Committee approved one additional unit of continuing education on recordkeeping based on Licensee's attendance at the October 30, 1999 meeting featuring the panel discussion on legal and ethical practices.

h. To date, Licensee has failed to complete three of the six required units of continuing education on recordkeeping required by the original ACA.

CORRECTIVE ACTION

2. Licensee agrees that she failed to comply with all of the terms of the original ACA and agrees to take the following corrective actions:

a. **Fine.** Licensee shall pay a fine in the amount of five hundred (\$500) dollars for failing to comply with the terms of the original ACA. Payment of \$500 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 this agreement is executed by the Committee.

b. **Compliance with Original ACA.** Licensee shall complete all of the terms of the original ACA by June 3, 2000. If, due to circumstances beyond the control of Licensee, she is unable to complete all of the terms of the original ACA by June 3, 2000, the Committee will extend the time for performance until October 3, 2000. For the time extension to become effective, the Licensee must submit to the Committee written evidence, satisfactory to the Committee, of the circumstances explaining her failure to meet the requirements of the original ACA. The written evidence must be submitted to the Committee no later than June 3, 2000. One additional time extension will be granted until February 3, 2001, if the Licensee submits to the Committee written evidence, satisfactory to the Committee, of the circumstances explaining her failure to meet the requirements of the original ACA. The written evidence must be submitted to the Committee no later than October 3, 2000.

c. **Fine for Violation of Agreement.** If any due date required by this Amended Agreement for Corrective Action is not met, the Committee may fine Licensee \$1,500 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 \$1,500 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.

d. **Costs.** Licensee is responsible for all costs incurred as a result of compliance with this agreement.

OTHER INFORMATION

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

4. Upon Licensee's satisfactory completion of the corrective action referenced in paragraph 2, the Committee agrees to dismiss the complaint(s) that resulted in the corrective action referenced in paragraph 1. Licensee agrees that the Committee shall be the sole judge of satisfactory completion. Licensee understands and further agrees that if, after dismissal, the Committee receives additional complaints similar to the facts in paragraph 1, the Committee may reopen the dismissed complaint(s).

5. 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, reopen the investigation and proceed according to the Board's practice act and Minnesota Statutes chapters 214 and 14. Failure to complete corrective action satisfactorily constitutes failure to cooperate under the Board's practice act. In any subsequent proceeding, the Committee may use as proof of the facts of paragraph 1 Licensee's agreements herein.

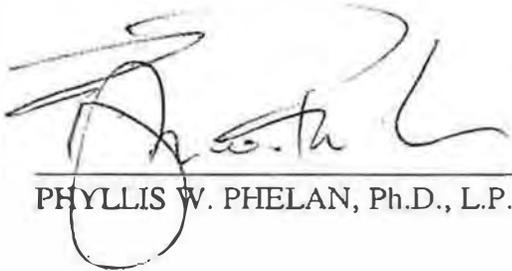
6. Licensee has been advised by Committee representatives that Licensee may choose to be represented by legal counsel in this matter. Although aware of this opportunity, Licensee has elected not to be represented by counsel.

7. 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 Minnesota Statutes chapters 214 and 14.

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

9. 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.

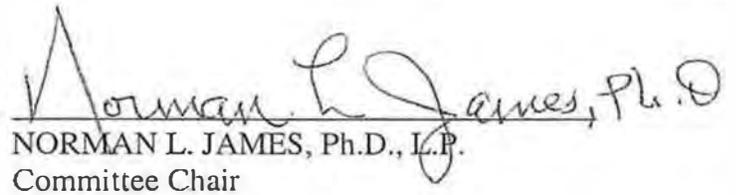
LICENSEE



PHYLLIS W. PHELAN, Ph.D., L.P.

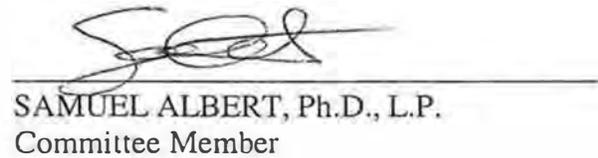
Date: 2-21-00

MINNESOTA BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE



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

Date: 2-23-00 nlf.



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

Date: 2/22/00