BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of
Ponvelil P. Philip, Ph.D., L.P.
License No. LP2258

STIPULATION AND
CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED by Ponvelil P. Philip, 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

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

a. In December 1988, client #1 referred himself to Licensee for psychological services in connection with a pending divorce and custody battle for his children. Licensee also agreed to provide a custody evaluation for use in the custodial court action. In his January 9, 1989, evaluation to the court, Licensee stated as follows:

1) It is morally reprehensible for the children to live with their mother when they know that she left their loving father because of infatuation for another man and lives with him. Children should not be forced to accept this sort of behavior as morally acceptable;

2) It is physically scary and insecure for children to live with a man who is, for all practical reasons, to them a stranger and a man who has taken their mother away from their father. All the children stated that they are afraid of this man, and they don't like him;

3) The continuity of the moral, emotional, intellectual, spiritual and physical developments of the children is thwarted in such an environment;

4) The children's total well-being will be ignored by their mother because her primary interest is in and her loyalty is to the man for whom she left their father and them. It is psychologically impossible for her to put her children's interest and well-being before that of this man and her own personal pleasure seeking.

b. Client #1 was the source of the information provided to Licensee concerning his wife, and Licensee's psychological and moral conclusions about client #1's wife were made without Licensee having any personal contact with her or without any independent verification.

c. In his evaluation, Licensee opposed assigning custody to client #1's wife without having ever met her and without giving her an opportunity to respond to the information provided to the Licensee by client #1.

STATUTES

3. The Board views Licensee's practices as a violation of Minn. R. 7200.5000, subp. 3 and Minn. R. 7200.4810, subp. 1. It is the Board's position that these violations of Board rules require Board action pursuant to Minn. Stat. § 148.98. Licensee agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order;

REMEDY

4. Upon this stipulation and without any further notice of proceedings, the Board places Licensee's license in a CONDITIONAL status for a period of five years from the date this stipulation is executed by the Board. Licensee's retention of his license is conditional upon his complying with and/or submitting or causing to be submitted at least the following:

a. **Custody Evaluation or Forensic Psychologist Expert Consultation.** Licensee shall obtain consultation with a custody evaluation or forensic psychologist expert to review and discuss with Licensee the next twenty custody evaluations and/or written summaries of client involvement for use by the Courts, or for a period of five years from the date this stipulation is executed by the Board, whichever comes first. Licensee must consult with the expert prior to drafting each evaluation and/or summary. Licensee shall then submit

the completed custody evaluation and/or written summary to the expert for comments and feedback. The custody evaluation or forensic psychologist expert shall be approved in advance by the Discipline Committee from a list of at least three names submitted to the Board by Licensee. THE Board will Give Licensee which to chose the list of names within 10 days from the date of this Order from B. H

b. **Reports from Custody Evaluation or Forensic Psychologist Expert.** The consultant shall submit a report to the Board after the consultant has reviewed five custody evaluations and/or written summaries prepared by Licensee. A second report shall be submitted to the Board after review of the next ten evaluations and/or summaries. A third report shall be submitted to the Board after review of the final five evaluations and/or summaries. The consultant shall also submit a final report to the Board at the time Licensee petitions to have the conditions removed from his license. Each report shall provide and/or address:

1) In the first report, a statement that the consultant has reviewed this Stipulation and Consent Order;

2) The dates on which consultations were held with Licensee;

3) Licensee's active participation in each consultation;

4) The issues discussed in each consultation, including ethical issues concerning objectivity;

5) The consultant's opinion as to Licensee's capacity to understand his professional role in custody evaluations and/or summarizing information to be used in custody evaluations;

6) At the time Licensee petitions for removal of the conditions, the consultant's assessment of Licensee's ability to conduct himself in a fit, competent, and ethical manner in the practice of psychology as well as whether Licensee exhibits an acceptable comprehension and knowledge of issues encountered in practice;

7) Any other information which the consultant believes would assist the Board in its ultimate review of this matter;

c. **Reports from Licensee himself.** A report shall be submitted to the Board by Licensee after five custody evaluations and/or written summaries have been prepared by Licensee and reviewed by the custody evaluation or forensic psychologist expert. A second report shall be submitted to the Board after preparation and review of the next ten custody evaluations and/or written summaries. A third report shall be submitted to the Board after preparation and review of the final five custody evaluations and/or written summaries.

A final report shall be submitted at the time Licensee petitions to have the conditions removed from his license. Each report must provide and/or address:

1) A brief statement of the topics discussed at each custody evaluation and/or written summary consultation;

2) What Licensee has learned from the consultations, including his own statement as to his comprehension and knowledge of boundary issues in regard to preparing custody evaluations and/or written summaries to be used in custody evaluations;

3) At the time Licensee petitions for removal of the conditions, Licensee's reasons for believing that he is capable of conducting himself in a fit, competent, and ethical manner in the practice of psychology; and

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

d. Licensee may petition for removal of the conditions on his license when all twenty custody evaluations and/or written summaries are completed;

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

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

6. The Board or its authorized representatives shall have the right to discuss with the consultant Licensee's performance under this Stipulation and Order. Licensee shall execute and provide any 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;

7. 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 his failure to meet his burden of proof;

d. Impose additional conditions on the license of Licensee;

8. If Licensee shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, his license 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;

9. 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;

10. In the event the Board in 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;

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

12. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee has exercised this right and is represented by legal counsel;

13. 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;

14. 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 must 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;

15. 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
DISCIPLINE COMMITTEE

Ponvelil P. Philip

PONVELIL P. PHILIP, Ph.D., L.P.
Licensee

Dated: 10-7-, 1994

GRETCHEN M. GOFF, M.P.H., L.P.
Board Member

Dated: 11/4, 1994

BEN HOUGE
Attorney for Licensee
910 One Financial Plaza
120 South Sixth Street
Minneapolis, Minnesota 55402

Dated: Oct 6, 1994

JACQUELYN E. ALBRIGHT
Attorney for Board
525 Park Street
Suite 500
St. Paul, Minnesota 55103

Dated: Oct 12, 1994

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 4th day of Nov, 1994.

MINNESOTA BOARD
OF PSYCHOLOGY

PAULINE WALKER-SINGLETON
Executive Director