BEFORE THE MINNESOTA

BOARD OF PSYCHOLOGY

In the Matter of
John J. Pokrzywinski, M.A., L.P.
License No. LP1280

AMENDED
FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER OF SUSPENSION

INTRODUCTION

The Minnesota Board of Psychology ("Board") is authorized pursuant to Minn. Stat. §§ 148.88 through 148.98 (1994) to license, regulate, and discipline persons who apply for, petition, or hold licenses as psychologists and is further authorized pursuant to Minn. Stat. § 214.103 (1994) to have complaints against psychologists investigated and to initiate appropriate disciplinary action.

On July 14, 1995, the Board heard argument of Respondent and Assistant Attorney General Jacquelyn E. Albright, counsel for the Discipline Committee, and considered all material submitted by Respondent and the Discipline Committee. Louis Hoffman, Assistant Attorney General, was also present and advised the Board during its review of this matter. Based on that review, the Board made Findings of Fact, Conclusions, and an Order for Suspension, which were adopted on July 14, 1995, and served on Respondent on August 1, 1995.

On September 15, 1995, the Board reconvened to reconsider the Findings of Fact, Conclusions, and Order for Suspension, adopted on July 14, 1995, based on a September 11, 1995 letter from counsel for the Discipline Committee. Based on that review, the Board issues the following amended:

FINDINGS OF FACT

1. On June 25, 1993, the Board entered into a Stipulation and Consent Order with John J. Pokrzywinski, M.A., L.P. ("Licensee").

2. In the June 25, 1993, Stipulation and Consent Order ("Order"), Licensee agreed to comply by the terms of the Order and expressly acknowledged the following consequences for his failure to do so:

a. "Licensee's violation of the Stipulation and Consent Order will be considered unethical conduct and constitute grounds for further disciplinary action." Para. 15.

b. "If the Board receives evidence that Licensee has violated the terms of the Stipulation and Consent Order, has made misrepresentations to the Board or to those required to submit reports to the Board, and/or engaged in acts or omissions similar to those alleged in this Stipulation and Consent Order while the order or subsequent orders issued pursuant to paragraph 14 are in effect, the Board shall so notify Licensee in writing at his last known address filed with the Board. Licensee shall have the opportunity to contest the allegations by submitting a written request to so contest within 30 days after service of a Notice Of Opportunity To Contest The Allegations." Para. 18.

3. Licensee has violated the terms of the Order, as evidenced by Licensee's failure to comply with paragraph 10 of the Order inasmuch as:

a. Licensee has not practiced under the supervision of a supervising psychologist approved in advance by the Discipline Committee.

b. Licensee has not caused the supervising psychologist to submit quarterly reports to the Board.

c. Licensee has not submitted quarterly reports to the Board regarding his supervision and therapy.

d. Licensee has not caused his psychiatrist to submit quarterly reports to the Board.

e. Licensee has not obtained a program for billing and record-keeping from an office management organization.

f. Licensee has not submitted a report to the Board outlining the program recommended by the office management organization.

g. Licensee has not caused the office management organization to submit a report to the Board.

Licensee has failed to comply with any of the provisions he agreed to in the Order.

4. The Board has notified Licensee of his failure to comply with the terms of the Order on November 4, 1993, and April 3, 1995. Licensee responded to these notices on November 10, 1993, and April 7, 1995. Licensee acknowledged his lack of compliance with the Order and his intent to become compliant in the future.

5. On April 18, 1995, the Board served a Notice of Opportunity To Contest Allegations ("Notice") on Licensee via United States mail at his last known address, pursuant to paragraph 18 of the Order.

6. On May 15, 1995, Licensee requested an opportunity to contest the allegations made by the Board in the Notice.

7. At the Board meeting on July 16, 1995, Licensee admitted he was not in compliance with the Order.

CONCLUSIONS

1. The facts referenced in paragraphs 3 and 4 above constitute a pattern of violation of Minn. Stat. § 148.941, subd. 2(1) (1994), and paragraph 10 of the June 25, 1993, Stipulation and Consent Order.

2. The facts presented constitute a reasonable basis to impose additional disciplinary action and to support the following:

ORDER

1. IT IS HEREBY ORDERED that the Stipulation and Consent Order adopted by the Board on June 25, 1993, is hereby **RESCINDED** and shall have no future force or effect and that the Findings of Fact, Conclusions, and Order of Suspension adopted by the Board on July 14, 1995, is hereby **RESCINDED** and shall have no future force or effect.

2. IT IS FURTHER ORDERED that the license of Licensee as a psychologist in the State of Minnesota is **SUSPENDED** upon service of this Order for a minimum of thirty days.

During the period of suspension, Licensee shall not practice psychology in this state. The suspension shall remain in effect until such time as Licensee petitions the Board to terminate the suspension and the Board orders the suspension lifted.

3. IT IS FURTHER ORDERED that Licensee's violation of this Order shall provide grounds for further disciplinary action pursuant to Minn. Stat. § 148.941, subd. 2(1) (1994).

4. IT IS FURTHER ORDERED that Licensee may petition the Board to have the suspended status removed from his license after thirty days of suspension upon providing the Board with the following:

a. Evidence that Licensee has contacted a Board-approved supervising psychologist other than his employer and that supervision meetings have been arranged for after reinstatement of Licensee's license;

b. Evidence that Licensee has met with an office management organization and has developed a program for billing and record-keeping with the direction from that organization;

c. Evidence that Licensee has kept therapy appointments with his psychiatrist and has advised the psychiatrist to begin submitting quarterly reports to the Board as described below; and

d. Reports. Licensee shall cause the following reports to be submitted to the Board with his petition to the Board to reinstate his license:

1) Report from Licensee's employer. The employer's report must include:

a) evidence that the employer has received a copy of this Order of Suspension and the Order; and

b) any information the employer believes would assist the Board in its ultimate review of this matter;

2) Report from Licensee's psychiatrist and therapist, if any. The reports must include:

a) evidence that the psychiatrist and therapist have received a copy of this Order of Suspension and the Order;

b) dates on which psychiatric and therapy sessions occurred;

c) an assessment of Licensee's ability to conduct himself in a fit, competent and ethical manner in the practice of psychology with or without supervision; and

d) any other information the psychiatrist and therapist believe would assist the Board in its ultimate review of this matter;

3) Psychological Evaluation Report. This report may be provided by Licensee's psychiatrist and therapist. Licensee shall obtain a physical and mental health evaluation. The purpose of the evaluation is to assess whether Licensee is able to practice psychology with reasonable skill and safety to clients with or without supervision. If this report is not provided by Licensee's psychiatrist and therapist, Licensee must choose the evaluator from a list approved in advance by the Discipline Committee. The nature, scope, and duration of the evaluation shall be determined by the evaluator. Licensee is responsible for the cost of the evaluation. The results shall be sent directly to the Board and shall meet the following requirements:

a) verification that the evaluator has received a copy of this Order of Suspension and the Order;

b) a summary of the results of the evaluation and recommendations for treatment if necessary; and

c) any other information the evaluator believes would assist the Board in its ultimate review of this matter.

e. Any other information which would assist the Board in its ultimate review of this matter.

f. 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 his compliance with this Order of Suspension or as a result of his being examined or his obtaining treatment, counseling, or other assistance on his own initiative or otherwise. Licensee shall execute and provide any health record or other waivers necessary for submission of the reports referenced in this Order 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.

5. IT IS FURTHER ORDERED that the Board may, at any regularly scheduled meeting at which Licensee petitions for removal of the suspension of his license, take any of the following actions:

a. Reinstate Licensee's license;

b. Reinstate Licensee's license with conditions or restrictions; or

c. Continue the suspension of Licensee's license upon Licensee's failure to meet his burden of proof.

6. IT IS FURTHER ORDERED that, if reinstated, Licensee's license shall be subject to the following **CONDITIONS** and may be **SUMMARILY SUSPENDED** upon failure to comply with those conditions:

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 Discipline Committee from a list of at least three names Licensee has submitted to the Board. The Discipline Committee may, at its discretion, reject all names submitted by Licensee and select a supervising psychologist from outside of the list submitted by Licensee. Licensee shall meet with the supervising psychologist no less than one hour per week indefinitely. The supervising psychologist's quarterly reports must include:

1) evidence that the supervising psychologist has received a copy of this Order of Suspension and the Order;

2) the dates on which supervision took place;

3) an evaluation of Licensee's services to clients, including assessment, treatment planning, referral, and recordkeeping;

4) the supervisor's opinion as to Licensee's ability to provide competent services; and

5) any other information the supervisor believes would assist the Board in its ultimate review of this matter;

b. Therapy. Licensee's shall cause his psychiatrist or therapist to submit reports to the Board four times per year. The reports shall include:

1) evidence that the psychiatrist or therapist have received a copy of this Order of Suspension and the Order;

2) dates on which psychiatric and therapy sessions occurred;

3) an assessment of Licensee's ability to conduct himself in a fit, competent and ethical manner in the practice of psychology with or without supervision; and

4) any other information the psychiatrist or therapist believe would assist the Board in its ultimate review of this matter.

c. Petitions to Remove Conditions. Licensee may petition to remove the above-referenced conditions from his license after one year of supervised practice following reinstatement. If the Board denies Licensee's petition, he may not petition again for a period of one year.

7. IT IS FURTHER ORDERED that the terms of this Order are adopted by the Board this 28th day of September, 1995.

Dated: 28 Sept, 1995

MINNESOTA BOARD

OF PSYCHOLOGY

PAULINE WALKER-SINGLETON
Executive Director