

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of the License of
Herman E. Thompson, M.Eq., L.P.
License Number: LP2769

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Herman E. Thompson, M.Eq., 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 purposes of this stipulation, the Board finds the following:
- a. On June 7, 1985, Licensee was licensed by the Board as a licensed psychologist.
 - b. In, or around, 2008, Licensee admitted to taking a picture of Patient # 1, a mid-teen male, while Patient # 1 was flexing his muscles and lifting up his shirt.
 - c. On January 18, 2013, Licensee gave Patient # 2, an 11-year-old male, a shoulder rub consisting of touching Patient # 2’s chest and rubbing his shoulders. The action did not involve skin contact.

REGULATIONS

3. The Board views Licensee's conduct as described in paragraph 2. above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148.941, subd. 2(a)(3) and Minn. R. 7200.5700

(unprofessional conduct), and 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 or proceedings, the Board hereby places the following **CONDITIONS** and **LIMITATIONS** on Licensee's license:

a. ***Practice Limited to Adult Patients.*** For a period of no less than two (2) years from the date this stipulation is executed, Licensee shall not provide psychological services to any person under the age of 16 years. During that period, clients between the ages of 16 years and 18 years must be accompanied by an adult during sessions with Licensee.

b. ***Boundaries Course.*** Licensee shall arrange to enroll in an individualized professional boundaries training course. Licensee shall complete this individualized professional boundaries training course within sixty (60) days of the date this stipulation is executed. The Committee will provide Licensee with a list of pre-approved courses or course instructors for purposes of satisfying this requirement. If the Committee and Licensee concur that there is sufficient reason for Licensee not to utilize the pre-approved options, Licensee shall 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 *curriculum vitae* to the Committee for its approval of the instructor. All fees for the course shall be paid by Licensee. Successful completion of the boundaries course shall be determined by the Committee.

c. ***Report on Boundaries Course From Licensee.*** Within thirty (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 his practice in the future;

4) A detailed discussion of the boundary violations that occurred in 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 he is capable of conducting himself 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.

d. ***Report on Boundaries Course From Instructor.*** Within sixty (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. Following two (2) years from the date this stipulation is executed, and upon completion of all terms, provisions, and conditions herein, Licensee may petition the Board for removal of the limitation on his license contained in paragraph 4.a. above. 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 limitation attached to Licensee's license;
- b. Amend the limitation attached to Licensee's license;
- c. Continue the limitation attached to Licensee's license upon his failure to meet his burden of proof; or
- d. Impose additional limitations and/or conditions on Licensee's license.

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

7. No limitation, requirement, or condition imposed on Licensee's license 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.

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

9. In the event Licensee resides or practices outside the State of Minnesota, Licensee shall promptly notify the Board in writing of the location of his residence and all work sites. Practice outside of Minnesota will not be credited toward any period of Licensee's limited 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.

10. If Licensee shall fail, neglect, or refuse to fully comply with any of the terms, provisions, limitations, requirements or 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 conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

11. 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.

12. 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.

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

14. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee is represented by Thomas A. Pearson, Esq. The Committee is represented by Hans A. Anderson, Assistant Attorney General.

15. 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.

16. 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.

17. 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 he 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.

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

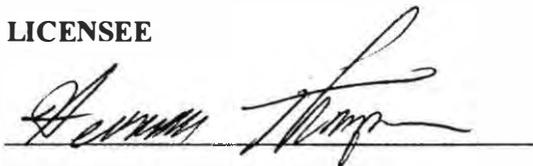
19. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and other entities consistent with Board policy.

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

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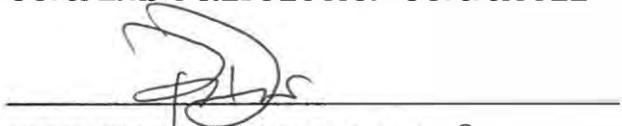
LICENSEE



HERMAN E. THOMPSON, M.Eq., L.P.

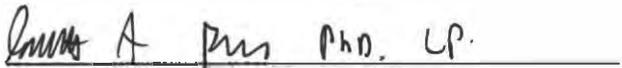
Dated: 5-22-14

COMPLAINT RESOLUTION COMMITTEE



JEFFREY LEICHTER, PH.D., L.P. BASA M. DAVID, PH.D., LP
Committee Chair

Dated: 6/27/14



SCOTT FISCHER, PH., L.P.
Committee Member

Dated: 6-27-14

BEN DOLLINS, J.D.
Committee Member

Dated: _____

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the license of Licensee is placed on a **CONDITIONAL** and **LIMITED** status and that all other terms of this stipulation are adopted and implemented by the Board this 27th day of June 2014

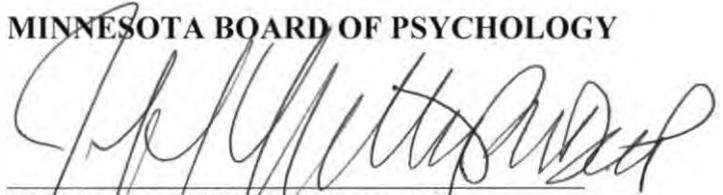
MINNESOTA BOARD OF PSYCHOLOGY

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MINNESOTA BOARD OF PSYCHOLOGY



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