

**BEFORE THE MINNESOTA  
BOARD OF PSYCHOLOGY**

In the Matter of  
Robin L. Wetzel, Ph.D., L.P.  
License No. LP4796

**STIPULATION AND  
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Robin L. Wetzel, 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 she 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. On July 23, 2007, Licensee began working at hospital in Minneapolis as a Clinical Social Worker/Psychologist in the emergency behavioral medicine department ("EBMD").

b. Licensee's record keeping and documentation practices do not meet the minimum standards, including, but not limited to, the following:

- 1) Licensee's reports were subjective and dismissive.
- 2) Licensee failed to report available data.
- 3) Licensee reported spending 120 minutes with a patient but failed to chart anything.
- 4) Licensee made incorrect diagnoses and assessments.
- 5) Licensee's writing was inconclusive, inconsistent, and

unprofessional.

c. Licensee engaged in unprofessional conduct when, on December 30, 2009, she became angry with a patient and told the patient she had the power to take the patient's rights away and could have the patient committed.

d. Licensee engaged in unprofessional conduct and failed to maintain accurate and thorough records as evidenced by the following:

1) On January 20, 2010, Licensee was placed on paid administrative leave due to concerns of Licensee's performance, including poor quality charting, late charting, being unapproachable, making dispositions and assessments in too little of time to be thorough, giving orders to the doctors, resisting supervision, and refusing to abide by the facility's dress code.

2) Licensee portrayed herself as an expert on topics in which she lacked expertise, and Licensee's performance issues constituted a risk to patient safety.

3) Licensee worked excessive stretches of days at a time with little or no sleep and would brag that she did not need sleep or that she does her "best work while being sleep deprived." Licensee was described as grandiose, argumentative, defensive, irritable, restless, having rapid and loud speech, and showing poor boundaries.

e. Licensee failed to safeguard private information as follows:

1) On February 19, 2010, the hospital reviewed records licensee had accessed over four different days and could find no clinical reason for her to have accessed the records.

f. On April 14, 2010, Licensee returned to work under a signed Participation Agreement with the Health Professionals Services Program ("HPSP") for worksite monitoring.

g. In October 2010, Licensee began a second job working as a Licensed Psychologist at a medical clinic in Minneapolis, Minnesota.

h. Licensee failed to safeguard private information and failed to maintain accurate and thorough records as follows:

1) On November 3, 2011, the hospital wrote Licensee a letter noting a number of concerns including, but not limited to, the following:

a) Licensee was making calls regarding hospital patients on her personal cell phone as well as when working at the clinic.

b) Licensee admitted to a colleague that she was multiple days behind in her charting.

c) Licensee was “skat[ing] dangerously close to violating federal [HIPAA] statutes and [the hospital] policies.”

i. Licensee engaged in fee splitting during the winter of 2011 to 2012, by referring approximately 12 hospital patients to herself at the clinic. In one patient’s the hospital’s emergency department record dated January 22, 2012, for example, Licensee documented specifically directing the patient to contact the clinic and herself. Licensee admitted she had “invited [patients] from [the hospital] to come to [the clinic] at times to get help.”

j. While employed at the clinic and the hospital, Licensee failed to safeguard private information and engaged in unprofessional conduct as follows: on February 9, 2012, Licensee admitted accessing a patient’s hospital records without a clinical reason for doing so and sharing that information with the clinic. Licensee also admitted it was a “conflict of interest for patients that I see both at the clinic and at [the hospital].”

k. On February 12, 2012, Licensee resigned her position at the hospital.

l. Licensee failed to accurately represent her areas of competence, education, training, experience, and professional affiliations and engaged in unprofessional conduct in the following ways:

1) During her time at the clinic, Licensee asked numerous providers, including two physicians and four nurse practitioners, to prescribe medications to patients the providers had not seen or evaluated. Licensee also asked these providers to pre-sign prescription pads so that she could fill them out. Two providers at the clinic admitted pre-signing prescription pads for Licensee to fill out. Another provider at the clinic noted Licensee “seems to start people on medications and manage them.”

2) Licensee told patients at the clinic that she was “half a psychiatrist” and that another provider was the other half.

3) During the fall/winter of 2012, Licensee told a provider at the clinic she believed one of her patients had labyrinthitis and told the provider, “how about you write a prescription for some Antivert,” before the provider had ever seen the patient.

4) Licensee stated her role “from day one” at the clinic was to go to the clinic’s Medical Director and suggest med changes, such as cutting a patient’s morning dose of Seroquel because the patient was “too sleepy,” without the medical director having seen the patient.

5) During the summer of 2012, Licensee called in a prescription of codeine/APAP 30/300 mg for a patient using the clinic Medical Director’s D.E.A. number.

m. While employed at the clinic, Licensee failed to maintain accurate and thorough records by failing to write her encounter notes for one to two weeks after the visits occurred. Licensee also admitted that, until August 2012, she rarely documented telephone

conversations with clients.

n. Licensee failed to maintain appropriate professional boundaries by overseeing the home schooling process for one of her teenaged clients.

o. Licensee failed to maintain accurate and thorough records, failed to safeguard private information, engaged in fraudulent, deceptive, or dishonest conduct, and engaged in unprofessional conduct by failing to maintain appropriate professional boundaries as follows:

1) On January 2, 2011, Licensee began seeing a patient (“LM”) who visited the clinic for issues related to her chemical dependency and bipolar disorder. During this time, the following occurred:

a) Licensee failed to document a detailed psychological assessment in LM’s initial visit records. Licensee noted LM’s systems were “within normal limits for this patient” without clarifying what LM’s normal limits were.

b) On February 20, 2011, Licensee stated LM was started on disulfiram 200 mg but this medication comes only in 250 mg strength. Licensee also listed the wrong provider as the medication’s prescriber.

c) In LM’s December 2, 2011, progress note, Licensee made no mention of any prescriptions being authorized to LM but pharmacy records showed LM received a prescription for diazepam on this date.

d) In LM’s December 7, 2011, progress note, Licensee noted LM had concerns about her alcohol consumption but did not document when LM last consumed alcohol or that LM has a history of alcohol abuse.

e) Licensee’s mental status examinations of LM were word-

for-word identical on four separate visits made between December 2011 and February 2012.

2) In January 2012, Licensee invited LM to stay at her home. LM stayed at Licensee's home for a "few days." Licensee disclosed LM's medical information to her roommates in order not to "scare everybody to death."

3) On April 24, 2012, Licensee wrote a note to the Minnesota Department of Public Safety regarding LM's medications. In the note, Licensee stated "[LM] has been observed on this medication combination for the past five months" when, in fact, LM had not begun the combination until one month prior, March 22, 2012.

4) Licensee admitted concerns regarding her professional boundaries were "based in reality."

### **REGULATIONS**

3. The Board views Licensee's practices as described in the FACTS section above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minnesota Statutes section 148.941, subdivision 2(1) (2012) (violated statute or rule Board is empowered to enforce); Minnesota Statutes section 148.941, subd. 2(2) (2012) (fraudulent, deceptive, or dishonest conduct); Minnesota Statutes section 148.941, subdivision 2(a)(3) (2013), and Minnesota Rule 7200.5700 (unprofessional conduct); Minnesota Statutes section 148.941, subdivision 2(11)(iii) (fee splitting); Minnesota Rule 7200.4600, subpart 2 (2011), now codified at Minnesota Rule 7200.4600, subpart 1 (failure to accurately represent areas of competence, education, training, experience, and/or professional affiliations); Minnesota Rule 7200.4700, subpart 1 (failure to safeguard private information); Minnesota Rule 7200.4810 (impaired objectivity); Minnesota Rules 7200.4900, subpart 1a and 7200.5000, subpart 3 (2011), Minnesota Rules 7200.4750,

subpart 1 and 7200.5010 (2013) (failure to maintain accurate and thorough records); 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 all the files, records, and proceedings herein, and without further notice or hearing herein, Licensee does hereby consent that until further order of the Board, made after notice and hearing upon application by Licensee or upon the Board's own motion, the Board may make and enter an order as follows:

- a. The Board hereby **SUSPENDS** Licensee's license to practice psychology.

The suspension is **STAYED** upon the following conditions:

- 1). ***Participation in the HPSP.*** Licensee shall successfully participate in the Health Professionals Services Program ("HPSP"). Licensee is required to contact the HPSP at (651) 643-2120 to initiate enrollment in the program within 14 days of the date of this Order.

- 1) ***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 for a period of eighteen (18) months. The purpose of the meetings is to review the following:

- a) Any testing performed by the Licensee, resulting reports written, and any diagnoses formed (with or without testing);
- b) Case notes and progress notes to assure they are timely and appropriately written;
- c) Cases assigned to the Licensee and her role on those cases.

**2) *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:

- a) In the first report, evidence Licensee's supervisor has received and reviewed a copy of the Stipulation and Consent Order;
- b) Dates on which supervision took place with Licensee;
- c) The method by which supervision was conducted;
- d) A statement that all cases have been reviewed, a description of any problems discovered in the review, and the resolution of the problems;
- e) The supervisor's opinion as to Licensee's ability to provide competent services;

f) Any other information the supervisor believes would assist the Board in its ultimate review of this matter; and

g) Prior to 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.

3) *Licensee's Own Reports.* Licensee shall submit a report to the Committee every three months until the conditions are removed from her license. The first report is due three months from the date the supervision begins, and all subsequent reports shall be submitted by the first day of the month in which they are due. Each report shall provide and/or address:

a) A brief statement of the topics discussed at each consultation;

b) What Licensee has learned from the consultations, including her own statement as to her comprehension and knowledge of ethical issues encountered in practice;

c) At the time Licensee petitions for removal of the conditions on her license after the adoption of the Stipulation and Consent Order, Licensee's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of psychology; and

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

4) ***Boundaries and Ethics Consultation.*** Licensee shall obtain, at a minimum, one year of boundaries and ethics consultation, two hours per month, within 60 days of the date this Stipulation and Consent Order is adopted by the Board. The boundaries and ethics consultant shall be approved in advance by the Complaint Resolution Committee from a list of at least three names submitted to the Board office by Licensee. Licensee shall cause each consultant listed to submit a current vitae to the Board office for the Committee's review prior to its approval of a consultant. 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 consultant. The boundaries and ethics consultant must not be the same person as the supervising psychologist. Licensee shall have no previous personal or professional relationship with the consultant. The boundaries and ethics consultant shall submit a report to the Board 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 consultation sessions begin, and all subsequent reports shall be submitted by the first day of the month in which they are due. Each report shall provide and/or address:

- a) In the first report, a statement that the consultant has reviewed this Stipulation and Consent Order;
- b) The dates on which consultations were held with Licensee;
- c) Licensee's active participation in each consultation;
- d) The boundary and ethical issues discussed in each consultation;

e) The consultant's opinion as to Licensee's capacity to understand her professional role;

f) At the time Licensee petitions for removal of the conditions on her license, the consultant's 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; and

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

b. The stayed suspension of Licensee's license may be administratively removed eighteen (18) months after adoption of the Stipulation and Consent Order and upon successful completion of the terms of the Stipulation and Consent Order.

5. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent Order, the Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional requirements for the stayed

suspension(s), removal of the stayed suspension(s), an additional period of suspension, or revocation of Licensee's license(s).

f. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes section 148.941, subdivision 3, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein.

6. 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.

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

8. 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.

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

10. 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.

11. Licensee shall also execute releases allowing the Board to exchange data related to this Stipulation and Consent Order with Licensee's supervisor, therapist, and any other professional Licensee contacts in order to comply with this Order.

12. Respondent may petition for removal of the suspended status not sooner than eighteen (18) months from the date of this Order. The burden of proof shall be upon Respondent to demonstrate by a preponderance of the evidence that she has satisfied all the conditions of this Order and is capable of practicing psychology in a fit and competent manner. At the time of Respondent's petition, Respondent will be required to meet with a Complaint Panel to review and evaluate her compliance and current practice.

13. The Board may, at any regularly scheduled meeting following Respondent's petition for removal of the stayed suspension 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 or restrictions on the license of Licensee.

14. 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.

15. 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.

16. This stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Licensee's license under Minnesota Statutes section 148.941, subdivision 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.

17. 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.

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

19. Licensee has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Licensee is represented by Jordan Krogstad, Esq., Minneapolis, MN. The Committee is represented by Sara P. Boeshans, Assistant Attorney General.

20. 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.

21. 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.

22. 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.

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

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

25. 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

Robin L. Wetzel, Ph.D., LP  
Robin L. Wetzel, Ph.D., LP  
Licensee

Dated: 1/20/14

Patricia Stankovitch, PsyD, LP  
Committee Chair

Dated: 1/27/14

[Signature]

Committee Member

Dated: 1/24/14

[Signature]

Committee Member

Dated: 1/24/14

**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 in a SUSPENDED status. The Board STAYS the suspension upon Licensee's compliance with the terms and conditions of the Stipulation, and adopts all other terms and conditions of the Stipulation on this

28<sup>th</sup> day of January, 2014.

MINNESOTA BOARD

OF PSYCHOLOGY



ANGELINA M. BARNES

Executive Director