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**STATE OF MINNESOTA
BOARD OF MARRIAGE AND FAMILY THERAPY**

In the Matter of
Heather Whatley, LAMFT
License Number: 1477

**STIPULATION AND ORDER
FOR VOLUNTARY SURRENDER**

IT IS HEREBY STIPULATED AND AGREED by Heather Whatley, LAMFT (Respondent), and the Minnesota Board of Marriage and Family Therapy (Board) as follows:

1. During all times material herein, Respondent has been and now is subject to the jurisdiction of the Board to which she holds a license to practice marriage and family therapy in Minnesota.

FACTS

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

a. Respondent was employed as a Medical Health Practitioner at a clinic providing in-home services.

b. From December 2005 through June 2006, Respondent submitted falsified dates of service for billings, as well as fabricated progress notes for the sessions. Up to this time, 111 hours of individual and family work and 26 hours of travel time were fraudulently billed to the insurance company by Respondent for approximately \$7,000.

c. An internal investigation ensued to determine if additional incidences of fraudulent documentation existed. Respondent stated that she fully disclosed the fraudulent dates of service but acknowledged she was uncertain of the truth due to the extent of her lies.

d. On June 14, 2006, Respondent's employment was terminated.

e. On June 15, 2006, Respondent reported to the Board that she documented for in-home skill services that did not occur.

f. On July 20, 2006, Respondent met with the Board's Complaint Panel and admitted the above allegations.

STATUTES

3. The Complaint Panel views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 148B.37, subd. 1 (2004). Respondent agrees that the conduct cited above constitutes violations of Minn. Stat. § 148B.37, subd. 1(3) (violated a statute or rule the Board is authorized to enforce), and Minn. R. 5300.0350, subps. 4.N (conduct likely to defraud the public), and 4.S (unprofessional conduct), and constitutes a reasonable basis in law and fact to justify the disciplinary action under these statutes.

REMEDY

4. Upon this Stipulation and all of the files, records and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order as follows:

- a. Respondent is **REPRIMANDED** for the misconduct cited in paragraph 2.
- b. Respondent shall **VOLUNTARILY SURRENDER** her license to practice marriage and family therapy in the State of Minnesota.
- c. Upon Respondent's surrender of her license to practice marriage and family therapy in the State of Minnesota, the Board agrees to close its files in this matter.
- d. Respondent may re-apply for licensure no sooner than three years from the date this Stipulation and Order is adopted by the Board.

e. At the time of her application, Respondent must provide evidence, satisfactory to the Complaint Panel, that she has completed the following:

1) ***Psychological Evaluation.*** Respondent shall obtain a psychological evaluation. The evaluation shall be performed by an evaluator approved in advance by the Complaint Panel. Respondent is responsible for the cost of the evaluation; however, the results of the evaluation shall be sent directly to the Board office and shall meet the following requirements:

a) Verification the evaluator has received a copy of this Stipulation and Order and the information submitted by the Board;

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

c) The evaluator's assessment as to whether the underlying causes of the above conduct are sufficiently resolved such that Respondent may practice marriage and family therapy in a competent and ethical manner; and

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

2) ***Restitution.*** Respondent shall demonstrate that she has made arrangements for restitution to her former employer to the former employer's satisfaction.

3) ***Personalized Ethics Training.*** Respondent shall successfully complete personalized ethics training from an individual designated by the Complaint Panel. Successful completion of the ethics training shall be determined by the Panel. Respondent is responsible for all costs associated with taking this training.

4) ***Report on Ethics Training From Respondent.*** Within 30 days of completing the ethics training referenced above, Respondent shall submit a report to the Panel which provides and addresses:

a) The dates Respondent began and completed the training course;

b) A brief statement of the topics covered in the training course;

c) A detailed discussion of what Respondent has learned from the training course, including Respondent's comprehension and knowledge of ethics issues, as well as various ethical issues encountered in practice, and how this course will affect her practice in the future;

d) A detailed discussion of each ethical violation that occurred regarding the circumstances described in the Facts section of this Stipulation and Order, including (1) how Respondent came to violate these ethics; (2) the manner in which Respondent violated these ethics; (3) the specific harm to specific individuals that resulted or could have resulted from the ethical violations; and (4) how Respondent now believes the ethical violations could have been averted;

e) A detailed discussion of the specific ways this course will affect Respondent's practice in the future;

f) Respondent's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of marriage and family therapy; and

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

f. ***Report on Ethics Training From Instructor.*** Within 60 days of completing the course referenced above, Respondent shall cause to be submitted to the Panel a report from the instructor of the course. This report shall address:

- 1) The extent of Respondent's participation in the course; and
- 2) The instructor's assessment of Respondent's knowledge obtained from the course and opinion as to Respondent's recognition of ethical issues and Respondent's fitness to engage in the ethical practice of marriage and family therapy.

5. Respondent is aware that this Stipulation and Order for Voluntary Surrender will be disseminated to all states. Upon request, the Board may share its investigative data with the requesting state.

6. Within seven days of any change, Respondent shall provide the Board with the new address and telephone information. The information shall be sent to Robert Butler, 2829 University Avenue S.E., Suite 330, Minneapolis, MN 55414.

7. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

8. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by 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.

9. Respondent has been advised by Board representatives that she may choose to be represented by legal counsel in this matter. Although aware of her right to representation by counsel, Respondent has knowingly and expressly waived that right.

10. Respondent hereby acknowledges that she has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

Heather Whatley
HEATHER WHATLEY, LAMFT
Respondent

Mary Hayes
MARY HAYES, PH.D., LMFT
Complaint Panel

Dated: 8-1-06

Dated: 8/18/06

ORDER

Upon consideration of this stipulation and all of the files, records and proceedings herein,
IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 18 day of August, 2006.

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY

Robert C. Butler
ROBERT C. BUTLER
Executive Director