

MINNESOTA BOARD OF PSYCHOLOGY

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June 30, 2011

PERSONAL AND CONFIDENTIAL

Terry E. Zuehlke, Ph.D, LP
217 Cutacross Road
Golden Valley, Minnesota 55422

Dear Dr. Zuehlke:

This is to inform you that the Minnesota Board of Psychology Complaint Resolution Committee issued the Committee Order signed June 28, 2011. This Order removes the suspension of your license. You may practice psychology subject to the conditions and restrictions as outlined in the Stipulation and Consent Order signed on May 14, 2010. A copy of the Committee Order is enclosed and a copy is placed in your public file.

If you have any questions regarding this Order, please feel free to contact me at 612-548-2106.

Sincerely

A handwritten signature in cursive script that reads "Gail A. Schiff".

Gail A. Schiff
Regulations Analyst

Enclosure

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Terry E. Zuehlke, Ph.D., L.P.
License No. LP0326

COMMITTEE ORDER

FACTS

1. During all times herein, Terry E. Zuehlke, Ph.D., LP ("Respondent"), has been and now is subject to the jurisdiction of the Minnesota Board of Psychology ("Board") from which he holds a license to practice psychology in the State of Minnesota.
2. On May 14, 2010, the Board issued a Stipulation and Consent Order suspending Respondent's license to practice psychology in the State of Minnesota and included specific conditions to be imposed upon Respondent's license upon reinstatement.
3. The Stipulation and Consent Order provides that Respondent may petition the Complaint Resolution Committee ("Committee") to remove the suspension of his license upon submission of satisfactory evidence that he successfully completed the requirements set forth under REMEDY paragraph a - f of the Stipulation and Consent Order.
4. By letter Respondent petitioned the Committee to remove the suspension of his license, pursuant to paragraph f of the Stipulation and Consent Order. The Committee received documentation verifying Respondent's compliance with paragraphs a - f of the Stipulation and Consent Order.

ORDER

5. The Committee, having convened on May 24, 2011, to review and consider the above-referenced matter, and upon receiving further documentation issues the following:

6. IT IS HEREBY ORDERED that the suspension of Respondent's license to practice psychology in the State of Minnesota is REMOVED, and Respondent may practice subject to conditions and restrictions as outlined in the Stipulation and Consent Order.

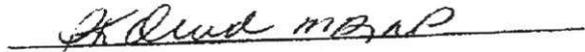
7. IT IS FURTHER ORDERED that all other terms and conditions of the Stipulation and Consent Order remain in effect.

Date June 28 2011

STATE OF MINNESOTA
BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE


JEFFREY L. LEICHTER, PH.D, LP

SUSAN WARD, PUBLIC MEMBER


PATRICIA ORUD, M.A., LP

6. **IT IS HEREBY ORDERED** that the suspension of Respondent's license to practice psychology in the State of Minnesota is REMOVED, and Respondent may practice subject to conditions and restrictions as outlined in the Stipulation and Consent Order.

7. **IT IS FURTHER ORDERED** that all other terms and conditions of the Stipulation and Consent Order remain in effect.

Date _____ 2011

STATE OF MINNESOTA
BOARD OF PSYCHOLOGY
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JEFFREY L. LEICHTER, PH.D, LP

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**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Terry E. Zuehlke, Ph.D., L.P.
License No. LP0326

COMMITTEE ORDER

FACTS

1. During all times herein, Terry E. Zuehlke, Ph.D., LP ("Respondent"), has been and now is subject to the jurisdiction of the Minnesota Board of Psychology ("Board") from which he holds a license to practice psychology in the State of Minnesota.

2. On May 14, 2010, the Board issued a Stipulation and Consent Order suspending Respondent's license to practice psychology in the State of Minnesota and included specific conditions to be imposed upon Respondent's license upon reinstatement.

3. The Stipulation and Consent Order provides that Respondent may petition the Complaint Resolution Committee ("Committee") to remove the suspension of his license upon submission of satisfactory evidence that he successfully completed the requirements set forth under REMEDY paragraph a - f of the Stipulation and Consent Order.

4. By letter Respondent petitioned the Committee to remove the suspension of his license, pursuant to paragraph f of the Stipulation and Consent Order. The Committee received documentation verifying Respondent's compliance with paragraphs a - f of the Stipulation and Consent Order.

ORDER

5. The Committee, having convened on May 24, 2011, to review and consider the above-referenced matter, and upon receiving further documentation issues the following:

6. **IT IS HEREBY ORDERED** that the suspension of Respondent's license to practice psychology in the State of Minnesota is REMOVED, and Respondent may practice subject to conditions and restrictions as outlined in the Stipulation and Consent Order.

7. **IT IS FURTHER ORDERED** that all other terms and conditions of the Stipulation and Consent Order remain in effect.

Date _____ 2011

STATE OF MINNESOTA
BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION COMMITTEE

JEFFREY L. LEICHTER, PH.D, LP

Susan L Ward

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**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Terry E. Zuehlke, Ph.D., L.P.
License No. LP0326

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Terry E. Zuehlke, Ph.D., L.P. (Licensee), and the Minnesota Board of Psychology (Board) as follows:

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

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

a. Licensee was licensed as a licensed psychologist by the Board on October 14, 1977, and has been a fully-licensed psychologist in good standing with the Board since the initial licensing date.

b. Between Fall, 2001, and Spring, 2004, Licensee provided psychological counseling services to client #1. Services included couples counseling and individual counseling. These professional services and the professional relationship were terminated in Spring, 2004.

c. Several months following the termination of professional relationship and the last professional contact with client #1, the former client #1 began interacting socially with Licensee.

d. Within two years following the termination of the professional relationship and the last professional contact, Licensee and client #1 engaged in sexual activity.

REGULATIONS

The Board views Licensee's practices 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. § 148.98 (2004) and Minn. R. 7200.4500 (code of conduct); Minn. Stat. § 148.941, subd. 2(a)(1) (2004) (violation of statute or rule Board is empowered to enforce); Minn. Stat. § 148.941, subd. 2(a)(3) (2004), and Minn. R. 7200.5700 (unprofessional conduct); and Minn. R. 7200.4900, subp. 8 (2005) (engaged in physical intimacies with a former client within two years following the date of the last professional contact with the client); and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

REMEDY

Upon this stipulation and without any further notice or proceedings, the Board **SUSPENDS** Licensee's license indefinitely, effective immediately. During the period of suspension, Licensee shall not engage in the practice of psychology in Minnesota. Licensee shall immediately cease to advertise or otherwise represent himself in any manner to be a licensee in this State. During the period of suspension and prior to petitioning for a stay of the suspension of his license pursuant to paragraph 5, Licensee shall comply with requirements 4.a. through 4.f. below:

a. ***Psychological Evaluation.*** Licensee shall obtain a psychological evaluation within one month of the date this Stipulation and Consent Order is adopted by the Board. The evaluation shall be performed by a licensed psychologist who has been approved in

advance by the Complaint Resolution Committee. Licensee 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:

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

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

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

b. ***Treating Therapist's Reports.*** Should any treatment be recommended by the evaluator, Licensee shall comply with the treatment recommendations and shall be responsible for the cost of treatment. The therapist who will provide the treatment shall be a different psychologist from the evaluator and shall be approved in advance by the Complaint Resolution Committee from a list of at least three names submitted to the Board by Licensee. The therapist shall submit a report to the Committee every three months and at the time Licensee petitions to have the conditions removed from his license. The first report is due one month from the date treatment begins, and all subsequent reports shall be submitted the first day of the month in which they are due. Each report shall provide and/or address:

1) In the first report, a statement that the therapist has received and reviewed a copy of this Stipulation and Consent Order;

2) In the first report, identification of a treatment plan devised specifically for Licensee. Any subsequent changes made in the treatment plan shall be identified in later reports;

3) A statement of the involvement between Licensee and the therapist, including dates, number, and frequency of meetings;

4) Licensee's therapeutic progress and compliance with the treatment plan;

5) The therapist's opinion as to Licensee's capacity to understand his professional role and the boundaries of that role and his ability to distinguish between his personal and professional needs, identity, and behavior;

6) The therapist's opinion as to the need for continuing therapy and/or Licensee's discontinuance of therapy;

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

8) At the time Licensee petitions for removal of the above-referenced conditions, the therapist's report shall include an assessment of Licensee's ability to conduct himself in a fit, competent, and ethical manner in the practice of psychology.

c. **Boundaries Course.** Within 30 days of the date this Stipulation and Consent Order is adopted by the Board, Licensee shall arrange to enroll in an individualized professional boundaries training course. The Committee will provide Licensee with a list of such courses, which have been approved, for the purposes of satisfying this requirement. If the Committee and Licensee concur that there is sufficient reason for Licensee not to enroll in any of the courses the Committee has listed, Licensee shall, within 30 days of the date this Stipulation and Consent Order is adopted by the Board, 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 vitae to the Committee for its approval of the instructor. The instructor shall be either a licensed psychologist or have a doctoral degree in psychology. Licensee shall complete the course within twelve (12) months of the date this Stipulation and Consent Order is adopted by the Board. All fees for the course shall be paid by Licensee. Successful completion of the boundaries course shall be determined by the Committee.

d. ***Report on Boundaries Course From Licensee.*** Within 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 each boundary violation that occurred regarding 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.

e. **Report on Boundaries Course From Instructor.** Within 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.

f. **Civil Penalty.** Licensee shall pay a civil penalty to the Board in the amount of two thousand, five hundred (\$2500) dollars for the Board's investigative costs. Payment of \$2500 shall be remitted in full to the Minnesota Board of Psychology at Suite 320, 2829 University Avenue SE, Minneapolis, Minnesota 55414, prior to the time licensee petitions for an unconditional license.

No sooner than nine months from the date the Stipulation and Consent Order is adopted by the Board and after successful completion of requirements 4.a. through 4.f. above, Licensee may petition the Complaint Resolution Committee to have the suspension stayed, allowing him to return to practice. The Committee, by its own written order, may impose the

stay of suspension. After the stay is imposed, in addition to complying with all of the terms of this Stipulation and Consent Order, Licensee shall comply with the following requirements:

a. **Supervision of Licensee by Board-Approved Psychologist.** Following the stay of suspension of Licensee's license, Licensee shall practice psychology only under the supervision of a supervising psychologist, approved in advance by the Committee. Licensee shall have no previous personal or professional relationship with the supervisor. Licensee shall obtain a supervising psychologist prior to petitioning for a stay of the suspension of his license. Licensee shall meet with the supervising psychologist no fewer than two hours per month for a period of 12 months.

b. **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 his 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:

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

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

7) At the time Licensee petitions for removal of the above-referenced conditions, the supervisor's report shall include an 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 ethical issues encountered in practice as well as the ability to apply this knowledge.

c. ***Fine for Violation of Order.*** 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.

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

e. ***Applicability to Renewal Requirements.*** 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.

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

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 Stipulation and Consent Order 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 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.

The releases shall allow Licensee's supervisor and treating therapist to communicate with each other. 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.

During the period of suspension, Licensee is still subject to the Board's license renewal requirements.

After 21 months and upon completion of all terms, provisions, and conditions of this Stipulation and Consent Order, Licensee may petition the Board for an unconditional license. 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; or

d. Impose additional conditions on the license of Licensee.

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 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.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

It is Licensee's responsibility to ensure all reports and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report or documentation. Failure to file reports and documentation on or before their due date is a violation of this Stipulation and Consent Order.

NONCOMPLIANCE WITH REQUIREMENTS FOR STAY OF SUSPENSION

If the Committee has probable cause to believe Licensee has failed to file timely reports or otherwise failed to comply with any of the requirements for staying the suspension of his license as set forth in paragraphs 4 and 5 above, the Committee may remove the stay of suspension pursuant to the procedures outlined in paragraph 14 below, with the following additions and exceptions:

a. The removal of the stay of suspension shall take effect upon service of an Order of Removal of Stay of Suspension (Order of Removal). Licensee agrees that the Committee is authorized to issue an Order of Removal, which shall remain in effect and shall

have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in paragraph 14 below. The Order of Removal shall confirm the Committee has probable cause to believe Licensee has violated one or more of the requirements for staying the suspension of Licensee's license. Licensee further agrees an Order of Removal issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act. Licensee waives any right to a hearing before removal of the stay of suspension.

b. The Committee shall schedule the hearing pursuant to paragraph 14 below to be held within 30 days of the date of service of the Order of Removal.

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.

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.

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.

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

Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee is represented by Anthony J. Novak. The Complaint Resolution Committee is represented by Nathan W. Hart, Assistant Attorney General.

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.

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.

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.

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

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

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

Terry E. Zuehlke
TERRY E. ZUEHLKE, Ph.D., L.P.
Licensee

Dated: 5/6/2010

Margaret Fulton Ph.D., LP
MARGARET FULTON, Ph.D., L.P.
Committee Chair

Dated: 5/14/10

Thanh Son Thi Nguyen-Kelly Ph.D., LP
THANH SON THI NGUYEN-KELLY, Ph.D., L.P.
Committee Member

Dated: 5/14/10

SUSAN WARD
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 in a **SUSPENDED** status and that all other terms of this stipulation are adopted and implemented by the Board this

14th day of May, ~~2009~~
2010

MINNESOTA BOARD
OF PSYCHOLOGY

Angelina M. Barnes
ANGELINA M. BARNES

AG: #2621742-v1

Executive Director