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APR 22 1987

SCOP

State of Missouri

John Ashcroft, Governor

Administrative Hearing Commission
Truman State Office Building
301 West High Street P.O. Box 1557
Jefferson City, Missouri 65102
Telephone 314/751-2422

RECEIVED

April 20, 1987

APR 21 '87

Mr. Jerry Van Hamme
Assistant Attorney General
P.O. Box 899
Jefferson City, Missouri 65102

(Hand Delivered)

MO.
ATTORNEY GENERAL

Mr. Charles W. Anderson
905 E. Morningside Drive
Fulton, Missouri 65251

(Certified #P 247 976 299)

RE: State Committee of Psychologists vs. Charles W. Anderson
Case Number PS-87-0345

CONSENT ORDER

The Administrative Hearing Commission hereby acknowledges receipt of the attached JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS BEFORE THE ADMINISTRATIVE HEARING COMMISSION AND STATE COMMITTEE OF PSYCHOLOGISTS, AND CONSENT ORDER entered into by all parties in the above matter and filed with this Commission on April 13, 1987. Upon careful review of said document, it is the finding of this Commission that all parties have knowingly and voluntarily entered into said document; that all parties, in accordance with said document, have freely waived their right to a hearing in this matter; and further, that all parties have freely consented to the informal disposition of the instant contested case in accordance with Section 536.060, RSMo 1986.

Accordingly, the Administrative Hearing Commission consents to the terms of said JOINT STIPULATION OF FACTS, WAIVER OF HEARING BEFORE THE ADMINISTRATIVE HEARING COMMISSION AND STATE COMMITTEE OF PSYCHOLOGISTS, AND CONSENT ORDER and it is so Ordered this date.

Further, it is the Order of this Commission that Case No. PS-87-0345 be dismissed effective this date.

SO ORDERED this 20 day of April, 1987.

HON. J. WILLIAM CAMPBELL
Commissioner

JWC/dc

Enclosure

m/w

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APR 15 1987

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FILED

APR 13 1987

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION ADMINISTRATIVE HEARING
STATE OF MISSOURI COMMISSION

DEPARTMENT OF ECONOMIC DEVELOPMENT,)
STATE COMMITTEE OF PSYCHOLOGISTS)
3523 North Ten Mile Drive)
P.O. Box 4)
Jefferson City, MO 65102)

Petitioner,)

v.)

No. PS-87-0345

CHARLES W. ANDERSON)
905 East Morningside Drive)
Fulton, MO 65251)

Respondent.)

JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS BEFORE
THE ADMINISTRATIVE HEARING COMMISSION AND STATE
COMMITTEE OF PSYCHOLOGISTS, AND CONSENT ORDER

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.150(1)) and pursuant to the terms of § 536.060, RSMo 1986, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 1986, the parties waive the right to a hearing and decision of the above-styled case by the Administrative Hearing Commission, and, additionally, the right to a disciplinary hearing before the State Committee of Psychologists under § 621.110, RSMo 1986, and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Respondent, Charles W. Anderson, acknowledges that he understands the various rights and privileges afforded him by

law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against him; and subsequently, the right to a disciplinary hearing before the State Committee of Psychologists at which time he may present evidence in mitigation of discipline. Being aware of these rights provided him by operation of law, the respondent, Charles W. Anderson, knowingly and voluntarily waives each and every one of these rights, and freely enters into this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee of Psychologists, and Consent Order and agrees to abide by the terms of this document, as they pertain to him.

Based upon the foregoing, the petitioner and the respondent jointly stipulate to the following:

1. Petitioner, Department of Economic Development, is an agency of the state of Missouri responsible for the proper administration, enforcement, and execution of the provisions of Chapter 337, RSMo, relating to psychology and psychologists.

2. The State Committee of Psychologists, an adjunct of the Missouri State Board of Registration for the Healing Arts, is responsible pursuant to § 337.050, RSMo 1986, for advising

and making recommendations to the Department of Economic Development concerning the licensing and disciplining of psychologists in the state of Missouri.

3. Respondent, Charles W. Anderson, is a licensed psychologist in Missouri. The respondent's license, numbered 00207, is and, at all time relevant herein, was current and active.

4. On or about February 5, 1982, through on or about October 1984, the respondent was employed as a licensed psychologist at the Fulton State Hospital, Fulton, Missouri.

5. On or about February 5, 1982, the respondent, in his professional capacity as a licensed psychologist, engaged in improper sexual contact with a client of his who was also a patient at the Fulton State Hospital.

6. As a result of this conduct, the respondent was suspended without pay for five days from March 8, 1982, to March 15, 1982, from the Fulton State Hospital. The suspension was predicated on the respondent's conduct set forth in paragraph 5 above and, in addition, for three other allegations of sexual misconduct filed against respondent prior to that date while employed at the Fulton State Hospital.

7. On or about May 22, 1984, the respondent received an official reprimand from the Fulton State Hospital for initiating improper physical contact with a female employee of the Fulton State Hospital, which contact caused that employee to file a sexual harassment complaint against the respondent.

8. On or about October 3, 1984, the respondent, in his capacity as a licensed psychologist at the Fulton State Hospital, conducted a group therapy session with patients of that hospital. This group therapy consisted of the practice of psychology and psychological techniques by the respondent on these patients as part of his capacity as a licensed psychologist.

9. Immediately following the end of this group therapy, the respondent instructed one female member of the group, who was a patient at the hospital and a client of his by virtue of being a member of this group, to remain with him. The respondent then initiated and engaged in sexual contact with this patient against her will.

10. This patient filed a complaint with the Fulton State Hospital administrative staff against the respondent and a formal investigation was conducted by the hospital. As a result of this investigation, the respondent resigned from his position as psychologist at the Fulton State Hospital.

11. 4 CSR 235-5.020(7)(A) states:

Psychologists are continually cognizant of their own needs and of their potentially influential position vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting the trust and dependency of such persons. Psychologists make every effort to avoid dual relationships that could impair their professional judgement or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, research with and treatment of employees, students, supervisees, close

friends, or relatives. Sexual intimacies with clients are unethical.

12.4 CSR 235-5.020(8)(D) states:

Psychologists do not exploit their professional relationships with clients, supervisees, students, employees, or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

13. The respondent's conduct, as set forth in Paragraphs 4 through 10, constitutes a violation of § 337.035, RSMo 1986, which states, in pertinent part:

2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 161 [sic], RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter . . . for any one or any combination of the following causes:

. . . .

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

. . . .

(13) Violation of any professional trust or confidence;

. . . .

(15) Being guilty of unethical conduct as defined in 'Ethical Standards for Psychologists' as adopted by the department and filed with the secretary of state.

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Committee of Psychologists in this matter under the authority of § 621.110, RSMo 1986:

1. The licensee's license to practice psychology, numbered 00207, shall be placed on probation for a period of five years beginning on the date that this document is entered and approved of record by the Administrative Hearing Commission.

2. The terms and conditions of the aforementioned probation shall be:

A. The respondent shall comply with all provisions of Chapter 337, RSMo, and the rules and regulations duly promulgated thereunder and with all state and federal criminal laws.

B. The respondent shall keep the State Committee of Psychologists apprised at all times in writing of his current home and work addresses and telephone numbers and each place of employment.

C. The respondent shall inform the State Committee of Psychologists of his intention of accepting any employment involving the practice of psychology, other than the position he holds at the time that this document is entered and approved, and he shall not enter into said

employment except upon the prior approval of the State Committee of Psychologists. In no case shall the respondent accept employment involving the practice of psychology unless he is working under the direct, personal supervision of a psychologist licensed in this state or in the state where the employment occurs.

D. The respondent shall not meet with or treat any female clients in his capacity as a licensed psychologist.

E. If the State Committee of Psychologists authorizes the respondent to accept different employment involving the practice of psychology, respondent's supervisor, as set forth in paragraph C above, shall submit quarterly reports to the State Committee of Psychologists indicating the nature of the supervision being provided by the supervisor, the amount of time in which the supervisor meets with the respondent, and any other information considered relevant or necessary by the State Committee of Psychologists.

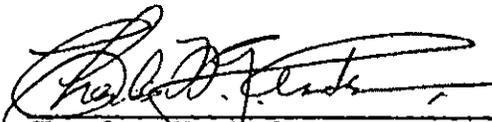
F. The respondent shall report to the State Committee of Psychologists in writing once every three months stating truthfully whether or not the respondent has complied fully with all terms and conditions of probation and, if the respondent has not, further detailing in each respect how the respondent has failed to so comply. The first report shall be submitted to the State Committee of

Psychologists within 30 days of the effective date of this agreement.

G. The respondent shall pay to the State Committee of Psychologists in a timely fashion all the requisite fees required by law to renew and keep current his psychology license in Missouri.

3. Should the respondent violate any term or condition of probation or any provisions of Chapter 337, RSMo, the State Committee of Psychologists may vacate the order of probation imposed herein and order the respondent's psychology license to be further disciplined, including suspension or revocation, as the Committee deems necessary and appropriate.

4. This agreement does not bind the State Committee of Psychologists or restrict the remedies available to it concerning any future violations of Chapter 337, RSMo, by the respondent.



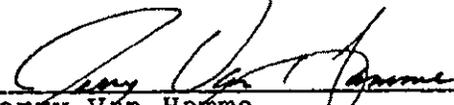
Charles W. Anderson



Carl Koupal, Jr., Director
Department of Economic
Development



Gary R. Clark
Executive Director, State
Board of Registration for
the Healing Arts



Jerry Van Hamme
Assistant Attorney General and
Counsel to the State Committee
of Psychologists