

Before the
Administrative Hearing Commission
State of Missouri



STATE COMMITTEE OF PSYCHOLOGISTS,)

Petitioner,)

vs.)

RONALD DICKER,)

Respondent.)

No. 07-1379 PS

CONSENT ORDER

The licensing authority filed a complaint. Section 621.045, RSMo Supp. 2007, gives us jurisdiction.

On May 2, 2008, the parties filed a "Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee of Psychologists, and Disciplinary Order With Joint Proposed Findings of Fact and Conclusions of Law." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under § 337.035.2(5), (6), (13) and (15), RSMo 2000. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order. We certify the record to the licensing agency under § 621.110, RSMo 2000.

The only issue before this Commission is whether the stipulated conduct constitutes cause to discipline the license. The appropriate disciplinary action is not within our power to decide; that is subject to the licensing authority's decision or the parties' agreement. Section 621.110, RSMo 2000.

No statute authorizes us to determine whether the agency has complied with the provisions of § 621.045.3, RSMo Supp. 2007. We have no power to superintend agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W. 2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied with such procedures.

SO ORDERED on May 6, 2008.

A handwritten signature in black ink, appearing to read "Nimrod T. Chapel, Jr.", written over a horizontal line.
NIMROD T. CHAPEL, JR.
Commissioner

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

MAY 02 2008

ADMINISTRATIVE HEARING
COMMISSION

STATE COMMITTEE OF
PSYCHOLOGISTS

Petitioner,

v.

RONALD DICKER

Respondent.

No. 07-1379 PS

JOINT MOTION FOR CONSENT ORDER, JOINT STIPULATION OF FACTS,
WAIVER OF HEARINGS BEFORE THE ADMINISTRATIVE HEARING COMMISSION
AND STATE COMMITTEE OF PSYCHOLOGISTS, AND DISCIPLINARY ORDER
WITH JOINT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission ("Commission"), 1 CSR 15-3.440(3), and pursuant to the terms of § 536.060, RSMo,¹ as it is made applicable to the Commission by § 621.135, RSMo (2000), Ronald Dicker ("Dicker") and the State Committee of Psychologists ("Committee") hereby waive the right to a hearing of the above-styled case before the Commission and, additionally, the right to a disciplinary hearing before the Committee pursuant to § 621.110, RSMo (2000), and jointly stipulate to the facts and consent to the imposition of disciplinary action against the Respondent's psychologist license for violations of statutes and lawful rules and regulations set forth below.

¹ All statutory references are to Missouri Revised Statutes 2000, unless otherwise indicated.

Respondent acknowledges that he has received and reviewed a copy of the Complaint filed by the Committee in this case, and the parties submit to the jurisdiction of the Commission.

Respondent acknowledges that he is aware of the various rights and privileges afforded him by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint served upon him by the Commission prior to the entering of its order; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial Commissioner concerning the complaint pending against Respondent; and the right to a ruling on questions of law by a Commissioner. Being aware of these rights provided the Respondent by operation of law, Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee of Psychologists, and Disciplinary Order with Joint Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") and agrees to abide by the terms of this document as they pertain to Respondent.

JOINT PROPOSED FINDINGS OF FACT

Based upon the foregoing, the Committee and Dicker jointly stipulate to the following and request that the Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Commission's Findings of Fact and Conclusions of Law:

1. The State Committee of Psychologists is an agency of the state of Missouri created and existing pursuant to § 337.050, RSMo, for the purpose of carrying out the provisions of §§ 337.010 to 337.093, RSMo, relating to psychologists.
2. Respondent, Ronald Dicker is licensed by the Committee as a psychologist, License No. 01098. Dicker's license is current and active, and was so at all times relevant herein.
3. Dicker practices psychology at 9374 Olive Blvd., Suite 103, St. Louis, Missouri.
4. Dicker entered into a psychologist /patient relationship with patient M.E. in March of 1996.
5. Dicker provided family therapy to M.E. and her family from March of 1996, through January of 1997.
6. Dicker provided individual therapy to M.E. from January 25, 1997, to August 21, 1999.
7. At the time the psychologist/patient relationship was initiated between Dicker and M.E., M.E. was employed as a teacher at the same school where Dicker's wife was employed and Dicker's children attended.
8. During the course of his treatment of M.E., Dicker disclosed personal information to M.E. because of the multiple relationship described above.
9. During the course of his treatment of M.E., at the invitation of M.E., Dicker attended an open house at the home of M.E.
10. In December of 1999, four months after therapy was terminated, at the request of

M.E., Dicker agreed to provide support for M.E.

11. Shortly thereafter, M.E. began calling Dicker at home to discuss personal and social matters; M.E. visited Dicker's office unannounced to bring him coffee and food; M.E. proffered, and Dicker accepted, a gift from M.E.; Dicker proffered, and M.E. accepted, a gift from Dicker; and at M.E.'s invitation, M.E. and Dicker had dinner together.

12. Dicker's relationship with M.E. could reasonably be expected to impair Dicker's objectivity in treating M.E.

13. Dicker's relationship with M.E. after termination of therapy was potentially exploitative.

14. Dicker kept no progress notes of the individual sessions held with M.E.

15. During the period of time that Dicker was providing services to M.E., Dicker saw approximately forty patients per week. Dicker kept no progress notes for any of his patients during this period, other than to note the dates that the sessions took place.

16. Dicker had a relationship of professional trust and confidence with M.E. in that M.E. relied on Dicker as a licensed psychologist to comply with the statutes, regulations and standard of care pertaining to the practice of psychology.

17. Dicker's conduct as set forth herein pertaining to M.E. violates this professional trust and confidence.

18. Dicker's conduct as set forth herein demonstrated a general lack of ability or lack of disposition to use his ability to perform his professional duties in a manner consistent with the statutes, regulations and standard of care which a reasonable psychologist would exercise in the

same or a similar situation.

JOINT PROPOSED CONCLUSIONS OF LAW

19. Dicker's conduct as set forth in the Joint Proposed Findings of Fact violates 20 CSR 2235-5.030(6), which states:

(B) Multiple Relationship Affecting Psychologists Judgment. The psychologist shall not undertake or continue a professional relationship with a client when the objectivity or competency of the psychologist is, or could reasonably be expected to be impaired because of the psychologist's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the client or a relevant person associated with or related to the client.

....

(C) Prohibited Relationships.

1. The psychologist, in interacting with any current client or with a client to whom the psychologist has at anytime within the previous twenty-four (24) months rendered counseling, psychotherapeutic or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not enter into a financial or other potentially exploitative relationship with him/her/them.

....

20. Dicker's conduct as set forth in the Joint Proposed Findings of Fact violates 4 CSR 235-5.030(3)(E)1, which states:

(E) Maintenance and Retention of Records.

(1.) The psychologists rendering professional individual services to a client shall maintain professional records that include:

- A. The presenting problem(s) or purpose or diagnosis;
- B. Any assessment including test results or other evaluative results obtained and any basic test data from which they were derived;
- C. The date and description of each contact or service

provided or pertaining to the client;

D. The nature, type and goals of any psychological interventions;

E. The fee arrangement;

F. A copy of all test or other evaluative reports prepared as part of the professional relationship;

G. Notation and results of formal consults with other providers; and

H. Notation of referrals given or recommended to the client.

21. Dicker's conduct as set forth in the Joint Proposed Findings of Fact pertaining to M.E. violates the professional trust and confidence M.E. placed in Dicker.

22. Dicker's conduct as set forth in the Joint Proposed Findings of Fact demonstrated a general lack of ability or lack of disposition to use his ability to perform his professional duties in a manner consistent with the statutes, regulations and standard of care which a reasonable psychologist would exercise in the same or a similar situation.

23. Cause exists for the Committee to discipline Dicker's psychology license pursuant to § 337.035.2, RSMo, which states in part:

The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any... license required by this chapter... for any one or any combination of the following causes:

....

(5) Incompetency . . . in the performance of the functions or duties of any profession licensed or regulated by this chapter;

....

(6) Violation of... 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 Rules of Conduct" as adopted by the committee and filed with the secretary of state.

JOINT AGREED DISCIPLINARY ORDER

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Committee in this matter under the authority of § 621.110, RSMo.

1. The parties jointly request that the Commission issue a consent order finding that grounds exist under § 337.035.2, RSMo for the Committee to discipline Dicker's License.

2. Upon the Commission's approval of this joint stipulation and its issuance of a consent order, Dicker's psychologist license, License No. 01098, is hereby immediately placed on PROBATION for a period of three years ("disciplinary period"). Upon the satisfactory completion of the first two years of the disciplinary period, Dicker may petition the Committee to reconsider the requirement that he complete a third year of probation. The decision to remove the requirement of a third year of probation will be at the sole discretion of the Committee. During Dicker's probation, Dicker shall be entitled to engage in the practice of psychology under Chapter 337, RSMo, provided he adheres to all of the terms of this Joint Stipulation. The terms of the probation shall be:

A. GENERAL REQUIREMENTS

(1) Dicker may not serve as a supervisor for any psychological trainee, psychological intern, psychological resident, psychological assistant, or any person undergoing supervision during the course of obtaining licensure as a psychologist, professional counselor, or social worker.

(2) Dicker shall keep the Committee apprised at all times, in writing, of his current home and work addresses and telephone numbers.

(3) Dicker is required to pay to the Committee, in a timely fashion, all requisite fees required by law to renew and keep current his psychology license in Missouri.

(4) Dicker is required to comply with all provisions of Chapter 337, RSMo, the rules and regulations duly promulgated by the Committee and state and federal criminal laws.

(5) Dicker must provide periodic reports of his compliance with this agreement every three months. Reports must be received before March 1, June 1, September 1, and December 1 of each year.

(6) At Dicker's expense, Dicker must agree to meet with the Committee at reasonable intervals designated by the Committee.

B. SPECIFIC REQUIREMENTS

(1) Dicker must complete a professional education course on the topic of ethics approved by the Committee. Such course must be taken in a department of

psychology from a program accredited by the American Psychological Association for graduate credit of no less than three (3) semester hours. Dicker must obtain a grade of B or higher in the course. Readings courses, correspondence courses or independent study courses are unacceptable. Such courses must be completed within one year of the effective date of this Joint Stipulation

(2) Dicker must inform his employers, and all hospitals, institutions, and managed health care organizations with which he is affiliated, that his work as a professional psychologist is under probation by the Committee.

(3) Dicker's practice as a professional psychologist shall be supervised on a monthly basis by a psychologist approved by the Committee. Within 20 business days of the effective date of this order, Respondent shall submit no less than five names of proposed psychologists who will agree to provide supervision to Respondent. The Committee may approve one of the psychologists or may require additional names to be submitted, which Respondent shall submit within 20 business days of the Committee's request. Respondent must begin supervision within one week of the Committee's approval. Respondent must immediately notify the Committee, in writing, of the start date of supervision. If Dicker has failed to secure a supervisor within twenty business days from the start of probation, he shall cease practicing psychology until a supervisor is secured. Dicker shall be responsible for any payment associated with the supervision. Supervision

includes, but is not limited to, monthly on site face-to-face review of cases, and review, approval, and co-signing of written reports such as case notes, intake assessments, test reports, treatment plans, and progress reports.

(4) In the event the supervising psychologist becomes unable or decides not to continue serving in his/her capacity as a supervising psychologist or otherwise ceases to serve as a supervising psychologist during the period of probation, then Dicker shall:

- a. within three (3) business days of being notified of the supervising psychologist's inability or decision not to continue serving as the supervising psychologist, or otherwise learning of the need to secure a supervising psychologist, advise the Committee in writing that he is needing to secure a supervising psychologist and the reasons for such change; and
- b. within twenty (20) business days of being notified of the supervising psychologist's inability or decision not to continue serving as the supervising psychologist, or otherwise learning of the need to secure a supervising psychologist, secure a supervising psychologist pursuant to and in accordance with the terms and conditions set forth in this agreement. After twenty (20) business days, Dicker shall not practice if he has not secured a supervisor.

(5) The supervising psychologist shall be vested with the administrative authority over all matters affecting the provision of psychological health services provided by Dicker so that the ultimate responsibility for the welfare of every client is maintained by the supervising psychologist.

(6) Dicker's supervisor must report at least once every three months on Dicker's compliance with this Joint Stipulation. Reports must be received before March 1, June 1, September 1, and December 1 of each year. It is Dicker's responsibility to ensure that these reports are provided in a timely manner.

3. Upon the expiration of the disciplinary period, Dicker's license as a psychologist in Missouri shall be fully restored, provided all provisions of this Joint Stipulation and all other requirements of law have been satisfied.

4. If the Committee determines that Dicker has violated a term or condition of his discipline, or has otherwise failed to comply with the provisions of Chapter 337, RSMo, which violation would be actionable in a proceeding before the Committee or the Administrative Hearing Commission or a Circuit Court, the Committee may elect to pursue any lawful remedies or procedures afforded to it, and is not bound by this Joint Stipulation and its selection of remedies concerning such violation

5. The parties to the Joint Stipulation understand that the Committee will maintain this agreement as an open record of the Committee as provided in Chapter 337, 610, and 620, RSMo.

6. Each party agrees to pay all their own fees and expenses incurred as a result of this case, its litigation, and its settlement.

7. The terms of this Joint Stipulation are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Joint Stipulation nor any of its provisions may be changed, waived, discharged, or terminated except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

8. Dicker hereby waives and releases the Committee, its members and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this paragraph is severable from the remaining portions of this Joint Stipulation in that it survives in perpetuity even in the event that any court of law deems this Joint Stipulation or any portion thereof void or unenforceable.

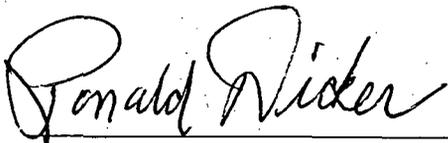
9. This disciplinary order will be effective immediately upon the issuance of the Consent Order of the Commission without further action by either party.

In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearings Before the

Administrative Hearing Commission and State Committee of Psychologists, and Disciplinary Order and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by Petitioner in the above-styled action.

RESPONDENT

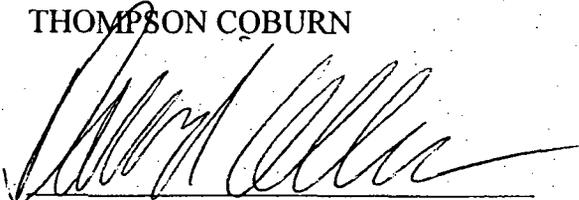
PETITIONER



Ronald Dicker

Date April 7, 2008

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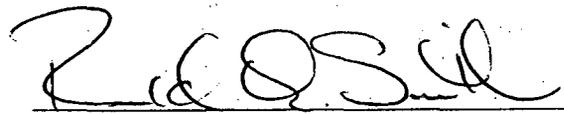
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Date April 23, 2008

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