

**BEFORE THE MISSOURI
STATE COMMITTEE OF PSYCHOLOGISTS**

STATE COMMITTEE OF,)	
PSYCHOLOGISTS)	
)	
Petitioner,)	
)	
v.)	CASE # 08-2034 PS
)	
JOHN R. FONTANA, Ph.D.,)	
)	
Respondent.)	

**ORDER OF THE MISSOURI
STATE COMMITTEE OF PSYCHOLOGISTS
DISCIPLINING THE PSYCHOLOGIST LICENSE OF
JOHN R. FONTANA, Ph.D.**

On or about August 20, 2010, the Administrative Hearing Commission entered its Decision in the case of *State Committee of Psychologists v. John Richard Fontana, Ph.D., Case No. 08-2034PS*. In that Decision, the Administrative Hearing Commission found that Respondent John Richard Fontana, Ph.D.'s (Fontana) psychologist license (license # 01169) is subject to disciplinary action by the Board pursuant to § 337.035.2(6), (13) and (15), RSMo 2000.

The Committee has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 337.035.3, RSMo 2000, the Committee held a hearing on May 19, 2011, at approximately 2:30 p.m., at the St. Louis Airport Marriott, 10700 Pear Tree Lane, St. Louis, Missouri, for the purpose of determining the appropriate disciplinary

action against Respondent's license. The Committee was represented by Assistant Attorney General Woodie Curtis. Respondent received proper notice and opportunity to appear and appeared and was represented by counsel Thomas Ellis. After being present and considering all of the evidence presented during the hearing, the Committee issues the following Findings of Facts, Conclusions of Law and Order.

I.

Based upon the foregoing the Board hereby states:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The State Committee of Psychologists ("Committee") is an agency of the State of Missouri created and established pursuant to § 332.021, RSMo 2000, for the purpose of executing and enforcing the provisions of Sections 337.010 through 337.345, RSMo.

2. The Committee hereby adopts and incorporates by reference the Decision of the Administrative Hearing Commission in *State Committee of Psychologists v. John Richard Fontana, Ph.D., Case No. 08-2034PS*, in its entirety.

3. The Committee set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.

II.

CONCLUSIONS OF LAW

4. This Committee has jurisdiction over this proceeding pursuant to §§ 621.110 and 337.035.3, RSMo.

5. The Committee expressly adopts and incorporates by reference the Conclusions of Law contained in the Decision issued by the Administrative Hearing Commission on August 20,

2010, in *State Committee of Psychologists v. John Richard Fontana, Ph.D., Case No. 08-2034PS*, and hereby enters its Conclusions of Law consistent therewith.

6. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Order on August 20, 2010, Respondent's psychologist license is subject to disciplinary action by the Committee pursuant to § 337.035.2(6), (13) and (15), RSMo 2000.

7. The Committee has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Having fully considered all the evidence before the Board, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the Committee that the psychologist license of John Richard Fontana, Ph.D. (license no. 01169) is hereby placed on **PROBATION** for a period of **TWO (2) YEARS** (disciplinary period). The disciplinary period shall become effective fifteen (15) days after the date of this Order. During the aforementioned probation, Fontana shall be entitled to practice as a licensed psychologist subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

I. EDUCATIONAL REQUIREMENTS

A. Licensee must complete a basic professional education course on the topic of psychological assessment approved by the State Committee of Psychologists. Such course must be taken in a department of psychology from a program accredited by the American Psychological Association (APA) for graduate credit of no less than three (3) semester hours. Licensee 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 Order.

B. Licensee shall not conduct psychological evaluations of any kind until the requirements of part A of this section are satisfied, except that Licensee may conduct psychological evaluations as a regular part of Licensee's present employment with the Department of Mental Health under the supervision of a licensed psychologist approved by the Committee as set forth in section III below.

C. Upon satisfactory completion of the requirements of part A of this section, Licensee may conduct psychological evaluations as a regular part of Licensee's present employment with the Department of Mental Health without the supervision set forth in part B of this section. Licensee shall not conduct psychological evaluations of any kind outside of those evaluations that are a regular part of Licensee's present employment with the Department of Mental Health until the entire probationary period has been successfully completed.

D. Licensee shall not conduct any evaluations for learning disabilities unless, in addition to the requirements of part A of this section, Licensee completes an advance professional education course on the topic of assessment of learning disabilities approved by the State Committee of Psychologists. Such course must be taken in a department of psychology from a program accredited by the American Psychological Association (APA) for graduate credit of no less than three (3) semester hours. Licensee must obtain a grade of B or higher in the course. Readings courses, correspondence courses or independent study courses are unacceptable.

II. SUPERVISION

A. Psychological evaluations conducted as a regular part of Licensee's present employment with the Department of Mental Health as set forth in section I, B above 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, Licensee shall submit up to five names of proposed psychologists who will agree to provide supervision to Licensee. The Committee may approve one of the psychologists or may require additional names to be submitted, which Licensee shall submit within 20 business days of the Committee's request. Licensee must begin supervision within one week of the Committee's approval of supervisor. Licensee must immediately notify the Committee, in writing, of the start date of supervision. If Licensee has failed to secure a supervisor within twenty business days from the start of probation, he shall cease conducting psychological evaluations until a supervisor is secured. Licensee 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 evaluations, and review, approval and co-signing of written evaluations.

B. 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 Licensee shall:

1. Within three 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
2. Within twenty 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 Order. After twenty business days, Licensee shall not conduct psychological evaluations if he has not secured a supervisor.

C. The supervising psychologist shall be vested with the administrative authority over all matters affecting the provision of psychological evaluations provided by Licensee so that the ultimate responsibility for the welfare of every client evaluated is maintained by the supervising psychologist.

D. Licensee's supervisor must report at least once every three months on Licensee's compliance with the terms of discipline in this Order until Licensee's satisfactory completion of the requirements of section I, paragraph A above. Reports must be received before March 1, June 1, September 1 and December 1 of each year. It is Licensee's responsibility to ensure that these reports are provided to the Committee in a timely manner.

III. GENERAL REQUIREMENTS

A. Licensee shall 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.

B. Licensee shall meet with the Committee or its representatives at such times and places as required by the Committee after notification of a required meeting.

C. Licensee shall submit reports to the State Committee for Psychologists, P.O. Box 1335, Jefferson City, Missouri 65102, stating truthfully whether he has complied with all the terms and conditions of this Order by no later than March 1, June 1, September 1 and December 1 during each year of the disciplinary period.

D. Licensee shall keep the Committee apprised of his current home and work addresses and telephone numbers. Licensee shall inform the Committee within ten days of any change of home or work address and home or work telephone number.

E. Licensee shall comply with all provisions of sections 337.010 through 337.045, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

F. During the disciplinary period, Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Licensee's license in a current and active state.

G. If at any time during the disciplinary period, Licensee removes himself from the state of Missouri, ceases to be currently licensed under provisions of Sections 337.010 through 337.345, RSMo, or fails to advise the Committee of his current place of business and residence, the time of his absence, unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed in accordance with § 337.035, RSMo.

H. During the disciplinary period, Licensee shall accept and comply with unannounced visits from the Committee's representatives to monitor his compliance with the terms and conditions of this Order.

I. If Licensee fails to comply with the terms of this Order, in any respect, the Committee may impose such additional or other discipline that it deems appropriate, (including imposition of the revocation).

J. This Order does not bind the Committee or restrict the remedies available to it concerning any other violation of Sections 337.010 through 337.345, RSMo, by Licensee not specifically mentioned in this document.

K. Upon expiration of the disciplinary period, Licensee's license as a psychologist in Missouri shall be fully restore, provided all provisions of this Order and all other requirements of law have been satisfied.

This Order does not bind the Board or restrict the remedies available to it concerning any violation by Respondent of the terms and conditions of this Order, Chapter 337, RSMo (as amended), or the regulations promulgated thereunder.

The Committee will maintain this Order as an open, public record of the Committee as provided in Chapters 337, 610, and 324, RSMo (as amended).

SO ORDERED, EFFECTIVE THIS 23rd DAY OF June, 2011.

STATE COMMITTEE OF PSYCHOLOGISTS

Pamela Groose

Pamela Groose, Executive Director

EFFECTIVE DATE OF DISCIPLINE
JULY 8, 2011

Before the
Administrative Hearing Commission
State of Missouri

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MISSOURI
ATTORNEY GENERAL

STATE COMMITTEE OF
PSYCHOLOGISTS,

Petitioner,

vs.

JOHN RICHARD FONTANA,

Respondent.

No. 08-2034 PS

DECISION

John Richard Fontana is subject to discipline because he: (1) administered inappropriate and out-of-date tests; (2) administered abbreviated tests first then the full tests later, when the full tests should have been administered initially; (3) failed to limit his practice to areas in which he was competent; (4) failed to discover that he should use certain tests and forms for the type of evaluation he performed and failed to use them; and (5) failed to refer a client to another professional.

Procedure

On December 4, 2008, the State Committee of Psychologists ("the Committee") filed a complaint seeking to discipline Fontana. Fontana was served with a copy of the complaint and our notice of complaint/notice of hearing. The "green card" does not list a date of delivery, but was filed with us on April 30, 2009.

On September 23, 2009, we held a hearing on the complaint. Assistant Attorney General Ronald Q. Smith represented the Committee. Fontana represented himself. After granting motions for extension of time to file briefs, filed by both parties, the matter became ready for our decision on April 7, 2010, the date the last brief was filed.

Commissioner Sreenivasa Rao Dandamudi, having read the full record including all the evidence, renders the decision.¹

Findings of Fact

1. Fontana is licensed as a psychologist. His license is, and was at all relevant times, current and active.
2. At relevant all times, Fontana practiced psychology out of offices located at 1400 State Road F, Waynesville, Missouri.
3. On February 22, 2005, Fontana entered into a psychologist/patient relationship with patient D.E. for the purpose of evaluating D.E. for accommodations for general equivalency diploma ("GED") testing.
4. D.E. had been diagnosed with a learning disability in school. D.E. had attempted to take the GED test several times and had passed everything except the reading and literature portions.
5. Fontana had worked for the St. Louis City school system and, at the time he saw D.E., he had performed approximately five learning disability evaluations. Fontana had not previously conducted an evaluation for the purpose of evaluating a client for accommodations for GED testing ("GED evaluation").

¹Section 536.080.2; *Angelos v. State Bd. of Regis'n for the Healing Arts*, 90 S.W.3d 189 (Mo. App., S.D. 2002). Statutory references, unless otherwise noted, are to RSMo-2000.

6. Fontana did not know what tests or forms were necessary for the GED evaluation. He failed to discover the procedures and requirements for determining eligibility for the GED evaluation prior to conducting the evaluation and submitting the results of the evaluation. The forms and information about GED evaluations were available on the Department of Elementary and Secondary Education's ("DESE") Web site.

7. Prior to conducting the GED evaluation, Fontana did not attempt to refer D.E. to another psychologist.

8. Fontana administered the KBIT test as part of his evaluation of D.E. The KBIT is an abbreviated IQ test. The KBIT was not appropriate for the purpose of this evaluation.

9. A full IQ test, such as the Wechsler Adult Intelligence Scale ("WAIS"), is necessary for assessing a reading disability.

10. The KBIT is not accepted by DESE for GED evaluations.

11. Fontana administered the Wide Range Achievement Test ("WRATIII") as part of D.E.'s GED evaluation. The WRATIII is a gross measure of academic abilities. The WRATIII was not appropriate for the purpose of the GED evaluation and is not accepted by DESE for GED evaluations.

12. The WRATIII did not differentiate between a reading disability and a reading comprehension disability. Fontana gave a test that did differentiate between the two approximately ten months later, when this type of test should have been performed initially.

13. Fontana administered the Minnesota Multiphasic Personality Inventory ("MMPI") as part of D.E.'s GED evaluation. The MMPI is a personality measure that contains approximately 543 questions. It provides measures of depression, anxiety, psychotic thinking, psychosomatic issues, and masculine/feminine characteristics among other issues. The MMPI takes approximately an hour to one and a half hours to administer.

14. The administration of the MMPI was unnecessary for the purpose of the GED evaluation.

15. Fontana administered the MMPI to assess whether depression or anxiety was affecting D.E.'s test performance. The Beck Depression Inventory, which is about 25 questions and would have taken five minutes, would have been a more appropriate choice to assess depression or anxiety.²

16. The version of the MMPI that Fontana administered was out of date.

17. Fontana administered the Wechsler Adult Intelligence Scale ("WAIS-R") as part of his evaluation of D.E.

18. The version of the WAIS-R administered was out of date.

19. In June 2005, Fontana submitted the results of D.E.'s GED evaluation to DESE.

20. DESE informed Fontana that he had not performed the appropriate tests for a GED evaluation.

21. In January 2006, Fontana referred D.E. to another provider.

22. Fontana saw D.E. for 6 hours of assessment.

23. Fontana billed Medicaid for 6 hours and 15 minutes of treatment.³ Fontana did not get paid for his services to D.E.

Conclusions of Law

We have jurisdiction to hear the case.⁴ The Committee has the burden of proving that Fontana has committed an act for which the law allows discipline.⁵ This Commission must

²Tr. at 39.

³Tr. at 121-22. The Committee seeks discipline for billing Medicaid for unnecessary services, but does not allege this conduct as cause for discipline in the complaint. We cannot find discipline for uncharged conduct. *Missouri Dental Bd. v. Cohen*, 867 S.W.2d 295, 297 (Mo. App., W.D. 1993).

⁴Section 621.045, RSMo Supp. 2009.

⁵*Missouri Real Estate Comm'n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989).

judge the credibility of witnesses, and we have the discretion to believe all, part, or none of the testimony of any witness.⁶

Motions

On April 19, 2010, the Committee filed a motion to strike Fontana's brief. On April 27, 2010, the Committee filed a motion to exclude articles that Fontana provided to this Commission. We deny the motions. We will consider only evidence that was properly before this Commission and will consider the objections as to the weight of the evidence.

The Committee objected to Fontana testifying as an expert. We allowed Fontana to testify, but noted the Committee's continuing objection.⁷

Cause for Discipline

The Committee argues that there is cause for discipline under § 337.035:

2. 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, 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 . . . 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;

* * *

⁶*Harrington v. Smarr*, 844 S.W.2d 16, 19 (Mo. App., W.D. 1992).

⁷Tr. at 90-91. The Committee's brief does not further argue this point.

(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.

Professional Standards – Subdivision (5)

The Committee argues that Fontana's conduct constituted incompetency.⁸ Incompetency is a general lack of professional ability, or a lack of disposition to use an otherwise sufficient professional ability, to perform in an occupation.⁹ We follow the analysis of incompetency in a disciplinary case from the Supreme Court, *Albanna v. State Bd. of Regis'n for the Healing Arts*,¹⁰ Incompetency is a "state of being" showing that a professional is unable or unwilling to function properly in the profession.

Fontana's conduct with one patient, even though it involves multiple tests, does not constitute the "state of being" required to find incompetency. The *Albanna* court said that the evaluation necessitates a broader-scale analysis, taking into account the licensee's capacities and successes.¹¹

There is no cause for discipline under § 337.035.2(5).

Violation of Rule – Subdivision (6)

Regulation 20 CSR 2235-5.030 sets forth the Ethical Rules of Conduct as adopted by the Committee and filed with the Secretary of State. The Committee argues that Fontana's conduct violates the following regulations.

Regulation 20 CSR 2235-5.030(7)(C) states:

(7) Client Welfare.

* * *

⁸In its brief, the Committee does not allege the other causes for discipline in this subdivision.
⁹*Tendai v. Missouri Bd. of Reg'n for the Healing Arts*, 161 S.W.3d 358, 369 (Mo. banc 2005);
¹⁰293 S.W.3d 423, 435-36 (Mo. banc 2009).
¹¹*Id.* at 436.

(C) Unnecessary Service. The psychologist shall not exploit clients by providing unnecessary psychological service.

The Committee's expert witness, Dr. George Johnstone, testified that Fontana administered two IQ tests to D.E., which he testified "makes no sense whatsoever."¹² Johnstone testified that there was no reason to give an abbreviated test and then the full test, when he should have simply administered the full test.

Johnstone also testified that the WRATIII did not differentiate between a reading disability and a reading comprehension disability. Fontana gave a test that did differentiate between the two conditions approximately ten months later, when this type of test should have been performed initially. Johnstone testified:

Anybody that comes to a psychologist who wanted to be evaluated for a learning disability, it's appropriate to do all the testing all up front. There's no reason to kind of give that screening measure and then to give a full measure later.^[13]

Fontana argues that he was trying to assess D.E.'s entire situation and that the tests were appropriate. Johnstone's interpretation of "appropriate" in D.E.'s case was much narrower:

THE WITNESS: So [D.E.] came to you as a psychologist as he would any psychologist in this state, and said, "I have a very specific issue." He didn't say that he had personality problems, he didn't say he had depression, he didn't say he had anxiety. "I have a reading disorder, it's been diagnosed since the fourth grade, I need to get accommodations, I'm trying to take the GED, I failed it a couple times, I need testing to document that I have a specific reading disorder."

So, therefore any psychologist, me, you, anybody in this room that a client would come to, should be able to give tests for those specific issues. As a result the MMPI was not an appropriate measure to give to document the impact of depression or anxiety on reading.

¹²Tr. at 37.

¹³Tr. at 38.

Q: And this is based on your assumption that [D.E.] came to me and said, "I have a reading disability, and I want a diagnosis for a reading disability"?

A: This is based on your note that I will read to you from February 22. Brief intake, [D.E.] states that he has a reading disability and is seeking a recommendation with the GED office that he receive an accommodation that he not be timed on the reading portion of the GED. That's your notes. It specifically says what he was requesting when he initially contacted you.¹⁴

We accept Johnstone's expert opinion on the scope of the GED evaluation. Fontana provided unnecessary services in evaluating D.E.

There is cause for discipline under § 337.035.2(6) for violating 20 CSR 2235-5.030(7)(C).

Regulation 20 CSR 2235-5.030(3)(A) states:

(3) Competence.

(A) Limits on Practice. The psychologists shall limit practice and supervision to the areas in which competence has been gained through professional education, training derived through an organized training program and supervised professional experience. If important aspects of the client's problems fall outside the boundaries of competency, then the psychologist shall assist his/her client in obtaining additional professional consultation.

We have already determined that there is insufficient evidence that Fontana's conduct met the "state of being" of incompetence. This is a different issue than whether Fontana exhibited competence in limiting his practice to an area in which he was competent.

Johnstone testified that Fontana administered inappropriate and out-of-date tests. The version of the MMPI that Fontana administered was described as "a test that is about as outdated as you could get."¹⁵ Johnstone described why it was important to give up-to-date tests that apply

¹⁴Tr. at 66-67.

¹⁵Tr. at 39.

appropriate normative data. Fontana presented journal articles and his own testimony that the tests he gave were equivalent to the ones recommended by Johnstone. But we find Johnstone's testimony about the differences, and the importance of those differences, more compelling. He testified:

Q: You mentioned that the WAIS-R and the MMPI were both outdated tests. Why is it important to give the most current version of an assessment instrument rather than an older instrument but one that you're maybe more comfortable with as a practitioner?

A: Probably the most important reason is normative data. So, for example, the original MMPI, it's provided to many different people in which it's normed and then they figure out what the average response is. The original MMPI was normed on many different citizens in Minnesota, I believe, like I say in the nineteen -- I don't know the exact date -- fifties, sixties.

The more current ones are normed on individuals from a broader range of backgrounds from across the United States. That was done, I believe in the 1980s. The same with the WAIS-R. The reason they do these tests, they update them, is to provide new normative data. So it is just essential as a psychologist if you're going to give standard measures, that you stay up to speed on the current forms of those measures.

Q: And when assessment instruments such as these are re-normed, are some of the questions in the test changed --

A: Some.

Q: -- for that process?

A: I'd say in general the structure is the same, but they will change some of the tests or subtests.

Q: And is it correct that those reflect in large part cultural changes so that questions make more sense in the term of the current culture?

A: That's part of it.^{16]}

¹⁶Tr. at 41-42.

By administering abbreviated tests first then the full tests later, when the full tests should have been administered initially, Fontana provided unnecessary services. Fontana admitted that he had never performed a GED evaluation and that he was unaware of the forms and tests that DESE required. He did not attempt to discover what DESE required until his evaluation had been rejected. Fontana did not refer D.E. to another professional for the service.

Fontana failed to limit his practice to areas in which he was competent. There is cause for discipline under § 337.035.2(6) for violating 20 CSR 2235-5.030(3)(A).

Regulation 20 CSR 2235-5.030(12)(A) states:

(12) Assessment Procedures.

(A) Competent Use of Assessment Techniques. The psychologist shall use, administer and interpret psychological assessment techniques competently and maintain current knowledge about research developments and revisions concerning the techniques that are used.

For the reasons stated above, Fontana did not use assessment techniques competently; nor did he maintain current knowledge about the techniques.

There is cause for discipline under § 337.035.2(6) for violating 20 CSR 2235-5.030(12)(A).

Violation of Professional Trust – Subdivision (13)

Professional trust is the reliance on the special knowledge and skills that professional licensure evidences.¹⁷ Fontana had a relationship of professional trust and confidence with D.E. in that D.E. relied on Fontana as a licensed psychologist to conduct the evaluation.

Fontana administered inappropriate and out-of-date tests; administered abbreviated tests first then the full tests later, when the full tests should have been administered initially; failed to

¹⁷*Trieseler v. Helmbacher*, 168 S.W.2d 1030, 1036 (Mo. 1943).

limit his practice to areas in which he was competent; failed to use or discover that he should use certain tests and forms for the type of evaluation he performed; and failed to refer D.E. to another professional. He violated the professional trust and confidence D.E. placed in him as a psychologist.

There is cause for discipline under § 337.035.2(13).

Unethical Conduct – Subdivision (15)

Unethical conduct and unprofessional conduct include “any conduct which by common opinion and fair judgment is determined to be unprofessional or dishonorable.”¹⁸ “Ethical” relates to moral standards of professional conduct.¹⁹

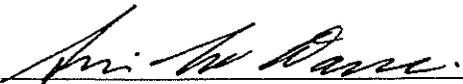
While we believe Fontana’s testimony that he believed himself to be competent to perform the GED evaluation, we have found that he was not. He is guilty of unethical conduct as defined in the “Ethical Rules of Conduct.”

There is cause for discipline under § 337.035.2(15).

Summary

There is cause to discipline Fontana’s license under § 337.035.2(6), (13) and (15). There is no cause for discipline under § 337.035.2(5).

SO ORDERED on August 20, 2010.


SREENIVASA RAO DANDAMUDI
Commissioner

¹⁸*Perez v. Missouri Bd. of Regis’n for the Healing Arts*, 803 S.W.2d 160, 164 (Mo. App., W.D. 1991).
¹⁹MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY 429 (11th ed. 2004).