

Before the  
Administrative Hearing Commission  
State of Missouri



STATE COMMITTEE OF PSYCHOLOGISTS, )

Petitioner, )

vs. )

DOUGLAS HIPPE, )

Respondent. )

No. 01-0160 PS

**CONSENT ORDER**

The licensing authority filed a complaint. Section 621.045, RSMo 2000, gives us jurisdiction.

On February 5, 2001, the parties filed a "Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent 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 section 337.035.2(5), (6), (13), and (15), RSMo Supp. 1999. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order under Regulation 1 CSR 15-2.450(1)(B). We certify the record to the licensing agency under section 621.110, RSMo 2000.

No statute authorizes us to determine whether the agency has complied with the provisions of section 621.045.3. RSMo 2000. This is consistent with the holding that we have no role in superintending 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.

SO ORDERED on February 6, 2001.

Handwritten signature of Willard C. Reine in cursive script.

WILLARD C. REINE  
Commissioner

**FILED**

FEB 05 2001

ADMINISTRATIVE HEARING  
COMMISSION

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

STATE COMMITTEE OF PSYCHOLOGISTS,	)
	)
	)
Petitioner,	)
	)
v.	)
	)
DOUGLAS HIPPE	)
	)
Respondent.	)

No.

**COPY**

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

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo Supp. 1999, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 1994, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the State Committee of Psychologist under § 621.135, RSMo 1994, and jointly stipulate to the facts and consent to the imposition of disciplinary action against Respondent's psychologist license for violations of the statutes set forth below.

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

The 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 Administrative Hearing 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 administrative hearing commissioner concerning the complaint pending against Respondent; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided the Respondent by operation of law, the Respondent, Douglas Hippe, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

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

JOINT PROPOSED FINDINGS OF FACT

1. The State Committee of Psychologists ("Committee") is an agency of the state of Missouri created and established pursuant to § 337.050, RSMo Supp. 1999, for the purpose of executing and enforcing the provisions of Chapter 337, RSMo.
2. Douglas Hippe ("Respondent") is licensed by the Committee as a psychologist, License No. PYR0132. Respondent's license is current and active and was so at all relevant times stated herein.
3. A therapist/patient relationship existed between Respondent and Cathy Williams (C.W.) from approximately May 1994 until late summer 1995. In May 1996, Respondent consulted with C.W. at her request to review psychological testing that Respondent had performed in May 1994.
4. On or about July 1996, Respondent entered into a social relationship with C.W..
5. On or about September 1996, Respondent's social relationship with C.W. turned into a sexual relationship.
6. Respondent engaged in unprofessional sexual contact with C.W..

7. Respondent's professional position as a psychologist facilitated his obtaining sexual contact with C.W.

#### JOINT PROPOSED CONCLUSIONS OF LAW

8. State regulation 4 CSR 235-5.030(4), states, in pertinent part:

(C) Prohibited Dual Relationship.

1. The psychologist, in interacting with any current client or with a person to whom the psychologist at any time within the previous sixty (60) months has rendered counseling, psychotherapeutic or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not-

A. Engage in sexual intercourse, which includes any genital contact of the psychologist with the client or the client with the psychologist. This specifically prohibits sexual intercourse, sodomy-oral, anal copulation, or both; or any penetration of the anal opening by any one (1) part or object.

B. Engage in kissing with the mouth, lips or tongue of the psychologist with the client or the client with the psychologist;

C. Touching or caressing by either the psychologist or client of the other person's breasts, genitals or buttocks;

D. Engage in any deliberate or repeated comments, gestures or physical contact of a sexual nature that exploits the professional with the client;

E. Terminate a therapeutic relationship with a client or student for the purpose, expressed or implied, of having a sexual relationship with that person; or

(D) Prohibited Exploitation in Professional Relationship. The psychologist shall not exploit, sexually or otherwise, his/her professional relationship with clients, supervisee, students, employees, research participants or others.

9. State regulation 4 CSR 235-5.030(5) states, in pertinent part:

(E) Sexual or Other Dual Relations With a Client. The psychologist shall not enter into a sexual or other dual relationship with a client, as specified in subsections (4)(B) and (C) of these ethical rules of conduct.

10. Respondent's conduct violated state regulation 4 CSR 235-5.030.

11. Respondent's conduct violated the professional trust and confidence that C.W. placed on him.

12. Cause for discipline exists under 337.035.2, RSMo Supp. 1999, which states, in pertinent part:

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 certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

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

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

## II

### 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 Section 621.110, RSMo 1994. This disciplinary order will be effective immediately upon the issuance of the Consent Order of the Administrative Hearing Commission without further action by either party:

13. Respondent's license number PYR 0132 is hereby placed on PROBATION for a period of four (4) years ("disciplinary period"). The disciplinary period will begin on the effective date of this joint stipulation. During the disciplinary period, Respondent shall abide by the following terms and conditions:

- A. During the disciplinary period, Respondent shall complete a graduate level APA accredited ethics course approved by the State Committee of Psychologists. Such course must be taken in a department of psychology from a regionally accredited university for graduate credit of no less than three (3) semester hours. Respondent must obtain a grade of B or higher in the course. Readings courses, correspondence courses or independent study courses are unacceptable.
- B. During the disciplinary period, Respondent must inform Respondent's employers, and all hospitals, institutions, and managed health care organizations with which Respondent is affiliated, that Respondent's work

as a professional psychologist is under probation by the State Committee of Psychologists. Further, Respondent must obtain written verification that each patient/client that Respondent treats, evaluates, or consults has been so informed.

- C. During the disciplinary period, Respondent's practice as a professional psychologist shall be supervised on a weekly basis by a psychologist approved by the State Committee of Psychologists. Respondent's supervisor must be ultimately responsible for any of the supervision of psychological services that Respondent provides. If Respondent has failed to secure a supervisor within twenty (20) business days from the start of probation the Respondent shall cease practicing psychology until a supervisor is secured. Respondent shall be responsible for any payment associated with the supervision. Supervision includes, but is not limited to, review, approval and co-signing of written reports such as case notes, intake assessments, test reports, treatment plans, and progress reports. Weekly basis means at least once per week.
- D. 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, the Respondent 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, advise the State Committee of Psychologists in writing that he/she is needing to secure a supervising psychologist and the reason 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, the Respondent shall not practice if he or she has not secured a supervising psychologist.
- E. The supervising psychologist shall be vested with administrative authority over all matters affecting the provision of psychological health services provided by Respondent so that the ultimate responsibility for the welfare of every client is maintained by the supervising psychologist.
- F. In any professional activities in which Respondent is involved, all individuals whom Respondent treats, evaluates, consults, or provides services must agree to allow their treatment records to be reviewed by the State Committee of Psychologists or its representatives if the Committee requests them.

- G. Respondent's supervising psychologist must report every six (6) months on Respondent's compliance with this Agreement.
- H. Respondent must keep the State Committee of Psychologists apprised at all times, in writing, of Respondent's current home and work addresses and telephone numbers.
- I. Respondent is required to pay to the State Committee of Psychologists, in a timely fashion, all requisite fees required by law to renew and keep current Respondent's psychology license in Missouri.
- J. Respondent is required to comply with all provisions of Chapter 337, RSMo, the rules and regulations duly promulgated by the State Committee of Psychologists and state and federal criminal laws.
- K. During the disciplinary period, Respondent must provide reports of Respondent's compliance with this agreement. The reports must be received by the Committee no later than June 1 and December 1 of each year.
- L. At Respondent's expense, Respondent must agree to meet with the State Committee of Psychologists at reasonable intervals designated by the Committee.

14. In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and the State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by the Petitioner in the above-styled action.

15. Respondent 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 USC 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.

16. Upon the expiration of the disciplinary period, the Respondent'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.

17. If the State Committee of Psychologists determines that the Respondent has violated a term or condition of her discipline, or has otherwise failed to comply with the

provision of Chapter 337 RSMo, which violation would be actionable in a proceeding before the State Committee of Psychologists or the Administrative Hearing Commission or a circuit court, the State Committee of Psychologists may elect to pursue any lawful remedies or procedures afforded to it, and is not bound by this order in the selection of remedies concerning such violation.

18. The parties to this Joint Stipulation understand that the State Committee of Psychologists will maintain this Joint Stipulation as an open and public record of the Committee as provided in Chapters 337, 610, and 620 RSMo.

RESPONDENT

PETITIONER

Douglas L. Hippe 1-5-01

Pamela Groose 1-30-02

Douglas Hippe                      Date  
Respondent

Pamela Groose                      Date  
Executive Director

JEREMIAH W. (JAY) NIXON  
Attorney General

Robert L. Wehrman 1-6-01  
Robert L. Wehrman                      Date  
Respondent's Attorney

Bernabe A. Icaza 2-01-01  
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