

FILED

SEP 13 1985

**ADMINISTRATIVE HEARING
COMMISSION**

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

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

Petitioner,)

v.)

PAUL A. KRAL
Route 1
Cherokee, KS 66724)

Respondent.)

No. PS-85-1700

JOINT STIPULATION, WAIVER OF HEARING AND CONSENT
TO A FINDING OF CAUSE FOR DISCIPLINE

Pursuant to § 536.060, RSMo 1978, the parties hereto waive the right to a hearing of the above-styled case by the Administrative Hearing Commission and the right to a disciplinary hearing before the State Committee of Psychologists, acting as advisor to the Department of Economic Development, and do hereby stipulate and agree:

1. The respondent, Paul A. Kral, acknowledges that he is aware of 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 counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witness

appearing at the hearing against him; the right to present evidence on his own behalf at the hearing; and the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the charges pending against him. Being aware of these rights provided him by operation of law, the respondent, Paul A. Kral, knowingly and voluntarily waives each and every one of these rights and freely enters into this stipulation of facts and waiver of Administrative Hearing Commission hearing and agrees to abide by the terms of this document as they pertain to him.

2. Respondent admits and stipulates to the accuracy of each and every one of the following allegations:

A. The State Committee of Psychologists is an agency apart of the Department of Economic Development created and established pursuant to the provisions of Chapter 337, RSMo.

B. Paul A. Kral holds a current and valid license as a psychologist, numbered 01105, authorizing him to practice psychology in the State of Missouri.

C. During a period beginning in the late 1970s and continuing through 1978 and 1979, the respondent developed an addiction to amphetamines. His use of and addiction to amphetamines impaired his ability to perform as a psychologist.

D. Subsequently, after undergoing a counseling program sponsored by Alcoholics Anonymous, the respondent again acquired an addiction to amphetamines in early 1984. He also began consuming alcoholic beverages, beer in particular, in large quantities.

His use of amphetamines and alcoholic beverages again impaired his ability to perform as a psychologist, resulting in his again seeking professional assistance concerning his drug usage.

E. Amphetamines is a controlled substance as defined in Chapter 195, RSMo.

F. The respondent's use of amphetamines and alcoholic beverages as aforescribed constitutes a ground for disciplinary action pursuant to the provisions of § 337.035.2(1), RSMo Supp. 1984, which authorize disciplinary action upon a finding of:

Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter

3. Based on the foregoing, the parties mutually agree and stipulate that the following terms shall constitute the action taken by the State Committee of Psychologists and Department of Economic Development against the license of the respondent as part of this agreement:

A. The respondent's license to practice psychology, numbered 01105, shall be placed on probation for a period of five years beginning on the date that this document is entered and approved by the Administrative Hearing Commission.

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

(1) 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 drug laws and all state and federal criminal laws.

(2) 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.

(3) 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 entered 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.

(4) 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.

(5) The respondent shall undergo certain blood tests or urinalysis at such times and places and in such manner as the State Committee of Psychologists shall hereafter specify to the respondent in writing or by telephone. These blood tests or urinalysis shall be at the respondent's own cost, for the purpose of determining the presence of narcotic drugs or controlled,

substances in the respondent's bodily systems. Any such drug presence not supported by valid prescriptions shall constitute a violation of this term and condition.

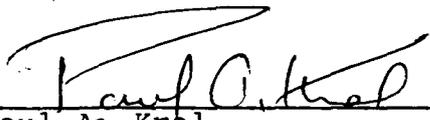
(6) The respondent shall undergo alcohol and drug abuse counseling and treatment in a reputable program approved by the State Committee of Psychologists. Examining health care providers or counselors within this program shall report to the Committee in writing not less than once every two months as to the respondent's condition, treatment and prognosis and shall report again in detail on these items at the conclusion of treatment or the end of this probationary period, whichever shall occur first. By entering into this agreement, the respondent releases any privilege attaching to the records of the aforesaid counseling and treatment program and hereby grants the Committee the right to obtain copies of said records upon request.

(7) The respondent shall report to the State Committee of Psychologists in writing once every two months beginning on the date that this agreement is entered and approved by the Administrative Hearing Commission, stating truthfully whether or not the respondent has complied fully with all terms and conditions of probation and, if respondent has not, further detailing in each respect how the respondent has failed to so comply.

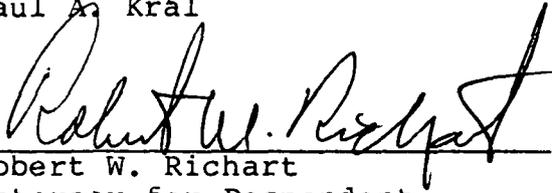
4. Should the respondent violate any term or condition of probation or any provisions of Chapter 337, RSMo, the State Committee of Psychologists may vacate the order of probation

imposed herein and order the respondent's psychology license to be further disciplined as the Committee deems necessary and appropriate.

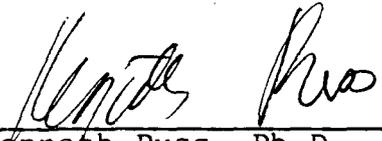
5. This agreement and stipulate does not bind the State Committee of Psychologists or restrict the remedies available to it concerning any future violations of Chapter 337, RSMo, by the respondent.



Paul A. Kral

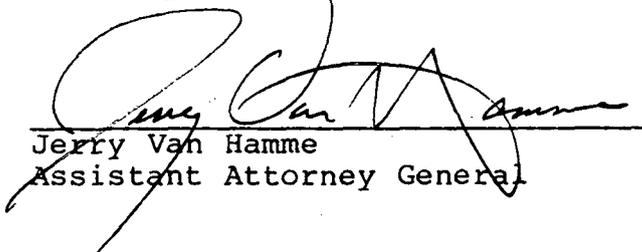


Robert W. Richart
Attorney for Respondent



Kenneth Russ, Ph.D., Chairman
State Committee of Psychologists

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Attorney General



Jerry Van Hamme
Assistant Attorney General