

MISSOURI STATE COMMITTEE OF PSYCHOLOGISTS

MISSOURI STATE COMMITTEE)	
OF PSYCHOLOGISTS,)	
)	
Petitioner,)	
v.)	Case No. PY-09-01
)	
NANNETTE MARTIN,)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DISCIPLINARY ORDER**

At its regularly schedule meeting on May 19, 2011 at approximately 1:30 p.m. at the St. Louis Airport Marriott, 10700 Pear Tree Lane, St. Louis, Missouri, and pursuant to notice described in the Findings of Fact, the Missouri State Committee for Psychologists (Committee) took up the probation violation complaint alleging that Nannette Martin, (Martin) has failed to comply with the terms of her probation.

The Committee appeared through Assistant Attorney General Woodie Curtis. Neither Martin nor any representative appeared. Division of Professional Registration Legal Counsel Sarah Ledgerwood served as the Committee’s legal advisor at the hearing, during deliberations, and in the preparation of this order.

Findings of Fact

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 licensed Martin as a psychologist, license number 01358 on May 23, 1989. Martin's license lapsed on January 31, 2008 when she failed to renew it.

3. On or about September 24, 2008, Martin and the Committee filed a Joint Motion for Consent Order, Joint Stipulation of Facts and Conclusions of Law, Waiver of Hearings Before the Administrative Hearing Commission and State Committee of Psychologists and Disciplinary Order (Joint Stipulation), through which the parties agreed that Martin's license was subject to discipline and agreed that her licensed would be placed on probation for four years (disciplinary period). The Administrative Hearing Commission (AHC) issued a Consent Order in the case on September 25, 2008, which was the effective date of the disciplinary order.

4. The details of the disciplinary period contained in the Joint Agreed Disciplinary Order in the Joint Stipulation, state, in pertinent part:

Based upon 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 (Cum. Supp. 2007).

2. Upon the Commission's approval of this joint stipulation and its issuance of a consent order, Martin's psychologist license, [1]license no. 01358, is hereby immediately placed on PROBATION for a period of four years (disciplinary period). During Martin's probation, Martin shall be entitled to engage in the practice of

psychology under Chapter 337, RSMo, provided she adheres to all the terms of this Joint Stipulation. The terms of probation shall be:

A. GENERAL REQUIREMENTS

...

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

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

...

(5) Martin must provide a periodic report of her compliance with this Joint Stipulation every six (6) months[.]

B. SPECIFIC REQUIREMENTS

(1) Martin must complete a professional education course on the topic of testing and assessment approved by the Committee. 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. Martin must obtain a grade of B or higher in the course. Reading courses, correspondence courses, independent study courses, or on-line courses are unacceptable. Such course must be completed within one year of the effective date of this Joint Stipulation.

5. On or about October 22, 2008, the Committee sent a letter to Martin to her address registered with the Committee, 610 E. Battlefield Street, Springfield, Missouri. The letter included a copy of the September 25, 2008

Consent Order issued by the AHC and notified her that her license was in lapsed status. It also reiterated the provisions of the Joint Stipulation, Disciplinary Order and included a renewal application. The letter was sent by regular U.S. mail. The Committee's records do not reflect that the letter was returned as undeliverable.

6. Martin did not respond to the Committee's October 22, 2008 letter or submit a renewal application for her license.

7. On or about December 29, 2008, the Committee sent a letter to Martin at her address registered with the Committee, 610-A E. Battlefield Street, #309, Springfield, Missouri and notified her that the Committee had reviewed her file for compliance with the Joint Stipulation, Disciplinary Order. The Committee also notified her that the Committee had not received reports required by the Joint Stipulation, Disciplinary Order and stated that the Committee must receive them by March 1, 2009. The letter was sent by regular U.S. mail.

8. The Committee's December 29, 2008 letter was returned by the U.S. Post Office. On February 19, 2009, the Committee resent the information contained in the December 29, 2008 letter to a new address for Martin of 2149 E. Sunshine Street, Apt. 211D, Springfield, Missouri. Martin did not provide the Committee the address; the Committee obtained the new address on its own. The letter requested that Martin send the missing reports by March 17, 2009. The letter was sent by regular U.S. mail. The Committee's records do not reflect the mail was returned as undeliverable.

9. Martin did not respond to the Committee's February 19, 2009 letter.

10. On or about December 3, 2009, the Committee sent a letter to Martin at the last known address obtained by the Committee of 2149 E. Sunshine Street, Apt. 211D, Springfield, Missouri. The letter notified her that the Committee had again reviewed her file for compliance with the Joint Stipulation, Disciplinary Order. The Committee also notified her that her file was being referred to the Attorney General's Office "to prepare papers related to violation of the Disciplinary Order." The letter was sent by regular U.S. Mail. The letter was returned to the Committee.

11. Martin failed to keep the Committee apprised, at all times, in writing, of her current home and work addresses in violation of the Joint Stipulation, Disciplinary Order, Section 2.A(2).

12. Martin failed to pay to the Committee all requisite fees required by law to renew and keep current her psychology license in Missouri. Her license lapsed on January 31, 2008. Martin's failure to pay fees to keep her license current is in violation of the Joint Stipulation, Disciplinary Order, Section 2.A(3).

13. Martin failed to provide the Committee with periodic reports of her compliance with the Joint Stipulation every six months in violation of the Joint Stipulation, Disciplinary Order, Section 2.A(5).

14. Martin failed to complete a professional education course on the topic of testing and assessment within one year of the effective date of the Joint Stipulation in violation of the Joint Stipulation, Disciplinary Order, Section 2.B(1).

15. On or about April 5, 2011, the Committee sent a letter to Martin at an address of 2803 East 90th Street, Tulsa, Oklahoma which was obtained by the Attorney General's Office in the process of filing the probation violation complaint. The letter contained the notice of hearing for the probation violation complaint, including the time, date and location of the hearing. The letter also contained a copy of the probation violation complaint. The letter and accompanying documents were sent by certified mail and regular U.S. mail. The certified mail was returned as undeliverable. However, the Committee did not receive the letter sent by U.S. Mail back as undeliverable.

16. At the May 19, 2011 hearing, the Committee heard testimony from Executive Director Pam Groose on behalf of the Committee and accepted exhibits on behalf of the Committee.

Conclusions of Law

A. The Committee has jurisdiction in this proceeding, pursuant to the Joint Stipulation and § 324.042 RSMo, to determine whether Martin has violated the terms and conditions of the Joint Stipulation.

B. Section 324.042 RSMo states, in relevant part:

Any Committee . . . within the division of professional registration may impose additional discipline when it finds after hearing that a licensee . . . has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The Committee . . . may impose as additional discipline, any discipline it would be authorized to impose in an initial disciplinary hearing.

C. The Joint Stipulation, Disciplinary Order, sections paragraphs 3, 4, and 5, state:

3. Upon expiration of the disciplinary period, Martin'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 State Committee of Psychologists determines that Martin has violated a term or condition o[f] her discipline, or has otherwise failed to comply with the provisions of Chapter 337, RSMo, which violation would be actionable in a proceeding before the State Committee of Psychologists or the AHC 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 Joint Stipulation and its selections of remedies concerning such violation, except as set forth in paragraph 5 below.

5. If, at any time during the probationary period, Martin determines that she cannot adhere to the disciplinary terms contained herein, the Committee hereby agrees to accept a voluntary surrender of Martin's [l]icense in lieu of probation violation proceedings. Martin understands that if she exercise[s] the option to surrender her license without completing the disciplinary terms contained herein and later reappplies for licensure, the Committee may issue a probated license pursuant to Chapter 3[3]7, RSMo, requiring completion of the disciplinary terms contained herein and imposing additional terms as the Committee deems appropriate, as a condition of granting a new license.

D. Martin violated the terms of discipline set forth in the Joint Stipulation, as described in paragraphs 3 through 16 above for which the Committee has cause to further discipline her license pursuant to the Joint Stipulation, Disciplinary Order, paragraphs 3, 4 and 5 and § 324.042, RSMo.

E. Attempts were made to notify Martin of the probation violation complaint and the date of the hearing as described in the Findings of Fact.

Decision and Order

It is the decision of the Missouri State Committee of Psychologists that Martin has violated the terms of the Joint Stipulation, Disciplinary Order and that her license is, therefore, subject to further disciplinary action.

The Missouri State Committee of Psychologists orders that the psychology license of Nannette Martin, number 01358, be and is hereby **REVOKED**.

Martin shall immediately return all indicia of licensure to the Committee.

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

Entered this 23rd day of June, 2011.

MISSOURI STATE COMMITTEE OF PSYCHOLOGISTS



Pamela Goose
Executive Director

Before the
Administrative Hearing Commission
State of Missouri



STATE COMMITTEE OF PSYCHOLOGISTS,)
)
Petitioner,)
)
vs.)
)
NANETTE MARTIN,)
)
Respondent.)

No. 06-1727 PS

CONSENT ORDER

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

On September 24, 2008, the parties filed a "Joint Motion for Consent Order, Joint Stipulation of Facts and Conclusions of Law, Waiver of Hearings Before the Administrative Hearing Commission and State Committee of Psychologists, and Disciplinary Order." 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) 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 Supp. 2007.

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 Supp. 2007.

No statute authorizes us to determine whether the agency has complied with the provisions of § 621.045.4. 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 September 25, 2008.

JOHN J. KOPP
Commissioner

A handwritten signature in black ink, appearing to read 'John J. Kopp', written over a horizontal line.

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ADMINISTRATIVE HEARING
COMMISSION

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

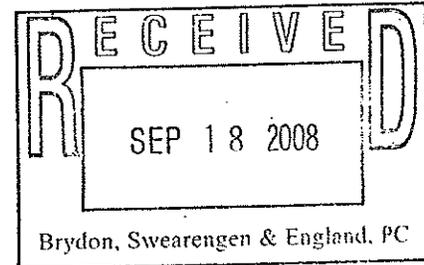
STATE COMMITTEE OF
PSYCHOLOGISTS
P.O. Box 1335
3605 Missouri Blyd.
Jefferson City, MO 65102

Petitioner,

v.

NANETTE MARTIN
1202 Carl Junction Rd.
Webb City, MO 64870

Respondent.



No. 06-1727 PS

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

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, Nanette Martin (Martin) 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, and jointly

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

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.

Respondent acknowledges that she 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 she is aware of the various rights and privileges afforded her by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint served upon her 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 and Conclusions of Law, Waiver of Hearings Before the Administrative Hearing Commission and State Committee of Psychologists, and Disciplinary Order ("Joint Stipulation") and agrees to abide by the terms of this document as they pertain to Respondent.

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JOINT PROPOSED FINDINGS OF FACT

Based upon the foregoing, the Committee and Martin 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 Committee is an agency of the state of Missouri created and existing pursuant to § 337.050, RSMo, for the purpose of administering and enforcing those provisions of Chapter 337, RSMo, relating to psychologists.
2. Martin is licensed by the Committee as a psychologist, License No. 01358 ("License").
3. Martin's License was first issued on May 23, 1989, and expires on January 31, 2008. Martin's license is, and was at all times relevant herein, current and active.
4. Martin was hired by the Department of Family Services to evaluate Dolores Birkinsha's ("Dolores") current level of psychological functioning and to make recommendations regarding treatment and placement issues. This evaluation was part of Dolores and her husband's efforts to adopt their grandson, J.
5. Heather is Dolores' daughter and the mother of minor children J. and H.
6. Martin evaluated Dolores on August 8 and August 20, 2003. Dolores' husband, John, and their grandson, J., were present for an observational visit with Dolores on August 20, 2003.
7. Martin was not asked to evaluate either Heather or H., and neither of them was

present at Dolores' evaluation.

8. Martin had no contact with either Heather or H. in her professional capacity.

9. Martin received a social summary from the Jasper County DFS office. The social summary addressed the foster care and potential adoption of J., but also contained information on Heather and H.

10. Martin prepared a written report of her evaluation of Dolores' fitness to adopt J. Martin included the following assessments and recommendations regarding Heather and H. in her report:

a. "Given Heather's extensive history of instability, unemployment, and inability to maintain stable housing it does not appear possible for Heather now or in the future to [provide a home for her children]. H. has been bounced between her mother and grandparents since 1997. This child has been exposed to physical and emotional abuse and neglect while in her birth mother's care. It appears both Dolores and John are unrealistic about Heather's ability to provide adequate supervision or guidance for a child at any length of time. H. should only have supervised contact with her mother."

b. In her recommendations at the conclusion of her report Martin wrote, "It is also recommended that H. only have supervised contact, by a responsible adult, with Heather."

11. Martin failed to include in her recommendations regarding Heather's fitness as a parent, relevant reservations or qualifications of her assessment, including the information

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that the assessment and recommendations were based solely on a third party's social summary and without Martin having interviewed or otherwise evaluated Heather.

12. Martin failed to include in her recommendations regarding H.'s contact with Heather, relevant reservations or qualifications of her assessment of H.'s relationship with Heather, including the information that the assessment and recommendations were based solely on a third party's social summary and without Martin having interviewed or otherwise evaluated H. and Heather.

13. Martin has a professional duty to conduct her practice of psychology in accordance with the standard of care and the statutes and regulations pertaining to the practice of psychology.

JOINT PROPOSED CONCLUSIONS OF LAW

14. Martin's conduct as set forth in the Joint Proposed Findings of Fact constitutes misconduct in the performance of the functions or duties of a profession licensed under Chapter 337, RSMo.

15. Martin's conduct as set forth in the Joint Proposed Findings of Fact constitutes a failure to include relevant reservations and qualifications concerning results of her assessment.

16. Martin's conduct as set forth in the Joint Proposed Findings of Fact constitutes unethical conduct as defined in the "Ethical Rules of Conduct" as adopted by the Committee and filed with the secretary of state and as set forth in 20 CSR 2235-5.030.

17. Section 337.035.2, RSMo, sets forth the grounds for discipline and states in pertinent 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 or any person who has failed to renew or has surrendered the person=s... license for any one or any combination of the following causes:

....

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

....

(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.

....

18. Title 20 CSR 2235-5.030 sets forth the Ethical Rules of Conduct for licensed psychologists, and states in pertinent part:

(1)(D) Violations. A violation of these ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action.

....

(10)(D) Reservations Concerning Results. The psychologist shall include in his/her report of the results of an assessment procedure any deficiencies of the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability or other interpretation of results.

19. Cause exists to discipline Martin's License pursuant to § 337.035.2(5) and (15), RSMo.

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 Martin's License.

2. Upon the Commission's approval of this joint stipulation and its issuance of a consent order, Martin's psychologist license, License No. 01358, is hereby immediately placed on PROBATION for a period of four years ("disciplinary period"). During Martin's probation, Martin shall be entitled to engage in the practice of psychology under Chapter 337, RSMo, provided she adheres to all of the terms of this Joint Stipulation. The terms of the probation shall be:

A. **GENERAL REQUIREMENTS**

(1) Martin 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) Martin shall keep the Committee apprised at all times, in writing, of her current home and work addresses and telephone numbers.

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

(4) Martin 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) Martin must provide periodic reports of her compliance with this Joint Stipulation every six (6) months.

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

B. SPECIFIC REQUIREMENTS

(1) Martin must complete a professional education course on the topic of testing and assessment 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. Martin 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) Martin must inform her employers, and all hospitals, institutions, and managed health care organizations with which she is affiliated, that her work as a professional psychologist is under probation by the Committee. Martin must obtain written verification that each patient/client that she treats, evaluates, or consults has been so informed.

(3) For all psychological testing and/or assessments performed in her practice as a professional psychologist, Martin shall be supervised by a psychologist approved by the Committee. Within twenty (20) business days of the effective date of this Joint Stipulation, Martin shall submit a list of no less than five (5) proposed psychologists to supervise Martin's performance of psychological testing and/or assessments. The Committee may approve a psychologist from this list or may require a second list of five (5) psychologists which Martin shall submit within twenty (20) business days of the Committee's request. If Martin has failed to secure a supervisor within twenty (20) business days from the start of probation, she shall cease to perform all psychological testing and/or assessments until a supervisor is secured. Martin shall be responsible for any payment associated with the supervision. For the purposes of this Joint Stipulation, supervision shall be

defined as the review of all psychological testing and/or assessments performed and review and co-signing of all test 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 Martin 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 she 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 Joint Stipulation. After twenty (20) business days, Martin shall not perform any psychological testing and/or assessments if she has not secured a supervisor.

(5) The supervising psychologist shall be vested with the administrative authority over all matters affecting Martin's provision of psychological testing and/or assessments so that the ultimate responsibility for the welfare of every affected client is maintained by the supervising psychologist.

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

3. Upon the expiration of the disciplinary period, Martin'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 Martin has violated a term or condition of her 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, except as set forth in Paragraph 5 below.

5. If, at any time during the disciplinary period, Martin determines that she cannot adhere to the probationary terms contained herein, the Committee hereby agrees to accept a voluntary surrender of Martin's License in lieu of probation violation proceedings. Martin

understands that if she exercises the option to surrender her license without completing the probationary terms contained herein and later reappplies for licensure, the Committee may issue a probated license pursuant to Chapter 377, RSMo, requiring completion of the probationary terms contained herein and imposing additional terms as the Committee deems appropriate, as a condition of granting a new license.

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

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

8. 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.

9. Martin 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

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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.

10. 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 Stipulation 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.

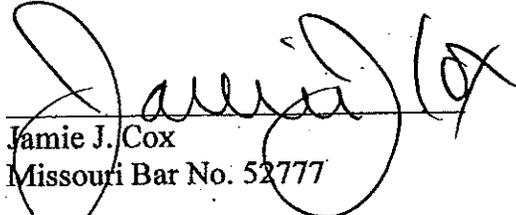
Respectfully Submitted,


NANNETTE MARTIN


PAMELA GROOSE
Executive Director
State Committee of Psychologists

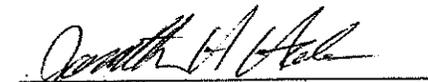
9-15-08
Date

BRYDON, SWEARENGEN &
ENGLAND P.C.


Jamie J. Cox
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9-22-2008
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9-18-08
Date

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**Attorneys for State Committee of
Psychologists**

9/18/08
Date