

Before the
Administrative Hearing Commission
State of Missouri



STATE COMMITTEE OF PSYCHOLOGISTS,)

Petitioner,)

vs.)

JANICE MAY,)

Respondent.)

No. 10-1522 PS

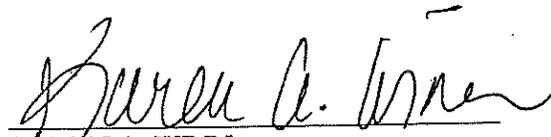
CONSENT ORDER

The licensing authority filed a complaint. Section 621.045¹ gives us jurisdiction.

On March 10, 2011, the parties filed a joint motion for consent order, joint stipulation of facts, waiver of hearings, 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(6) and (15), RSMo. 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.

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.

SO ORDERED on March 15, 2011.


KAREN A. WINN
Commissioner

¹Statutory references are to RSMo Supp. 2010 unless otherwise noted.

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MISSOURI
ATTORNEY GENERAL

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

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MISSOURI
ATTORNEY GENERAL

STATE COMMITTEE OF)
PSYCHOLOGISTS)

Petitioner,)

v.)

JANICE MAY)

Respondent.)

No. 10-1522 PS

FILED

MAR 10 2011

ADMINISTRATIVE HEARING
COMMISSION

**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 ("AHC"), 1 CSR 15-3.446, and pursuant to the terms of § 536.060, RSMo,¹ as it is made applicable to the AHC by § 621.135, RSMo, Janice May ("Respondent") and the State Committee of Psychologists ("Committee") hereby waive the right to a hearing of the above-styled case before the AHC and, additionally, the right to a disciplinary hearing before the Committee pursuant to § 621.110, RSMo, (Cum. Supp. 2008) and jointly stipulate to the facts and consent to the imposition of disciplinary action against 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 AHC.

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 AHC prior to the entering of its Order; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against her; the right to present evidence on her 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 her; and the right to a ruling on questions of law by a Commissioner. Being aware of these rights provided 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.

The stipulations made in this Joint Stipulation are being made only for the purpose of resolving case number 10-1522 PS pending before the AHC. This Joint Stipulation may not be used by any party other than Respondent, the Committee, and the AHC for any purpose.

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

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

JOINT PROPOSED FINDINGS OF FACT

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, Janice May, is licensed by the Committee as a psychologist, License No. 2005028850. Respondent license is current and active, and was so at all times relevant herein.
3. At all times relevant herein, Respondent maintained a psychology practice at Rural Psychologists & Associates, LLC, 812 N. Hwy 5, Mansfield, Missouri.
4. At all times relevant herein, Rural Psychologists & Associates, LLC, was a limited liability company, organized under the laws of, and registered in, the state of Missouri.
5. At all times relevant herein, Respondent was the registered agent, and a member, of Rural Psychologists & Associates, LLC.
6. Between approximately December 22, 2005, and July 7, 2006, Respondent provided psychological services to Complainant, thereby establishing and maintaining a

psychologist-patient relationship with Complainant.

7. Complainant was a doctoral student in psychology during the time that Respondent provided psychological services to Complainant.

8. Respondent knew that Complainant was a doctoral student during the time that Respondent provided psychological services to Complainant, and in fact, Complainant's status as a doctoral student was relevant to many of their treatment sessions.

9. On or about October 2, 2006, Complainant began employment as a paid resident or intern at Rural Psychologists & Associates, LLC.

10. The supervised experience received by Complainant as a resident or intern at Rural Psychologists & Associates, LLC, was required for Complainant to become eligible for licensure as a psychologist in Missouri.

11. Complainant's salary or rate of reimbursement at Rural Psychologists & Associates, LLC became the subject of dispute between Complainant and Rural Psychologists & Associates, LLC after Complainant began her residency or internship there.

12. On or about June 18, 2007, Complainant's employment at Rural Psychologists & Associates, LLC, terminated.

JOINT PROPOSED CONCLUSIONS OF LAW

13. Respondent's employment of Complainant after termination of their psychologist-patient relationship was potentially exploitative in that as a member of Rural Psychologists & Associates, LLC, Respondent was in a position to benefit financially from

Complainant's labor.

14. Respondent's conduct violates 20 CSR 2235-5.030(6), which states:

(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.

....

15. Regulation 20 CSR 2235-5.030 is lawful regulation adopted pursuant to this Chapter 337 and is part of the "Ethical Rules of Conduct" adopted by the Committee and filed with the secretary of state.

16. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045, RSMo (Cum. Supp. 2006), and § 337.035.2, RSMo.

17. Section 337.035.2, RSMo, sets forth the grounds for discipline and states in 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... license required by this chapter... for any one or any combination of the following causes:

....

(6) Violation of... any provision of this chapter, or of any

lawful rule or regulation adopted pursuant to 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.

19. Cause exists to discipline Respondent's license pursuant to § 337.035.2(6) and (15), RSMo, for the conduct alleged herein.

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:

I. DISCIPLINE IMPOSED

By agreement of the parties, Respondent's license as a psychologist, license number 2005028850, is hereby CENSURED.

II. WAIVER AND RELEASE

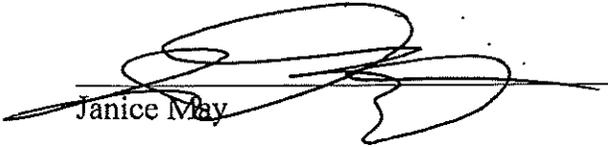
A. Respondent hereby waives and releases the State Committee of Psychologists, its members and any of its employees, agents, or attorneys, including any former Committee members, employees, agents and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and 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 Title 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.

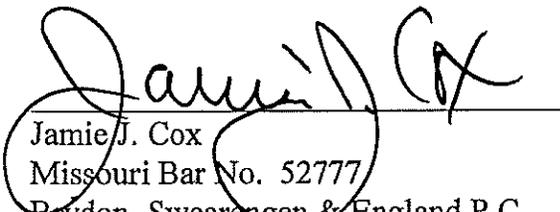
- B. The parties to this Joint Stipulation understand that the State Committee of Psychologists will maintain this Joint Stipulation as an open record of the Committee as provided in Chapters 337, 610 and 324, RSMo.
- C. This Disciplinary Order will become effective immediately upon the issuance of the Consent Order of the AHC in this matter, 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


Janice May

Date: 2-15-11


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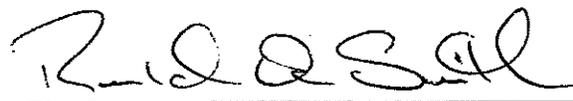
Attorneys for Respondent

COMMITTEE


Pamela Groose
Executive Director
State Committee for Psychologists

Date: 3-1-11

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