

Before the
Administrative Hearing Commission
State of Missouri

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STATE COMMITTEE OF PSYCHOLOGISTS,)
)
Petitioner,)
)
vs.)
)
REBECCA STILL,)
)
Respondent.)

No. 05-0447 PS

CONSENT ORDER

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

On August 22, 2005, the parties filed a "Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and Missouri 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 § 337.035.2(2), 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 2000.

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 2000.

No statute authorizes us to determine whether the agency has complied with the provisions of section 621.045.3. RSMo 2000. 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 August 25, 2005.

JUNE STRIEGEL DOUGHTY
Commissioner

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
AUG 22 2005
ADMINISTRATIVE HEARING
COMMISSION

MISSOURI STATE COMMITTEE)
OF PSYCHOLOGISTS,)
)
Petitioner,)
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v.)
)
REBECCA STILL,)
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Respondent.)

No. 05-0447 PS

JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS BEFORE
THE ADMINISTRATIVE HEARING COMMISSION AND MISSOURI
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 15-3.440) and pursuant to the terms of § 536.060, RSMo 2000, as it is made applicable to the Administrative Hearing Commission by § 621.135, RSMo 2000, 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 Missouri State Committee of Psychologists under § 621.110, RSMo 2000, and jointly stipulate to the facts and consent to the imposition of disciplinary action against the psychologist license of Respondent for violations of the statutes set forth below.

Respondent acknowledges that she has received and reviewed a copy of the Complaint filed by the Missouri State Committee of Psychologists in this case and the parties submit to the jurisdiction of the Administrative Hearing 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 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, Respondent, Rebecca Still, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and Missouri 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, Petitioner and 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. Petitioner, the Missouri State Committee of Psychologists ("Committee"), is an agency of the state of Missouri created and established by § 337.050, RSMo 2000, for the purpose of administering and enforcing the provisions of Chapter 337, RSMo, relating to psychologists.

2. Respondent, Rebecca Still ("Licensee"), is licensed by the Committee as a psychologist, License No. 01258. Licensee's Missouri license is, and was at all times relevant herein, current and active.

3. On or about April 28, 2004, the First Amended Information was filed in the Circuit Court of Macon County, Missouri, charging Licensee with endangering the welfare of a child in the second degree, Case No. 41R010300005, for supplying alcohol to minors and allowing them to consume it and for allowing a minor to ingest inhalants, thereby causing the minors to come within the provisions of § 211.031.1.(2)(d), RSMo.

4. On or about April 28, 2004, Licensee pled guilty in the Circuit Court of Macon County, Missouri, to endangering the welfare of a child in the second degree, Case No. 41R010300005.

5. Pursuant to § 568.050.1, RSMo 2000, endangering the welfare of a child in the second degree is defined as follows:

1. A person commits the crime of endangering the welfare of a child in the second degree if:

....

(2) He knowingly encourages, aids or causes a child less than seventeen years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031, RSMo; or

....

6. Endangering the welfare of a child in the second degree is a crime involving moral turpitude.

JOINT PROPOSED CONCLUSIONS OF LAW

7. Cause exists to discipline Licensee's license pursuant to § 337.035.2(2), RSMo 2000, which states in relevant parts:

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:

.....

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

.....

II

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Missouri State Committee of Psychologists in this matter under the authority of § 621.110, RSMo 2000. 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:

1. Licensee's psychologist license, No. 01258, is hereby placed on PROBATION for a period of 3 years ("disciplinary period"). During the disciplinary period, Licensee must adhere to the following terms and conditions:

I. REQUIREMENTS REGARDING PSYCHOLOGICAL EVALUATION AND TREATMENT

A. At Licensee's expense, Licensee must undergo an evaluation to assess current functioning and effects of such functioning on Licensee's ability to practice, conducted by a licensed psychologist approved by the Missouri State Committee of Psychologists. Within 20 business days of the effective date of this Joint Stipulation, Licensee shall submit a list of no less than five proposed psychologists to conduct the evaluation. The Committee may approve a psychologist from this list or may require a second list of five psychologists which the Licensee shall submit within 20 business days of the Committee's request. The Licensee must begin the evaluation within 30 days of the Committee's approval. The Licensee must immediately notify the Committee, in writing, of the start date of the evaluation.

B. The written evaluation must be submitted by the evaluating psychologist to the Missouri State Committee of Psychologists within 30 days of the evaluation being initiated. It shall be Licensee's responsibility to ensure that the evaluation is submitted by the evaluating psychologist to the Committee in a timely manner.

C. The evaluating psychologist shall be released to discuss the purpose and methods of the evaluation with a representative of the Missouri State Committee of Psychologists prior to performing the evaluation. The evaluation will be pursuant to consultation with the Committee. While Licensee will pay for the evaluation, the evaluating psychologist will work on behalf of the Committee.

D. Licensee shall abide by the recommendations of the evaluating psychologist set forth in the psychological evaluation. Licensee shall engage in all psychological testing, evaluation, supervision, therapy, or other treatment recommended. If therapy is deemed appropriate, the treating health care provider must be different from the professional performing the evaluation and must be approved by the Missouri State Committee of Psychologists. Licensee shall commence any recommended therapy or treatment within 20 days of the evaluation completion date.

E. If therapy is deemed appropriate, it must be continued according to the frequency of sessions recommended by the evaluating psychologist. The treatment modality or plan shall reflect issues and themes recommended by the evaluating psychologist as well as any additional treatment goals. Ongoing treatment and documentation should address the evaluating psychologist's recommendation.

F. In the event the treating psychologist becomes unable or decides not to continue serving in his/her capacity as a treating psychologist during the disciplinary period, then, the Licensee shall:

(1) within three business days of being notified of the treating psychologist's inability or decision not to continue serving as the treating psychologist or otherwise learning of the need to secure a treating

psychologist, advise the Committee in writing that she is needing to secure a treating psychologist and the reasons for such change; and

(2) within 20 business days of being notified of the treating psychologist's inability or decision not to continue serving as the treating psychologist or otherwise learning of the need to secure a treating psychologist, secure a treating psychologist pursuant to and in accordance with the terms and conditions set forth in this Joint Stipulation.

G. Licensee must give the Missouri State Committee of Psychologists, or its representative, permission to review Licensee's personal treatment or medical records.

H. In any professional activity in which Licensee is involved, all individuals whom Licensee treats, evaluates, or provides service must allow their treatment records to be reviewed by the Missouri State Committee of Psychologists or its representatives.

I. Licensee's treating psychologist must report at least once every six months to the Missouri State Committee of Psychologists on Licensee's progress. Reports must be received before March 1 and September 1 of each year. It is Licensee's responsibility to ensure that these reports are provided in a timely manner.

II. REQUIREMENTS REGARDING SUPERVISION OF LICENSEE'S PRACTICE

A. Licensee's practice as a professional psychologist shall be supervised on a weekly basis by a psychologist approved by the Committee. Within 20 business days of the effective date of this order, Licensee shall submit a list of no less than five proposed psychologists to provide supervision to Licensee. The Committee may approve a psychologist from this list or may require a second list of five psychologists, 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. Licensee must immediately notify the Committee, in writing, of the start date of supervision. If Licensee has failed to secure a supervisor within 20 business days from the start of probation, the Licensee shall cease practicing psychology until a supervisor is secured. Licensee shall be responsible for any payment associated with the supervision. Supervision includes, but is not limited to, weekly on-site face-to-face review of cases and review (approval and co-signing) of written reports such as case notes, intake assessments, test reports, treatment plans, and progress reports.

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 the 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 she is needing to secure a supervising psychologist and the reasons for such change; and

(2) within 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 20 business days, the Licensee shall not practice if he has not secured a supervisor.

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

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

E. In any professional activities in which Licensee is involved, all individuals whom Licensee treats, evaluates, consults, or provides services must agree to allow their treatment records to be reviewed by the Committee or its representatives.

III. REQUIREMENTS REGARDING CONTINUING EDUCATION

Licensee shall obtain at least three hours of continuing education with emphasis in the area of professional ethics in the practice of psychology. The continuing education hours required herein are in addition to the continuing education hours required for licensure renewal by the Committee. The courses must be provided by Missouri State Committee of Psychologists approved sponsors and must be approved by the Committee prior to Licensee beginning the program(s). The additional hours of continuing education must be obtained within the first 18 months of the effective date of this Joint Stipulation. Licensee shall provide the Committee with proof of attendance from the sponsor of the program no later than 30 days after attending the course. Failure to obtain the required additional continuing education hours and/or submit the required documentation to the Committee will result in a violation of the terms of discipline.

IV. GENERAL REQUIREMENTS

A. Licensee 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:

B. Licensee must keep the Committee apprised at all times, in writing, of Licensee's current home and work addresses and telephone numbers.

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

D. Licensee 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.

E. Licensee must provide periodic reports of Licensee's compliance with this Joint Stipulation every six months. Reports must be received before March 1 and September 1 of each year. It is Licensee's responsibility to ensure that these reports are provided in a timely manner.

F. At Licensee's expense, Licensee must agree to meet with the Committee at reasonable intervals designated by the Committee.

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

3. Upon the determination of the Committee that the Licensee has failed to comply with the terms of this Joint Stipulation, the Committee may revoke Licensee's license or may take such other or additional disciplinary action against Licensee or Licensee's license as the Committee deems appropriate. No order shall be entered by the Committee pursuant to this paragraph of this consent order without notice and an opportunity for hearing before the Committee in accordance with the provisions of Chapter 536, RSMo.

4. Upon the expiration and successful completion of the period of probation, Licensee's license as a licensed psychologist in Missouri shall be fully restored if all other requirements of law have been satisfied.

5. If the Committee determines that the Licensee has violated a term or condition of this Joint Stipulation, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded it and is not bound by this stipulation in its determination of appropriate legal actions concerning that violation. If any alleged violation of this Joint Stipulation occurred during the disciplinary period, the Committee may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, it may impose further discipline. The Committee retains jurisdiction to hold a hearing to determine if a violation of this Joint Stipulation has occurred.

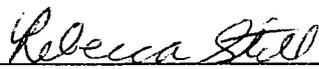
6. In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and Missouri State Committee of Psychologists, and Consent Order and to the termination of any further proceedings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

7. 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.

8. Licensee 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 attorney's 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 raised in this litigation, or from the negotiation or execution of this settlement and release agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this settlement and release agreement in that it survives in perpetuity even in the

event that any court of law deems this settlement and release agreement or any portion thereof void or unenforceable.

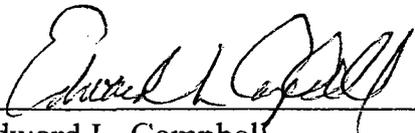
RESPONDENT



Rebecca Still

Date 8/4/05

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