

**SETTLEMENT AGREEMENT BETWEEN THE STATE COMMITTEE OF
PSYCHOLOGISTS AND MARK T. STOCKS**

Mark T. Stocks, Psy.D. and the State Committee of Psychologists (“the Committee”) enter into this Settlement Agreement for the purpose of resolving the question of whether Stocks’ license as a Licensed Psychologist will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,¹ the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the Committee under § 621.110, RSMo (Cum. Supp. 2009), and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Stocks acknowledges that he understands 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 legal 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 a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against him and, subsequently, the right to a disciplinary hearing before the Committee at which time he may present evidence in mitigation of discipline; and the right to recover attorney’s fees incurred in defending an action against his license. Being aware of these rights provided him by operation of law, Stocks knowingly and voluntarily waives each and every one of these

¹ All statutory citations are to the 2000 Revised Statutes of Missouri unless otherwise noted.

rights and freely enters into this Settlement Agreement. Stocks further agrees to abide by the terms of this Agreement, as they pertain to him.

Stocks acknowledges that he has received a copy of the investigative report, and other documents relied upon by the Committee in determining there was cause for discipline, along with citations to law and/or regulations the Committee believes were violated. For the purpose of settling their dispute, Stocks stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Committee that his license as a Licensed Psychologist, license number 01137, is subject to disciplinary action by the Committee in accordance with provisions of Chapter 621, RSMo (Cum. Supp. 2009) and Chapter 337, RSMo.

The parties stipulate and agree that the disciplinary order agreed to by the Committee and Stocks in the Joint Agreed Disciplinary Order herein is based only on the agreement set out in the Joint Stipulation of Facts and Joint Conclusions of Law herein. Stocks understands that the Committee may take further disciplinary action against him based on facts or conduct not specifically mentioned in this document that are either now known to the Committee or may be discovered.

Joint Stipulations of Fact

1. The State Committee of Psychologists (“the Committee”) is an agency of the State of Missouri created and established pursuant to § 337.050, RSMo, for the purpose of executing and enforcing the provisions of §§ 337.010 - .093, RSMo, as amended.

2. The Respondent, Mark T. Stocks, Psy.D., (“Stocks”) is licensed by the Committee as a Licensed Psychologist, license number 01137 (“License”). Stocks’ License was originally issued on June 6, 1984. Stocks’ license expired on or about January 31, 2010, but was at all relevant times herein, current and active.

3. Since 1987, Murrell Counseling Services, located at 2200 East Sunshine Street, Suite 312, Springfield, Missouri 65804-1883, (“Murrell”), has provided psychological counseling services to clients seeking those services.

4. Beginning sometime in 2006, until February, 2009, Stocks contracted with Murrell to rent space from and provide psychological counseling services through Murrell.

5. Stocks, while engaged in his contractual relationship with Murrell, provided therapeutic psychological counseling services to clients.

6. Stocks’ history includes treatment for sexual issues, namely undiagnosed sexual addiction.

7. Beginning in June, 2008, until February, 2009, while engaged in his contractual relationship with Murrell, Stocks provided weekly counseling to Client 1² (“the Therapeutic Relationship.”)

8. Client 1 sought counseling services for drug and alcohol problems, depression, borderline personality disorder and family problems. While in retrospect Stocks would have diagnosed her as being a sex addict, this was not recognized or diagnosed during treatment.

² To protect their privacy, the clients referenced herein are referred to as Client 1, Client 2 and Client 3.

9. As a psychologist, Stocks established a relationship of professional trust and confidence with Client 1.

10. Stocks was aware of the relationship of professional trust and confidence between himself and Client 1.

11. Approximately three (3) months into the Therapeutic Relationship, Stocks began inappropriately touching Client 1 during her counseling sessions.

12. From about November, 2008, until January, 2009, Stocks and Client 1 engaged in sexual activity in Stocks' office, including intercourse on one occasion.

13. During the final therapy session with Client 1 on February 11, 2009, Stocks informed Client 1 he could no longer work with her.

14. Client 1 became angry, left Stocks' office screaming, and informed the Murrell Office Manager that she wished to cancel all future appointments.

15. Client 1's husband called the Murrell Office twice that day, asking what Stocks did to his wife.

16. Dr. Michael Murrell ("Dr. Murrell") confronted Stocks about Client 1's husband's agitation.

17. Stocks admitted to Dr. Murrell that he had sex with Client 1 in his office.

18. As a result, Dr. Murrell told Stocks to vacate his office.

19. On February 11, 2009, the Committee received a complaint form from Dr. Murrell regarding the foregoing.

20. On February 14, 2009, in a letter to the Committee, Stocks self-identified his own violation of the Ethical Rules of Conduct governing the practice of psychology in the State of Missouri.

21. Stocks subsequently admitted to having had inappropriate relationships with at least two (2) other clients, the first approximately thirteen (13) years prior, and the second approximately six (6) months prior.

22. As a psychologist, Stocks established relationships of professional trust and confidence with Clients 2 and 3.

23. Stocks was aware of the relationships of professional trust and confidence between himself and Clients 2 and 3.

24. Stocks subsequently entered a twelve (12) step program for sexual addiction.

Joint Conclusions of Law

25. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045, RSMo (Cum. Supp. 2009) and § 337.035.2, RSMo.

26. Section 337.035, RSMo, sets forth the grounds for discipline of a professional psychologist license and 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, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling 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.

27. Administrative Regulation 20 C.S.R. 2235-5.030(1)(D), General Principles, Violations, provides in pertinent part, "[a] violation of these ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of either original licensure, reinstatement or renewal of licensure."

28. Administrative Regulation 20 C.S.R. 2235-5.030(6), Multiple Relationships, provides in pertinent part:

(B) Multiple Relationship Affecting Psychologist's Judgment. The psychologist shall not undertake or continue a professional relationship with a client when the objectivity or competency of the psychologist is, or could reasonably be expected to be impaired because of the psychologist's present or previous familial, social, sexual, emotional, financial,

supervisory, political, administrative or legal relationship with the client or a relevant person associated with or related to the client. If a dual relationship develops or is discovered after the professional relationship has been initiated, the psychologist shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination and shall assist the client in obtaining services from another professional.

(C) Prohibited Relationships.

...

2. 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 relationship with the client;

...

G. Engage in any verbal or physical behavior toward him/her which is sexually seductive, demeaning, or harassing.

3. Prohibited exploitation in professional relationships. The psychologist shall not exploit, sexually or otherwise, his/her professional relationship with clients, supervisees, students, employees, research participants or others.

29. Administrative Regulation 20 C.S.R. 2235-5.030(7)(E), Client Welfare, Sexual or Other Multiple Relations With a Client, provides in pertinent part, “[t]he psychologist shall not enter into a sexual or other multiple relationship with a client, as specified in subsections (6)(B) and (C) of these ethical rules of conduct.”

30. Administrative Regulation 20 C.S.R. 2235-5.030(13)(A), Violations of Applicable Statutes, provides in pertinent part, “[t]he psychologist shall not violate any applicable statute or administrative rule regarding the practice of psychology.”

31. Stocks’ conduct with Clients 1, 2 and 3 during their Therapeutic Relationships, constitutes engaging in multiple relationships affecting Stocks’ judgment as a psychologist, as prohibited by Regulation 20 C.S.R. 2235-5.030(6)(B), the “Ethical Rules of Conduct,” adopted by the Committee and filed with the Secretary of State.

32. Stocks’ conduct with Clients 1, 2 and 3 during their Therapeutic Relationships, as described above, constitutes prohibited conduct, as defined in Regulation 20 C.S.R. 2235-5.030(6)(C)2A-D, and G, the “Ethical Rules of Conduct,” adopted by the Committee and filed with the Secretary of State.

33. Stocks' conduct, as described above, constitutes the exploitation of professional relationships with clients, as prohibited by Regulation 20 C.S.R. 2235-5.030(6)(C)3, the "Ethical Rules of Conduct," adopted by the Committee and filed with the Secretary of State.

34. Stocks' conduct, as described above, constitutes entry into sexual or other multiple relationships with clients, as specified in subsections (6)(B) and (C) of the ethical rules of conduct, as prohibited by Regulation 20 C.S.R. 2235-5.030(7)(E), the "Ethical Rules of Conduct," adopted by the Committee and filed with the Secretary of State.

35. As a result of Stocks' engaging in multiple relationships with Clients 1, 2 and 3, which affected Stocks' judgment as a psychologist, cause exists to discipline Stocks' License for violating Regulation 20 C.S.R. 2235-5.030(6)(B), the "Ethical Rules of Conduct," adopted by the Committee and filed with the Secretary of State.

36. As a result of Stocks' engaging in prohibited conduct with Clients 1, 2 and 3, cause exists to discipline Stocks' License for violating Regulation 20 C.S.R. 2235-5.030(6)(C)2A-D, and G, the "Ethical Rules of Conduct," adopted by the Committee and filed with the Secretary of State.

37. As a result of Stocks' exploitation of his professional relationships with Clients 1, 2 and 3, cause exists to discipline Stocks' License for violating Regulation 20 C.S.R. 2235-5.030(6)(C)3, the "Ethical Rules of Conduct," adopted by the Committee and filed with the Secretary of State.

38. As a result of Stocks' entry into sexual or other multiple relationships with Clients 1, 2 and 3, as specified in subsections (6)(B) and (C) of the ethical rules of conduct, cause exists to discipline Stocks' License for violating Regulation 20 C.S.R. 2235-5.030(7)(E), the "Ethical Rules of Conduct," adopted by the Committee and filed with the Secretary of State.

39. As a result of Stocks' conduct with Clients 1, 2 and 3, described above, cause exists to discipline Stocks' License pursuant to § 337.035.2(5), RSMo, because Stocks exhibited incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by Chapter 337, RSMo.

40. As a result of Stocks' conduct with Clients 1, 2 and 3, described above, cause exists to discipline Stocks' License pursuant to § 337.035.2(6), RSMo, because Stocks violated any lawful rule or regulation adopted pursuant to Chapter 337, RSMo.

41. As a result of Stocks' conduct with Clients 1, 2 and 3, described above, cause exists to discipline Stocks' License pursuant to § 337.035.2(13), RSMo, because Stocks violated any professional trust or confidence.

42. As a result of Stocks' conduct with Clients 1, 2 and 3, described above, cause exists to discipline Stocks' License pursuant to § 337.035.2(15), RSMo, because Stocks is guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the Committee and filed with the Secretary of State.

43. As a result of Stocks' conduct with Clients 1, 2 and 3, described above, cause exists to discipline Stocks' License for violating Regulation 20 C.S.R. 2235-5.030(13)(A), the "Ethical Rules of Conduct," because Stocks violated applicable statutes and administrative rules regarding the practice of psychology.

44. As a result of Stocks' conduct with Clients 1, 2 and 3, described above, cause exists to discipline Stocks' License pursuant to Regulation 20 C.S.R. 2235-5.030(1)(D), the "Ethical Rules of Conduct," because Stocks violated the Ethical Rules of Conduct.

Joint Agreed Disciplinary Order

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 § 337.035.2, RSMo, and § 621.045.1, RSMo (Cum. Supp. 2009):

1. Stocks' License as a Licensed Psychologist, License Number 01137, is hereby immediately REVOKED. Stocks shall immediately return all indicia of licensure to the Committee.
2. The parties to this Agreement understand that the Committee will maintain this Agreement as an open record of the Committee as provided in Chapters 337, 610, and 620, RSMo.
3. Each party agrees to pay their own fees and expenses incurred as a result of this case, its litigation, and its settlement.
4. The terms of this Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Agreement 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.

5. Stocks 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 Agreement. The parties acknowledge that this Paragraph is severable from the remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law deems this Agreement or any portion thereof void or unenforceable.

6. This Agreement shall become effective fifteen (15) days after the Executive Director of the Committee, Pamela Groose, has signed the Agreement.

ONE SIGNATURE PAGE FOLLOWS

LICENSEE



Mark T. Stocks, Psy.D.
License Number 01137

Date: 5/4/2011



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EFFECTIVE:
May 27, 2011