

**BEFORE THE MISSOURI
STATE COMMITTEE OF PSYCHOLOGISTS**

STATE COMMITTEE OF, PSYCHOLOGISTS)	
)	
)	
Petitioner,)	
)	
v.)	CASE # 10-2146 PS
)	
JOHN T. TRIMBLE, Ph.D.,)	
)	
Respondent.)	

**ORDER OF THE MISSOURI
STATE COMMITTEE OF PSYCHOLOGISTS
DISCIPLINING THE PSYCHOLOGIST LICENSE OF
JOHN T. TRIMBLE, Ph.D.**

On or about October 5, 2011, the Administrative Hearing Commission entered its Decision in the case of *State Committee of Psychologists v. John T. Trimble, Ph.D., Case No. 10-2146 PS*. In that Decision, the Administrative Hearing Commission found that Respondent John T. Trimble, Ph.D.'s (Trimble) psychologist license (license # 00654) is subject to disciplinary action by the Board pursuant to § 337.035.2(5), (6), and (15), RSMo¹.

The Committee has received and reviewed the record of the proceedings before the Administrative Hearing Commission and the Decision of the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated herein by reference in its entirety.

Pursuant to notice and §§ 621.110 and 337.035.3, RSMo, the Committee held a hearing on March 22, 2012, at approximately 1:30 p.m., at the Crown Plaza Hotel, 11228 Lone Eagle Drive, Bridgeton, Missouri, for the purpose of determining the appropriate disciplinary action against Trimble's license. The Committee was represented by Assistant Attorney General Ross Brown. Respondent received proper notice and opportunity to appear and appeared and was represented

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

by counsel Eric Trelz. After being present and considering all of the evidence presented during the hearing, the Committee issues the following Findings of Facts, Conclusions of Law and Order.

I.

Based upon the foregoing the Board hereby states:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The State Committee of Psychologists ("Committee") is an agency of the State of Missouri created and established pursuant to § 332.021, for the purpose of executing and enforcing the provisions of Sections 337.010 through 337.345, RSMo.
2. The Committee hereby adopts and incorporates by reference the Decision of the Administrative Hearing Commission in *State Committee of Psychologists v. John T. Trimble, Ph.D., Case No. 10-2146 PS*, in its entirety.
3. The Committee set this matter for disciplinary hearing and served notice of the disciplinary hearing upon Respondent in a proper and timely fashion.
4. Trimble testified at the hearing. He testified he was not supervising anyone for licensure as a psychologist or professional counselor. He testified he was not certain the last time he did supervised and estimated it was between six months and a year. He testified other professionals in his agency were supervising people, mainly for licensure as a professional counselor but he was unsure of the professional credentials of the supervisors. He testified regarding requirements of supervisees during supervision for licensure. He testified he had not recently read the law related to the practice of psychology or supervision for licensure as a psychologist or professional counselor but he would do so.

II.

CONCLUSIONS OF LAW

5. This Committee has jurisdiction over this proceeding pursuant to §§ 621.110 and 337.035.3, RSMo.

6. The Committee expressly adopts and incorporates by reference the Conclusions of Law contained in the Decision issued by the Administrative Hearing Commission on October 5, 2011, in *State Committee of Psychologists v. John T. Trimble, Ph.D., Case No. 10-2146 PS*, and hereby enters its Conclusions of Law consistent therewith.

7. As a result of the foregoing, and in accordance with the Administrative Hearing Commission's Order on October 5, 2011, Respondent's psychologist license is subject to disciplinary action by the Committee pursuant to § 337.035.2(5), (6), and (15), RSMo.

8. The Committee has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Having fully considered all the evidence before the Board, and giving full weight to the Decision of the Administrative Hearing Commission, it is the **ORDER** of the Committee that the psychologist license of John T. Trimble, Ph.D. (license no. 00654) is hereby **REVOKED**. Trimble shall return all indicia of licensure to the Board immediately.

This Order does not bind the Board or restrict the remedies available to it concerning any violation by Trimble of the terms and conditions of this Order, Chapter 337, RSMo, or the regulations promulgated thereunder.

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

SO ORDERED, EFFECTIVE THIS 17th DAY OF July, 2012.



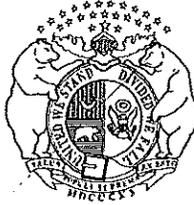
STATE COMMITTEE OF PSYCHOLOGISTS

Pamela Groose

Pamela Groose, Executive Director

Before the
Administrative Hearing Commission
State of Missouri

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STATE COMMITTEE OF
PSYCHOLOGISTS,

Petitioner,

vs.

JOHN T. TRIMBLE, PH.D.,

Respondent.

No. 10-2146 PS

DECISION

John T. Trimble is subject to discipline because he provided false information to the State Committee of Professional Counselors (“the Committee”).

Procedure

On November 17, 2010, the Committee filed a complaint seeking to discipline Trimble. We mailed a copy of the complaint and our notice of complaint/notice of hearing by certified mail on December 14, 2010. Trimble filed an answer on January 19, 2011. We held a hearing on June 21, 2011. Assistant Attorney General Yvette Guerra Hipskind represented the Committee. Eric M. Trelz represented Trimble. This case became ready for our decision on August 8, 2011, when a joint stipulation of facts was filed.

Findings of Fact

1. Trimble is licensed by the Committee as a psychologist. His license was issued on January 4, 1979, and was at all relevant times current and active.

2. Trimble is and was, at all relevant times, employed by Christian Psychological and Family Service ("CPFS"), a corporation providing counseling services.

3. John L. Brooks worked as a counselor at CPFS and performed about two to three hours of counseling per week. Brooks applied for licensure from the Committee, claiming to have been supervised by Trimble.

4. Trimble never read or cosigned any of Brooks' reports while Brooks worked at CPFS.

5. During the time Brooks worked at CPFS, Trimble held supervision sessions at CPFS on Saturday mornings for two hours. Brooks may have attended some of these sessions, but he did not attend them all.

6. At no time was Trimble registered with the Committee to provide supervision for Brooks.

7. While Brooks worked at CPFS, he never met with Trimble for one hour per week of face-to-face supervision sessions.

8. On August 20, 2006, Trimble, as the purported supervisor of Brooks, completed a form entitled "Verification of Post-Degree Counseling Experience," which was submitted to the Committee. In this form, Trimble indicated the following:

- a. Brooks had performed 3,440 hours of direct client contact under supervision during the entire supervision period;
- b. Brooks had performed 3,302 hours of counseling duties under Trimble's supervision;

- c. Trimble met at least one hour per week with Brooks;
- d. Weekly supervision meetings consisted of 50% individual and 50% group supervision;
- e. Trimble read and cosigned all of Brooks' written reports; and
- f. Brooks was "very good" in all areas listed in the form.

9. Trimble knowingly provided false information to the Committee in the "Verification of Post-Degree Counseling Experience" form he completed for Brooks.

Conclusions of Law

We have jurisdiction to hear the case.¹ The Committee has the burden of proving Trimble has committed an act for which the law allows discipline.²

Cause for Discipline

The Committee argues there is cause for discipline under § 337.035:

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:

* * *

(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 . . . 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.

¹Section 621.045, RSMo Supp. 2010. Unless otherwise indicated, statutory references are to RSMo 2000.

²*Missouri Real Estate Comm'n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989).

Professional Standards – Subdivision (5)

The Committee alleges Trimble’s conduct constituted incompetency, misconduct, and gross negligence. Incompetency is a general lack of professional ability, or a lack of disposition to use an otherwise sufficient professional ability, to perform in an occupation.³ Misconduct is the intentional commission of a wrongful act.⁴ Gross negligence is a deviation from professional standards so egregious that it demonstrates a conscious indifference to a professional duty.⁵

The primary purpose of professional licensing is to protect the public.⁶ That purpose is defeated when deliberate false statements are made to a licensing body to induce them to issue a license. That Trimble, himself a licensed professional, would assist Brooks in attempting to defraud the Committee is not merely an act of intentional misconduct or gross negligence, but rises to the level of incompetence. We find cause for discipline under § 337.035.2(5).

Violation of Rule – Subdivision (6)

The Committee alleges Trimble’s conduct violated Regulation 20 CSR 2235-5.030(14)(D) of the “Ethical Code of Conduct.” That regulation states:

(14) Aiding Unauthorized Practice.

* * *

(D) Providing Supervision. The psychologist shall exercise appropriate supervision over supervisees, as set forth in the regulations of the committee.

1. In academic and supervisory relationships, psychologists establish timely and specific processes for providing feedback to students and supervisees. Information regarding the process is provided to the student and supervisees at the beginning of supervision.

³*Tendai v. Missouri Bd. of Regis’n for the Healing Arts*, 161 S.W.3d 358, 369 (Mo. banc 2005).

⁴*Grace v. Missouri Gaming Comm’n*, 51 S.W.3d 891, 900 (Mo. App., W.D. 2001).

⁵*Missouri Bd. for Arch’ts, Prof’l Eng’rs & Land Surv’rs v. Duncan*, No. AR-84-0239 (Mo. Admin. Hearing Comm’n Nov. 15, 1985) at 125, *aff’d*, 744 S.W.2d 524, 533 (Mo. App., E.D. 1988).

⁶*Lane v. State Comm. of Psychologists*, 954 S.W.2d 23, 25 (Mo. App., E.D. 1997).

2. Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

Trimble did not provide appropriate supervision over Brooks, did not provide feedback to him, and did not evaluate Brooks on his actual performance on relevant and established program requirements. Trimble never read or cosigned Brooks' reports and did not have one-hour, face-to-face supervision sessions each week. Rather than evaluate Brooks on the basis of his actual performance, Trimble falsified the information provided to the Committee. Trimble's conduct violated 20 CSR 2235-5.030(14)(D); therefore, we find cause for discipline under § 337.035.2(6).⁷

Unethical Conduct – Subdivision (15)

The Committee argues Trimble's conduct constituted "unethical conduct" as defined in 20 CSR 2235-5.030(1)(D). The regulation provides:

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

Because Trimble's conduct violated 20 CSR 2235-5.030(14)(D) of the Ethical Rules of Conduct, we also find his conduct constituted unprofessional conduct under 20 CSR 2235-5.030(1)(D).

There is cause for discipline under § 337.035.2(15).

Summary

There is cause to discipline Trimble's license under § 337.035.2(5), (6), and (15).

SO ORDERED on October 5, 2011.



MARY E. NELSON
Commissioner

⁷Pursuant to 20 CSR 2235-5.030(1)(D), a violation of the ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action.