FOLLOWING IS THE DISCIPLINE DOCUMENT FOR LICENSEE FREDA PATTERSON EFFECTIVE DECEMBER 22, 2016.

THE DISCIPLINE DID NOT GO INTO EFFECT DUE TO THE SUSPENSION OF CERTIFICATION BY THE BEHAVIOR ANALYST CERTIFICATION BOARD.

UPON RECEIPT OF EVIDENCE OF CURRENT CERTIFICATION AND A CURRENT LICENSE THE DISCIPLINE WILL BEGIN.

SETTLEMENT AGREEMENT BETWEEN THE STATE COMMITTEE OF PSYCHOLOGISTS AND FREDA PATTERSON

Freda Patterson, ("Patterson" or "Licensee") and the State Committee of Psychologists ("Committee") enter into this Settlement Agreement for the purpose of resolving the question of whether Matthews's license as a behavior analyst (License No. 2012001327) will be subject to discipline.

The parties hereto waive the right to a hearing before the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the Committee under § 621.110, RSMo.[1] The Committee and Licensee jointly stipulate and agree that a final disposition of this matter may be effectuated as described below.

Licensee acknowledges that Licensee understands the various rights and privileges afforded Licensee by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing against Licensee at the hearing; the right to present evidence on Licensee's 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 charges pending against Licensee; the right to a ruling on questions of law by the Administrative Hearing Commission; the right to a disciplinary hearing before the Committee at which time Licensee may present evidence in mitigation of discipline; the right to a claim for attorney's fees and expenses; and the right to

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

obtain judicial review of the decisions of the Administrative Hearing Commission and the Committee.

Being aware of these rights provided to him by law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in the Settlement Agreement are true and stipulates with the Committee that Licensee's license, numbered 2012001327 is subject to disciplinary action by the Committee in accordance with the provisions of Chapters 621and 337, RSMo.

Part I.

Joint Stipulation of Facts and Conclusions of Law

Based upon the foregoing, the Committee and Licensee herein jointly stipulate to the following:

1. The Committee is an agency of the State of Missouri created and established pursuant to Chapter 337, RSMo, for the purpose of carrying out the provisions of Sections 337.010 through 337.345, RSMo, relating to psychologists and behavior analysts.

2. Licensee, Patterson, is licensed by the Committee as a behavior analyst, License No. 2012001327. Licensee's license is, and was at all relevant times herein, current and active.

3. On or about June 15, 2016, Licensee notified the Behavior Analyst Advisory Board (Board) and State Committee of Psychologists (Committee) that she had been disciplined by her employer, the State of Missouri, and that her certification had been discipline by the Behavior Analyst Certification Board (BACB). Licensee provided documentation related to the disciplines by her employer and the BACB.

4. On or about December 16, 2015, the State of Missouri, Department of Mental Health, Marshall Rehabilitation Center ("Employer") sent Licensee a letter informing her of two actions being taken against her: a disciplinary action and a finding of employee misconduct. The discipline and misconduct were based on the following:

a. Consumer P.D.'s, for whom Licensee developed the behavior support plan, level of supervision was a 1 based on P.D.'s self-injurious behaviors and aggression. The Individual Plan ("IP") for P.D. required 24-hour care and support and total assistance when bathing but stressed that P.D. did not like running water.

b. On November 24, 2015, it was reported that an employee of P.D. was seen "dragging" P.D. by P.D.'s legs to the shower area, a distance of about 27'6". This resulted in an investigation of abuse and neglect. As the behavior analyst responsible for developing P.D.'s behavior support plan, Licensee was interviewed during the investigation and stated that Licensee had observed staff taking P.D. to the shower in a shower chair and other staff letting P.D. "scoot" to the shower herself. Licensee also stated during the investigation she was aware that staff was "showering P.D. on the floor" but that Licensee did not know it was against policy.

c. During the investigation you also stated that a month prior, a former staff employee reported to you that other staff placed P.D. on a towel on the floor and dragged P.D. by P.D.'s ankles to the bathroom. Licensee stated that the employee indicated to you that it appeared to work well to transport P.D. and Licensee stated that Licensee "did not feel 'dragging P.D. on the floor by [P.D.'s] legs/ankles was inappropriate if P.D. enjoyed it and was not in any pain.'"

d. Based on Licensee's statements during the investigation, Licensee was aware that staff was transporting P.D. and showering P.D. in ways that were not acceptable standards of care and should have been reported immediately. As an employee of DMH and the Marshall facility and as a licensed behavior analyst, Licensee was mandated to report ethical violations by others.

5. Based on the facts described in paragraph 4 above, the Employer suspended Licensee for three days pursuant to the following regulations of the Missouri Department of Mental Health ("DMH"):

a. 1 CSR 20-3.070(2)(B) which allows an employee to be suspended for "being incompetent, inadequate, careless or inefficient in the performance of the duties of his/her position."

b. 1 CSR 20-3.070(2)(L) which allows an employee to be suspended for the "willful violation of the lawful regulations or policies of the agency after being made aware of the regulations and policies."

c. DMH Operating Regulation 6.050 which states that discipline is "a written reprimand, suspension, involuntary demotion, or dismissal, unacceptable conduct, or a conditional employment issued by the appointing authority or designee for misconduct, a violation of department, division, of facility rules, regulations, policies, procedures or practices, for deficiencies in performance, or for the good of the service."

d. Professional and Ethical Compliance Code of Behavior Analysts Section 7.02 which states that:

i. If behavior analysts believe there may be a legal or ethical violation, they first determine whether there is potential for harm, a possible legal violation, a mandatory-reporting condition, or an agency, organization, or regulator requirement addressing the violation.

ii. If clients rights are being violated, or there is a potential for harm, behavior analysts must take the necessary actions to protect client[s], including, but [not] limited to, contacting relevant authorities, following organizational policies, and consulting with appropriate professionals, and documenting their efforts to address the matter.

iii. If an informal resolution appears appropriate, and would not violate confidentiality rights, behavior analysts attempts to resolve the issue by bringing it to the attention of that individual and documenting their efforts to address the matter. If the matter is not resolved, behavior analysists report the matter to the appropriate authority[.]

6. The facts contained in paragraph 4 above also constituted a finding by the Employer of Licensee's employee misconduct:

a. Pursuant to DMH Operating Regulation 2.220(1)(B) which states that "an employee who fails to comply with acceptable standards of care, the requirements of facility policy, the requirements of treatment of habilitation plan, fails to report employee misconduct, has an inappropriate dual-relationship with a consumer, provides inappropriate supervision/oversight, or is verbally disrespectful to a consumer or in the presence of consumer[s]. Employee misconduct can occur

through an error, drift from policy/procedure or reckless disregard of policy/procedure."

b. Pursuant to DMH Operating Regulation 2.220(1)(F) for "failure to comply with requirement of the treatment or habilitation plan: Failure to adhere to the requirements of a consumer's treatment or habilitation plan.

c. Pursuant to DMH Operating Regulation 2.220(G) in that the actions described substantiate Licensee's failure to report employee misconduct pursuant to 2.220(G) when Licensee was last trained on 2.220 on July 15, 2015. 2.220(1)(G) defines employee misconduct as "failure to report to Employee Misconduct: Failure to report employee misconduct or unacceptable delays in the reporting of abuse or neglect. A delayed report of abuse or neglect made after another employee has come forward with a comparable allegation may be investigated as neglect."

d. Pursuant to DMH Operating Regulation 2.250(5)(3), which states that after substantiating findings of employee misconduct, the facility hear may "take appropriate corrective action, which may include discipline up to and including dismissal" of the employee.

7. In the December 16, 2015 letter, Licensee was given the right to provide any defense or information to the suspension no later than December 24, 2015. Licensee met with DMH personnel on December 18, 2015. On December 23, 2015, DMH made its final determination that the suspension was proper and suspended Licensee from employment on December 29-31, 2015.

8. On March 2, 2016, Licensee provided a letter to the BACB Legal Department stating she received two disciplinary actions from her employer. Licensee included a copy of the Employer letter with the information she sent to the BACB. In her letter, Licensee described the client's behavior, health and issues with self-injurious and aggressive behavior. Licensee described doing staff observations and issues with the client. Licensee described her Employer's investigation into the allegations regarding the client. Licensee stated that when answering questions of the investigator, the investigator "was upset that I didn't automatically think that this was abuse" when describing sliding the client on the blanket or towel on the floor. Licensee described receiving the notice of disciplinary action against her and the due process meeting she had with the Employer in response to the notice. Licensee stated "I don't believe that I violated regulations and policies." She stated that "at the time of the investigation, I did not know that a staff was not following the protocols without the Home Manager's approval."

9. On or about April 12, 2016, the BACB issued Licensee its Notice of Alleged Violation. The Notice of Alleged Violation, filed by Margaret Bloom of the BACB identified Licensee as the alleged violator, identified Licensee's Employer, stated that the dates of alleged violation were November 24 and December 2, 2015, identified the sections of the BACB Professional and Ethical Compliance Code for Behavior Analysts ("Professional Code") that Licensee allegedly violated (Sections 1.04(d), 3.01(a), 4.09, 7.02 and Standards 2 and 6(b)(d)), identified the evidence supporting the allegations (including Licensee's letters from her Employer, the event report and the client's behavior support plan), described Licensee's Employer's actions regarding Licensee's conduct, stating Licensee was suspended for three days and provided a narrative alleging Licensee's violations. The narrative stated first that Licensee did not report the information to the BACB within 30 days. Next, it stated that Licensee's March

2, 2016 letter reported 2 actions by her Employer regarding the same client. The narrative described the staff's difficulty in bathing the client and described Licensee's actions and inactions as the supervising behavior analyst in carding for the client. Finally, the narrative described the Employer's investigation into the allegations against Licensee and its final determination, suspending Licensee for three days as a result of violating policies and regulations of the Department of Mental Health.

10. On or about April 12, 2016, the BACB also sent Licensee an Opportunity to Respond which required a response by April 27, 2016. The Opportunity to Respond included the sections of the BACB Professional Disciplinary and Ethical Standards ("BACB Standards") that were alleged to have been violated: BACB Standards 2 (failure to provide information or update information within 30 days including failure to report an action, complaint or charge to the BACB; and BACB Standards 6 (gross or repeated negligence, incompetence, misconduct or malpractice in professional work including professional conduct that "constitutes an extreme and unjustified deviation from the customary standard of practice accepted in the applied behavior analytic community" that "creates a serious risk of harm to or deception of consumers" and "professional record keeping and/or data collection that constitutes an extreme and unjustified deviation from the customary standard of practice for the field, and/or deceptively altering consumer records or data"). The Opportunity to Respond also provided the alleged violations of the Professional and Ethical Compliance Code for Behavior Analysts ("Professional Code"): Section 1.04 Integrity (behavior must conform to legal and ethical codes of the social and professional community); Section 2.0 Behavior Analysts' Responsibility to Clients (responsibility to operate I the best interest of the clients); Section 2.09 Treatment/Intervention Efficacy (advocate for the appropriate amount and level of service required to meet the behavior-

change program goals and where more than one scientifically sported treatment has been established, consider additional factors including efficiency and cost-effectiveness, risks and side-effects, client preference and practitioner experience and training); Section 3.01 Behavior-Analytic Assessment (conduct assessments prior to making recommendations and developing behavior-change programs based on client's needs and consent and conduct a functional assessment); Section 4.02 Involving Clients in Planning and Consent (must involve the client in planning of and consent for behavior-change programs); Section 4.09 Least Restrictive Procedures (review and appraise the restrictiveness of procedures and recommend the least restrictive procedures that will be effective); Section 4.10 Avoiding Harmful Reinforcers (minimize the use of items as potential reinforcers that may be harmful to the health and development of the client, or that may require excessive motivating operations to be effective); Section 7.02 Ethical Violations by Others and Risk of Harm (*infra*, paragraph 5.d. above); and Section 10.02 Timely Responding, Reporting and Updating of Information Provided to the BACB (must comply with deadlines including reporting within 30 days of the date of any sanction related to violations of the Code or a disciplinary investigation, action or sanction). The Opportunity to Respond also stated that Licensee was required to respond to the allegations with a written explanation that addressed the violations and any additional documentation necessary to refute the allegations. The Opportunity to Respond identified five specific allegations for Licensee's response: 1) Licensee did not report the investigation to BACB within 30 days of its occurrence; 2) Licensee condoned pulling the client on a towel or dragging her by her feet without including such activities in the underlying assessment and behavior change plan, including not having consent for such activities; 3) Licensee did not tell staff members to stop transporting the client to the bathroom using these methods, nor did Licensee collect data on the

intervention; 4) Licensee did not follow the client's behavior-change program regarding the transportation of the client to the bathtub; and 5) Licensee did not include the client's parents/guardians in the change of the client's behavior-change plan and did not receive consent to transport the client in this manner.

11. On or about May 13, 2016, Licensee provided her response to the BACB's Notice of Alleged Violation. Licensee first described her experiences in her career and with her family. Licensee's response included a character reference from a colleague and friend. Regarding the first allegation, Licensee's failure to inform the BACB within 30 days, Licensee admitted the allegation and stated that she "misunderstood" and thought she had 6 months to file and that she was "initially shocked and [] distraught about the 2 disciplinary actions" and "needed some time to calm down." Regarding the second allegation, that Licensee condoned pulling the client or dragging her by her feet, Licensee denied the allegation. Licensee stated she did not tell staff to do anything different from her bathing plan or behavior plan. She stated she realized, "after studying the Ethics Code again" that she should have told the staff to stop pulling her on the towel. She stated she should have reported it. She stated she "didn't say it, but I wondered if it (pulling her on the towel) could be useful." Regarding the third allegation, that she did not tell staff members to stop transporting the client to the bathroom by dragging her, Licensee admitted the allegation and stated that during her direct observations, they followed the plan and that "I'm clear that I cannot make changes to her bathing plan." She stated it was not until later someone told her about dragging the client by her ankles. Regarding the fourth allegation, that Licensee did not follow the client's program regarding transportation to the bathtub, Licensee denied the allegation. She stated she did not transport the client that way herself or directly observe someone do it. Regarding allegation five, that Licensee did not get consent from the client's

parents/guardians for the method of transportation to the bathtub, Licensee denied the allegation and stated that the Employer has a required process for changes in the plan and that she did not change the plan at all because she did not follow the process for changing the plan and getting approval for changes. Licensee also clarified some of the allegations against her. She stated she is not a supervisor of the staff. She stated the Habilitation Specialist is the supervisor and she's the behavior analyst serving on a multi-disciplinary team.

12. On or about June 13, 2016, the BACB issued its Final Determination: Violations Found and Sanctions imposed. The Final Determination set forth the five violations and stated that the Review Committee of the BACB met and determined that based on the allegations and Licensee's response: Licensee was not in compliance with Standards 2 and 6(b)(d) of the Ethical Standards and that Licensee was not in compliance with Sections 1.04(d), 2.0, 2.09(b)(c), 3.01(a), 4.02, 7.02(a)(b)(c)d) and 10.02 of the Professional Code. The Final Determination then set forth the sanctions Licensee had to follow for her behavior analyst certification to remain in good standing: 1) complete one ethics in behavior analysis course and one basic assessment course with passing grades from an accredited university within the first six months from the date of the Final Determination; 2) within 30 days of the date of the Final Determination, be supervised by a behavior analyst that practices in the area of challenging behavior in a rehabilitation in-patient or long-term care facility as approved by the BACB. The BACB mandated supervision for no less than six months and no more than a year. The BACB mandated that Licensee demonstrate competence in four areas as determined by the supervisor for one to two hours a week with written feedback and verification of the completion of supervision. Additionally, Licensee's sanction stated that she could not serve as the sole BCBA responsible for self-injurious or aggressive clients. The Final Determination also included a two-

page document detailing the requirements of supervision as well as a copy of the BACB Disciplinary and Ethical Standards & Disciplinary Procedures.

13. On July 15, 2016, the BACB responded to Licensee regarding her request to waive the supervision requirement in the June 13, 2106 final determination. The BACB denied Licensee's request and gave License 15 days to identify a supervisor as required by the final determination.

14. On or about July 22, 2016, the BACB notified Licensee that a proposed supervisor declined to provide Licensee supervision pursuant to the requirements in the June 13, 2016 final determination and granting Licensee an additional seven days to find a supervisor. The notification also stated that if Licensee was unable to find a supervisor, her certification would be suspended until she found proper supervision.

15. On or about August 1, 2016, Licensee returned the signed Supervision Contract for Independent Supervision to the BACB as required by the June 13, 2016 final determination of the BACB.

16. Section 339.315.1, RSMo, states, in relevant part:

> An applied behavior analysis intervention shall produce socially significant improvements in human behavior through skill acquisition, increase or decrease in behaviors under specific environmental conditions and the reduction of problematic behavior. An applied behavior analysis intervention shall:
>
> (1) Be based on empirical research and the identification of functional relations between behavior and environment, contextual factors, antecedent stimuli and reinforcement operations through the direct observation and measurement of behavior, arrangement of events and

observation of effects on behavior, as well as other information gathering methods such as record review and interviews; and

(2) Utilize changes and arrangements of contextual factors, antecedent stimuli, positive reinforcement and other consequences to produce behavior change.

17. Regulation 20 CSR 2063-6.005 states, in relevant part:

(1) General Principles.

...

(C) Responsibility for Own Actions. Behavior analysts and assistant behavior analysts, when functioning as a licensed behavior analyst or assistant behavior analyst, shall be fully responsible for his or her own professional decisions and professional actions.

(D) Violations. A violation of these ethical rules of conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of original licensure, reinstatement, or renewal of licensure.

...

(7) Client Welfare.

(A) Responsibility to Clients.

1. Behavior analysts and assistant behavior analysts have a responsibility to operate in the best interest of clients.

2. The behavior analyst's and assistant behavior analyst's responsibility is to all parties affected by behavioral services.

...

(12) Assessment Procedures.

...

(D) Behavior Assessment.

1. Assessing Behaviors. Behavior analysts and assistant behavior analysts who use behavioral assessment techniques shall do so for purposes that are appropriate in light of research.

...

H. Treatment Efficacy.

(I) The behavior analyst shall always have the responsibility to recommend scientifically supported most effective treatment procedures. Effective treatment procedures have been validated as having both long-term and short-term benefits to clients and society.

...

(III) Behavior analysts and assistant behavior analysts shall be responsible for review and appraisal of likely effects on the behavioral intervention of all alternative treatments, including those provided by other disciplines and no intervention.

...

(13) Violations of Law.

(A) Violations of Applicable Statutes. Behavior analysts and assistant behavior analysts shall not violate any applicable statute or administrative rule regarding the practice of behavior analysis.

18. Based on the conduct contained in paragraphs 3 through 15 above, Licensee's license to practice behavior analysis, license no. 2012001327, is subject to discipline under § 337.330.2(5), (6), (13) and (15), RSMo.

19. Cause exists for the Committee to take disciplinary action against Licensee's license under § 337.330.2, RSMo, which states in pertinent part:

> The Committee may cause a complaint to be filed with the administrative hearing commission, as provided by chapter 621, 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:
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> . . .
>
> (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed by sections 337.300 to 337.345, RSMo;
>
> (6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.300 to 337.345, or of any lawful rule adopted thereunder;
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> . . .
>
> (13) Violation of a professional trust or confidence;
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> . . .
>
> (15) Being guilty of unethical conduct as defined in the code of conduct as adopted by the committee and filed with the secretary of state[.]

Part II.

Joint Agreed Disciplinary Order

20. Based on the foregoing, the parties mutually agree and stipulate that the following constitutes the disciplinary order entered by the Committee in this matter under the authority of §§ 536.060, 621.045, and 621.110, RSMo.

21. Patterson's license to practice behavior analysis, License No. 2012001327, is hereby placed on **PROBATION** for a period of **three (3) years** ("Discipline Period"). During the discipline period, Licensee shall comply with all of the terms and conditions set forth herein:

I. SPECIFIC TERMS OF DISCIPLINE

a. Licensee must successfully complete an abuse and neglect training program approved by the Committee.

b. Licensee must complete a three (3) credit hour ethics course sponsored by the Behavior Analyst Advisory Board and State Committee of Psychologists or one approved by the Committee. In the event that Licensee intends to complete a program sponsored by the Board and Committee, Licensee shall enroll in the program within the deadlines set for enrollment. In the event that Licensee intends to complete a program approved by the Committee, Licensee shall submit the proposed course to the Committee in writing. Licensee shall not begin the course prior to receiving written approval of the course from the Committee. Licensee shall report successful completion of the course to the Committee within ten (10) business days of completing the course. Licensee shall complete the course within the first twelve (12) months of the Discipline Period.

c. Licensee shall not supervise any individual in training for his or her certification from the BACB or any assistant behavior analysts. Licensee shall only be entitled to supervise line therapists.

d. Licensee's practice as a licensed behavior analyst shall be supervised in the same manner as required for obtaining supervision hours toward certification with the BACB. Within twenty (20) business days of the effective date of this Order, Licensee shall submit to the Committee a list of no less than three (3) proposed supervisors to supervise Patterson's practice as a licensed behavior analyst. The Committee may approve a supervisor from this list or may require a second list of three (3) supervisors which the licensee shall submit within twenty (20) business days of the Committee's request. If Licensee has failed to secure a supervisor approved by the Committee within twenty (20) business days from the effective date of this Order, Licensee shall cease practicing as a behavior analyst until a supervisor is secured. Licensee shall be responsible for payment of any costs associated with the supervision.

e. In the event that Licensee's Committee approved supervisor become unable or decides not to continue serving in his/her capacity as supervisor, or otherwise ceases to serve as supervisor during the period of probation, then Licensee shall:

    i. Within three (3) business days of being notified of the supervisor's inability or decision not to continue serving as the monitoring psychologist, advise the Committee in writing that she is needing to secure a supervisor and the reason for such change; and

ii. Within twenty (20) business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor, secure a supervisor pursuant to and in accordance with the terms and conditions set forth in this agreement. After twenty (2) business days, the Licensee shall not practice if she has not secured a supervisor approved by the Committee.

f. Licensee must give the Committee or its representatives permission to review Licensee's personal treatment or medical records.

g. Every three (3) months, Licensee's supervisor must report in writing directly to the Committee on Licensee's compliance with this agreement. Reports must be received before March 1, June 1, September 1 and December 1 of each year. It is Licensee's responsibility to ensure that these reports are provided by the supervisor to the Committee in a timely manner.

h. Every three (3) months, Licensee must provide in writing to the Committee periodic reports of Licensee's compliance with this agreement. Reports must be received before March 1, June 1, September 1 and December 1 of each year. Each report shall include a current list of any and all staff working with or for Licensee.

i. Licensee shall submit, or effectuate the submission of, all reports to the State Committee of Psychologists, P.O. Box 1335, Jefferson City, Missouri 65102.

II. GENERAL TERMS OF DISICPLINE

a. During the aforementioned probation, Licensee shall be entitled to practice as a licensed behavior analyst subject to the terms and conditions set forth herein.

b. During the discipline period, Licensee must give the Committee or its representatives permission to review Licensee's personal treatment or medical records.

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

d. During the discipline period, 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 behavior analyst license in Missouri, including during any period of suspension.

e. During the discipline period, 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.

f. During the discipline period, License must provide periodic reports of Licensee's compliance with this agreement every three (3) months to the Committee. Reports must be received before March 1, June 1, September 1, and December 1 of each year.

g. During the discipline period, At Licensee's expense, Licensee must agree to meet with the Committee or its designees at reasonable intervals designated by the Committee or its designees and in the event of unannounced visits by the Committee or its designees.

h. Licensee shall submit, or effectuate the submission of, all reports to the State Committee of Psychologists, P.O. Box 1335, Jefferson City, Missouri 65102.

i. Upon the expiration of the disciplinary period, the Licensee's license as a behavior analyst in Missouri shall be fully restored, provided all provisions of this agreement and all other requirements of the law have been satisfied.

j. Licensee must immediately provide a copy of this Order to each of her existing clients and to every new client obtained during the probation period.

22. If the Committee determines that the Licensee has violated a term or condition of his/her discipline, or has otherwise failed to comply with the provision 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 agreement and its selection of remedies concerning such violation.

23. This Settlement Agreement does not bind the Committee or restrict the remedies available to it concerning any future violations by Licensee of Chapter 337, RSMo, or the regulations promulgated thereunder.

24. This Settlement Agreement does not bind the Committee or restrict the remedies available to it concerning facts or conduct not specifically mentioned in this Settlement Agreement that are not now known to the Committee and may be discovered.

25. This Settlement Agreement is the joint work product of the parties hereto and, in the event of any ambiguity herein, no inference shall be drawn against a party by reason of document preparation.

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

27. The terms of this Settlement Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Settlement 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.

28. Licensee hereby waives and releases the Committee, its members and any of its 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 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.

29. The parties to this Settlement Agreement understand that the Committee will maintain this Settlement Agreement as an open record of the Committee as provided in Chapters 324, 337 and 610, RSMo.

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30. This Settlement Agreement goes into effect fifteen (15) calendar days after the document is signed by the Executive Director of the Committee.

Licensee

Freda Patterson 12/5/16
Freda Patterson Date

State Committee of Psychologists

Pamela Groose 12-7-2016
Pamela Groose Date
Executive Director

Effective: December 22, 2016