BEFORE THE MISSOURI STATE COMMITTEE OF PSYCHOLOGISTS

In the Matter of the Application of	)
	)
MATTHEW STOELB, Ph.D.,	)
	)
Applicant.	)

ORDER OF THE MISSOURI STATE COMMITTEE OF PSYCHOLOGISTS ISSUING A PROBATIONARY BEHAVIOR ANALYST LICENSE TO MATTHEW STOELB, Ph.D.

The Missouri State Committee of Psychologists ("Committee") hereby issues its **ORDER** granting the **BEHAVIOR ANALYST LICENSE** of Matthew Stoelb, Ph.D. (hereafter "Stoelb"), License No. 2013026723 **subject to ONE (1) YEAR PROBATION under terms and conditions described below**, pursuant to the provisions of § 324.038, RSMo. As set forth in § 324.038.2, RSMo, Stoelb may submit a written request to the Administrative Hearing Commission seeking a hearing and review of the Committee's decision to issue a probated license. Such written request must be filed with the Administrative Hearing Commission within 30 days of delivery or mailing of this Order of the Committee. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman State Office Building, Room 640, Jefferson City, MO 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30-day period, the right to seek review of the Committee's decision shall be considered waived. Should Stoelb file a written request for review of this Order, the terms and conditions of this Order shall remain in force and effect unless or until such time as the Administrative Hearing Commission issues an Order to the contrary.

I.

Based upon the foregoing, the Committee hereby states:

FINDINGS OF FACT

1. The Missouri State Committee of Psychologists ("Committee") is an agency of the State of Missouri created and established pursuant to § 332.021, RSMo, for the purpose of executing and enforcing the provisions of Sections 337.010 through 337.345, RSMo.

2. Matthew Stoelb, Ph.D., currently resides at 4855 Coventry Drive, Jackson, Missouri 63755.

3. On or about June 15, 2012, Stoelb applied for licensure as a behavior analyst. On his application, Stoelb answered yes to the following questions:

   a. Have you ever had a professional license or certification issued to you disciplined, restricted or limited in any way by a professional licensing board of this state or any other state? (including but not limited to as a Behavior Analyst).

   b. Have you ever been disciplined formally or informally for unethical behavior or unprofessional conduct while holding any professional license or certification?

4. With his application, Stoelb provided a letter in response to his affirmative answer to the two questions stated in paragraph 3 above. In his letter, Stoelb stated:

> I have been disciplined by the BACB[1] for unprofessional conduct, and this letter explains the action that was taken and the resolution that was achieved.
>
> In February of 2010, I received word from the BACB that a complaint had been filed against me. The complaint regarded a personal relationship I had had with the mother of someone who was a former client. My first knowledge of the investigation was that the board had revoked by certification. I appealed the board's decision, and the sanction was reduced to a 'contingent suspension.' I have since complied with the board's requirements to have the sanction lifted, and it has been fully lifted.

5. With his application, Stoelb also provided a timeline of events that led to the discipline of his certification. The timeline states that Stoelb began providing the client's child

[1] BACB is the Behavior Analyst Certification Board, a non-profit 501(c)(3) entity that issues a certification to behavior analysts and assistant behavior analysts. A certification is a necessary requirement for licensure by the Committee.

services in January 2005. The timeline states that in April 2007, Stoelb began to wonder if the mother was interested in him beyond the services he provided her child. The timeline states Stoelb consulted with a licensed psychologist in April-May 2007 regarding how to avoid a dual relationship. Stoelb provided the last in-person services in June 2007 and had the last phone consultation in April 2007. The timeline states he began dating the client's mother in December 2007 and the complaint was filed against him by his former employer in the fall of 2009. The timeline states Stoelb "became aware" of the BACB's decision to revoke his certification on February 25, 2010 and reduced the sanction to the contingent suspension July 12, 2010. Stoelb states he became compliant with the BACB on December 8, 2011.

6. With his application, Stoelb also included documentation and correspondence from the BACB regarding the discipline of his certification. Correspondence from counsel for the BACB stated that:

a. On or about June 12, 2010, the Appeal Committee of the BACB, the committee that reviews decisions of the Review Committee, reached a final determination on Stoelb's appeal. The Committee "felt that it did not have sufficient grounds to overturn the finding of the Review Committee, the committee that initially reviews complaints and issues discipline against the certification, that you violated the BACB's Professional Disciplinary and Ethical Standards." The Appeal Committee did determine it would modify the sanction.

b. The Appeal Committee modified the sanction to a suspension subject to terms and conditions. The Appeal Committee denominated it a "contingent suspension" in place from December 2009 through becoming compliant with the terms of the suspension.

c. The Appeal Committee further stated that "no sooner than December 1, 2010" Stoelb could provide proof of the completion of the terms in order for the

suspension to be lifted. Failure to come into compliance with the terms would result in Stoelb remaining on suspended status until the expiration of his certification which he would not have been eligible to renew.

d. The Appeal Committee assigned the following terms: completion of 15 hours of master's level ethics at a college or university with a BACB approved course sequence and a passing grade of B or above; submission of the renewal application, fees and a copy of the transcript showing compliance with the ethics course. Upon completion of the renewal application and course, the BACB would lift the suspension so long as Stoebl entered into an agreement with a certified behavior analyst to supervise his practice for one year following the lifting of the suspension and provide the BACB with a copy of the supervision agreement and terms.

e. On or about December 8, 2011, the Review Committee determined Stoelb was in compliance with the requirements for lifting the suspension.

7. On or about July 31, 2012, the State Committee for Psychologists, Behavior Analyst Advisory Board (Board) requested additional information from Stoelb. The Board asked if Stoelb had entered into an agreement for supervision and, if so, to send a copy of the agreement. The Board also asked if Stoelb had practiced as a behavior analyst in Missouri at any time between December 10, 2010 and the present date. The Board asked Stoelb to fully respond as to whether or not he had worked as a behavior analyst and if so, to explain why he did not apply for a license until June 15, 2012.

8. On or about September 29, 2012, Steolb provided his response to the Board. Stoelb provided a copy of his supervision agreement to the Board. In response to the question regarding supervision, Stoelb stated that he received supervision from certified behavior analysts at Rethink Autism. He stated he received 1.5 hours of group supervision every other week and 1.5 hours of individual supervision on the alternating week. He stated the supervisor and group members met

online in an active format where the group could see and hear each other. He stated as for the individual supervision he would submit videos and/or documents for the supervisor to review and then discuss over the telephone. With regard to whether Stoelb had worked as a behavior analyst in Missouri prior to licensure, Stoelb stated that he could not work until the suspension was lifted in December 2011. He stated that beginning in January 2012, he "did not call [him]self a behavior analyst, avoided accepting contracts or work that required certification as a behavior analyst, and no longer used the letters 'BCBA' after [his] name." He also stated "[i]n fact, I was very careful in conversations with officials from DMH, with service coordinators with families, and with other professionals in making it very clear that I was not a behavior analyst and could not perform tasks that were reserved for behavior analysts." He also stated that he did not apply for licensure because he could not apply until the suspension was lifted and because he could not afford to pay for licensure until he had paid everything related to his certification.

9. Stoelb appeared before the Board at its March 6, 2013 meeting. Stoelb testified as to the BACB investigation and discipline. He also testified as to the underlying relationship he had with the client's mother that led to the investigation and discipline. Finally, he testified as to what work he had done prior to and since making application with the Committee.

II.

CONCLUSIONS OF LAW

10. The Committee has authority to deny or refuse a license application pursuant to § 337.330.1, RSMo, which provides:

> The Committee may refuse to issue any license required under this chapter for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

11. The Committee has cause to deny or refuse Stoelb's application for a behavior analyst license pursuant to § 337.330.2 RSMo, which provides:

> 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:
>
> . . .
>
> (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[.]

12. As a result of Stoelb's conduct as stated in paragraphs 3 through 9 above, the Committee has cause to deny or refuse Stoelb's application for a behavior analyst license pursuant to §§ 337.330.1 and 337.330.2(5), RSMo.

13. As an alternative to refusing to issue a license, the Committee may, at its discretion, issue a license subject to probation, pursuant to § 324.038.1, RSMo, which provides:

> Whenever a Committee within or assigned to the division of professional registration, including the division itself when so empowered, may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of a license, the Committee, as an alternative to refusing to issue a license, may, at its discretion, issue to an applicant a license subject to probation.

14. The Committee issues this Order in lieu of denial of Stoelb's application for a behavior analyst license. The Committee has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

15. Based on the foregoing, Matthew Stoelb, Ph.D., is granted a behavior analyst license, which is hereby placed on **PROBATION** for a period of one (1) year from the effective date of this Order, subject to the terms and conditions set forth below.

IV.

TERMS AND CONDITIONS

16. During the aforementioned probation, Stoelb shall be entitled to present himself and serve as a licensed behavior analyst subject to the following terms and conditions:

I. SPECIFIC REQUIREMENTS

A. Stoelb shall not supervise any individual in training for his or her certification from the Behavior Analyst Certification Board (BACB) or any assistant behavior analysts. Stoelb shall only be entitled to supervise line therapists.

B. Within ten days of the effective date of this Order, Stoelb shall provide the Committee with a list of all current staff. Stoelb shall also provide the Committee a list of staff that require supervision and the name and license number of the person supervising each staff member. Stoelb shall be under a continuing duty to keep both lists updating during the disciplinary period.

C. Stoelb shall provide all clients with a document stating that he is currently on probation.

II. GENERAL REQUIREMENTS

A. Stoelb shall meet with the Committee or its representatives at such times and places as required by the Committee after notification of a required meeting.

B. Stoelb shall submit reports to the State Committee for Psychologists, P.O. Box 1335, Jefferson City, Missouri 65102, stating truthfully whether he has complied with all the terms and conditions of this Order by no later than March 1, June 1, September 1 and December 1 during each year of the disciplinary period.

C. Stoelb shall keep the Committee apprised of his current home and work addresses and telephone numbers. Stoelb shall inform the Committee within ten days of any change of home or work address and home or work telephone number.

D. Stoelb shall comply with all provisions of sections 337.010 through 337.345, RSMo; all applicable federal and state drug laws, rules, and regulations; and all federal and state criminal laws. "State" here includes the state of Missouri and all other states and territories of the United States.

E. During the disciplinary period, Stoelb shall timely renew his license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Stoelb's license in a current and active state.

F. If at any time during the disciplinary period, Stoelb removes himself from the state of Missouri, ceases to be currently licensed under provisions of Sections 337.010 through 337.345, RSMo, or fails to advise the Committee of his current

place of business and residence, the time of his absence, unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed in accordance with § 337.035, RSMo.

G. During the disciplinary period, Stoelb shall accept and comply with unannounced visits from the Committee's representatives to monitor his compliance with the terms and conditions of this Order.

H. If Stoelb fails to comply with the terms of this Order, in any respect, the Committee may impose such additional or other discipline that it deems appropriate, (including imposition of the revocation).

I. This Order does not bind the Committee or restrict the remedies available to it concerning any other violation of Sections 337.010 through 337.345, RSMo, by Stoelb not specifically mentioned in this document.

K. Upon expiration of the disciplinary period, Stoelb's license as a behavior analyst in Missouri shall be fully restore, provided all provisions of this Order and all other requirements of law have been satisfied.

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

18. 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 23rd DAY OF JULY, 2013.

MISSOURI STATE COMMITTEE OF PSYCHOLOGISTS

Pamela Groose

Pamela Groose, Executive Director