AGREEMENT BETWEEN THE MISSOURI COMMITTEE FOR PROFESSIONAL COUNSELORS AND EDWARD RALSTON REGARDING DISCIPLINE OF THE LICENSE OF EDWARD RALSTON

I.

Come now Edward Ralston and the Missouri Committee for Professional Counselors and enter into this Agreement for the purpose of resolving the question of whether Edward Ralston's professional counselor license will be subject to discipline.

Edward Ralston (hereinafter "Licensee") understands that this Agreement is in lieu of a trial-type hearing of the charges by the Administrative Hearing Commission where he would have 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 at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending, and subsequently, the right to a disciplinary hearing before the Missouri Committee for Professional Counselors at which time evidence in mitigation of discipline may be presented; and the right to a claim for attorneys fees and expenses. Being aware of these rights, the parties knowingly and voluntarily waive each and every one of these rights and agree to abide by the terms of this document, in lieu of proceedings before the Administrative Hearing Commission.

II.

Licensee hereby stipulates with the Missouri Committee For Professional Counselors to the following facts:

1. The Missouri Committee For Professional Counselors ("the Committee") is an agency of the State of Missouri created and established pursuant to Section 337.535 for the purpose of executing and enforcing the provisions of Chapter 337, RSMo.

2. Licensee is licensed by the Committee as a Professional Counselor, License No. CS000237. Licensee's Missouri license is current and active.

3. Licensee provided counseling services to Client T.G. on approximately six occasions from May, 1989 to July, 1989.

4. Licensee did not keep any records or take any notes during Licensee's counseling with T.G.

5. Licensee did not maintain financial records or give any receipts to T.G. for her cash payments.

6. Licensee required T.G. to hug him before she left each session. This hug was against the wishes of the client.

7. Licensee offered to see T.G. outside of the office at no charge to T.G. Licensee lost interest in counseling T.G. following her refusal of this offer.

8. Licensee's conduct as alleged above is in violation of the following ethical rules:

9. 4 CSR 95-3.010(1) and (2), which provide:

> (1) The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional

conduct of all persons whose activities are regulated by the committee.

(2) Persons licensed by the committee shall-

(A) Practice in a manner that is in the best interest of the public and does not endanger the public health, safety or welfare;

. . . .

(L) Avoid dual relationships with clients that might compromise the client's well-being or impair the counselor's objectivity and professional judgment including, but not limited to, counseling close friends or relatives, and engaging in sexual intimacies with a client;

. . . .

(3) The failure of a counselor to abide by any ethical standards set forth herein shall constitute unprofessional conduct and grounds for disciplinary proceedings.

10. "Sexual intimacies" has subsequently been defined by 4 CSR 95-3.020(6)(C) to include kissing, hugging or caressing by either the licensed professional counselor or the client.

11. Cause exists for discipline against Licensee's professional counselor license pursuant to Section 337.525.2(5), (6), (13) and (15) which provide:

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 sections 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

. . . .

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional counselor;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to 337.540;

. . . .

(13) Violation of any professional trust or confidence;

(15) Being guilty of unethical conduct as defined in the ethical standards for counselors adopted by the division and filed with the secretary of state.

III.

In light of the foregoing stipulation of facts, Licensee and the Committee hereby consent and agree to the following disciplinary action to be imposed against license number CS000237.

A. Effective the date of this document is signed by the Committee, License No. CS000237 of Edward Ralston is placed on probation for a period of two (2) years under the following terms and conditions:

1. Licensee's practice as a professional counselor shall be supervised by a licensed professional counselor, licensed psychologist or a board certified psychiatrist approved by the Missouri Committee for Professional Counselors. Supervision includes full order and control of licensee's

practice of professional counseling by the supervisor. The licensee shall be responsible for any payment associated with the supervision.

2. Licensee must keep the Missouri Committee for Professional Counselors apprised at all times, in writing, of licensee's current home and work addresses and phone numbers.
3. Licensee is required to pay to the Missouri Committee for Professional Counselors, in a timely fashion, all requisite fees required by law to renew and keep current licensee's professional counselor license in Missouri.
4. Licensee is required to comply with all provisions of Chapter 337, RSMo, the regulations duly promulgated by the Missouri Division of Professional Registration as recommended by the Missouri Committee for Professional Counselors and all the state and federal civil laws. State here includes the state of Missouri and all other states and territories of the United States.
5. Licensee must provide periodic reports of licensee's compliance with this agreement every 6 months.
6. At licensee's expense, licensee must agree to meet with the Missouri Committee for Professional Counselors at reasonable intervals designated by the committee.

7. Licensee must successfully complete a 3-semester graduate course in ethics approved by the Committee.

8. Licensee shall not serve as a supervisor for any counselors-in-training.

9. Upon the expiration of the disciplinary period, licensee's license as a professional counselor in Missouri shall be fully restored, provided all provisions of this agreement and all other requirements of law have been satisfied.

10. If the Missouri Committee for Professional Counselors determines that licensee has violated a term or condition of his discipline, or has otherwise failed to comply with the provision of Chapter 337 RSMo, which violation would be actionable in a proceeding before the Missouri Committee for Professional Counselors or the Administrative Hearing Commission or a Circuit Court, the Missouri Committee for Professional Counselors 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.

11. The parties to this agreement understand that the Missouri Committee for Professional Counselors will maintain this agreement as an open record of the committee as provided in Chapter 337, RSMo.

12. If any time when any disciplinary sanctions have been imposed under Section 337.525.2, RSMo, the licensee removes himself from the state of Missouri, ceases to be currently licensed under the provisions of Section 337.500 to 337.540, RSMo, or fails to keep the Missouri Committee for Professional Counselors advised of him current place of employment and residence; the time of him absence, or unlicensed status or unknown whereabouts, shall not be deemed or taken as any part of the time of discipline so imposed.

Ed Ralston 9-21-91
Edward Ralston date
Licensee

Charlotte Ronan 9-23-91
Charlotte Ronan date
Executive Director
State Committee for
Professional Counselors

_____
date
Attorney at Law

Kara L. Johnson 9-23-91
Kara L. Johnson date
Assistant Attorney General

Effective this 23rd day of September, 1991.
(Effective date to be filled in by Executive Director).