

**BEFORE THE MISSOURI
STATE COMMITTEE OF PSYCHOLOGISTS**

STATE COMMITTEE OF,)	
PSYCHOLOGISTS)	
)	
Petitioner,)	
)	
v.)	Case No. 13-1318 PS
)	
ROBERT L. HEDRICK,)	
)	
Respondent.)	

**ORDER OF THE MISSOURI
STATE COMMITTEE OF PSYCHOLOGISTS
DISCIPLINING THE PSYCHOLOGIST LICENSE OF
ROBERT L. HEDRICK**

On or about April 24, 2014, the Administrative Hearing Commission entered its Decision in the case of *State Committee of Psychologists v. Robert L. Hedrick*, Case No. 13-1318 PS. In that Decision, the Administrative Hearing Commission found that Respondent Robert L. Hedrick's ("Licensee" or "Hedrick") psychologist license (license # 00921) is subject to disciplinary action by the Board pursuant to § 337.035.2(6) and (15), RSMo.¹

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 September 11, 2014, at approximately 1:30 p.m., at the Ramada Plaza Hotel & Oasis Convention Center, Springfield, Missouri, for the purpose of determining the appropriate

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

disciplinary action against Respondent's license. The Committee was represented by Assistant Attorney General Ronald Q. Smith. Respondent received proper notice and opportunity to appear and appeared in person. 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, RSMo, 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. Robert L. Hedrick*, Case No. 13-1318 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. Hedrick appeared at the September 11, 2014 hearing in person and without legal counsel. Hedrick testified that the time at issue in the underlying matter was a "difficult period in his life" and "extremely stressful." He stated he "wasn't functioning right" or "well enough to get a lot of things done." He stated he intended to get the missed continuing education hours done but did not. He stated he did see patients during the time in question but "felt he was not doing anyone damage." He stated he'd been in therapy and was "making a plea for mercy" from the Committee.

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 April 24, 2014, in *State Committee of Psychologists v. Robert L. Hedrick*, Case No. 13-1318 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 April 24, 2014, Licensee's psychologist license is subject to disciplinary action by the Committee pursuant to § 337.035.2(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 Robert L. Hedrick (license no. 00921) is hereby placed on **PROBATION** for a period of **THREE (3) YEARS** (disciplinary period). The disciplinary period shall become effective fifteen (15) days after the date of this Order. During the aforementioned probation, Hedrick shall be entitled to practice as a licensed psychologist subject to the following terms and conditions.

IV.

TERMS AND CONDITIONS

I. PSYCHOLOGICAL EVALUATION REQUIREMENTS

A. At Licensee's expense, Licensee must undergo an evaluation to assess current functioning and effects of such functioning on Licensee's ability to practice, conducted by a licensed and/or board certified psychologist trained in neuropsychology approved by the State Committee of Psychologists. Within twenty (20) business days of the effective date of this Order, Licensee shall submit a list of no less than five (5) proposed psychologists trained in neuropsychology to conduct the evaluation. The Committee may approve a psychologist trained in neuropsychology from this list, or may require a second list of five (5) proposed psychologists trained in neuropsychology which the Licensee shall submit within twenty (20) business days of the Committee's request. The Licensee must begin the evaluation within thirty (30) days of the Committee's approval. The Licensee must immediately notify the Committee, in writing, of the start date of the evaluation.

B. The written evaluation must be submitted by the evaluating psychologist trained in neuropsychology to the State Committee of Psychologists within thirty (30) days of the evaluation being initiated. It shall be the Licensee's responsibility to ensure that the evaluation is submitted by the evaluating psychologist trained in neuropsychology to the State Committee of Psychologists.

C. The evaluating psychologist trained in neuropsychology shall be released to discuss the purpose and methods of the evaluation with a representative of the State Committee of Psychologists prior to performing the evaluation. The evaluation will be pursuant to consultation with the State Committee of Psychologists. While Licensee will pay for the evaluation, the evaluating psychologist trained in neuropsychology will work on behalf of the State Committee of Psychologists.

D. Licensee shall abide by the recommendations of the evaluating psychologist trained in neuropsychology set forth in the psychologist trained in neuropsychology's evaluation. Licensee shall engage in all psychologist trained in neuropsychology testing evaluation, supervision, therapy or other treatment recommended. If therapy is deemed appropriate, the treating health care provider must be different from the professional performing the evaluation and must be approved by the State Committee of Psychologists. Licensee shall commence any recommended therapy or treatment within twenty (20) days of the evaluation completion date.

E. If therapy is deemed appropriate, it must be continued according to the frequency of sessions recommended by the evaluating psychologist trained in neuropsychology. The treatment modality or plan shall reflect issues and themes recommended by the evaluating psychologist trained in neuropsychology as well as any additional treatment goals. Ongoing treatment and documentation should address the evaluating psychologist trained in neuropsychology's recommendation.

F. In the event the treating psychologist trained in neuropsychology becomes unable or decides not to continue serving in his/her capacity as a treating psychologist trained in neuropsychology during the disciplinary period, then the Licensee shall:

1. Within three (3) business days of being notified of the treating psychologist trained in neuropsychology's inability or decision not to continue serving as the treating psychologist trained in neuropsychology or otherwise learning of the need to secure a treating psychologist trained in neuropsychology, advise the State Committee of Psychology in writing that he/she is needing to secure a treating psychologist trained in neuropsychology and the reasons for such change; and

2. Within twenty (20) business days of being notified of the treating psychologist trained in neuropsychology's inability or decision not to continue serving as the treating psychologist trained in neuropsychology or otherwise learning of the need to secure a treating psychologist trained in neuropsychology, secure a treating psychologist trained in neuropsychology pursuant to and in accordance with the terms and conditions set forth in this Order.

G. Licensee must give the State Committee of Psychologists, or its representative(s), permission to review Licensee's personal treatment and/or medical records.

H. In any professional activity in which Licensee is involved, all individuals whom Licensee treats, evaluates, or provides service must allow their treatment records to be reviewed by the State Committee of Psychologists or its representative(s).

I. Licensee's treating psychologist trained in neuropsychology must report at least once every three (3) months to the State Committee of Psychologists on Licensee's progress. 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 in a timely manner.

II. SUPERVISION REQUIREMENTS

A. Licensee's practice as a professional psychologist shall be supervised on a three (3) month basis by a psychologist approved by the State Committee of Psychologists. If Licensee has failed to secure a supervisor within twenty (20) days from the start of probation the Licensee shall cease practicing psychology until a supervisor is secured. Licensee shall be responsible for any payment associated with the supervision. Supervision includes, but is not limited to, on site face-to face review of cases and review (approval and co-signing) of written reports such as case notes, intake assessments, test reports, treatment plans and progress reports.

B. In the event the supervising psychologist becomes unable or decides not to continue serving in his/her capacity as a supervising psychologist or otherwise ceases to serve as a supervising psychologist during the period of probation, then Licensee shall:

1. Within three business days of being notified of the supervising psychologist's inability or decision not to continue serving as the supervising psychologist, or otherwise learning of the need to secure a supervising psychologist, advise the Committee in writing that he is needing to secure a supervising psychologist and the reasons for such change; and

2. Within twenty business days of being notified of the supervising psychologist's inability or decision not to continue serving as the supervising psychologist, or otherwise learning of the need to secure a supervising psychologist, secure a supervising psychologist pursuant to and in accordance with the terms and conditions set forth in this Order. After twenty business days, Licensee shall not conduct psychological evaluations if he has not secured a supervisor.

C. The supervising psychologist shall be vested with the administrative authority over all matters affecting the provision of psychological evaluations provided by Licensee so that the ultimate responsibility for the welfare of every client evaluated is maintained by the supervising psychologist.

D. Licensee must give the State Committee of Psychologists or its representative(s) permission to review Licensee's personal treatment or medical records.

E. In any professional activity in which Licensee is involved, all individuals whom Licensee treats, evaluates, or provides service must allow their treatment records to be reviewed by the State Committee of Psychologists or its representative(s).

F. Licensee's supervisor must report at least once every three (3) months on Licensee's compliance with the terms of discipline in this Order until Licensee's satisfactory completion of the requirements of section I, paragraph A above. 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 to the Committee in a timely manner.

III. GENERAL REQUIREMENTS

A. Licensee shall not serve as a supervisor for any psychological trainee, psychological intern, psychological resident, psychological assistant, or any person undergoing supervision during the course of obtaining licensure as a psychologist, professional counselor or social worker.

B. Licensee must inform Licensee's employers, and all hospitals, institutions and managed health care organizations within which Licensee is affiliated, that Licensee's work as a professional psychologist is under probation by the State Committee of Psychologists. Licensee must obtain written verification that each patient/client that Licensee treats, evaluates, or consults has been so informed.

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

D. Licensee 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.

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

F. Licensee 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.

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

H. If at any time during the disciplinary period, Licensee 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.

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

J. If Licensee 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).

K. 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 Licensee not specifically mentioned in this document.

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

This Order does not bind the Board or restrict the remedies available to it concerning any violation by Respondent 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, THIS 9th DAY OF October, 2014.

EFFECTIVE, THIS 23rd DAY OF October, 2014.



STATE COMMITTEE OF PSYCHOLOGISTS

Pamela Groose
Pamela Groose, Executive Director

On February 28, 2014, the Committee filed a motion for summary decision. Regulation 1 CSR 15-3.446(6) provides that we may decide this case without a hearing if the Committee establishes facts that Hedrick does not dispute and entitle the Committee to a favorable decision.

The Committee cites the request for admissions that was served on Hedrick on November 19, 2013. Hedrick did not respond to the request. Under Supreme Court Rule 59.01, the failure to answer a request for admissions establishes the matters asserted in the request, and no further proof is required.¹ Such a deemed admission can establish any fact or any application of law to fact.² That rule applies to all parties, including those acting *pro se*.³ Section 536.073⁴ and our Regulation 1 CSR 15-3.420(1) apply that rule to this case.

We gave Hedrick until March 18, 2014, to respond to the motion for summary decision, but he did not respond. Therefore, the following facts are undisputed.

Findings of Fact

1. Hedrick is licensed by the Committee as a psychologist. Hedrick's license was originally issued on December 11, 1980, and was current and active at all relevant times.
2. On November 30, 2011, Hedrick sent an e-mail to the Committee stating he was unable to complete the required forty credit hours of CE for the reporting cycle of December 1, 2009 to November 30, 2011, ("the 2009 - 2011 reporting period"). Hedrick requested a three-month extension of time to complete his CE credit hours.
3. On December 21, 2011, the Committee's Executive Director, Pamela Groose, replied to Hedrick by e-mail and informed him that he would need to submit his request to the Committee at their next meeting on March 22, 2012. Groose suggested that Hedrick complete the CE hours and submit evidence of his completion prior to March 20, 2012.

¹ *Killian Constr. Co. v. Tri-City Constr. Co.*, 693 S.W.2d 819, 827 (Mo. App., W.D. 1985).

² *Linde v. Kilbourne*, 543 S.W.2d 543, 545-46 (Mo. App., W.D. 1976).

³ *Research Hosp. v. Williams*, 651 S.W.2d 667, 669 (Mo. App., W.D. 1983).

⁴ Statutory references, unless otherwise noted, are to the 2000 Missouri Revised Statutes.

4. On his application to renew his license, submitted to the Committee on January 30, 2012, Hedrick indicated that he did not obtain the forty hours of CE required for the 2009 - 2011 reporting period.

5. Hedrick did not complete or provide documentation of completion of the forty hours of CE required for the 2009 - 2011 reporting period prior to March 20, 2012, as suggested by Groose.

6. By letter dated May 15, 2012, the Committee informed Hedrick that he had until May 31, 2012 to complete and provide the Committee with documentation of the forty CE hours required for the 2009 - 2011 reporting period.

7. As of the date the Committee filed the complaint, Hedrick had not completed or provided documentation of completion of forty CE hours required for the 2009 - 2011 reporting period.

Conclusions of Law

We have jurisdiction to hear this case.⁵ The Committee has the burden of proving that Hedrick has committed an act for which the law allows discipline.⁶

Hedrick admitted the facts as we have found them.⁷ Statutes and case law instruct that we must “separately and independently” determine whether such facts constitute cause for discipline.⁸ Therefore, we independently assess whether the facts admitted allow discipline under the law cited.

⁵ Section 621.045, RSMo. 2013 Supp.

⁶ *Missouri Real Estate Comm'n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989).

⁷ Although the Committee could have asked Hedrick to admit these facts constitute cause for discipline, it did not do so.

⁸ *Kennedy v. Missouri Real Estate Commission*, 762 S.W.2d 454, 456-57 (Mo. App., E.D. 1988).

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 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:

(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;

(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.

Violation of Regulation/Statute – Subdivision (6)

The Committee argues that Hedrick violated the following regulations and statute.

Regulation 20 CSR 2235-7.010,⁹ entitled Continuing Education, states:

(1) Every psychologist licensed in Missouri shall, on or before February 1, 2002, and every two (2) years thereafter, complete or otherwise obtain for the immediately preceding two (2)-year reporting cycle at least forty (40) hours . . . of accredited "continuing education credits" (herein CE credits) relevant to the practice of psychology.

(2) At least fifteen (15) of the forty (40) continuing education (CE) credits must be completed within Category A (i.e., formal programs which meet the requirements of 20 CSR 2235-7.030(1)(A)); and the remaining twenty-five (25) CE credits must be completed in either Category A or in Category B (i.e., informal programs or hours which meet the requirements of 20 CSR 2235-7.030(1)(B)).

⁹ All references to the CSR are to the Missouri Code of State Regulations as current with amendments included in the Missouri Register through the most recent update.

Regulation 20 CSR 2235-7.020, entitled Continuing Education Reports, states:

- (1) Every psychologist shall maintain for a period of four (4) years from the completion of each reporting cycle full and complete records of all accredited continuing education (CE) programs attended or accredited continuing education credit hours earned during the immediately preceding two (2)-year reporting cycle.
- (2) Such records shall be made available, upon reasonable request during regular business hours, to the committee or to such authorized representative as the committee may hereafter appoint from time-to-time for inspection, photocopying, or audit.

Regulation 20 CSR 2235-7.040 states:

- (2) The . . . individual licensee shall maintain records of continuing education credits as would substantiate meeting these regulations for five (5) years following the submission of the reporting form.
- (3) The committee may require the licensee to submit documents for proof of compliance. Upon receipt of the notification requesting said documents the licensee shall forward documents to the committee's office within thirty (30) days.
- (4) Failure to provide the committee with proof of compliance with the continuing education credit requirement when requested will be considered a violation of the practice act and shall be cause for discipline pursuant to section 337.035, RSMo.

Section 337.050.12, regarding continuing education, provides:

When applying for a renewal of a license pursuant to section 337.030, each licensed psychologist shall submit proof of the completion of at least forty hours of continuing education credit within the two-year period immediately preceding the date of the application for renewal of the license. . . .

Hedrick failed to complete his CE hours for the 2009 – 2011 reporting period, and failed to provide documentation to the Committee upon request and at time of his application for renewal. He violated the regulations and statute and is subject to discipline under § 337.035.2(6).

Unethical Conduct – Subdivision (15)

Regulation 20 CSR 2235-5.030(1)(D) of the Ethical Rules of Conduct for Missouri licensed psychologists, provides: “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.”

Regulation 20 CSR 2235-5.030(13)(A) of the Ethical Rules of Conduct for Missouri licensed psychologists, provides: “[t]he psychologist shall not violate any applicable statute or administrative rule regarding the practice of psychology.”

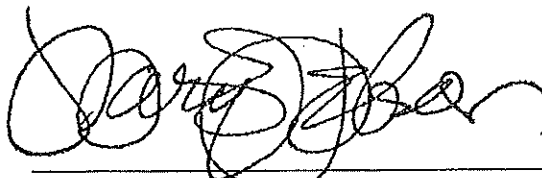
Therefore, the violations of regulations and statute we found above concerning Hedrick’s CE hours constitute a violation of ethical rule 20 CSR 2235-5.030(13)(A). Violating an ethical rule constitutes unethical and unprofessional conduct. There is cause for discipline under § 337.035.2(15).

Regulation 20 CSR 2235-5.030(3)(B) of the Ethical Rules of Conduct for Missouri licensed psychologists, provides: “[t]he psychologist shall maintain current competency in the areas in which s/he practices, through continuing education. . . in conformance with current standards of scientific and professional knowledge.” Hedrick failed to maintain his competency through continuing education by failing to complete his CE hours as required. There is cause for discipline under § 337.035.2(15) for violating 20 CSR 2235-5.030(3)(B).

Summary

Hedrick is subject to discipline under § 337.035.2(6) and (15). We cancel the hearing.

SO ORDERED on April 24, 2014.



MARY E. NELSON
Commissioner