

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

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APR 26 1996

MISSOURI STATE COMMITTEE
OF PSYCHOLOGISTS

STATE COMMITTEE OF PSYCHOLOGISTS,)
3605 Missouri Boulevard)
Jefferson City, Missouri 65102)

Defendant,)

v.)

No. 95-002055PS

ROBERT L. McKINNEY)
501 West Lexington, Suite A)
Independence, Missouri 64050)

Respondent.)

JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE ADMINISTRATIVE HEARING COMMISSION AND
STATE COMMITTEE OF PSYCHOLOGISTS AND CONSENT ORDER
WITH JOINT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 CSR 15-2.450(1)) and pursuant to the terms of Section 536.060, RSMo 1994, as it is made applicable to the Administrative Hearing Commission by Section 621.135, RSMo 1994, the parties waive the right to a hearing of the above-styled case by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the State Committee of Psychologists under Section 621.110, RSMo 1994, and jointly stipulate to the facts set forth below. The parties agree that the waivers are conditioned upon the Administrative Hearing Commission's issuance of a Consent Order, and further, that if the Administrative Hearing Commission shall decline to issue a Consent Order, this Stipulation shall not take effect.

Respondent acknowledges that he has received and reviewed a copy of the Complaint filed by the State Committee of Psychologists in this case and the parties submit to the jurisdiction of the Administrative Hearing Commission.

The Respondent acknowledges that he is aware of the various rights and privileges afforded him by law, including the right to appear and be represented by counsel; the right to have a copy of the complaint served upon him by the Administrative Hearing Commission prior to the entering of its order; the right to have all charges against Respondent proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Respondent; the right to present evidence on Respondent's own 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 complaint pending against Respondent; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided the Respondent by operation of law, the Respondent, Robert McKinney, knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to Respondent.

I

Based upon the foregoing, the Petitioner and the Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the

Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

JOINT PROPOSED FINDINGS OF FACT

1. The State Committee of Psychologists ("the Committee") is an agency of the State of Missouri created and established pursuant to Section 337.050, RSMo 1995, for the purpose of executing and enforcing the provisions of Chapter 337, RSMo.
2. The Licensee is licensed by the Committee as a psychologist, License No. PY00315. The Licensee's Missouri license is current and active.
3. On or about July 1, 1989, patient D.S. entered Two Rivers Hospital for treatment.
4. Patient D.S. was discharged on or about July 28, 1989 and re-admitted on or about July 29, 1989.
5. The Licensee was assigned as a part of the patient's treatment team.
6. Upon discharge, on or about August 2, 1989, patient D.S. was referred to Licensee for outpatient psychotherapy.
7. Upon discharge, patient D.S. attended a facility in Holt, Missouri, which was owned and operated by Licensee, as a retreat for the conduct of Christian counseling.
8. Patient D.S.'s counseling at the Holt facility included intensive therapy which was referred to as primal integration therapy.
9. Patient D.S.'s therapy at the Holt facility, was conducted by Bill and Gynne Versnick. The Versnicks did not hold any professional license.

10. Primal integration therapy as performed by the Versnicks is not an accepted method of psychotherapy.

11. Licensee filed claims with patient D.S.'s insurance carrier under Licensee's signature for the services performed by the Versnicks. The insurance claims filed by Licensee reflected that patient D.S. had received psychotherapy.

12. Licensee's supervision of the Versnicks as outlined above constitutes gross negligence.

JOINT PROPOSED CONCLUSIONS OF LAW

Cause exists for discipline against Respondent's psychology license pursuant to §337.035.2.(5), RSMo 1994, which states in pertinent part:

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 his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(5) . . . gross negligence . . . in the performance of the functions or duties of any profession licensed or regulated by this chapter.

II

Based on the foregoing, the parties mutually agree and stipulate that Respondent shall voluntarily surrender his license to practice psychology immediately upon the issuance of the Consent Order of the Administrative Hearing Commission. In return, the

State Committee of Psychologist shall forgo holding a disciplinary hearing.

1. Respondent shall immediately submit all copies and originals of Licensee's psychologist license, wall hanging, and wallet certificate to the State Committee of Psychologist.


2. In consideration of the foregoing, the parties consent to the entry of record and approval of this Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission and State Committee of Psychologists and Consent Order, and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by the Petitioner in the above-styled action.

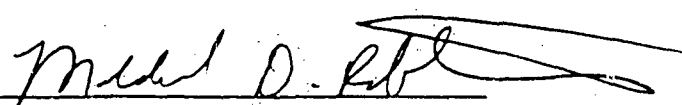
3. Respondent, together with his/her heirs and assigns, and their attorneys, do hereby waive, release, acquit and forever discharge the State Committee of Psychologists and its attorney of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, a claim for attorneys fees whatsoever which Respondent and their attorneys now have or which they may hereafter have, which is based upon or arises out of the above styled case.

4. The parties to this agreement understand that the State Committee of Psychologists will maintain this agreement as an open record of the Committee.

RESPONDENT

PETITIONER


Robert McKinney

By: 
Mildred Robertson
Executive Director