

**STATE OF SOUTH DAKOTA
BOARD OF EXAMINERS OF PSYCHOLOGISTS**

**IN THE MATTER OF THE
LICENSURE PROCEEDINGS**

RE: GRETCHEN HUGHES,

**STIPULATION
AND ORDER**

License No. 215,

Licensee.

WHEREAS, Gretchen Hughes, M Ed.. ("Licensee"), is licensed to practice as a psychologist in the State of South Dakota and holds License number 215; and

WHEREAS, allegations have been made that beginning in 1988 and continuing through April 7, 1999, Licensee violated SDCL § 36-27A-28(6) and §36-27A-28(1 1).in providing psychology services to patients and clients identified by initials as D.A., G.A., K.A., D.J., K.J., M.K., S.K., D.M.(male), D.M. (female), K.R., B.T., J.W., T.W., D.W. and J.W. (hereinafter the "Complaining Clients")

WHEREAS, Licensee admits that it is alleged that such actions described in the above paragraphs violated the Code of Ethics in force for South Dakota practitioners as follows, thus violating SDCL §36-27A-28(6) and SDCL § 36-27A-28(1 1) and ARSD 20:60:07:

(1) The APA Code of Ethical Principles of Psychologists (the Code in force from 1982 through October 30, 1991, in South Dakota):

(a) Principle 1.f. providing that practitioners are alert to personal, social, and financial situations that may lead to misuse of their influence;

(b) Principle 3.b. providing that, as employers, psychologists do not engage in or condone practices resulting in unjustifiable actions;

(c) Principle 3.d. providing that psychologists must act in accord with Association standards and guidelines relating to practice, including the Standards and Guidelines of the APA, and specifically the 1987 General Guidelines for Providers of Psychological Services and the 1981 Specialty Guidelines for Delivery of Services by Counseling Psychologists, requiring maintenance of accurate, current and pertinent documentation of essential clinical psychological services, maintenance for at least seven (7) years of the records, including four (4) years of full records, amelioration of conflicts of interest through peer review or consultation and restraint in bartering of services.

(d) Principle 6.a. providing, in part, that "(p)sychologists are continually cognizant of their own needs and of their potentially influential position vis a vis persons such as clients, students and subordinates. They aren't exploiting the trust and dependency of such persons..."

(e) Principle 6.a. specifically providing that "(p)sychologists make every effort to avoid dual relationships that could impair their professional judgment or increase the risk of exploitation" and listing a nonexclusive list of examples of that dual relationship as including treatments of close friends.

(2) Adopted by the Board and effective October 30, 1991, the "AASPB Code of Conduct," May, 1991, including:

(a) Rules of Conduct III.A.6. requiring that psychologists maintain professional records including the presenting problems or purpose of diagnosis, the substance of each billed or service count contract or service, and notation and results of formal consults with other providers;

(b) Rule of Conduct III.B.2. requiring that psychologists shall not undertake or continue a professional relationship with a client when the objectivity of the psychologist is, or could reasonably be expected by the Board to be, impaired because of the psychologist's present or previous familial, social, emotional, financial, supervisory or legal relationship with the client or a relevant person associated with or related to the client, and prohibiting psychologists from entering into a financial or other potentially exploitative relationships with a client or former client.

(c) Rule of Conduct III.C.1. providing that a psychologist shall give a truthful, understandable, and appropriate account of the client's condition and keep the client fully informed as to the purpose and nature of any treatment or other procedures.

(d) Rule of Conduct III.C.4. providing that the psychologist shall not enter into a dual relationship with a client.

(e) Rule of Conduct III.E. prohibiting the psychologist from disclosure of confidential information to others without the informed written consent of the client.

WHEREAS, the Licensee does not admit to the said allegations or violations but does recognize and agree that these matters, if proven, are of a nature which would constitute grounds for the discipline of her license to practice as a psychologist in South Dakota under SDCL §36-27A-28(6) and (I 1), and ARSD 20:60:07; and

WHEREAS, the South Dakota Board of Examiners of Psychologists (hereinafter "the Board") has a statutory obligation to protect the public health, safety and welfare set forth in SDCL §36-27A, including the protection of the public from unsafe practices and practitioners; and

WHEREAS, the Licensee has requested the Board's Investigative Officer to present this Stipulation to the Board for action and recognizes that the Board may approve this Stipulation, reject

it, or modify it; and

WHEREAS in the event the Board, in its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party in any subsequent proceeding, and Licensee agrees that if the Board rejects this Stipulation and the case proceeds to hearing, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any of the records or information relating hereto; and

WHEREAS, the Licensee has expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings; and

WHEREAS, it is the intent of this Stipulation to provide for a settlement of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible solution;

Now, therefore, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. Jurisdiction of Board

The Board has jurisdiction over the person of the Licensee and the subject matter of this Stipulation;

2. Allegations Against Licensee

Allegations have been made that beginning in 1988 and continuing through April 7, 1999, Licensee violated SDCL § 36-27A-28(6) and § 36-27A-28(11) in providing psychology services to Complaining Clients;

3. Rights of Licensee

Licensee has been given an opportunity to discuss this Stipulation with an attorney of

Licensee's choice, and is aware of Licensee's right to a hearing in this matter, and all rights under the United States and South Dakota Constitutions, laws, rules and/or regulations. Licensee hereby voluntarily waives all such rights to a hearing, notice, appearance, or any other rights under said Constitutions, laws, rules and/or regulations. Licensee is entering into this Stipulation voluntarily and without duress or compulsion. Licensee also agrees that the Board's Investigative Officer may present this Stipulation to the Board and disclose to the Board all items of his investigation, including, but not limited to, any communications with Licensee;

4. Obligatory Leave of Absence

Licensee will be obligated to take a leave of absence from the practice of psychology and will not practice for an indefinite period of not less than six months from the date of this Order as described below. During that period, Licensee's license shall be held by the Board. No earlier than the time specified in paragraph 5 below, Licensee may apply in writing to have her license returned and her leave of absence ended provided Licensee has fulfilled the terms and conditions set forth in paragraph 5-12 below. If necessary, the Board will meet in a special session to determine whether Licensee has fulfilled those terms and conditions. The Board will file all required reports with regulatory and governmental authorities including ASPPB reporting on Licensee's licensure status and Licensee's leave of absence.

5. Notice and Information Regarding Resumption

Not later than 30 days before the proposed date for ending her leave of absence, Licensee bears the burden of providing the Board with this information:

- (a) Written notice of Licensee's intent to end her leave of absence and Licensee's proposed date for resuming her practice, which date shall be after the Board has had

an opportunity to consider and approve all items required to be provided;

- (b) A letter from Paul Singh indicating that he has seen a copy of this Stipulation and Order, and the Complaints filed against Licensee, and the summary of allegations prepared by the Board's investigative officer, and confirming that Licensee is complying with all recommendations for therapy and/or treatment and that the goals set forth for the therapy and/or treatment have been attained;
- (c) A report from Chris Babo indicating that she has seen a copy of this Stipulation and Order, the Complaints filed against Licensee, the summary of allegations prepared by the Board's investigative officer, and an in camera review of all documentation, including, but not limited to, the letter and report specified in paragraphs 5b, progress notes, psychological evaluations, diagnoses, and treatment plans of Licensee's treating psychologist or psychiatrist, that she has conducted a comprehensive psychological evaluation of Licensee, and that Licensee is fit to practice psychology safely and effectively and that in her unconditional opinion and evaluation, Licensee's return to practice shall not present any danger of Licensee's inappropriate boundary crossings and violations in the future to a reasonable degree of psychological certainty and that the goals set forth for the rehabilitation have been attained.. The report shall also specify any conditions that, in the opinion of the examiner, Licensee must meet in order to practice psychology safely and effectively, which conditions shall be incorporated into any monitoring provisions as set forth below.
- (d) Licensee shall sign a release of information for an in camera review but not for

copying or other reproduction by the Board's investigative officer of all documentation, including, but not limited to, the letter and report specified in paragraphs 5b and 5c, progress notes, psychological evaluations, diagnoses, and treatment plans prepared or conducted during Licensee's obligatory leave of absence from any physicians, psychiatrists, psychologists, counselors, or other mental health professionals seen during Licensee's obligatory leave of absence and shall, no later than thirty days prior to the date proposed for ending her leave of absence, provide copies of all records and documentation from said providers for an in camera review but not for copying or other reproduction by the Board's investigative officer.

6. Meeting with Board Representative

Licensee shall arrange with a Board representative a meeting no sooner than thirty (30) days and no later than fifteen (15) days prior to the date proposed for ending her leave of absence. It will be the obligation of the Licensee to schedule the meeting at such time and place as the designated Board representative reasonably designates. The meeting will involve a candid discussion of Licensee's understanding of the ethical issues pertaining to the practice of psychology, particularly as they relate to the circumstances giving rise to the complaints of the Complaining Clients.

7. Status of Employment

Licensee will notify the Board in writing of any employment, including changes in employment, during the leave of absence.

8. Absence from South Dakota

During the leave of absence, Licensee shall not practice psychology in any other state or province.

9. Interim Board Meetings

Licensee shall at any time during the period of this stipulation, report in person to such meetings of the Board or to its designated representatives as directed and otherwise fully cooperate with the Board or its representatives in the terms of this stipulation, and shall appear in person before the Board to discuss ending her leave of absence.

10. Compliance with Laws and Regulations

During and after her leave of absence, Licensee shall not violate any law or regulation regarding the practice of psychology or counseling.

11. Scope of Leave

During her leave of absence, Licensee shall not provide psychological, mental health or any counseling services to any member or members of the public, regardless of whether or not Licensee holds herself out as a licensed psychologist, and regardless of whether or not Licensee is compensated for such services.

12. Responsibility for Costs

Licensee shall bear all Licensee's costs in carrying out the provisions of this Stipulation.

13. Additional Conditions of Practice

When Licensee resumes her practice following her obligatory leave of absence, Terry Zuehlke shall serve as Licensee's practice monitor for a period as set by the Board which shall be at least four months to monitor Licensee's documentation practices, to assist in Licensee's transition back to practice following the leave of absence, and to monitor Licensee's implementation of any suggestions as set forth by the report of Chris Babo described in paragraph 5.c. of this Stipulation. The Board may also set an additional period of reasonable duration, terms and conditions for

probation at that time.

14. Effect of Stipulation

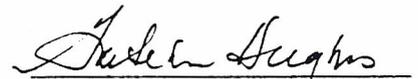
This Stipulation is a compromise of the allegations against Licensee and is not intended as an adjudication of the merits of those allegations.

15. Voluntary Agreement

This Stipulation is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Stipulation with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Stipulation and of the Licensee's rights to a formal hearing on these matters, which rights are hereby waived by the signing of this Stipulation.

NOW, THEREFORE, the foregoing Stipulation is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an order of the Board in the above matter.

Dated this 6 day of November, 2000.


Gretchen Hughes, Licensee

Dated this 6th day of NOV, 2000.


Clair Gerry, Attorney for Licensee

The South Dakota Board of Examiners of Psychologists' meeting on the 7 day of December 2000, (approved)(~~rejected~~) the attached Stipulation (as written) (~~with the following modifications~~):

and issued its order consistent herewith as follows:

IT IS HEREBY ORDERED that the above Stipulation is adopted shown herein by the South Dakota Board of Examiners of Psychologists as an Order of the Board this day of 2000, by vote of 4-0.

Carole Jellingshusen
Executive Secretary