

COPY

BEFORE THE ARKANSAS PSYCHOLOGY BOARD

IN THE MATTER OF
ANNA M. CLARK, Psy.D.
License # 98-2P

Case # 05-12

CONSENT ORDER

Comes now the Arkansas Psychology Board (the "Board") to determine whether Anna M. Clark, Psy.D., License #98-2P (the "Respondent") has violated Ark. Code Ann. §17-97-101 *et seq.* and the Rules of the Arkansas Psychology Board. It now appearing that Respondent is willing to enter into this Consent Order.

It is hereby agreed to by the Respondent and the Arkansas Psychology Board that:

1. Respondent has read the proposed Consent Order, acknowledges her right to consult with counsel, and voluntarily agree to enter into this Consent Order on her own volition and without any reliance upon any representations by the Board or any officer, employee, agent, or other representative thereof, other than expressly set forth herein.
2. Respondent hereby waives any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order.
3. Respondent agrees to this Consent Order for the purpose of resolving the pending matter without further administrative action. In this regard, Respondent agrees that the Board will review and determine whether to approve this Consent Order. Furthermore, should this Consent Order not be approved by the Board, Respondent agrees that the presentation and consideration of this Consent Order by the Board shall

not unfairly or illegally prejudice the Board or any of its members from further participation in, consideration, or resolution of the matters set forth in the Order and Notice of Hearing herein.

4. This agreement shall not become a valid and enforceable order of this Board unless and until it is accepted and approved by the Board at an official meeting and executed by the Chair of the Board or his designee.

5. This Consent Order and the Board's records in regard to this proceeding are public records that are available to the public pursuant to and subject to the exceptions of the Freedom of Information Act, A.C.A. § 25-19-101 *et seq.* (Repl. 1996).

FINDING OF FACTS

F1. Respondent is a licensed Psychologist in the State of Arkansas and holds license number 98-2P.

F2. In an Order dated March 20, 2003, Respondent was found to have violated Ethical Standard 1.17(a) and (c) of the *Ethical Principles of Psychologist and Code of Conduct*. The Order also found that her actions constituted a violation of A.C.A. § 17-97-210(a)(8).

F3. The Board imposed the following penalty for violation of the ethical standards and laws governing the practice of psychology, to wit:

The Board determines that the respondent must be supervised over the next two years. In the first year, respondent's supervision must consist of one hour weekly. After one year of supervision, a report must be submitted by respondent's supervisor including a recommendation as to the amount of supervision needed for the second year. Respondent's supervisor's name must be submitted to the Board within thirty (30) days of receipt of this Order.

- F4. Respondent did not appeal the Order of this Board.
- F5. On May 19, 2003 Respondent acknowledged receipt of the Findings of Fact, Conclusions of Law and Order and submitted the name of Dr. _____, Ph.D., LPC, LMFT of Counseling Services of Jacksonville, as her supervisor by faxed correspondence. The name was not submitted to the Board and there was no inquiry by the Respondent regarding the Board's approval or failure to approve the submitted supervisor.
- F6. Respondent was employed by Counseling Services of Jacksonville between February 2003 and November 2003.
- F6. Respondent was employed by Rivendell Behavioral Health in Benton, Arkansas from October 2004 through March 2005.
- F7. Respondent failed to submit or have submitted by a qualified supervisor the report regarding her first year of supervision as required by the Order.

APPLICABLE LAW AND RULES

- L1. All persons licensed by the Board are required to conform in their practice to the requirements of Ark. Code Ann. § 17-97-101, et.seq, and the Rules of the Arkansas Psychology Board.
- L2. Qualified supervision is required for those individuals who are deemed by the Board, because of academic, experiential, professional, or personal background reasons or because of formal adjudication or stipulated agreement, to required supervision in the practice of psychology. Rule 6.1.D, *Arkansas Board of Examiners in Psychology Rules and Regulations 2003*.

L3. Arrangements for professional supervision shall be the responsibility of the supervisee. Rule 6.2.A, *Arkansas Board of Examiners in Psychology Rules and Regulations 2003*.

L4. Rule 6.4 of the *Arkansas Board of Examiners in Psychology Rules and Regulations* authorizes Board review of the supervisory relationship. It states

Failure of the supervisee or supervisor in the supervisory relationship to comply with these requirements and responsibilities shall be subject to Board review and possible disciplinary action pursuant to A.C.A. Sec. 17-97-310.

L5. Pursuant to A.C.A. § 17-97-310(a) the Arkansas Psychology Board may suspend or revoke any license; may impose a fine up to five thousand dollars (\$5,000); may issue a letter of reprimand; and, may require additional hours of education of a licensee on the following grounds:

(8) A violation of any rule or regulation of the board or the rules of ethics as adopted by the board.

CONCLUSIONS OF LAW

C1. Respondent failed to follow the Order of this Board entered on April 20, 2003 in that she failed to submit the name of a supervisor qualified pursuant to Rule 6.2.A & G of the *Arkansas Board of Examiners in Psychology Rules and Regulations*.

C2. Respondent failed to submit a supervision report as required in this Board's Order of April 20, 2003.

C3. Respondent continued to practice psychology without supervision in violation of this Board's Order of April 20, 2003 in violation of Rule 6.1.D. of the *Arkansas Board of Examiners in Psychology Rules and Regulations*.

ORDER

It is therefore the Order of this Board that a Letter of Reprimand will be placed in the Respondent's permanent licensure file outlining her failure to abide by this Board's Order of March 2003. Further, Respondent shall pay a fine of One Thousand Dollars (\$1,000.00) to the Board office within 90 days of entry of this Order.

The Board continues in its original order that Respondent's practice must be supervised for a period of two (2) years. Respondent is currently not practicing either in a group or private setting. Upon Respondent's return to practice, the first year (12 months) of practice shall consist of a group practice with supervision by a Board approved qualified psychological supervisor to be submitted by Respondent and approved by the Board prior to Respondent's return to practice. The Board will take action on approval of the submitted supervisor at the next regularly scheduled Board meeting following the submission or the submitted qualified psychological supervisor will be considered approved. At the conclusion of one year supervised group practice, a report must be submitted by Respondent's supervisor including a recommendation as to the amount of supervision needed for the second year. The Board will consider the recommendation of the supervisor at its next regularly scheduled Board meeting or the recommendation will be considered approved and accepted.

ARKANSAS PSYCHOLOGY BOARD


_____, EXECUTIVE DIRECTOR 1/20/06
DATE

APPROVED:

Attorney for Respondent

Assistant Attorney General
for the Arkansas Psychology Board