



BEFORE THE ARKANSAS PSYCHOLOGY BOARD

**IN THE MATTER OF MICHELLE MESSER, LICENSE #09-11EI
Case No. 18-04**

CONSENT AGREEMENT

The Arkansas Psychology Board ("Board") and Michelle Messer ("Respondent") acknowledge the existence of a controversy regarding whether Respondent has violated Ark. Code Ann. §§ 17-97-101, et seq. and the rules of the Board. Now the Board and Respondent willingly enter into a Consent Agreement to resolve the pending controversy.

Whereas, Respondent hereby represents and agrees:

- A. Respondent, having read the proposed Consent Agreement, acknowledges that she has the right to consult with counsel and now enters into this Consent Agreement 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 as expressly set forth herein.
- B. 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 Agreement. If, however, the Board fails to approve this Consent Agreement, the Respondent maintains and reserves any and all of her rights otherwise available to her in defense and challenge of the Complaint.
- C. Respondent agrees that the Board will review and determine whether to approve this Consent Agreement. Furthermore, Respondent and the Board agrees that should this Consent Agreement not be approved by the Board, the presentation and consideration of this Consent Agreement by the Board shall not unfairly or illegally prejudice the Board or

any of its members or Respondent from further participation, consideration or resolution of the matters involved herein at any subsequent hearing.

- D. Respondent understands and agrees that approval and entry of this Consent Agreement shall not preclude additional proceedings by the Board against Respondent for acts or omissions not specifically addressed herein, with the exception of incidents occurring prior to March 20, 2018.
- E. Respondent understands and acknowledges that this Consent Agreement and the Board's records concerning this matter are public records and available to the public pursuant to the Freedom of Information Act, Ark. Code Ann. § 25-19-101, *et seq.*
- F. This agreement shall not become a valid and enforceable Agreement of this Board unless and until accepted and approved by the Board at an official meeting and executed by the Board Chair or the Chair's designee.

FINDINGS OF FACT

1. Respondent is a Licensed Psychological Examiner—Independent Status in the State of Arkansas and holds License No. 09-11EI.
2. Prior to March 20, 2018, Respondent was employed by the Arkansas State Hospital as a Licensed Psychological Examiner—Independent Status.
3. The Board received this complaint, #18-04, on March 20, 2018.
4. On March 20, 2018, at approximately 8:50 a.m., Respondent assisted a patient in eloping from the Arkansas State Hospital.
5. On May 3, 2019, Respondent entered a plea of guilty to the charges of A Misdemeanor Aiding an Unauthorized Departure and D Felony Tampering with Evidence in Pulaski County Circuit Court Case No. CR-2018-2064.

CONCLUSIONS OF LAW

1. Respondent violated Ark. Code Ann. § 17-97-310(a)(7) and Code of Ethics § 3.04(a) by negligently and wrongfully assisting a patient in eloping from the Arkansas State Hospital as stated in Finding of Facts 1-4.

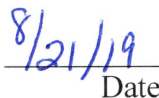
AGREEMENT

THEREFORE, IT IS SO ORDERED THAT:

1. The Respondent hereby agrees to surrender her license to practice as a Psychological Examiner—Independent Status to the Board within fifteen (15) days of receipt of this Consent Agreement. The Board and Respondent agree that there shall be no fines, costs, fees, or other penalties or punishments outside of this Consent Agreement.
2. If Respondent subsequently seeks to practice psychology in the State of Arkansas, Respondent must apply to the Board by submitting a new application. Respondent must meet all licensure qualification requirements at that time. Respondent acknowledges the Board may refuse to grant a license based on the violation outlined in this Consent Agreement or may elect to grant a temporary license, license under supervision, or other conditions as set by the board and her application shall be deemed retroactive and applicable to her 2009 license.
3. A copy of this Consent Agreement shall be placed in the Respondent's general licensure file, as well as the maintained specific complaint file with an executed copy provided to Respondent and Respondent's counsel within two (2) days of approval.



Michelle Messer
Respondent



Date

Edward C. Kleitsch

Dr. Edward Kleitsch
Chair Arkansas Psychology Board

16 AUG 19
Date

RECEIVED
AUG 23 2019
BY: _____