

COPY

RESOLUTION AND FINAL AGREEMENT

This RESOLUTION AND FINAL AGREEMENT (the "Agreement") is entered into this 15th day of December 2000, by and between DR. MICHAEL PRINCE (hereinafter referred to as "Prince"), and the ARKANSAS BOARD OF EXAMINERS IN PSYCHOLOGY (hereinafter referred to as the "BOARD").

P R E M I S E S:

WHEREAS, Prince is a licensed psychologist in the State of Arkansas; and,

WHEREAS, Prince provides psychological and psycho-educational testing services; and,

WHEREAS, Prince has, at least since the early 1990's, used uncredentialed/non-licensed personnel ("testing technicians") to provide psychological testing services to citizens of the State of Arkansas; and,

WHEREAS, such services included the use of these uncredentialed/non-licensed personnel to administer and score psychological or psycho-educational tests; and,

WHEREAS, at a hearing held on December 9-10, 1999, before the Board, a determination was made that Prince had failed to provide adequate training or supervision of the testing technicians used by him and that he had used such testing technicians in violation of Arkansas law. Pursuant to these findings, the Board suspended Prince's license to practice for one (1) year and limited the reinstatement of his license until after Prince had agreed that, in the future, he would not use testing technicians to provide psychological services to citizens of the State of Arkansas; and,

WHEREAS, Prince respectfully disagrees with the Board's findings and has appealed them to the Circuit Court of Craighead County, Arkansas,

A G R E E M E N T:

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants and promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confirmed, the parties agree as follows:

1. Prince agrees that until the Board interprets the law to permit the use of testing technicians to administer and score psychological or psycho-educational tests, he will cease and desist using testing technicians to perform these tasks or to otherwise use testing technicians to provide psychological services falling within the purview of the Arkansas psychology licensing law.

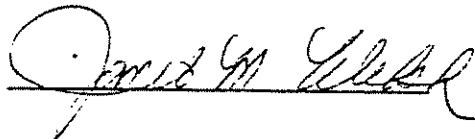
2. Based on the Board's decision, Prince acknowledges that the use of testing technicians to administer and score psychological or psycho-educational tests or to otherwise provide psychological services within the purview of the Arkansas psychology licensing law is not permitted under the Arkansas psychology licensing law.
3. Prince agrees to reimburse the Board the amount of \$1,749.50 for the transcript costs associated with his appeal of the Board's administrative decision.
4. The Board agrees to modify its decision rendered on December 10th, 1999, to remove that provision wherein his license was suspended for one year and, instead, to merely order that Prince is directed, until the Board revises its interpretation of permissible practices, to cease and desist from the use of testing technicians to administer and score psychological or psycho-educational tests, or to otherwise provide psychological services falling within the purview of the Arkansas psychology licensing law.

IN WITNESS WHEREOF, the parties executed this Agreement to be effective as of the date above first stated.

MICHAEL PRINCE

A handwritten signature in cursive script, appearing to read "Michael Prince", written over a horizontal line.

BOARD OF EXAMINERS IN
PSYCHOLOGY

A handwritten signature in cursive script, appearing to read "David M. Clark", written over a horizontal line.

BEFORE THE ARKANSAS BOARD OF EXAMINERS IN PSYCHOLOGY

**IN THE MATTER OF:
MICHAEL T. PRINCE**

99-05

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER**

Comes the Arkansas Board of Examiners in Psychology, (the Board) and after a public hearing held in the above-referenced matter, hereby makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Respondent is a licensed Psychologist in the State of Arkansas.
2. The Respondent does not practice exclusively in the narrowly-defined area of neuropsychology. As such, the use of testing technicians within the practice of neuropsychology is not under consideration in this case.
3. The Respondent does provide psychological and psychoeducational testing services.
4. The Respondent has, at least since the early 1990's, used uncredentialed/non-licensed personnel to provide psychological services to citizens of the State of Arkansas.
5. Such services included the use of these uncredentialed/non-licensed ("testing technicians") personnel to give or administer psychological or psycho-educational tests without Respondent providing adequate training or supervision of those technicians.

6. Respondent's reliance upon Division 40 Guidelines of the American Psychological Society is misplaced as these Guidelines are specifically addressed to the practice of neuropsychology.

CONCLUSIONS OF LAW

1. Respondent's actions as alleged constituted a violation of Ethical Standard 1.22(a) of the *Ethical Principles of Psychologist and Code of Conduct*.

2. Respondent's actions as alleged constituted a violation of Ethical Standard 1.22(b) *Ethical Principles of Psychologist and Code of Conduct*.

3. Respondent's actions as alleged constituted a violation of Ethical Standard 2.06 *Ethical Principles of Psychologist and Code of Conduct*.

4. Respondent's actions as alleged constituted a violation of former Ethical Principle 8(f) of the *Ethical Principles of Psychologists*.

11. Respondent's actions as alleged constituted negligent and wrongful actions as defined by Ark Code Ann. § 17-97-310(a)(8).

ORDER

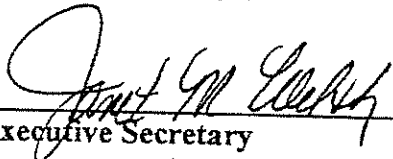
The Board determines to suspend Respondent's license for a period of one (1) year and for him to immediately relinquish said license to the Board. Respondent's reinstatement is contingent upon the Board receiving his written affirmation that he will not use non-licensed personnel to provide psychological and psychoeducational testing services.

The Respondent may seek judicial review of the Board's decision either in the circuit court of the county where he resides or in Pulaski County if filed within thirty (30) days of receipt of this Order. No further notice of the Board's findings will be sent and

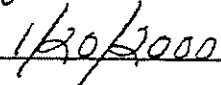
the Board's action will be final unless a stay is issued by the circuit court in accordance with the Administrative Procedures Act. All appeals or reviews must be in accordance with the Administrative Procedures Act, A.C.A. §25-12-201 et seq.

IT IS SO ORDERED this 10th day of December 1999.

**ARKANSAS BOARD OF EXAMINERS
IN PSYCHOLOGY**



Executive Secretary



1/20/2000

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS

IN THE MATTER OF MICHAEL PRINCE

No. CIV 99-642

AGREED ORDER

Upon agreement by all of the parties, Petitioner Michael T. Prince, Ph.D., and Respondent Arkansas Board of Examiners in Psychology, the Court hereby grants the Motion for Stay filed by Petitioner on December 15, 1999.

It is therefore ordered that the Administrative Order from the hearing of December 9, 1999 is hereby stayed pending this Court's decision on the Petition for Appeal filed with this Court.

IT IS SO ORDERED.


David Burnett
Circuit Judge

Date: 12/27/99

Agreed as to form and content:

Connie Carroll
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