BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF IDAHO

In the Matter of the License of:

ROGER C. EHLERT, PhD,
License No. PSY-56,
Respondent.

Case No. PSY-2015-4
STIPULATION AND
CONSENT ORDER

WHEREAS, information has been received by the Idaho State Board of Psychologist Examiners (the "Board") that constitutes sufficient grounds for the initiation of an administrative action against Roger C. Ehlert ("Respondent"); and

WHEREAS, the parties mutually agree to settle the matter in an expeditious manner in lieu of administrative hearings before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. Stipulated Facts and Law

A.1. The Board regulates the practice of psychology in the State of Idaho in accordance with title 54, chapter 23, Idaho Code.

A.2. The Board has issued License No. PSY-56 to Respondent. Respondent's license is subject to the provisions of title 54, chapter 23, Idaho Code and the Board's rules at IDAPA 24.12.01, et seq.

A.3. Respondent has been a supervisor for a service extender for many years. On or around March 2014, the service extender, Karolyne Rogers, submitted a written report to an attorney in a child custody case which included the diagnoses of post-traumatic stress disorder. The report stated Ms. Rogers had "been in private practice for Approximately 30 years." Ms.
Rogers signed the report as a "PhD Psychotherapist." The investigation revealed that Ms. Rogers, under the supervision of Respondent, had regularly represented herself as a psychotherapist and that she was in private practice in violation of service extender rules. Respondent also failed to appropriately supervise Ms. Rogers in other cases.

A.4. The allegations of Paragraphs A.3, if proven, would violate the laws and rules governing the practice of psychology, specifically Idaho Code §§ 54-2309(4) and (5) and IDAPA 24.12.01.004 and IDAPA 24.12.01.350 and the Ethical Principles of Psychologists and Code of Conduct, Section 2.05. Respondent's conduct also violates IDAPA 24.12.01.450.03.a, c, e, f and h. Violations of these laws and rules constitute grounds for disciplinary action against Respondent's license to practice psychology in the State of Idaho.

B. Waiver of Procedural Rights

I, Roger C. Ehlert, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraphs A.1 through A.4. I further understand that these allegations constitute cause for disciplinary action upon my license to practice psychology in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of psychology in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation, I am enabling the Board to impose disciplinary action upon my license without further process.

C. Stipulated Discipline

C.1. Effective thirty (30) days after the date of this Stipulation and Consent Order,
Respondent's right to employ, utilize or supervise service extenders shall be permanently revoked.

C.2. Respondent shall notify any current service extenders of his inability to continue to use them.

C.3. Respondent shall pay to the Board investigative costs in the amount of $959.00 and attorney fees in the amount of $1,487.50 for the total amount of $2,446.50 within six (6) months of entry of the Board's Order.

C.4. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

C.5. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.6. If Respondent fails to pay the administrative fine and/or investigative costs and attorney's fees in accordance with the terms set forth within this Stipulation, Respondent shall be ineligible to renew License No. PSY-56 or obtain any other license issued by the Board until such fines and/or costs and attorney fees are paid in full to the Board.

D. Presentation of Stipulation to Board

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2, this Stipulation shall be regarded as null and void, and admissions in this
Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2., which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

E. Violation of Stipulation and Consent Order

E.1. In the event Respondent violates or fails to timely comply with any term or condition of this Stipulation, the Board shall be authorized to take additional disciplinary action pursuant to the following procedures and without regard to any other requirement set forth in the Idaho Code, IDAPA rules, or any other statutory or regulatory provision:

   a. The Chief of the Bureau of Occupational Licenses shall serve notice of the charges levied against Respondent to Respondent or Respondent's attorney, if any. Within twenty-one (21) days after service of the notice, Respondent may submit both a response (along with supporting documentation) to the allegations and specifically request a hearing before the Board. If Respondent does not submit a timely response, the alleged violations will be deemed admitted. If Respondent does not submit a timely and specific request for hearing, Respondent waives any right to such hearing or to specific notice of or to participate in any hearing or meeting at which the Board considers or enters an order concerning the charges.

   b. At the hearing, if one if requested by the Respondent, the Board and Respondent may submit evidence and present oral argument in support of their positions. Unless otherwise ordered by the Board, oral arguments and the evidentiary record before the Board shall be limited to evidence relevant to whether Respondent has violated this Stipulation. At the hearing, the facts and substantive matters related to the violations described in Section I of this Stipulation shall not be at issue.

   c. At any hearing or meeting at which the Board finds Respondent has violated this Stipulation, the Board may impose additional discipline, including, but not
limited to, the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and fees (including, but not limited to, attorney fees) incurred by the Board, and other conditions or limitations upon Respondent's practice.

d. The stipulated procedure shall not preclude or limit the Board's authority to proceed against Respondent at any time in a contested case proceeding pursuant to the Idaho Administrative Procedure Act, title 67, chapter 52, Idaho Code.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 8th day of September, 2015.

ROGER C. EHLERT, Ph.D.
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

JEAN R. URANGA
Attorney for the Board
ORDER

Pursuant to Idaho Code § 54-2309, the foregoing is adopted as the decision of the Board of Psychologist Examiners in this matter and shall be effective on the 23rd day of October, 2015. IT IS SO ORDERED.

IDAHO STATE BOARD
OF PSYCHOLOGIST EXAMINERS

By

JASON D. GAGE, Ph.D., Chair
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of October, 2015, I caused to be served a true and correct copy of the foregoing by the following method to:

Jack Gjording
Gjording Fouser, PLLC
P.O. Box 2837 Boise,
Idaho 83701-2837

Jean R. Uranga
Uranga & Uranga
Attorney at Law
P.O. Box 1678
Boise, Idaho 83701

X U.S. Mail

Hand Delivery

Certified Mail, Return Receipt

Requested Overnight Mail

Faxsimile

Tana Cory, Chief
Bureau of Occupational Licenses

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