

**BEFORE THE MINNESOTA
BOARD OF PSYCHOLOGY**

In the Matter of
Kevin Jones, M.A., L.P.
License No. LP0161

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Kevin Jones, M.A., L.P. ("Licensee"), and the Minnesota Board of Psychology ("Board") as follows:

1. During all times herein, Licensee has been and now is subject to the jurisdiction of the Board from which he holds a license to practice psychology in the State of Minnesota.

FACTS

2. On, or about, September 8, 1989, the Board licensed Licensee to practice psychology in the State of Minnesota.

3. On September 17, 1999 the Board issued a Stipulation and Consent Order to Licensee, based on Licensee's conduct of engaging in multiple relationships and boundary violations, including a sexual relationship with a former client.

4. Licensee provided psychological services to a client ("Client #1"), beginning in approximately 2014.

5. Licensee crossed therapeutic boundaries in his work with Client #1, including meeting and spending time with Client #1 at a museum, and sending over one thousand text messages to Client #1 throughout the day and night. Licensee's communication with Client #1 was not limited to therapeutic or professional matters.

6. Licensee informed the Committee that a laptop containing patient records, including those for Client #1, was stolen. Licensee stated that he had placed the laptop in the

trunk of his car and left it there for several days, despite the fact that his car had previously been damaged, and that someone apparently took the laptop from the damaged trunk. Licensee did not report the theft to police and did not notify his clients of the potential data breach.

REGULATIONS

7. The Board views Licensee's practices as described in paragraphs 2 through 6, above to be in violation of statutes and rules enforced by the Board. Licensee agrees that the conduct cited above constitutes a violation of Minn. Stat. § 148.941, subd. 2(a)(1) (violated a statute, rule, or order that the Board issued or is empowered to enforce); Minnesota Rule 7200.4700, subparts 1 and 9 (failed to safeguard private client information); Minnesota Rule 7200.4810, subpart 1.A (engaged in a multiple relationship with a client); and Minnesota Rule 7200.5700 (unprofessional conduct).

REMEDY

8. Upon this stipulation and without any further notice or proceedings, Licensee's license to practice psychology in the State of Minnesota is **SUSPENDED** for an **INDEFINITE** period of time. During the period of suspension, Licensee shall not engage in the practice of psychology in Minnesota. Licensee shall immediately cease to advertise or otherwise represent himself in any manner to be a licensee in this State.

9. Licensee may petition the Board for reinstatement of his license at such time as he can demonstrate that he is fit and competent to practice psychology, and can show at least four consecutive months of successful completion of the requirement outlined in paragraph 9.a., below, immediately preceding his petition. When Licensee petitions for reinstatement, he may be required to meet with the Board's Complaint Resolution Committee ("Committee") to discuss his petition. His license may be reinstated, if at all, as the evidence dictates and based upon the need to protect the public. The burden of proof shall be upon Licensee to demonstrate by a

preponderance of the evidence that he is capable of conducting himself in a fit and competent manner in the practice of psychology. In petitioning for removal of the suspension, Licensee shall provide the Committee with, at a minimum, the following:

a. ***Therapeutic Consultation.*** Licensee shall obtain one-on-one professional consultation from a Minnesota licensed psychologist to address issues related to client boundaries, multiple relationships, confidentiality, competence, and recordkeeping, and how to apply newly-gained knowledge on such topics to his practice. Licensee shall meet with the consultant for a minimum of one hour per week.

Licensee shall submit the *curriculum vitae* of his proposed professional consultant for pre-approval by the Committee prior to beginning consultation. Licensee shall select a consultant with whom he has had no previous personal or professional relationship. The Committee reserves the right to reject the consultant proposed by Licensee. If the Committee rejects the consultant proposed by Licensee, the Committee may require that Licensee submit additional names, or the Committee may provide Licensee with the name of a consultant.

Consultant Report. At the time of Licensee's petition, Licensee shall have the consultant submit a report to the Board that shall provide and/or address:

- 1) A statement that the consultant has reviewed this Stipulation and Consent Order and any other data deemed relevant by the Committee;
- 2) The dates on which consultations were held with Licensee;
- 3) Licensee's active participation in each consultation;
- 4) The issues discussed in each consultation;

5) The consultant's assessment of Licensee's understanding and ability to handle issues regarding client boundaries, multiple relationships, confidentiality, competence, and recordkeeping, and applying this knowledge to his practice;

6) The consultant's opinion as to whether Licensee has demonstrated a satisfactory understanding of the issues that gave rise to this Stipulation and Consent Order, and whether additional consultations or education is required; and

7) Any other information the consultant believes would assist the Board in its ultimate review of this matter.

Self Report. At the time of Licensee's petition Licensee shall submit a report to the Board that shall provide and/or address:

1) A brief statement of the topics discussed at each consultation session;

2) What Licensee has learned from the consultations, including his own statement as to his comprehension and knowledge of the issues that gave rise to this Stipulation and Consent Order;

3) A statement as to how Licensee has changed or will change his practice as a result of the knowledge and skills obtained or honed through the consultation; and

4) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

b. Additional Information. Any additional information relevant to Licensee's petition reasonably requested by the Committee.

10. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Committee may, in its discretion, seek additional discipline either by initiating a contested

case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's

authority to impose discipline for the violation: A decision by the Committee not to seek discipline when it first learns of a violation shall not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a suspended status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional conditions or limitations on Licensee's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Licensee's license.

11. This stipulation shall not in any way limit or affect the authority of the Board to temporarily suspend Licensee's license under Minn. Stat. §§ 148.941, subd. 3 or 214.077, or to initiate contested case proceedings against Licensee on the basis of any act, conduct, or omission of Licensee justifying disciplinary action occurring before or after the date of this Stipulation and Consent Order which is not related to the facts, circumstances or requirements referenced herein.

12. In the event the Board at its discretion does not approve this settlement or a lesser remedy than indicated in this settlement, then, and in that event, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and this 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 records relating to this matter.

13. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

14. Licensee has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Licensee is represented by Priscilla Lord, Esq., Lord + Heinlein. The Committee is represented by Nicholas Lienesch, Assistant Attorney General.

15. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

16. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General's Office, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Licensee under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Licensee's license to practice psychology under this stipulation.

17. Licensee hereby acknowledges that he has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges he is fully aware the stipulation is not binding unless and until it is approved by the Board. The Board may either approve the Stipulation and Consent Order as proposed, approve the Stipulation and Consent Order subject to specified change, or reject it. If the changes are acceptable to Licensee, the stipulation will then take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the stipulation, it will be of no effect except as specified herein.

18. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

19. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and other entities consistent with Board policy.

20. This stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

BOARD OF PSYCHOLOGY
COMPLAINT RESOLUTION
COMMITTEE

Kevin Jones MA, LP
Kevin Jones, M.A., L.P.
Licensee

Jack Rusinoff, MA, LP
Jack Rusinoff, M.A., L.P.
Committee Chair

Dated: March 12, 2018

Dated: March 16, 2018

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the license of Licensee is placed in a SUSPENDED status and that all other terms of this stipulation are adopted and implemented by the Board this 16th day of March, 2018.

MINNESOTA BOARD
OF PSYCHOLOGY

Sam Sands
SAM SANDS
Executive Director