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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF)
KARA LYNN HEUGLY) STIPULATION AND ORDER
TO PRACTICE AS A)
PROFESSIONAL COUNSELOR) CASE NO DOPL 2007-- 249
IN THE STATE OF UTAH)

KARA LYNN HEUGLY ("Respondent") and the **DIVISION OF OCCUPATIONAL
AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah
("Division") stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Professional Counseling Licensing Board ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 Respondent admits the following facts are true

- a Respondent was first licensed as a certified professional counselor intern ("CPCI") in Utah on or about November 10, 2004 Respondent signed a contract with Mountain View Counseling Center on or about September 9, 2004 in which Respondent represented falsely that she was licensed in the State of Utah as a CPCI or higher At the time Respondent signed the contract, her supervisor was aware that Respondent was only a student intern At that time Respondent and her supervisor agreed that Respondent would not perform the work of a CPCI until after Respondent received such certification Respondent did not perform any work in the purported capacity of a CPCI until after she received certification on November 10, 2004
- b From about June 2005 to the present Respondent provided therapy for a minor child, AF (identities withheld for purposes of confidentiality), who was brought to

Respondent for treatment by the child's father, BF, and step-mother DF, who attended many of the child's therapy sessions. The parents, BF and DF, had joint legal custody of AF until August 2, 2005, when a court granted temporary custody of AF to BF. The court also ordered Respondent to provide therapy to AF and to supervise AF's visits with CS. In about May 2006 Respondent's son, an attorney, represented BF in the custody dispute with CS. Respondent stated under oath in court in the custody matter that "[a] custody evaluator makes a fair, unbiased opinion. Mine was biased toward them, they [Respondent's clients] were the people I dealt with." Respondent failed to accurately document that DF was present in AF's therapy sessions. Respondent's clinical supervisor states that Respondent failed to inform him of the conflicts of interest and dual relationships involved in the case. Respondent states that she did inform her clinical supervisor of the conflicts of interest and dual relationships involved in the case.

- c Respondent provided mental health therapy to minor child SG, who was brought in for treatment by SG's father, DG, and stepmother who attended many clinical sessions with SG. Respondent's son represented DG in his custody dispute with SG's mother MG. On or about August 28, 2006 Respondent sent a letter to Respondent's attorney son recommending limited contact between SG and MG, that any visitation occur in Respondent's office under Respondent's supervision, and that SG's grandmother have only supervised visits in Respondent's office. Respondent failed to accurately document in her records whether sessions with SG in Respondent's office were mental health therapy sessions or supervised visits between SG and MG. Respondent also failed to document who attended the sessions. In about September 2006, while still licensed as a CPCI, Respondent sent a document to her attorney son recommending that custody of SG be granted by the court to DG and the stepmother. Respondent failed to inform Respondent's clinical supervisor of the conflicts of interest and dual relationships involved in the case. Respondent's clinical supervisor was not aware of the correspondence to Respondent's attorney son or the recommendations made therein.
- d In 2006, Respondent provided therapy for DD, a minor child. Respondent also provided therapy to DD's mother, LDJ, and to DD's sister, WD. Respondent did not have professional relationship with DD's father. On or about September 6, 2006 Respondent sent a five page document to LDJ's attorney recommending that full custody of DD be granted by the court to LDJ. Respondent's recommendations were based in part on verbal reports of LDJ, which Respondent did not attempt to verify. In about April 2007 Respondent testified in a deposition in a custody case involving LDJ's minor children. Respondent testified that she did not know the difference between the therapeutic role and the forensic role of a professional counselor.
- e Respondent provided mental health therapy to KM, an adult female, from about

January 2007 to about June 2007 After being requested to do so by KM's attorney, Respondent sent two documents to KM's attorney, on June 8, 2007 and June 14, 2007, in which Respondent recommended that KM be given custody of her minor children Respondent's recommendations were based in part on verbal reports of KM, including negative depictions of KM's husband and positive depictions of KM's recovery from addiction, which Respondent did not attempt to verify

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a), (b), and (h), Utah Administrative Code R156-60c-502(5) and (6), and Principles A 1 b, C 1 , C 2 e, C 6 b , E 13 a, and E 13 c of the Code of Ethics of the American Counseling Association and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

- (1) Respondent's license shall be revoked That revocation shall be immediately stayed and Respondent's license shall be subject to a term of probation for a period of two (2) years The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division director signs the Order During the period of probation, Respondent shall be subject to all of the following terms and conditions If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
 - (a) Respondent shall practice only under the supervision of a Division and Board pre-approved supervisor during the term of Respondent's probation Any changes in supervision may be made only with the consent of the Division and Board Respondent shall deliver a copy of this Order to Respondent's supervisor (within ten days of the establishment of the supervisory relationship) and cause Respondent's supervisor to notify the Division in writing that a copy has been received
 - (b) Respondent shall meet with Respondent's supervisor two times per week for the first month of probation Thereafter, Respondent shall meet one

time per week with Respondent's supervisor until the Division and Board directs more or less supervision. Supervision goals shall include concurrent management, oversight of therapeutic intervention services, and professional relationships and practices. The supervisor shall sit in on, videotape, or audio tape at least two clinical sessions per month. The supervisor shall choose which clinical sessions to sit in on, videotape, or audio tape. The supervisor shall review 20% of Respondent's current patient files. The supervisor shall choose which files shall be reviewed.

- (c) Respondent shall cause Respondent's supervisor to submit reports to the Board and Division assessing Respondent's compliance with the terms of Respondent's probation and ethics. The reports shall be submitted monthly for the first six months and quarterly thereafter, or at such frequency as directed by the Board and Division. The receipt of an unfavorable report may be considered to be a violation of probation.
- (d) If directed by the Division and/or Board, Respondent shall successfully complete a psychological evaluation from a Board and Division approved licensed psychologist. The evaluator shall evaluate Respondent's problems relating to boundary violations, dual relationships, professional competency, and any other areas the evaluator identifies as concerns. The evaluator must not be known by Respondent professionally or personally and Respondent will cause a report of the evaluation to be sent to the Division and Board along with any recommended treatment plan. Said evaluation will be completed within ninety (90) days of the date of this Order. Respondent will execute the appropriate written release forms to authorize the evaluating practitioner to report to the Division and Board any report, diagnosis, supporting information, testing and measures administered, interpretation of the tests and treatment recommendations. Respondent shall be responsible for all expenses related to the evaluation.
- (e) If Respondent is self-employed in private practice, Respondent shall hire a supervisor, pre-approved by the Board and Division.
- (f) The supervisor shall oversee clinical interventions and review records and correspondence regarding clients. The supervisor shall also address issues pertaining to boundary violations, dual relationships, transference and counter-transference, and other issues the supervisor determines are pertinent to ethical practice.
- (g) If Respondent is not currently employed in Respondent's licensed profession, Respondent shall submit the supervisor report form on the date it is due and indicate on the form that Respondent is not currently

employed in Respondent's licensed profession, or that Respondent is not currently working

- (h) Respondent shall notify any employer of Respondent's restricted status and the terms of this Stipulation and Order. Respondent shall provide a copy of this Stipulation and Order to Respondent's employer and cause Respondent's employer to acknowledge to the Division and Board in writing that a copy of the Order has been provided to the employer. The employer shall submit employer reports to the Division and Board on a monthly basis for the first six months and quarterly thereafter, or at such frequency as directed by the Division or Board. The employer shall write the Division and indicate whether the employer will provide the periodic employer reports.
- (i) Respondent shall not supervise other licensed mental health professionals or students.
- (j) Respondent shall complete 10 additional hours of continuing professional education, pre-approved by the Board and Division, in the area of Respondent's licensed field of practice, with emphasis in the areas of professional ethics, values, boundaries, and transference and counter-transference issues. The 10 additional hours of continuing professional education shall be completed within one year from the date of this Stipulation and Order. The 10 additional hours of continuing education hours shall not count toward the regular continuing professional education requirement for license renewal. Respondent shall provide documentation to the Division and Board of successful completion of the 10 additional hours.
- (k) Respondent shall notify the Division and Board within one (1) week of any change of employer or employment status. This is required regardless of whether Respondent is employed in Respondent's licensed occupation. The notification shall be in writing.
- (l) Respondent shall meet with the Board and Division within thirty (30) days of signing of the accompanying Order and on a quarterly basis, or at other greater or lesser frequency as determined by the Board and Division for the duration of the probationary period thereafter to assess the progress of Respondent's probation. Respondent shall meet with the Board and Division at the first scheduled Board meeting after the effective date of the Order with a plan for Respondent's probation, including the name(s) of evaluator(s).

- (m) Respondent shall limit Respondent's practice in accordance with the terms of probation, unless the Division and the Board authorize changes
- (n) In the event that Respondent leaves Utah for a period longer than 60 days, Respondent shall notify the Division and the Board in writing of the dates of departure and return. The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Stipulation and Order. Periods of residency or practice outside Utah may apply to the reduction of the probation period if the new state of residency places Respondent's license on probation with equal or greater terms and conditions
- (o) Periods of unemployment or employment in other fields of practice shall be reported by Respondent to the Division and shall not count toward completion of probation. Should Respondent not be employed in Respondent's licensed occupation during Respondent's probationary period for a consecutive period of more than sixty (60) days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable. If the Respondent works less than full-time in Respondent's licensed occupation, the reduction of any remaining probationary time shall occur on a pro-rata basis, in relation to a full-time position of 40 hours worked per week
- (p) Should Respondent violate probation in any respect, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, revoke probation or impose sanctions in accordance with applicable law
- (q) If a petition is filed against Respondent during Respondent's probation, the period of probation shall be extended until the matters alleged in the petition are fully resolved
- (r) Respondent shall immediately notify the Division, in writing, of any changes in private or professional address and agrees that written communication by the Division and/or the Board shall be mailed to Respondent at the last address provided to the Division via first class U S Mail, and shall constitute notice to Respondent
- (s) Failure to pay for any of the costs associated with this probation shall be considered a violation of this Order. Respondent further agrees to complete all conditions of probation in a timely manner. Where a specific time for completion is not stated in this Order, it shall be within the Division and Board's discretion to set a time for completion

- (t) Respondent agrees to keep Respondent's Utah license current during the period of probation
- (u) Respondent shall notify the Division immediately if Respondent is charged or arrested with any criminal conduct and understands that a conviction is a violation of this agreement

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of her having reviewed this Stipulation, and this waiver shall survive such nullification.

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice.

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and

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Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. If Respondent violates any material term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

14. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

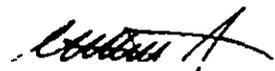
BY 
NOEL TAXIN
Bureau Manager

BY 
KARA LYNN HEUGLY

DATE 12/13/07

DATE 12-11-07

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

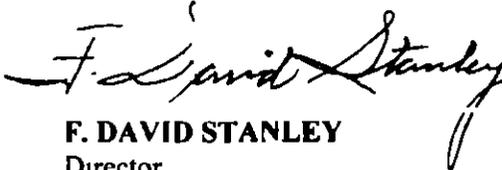
DATE 13 Dec 2007

ORDER

THE ABOVE STIPULATION, in the matter of **KARA LYNN HEUGLY**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 17 day of December, 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F. DAVID STANLEY
Director

Investigator Dee Thorell