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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 )  
**MARILYN SNELL** ) STIPULATION AND ORDER  
TO PRACTICE AS A )  
PSYCHOLOGIST ) CASE NO DOPL 2008- 289  
IN THE STATE OF UTAH )

**MARILYN SNELL** (“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 Psychologist Licensing Board ("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 understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R156-46b-12 through R156-46b-15

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 The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent, to other persons and entities

7 Respondent admits the following facts are true

- a Respondent was first licensed as a psychologist in the State of Utah on or about November 22, 2000

- b In 2003 Respondent was hired as a psychologist, working as an independent contractor, at a residential substance abuse treatment center in Utah Respondent's duties included performing MMPI-IIs, facilitating group therapy, and providing individual dual diagnosis therapy to inpatient, day treatment, and outpatient clients
- c Respondent was also for responsible clinical supervision by performing annual performance reviews of staff members
- d Respondent admitted to a Division investigator on October 29, 2008 that Respondent aided the unlicensed practice of mental health therapy by signing off as supervisor on clinical notes for two unlicensed employees who performed mental health therapy One of the two unlicensed employees was the executive director of the facility
- e On October 29, 2008 Respondent admitted to a Division investigator that she signed clinical notes of facility employees who no longer worked at the facility These notes were contained in patient charts Respondent signed the clinical notes of another unlicensed employee at the facility who was engaging in the unlicensed practice of mental health therapy in Utah
- f On or about September 23, 2008 Respondent admitted in writing to the facility that she was in "violation of signing off on clinical work that was performed outside the scope of practice by clinical team members at [the facility] she is supervising This includes, but is not limited to treatment plans, primary providers, and therapy related to content discovered in charting "
- g Respondent failed to check the credentials of individuals on whose work she had signed off on and failed to adequately supervise their activities at the facility

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and (b), § 58-60-110(1)(a), § 58-61-502(1)(a), Utah Administrative Code R156-61-302c(1), (2), (4), (6), and (7), and Provisions K1 and K2 of the Code of Ethics of the Association of State and Provincial Psychology Boards (ASPPB), 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 publicly reprimanding Respondent's license for the conduct described above

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 Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of the Director 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 accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent shall 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 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 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

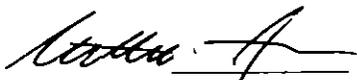
BY:   
RICHARD J. OBORN  
Bureau Manager

BY:   
MARILYN SNELL

DATE 12/15/08

DATE 12/11/08

MARK L SHURTLEFF  
ATTORNEY GENERAL

BY:   
L. MITCHELL JONES  
Counsel for the Division

DATE: 15 Dec 2008

**ORDER**

THE ABOVE STIPULATION, in the matter of **MARILYN SNELL**, 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 15 day of *December*, 2008

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
F DAVID STANLEY  
Director

Investigator Brittany Butsch