

RON R. KUNZLER (U.S.B. 4360)
Assistant Attorney General
JOHN E. SWALLOW (U.S.B. 5802)
Utah Attorney General
Commercial Enforcement Division
160 East 300 South, 5th Floor
Box 140877
Salt Lake City, UT 84114-0872
Telephone: (801) 366-0310

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)
RONALD GALE PALMER) STIPULATION AND ORDER
TO PRACTICE AS A LICENSED)
CLINICAL SOCIAL WORKER) CASE NO. DOPL 2013-153
IN THE STATE OF UTAH)

RONALD GALE PALMER (“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 consulted with his attorney, Phillip S. Ferguson, Christensen & Jensen, P.C., and is satisfied with his attorney's advice.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Social Worker 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 Utah Code Ann. §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4102(4).

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 licensed clinical social worker in the State of Utah on or about October 7, 1996.
- b. Respondent failed to establish and maintain professional boundaries with Jane Doe, a patient suffering from Borderline Personality Disorder, on various occasions over a period or several years as follows:

- i. Respondent told the Division investigator that after terminating his clinical relationship with Jane Doe in December 2005, Respondent engaged in a “huge” amount of telephone contact with Jane Doe, some of which took place in the middle of the night.

- ii. On or about April 21, 2008, Jane Doe had a two hour clinical session with Respondent subsequent to a self-inflicted injury by Jane Doe, which caused Jane Doe to seek medical help at the emergency room. Respondent agreed to see Jane Doe for the session, which was paid for by Jane Doe’s clergy.

- iii. In about June 2009 Respondent agreed to accept \$29,000.00 (twenty-nine thousand dollars) cash from Jane Doe, and maintained the money in his gun safe

located in his home until it was reclaimed by Jane Doe several days later.

iv. On about December 3, 2009, Jane Doe drove Respondent in her vehicle to a NASW approved conference on Borderline Personality Disorder, which was held at a local Utah hotel. Respondent had lunch with Jane Doe and paid Jane Doe's conference fee, of approximately \$250.00.

v. Respondent accessed Jane Doe's personal e-mail account using the password Jane Doe had given him and read personal notes Jane Doe had written to Respondent, and viewed pictures of Jane Doe that she had posted.

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); Utah Administrative Code R156-60a-502 (9) and (24); and Standard 1.07(i) of the Code of Ethics of the National Association of Social Workers, 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(6) and Utah Code Ann. § 58-1-401(2), shall be entered in this matter as follows:

- (1) Respondent's license shall be subject to a term of probation for a period of one year. 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) **Meetings with the Board.** Respondent shall meet with the Division and Board 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 written plan for complying with the requirements of Respondent's probation. Respondent shall contact Division Compliance Specialist Susan Higgs within 2 weeks of the effective date of this Order to schedule a meeting for the purpose of discussing the terms of the Order. An appointment with Ms. Higgs may be scheduled by contacting her by phone at (801) 530-6428 or by email at shiggs@utah.gov.
- (b) **Notification of Employer of Stipulation.** Respondent shall notify any employer of Respondent's probation 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, frequency as determined by the Division and Board.
- (c) **Additional Continuing Professional Education.** 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, conflict of interest, proper

boundaries and dual relationships. The 10 additional hours of continuing professional education shall be completed within six months 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.

- (d) **Essay.** Respondent shall submit an essay of at least 500 words to the Division and Board about Respondent's misconduct, applicable ethics rules, what steps Respondent will take in the future to prevent similar occurrences, and what lessons Respondent learned from each of the continuing professional education courses that Respondent completed to satisfy the requirement for an additional 10 hours of continuing professional education as described above. Respondent shall submit the essay within six months of the effective date of this Stipulation and Order.
- (e) 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.
- (f) Respondent shall limit Respondent's practice in accordance with the terms of probation, unless the Division and the Board authorize changes.
- (g) 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' license on probation with equal or greater terms and conditions.

- (h) 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.
- (I) Should other acts of unprofessional conduct come to the attention of the Division or Board which have occurred prior to the entry of the Order in this case or 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.
- (j) 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.
- (k) 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.

- (l) Respondent agrees to keep Respondent's Utah license current during the period of probation.
- (m) 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.
- (n) Respondent shall submit reports on the date they are due and shall appear at scheduled meetings with the Division and Board promptly. Failure to do so shall be considered a violation of this Stipulation and Order.

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. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

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. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

14. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

15. 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

BY: Richard J. Oborn
RICHARD J. OBORN
Bureau Manager

DATE: 4/18/13

JOHN E. SWALLOW
ATTORNEY GENERAL

BY: Ron R. Kunzler
RON R. KUNZLER
Counsel for the Division

DATE: 4/18/13

RESPONDENT

BY: Ronald Gale Palmer
RONALD GALE PALMER

DATE: April 15, 2013

APPROVED AS TO FORM

BY: Phillip S. Ferguson
PHILLIP S. FERGUSON
CHRISTENSEN & JENSEN
Counsel for the Respondent

DATE: 16 Apr. 2013

ORDER

THE ABOVE STIPULATION, in the matter of **RONALD GALE PALMER**, 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(6) 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 18th day of April, 2013.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director