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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	)	
DEANNA LYNN GALLAGHER	)	STIPULATION AND ORDER
TO PRACTICE AS A MARRIAGE AND	)	
FAMILY THERAPIST	)	CASE NO. DOPL 2013- 206
IN THE STATE OF UTAH	)	

DEANNA LYNN GALLAGHER ("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 Marriage and Family Therapist 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. 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 marriage and family therapist in the State of Utah on or about May 12, 2011

b Between April 2012 and September 2012 Respondent provided marriage and family therapy services to a female client, hereinafter referred to as "Jane Doe."

c. Respondent and Jane Doe attended an out-of-state training conference together the day after Respondent terminated her clinical relationship with Jane Doe

d Respondent and Jane Doe engaged in an improper dual relationship since September 2012. Jane Doe currently rents office space from Respondent.

e. When Respondent relocated from California to Utah in 2011 Respondent drove with another client and the client's three children in Respondent's car. After arriving in Utah, Respondent, the client, and the client's children stayed together in a friend's casita.

f. In 2012 Respondent divulged the names of her clients and shared information learned in confidential therapy session with Respondent's friend.

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 R156-60b-502(5), and Principles 1.3 and 2.1 of the Code of Ethics of the American Association of Marriage and Family Therapists, 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 revoked. The revocation of Respondent's license shall be immediately stayed and Respondent's license shall be subject to a term of probation for a period of three 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) **Meetings with Division Compliance Specialist.** Respondent shall contact Division Compliance Specialist Susan Higgs within two 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 can be scheduled by contacting her by phone at (801) 530-6428 or by email at shiggs@utah.gov.

(b) **Meetings with the Board.** Respondent shall meet with the Board and Division at the first scheduled Board meeting after the signing of the accompanying Order and or at a frequency thereafter as determined by the Board and Division, for the duration of the probationary period to assess the progress of Respondent's probation.

(c) **Written Plan.** After meeting with the Division Compliance Specialist but prior to the first scheduled appointment with the Board, Respondent shall submit to the Division a written plan that summarizes the steps Respondent shall take to ensure full compliance with the terms of probation.

(d) **Supervision Required.** 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. Respondent shall submit a supervision plan to the Division within 30 days of the effective date of this Stipulation and Order which includes a provision that Respondent shall show her supervisor for a period of time during the first six months of her probation.

(e) **Extent of Supervision.** Respondent shall meet weekly with Respondent's supervisor. Supervision goals shall include concurrent management, oversight of therapeutic intervention services, appropriate boundaries, professional relationships and practices, and appropriate and timely documentation. The supervisor shall sit in on, videotape, or audio tape, at least three individual clinical sessions per month and two group 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.

(f) **Duties of Supervisor** The supervisor shall oversee clinical interventions and review records. The supervisor shall also address issues pertaining to boundary violations, dual relationships, confidentiality, transference and counter-transference, and other issues the supervisor determines are pertinent to ethical practice.

(g) **Supervisor Reports**. 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 ethical standards and rules 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.

(h) **Supervisor Reports if Respondent Not Employed.** 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

(i) **Notification of Employer of Stipulation.** 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.

(j) **Evaluation.** If directed by the Board, Respondent shall successfully complete any type of evaluation provided by a Division-approved licensed provider within ninety (90) days of the effective date of this Stipulation and Order Respondent shall schedule the initial appointment to be held within 45 days of the effective date of this Stipulation and Order. Respondent shall attend all appointments and follow-up appointments in a timely manner. Respondent shall cooperate fully with the evaluator to ensure a fair and complete evaluation. Respondent shall notify the

Division immediately after successfully completing the evaluations and inform the Division that Respondent has successfully completed the evaluations.

(k) **Ongoing Therapy and Release of Information.** If directed by the Board, Respondent shall attend any therapy recommend in any evaluation report until the Division or Board decides otherwise. Respondent shall successfully complete any therapy or treatment recommended by the psychological evaluation report in a timely manner Respondent shall follow any treatment recommendations made by the evaluator, the Division, and/or Board. Respondent shall execute any necessary releases to allow the therapist to provide reports to the Division and Board regarding Respondent's progress. Respondent's therapy should focus on the areas of concern identified by the evaluator. Respondent shall cause progress reports to be submitted to the Division and Board by the therapist on a quarterly basis, or at a greater or lesser frequency as determined by the Division and Board Respondent shall be responsible for all treatment expenses

(l) **Additional Continuing Education.** Respondent shall complete six additional hours of continuing education, pre-approved by the Board and Division, in the area of Respondent's licensed field of practice with at least three hours focusing on dual and multiple relationships and at least three hours focusing on confidentiality The six additional hours of continuing professional education shall be completed within one year from the date of this Stipulation and Order. The six 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 six additional hours.

(m) **Essay**. Respondent shall submit a 500 word essay to the Division and Board addressing Respondent's violations and applicable Utah law that applies to Respondent's violations. The essay shall also address lessons learned from the continuing education courses described in subparagraph (l) above and outline a plan for Respondent to avoid similar violations in the future The essay shall be submitted with 30 days of Respondent successfully completing the continuing education courses described in subparagraph (l) above.

(n) 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.

(o) **Prohibition on Supervision**. Respondent shall not supervise any other mental health provider. Respondent shall limit Respondent's practice in accordance with the terms of probation, unless the Division and the Board authorize changes.

(p) 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.

(q) 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.

(r) 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.

(s) 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.

(t) 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.

(u) Respondent agrees to keep Respondent's Utah license active during the period of probation

(v) 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.

(w) 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 prejudgment 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 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

DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

BY: _____
RICHARD J. OBORN
Bureau Manager

DATE: 5/16/13

RESPONDENT

BY: _____
DEANNA LYNN GALLAGHER

DATE. 5-8-13

JOHN E SWALLOW
ATTORNEY GENERAL

BY: _____
L. MITCHELL JONES
Counsel for the Division

DATE: 15 May 13

ORDER

THE ABOVE STIPULATION, in the matter of **DEANNA LYNN GALLAGHER,** 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 17th day of May, 2013.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

MARK B. STEINAGEL
Director

Investigator. Vince Garcia