COPY

BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF IDAHO

In the Matter of the License to Practice Psychology of: TERRY L. CLAPP, LICENSE NO. PSY-179, Respondent.	)	Case No. PSY-02-93-006 STIPULATION IN SETTLEMENT

Respondent Terry L. Clapp, Ph.D., his counsel Craig B. Marcus, and the Board of Psychology Examiners, State of Idaho, (herein "Board") do hereby enter into the following stipulation:

1. Carmen Westberg, Chief of the Bureau of Occupational Licenses, filed an Amended Complaint for License Revocation, Case No. PSY-02-93-006, on the 30 day of June, 1993, in her official capacity. A true and correct copy of that Amended Complaint is attached hereto and incorporated herein by reference.

2. The Respondent was issued a license to practice psychology in the State of Idaho. That license, numbered PSY-179, is and has been in full force and effect at all times pertinent herein.

3. Respondent has read and understands the charges contained in the Amended Complaint. Respondent understands that the charges, if found to be true, constitute cause for disciplinary action. Further, Respondent has acknowledged a sexual and dual relationship with a patient and other misconduct.

4. Respondent understands that he has a right to a full and complete hearing before the board based on the charges contained in the Amended Complaint, to reconsideration, to appeal, and to any and all rights accorded him by the Administrative Procedure of the State of Idaho and the Laws and Rules governing the practice of psychology in the state. Respondent hereby freely and voluntarily waives those rights in order to enter into this stipulation as a resolution of the pending allegations against him.

5. The parties agree that, the Board may issue the following order with respect to this matter:

A. The Respondent's license to practice, numbered psy-179, is permanently revoked; provided, however, that said revocation is stayed upon the following terms and conditions:

B. Respondent is suspended from the practice of psychology for a period of ten (10) years. This suspension shall include practice as a Psychology Intern, a Psychologist-in-Training, a Psychologist under Supervision and/or a Service Extender, except as described in F(3), below.

C. Respondent shall have until August 13, 1993 in which to terminate his psychological practice. During this time Respondent will remain under the supervision of Michael Eisenbeiss, Ph.D., and will inform all current patients of the Board's order and provide them with referral sources for their continuing care. Respondent will verify to the Board, in writing, of his compliance with this requirement.

D. Respondent shall reimburse the board the sum of $10,000.00 to assist in defraying the costs of investigation and prosecution. Said amount is due and payable within 90 days from the date of this Stipulation.

E. Respondent will commit no felony violations of any federal, state, county or local laws.

F. Respondent may begin the reapplication process after eight years' suspension, under the following conditions:

(1) Satisfactorily complete 24 semester hours or the equivalent quarter hours of graduate level work in a psychology program approved by the board and at an institution approved by the board. After completion of the course work, Respondent will provide transcripts to the board for review.

(2) After completion of the required course work and after approval of transcripts by the Board, Respondent must submit the appropriate application to the Board and successfully take and complete the national psychology examination.

(3) During this application period, Respondent must begin and satisfactorily complete a two year program of supervision as a Psychology Intern or Psychologist-in-Training. Both the supervisor and the site must be preapproved by the Board.

(4) Respondent shall, as required by the Board, undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Board approved licensed psychologist. The Board shall receive a written report regarding the Respondent's judgment and/or ability to function independently as a psychologist with safety to the public, and whatever other information the Board deems relevant to the case. Respondent shall execute a release authorizing the evaluator to divulge any information that the Board deems relevant. Cost of the psychological evaluation shall be paid by Respondent.

If, after any psychological evaluation, Respondent is found to be unable to function independently as a psychologist with safety to the public, he shall be barred from practice until his condition has improved.

If, after any psychological evaluation, therapy is recommended for Respondent, he shall select an Idaho licensed psychologist for approval by the Board. The therapist shall be an individual with no previous business, professional or personal relationship with Respondent. Cost of therapy is to be paid by Respondent.

The therapist shall confirm that Respondent has complied with the requirements of this decision and shall notify the Board immediately if the therapist believes that the Respondent cannot safely render psychological services. Respondent shall execute a release authorizing the therapist to divulge the aforementioned information.

G. Upon full reinstatement, Respondent's psychological practice shall additionally be monitored for a period of one year by a licensed psychologist approved by the Board. All costs of monitoring are to be paid by the respondent. The monitoring will be at the twenty-to-one ratio set forth in the supervisory regulations in the rules.

The monitor shall report to the Board, in writing, on a quarterly basis, verifying that monitoring has taken place as required and including an evaluation of respondent's performance. The monitor shall have access to respondent's fiscal and patient records and shall be permitted to make direct contact with patients. Respondent shall execute a release authorizing the monitor to release any information which the board deems relevant.

If the monitor resigns or is no longer available, respondent shall, within fifteen (15) days, move to have a new monitor appointed through nomination by respondent and approval by the board.

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6. The violation of any of the terms of this stipulation will result in the termination of the stay and an order of permanent revocation will issue. The board therefore retains permanent jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

I have read the above stipulation fully and have discussed it with my counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I also understand that by its terms the Board of Psychology Examiners will issue an Order on this stipulation whereby my license to practice psychology will be suspended, subject to certain terms and conditions. I agree to the above stipulation for settlement.

DATED: JULY 29, 1993.

TERRY L. CLAPP,
Respondent.

I concur in the stipulation and order.

DATED: July 29, 1993.

CRAIG B. MARCUS
Attorney for Respondent

I concur in the stipulation and order.

DATED: July 29, 1993.

TERRY B. ANDERSON
Deputy Attorney General
Attorney for the Complainant
Bureau of Occupational Licenses

The foregoing is adopted as the decision of the Board of Psychologist Examiners in this matter and shall be effective on the 29th day of July, 1993, IT IS SO ORDERED.

MARSHA L. ROBERTS, Ph.D.,
Acting Board Chairman.

JOHN RADIN,
Board Member.

JAMES B. GORDON, Ph.D.,
Board Member.