BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:	)	
	)	
EDWIN L. KRAUSER,	)	Case No. PSY-L5B-04-98-002
License No. PSY-284,	)	
	)	**CONSENT ORDER**
Respondent.	)	
	)	

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WHEREAS, information having been received by the Idaho State Board of Psychologist Examiners (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Edwin L. Krauser (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of psychology in the State of Idaho in accordance with title 54, chapter 23, Idaho Code.

2. Respondent Edwin L. Krauser is a licensee of the Idaho State Board of Psychologist Examiners and holds License No. PSY-284 to practice psychology in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 23, Idaho Code.

3. In approximately May 1997, Respondent began providing psychological services to the following residence at Valley Living Center, a residential care facility in Idaho Falls, Idaho: John Gruver, Susan Motes, Margene Pando, Edwin Parsons, and Ruth Hendricks (hereinafter "the residents").

4. Each of the residents signed a statement to relieve them of a 20% Medicare co-payment for Respondent's services. Some of the residents did not understand that they were paying for Respondent's services until they received notice of payment to Respondent from Medicare. The residents claimed Respondent did not explain his fee or the purpose of the Medicare waiver to the residents, in violation of APA Ethical Principle 1.25.

5. Some of the residents believed their relationship with Respondent was a friendship and did not understand that it was a doctor/patient relationship. The residents claimed Respondent did not adequately explain the nature of his relationship with the residents, in violation of APA Ethical Principle 4.01. There is nothing in the residents' records documenting that Respondent obtained informed consent to therapy from the residents, in violation of APA Ethical Principle4.02.

6. Some of the residents did not understand the nature and course of therapy and the length of therapy, and there is nothing in the residents' records to indicate that Respondent discussed the same with the residents, in violation of APA Ethical Principle 1.07.

7. Respondent engaged, directly or through agents, in uninvited in-person solicitation of business from persons who, because of their particular circumstances, are vulnerable to undue influence in violation of APA Ethical Principle 3.06.

8. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practices of psychology, specifically Idaho Code §§ 54-2309(d) and (e). Violations of these laws would further constitute grounds for disciplinary action against Respondent's license to practice psychology in the State of Idaho.

9. Respondent admits that he did not appropriately document that informed consent to therapy was obtained, and that he did not always discuss the anticipated length of treatment with patients. Respondent denies the remainder of the allegations as set

forth above. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby agrees to the discipline against his license as set forth in Section C below.

B.

I, Edwin L. Krauser, by affixing my signature hereto, acknowledge that:

1. I have read the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice psychology in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of psychology in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent shall provide the Board with proof of completion of either of the following:

a. Eight (8) hours of formal continuing education with instruction in ethical principles. Respondent shall submit the course outline or any other description of the seminar contents to the Board for its approval prior to Respondent's attendance at the course(s); or

b. A correspondence course or other self-directed coursework and/or discussion on ethical principles under the supervision of a licensed psychologist approved by the Board, to total at least eight (8) hours of instruction in and/or discussion of ethical principles. Respondent shall submit the topics to be covered and/or discussed, as well as the name and educational credentials of the supervising psychologist to the Board for its advance approval.

2. Respondent shall provide proof of completion of either 1(a) or 1(b) to the Board for its approval and acceptance within six (6) months of the date of execution of the Board's order. If Respondent chooses option 1(a), proof of completion shall constitute either a signed certificate or letter from the continuing education course director, sponsor or instructor certifying Respondent's attendance at the seminar(s). If Respondent chooses option 1(b), proof of completion shall constitute a letter from the licensed psychologist supervising Respondent's coursework stating the ethical principles Respondent received instruction in or discussed with the supervisor, and a statement certifying that Respondent satisfactorily completed the coursework or discussion sessions to the supervisor's satisfaction.

3. Respondent shall reimburse the Board for its legal and investigative costs in the amount of Five Hundred Sixty-eight Dollars and No/100 ($568.00) to the Board within thirty (30) days of the date of execution of the Board's Order.

4. Respondent shall pay an administrative fine in the amount of Two Hundred Fifty and No/100 Dollars (250.00) to the Board within thirty (30) days of the date of execution of the Board's Order.

5.Respondent shall comply with all state, federal and local statutes, rules and regulations applicable to the practice of psychology in the State of Idaho.

6.Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

7.In the event Respondent should leave Idaho to reside or to practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place of business, and indicate whether he intends to return to Idaho. Periods of residency or practice outside of Idaho ~~will not apply to the reduction of the periods under this stipulation and consent order or~~ will not excuse compliance with the terms of this Stipulation and Consent Order. KLW 8/15/02 KAZ 9/6/02

8.Respondent shall fully cooperate with the Board and its agents, and submit written documents within a reasonable time after a request is made concerning Respondent's compliance with this Stipulation and Consent Order.

9.Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board, the Board's staff, or its agents.

10. The terms, limitations and conditions described in paragraphs 5-9, above, may be amended or terminated in writing at any time upon the agreement of both parties. However, this Stipulation and Consent Order shall remain in force for a minimum of two (2) years prior to any request for termination of this Stipulation and Consent Order.

11.The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any

right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Stipulation and Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-2309. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and statement of charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary sanctions, which may include conditions or limitations upon Respondent's practice or supervision or revocation of Respondent's license.

7. the Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information, subject to any applicable provisions of the Idaho Public Records Act, Idaho Code § 9-377-350.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of not effect.

DATED this 24 day of April, 2000.

Edwin L Krauser

EDWIN L. KRAUSER
Respondent

Approved as to form.

DATED this 24 day of April, 2000.

MCDERMOTT & ZOLLINGER, CHTD.

By _____
KEITH A. ZOLLINGER
Of Attorneys for Respondent

I concur in this stipulation and order.

DATED this 15 day of August, 2000.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By _____
KIRSTEN L. WALLACE
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-2305, the foregoing is adopted as the decision of the Board of Psychologist Examiners in this matter and shall be effective on the 13th day of September, 2000. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF PSYCHOLOGIST EXAMINERS

By _____
~~NANCY SASSER,~~ Chair
Richard P. Swenson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2000, I caused to be served a true and correct copy of the foregoing by placing a copy thereof in the United States Mail, postage prepaid, addressed to:

Edwin L. Krauser
c/o Keith A. Zollinger
McDERMOTT & ZOLLINGER, CHTD.
P.O. Box 3
Pocatello, ID 83204-0003

Kirsten L. Wallace
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

Thomas E. Limbaugh

Thomas Limbaugh, Chief
Bureau of Occupational Licenses