

BEFORE THE IOWA BOARD OF PSYCHOLOGY EXAMINERS

IN THE MATTER OF:)	Case Nos. 00-001; 00-006; 00-007
)	
TIMOTHY JAMES MURPHY, Ph.D.)	
)	SETTLEMENT AGREEMENT
License No. 301-00681)	AND FINAL ORDER
)	
Respondent.)	

COMES NOW the Iowa Board of Psychology Examiners (Board) and Timothy James Murphy, Ph.D., (Respondent) and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) (1999) & (2001) and enter into the following Settlement Agreement and Final Order in case numbers 00-001; 00-006; 00-007.

1. Respondent is licensed to practice psychology in the State of Iowa. His license number 301-00681 was originally issued on September 17, 1992, and is current until June 30, 2002.
2. Respondent maintains a practice in Bettendorf, Scott County, Iowa.
3. On or about August 18, 2000, the Board filed a Statement of Charges in this case, alleging that Respondent had engaged in acts violative of the Board's ethical rules and other rules governing the practice of psychology.
4. The Board has jurisdiction over the parties and the subject matter herein.
5. Execution of this Settlement Agreement and Final Order constitutes resolution of this contested case. By executing this Settlement Agreement and Final Order, Respondent expressly waives all rights to a hearing on the charges contained in the Statement of Charges and waives any objection to this Settlement Agreement and Final Order.

6. Respondent is freely and voluntarily entering into this agreement and he agrees that the State's attorney may present the agreement to the Board.

7. This Settlement Agreement and Final Order is subject to approval by a majority of the full Board. If the Board fails to approve this agreement, it shall have no force or effect to either party.

8. The Board's approval of this Settlement Agreement and Final Order shall constitute the resolution of a contested case proceeding and shall be a FINAL ORDER of the Board.

9. This Settlement Agreement and Final Order is a public record available for inspection and copying in accordance with the requirements of Iowa Code Chapter 22.

10. The terms and conditions imposed by this Settlement Agreement and Final Order shall become effective as of the date approved by the Board and the parties agree that upon the satisfactory completion of all of the terms and conditions imposed herein, the Respondent's license shall be restored to its full privileges.

11. Had this case proceeded to hearing, the State would have presented evidence to establish that Respondent engaged in acts inconsistent with the Ethical Principles of Psychologists and the Board's administrative rules. This agreement is not an admission.

12. This Settlement Agreement and Final Order shall be part of the permanent record of the Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

13. In the event Respondent violates or fails to comply with any of the terms of this Settlement Agreement and Final Order, the Board may immediately revoke or suspend Respondent's license to practice psychology in accordance with Iowa Code § 17A.18A or to

initiate other appropriate licensee discipline in accordance with Iowa Code Section 272C.3(2)(a).

In the event the Board enters an emergency adjudicative order revoking or suspending the Respondent's license, the Board shall proceed as quickly as feasible to give the Respondent a hearing on the allegations forming the basis for the revocation or suspension.

IT IS HEREBY ORDERED:

Fine

1. The Respondent shall pay a civil penalty of \$1,000.00 within 30 days of the date of approval of this Settlement Agreement and Final Order by the Board. Respondent shall deliver a check made payable to the Treasurer of the State of Iowa to the Administrator of the Board. The check shall be deposited into the general fund of the State of Iowa.

Suspension

2. Respondent's Iowa Board of Psychology Examiners license number 301-00681 is suspended for a period of six months from the date of the Board's approval of this Settlement Agreement and Final Order. The suspension shall be stayed, however, and the Respondent's license placed on probation pursuant to the conditions set forth in paragraph 3, below, beginning on the date this Settlement Agreement and Final Order is accepted by the Board.

Probation

3. Beginning on date the Board approves this Settlement Agreement and Final Order, the Respondent's license to practice psychology in Iowa shall be placed on probation for a period of five years subject to the following conditions:

Supervision

a. Respondent shall successfully complete the 24-credit hour course entitled "Real-World Risk Management." This course is a graduate level course in ethics, and it includes a substantial component focusing on boundary and relationship issues. Respondent's completion of the course shall be monitored and certified to the Board by James N. Marchman, Ph.D. The Respondent shall complete the course within one calendar year from the date of Board's final approval of this Settlement Agreement and Final Order.

b. During the period of probation, Respondent agrees that his practice in psychology shall be supervised by James N. Marchman, Ph.D., a licensed psychologist in the State of Iowa. Respondent represents to the Board that this supervision began on September 11, 2001. Said supervision shall include weekly meetings of at least one hour with the supervisor, review of clinical records, and discussion of practice and ethical issues as they arise. The supervision should include a focus on review of treatment planning, transference, and countertransference. As part of the supervision, Dr. Marchman shall have the option of requiring that some of the Respondent's therapy sessions be tape recorded when Dr. Marchman deems it necessary and appropriate to tape the sessions. Dr. Marchman shall exercise this option in his sole discretion and he will review the audio tapes of these sessions as part of his supervision of the Respondent's practice. The supervisor shall immediately report to the Board any violations of the Ethical Principles of Psychologists or the Board's administrative rules committed by the Respondent. The terms of supervision of the Respondent's practice of psychology may be modified by the Board as provided for in Subparagraph 3(d), below.

c. As long as the Respondent is being supervised under the terms of his probation, he

shall make the following disclosure to his patients: "I am regularly consulting with another licensed psychologist and may discuss your case with him." When Dr. Marchman has determined that a session should be taped, the Respondent shall also inform the patient about the taping. This disclosure shall include the following statements: "This consultation does include the audio taping of my sessions for scrutiny exclusively by my supervising psychologist. The taping will be used only for purposes of observing my expertise."

d. As long as the Respondent is being supervised under the terms of his probation, Dr. Marchman shall file monthly reports with the Board. At the end of every six months Dr. Marchman shall assess the need for continued supervision and shall file a report with the Board regarding his assessment. The Board shall review Dr. Marchman's report at its next regularly scheduled meeting and determine, in its sole discretion, whether adjustments in the supervision requirement of the Respondent's probation are warranted. If the Board determines that a lesser degree of supervision is appropriate in light of the circumstances, the Board will issue an order amending the terms of the Respondent's probation that details the new level of supervision required. This periodic review of the level of supervision of the Respondent's practice of psychology shall continue until the Board, in its sole discretion, determines that supervision of the Respondent's practice is no longer necessary.

e. The Respondent agrees to permit Dr. Marchman to consult with the Respondent's psychotherapist, Jane Anderson, Ph.D. (required in Subparagraph 3(f), below) regarding any issues that relate to supervision of the Respondent's practice or the Respondent's psychotherapy.

Psychotherapy

f. The Respondent shall enter and complete individual psychotherapy with Jane Anderson,

Ph.D., a psychologist licensed in the State of Iowa, to address his personal situation and issues.

Said treatment shall also include addressing the allegations in the Statement of Charges.

Respondent agrees to comply with the recommendations of Dr. Anderson. Dr. Anderson shall certify to the Board that psychotherapy began on August 16, 2001 and when it ends. During the period of probation, Dr. Anderson shall file quarterly reports with the Board regarding the Respondent's progress in psychotherapy. The first quarterly report shall be submitted to the Board by January 15, 2002. Dr. Anderson shall immediately report to the Board any violations of the law or the Ethical Principles of Psychologists or the Board's administrative rules committed by the Respondent. By entering into this Settlement Agreement and Final Order, the Respondent hereby authorizes Dr. Anderson to provide this information to the Board. To facilitate this psychotherapy, the Respondent shall authorize Gary R. Schoener, M.Eq., Licensed Psychologist in the State of Minnesota to release his assessment of the Respondent, any additional findings, and any other materials included in the Respondent's file to Dr. Anderson. This psychotherapy shall address what further action is recommended by Dr. Anderson or Mr. Schoener. In agreeing to this Settlement Agreement and Final Order, Respondent explicitly waives any objection to the Board's releasing details relating to this disciplinary action, including the investigative file, to Dr. Anderson to assist the treatment provider in treatment of the Respondent.

g. The Respondent agrees to permit the Dr. Anderson to consult with the Respondent's supervising psychologist, Dr. Marchman, (required in Subparagraphs 3(a)-(d), above) regarding any issues that relate to supervision of the Respondent's practice or the Respondent's psychotherapy.

Reporting to the Board

h. During the period of probation, the Respondent shall report to the Board on a monthly basis. The reports shall be submitted to the Board by the first day of each month, beginning on the first month after the date of the Board's approval of this Settlement Agreement and Final Order. The report shall be typewritten. The report shall include the Respondent's place of employment; current address; the progress of the supervision required by Subparagraphs 3(a)-(d), above; his compliance with the terms and conditions of the probation; and any further information deemed necessary by the Board from time to time.

Additional Prohibitions

4. The Respondent shall never have or keep alcoholic beverages of any type in any office where he practices psychology. The Respondent shall never permit any employees or colleagues to have or keep alcoholic beverages in their offices.

5. The Respondent shall never hire a former client as an employee or agree to provide supervision to a former client.

6. For a period of three years or for the period of time that the Respondent is supervised by Dr. Marchman pursuant to the provisions of Subparagraphs 3(a) - (d), whichever period is longer, the Respondent shall not provide supervision to prospective psychology licensees in a student or internship capacity or as provided for in 645 Iowa Administrative Code 240.4 & 240.5. This provision does not prohibit the Respondent from supervising licensed social workers, licensed marital and family therapists, or licensed mental health counselors who are associated with or employed by him.

General Provisions

7. Respondent shall comply with the Ethical Principles of Psychologists as specified in the Board's administrative rules and shall comply with all rules promulgated by the Board.

8. During the period of probation imposed by this Order, Respondent agrees to make available to the Board any and all records requested for review. Respondent further agrees to release all his medical records to the Board, including all medical recordings pertaining to treatment and evaluation for mental conditions, and agrees to allow the free flow of information between the Board and Respondent's treatment provider(s) and to ensure that the Board receives all necessary information if further evaluation or treatment of Respondent is requested or required. This release of medical records, including records pertaining to treatment for mental conditions, is effective for the duration of the probation imposed by this Settlement Agreement and Final Order.

9. Upon the Board's request, the Respondent will appear before the Board during the duration of the probation imposed by this Order in order to discuss his compliance with this agreement and his performance as a psychologist. Respondent shall be given reasonable notice of the date, time, and place for the appearances. Any such appearance shall be subject to the waiver provisions of 645 Iowa Administrative Code § 9.7.

This settlement agreement and final order is approved by the board on November 9, 2001.