

BEFORE THE BOARD OF PSYCHOLOGY
OF THE STATE OF IOWA

IN THE MATTER OF)	PSY 06-006
)	
WILLIAM MORTON, Psy.D.)	NOTICE OF HEARING
)	AND STATEMENT OF CHARGES
RESPONDENT.)	

COMES NOW the Iowa Board of Psychology (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code §§ 17A.12(2), 17A.18(3) (2011), and 645 Iowa Administrative Code (IAC) § 11.6. Respondent was issued Iowa license 00898 on June 16, 2000. Respondent's license is current and will next expire on June 30, 2012. Respondent's address as reported to the Board is 422 Mt. Belford Street, Brighton, Colorado.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on August 5, 2011, before the Board of Psychology. The hearing shall begin at 9 am and shall be located in the Lucas State Office Building, Fifth Floor Conference Rooms 517 and 518, Des Moines, Iowa.

Answer. Within twenty (20) days of the date you are served this Notice of Hearing and Statement of Charges you are required by 645 IAC § 11.12 to file an Answer. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges. Pleadings shall be filed with the Board at the following address: Board of Psychology, 5th Floor, Lucas State Office Building, Des Moines, Iowa, 50319.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 641 IAC chapter 11. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 645 IAC § 11.18. The hearing may be open to the public or closed to the public at your discretion.

Pre-hearing Conference. Any party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board's rules regarding pre-hearing conferences are contained at 645 IAC §11.17.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings should be provided to counsel for the State at the following address: Scott Galenbeck, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file

with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 154B, and 272C (2011).

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 154B and 272C (2011), and 645 IAC chapter 242.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) (2011) and 645 IAC § 11.21.

C. CHARGES

Count I

Respondent is charged with violating Iowa Code §§ 147.55 and 272C.10(3) (2011), and 645 IAC §§ 242.2(1), 242.2(3)(a), (b), (c), and (d), and §§ 2.04, 6.01, and 9.01 of the *Ethical Principles of Psychologists and Code of Conduct* ["Code of Conduct"] incorporated by reference in rule 645 IAC § 242.2(1). Respondent violated these provisions and demonstrated professional incompetence by his failure to conform to minimal standards of acceptable and prevailing practice of a licensed psychologist acting in the same or similar circumstances.

D. FACTUAL CIRCUMSTANCES

1. At all times during the following events the Respondent was licensed to practice psychology in the State of Iowa.

2. On or about July 10, 2006, Respondent was appointed by an Iowa court to perform a custody evaluation and to make a recommendation to the Court regarding custody of KS, a minor child, and visitation by the non-custodial parents.

3. The evaluation process completed by the Respondent consisted of the Respondent spending approximately six hours interviewing and observing the parties involved in the case.

4. Respondent relied on each party's description of the faults of the other party, and failed to conduct further investigation of the parties beyond that which was already available in the record.

5. Respondent failed to conduct standardized psychological testing or other assessment measures as part of the evaluation, and failed to provide a rationale for this lack of testing.

6. Respondent failed to provide evidence of empirical data or any other objective basis for the conclusions and recommendations provided in his evaluation report.

7. Respondent failed to create or maintain any documentation necessary to support his conclusions and recommendations to the Court.

E. SETTLEMENT

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 645 IAC chapter 12. If you are interested in pursuing settlement of this matter, please contact Scott Galenbeck, Assistant Attorney General, at 515.281.6658.

F. PROBABLE CAUSE FINDING

On this 22nd day of April, 2011, the Iowa Board of Psychology found probable

cause to file this Notice of Hearing and Statement of Charges.