ORIGINAL

BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF IDAHO

In the Matter of the License of:	)	
	)	Case No. PSY-2005-1
CHARLES M. RICE, Ph.D,	)	
License No. PSY-206,	)	**STIPULATION AND**
	)	**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 Charles M. Rice, Ph.D. (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 Charles M. Rice, Ph.D. is a licensee of the Idaho State Board of Psychologist Examiners and holds License No. PSY-206 to practice psychology in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 23, Idaho Code.

3. On or about October 5, 2001, Robert Jordan presented to Respondent for a court-ordered anger evaluation.

4. In approximately October 2002, Mr. Jordan caused a psychological evaluation to be completed by a second psychologist. In approximately March 2003, Mr.

Jordan visited with Respondent about the second psychologist's evaluation, and Respondent made a copy of the second psychologist's evaluation and placed it in his file for Mr. Jordan.

5. Mr. Jordan thereafter attempted to obtain an "independent" evaluation and was referred to Otto Zuckschwerdt, a licensed counselor. When Mr. Jordan arrived at Mr. Zuckschwerdt's office for his appointment on or about April 17, 2003, he realized it was in the same clinic as Respondent's office.

6. Respondent saw Mr. Jordan in the clinic on or about April 17, 2003, and asked Mr. Jordan what he was doing there. Mr. Jordan replied that he had an appointment with Mr. Zuckschwerdt. Respondent subsequently provided Mr. Zuckschwerdt with his file on Mr. Jordan, and Mr. Zuckschwerdt reviewed Respondent's file on Mr. Jordan before completing his assessment.

7. Respondent did not have a signed release of information from Mr. Jordan allowing Respondent to give anything in his file on Mr. Jordan to Mr. Zuckschwerdt, nor did Respondent's file contain any documentation of any extension of privileged information to other professionals practicing at the clinic.

8. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of psychology, specifically Idaho Code § 54-2309(e) and APA Code of Ethics 5.02. Violations of this law would further constitute grounds for disciplinary action against Respondent's license to practice psychology in the State of Idaho.

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

B.

I, Charles M. Rice, Ph.D., 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, if proven, would 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 pay investigative costs and attorney fees in the amount of One Thousand and No/100 Dollars ($1,000.00) within thirty (30) days of the entry of the Board's Order.

2. Within one (1) year of the date of entry of the Board's Order, Respondent shall satisfactorily complete twenty (20) hours of ethics training and twelve (12) hours of risk management training. Respondent must receive prior approval by the Board for any course as to both the institution and coursework for which he is seeking credit. After completion of the coursework, Respondent will provide certified transcripts to the Board. The 20-hour ethics coursework and the 12-hour risk management training shall be in addition to any continuing education hours required to maintain licensure.

3. Within thirty (30) days of the entry of the Board's Order, Respondent shall implement a written privacy policy for his office to follow.

4. Respondent shall comply with all state, federal and local laws, rules and

regulations governing the practice of psychology in the State of Idaho.

5. Until Respondent completes the requirements of this Stipulation, Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change. In the event Respondent should leave Idaho for three (3) continuous months, or to reside or 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 Respondent intends to return. Periods of time spent outside Idaho will not excuse compliance with the terms of this Stipulation.

6. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

7. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

8. 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. Respondent waives any right he 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 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 and serve a notice of hearing on Respondent. Within twenty-one (21) days after the notice of hearing 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, Respondent may submit only affidavits made on personal knowledge and argument based upon the record in support of his position. Unless ordered by the Board, no oral witness testimony will be heard or considered. The issue determined at the hearing is limited to whether Respondent violated any of the terms and conditions outlined in section C of the Stipulation and Consent Order. No evidence may be presented concerning the facts and substantive matters related to the violations described in Section A of the Stipulation and Consent Order. Respondent waives any opportunity to engage in discovery or other administrative or civil procedures not provided in section D of the Stipulation and Consent Order.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension 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 §§ 9-337-50.

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 and 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 no effect.

DATED this 15 day of February, 2005.

Charles M. Rice, Ph.D.
Respondent

DATED this 15 day of February, 2005.

HALL, FARLEY, OBERRECHT
& BLANTON, P.A.

By J. Kevin West
J. Kevin West
Of Attorneys for Respondent

I concur in this Stipulation and Order.

DATED this 16th day of February, 2005.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By _____
Stephanie N. Guyon
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 16th day of March, 2005. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF PSYCHOLOGIST EXAMINERS

By _____
~~Julie Parsons,~~ Chair
Anne Marie Nelson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of March, 2005, I caused to be served a true and correct copy of the foregoing by the following method to:

Charles M. Rice, Ph.D. 3308 N. Cole Road, Suite A Boise, ID 83704	☒ U.S. Mail ☐ Hand Delivery ☒ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
J. Kevin West HALL, FARLEY, OBERRECHT & BLANTON, P.A. P.O. Box 1271 Boise, ID 83701	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
Stephanie N. Guyon Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	☐ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☒ Statehouse Mail

Rayola Jacobsen

Rayola Jacobsen, Chief
Bureau of Occupational Licenses