“To Thine Own Self Be True”.

Ethics

Presented by Rick Moldenhauer, MS, LADC, ICADC, LPCC

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And

Annette Pearson MS, LADC, CBIS
The history of LADC

- Legislation passed in 1992 establishing LADC
- May 2000 ADC-T passed
- May 2003, BBHT established
- July 1, 2005 BBHT became enforcing authority for LADC
- August 1, 2017 Statute and Rule consolidated into 148F
- As of December 31, 2018, ~3,555 LADC
- ~220 ADC-T

Licenses/permits administered by BBHT

Key:
- CC=Licensed Professional Clinical Counselor
- PC=Licensed Professional Counselor
- CD=Licensed Alcohol and Drug Counselor
- TP=Alcohol and Drug Counselor Temporary Permit

SOURCE: BBHT, February 5th, 2019
Current License/Permit Numbers

Current License/Permit Numbers (as of January 20, 2018):

<table>
<thead>
<tr>
<th>Category</th>
<th>CC</th>
<th>PC</th>
<th>CD</th>
<th>TP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active Licenses/Permits</td>
<td>1,803</td>
<td>454</td>
<td>3,393</td>
<td>210</td>
</tr>
<tr>
<td>Reactive Licenses</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Conditional Licenses</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>1,803</td>
<td>454</td>
<td>3,393</td>
<td>210</td>
</tr>
</tbody>
</table>

* There is not an inactive option for temporary permit holders.

Total Number of BBHT Licenses and Permits: 6,169

SOURCE: BBHT, February 5th, 2019

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Current Active License/Temp Permits issued by BBHT, by calendar year (as of date of publication of report), 2013-2018

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Total Complaints Received by BBHT, January 1, 2018 to December 31, 2018:

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Complaints Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>CC</td>
<td>80</td>
</tr>
<tr>
<td>PC</td>
<td>50</td>
</tr>
<tr>
<td>CD</td>
<td>150</td>
</tr>
<tr>
<td>TP</td>
<td>1</td>
</tr>
</tbody>
</table>

Total Complaints Received by BBHT: 351

SOURCE: BBHT, February 5th, 2019
Total complaint received by BBHT, by license type by calendar year, 2013-2018

BBHT as of January 25th, 2018

Complaints Received by License Type

SOURCE: BBHT, February 5th, 2019
Complaints Received by Type, January 1, 2018 – December 31, 2018:

<table>
<thead>
<tr>
<th>Problem Code</th>
<th>Total Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unprofessional Conduct</td>
<td>12</td>
</tr>
<tr>
<td>Practice without a License</td>
<td>6</td>
</tr>
<tr>
<td>Practice Other License Expired</td>
<td>5</td>
</tr>
<tr>
<td>Interpretation of Rules of Application</td>
<td>3</td>
</tr>
<tr>
<td>Mental/Physical Needs</td>
<td>6</td>
</tr>
<tr>
<td>Chemical Dependence</td>
<td>0</td>
</tr>
<tr>
<td>Discipline in Other Jurisdiction</td>
<td>0</td>
</tr>
<tr>
<td>Recordkeeping</td>
<td>0</td>
</tr>
<tr>
<td>Unprofessional Conduct</td>
<td>6</td>
</tr>
<tr>
<td>Sexual Conduct</td>
<td>19</td>
</tr>
<tr>
<td>Boundaries Issues</td>
<td>26</td>
</tr>
<tr>
<td>Criminal Conviction</td>
<td>2</td>
</tr>
<tr>
<td>Failure to Report Charges/Convictions</td>
<td>6</td>
</tr>
<tr>
<td>Failure to Report</td>
<td>7</td>
</tr>
<tr>
<td>Unspecified Conduct</td>
<td>68</td>
</tr>
<tr>
<td>Breach of Confidentiality</td>
<td>87</td>
</tr>
<tr>
<td>Dispute for Public Health, Safety, and Welfare</td>
<td>5</td>
</tr>
<tr>
<td>Competency</td>
<td>28</td>
</tr>
</tbody>
</table>

SOURCE: BBHT, February 5th, 2019

Complaints Received by Complainant Type, January 1, 2018 – December 31, 2018:

<table>
<thead>
<tr>
<th>Complainant Code</th>
<th>Total Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>BBHT License Application</td>
<td>10</td>
</tr>
<tr>
<td>BBHT License Renewal Application</td>
<td>2</td>
</tr>
<tr>
<td>BBHT Staff</td>
<td>10</td>
</tr>
<tr>
<td>Family Member of Client</td>
<td>13</td>
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<tr>
<td>Client</td>
<td>16</td>
</tr>
<tr>
<td>Third Party</td>
<td>102</td>
</tr>
<tr>
<td>Self</td>
<td>8</td>
</tr>
<tr>
<td>wildlife</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>10</td>
</tr>
<tr>
<td>Other State Agency</td>
<td>5</td>
</tr>
</tbody>
</table>

SOURCE: BBHT, February 5th, 2019
Complaint received by BBHT, by complainant type, 2013-2018,

**Complaints Closed by Basis, January 1, 2018 – December 31, 2018**

<table>
<thead>
<tr>
<th>Suggestion</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corrective Action</td>
<td>1</td>
</tr>
<tr>
<td>Close, others at disposition of conference</td>
<td>84</td>
</tr>
<tr>
<td>Close, complete &amp; reasons</td>
<td>2</td>
</tr>
<tr>
<td>Close</td>
<td>42</td>
</tr>
<tr>
<td>Close after disciplinary conference</td>
<td>20</td>
</tr>
<tr>
<td>Return to BBHT</td>
<td>12</td>
</tr>
<tr>
<td>No bar issued</td>
<td>86</td>
</tr>
<tr>
<td>Non-satisfactory</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>1,794</td>
</tr>
</tbody>
</table>

**SOURCE:** BBHT, February 5th, 2019

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Complaint received by BBHT, closed by basis, 2013-2018,
Disciplinary Action, January 1, 2018 – December 31, 2018

<table>
<thead>
<tr>
<th>Type</th>
<th>Number</th>
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<tbody>
<tr>
<td>Conditional License</td>
<td>5</td>
</tr>
<tr>
<td>Revocation</td>
<td>3</td>
</tr>
<tr>
<td>Suspension</td>
<td>0</td>
</tr>
<tr>
<td>Stated Suspension</td>
<td>1</td>
</tr>
<tr>
<td>Suspension</td>
<td>6</td>
</tr>
<tr>
<td>Voluntary Surrender</td>
<td>7</td>
</tr>
<tr>
<td>Unconditional License</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>20</td>
</tr>
</tbody>
</table>

SOURCE: BBHT, February 5th, 2019

Complaint received by BBHT, disciplinary action, 2013-2018,

Chart Title

Licenses Issued, January 1, 2018 – December 31, 2018

<table>
<thead>
<tr>
<th>CC</th>
<th>JD</th>
<th>PD</th>
<th>TP</th>
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</thead>
<tbody>
<tr>
<td>Jan/B</td>
<td>82</td>
<td>75</td>
<td>83</td>
</tr>
<tr>
<td>Feb/B</td>
<td>26</td>
<td>31</td>
<td>31</td>
</tr>
<tr>
<td>Mar/B</td>
<td>31</td>
<td>20</td>
<td>32</td>
</tr>
<tr>
<td>Apr/B</td>
<td>37</td>
<td>37</td>
<td>33</td>
</tr>
<tr>
<td>May/B</td>
<td>26</td>
<td>29</td>
<td>32</td>
</tr>
<tr>
<td>Jun/B</td>
<td>18</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Jul/B</td>
<td>17</td>
<td>29</td>
<td>34</td>
</tr>
<tr>
<td>Aug/B</td>
<td>38</td>
<td>26</td>
<td>38</td>
</tr>
<tr>
<td>Sep/B</td>
<td>20</td>
<td>23</td>
<td>20</td>
</tr>
<tr>
<td>Oct/B</td>
<td>29</td>
<td>26</td>
<td>28</td>
</tr>
<tr>
<td>Nov/B</td>
<td>25</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>Dec/B</td>
<td>24</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td>122</td>
<td>102</td>
<td>122</td>
</tr>
</tbody>
</table>

Total licenses issued by BBHT: 122

SOURCE: BBHT, February 5th, 2019
Licenses and T-ADC permits issued by BBHT, 2013-2018,

Ethics = rights

- Clients are guaranteed rights in MS 245G.15:
  - Subd 1:
  - A client has the rights identified in sections 144.651, 148F.165, 253B.03, and 254B.02, subdivision 2, as applicable. The license holder must give each client at service initiation a written statement of the client's rights and responsibilities. A staff member must review the statement with a client at that time.
• Subdivision 1. Explanation of procedures.
• A client has the right to have, and a counselor has the responsibility to provide, a nontechnical explanation of the nature and purpose of the counseling procedures to be used and the results of tests administered to the client. The counselor shall establish procedures to be followed if the explanation is to be provided by another individual under the direction of the counselor.

148F.165 Subd 2

• The client bill of rights required by section 144.652 shall be prominently displayed on the premises of the professional practice or provided as a handout to each client. The document must state that consumers of alcohol and drug counseling services have the right to:
But, things are different now

Ethical decisions are not always a linear process...

Story of my life

What I planned

What happened

Confused

Loyal

Disoriented

Welded
Mn 254B.05, Subd. 1 (b)

- (b) On July 1, 2018, or upon federal approval, whichever is later, a licensed professional in private practice who meets the requirements of section 245G.11, subdivisions 1 and 4, is an eligible vendor of a comprehensive assessment and assessment summary provided according to section 245G.05, and treatment services provided according to sections 245G.06 and 245G.07, subdivision 1, paragraphs (a), clauses (1) to (5), and (b); and subdivision 2.

245G.11, subdivisions 1 and 4

- Subdivision 1. General qualifications.
  - (a) All staff members who have direct contact must be 18 years of age or older. At the time of employment, each staff member must meet the qualifications in this subdivision. For purposes of this subdivision, “problematic substance use” means a behavior or incident listed by the license holder in the personnel policies and procedures according to section 245G.13, subdivision 1, clause (5).
  - (b) A treatment director, supervisor, nurse, counselor, student intern, or other professional must be free of problematic substance use for at least the two years immediately preceding employment and must sign a statement attesting to that fact.
  - (c) A paraprofessional, recovery peer, or any other staff member with direct contact must be free of problematic substance use for at least one year immediately preceding employment and must sign a statement attesting to that fact.

245G.11, subdivisions 1 and 4

- Subd. 4. Alcohol and drug counselor supervisors.
  - An alcohol and drug counselor supervisor must:
    - (1) meet the qualification requirements in subdivision 5;
    - (2) have three or more years of experience providing individual and group counseling to individuals with substance use disorder; and
    - (3) know and understand the implications of this chapter and sections 245A.65, 626.556, 626.557, and 626.5572.
245G.11, Subd 5

- Subd. 5. Alcohol and drug counselor qualifications.
  - (a) An alcohol and drug counselor must either be licensed or exempt from licensure under chapter 148F.
  - (b) An individual who is exempt from licensure under chapter 148F, must meet one of the following additional requirements:
    - (1) completion of at least a baccalaureate degree with a major or concentration in social work, nursing, sociology, human services, or psychology or license as a registered nurse; successful completion of at least 120 hours of coursework in which each of the core functions listed in chapter 148F is covered; and successful completion of at least 440 hours of supervised experience as an alcohol and drug counselor, either in a training or in a staff member;
    - (2) completion of at least 270 hours of drug counselor training in which each of the core functions listed in chapter 148F is covered; and successful completion of at least 880 hours of supervised experience as an alcohol and drug counselor.
  - (c) An alcohol and drug counselor may not provide a treatment service that requires professional licensure unless the individual possesses the necessary license. For the purposes of enforcing this section, the commissioner has the authority to monitor a service provider’s compliance with the relevant standards of the service provider’s profession and may issue licensing actions against the license holder according to sections 245A.05, 245A.06, and 245A.07, based on the commissioner’s determination of noncompliance.

Comparing 2017 & 2018

<table>
<thead>
<tr>
<th>CY 2017</th>
<th>CY 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1. Unprofessional Conduct..83</td>
<td>#1. Unprofessional Conduct..106</td>
</tr>
<tr>
<td>#2. Chemical Dependency..28</td>
<td>#2. Sexual Conduct..33</td>
</tr>
<tr>
<td>#3. Competence..20</td>
<td>#3. Boundary Issues..28</td>
</tr>
<tr>
<td>#4. Sexual Conduct..21</td>
<td>#4. Chemical dependency..24</td>
</tr>
<tr>
<td>#5. Boundary Issues..21</td>
<td>#5. Competence..24</td>
</tr>
<tr>
<td>#6. Confidentiality..18</td>
<td>#6. Confidentiality..17</td>
</tr>
<tr>
<td>#7. Recordkeeping..15</td>
<td>#7. Recordkeeping..9</td>
</tr>
<tr>
<td>#9. Mental/Physical Illness..10</td>
<td>#9. Practice without a license..8</td>
</tr>
<tr>
<td>#10. Practice without a license..8</td>
<td>#10. Misrepresentation of Credential..7</td>
</tr>
</tbody>
</table>

Good people don't need laws to tell them to act responsibly... and bad people will find a way around the laws.

- PLATO
Did you do the right thing, or did you just not get caught?

The decision triangle

law

ethics

praxis
Praxis

- Praxis is the process by which a theory, lesson, or skill is enacted, embodied, or realized. "Praxis" may also refer to the act of engaging, applying, exercising, realizing, or practicing ideas.

-Aristotle

The decision triangle

41

The decision triangle

42
Zeno’s paradox

\[ \sum_{n=1}^{\infty} \left( \frac{1}{2} \right)^n \]

Cascading iatrogenics

- Error as a function of time and distance

“What have the years of your life taught you to be?”
Accuracy in details

- Degree vs. mil-rads

Increasing error as a function of time/distance

"the gate is straight, deep and wide"...Jim Morrison
When hope and reality collide…

Perception?

Which is which? Who is right?
#10..Misrepresentation of Credential..7

Subd. 2. Misrepresentation. The provider shall not misrepresent, directly or by implication, professional qualifications including education, training, experience, competence, credentials, or areas of specialization. The provider shall not misrepresent, directly or by implication, professional affiliations or the purposes and characteristics of institutions and organizations with which the provider is professionally associated.
148F.185, Subd 1

Subdivision 1. Prohibition against false or misleading information. Public statements by providers must not include false or misleading information. Providers shall not solicit or use testimonials by quotation or implication from current clients or former clients who are vulnerable to undue influence. The provider shall make reasonable efforts to ensure that public statements by others on behalf of the provider are truthful and shall make reasonable remedial efforts to bring a public statement into compliance with sections 148F.12 to 148F.205 when the provider becomes aware of a violation.

example

• Is a comprehensive assessment (MS 245G.05) a “Rule 25” assessment, and a private practitioner SUD assessment the same thing?

Intentional vs accidental

<table>
<thead>
<tr>
<th>purposeful</th>
<th>incidental</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="3.14" alt="Pi" /></td>
<td><img src="%5Cpi" alt="Pi" /></td>
</tr>
</tbody>
</table>

COINCIDENCE?
#9. Practice without a license...

58

10th Judicial District, filed 9/18/15

59

60
148F.01, Subd 5

- Subd. 5. Alcohol and drug counselor.
- "Alcohol and drug counselor" means a person who holds a valid license issued under this chapter to engage in the practice of alcohol and drug counseling.

148F.20

- A provider shall not violate any law in which the facts giving rise to the violation involve the practice of alcohol and drug counseling as defined in sections 148F.001 to 148F.205. In any board proceeding alleging a violation of this section, the proof of a conviction of a crime constitutes proof of the underlying factual elements necessary to that conviction.
It only takes a minute to tell someone how you really feel about them….

• The legal term for it is indecent exposure…….

#7..Recordkeeping..9

148F.162, Subp 2, con’t

(7) have access to their records as provided in sections 144.92 and 148F.135, subdivision 1, except as otherwise provided by law;
(5) privacy as defined and limited by law and rule;
148F.162, Subp 2, con’t

(10) know the intended recipients of assessment results;
148F.162, Subp 2, con’t

(11) withdraw consent to release assessment results, unless the right is prohibited by law or court order or was waived by prior written agreement;
148F.162, Subp 2, con’t

(2) examine public records maintained by the Board of Behavioral Health and Therapy that contain the credentials of the provider;

148F.162, Subp 2, con’t

(3) report complaints to the Board of Behavioral Health and Therapy;
148F.162, Subp 2, con’t

(1) expect that the provider meets the minimum qualifications of training and experience required by state law;

#4..Chemical Dependency..24

Chemical Dependency

sometimes u fall

off da wagon
Chemical Dependency, 148F.16
Provider Impairment
The provider shall not provide counseling services to clients when the provider is unable to provide services with reasonable skill and safety as a result of a physical or mental illness or condition, including, but not limited to, substance abuse or dependence. During the period the provider is unable to practice with reasonable skill and safety, the provider shall either promptly terminate the professional relationship with all clients or shall make arrangements for other alcohol and drug counselors to provide temporary services during the provider's absence.
STIGMA

“When the truth is found, to be lies...”

• Truth — stigma — lies,
• Stigma is planted in ignorance, watered and fertilized by denial and projection...
• Don’t confuse anonymity with silence...

Comforting lie vs. painful truth

#3 Boundary issues..28

Boundary Issues
You often find the edge after you have passed it.......  

- Balance is important......

148F.162, Subp 4

Subd. 4. Misuse of client relationship.
The provider shall not misuse the relationship with a client due to a relationship with another individual or entity.

Investigative memorandum 20150966

- Suspected Maltreatment Reported:

- It was reported that a facility staff person (SP), who was also a licensed health care professional, refused to give medication for a vulnerable adult’s (VA’s) child (C) to the VA. The VA became upset and made inappropriate comments to the SP. A meeting was held to discuss the VA’s behavior, and it was reported that during the meeting the SP “berated” and “shamed” the VA, and the VA had a panic attack.
Inappropriate boundaries are not an isolated incident

148F.162, Subp 5

Subd. 5. Exploitation of client.
The provider shall not exploit the professional relationship with a client for the provider's emotional, financial, sexual, or personal advantage or benefit. This prohibition extends to former clients who are vulnerable or dependent on the provider.

#2. Sexual; Conduct. 33
How many Steps are there?
Step 1

We admitted we were powerless over alcohol—that our lives had become unmanageable.

Step 12

• Having had a spiritual awakening as the result of these Steps, we tried to carry this message to alcoholics, and to practice these principles in all our affairs.

What is 1 + 12?

13
Sexual Conduct 148F.165, Subp. 6-7

- **Subd. 6. Sexual behavior with client.** A provider shall not engage in any sexual behavior with a client including:
  1. sexual contact, as defined in section 604.20, subdivision 7; or
  2. any physical, verbal, written, interactive, or electronic communication, conduct, or act that may be reasonably interpreted to be sexually seductive, demeaning, or harassing to the client.

- **Subd. 7. Sexual behavior with a former client.** A provider shall not engage in any sexual behavior as described in subdivision 6 within the two-year period following the date of the last counseling service to a former client. This prohibition applies whether or not the provider has formally terminated the professional relationship. This prohibition extends indefinitely for a former client who is vulnerable or dependent on the provider.

MS 604.20, Subd. 7 Actions for Sexual Exploitation; Psychotherapists

- **Subd. 7. Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a patient or former patient:
  1. sexual intercourse, cunnilingus, fellatio, or any intrusion, however slight, into the genital or anal openings of the patient or former patient's body or any part of the psychotherapist's body or by any object used by the psychotherapist for this purpose, or any intrusion, however slight, into the genital or anal openings of the psychotherapist's body by any part of the patient or former patient's body or by any object used by the patient or former patient for this purpose, if agreed to by the psychotherapist;
  2. kissing of, or the intentional touching by the psychotherapist of the patient's or former patient's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts;
  3. kissing of, or the intentional touching by the patient or former patient of the psychotherapist's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts if the psychotherapist agrees to the kissing or intentional touching.

"Sexual contact" includes requests by the psychotherapist for conduct described in clauses (1) to (3).

"Sexual contact" does not include conduct described in clause (1) or (2) that is a part of standard medical treatment of a patient.
Sexual Conduct 148F.165, Subp. 6+7

• **Subd. 6. Sexual behavior with client.** A provider shall not engage in any sexual behavior with a client including:
  1. sexual contact, as defined in section 604.20, subdivision 7; or
  2. any physical, verbal, written, interactive, or electronic communication, conduct, or act that may be reasonably interpreted to be sexually seductive, demeaning, or harassing to the client.

• **Subd. 7. Sexual behavior with a former client.** A provider shall not engage in any sexual behavior as described in subdivision 6 within the two-year period following the date of the last counseling service to a former client. This prohibition applies whether or not the provider has formally terminated the professional relationship. This prohibition extends indefinitely for a former client who is vulnerable or dependent on the provider.

MS 604.20, Subd. 7 Actions for Sexual Exploitation; Psychologists

• **Subd. 7. Sexual contact.** "Sexual contact" means any of the following, whether or not occurring with the consent of a patient or former patient:
  1. Sexual intercourse, cunnilingus, fellatio, anal intercourse or any invasion, however slight, into the genital or anal openings of the patient or former patient's body by any part of the psychotherapist's body or by any object used by the psychotherapist for this purpose, or any invasion, however slight, into the genital or anal openings of the psychotherapist's body by any part of the patient's or former patient's body or by any object used by the patient or former patient for this purpose, if agreed to by the psychotherapist;
  2. Kissing of, or the intentional touching by the psychotherapist of the patient's or former patient's genital area, groin, inner thigh, buttocks, or breasts or of the clothing covering any of these body parts;
  3. Kissing of, or the intentional touching by the patient or former patient of the psychotherapist's genital area, groin, inner thigh, buttocks, or breasts or of the clothing covering any of these body parts if the psychotherapist agrees to the kissing or intentional touching.

"Sexual contact" includes requests by the psychotherapist for conduct described in clauses (1) to (3).

"Sexual contact" does not include conduct described in clause (1) or (2) that is a part of standard medical treatment of a patient.

HOWEVER.....
MN 609.341, Subd. 17, Definitions of Criminal Sexual Conduct

Subd. 17. Psychotherapist.

"Psychotherapist" means a person who is or purports to be a physician, psychologist, nurse, chemical dependency counselor, social worker, marriage and family therapist, licensed professional counselor, or other mental health service provider; or any other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.

Subd. 18. Psychotherapy.

"Psychotherapy" means the professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.

MS 609.344, Subd. 1 (h-l) CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor or private;

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

604.20, Subd. 7

"Sexual contact" means any of the following, whether or not occurring with the consent of a patient or former patient:

1. Sexual intercourse, cunnilingus, fellatio, or any other sexual act, whether or not occurring with the consent of a patient or former patient.

2. Kissing of, or the intentional touching by the psychotherapist of the patient or former patient's genital or anal openings, or any part of the psychotherapist's body or any object used by the psychotherapist for this purpose, engaged by the patient or former patient for this purpose, if agreed to by the psychotherapist;

3. Kissing of, or the intentional touching by the psychotherapist of the patient or former patient's genital or anal openings, or any part of the psychotherapist's body or any object used by the psychotherapist for this purpose, if engaged by the patient or former patient for this purpose, if agreed to by the psychotherapist;

4. "Sexual contact" includes requests by the psychotherapist for conduct described in clauses (1) to (3).

5. "Sexual contact" does not include conduct described in clauses (1) or (2) that is a part of standard medical treatment of a patient.
148F.162, Subp 7

Subd. 7. Sexual behavior with a former client.
A provider shall not engage in any sexual behavior as described in subdivision 6 within the two-year period following the date of the last counseling service to a former client. This prohibition applies whether or not the provider has formally terminated the professional relationship. This prohibition extends indefinitely for a former client who is vulnerable or dependent on the provider.

148F.162, Subp 6

Subd. 6. Sexual behavior with client.
A provider shall not engage in any sexual behavior with a client including:

(1) sexual contact, as defined in section 604.20, subdivision 7; or

(2) any physical, verbal, written, interactive, or electronic communication, conduct, or act that may be reasonably interpreted to be sexually seductive, demeaning, or harassing to the client.

Remember the food chain

Predators eat prey, But eventually......

Predators become prey
148F.162, Subp 8

A provider shall disclose to the client the provider's preferences for choice of treatment or outcome and shall present other options for the consideration or choice of the client.

Unprofessional conduct MS 148.12

- 148F.12 CONDUCT
- Subd. 1. Scope. Sections 148F.12 to 148F.205 apply to the conduct of all alcohol and drug counselors, licensees, and applicants, including conduct during the period of education, training, and employment that is required for licensure.
- Subd. 2. Purpose. Sections 148F.12 to 148F.205 constitute the standards by which the professional conduct of alcohol and drug counselors is measured.
- Subd. 3. Violations. A violation of sections 148F.12 to 148F.205 is unprofessional conduct and constitutes grounds for disciplinary action, corrective action, or denial of licensure.
- Subd. 4. Conflict with organizational demands. If the organizational policies at the provider's work setting conflict with any provision in sections 148F.12 to 148F.205, the provider shall discuss the nature of the conflict with the employer, make known the requirement to comply with these sections of law, and attempt to resolve the conflict in a manner that does not violate the law.
148F.162, Subp 3

Subd. 3. Stereotyping.
The provider shall treat the client as an individual and not impose on the client any stereotypes of behavior, values, or roles related to human diversity.
Not all Canadians are Bob and Doug...eh...

148F.162, Subp 2, con’t

(4) be informed of the cost of professional services before receiving the services;
148F.162, Subp 2, con’t

(6) be free from being the object of unlawful discrimination while receiving counseling services;
148F.162, Subp 2, con’t

(8) be free from exploitation for the benefit or advantage of the provider;

148F.162, Subp 9

Subd. 9. Referrals.
A provider shall make a prompt and appropriate referral of the client to another professional when requested to make a referral by the client.
Serenity doesn’t care how it gets there...

Zakk Wylde
- All that you know, and all that you knew; in the end child tell me, what does it all mean to you...

Buddha
- In the end, only three things matter: how much you loved, how gently you lived, and how gracefully you let go of things not meant for you

Please remember.....
- Awareness devoid of action = inaction