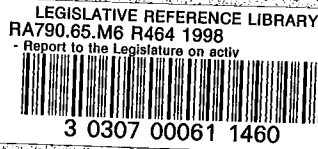


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Report from the Minnesota Department of Health

Report to the Legislature on Activities Related to the Office of Mental Health Practice

July 1, 1996 through June 30, 1998

November 4, 1998

Minnesota Department of Health
Health Policy & Systems Compliance Division
Health Occupations Program



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Report to the Legislature on Activities Related to the Office of Mental Health Practice

November, 1998

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**REPORT TO THE LEGISLATURE ON
MINNESOTA DEPARTMENT OF HEALTH ACTIVITIES
RELATED TO
THE OFFICE OF MENTAL HEALTH PRACTICE
FOR THE PERIOD
BEGINNING JULY 1, 1996 THROUGH JUNE 30, 1998**

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1. General statement of activities.

The Office of Mental Health Practice (OMHP) regulates unlicensed mental health practitioners by establishing prohibited acts and a code of ethics for persons otherwise not licensed by mental health boards or the Minnesota Department of Health. There is no credentialing component in this program and its activities involve investigations and enforcement only.

The OMHP has two staff who investigate complaints about practitioners from clients, other professionals and other agencies. When sufficient evidence exists, the office also pursues enforcement actions against practitioners and can impose revocation, suspension, reprimands, and civil penalties. The office also monitors practitioner compliance with enforcement action terms. Finally, the OMHP is mandated to be a public clearinghouse for information about mental health services in Minnesota.

In Fiscal Year 1997, the OMHP opened 69 investigations and closed 48 files. In the same year, OMHP completed two enforcement actions. In Fiscal Year 1998, the OMHP opened 85 investigations and closed 101 files. In the same year, OMHP completed two enforcement actions. Investigation statistics show that 35 % of the office's investigations involve sexual misconduct allegations.

2. Number of staff hours spent on the activities.

FY 1997: 4,006

FY 1998: 5,388

Total: 9,394

3. Receipts and disbursements of funds.

	<u>Receipts</u>	<u>Expenditures</u>
FY 1997	\$2,142.00	\$ 90,504.00
FY 1998	\$3,013.00	\$135,913.00
Total:	\$5,155.00	\$225,417.00

4. Names of advisory council members and their addresses, occupations, and dates of appointment and reappointment.

There is no advisory council for the OMHP.

5. Names & job classifications of employees.

<u>Employee Name</u>	<u>Job Classification</u>	<u>FY 1997</u>	<u>FY 1998</u>
Tom Hiendlmayr	Health Program Rep. Prin	.01	.01
Susan Winkelmann	Inv./Enforcement Supr.	.38	.27
Mary Wermuth	Investigator, Senior	.98	.97
Richard Hnasko	Investigator	—	.64
Gretchen Strehle	Clerk Typist 3	.01	—
Terri Ross	Clerk Typist 3	.39	.07
Diane Michels	Clerk Typist 3	—	.01
Chris Reeves	Clerk Typist 2	—	.38
Lynnette DuFresne	Clerk Typist 3	0	.23
Diane Gnotta	Legal Analyst	.06	---
Dane Vose, Gathroe Taylor	Info Tech Specs	.08	---
Totals		1.92	2.59

6. Brief summary of adopted rules during reporting period with appropriate citations to the State Register and published rules.

No rules were adopted during the reporting period.

7. Number of persons having each type of license issued by the Commissioner as of June 30, 1998.

Office of Mental Health Practice does not license or credential practitioners.

8. The location and dates of administration of examinations by the commissioner.

Office of Mental Health Practice does not examine practitioners.

9. Number of persons examined by the Commissioner with the persons subdivided into groups showing age categories, sex, and states of residency.

Not applicable.

- 10. Number of persons licensed by the Commissioner after taking the examinations referred to in clause (8) with the persons subdivided into groups showing age categories, sex, and states of residency.**

Not applicable.

- 11. Number of persons not licensed by the Commissioner after taking examinations referred to in clause (8) with the persons subdivided into groups showing age categories, sex, and states of residency.**

Not applicable.

- 12. Number of persons not taking the examination who were licensed or who were denied licensing, the reasons for the denial, and the persons subdivided by age categories, sex, and states of residency.**

Not applicable.

- 13. Number of persons previously licensed by the Commissioner whose licenses were revoked, suspended, or otherwise altered in status with brief statements of the reasons for the revocation, suspension, or alteration.**

Not applicable.

- 14. Number of written and oral complaints and other communications received by the Commissioner which allege or imply a violation of statute or rule which the Commissioner is empowered to enforce.**

FY 1997	= 69 complaints received
FY 1998	= 85 complaints received

Total: 154

15. Summary, by specific category, of this substance of the complaints and communications referred to in clause (14) and, for each specific category, the responses or dispositions.

FY 1997 Complaints Received (69)

<u>Type of Complaint</u>	<u>No. Rec'd</u>	<u>Dispositions</u>
Sexual Misconduct	28	16 dismissed/1 referred/1 warning/9 pending
Impaired Objectivity	7	1 referred/6 pending
Harm to public	21	15 dismissed/2 referred/2 warnings/2 pending
Breach of Confidentiality	4	1 dismissed/1 referred/2 warnings
Fraudulent Billing	3	1 dismissed/1 warning/1 pending
False advertising	2	1 dismissed/1 warning
Abuse of alcohol	1	1 dismissed
Client records issue	1	1 referred
Failure to report	1	1 dismissed
Bartering for services	1	1 pending

FY 1998 Complaints Received (85)

<u>Type of Complaint</u>	<u>No. Rec'd</u>	<u>Dispositions</u>
Harm to public	30	17 dismissed/7 referred/1 not pursued/5 pending
Sexual Misconduct	27	14 dismissed/1 dismissed due to practitioner flight/ 12 pending
Impaired Objectivity	9	4 dismissed/1 referred/1 warning/3 pending
Breach of Confidentiality	5	1 dismissed/1 referred/3 pending
False advertising	3	1 dismissed/2 warnings
Bill of rights violation	3	2 dismissed/1 pending
Convicted of crime	2	1 dismissed/1 pending
Unknown type	2	2 dismissed
Mentally incompetent	1	1 dismissed
Unsafe services	1	1 dismissed
Illegal use of drugs	1	1 dismissed
Bartering for services	1	1 dismissed

FY 1997 Enforcement Actions Completed (2)

<u>Type of Action</u>	<u>Terms of Enforcement</u>	<u>Effective Date</u>
1. Sexual Misconduct	3 year revocation Must petition for reinstatement Must complete psychological examination Civil penalty	10/16/96
2. Sexual Misconduct Violation of previous Order	Revocation Must petition for reinstatement Must complete psychological examination Civil penalty	3/10/97

FY 1998 Enforcement Actions Completed (2)

1. Sexual Misconduct Impaired Objectivity Misrepresenting Credentials	3 year suspension Must petition for reinstatement Must complete psychological examination Civil Penalty	9/12/97
2. Sexual Misconduct Impaired Objectivity Misrepresenting Credentials Breach of confidentiality	Revocation Civil Penalty	3/15/98

16. Any other objective information which the Commissioner believes will be useful in reviewing the Commissioner's activities.