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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF )  
**JODI NAN HILDEBRANDT** ) STIPULATION AND ORDER  
TO PRACTICE AS A )  
PROFESSIONAL COUNSELOR ) CASE NO DOPL 2012- 32  
IN THE STATE OF UTAH )

**JODI NAN HILDEBRANDT** (“Respondent”) and the **DIVISION OF  
OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of  
the State of Utah (“Division”) stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the  
subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and  
voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Professional Counselor Licensing Board ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in Utah Code Ann §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-46b-12 through R151-46b-15 Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4102(4)

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Division Director, will be classified as a public document The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent, to other persons and entities



- 7 Respondent admits the following facts are true
- a Respondent was first licensed as a professional counselor in the State of Utah on or about July 7, 2005
  - b On or about April 10, 2008 Respondent began a clinical relationship providing mental health therapy to a married couple hereinafter referred to as John and Jane Doe John Doe and Jane Doe are now divorced
  - c Between April 2008 and March 2010, on multiple occasions in the State of Utah, Respondent, without having received signed authorizations, discussed sensitive private information about John and Jane Doe with the clergy of John Doe and Jane Doe, and two other mental health therapists
  - d On or about March 11, 2009 Respondent, without having received signed authorizations or any other type of permission from John Doe, disclosed sensitive confidential information about John Doe, including a medical diagnosis, with administrator's at a university located in Utah The disclosure of the information was detrimental to John Doe and not in John Doe's best interests
  - e Between about November 2009 and about March 2010, while Respondent was providing mental health therapy to Jane Doe, Respondent permitted Jane Doe, who was then a mental health therapy student, to perform a clinical practicum at the clinic owned by Respondent Respondent determined that this arrangement would be beneficial to Jane Doe due to the fact that Jane Doe had attended therapy groups and community support groups at the facility, that Jane Doe was comfortable at the facility, and Jane Doe was familiar with issues of the clients Respondent failed to document the informed consent, benefits, and risks of such a relationship in Jane Doe's patient chart

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(a) and (b), § 58-60c-502(5), (6), and (16), and Principles A 1 a , A 2 a , A 2 b , A 4 a , A 5 d , A 5 c , A 5 e , A 7 , B 1 c , B 4 b , B 6 f , of the Code of Ethics of the American Counseling Association, and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent agrees that an Order, which constitutes disciplinary action against Respondent's

license by the Division pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

- (1) Respondent's license shall be subject to a term of probation for a period of 18 (eighteen) months. The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. During the period of probation, Respondent shall be subject to all of the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
  - (a) **Meetings with the Board** Respondent shall meet with the Board and Division at the first scheduled Board meeting after the signing of the accompanying Order and on a quarterly basis thereafter, or at other greater or lesser frequency as determined by the Board and Division, for the duration of the probationary period thereafter to assess the progress of Respondent's probation. At least one week prior to Respondent's first meeting with the Board Respondent shall submit to the Division a written plan for complying with the requirements of Respondent's probation, including the name(s) of Respondent's proposed therapist and supervisor. Respondent shall contact Division Compliance Specialist Connie Call within 2 weeks of the effective date of this Order to schedule a meeting for the purpose of discussing the terms of the Order. An appointment with Ms Call can be scheduled by contacting her by phone at (801) 530-6295 or by email at cscall@utah.gov
  - (b) **Supervision Required** Respondent shall practice only under the supervision of a Division and Board pre-approved supervisor during the term of Respondent's probation. Any changes in supervision may be made only with the consent of the Division and Board. Respondent shall deliver a copy of this Order to Respondent's supervisor (within ten days of the establishment of the supervisory relationship) and cause Respondent's supervisor to notify the Division in writing that a copy has been received
  - (c) **Extent of Supervision** Respondent shall meet biweekly with Respondent's supervisor, or at a frequency otherwise directed by the Division and Board. Supervision goals shall include concurrent management, oversight of therapeutic intervention services, and professional relationships and practices. The supervisor shall sit in on, videotape, or audio tape, at least one clinical session per month. The supervisor shall choose which clinical sessions to sit in on, videotape, or audio tape. The supervisor shall review 20% of Respondent's current

patient files. The supervisor shall choose which files shall be reviewed.

- (d) **Self-employment.** If Respondent shall is self-employed in private practice, Respondent shall submit a copy of this Stipulation and Order to any entity with whom Respondent has a contract to provide a professional service of any type. If Respondent is self-employed, Respondent shall hire a supervisor, who is pre-approved by the Division and Board.
- (e) **Duties of Supervisor.** The supervisor shall oversee clinical interventions and review records. The supervisor shall also address issues pertaining to confidentiality, boundary violations, dual relationships, transference and counter-transference, and other issues the supervisor determines are pertinent to ethical practice.
- (f) **Supervisor Reports.** Respondent shall cause Respondent's supervisor to submit reports to the Board and Division assessing Respondent's compliance with the terms of Respondent's probation and ethics. The reports shall be submitted monthly for the first six months and quarterly thereafter, or at such frequency as directed by the Board and Division. The receipt of an unfavorable report may be considered to be a violation of probation.
- (g) **Supervisor Reports if Respondent Not Employed.** If Respondent is not currently employed in Respondent's licensed profession, Respondent shall submit the supervisor report form on the date it is due and indicate on the form that Respondent is not currently employed in Respondent's licensed profession, or that Respondent is not currently working.
- (h) **Psychological Evaluation.** If found necessary and directed by the Division and Board, Respondent shall successfully complete a psychological evaluation provided by a Division-approved licensed provider within ninety (90) days of the effective date of this Stipulation and Order. Respondent shall schedule the initial appointment to be held within 45 days of the effective date of this Stipulation and Order. Respondent shall attend all appointments and follow-up appointments in a timely manner. Respondent shall cooperate fully with the evaluator to ensure a fair and complete evaluation. Respondent shall notify the Division immediately after successfully completing the evaluations and inform the Division that Respondent has successfully completed the evaluations.
- (i) **Ongoing Therapy and Release of Information.** Respondent shall attend any therapy recommend in any evaluation report until the Division or

Board decides otherwise Respondent shall successfully complete any therapy or treatment recommended by the psychological evaluation report in a timely manner Respondent shall follow any treatment recommendations made by the evaluator, the Division, and/or Board Respondent shall execute any necessary releases to allow the therapist to provide reports to the Division and Board regarding Respondent's progress Respondent's therapy should focus on the areas of concern identified by the evaluator Respondent shall cause progress reports to be submitted to the Division and Board by the therapist on a quarterly basis, or at a greater or lesser frequency as determined by the Division and Board Respondent shall be responsible for all treatment expenses

- (j) **Continuing Education.** Respondent shall successfully complete four hours of continuing professional education focused on professional ethics, record-keeping, confidentiality, and dual relationships All courses shall be pre-approved by the Division and Board Respondent shall submit documentation to the Division and Board verifying that Respondent has successfully completed the courses The courses shall be completed within one year of the effective date of this Stipulation and Order The courses shall not count toward Respondent's regular continuing education requirement, if any
- (k) **Essay.** Respondent shall submit a 500 word essay to the Division and Board addressing how the American Counseling Association Code of Ethics and applicable Utah law apply to Respondent's violations The essay shall also address lessons learned from the continuing education courses described in subparagraph (j) above. The essay shall be submitted with 30 days of Respondent successfully completing the continuing education courses described in subparagraph (j) above
- (l) Respondent shall notify the Division and Board within one (1) week of any change of employer or employment status. This is required regardless of whether Respondent is employed in Respondent's licensed occupation The notification shall be in writing
- (m) Respondent shall limit Respondent's practice in accordance with the terms of probation, unless the Division and the Board authorize changes
- (n) In the event that Respondent leaves Utah for a period longer than 60 days, Respondent shall notify the Division and the Board in writing of the dates of departure and return The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Stipulation and Order Periods of residency or practice outside Utah

may apply to the reduction of the probation period if the new state of residency places Respondent' license on probation with equal or greater terms and conditions

- (o) **Periods of Unemployment in Profession** Periods of unemployment or employment in other fields of practice shall be reported by Respondent to the Division and shall not count toward completion of probation. Should Respondent not be employed in Respondent's licensed occupation during Respondent's probationary period for a consecutive period of more than sixty (60) days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable. If the Respondent works less than full-time in Respondent's licensed occupation, the reduction of any remaining probationary time shall occur on a pro-rata basis, in relation to a full-time position of 40 hours worked per week.
- (p) Should other acts of unprofessional conduct come to the attention of the Division or Board which have occurred prior to the entry of the Order in this case or should Respondent violate probation in any respect, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, revoke probation or impose sanctions in accordance with applicable law.
- (q) **Change of Address** Respondent shall immediately notify the Division, in writing, of any changes in private or professional address and agrees that written communication by the Division and/or the Board shall be mailed to Respondent at the last address provided to the Division via first class U S Mail, and shall constitute notice to Respondent.
- (r) Failure to pay for any of the costs associated with this probation shall be considered a violation of this Order. Respondent further agrees to complete all conditions of probation in a timely manner. Where a specific time for completion is not stated in this Order, it shall be within the Division and Board's discretion to set a time for completion.
- (s) Respondent agrees to keep Respondent's Utah license current during the period of probation.
- (t) Respondent shall notify the Division immediately if Respondent is charged or arrested with any criminal conduct and understands that a conviction is a violation of this agreement.
- (u) **Timely Submitting of Reports** Respondent shall submit reports on the date they are due and shall appear at scheduled meetings with the Division.

and Board promptly Failure to do so shall be considered a violation of this Stipulation and Order

- (v) Respondent shall notify any employer, facility, practice associate, or contractor, with whom Respondent has any professional association, of the terms and conditions of this Stipulation and Order by providing them with a copy of this Stipulation and Order

9 This Stipulation and Order, upon approval by the Division Director, shall be the final compromise and settlement of this non-criminal administrative matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudice they might otherwise have with regard to the Director by virtue of the Director having reviewed this Stipulation, and this waiver shall survive such nullification

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved

11 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order There are no verbal agreements that modify, interpret, construe or affect this Stipulation Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that



any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12 The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board and Division. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

14 Respondent understands that the disciplinary action taken by the Division in this

Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state

15 Respondent has read each and every paragraph contained in this Stipulation and Order Respondent understands each and every paragraph contained in this Stipulation and Order Respondent has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY   
**RICHARD J. OBOEN**  
Bureau Manager


DATE 1/25/12

RESPONDENT

BY   
**JODI NAN HILDEBRANDT**

DATE 1.20.12

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY   
**L. MITCHELL JONES**  
Counsel for the Division

DATE 25 Jan 2012

**ORDER**

THE ABOVE STIPULATION, in the matter of **JODI NAN HILDEBRANDT**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 27 day of Jan, 2012

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
**MARK B. STEINAGEL**  
Director

Investigator Dee Thorell