BEFORE THE ARKANSAS PSYCHOLOGY BOARD

IN THE MATTER OF
STANLEY R. REST, Ph.D. **RESPONDENT**
License # 94-31P

Case No: C-15-01

CONSENT ORDER

Comes now the Arkansas Psychology Board (the "Board") to determine whether Stanley R. Rest, Ph.D. ("Respondent") has violated Ark. Code Ann. §17-97-101 *et. seq.* It now appears that Respondent is willing to enter into this Consent Order.

IT IS HEREBY AGREED TO BY THE RESPONDENT AND THE ARKANSAS PSYCHOLOGY BOARD THAT:

1. Respondent has read the proposed Consent Order, acknowledges his right to consult with counsel, and voluntarily agrees to enter into this Consent Order on his own volition and without any reliance upon any representations by the Board or any officer, employee, agent, or other representative thereof, other than expressly set forth herein.

2. Respondent hereby waives any further procedural steps including, without limitation, the right to a hearing and all rights to seek judicial review or to otherwise challenge or contest the validity of this Consent Order.

3. This agreement shall become a valid and enforceable order of this Board when the Chair of the Board or his designee executes it.

4. This Consent Order and the Board's records in regard to this proceeding are public records that are available to the public pursuant to and subject to the exceptions of the Freedom of Information Act, A.C.A. § 25-19-101 *et. seq.* (Repl. 1996).

FINDING OF FACTS

1. Respondent is a licensed Psychologist in the State of Arkansas and holds license number 94-31P.

2. In a Complaint dated January 12, 2015, filed by Jared Sparks, LCSW, Ph.D. (Clinical Director) and John Ryan, Ed.D. LPC (Operations Director), both employed at the Ozark Guidance mental health agency, and was received by the Board on January 15, 2015, these administrators reported an alleged violation by Respondent, an employed psychologist for that agency, pertaining to one or more ethical Standards pertinent to the practice of psychology during his dealings with an agency client. The Complaint was accompanied with a previous Consent Order (Case # 05-10) while Respondent was employed by the same agency and which Consent Order acknowledged ethical Standard violations similar to the ones occurring in the current Complaint. This current Complaint included violations of the following Arkansas Law, Arkansas Psychology Board Rules and the Ethical Standards found in the American Psychological Association's *Ethical Principles of Psychologists and Code of Conduct*:

a. Ark. Code Anno. § 17-97-310 (a) (8),

b. Arkansas Psychology Board Rule 11.6 (H) and (I), and

c. APA Ethical Standards 3.02 (Sexual Harassment); 3.04 (Avoiding Harm); 3.05(a) (Multiple Relationships); 3.08 (Exploitative Relationships); and 10.05 (Sexual Intimacies With Current Clients/Patients).

3. Respondent was employed by the Ozark Guidance mental health agency at the time of both Consent Order occasions. In the prior Complaint Respondent admitted to engaging in intense hugging and attempted kissing of a fellow employee to whom he was providing therapy under the agency's Employee Assistance Program in 2004. The Board's Consent Order in that 05-10 case accepted the thorough rehabilitation program the employer required Respondent to perform and which Respondent had already completed. That Consent Order also specified that it could be considered as part of any subsequent alleged violation and investigation. In the current Complaint (15-01) Respondent was supplying therapy services to an agency client on December 18, 2014; during which Respondent hugged and kissed the client, who subsequently informed the agency's client advocate. Respondent acknowledged on February 20, 2015, that the allegations and facts contained in the Complaint were accurate and that his written statement to the complaining administrators admitted boundary violations; Respondent's employment was thereupon terminated.

APPLICABLE LAW AND REGULATIONS

Ark. Code Anno. § 17-97-310 (a) (8) states:

> 17-97-310. Denial, suspension, revocation, fine, letter of reprimand, or additional education -- Grounds -- Reinstatement.
>
> (a) The Arkansas Psychology Board may refuse to grant a certificate or

may suspend or revoke any license for a period to be determined by the board, may impose a fine of up to five thousand dollars ($ 5,000), may issue a letter of reprimand, and may require additional hours of education of a licensee on the following grounds:

(8) A violation of any rule or regulation of the board or the rules of ethics as adopted by the board.

Arkansas Psychology Board Rule 11.6 (H) and (I) states:

11.6. Basis of Suspension, Refusal, Revocation, Fine, Letter of Reprimand or Additional Education - Grounds - Reinstatement.
Pursuant to A.C.A. § 17-97-101, et seq., the Board may suspend, refuse,

or revoke a license for a period to be determined by the Board, may impose a fine of up to five thousand dollars ($5,000.); may issue a letter of reprimand; and/or may require additional hours of education of a licensee on the following grounds:

11.6. H. Violations of the current ethical code.
11.6. I. Violations of A.C.A. § 17-97-101, *et.seq,* or the Rules and Regulations of the Arkansas Psychology Board.

APA Ethical Standard 3.02 Sexual Harassment:

Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (2) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts.

APA Ethical Standard 3.04 Avoiding Harm:

Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

APA Ethical Standard 3.05(a) Multiple Relationships:

A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person .... . A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or

effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists. Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.

APA Ethical Standard 3.08 Exploitative Relationships:

Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as clients/patients, students, supervisees, research participants, and employees.

APA Ethical Standard 10.05 Sexual Intimacies With Current Clients/Patients:

Psychologists do not engage in sexual intimacies with current therapy clients/patients.
[Sexual intimacies is interpreted by APA to include kissing.]

CONCLUSION OF LAW

Respondent, Stanley R. Rest, Ph.D., License # 94-31P, did admittedly engage in the alleged behaviors with a current therapy client. Those behaviors constituted violations of the forgoing enumerated Statutory, Regulatory, and APA Ethical Standards.

ORDER

It is therefore the Order of this Board, with full agreement by the Respondent issued on April 13, 2015, that the Respondent, Stanley R. Rest, Ph.D., License # 94-31P, shall incur the following sanction to be imposed upon the Respondent and his psychologist license and become effective upon the Board's execution of this Order:

1. Respondent, upon receipt of a copy of this fully executed Consent Order, shall surrender his Arkansas psychologist's license, and any applicable current renewal card, to the Board and thereafter be ineligible to provide any psychological services.

2. A copy of this fully executed Consent Order will be placed in Respondent's Complaint file and General Licensure file. Any violation of the terms and conditions of this Consent Order may subject the Respondent to additional disciplinary proceedings.

IT IS SO ORDERED THIS 19th DAY OF June, 2015.

ARKANSAS PSYCHOLOGY BOARD

6/19/15
DATED

Maggie Sponer
Maggie Sponer, Board Administrative Director

Agreed to and Approved by:

June 1, 2015
DATED

Stanley M. Rest PhD
Stanley R. Rest, Ph.D., Respondent