BEFORE THE ARKANSAS BOARD
OF EXAMINERS IN PSYCHOLOGY

IN THE MATTER OF:
ANNA CLARK **01-03**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Comes the Arkansas Board of Examiners in Psychology, (the Board) and after a public hearing held in the above-referenced matter, hereby makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Respondent is a licensed Psychologist in the State of Arkansas.

2. In March of 1998, the respondent was employed as a psychologist and began to treat Mr. David Kight for Bi-Polar/Post Traumatic Stress Disorder. Mr. Kight had also been involved in an extra-marital relationship and had additionally sought treatment on this matter. The patient-psychologist relationship began in March of 1998 and terminated on the 6th of February 2001.

3. The patient's spouse reported having come home and observed that Dr. Clark was engaged in sexual intercourse with her husband. Dr. Clark denied that sexual intercourse had occurred, but admitted that she had made mistakes regarding the frequency of home visits and familiarity that had occurred was beyond that expected for therapeutic objectivity.

The Board's hearing panel could not make a determination due to conflicting testimony whether a sexual relationship had occurred, but was unanimous that the

relationship between Dr. Clark and Mr. Kight had exceeded the familiarity expected in a therapeutic relationship, and impaired her judgment regarding psychotherapy.

CONCLUSIONS OF LAW

1. Ethical Standard 1.17 states:

> (a) In many communities and situations, it may not be feasible or reasonable for psychologists to avoid social or other nonprofessional contacts with persons such as patients, clients, students, supervisees, or research participants. Psychologists must always be sensitive to the potential harmful effects of other contacts on their work and on those persons with whom they deal. A psychologist refrains from entering into or promising another personal, scientific, professional, financial, or other relationship with such persons if it appears likely that such a relationship reasonably might impair the psychologist's objectivity or otherwise interfere with the psychologist's effectively performing his or her functions as a psychologist, or might harm or exploit the other party.
>
> (c) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist attempts to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.

Respondent's actions as alleged constituted a violation of Ethical Standard 1.17(a) and (c) of the *Ethical Principles of Psychologist and Code of Conduct*, and as such, constitute negligent and wrongful actions as defined by Ark Code Ann. § 17-97-310(a)(8).

ORDER

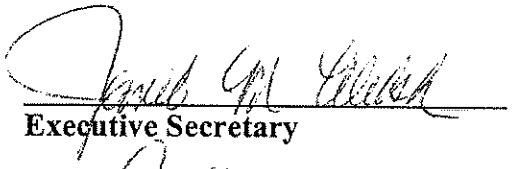
The Board determines that the respondent must be supervised over the next two years. In the first year, respondent' supervision must consist of one hour weekly. After one year of supervision, a report must be submitted by respondent's supervisor including a recommendation as to the amount of supervision needed for the second year.

Respondent's supervisor's name must be submitted to the Board within thirty (30) days of receipt of this Order.

The Respondent may seek judicial review of the Board's decision either in the circuit court of the county where she resides or in Pulaski County if filed within thirty (30) days of receipt of this Order. No further notice of the Board's findings will be sent and the Board's action will be final unless a stay is issued by the circuit court in accordance with the Administrative Procedures Act. All appeals or reviews must be in accordance with the Administrative Procedures Act, A.C.A. §25-12-201 et seq.

IT IS SO ORDERED this 20th Day of March, 2003.

ARKANSAS BOARD OF EXAMINERS IN PSYCHOLOGY



Executive Secretary

April 29, 2003

Date