BEFORE THE ARKANSAS BOARD OF EXAMINERS IN PSYCHOLOGY

IN THE MATTER OF:
STEPHEN P. NICHOLS, Ph.D. **RESPONDENT**
CASE # 94-14

SUPPLEMENTAL CONSENT DECREE

The original Consent Decree in this matter, signed by the Respondent on 7/24/95 and effective on 8/1/95, is incorporated herein by reference in its entirety, except as amended herein.

FINDINGS OF FACT and CONCLUSIONS OF LAW

1. Respondent's license to practice as a Licensed Professional Counselor was revoked by the Arkansas Board of Examiners in Counseling on 12/1/95 based on the ABEP Consent Decree. Respondent is eligible to re-apply for licensure by that Board upon the occurrence of all sanctions imposed by ABEP being removed and his satisfactory completion of all of ABEP's rehabilitation requirements.

2. Respondent did procure the psychological evaluation required by the original ABEP Consent Decree toward the beginning of the 4-year suspension of his Psychologist license as provided by Dr. Joe Alford, Ph.D. on 1/13/96. Dr. Alford reported that the Respondent had received a period of psychiatric therapy for one and a half years that was terminated in 1995 by mutual agreement between he and his therapist. Dr. Alford also reported that Respondent demonstrated "a full cognitive understanding of the fact that he had engaged in sexual misconduct with clients" but was concerned that Respondent had not experienced intrapsychic distress regarding the impact of his behavior on his victims, and he recommended additional confrontive therapy with strong emphasis on addressing victim impact issues should Respondent return to practice.

3. Upon expiration of the 4-year ABEP license suspension period, Respondent did procure a post-evaluation as provided by Dr. Frank Trimboli, Ph.D., on 12/3-4/99. Dr. Trimboli reported that the MMPI-2 was consistent with a tendency towards difficulties with narcissism and opined that the Respondent lacked an adequate understanding of unconscious processes and intrapsychic dynamics. Also reported were the opinions of his prior and current therapists that they believed he no longer posed a threat to engage in similar unethical behavior. Regarding the narcissistic character traits, Dr. Trimboli opined that the Respondent should remain in individual psychotherapy for an indefinite period of time to focus on those character traits. Dr. Trimboli also recommended that Respondent should not be permitted to practice without the close scrutiny of a seasoned, knowledgeable, clinician and supervisor, with that supervisor reviewing all new cases to determine suitability for treatment by Respondent and close following of any treatment of female clients. That intense supervision was recommended to be required for at least one (1) year, as extended at the determination of ABEP after that initial year. Dr. Trimboli also recommended that ABEP appoint a knowledgeable clinician to monitor Respondent's practice on a periodic basis for at least two (2) years following reinstatement.

4. Respondent did apply for reinstatement of his license on 1/10/00. That application was denied by the Board at its 1/21/00 meeting inasmuch as his post-evaluating psychologist failed to opine that the Respondent could resume his practice without risk of harm to *any* patient. Whereupon Respondent proposed by letter of 2/18/00 that his Statement of Intent be amended to allow conduct of psychotherapy with only male clients and psychological assessment of intellectual, emotional, and personality functioning of clients referred by government agencies, educational institutions, and medical practitioners (presumably both gender assessment clients being indicated).

5. ABEP, when considering that proposal of Respondent for resumption of his practice at its 3/17/00 meeting, did not accept that proposal as stated as being adequate protection of the public inasmuch as the assessment services as contemplated by the Respondent would still be supplied to female clients. Accordingly, that proposal was amended by ABEP to exclude female clients for both psychotherapy services and assessment services and to require Respondent's Board-approved supervisor to submit quarterly supervision reports about his close monitoring of Respondent's practice for the longevity of Respondent's reinstated practice.

ORDER

Respondent will be permitted to resume his practice of psychology upon his submission of a Statement of Intent that acknowledges that he will limit his practice exclusively to the provision of psychotherapy and assessment services to male clients only henceforth, with such resumption requiring ABEP's notification of approval of that amended Statement of Intent. Furthermore, he will be required to maintain supervision by a Board-approved psychologist for the longevity of his reinstated license, with Dr. Trapp being approved at this time to serve as his supervisor. Such supervision is to occur at the rate of one hour per week of face-to-face contact during the first year of reinstatement and thereafter at the rate of one hour of face-to-face contact every other week. Respondent is required to ensure that his supervisor provides quarterly reports of that supervision and practice monitoring to ABEP henceforth for the longevity of the Respondent's practice under the reinstated license.

Failure of the Respondent to comply with any term and condition of this Supplemental Consent Decree will abrogate his license reinstatement and result in further disciplinary proceedings. A copy of this Supplemental Consent Decree, effective upon its signing by both the Respondent and ABEP's designee, will be supplied to any applicable licensing board, including the Arkansas Board of Examiners in Counseling,

and Respondent agrees that this document may be enforced in the Circuit Court of Pulaski County.

ARKANSAS BOARD OF EXAMINERS IN PSYCHOLOGY

BY: _____ 5/9/00
JANET WELSH, Executive Secretary DATE

_____ 4/19/00
DR. STEPHEN P. NICHOLS, Ph.D./Respondent DATE