

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF PSYCHOLOGY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JANET TRUDEE TARKOWSKI, L.P., Ed.D.
License No. 63-01-006869

Complaint No. 63-16-142524

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

A superseding administrative complaint was filed with the Disciplinary Subcommittee of the Board of Psychology on May 22, 2017, charging Janet Trudee Tarkowski, L.P., Ed.D., Respondent, with having violated sections 16221(a) and (b)(i) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.* y

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding superseding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the superseding complaint are true and that Respondent has violated sections 16221(a) and (b)(i) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent's license is LIMITED for a minimum period of one year commencing on the effective date of this order. Reduction of the limitation period

shall occur only while Respondent is employed as a psychologist. The details of the limitation are as follows:

- A. SUPERVISION. Respondent's practice shall be only under the general supervision of one or more licensed or registered health professionals approved in advance by the Chairperson of the Board or the Chairperson's designee. When requesting approval of a proposed supervisor, Respondent shall provide a copy of the proposed supervisor's curriculum vitae to the Department. Respondent shall provide a copy of this order and the superseding complaint dated May 22, 2017, to the proposed supervisor before requesting approval. Respondent shall not work in any capacity for which a psychology license is required until Respondent receives written confirmation from the Department that the proposed supervisor was approved.

"General supervision" means the oversight or participation in Respondent's work by a Board-approved supervisor, with continuous availability of direct communication between Respondent and the supervisor in person or by radio, telephone, facsimile, electronic mail, or other communication device.

Respondent shall meet in person with her Board-approved supervisor twelve times during the first two quarters of the limitation period. If the supervisor's reports from the first two quarters indicate Respondent's practice conforms to the minimal standards of acceptable and prevailing practice, the Board Chairperson or the Chairperson's designee may approve a reduction in the twelve required meetings for the remainder of Respondent's period of limitation

During the in-person meetings, the Board-approved supervisor and Respondent shall discuss establishing appropriate boundaries with patients and maintaining professional ethics, shall review patient records generated by Respondent, and shall further assess Respondent in the performance of her duties as a psychologist.

- B. SUPERVISION CHANGE. Respondent shall report to the Department, in writing, any and all changes in Respondent's psychology employment or psychology supervision within 15 days of such change.

Respondent shall provide copies of this order and the superseding complaint dated May 22, 2017, to each successor employer and supervisor. The successor supervisor shall be knowledgeable of Respondent's history

and shall continue to file reports with the Department advising of Respondent's work performance, as set forth above.

If Respondent's employment change requires Respondent to have a license to practice psychology, Respondent shall, prior to the change in employment, submit to the Department written correspondence requesting approval of the proposed successor supervisor.

Respondent shall not commence employment in a capacity for which a psychology license is required until Respondent has received written notification from the Department confirming that the proposed supervisor has been approved.

- C. MEETING WITH PERSONAL THERAPIST. Respondent shall continue meeting with her personal therapist through the period of limitation. Discussion during the therapy sessions should address Respondent's efforts to maintain healthy and appropriate boundaries with clients.

Respondent shall meet with her therapist twelve times during the first two quarters of her limitation period. If reports from the therapist detail satisfactory progress by Respondent in her therapeutic goals during the first two quarters, the Board Chairperson or the Chairperson's designee may approve a reduction of the twelve required meetings for the remainder of Respondent's period of limitation

Reclassification of Respondent's limited license shall not be automatic, but Respondent may petition for reclassification of the limited license upon conclusion of the limitation period. In the event Respondent petitions for reclassification of the license, the petition shall be in accordance with section 16249 of the Public Health Code and Mich Admin Code, R 792.10712. Under these provisions, Respondent must demonstrate that she (1) will practice the profession safely and competently within the area of practice and under conditions stipulated by the Disciplinary Subcommittee, and (2) should be permitted in the public interest to so practice.

Respondent is placed on PROBATION for a minimum period of one year commencing on the effective date of this order and will run concurrently with the period of limitation. Reduction of the period of probation shall occur only while Respondent is employed as a psychologist. Respondent shall be automatically discharged from probation upon reclassification of her license to a full and unencumbered status. The terms and conditions of the probation are as follows:

- A. SUPERVISOR REPORTS. Respondent's supervisor shall file reports with the Department, as further provided below, advising of her work performance and of the frequency and content of their in-person meetings. If, at any time, Respondent fails to comply with minimal standards of acceptable and prevailing practice, or appears unable to practice with reasonable skill and safety, her supervisor shall immediately notify the Department.
- B. THERAPIST REPORTS. Respondent's therapist shall file reports with the Department, as further provided below, advising of her attendance and progress in therapy and her appreciation for appropriate professional boundaries. If, at any time, Respondent appears unable to practice with reasonable skill and safety, her therapist shall immediately notify the Department.
- C. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.
- D. CONTINUING EDUCATION CREDITS. Within 180 days of the effective date of this Order, Respondent shall successfully complete 12 hours of continuing education credits in the areas of ethical and boundary issues and documentation. The courses must be presented by a psychologist and must be approved by the American Psychological Association. The credit hours shall not count toward the number of credit hours required for license renewal. Respondent must seek and obtain advance approval of the continuing education courses from the Chairperson of the Board or the Chairperson's designee. Respondent shall mail requests for approval of a course and proof of successful completion of a course to the Department at the address set forth below.

E. REPORTING PROCEDURE. Unless otherwise provided above, all reports required by the terms of probation shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports every three months until Respondent is discharged from probation. In addition to receiving reports as required above, the Department or its authorized representative may periodically contact the reporting individuals or agencies to inquire of Respondent's progress. By accepting the terms of this consent order and stipulation, Respondent has authorized the release of all necessary records and information.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED ONE THOUSAND AND 00/100 DOLLARS (\$1,000.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with superseding complaint number 63-16-142524 clearly indicated on the check or money order), and shall be payable within 60 days of the effective date of this order. Respondent shall mail the fine to: Bureau of Professional Licensing, Legal Affairs Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

The timely payment of the fine shall be Respondent's responsibility. If Respondent fails to timely pay the fine, her license shall be suspended until payment is received. If Respondent's license remains suspended for longer than six months and one day, reinstatement is not automatic. If Respondent petitions for reinstatement of her license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and Mich Admin Code, R 792.10711.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Sanction Monitoring Unit, Bureau of Professional Licensing, Regulatory and Compliance Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective thirty days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 6/03/17

MICHIGAN BOARD OF
PSYCHOLOGY

By *Alvin Kays*
Chairperson, Disciplinary
Subcommittee

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the superseding complaint are true and constitute a violation of the Public Health Code.

2. Respondent understands and intends that, by signing this stipulation, she is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the superseding complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Valerie Shebroe, Ph.D. Dr. Shebroe or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Shebroe and the parties considered the following factors in reaching this agreement:

A. On March 27, 2017, the parties held a compliance conference. Dr. Shebroe and Respondent extensively discussed the history of B.H.'s case and the challenges B.H. presented as a patient. Dr. Shebroe appreciated that B.H. was a unique case and was impressed by Respondent's candor in discussing her struggles with this patient.

B. Respondent emphasized that by the time B.H. exited the Brighton facility and moved into her home, she had already terminated

the psychologist-patient relationship. Because of the unique circumstances of B.H.'s case, Respondent maintained that the standard options for crisis intervention were not available. Based on her familiarity with the family dynamics, Respondent felt that turning B.H. away and having her stay at her mother's house was not a healthy option for either one of them. Therefore, Respondent allowed B.H. to stay at her house for the night, with a plan to reassess the situation in the morning. Respondent explained that B.H. went to a local treatment center the next day. Respondent notified B.H.'s treatment team that B.H. was living at her house.

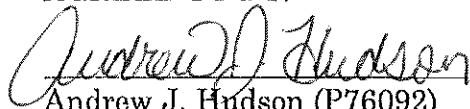
C. Respondent acknowledged that allowing B.H. to reside in her home for the next several months and taking her on a trip to Washington D.C. were boundary violations but that she has not and would not allow that to occur with another patient or former patient.

D. Respondent indicated that she sought therapy from another psychologist when this issue re-surfaced 17 years after the initial incident. Respondent explained that therapy has helped her process her issues with professional boundaries and reaffirm that there are times when a psychologist must decline a patient's request if fulfilling that request would violate professional ethics.

E. Respondent has been licensed as a psychologist since 1997 and has not previously been disciplined by this Board.

By signing this stipulation, the parties confirm that they have read,
understand and agree with the terms of the consent order.

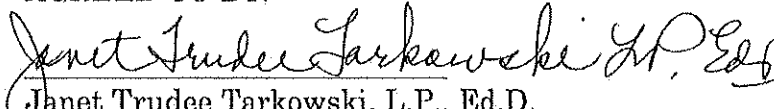
AGREED TO BY:



Andrew J. Hudson (P76092)
Assistant Attorney General
Attorney for Complainant

Dated: 5-26-17

AGREED TO BY:



Janet Trudee Tarkowski, L.P., Ed.D.
Respondent

Dated: 5-26-17



John David Gardiner (P72641)
Attorney for Respondent

Dated: 5-26-17