

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

In the Matter of

Jeffrey Terrence Kieliszewski, Ph.D.
License No. 63-01-010594

Complaint No. 63-17-146638

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Psychology on February 12, 2018, charging Jeffrey Kieliszewski, Ph.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.*

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 complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(a) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is FINED \$2,500.00 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 63-17-146638 clearly indicated on the check or money order), and shall be payable within 60 days

of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Count II of the complaint, alleging a violation of section 16221(b)(i) of the Public Health Code, is DISMISSED.

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

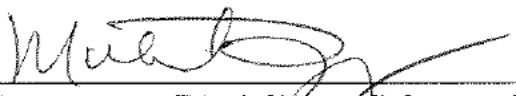
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

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 27 Sep 2018

MICHIGAN BOARD OF PSYCHOLOGY

By 
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

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

2. Respondent understands and intends that, by signing this stipulation, he 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 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 Gail Majcher, Ph.D. Dr. Majcher 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. Majcher and the parties considered the following factors in reaching this agreement:

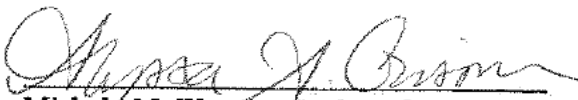
- A. Respondent obtained his psychologist licensure in 1999 and has had no prior disciplinary complaints.
- B. Respondent completed fifteen (15) hours of continuing medical education in the areas of ethics and custody evaluations which was pre-approved by the Board conferee.

- C. Respondent states that based on his prior experience, he believed that the request to recommend parenting time was intended to be general, not specific. Respondent states that he did not review the collateral documents provided to him because he was concerned about their validity and reliability.
- D. Respondent agrees that preparing custody evaluations is not his primary area of expertise and further agrees that if he conducts child custody evaluations in the future he will do so with the assistance of a peer review.
- E. Respondent provided an additional opinion from a psychologist who reviewed the case. That opinion concluded that the Respondent's conduct was appropriate.

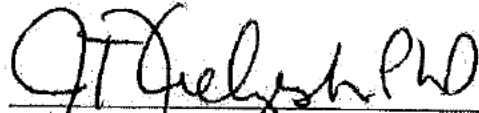
By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:

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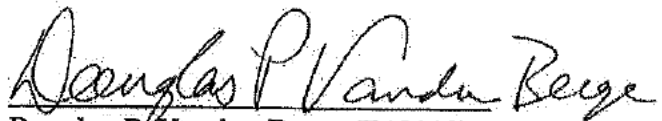


Michele M. Wagner-Gutkowski (P44654)
 Alyssa A. Grissom (P82329)
 Assistant Attorneys General
 Attorney for Complainant
 Dated: 8/16/18



Jeffrey Terrence Kieliszewski, Ph.D.
 Respondent

Dated: 7/9/18



Douglas P. Vanden Berge (P42112)
 Attorney for Respondent

Dated: 7/9/18

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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Jeffery Terrence Kieliszewski, Ph.D.
License No. 63-01-010594

Complaint No. 63-17-146638

ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorneys General Michele M. Wagner-Gutkowski and Alyssa A. Grissom, on behalf of the Department of Licensing & Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this Complaint against Jeffery Terrence Kieliszewski, Ph.D. (Respondent), alleging upon information and belief as follows:

1. The Board of Psychology, an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* is empowered to discipline licensees under the Code through its Disciplinary Subcommittee.
2. Respondent is currently licensed to practice psychology pursuant to the Public Health Code. At all times relevant to this complaint Respondent worked as a psychologist at HRA Psychological Services (HRA) in Grand Rapids, Michigan.
3. Section 16221(a) of the Code authorizes the Disciplinary Subcommittee to take disciplinary action against a licensee for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to, or supervision of employees or other individuals, whether or not

injury results, or any conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice as a psychologist.

4. Section 16221(b)(i) of the Code authorizes the Disciplinary Subcommittee to take disciplinary action against a licensee for incompetence, which is defined in section 16106(1) of the Code to mean “a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice from the health profession, whether or not actual injury to an individual occurs.”

5. Section 16226 of the Code authorizes the Disciplinary Subcommittee to impose sanctions against persons licensed by the Board if, after the opportunity for a hearing, the Disciplinary Subcommittee determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

FACTUAL ALLEGATIONS

6. On December 6, 2016, Respondent was contacted by the law firm representing C.D. (initials used to protect patient confidentiality), pursuant to an Ottawa County Family Court order, to conduct psychological evaluations of litigants and prepare a parenting time recommendation for the then-pending child custody case, C.D. vs. K.V.

7. On December 22, 2016, Respondent received a copy of the court's order requesting evaluations and recommendations. In an email response to the law firm representing C.D., Respondent indicated he understood the request to include a custody evaluation with a recommendation for parenting time, or what he referred to as a “full blown custody evaluation.”

8. On January 3, 2017, Respondent met with C.D. at HRA to conduct an evaluation and testing. Due to time constraints, the meeting was cut short and re-scheduled for February 20, 2017.

9. On January 18, 2017, Respondent met with K.V. at HRA to conduct an evaluation and testing.

10. Respondent failed to meet with K.V. again.

11. On February 2, 2017, the law firm representing C.D. provided Respondent several documents to consider for the evaluation of C.D. Respondent reviewed the supervised visitation notes; however, he failed to review or consider any other collateral documents.

12. On February 20, 2017, Respondent met with C.D. at HRA to complete his evaluation and testing.

13. Respondent failed to obtain or review any information from C.D.'s former treating therapist.

14. On March 10, 2017, Respondent completed his "custody and parenting time evaluation."

15. Respondent's evaluation and recommendation failed to contain a parenting time plan or recommendation.

16. On April 18, 2017, the attorneys of the parties sent a joint letter to Respondent requesting that he conduct a second interview with K.V. and that he recommend parenting time as originally requested. Respondent never responded to this letter, nor did he provide any supplemental recommendations.

17. On May 25, 2017, while giving testimony before the court, Respondent admitted that he “dropped the ball” by failing to complete the parenting time recommendation.

18. Respondent’s court ordered custody evaluation was incomplete and failed to meet the minimum standard of care for the profession as he failed to review collateral documents, gather information from C.D.’s former therapist, interview K.V. a second time, and create a parenting time recommendation.

COUNT I

19. Respondent’s conduct as described above constitutes a violation of general duty, consisting of negligence or failure to exercise due care, in violation of section 16221(a) of the Code.

COUNT II

20. Respondent’s conduct as described above constitutes incompetence in violation of section 16221(b)(i) of the Code.

THEREFORE, Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*

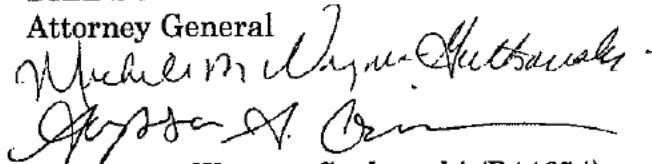
RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from receipt of this complaint to

submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(9), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

BILL SCHUETTE

Attorney General



Michele M. Wagner-Gutkowski (P44654)

Alyssa A. Grissom (P82329)

Assistant Attorney Generals

Licensing & Regulation Division

525 W. Ottawa, 3rd Floor, Wms Bldg.

P.O. Box 30758

Lansing, Michigan 48909

Dated: February 12, 2018

LF: 2018-0207489-A\Kieliszewski, Jeffery Terrence, Ph.D., 146638\Pleading - Administrative Complaint - 2018-02-12