

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

In the Matter of

F. EDWARD RICE, Ph.D.  
License No. 63-01-000629

Complaint No. 63-18-151898

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Psychology on February 1, 2019, charging F. Edward Rice, Ph.D. (Respondent) with having violated sections 16221(a), and (b)(i) and 16213(1) of the Public Health Code, 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 section 16221(a) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent's license is LIMITED for a minimum period of one (1) 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. Respondent shall not engage in the supervision of other psychologist during the limitation period.

Respondent is placed on PROBATION for a period of one (1) year commencing on the effective date of this order. Respondent shall be automatically discharged from probation upon the Department's receipt of satisfactory written evidence of Respondent's successful compliance with the terms and conditions as provided below, provided compliance occurs within one (1) year. If Respondent fails to complete any term or condition of probation as set forth in this order within one (1) year of the effective date of this order, Respondent will be in violation of Mich Admin Code, R 338.1632 and section 16221(h) of the Public Health Code. The terms and conditions of the probation are as follows:

- A. MEETING WITH PEER PSYCHOLOGIST. Respondent shall meet monthly with a Peer Psychologist, approved by the Board Chairperson or the Chairperson's designee, to review Respondent's professional practice, including patient records. These meetings shall occur at Respondent's practice site. The initial meeting shall occur at the end of the first month of probation, and subsequent meetings shall occur every month thereafter until the period of probation ends. Within 30 days of the effective date of the Order, Respondent shall contact the Compliance Section to obtain the contact information of the designated Peer Psychologist. Respondent shall submit the request for the Peer Psychologist assignment to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909, or by fax to (517) 241-9280. After receiving the Peer member assignment, Respondent shall be responsible for contacting the assigned Board member to schedule the time of the required meetings

- B. PEER MEMBER REPORTS. Respondent's designated Peer Psychologist reviewer shall file reports on the form prescribed by the Department, advising of Respondent's work performance. 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, the Peer member 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. REPORTING PROCEDURE. Unless otherwise provided above, all reports required by the terms of probation shall be filed on a monthly basis, the first report to be filed at the end of the first month of probation, and subsequent reports every month 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 Five Hundred and 00/100 Dollars (\$500.00) to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 63-18-151898 clearly indicated on the check or money order), and shall be payable within sixty (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.

Counts II and III of the complaint, alleging a violation of sections 16221(b)(i) and 16213(1) of the Public Health Code, is DISMISSED.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, 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.

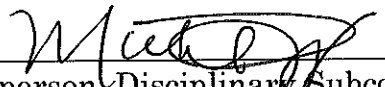
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

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 19 Dec 19

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, 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.

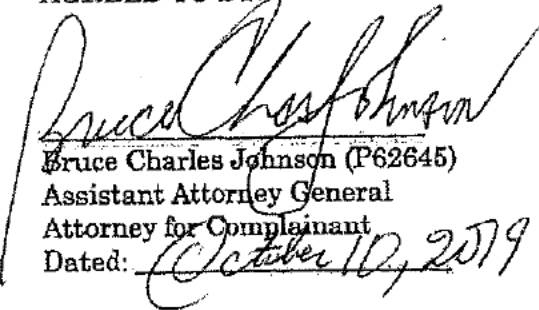
3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Eric D. Ozkan, Ph.D.. Dr. Ozkan or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

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

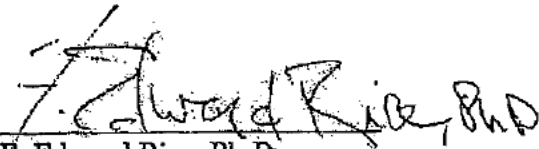
- A. Respondent states that he did not destroy the relevant patient notes; rather, he had misplaced them, and later found them, and provided documentary evidence of having done so.
- B. Respondent has been licensed for over 57 years, and has never previously been disciplined.
- C. Respondent was fully cooperative in resolving this matter.

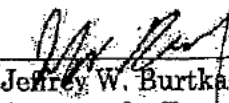
By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

AGREED TO BY:

  
Bruce Charles Johnson (P62645)  
Assistant Attorney General  
Attorney for Complainant  
Dated: October 10, 2019

AGREED TO BY:

  
F. Edward Rice, Ph.D.  
Respondent  
Dated: Oct 3, 2019

  
Jeffrey W. Burtka (P79371)  
Attorney for Respondent  
Dated: October 4, 2019

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

In the Matter of

F. EDWARD RICE, PH.D.  
License No. 63-01-000629,  
Respondent.

File No. 63-18-151898

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Director, Bureau of Professional Licensing, complains against Respondent as follows:

1. The Michigan Board of Psychology is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently licensed to practice as a psychologist in the state of Michigan.

3. At all relevant times, Respondent operated a private practice in Rochester Hills, Michigan.

4. On May 24, 2018, and June 25, 2018, Respondent met with patient R.P. (initials are used to protect the patient's identity) and her adult daughter. Licensee

did not complete an intake, nor ask about the patient's or daughter's medical, medication or psychological histories, nor create treatment plans or treatment goals. Additionally, Respondent failed to maintain a complete record of the two sessions.

5. On November 7, 2018, during an interview with the Department investigator, Respondent admitted that he did not complete any type of formal intake paperwork and that he did not implement a formal treatment plan. In addition, Respondent admitted that he destroyed any session notes he created for patient R.P. and her daughter because they were not continuing therapy.

#### COUNT I

Respondent's conduct, as set forth above, evidences 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, in violation of MCL 333.16221(a).

#### COUNT II

Respondent's conduct, as set forth above, evidences a departure from, or the failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of MCL 333.16221(b)(i).



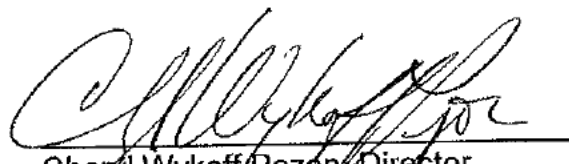
COUNT III

Respondent's conduct, as set forth above, evidences a failure to keep and maintain complete patient records for seven (7) years, in violation of MCL 333.16213(1).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer this Complaint in writing and to show compliance with all lawful requirements for licensure. Respondent shall submit the response to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this Complaint. If Respondent fails to answer, the Department shall transmit this Complaint directly to the Board's Disciplinary Subcommittee to impose a sanction, pursuant to MCL 333.16231(9).

Dated: 02/01/19

  
Cheryl Wykoff-Pezon, Director  
Bureau of Professional Licensing

MFV