

Before the West Virginia Board of Examiners of Psychologists

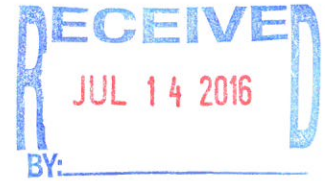
W. Va. Board of Examiners of
Psychologists,

Complainant,

v.

Brandon C. Dean, MA,
License # 877,

Respondent.



Complaint No.: 2016-1

Consent Agreement and Order

Pursuant to W. Va. Code § 30-21 *et seq.*, the W. Va. Board of Examiners of Psychologists (“Board”) commenced an investigation involving Respondent Brandon C. Dean, MA, regarding possible unprofessional and unethical conduct in violation of applicable statutes, rules, or ethical principles including W. Va. Code R. § 17-4-4 and W. Va. Code R. § 17-3-6. Respondent was provided with written notice of the allegations against him pursuant to the rules of the Board and the laws of this State.

The parties have reached an agreement as to the appropriate disposition of this matter, with consideration to necessary safeguards for protection of the public, and do hereby agree to the following Findings of Fact, Conclusions of Law, and Order.

WHEREAS, the Board agrees and acknowledges this agreement is a compromise of claims disputed by Respondent.

WHEREAS, the parties have reached an understanding concerning the proper disposition of the matter in controversy, and do hereby agree to the following:

Findings of Fact

1. The Board is a State entity created by W. Va. Code § 30-21 *et seq.*, and is empowered to regulate the practice of psychology in this State.

2. Respondent, at all times relevant to this investigation, was a licensee of the Board, possessing License No. 877, and is subject to the jurisdiction and authority of the Board and applicable licensing requirements.

3. The Board conducted an investigation regarding a written complaint it received from Kanawha County Schools concerning Respondent's alleged unprofessional and unethical behavior toward a female high school student enrolled in a dual credit college level (psychology) class he was teaching at the high school during the 2015 fall semester.

4. Respondent's alleged unprofessional and unethical behavior took place while he and the student were communicating with each other through a messaging application tool called Remind, which is supposed to function as a safe classroom communication device to help teachers connect instantly with students and parents.

5. The Remind Messaging Transcript¹ involving Respondent and student details the content of their messaging during October, November and December, 2015.

6. Kanawha County Schools has claimed Respondent's comments and actions violated boundaries existing between teacher and student.

7. The student perceived Respondent's comments and actions toward her as being "flirtatious."

8. Also, Respondent's comments and actions toward her leave the impression he was acting as the student's therapist or counselor.

9. Specifically, on December 1, 2015, Respondent asked the student if she was suffering from depression. The student replied that she had "situational depression" and "mostly anxiety." Respondent said he would be happy to talk to her about it if she needed someone to talk with.

¹ The Remind Messaging Transcript is hereby incorporated by reference.

10. The student reported that she perceived Respondent as being her psychologist.
11. Kanawha County Schools considered Respondent's communications with the student to be that of a "grooming" nature.
12. Kanawha County Schools has requested Respondent no longer teach or have contact with students in Kanawha County.
13. Kanawha County Schools has requested that Respondent not be present on Kanawha County School property without prior permission.
14. Respondent said he was wrong to allow himself to get "too comfortable interpersonally" with this student. He said he was experiencing "significant personal problems" at the time. He has apologized for any problems he may have caused the student.
15. The Board alleges that its review of documents and records in this matter show Respondent failed to display good moral character and failed to comply with the reasonable rules and regulations promulgated by the Board.
16. Respondent avers and maintains that, at all times at issue herein, and at all times in his practice as a licensee before the Board, he has followed applicable laws and regulations and has behaved reasonably and within the accepted standards of the profession, including, but not limited to, the standards set forth in the *American Psychological Association's Ethical Principles of Psychologists and Code of Conduct*.
17. The Board and Respondent desire to resolve this disputed claim through the use of this negotiated Consent Decree and Order as follows:

Conclusions of Law

1. The Board has jurisdiction to take disciplinary action against Respondent.
2. The Board is empowered to suspend, revoke, or otherwise discipline an individual's psychology license. See W. Va. Code § 30-21-10.

3. To be eligible for a license to engage in the practice of psychology in West Virginia, a person must be of good moral character. See W. Va. Code § 30-21-17. The Board has the authority pursuant to W. Va. Code § 30-21-10 to suspend or revoke a psychologist's license if he or she is not of good moral character.

4. The Board has adopted the *American Psychological Association's Ethical Principles of Psychologists and Code of Conduct* ("Code of Conduct"). The failure of a licensed psychologist to comply with the Code of Conduct constitutes a violation of W. Va. Code R. § 17-3-6 and may be grounds for disciplinary action by the Board under W. Va. Code § 30-21-10 and W. Va. Code R. § 17-4-4.

5. According to the Code of Conduct at Standard 3.04, *Avoiding Harm*, psychologists must take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

6. Respondent breached Standard 3.04 of the Code of Conduct by engaging in unprofessional and unethical communication and action with a female high school student enrolled in his psychology class and under his evaluative authority. The student believed Respondent was her teacher and psychologist. She talked to him about her having depression and anxiety. He encouraged her to talk to him about these issues. Also, the student perceived Respondent's conduct as being "flirtatious." Respondent did not take reasonable action to avoid causing harm.

7. According to the Code of Conduct at Standard 3.08, *Exploitative Relationships*, psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as clients/patients, students, supervisees, research participants, and employees.

8. Respondent breached Standard 3.08 of the Code of Conduct by engaging in unprofessional and unethical conduct and action with a female high school student enrolled in his psychology class. Respondent had supervisory, evaluative, or other authority over the student. The nature or content of his communications and conversations with the student shows an effort by Respondent to exploit this student/teacher relationship. The student believed Respondent was her teacher and psychologist. She talked to him about her having depression and anxiety. He encouraged her to talk to him about these issues. Respondent did not take reasonable steps to make sure the student knew he was only her teacher and there was no client/psychologist relationship.

9. According to the Code of Conduct at Standard 3.05(a), *Multiple Relationships*, a multiple relationship can occur when a psychologist is in a professional role with a person and at the same time is in another role with the same person. A psychologist refrains from entering into a multiple relationship if this multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists.

10. Respondent breached Standard 3.05(a) of the Code of Conduct by carrying out a multiple relationship with the student that risked exploiting or bringing harm to the student.

11. Respondent's behavior toward the female high school student lacked moral character.

12. Based on the allegations of unprofessional or unethical conduct set out above in the Findings of Fact, Respondent has failed or refused to comply with applicable law and/or regulation concerning licensed psychologists in West Virginia, which are grounds for disciplinary action pursuant to W. Va. Code § 30-1-8(a), and W. Va. Code § 30-21-10(b)(3).

Consent of Licensee

The Respondent, by affixing his signature hereto, acknowledges the following.

1. Respondent has been given the opportunity to consult with counsel and executes this negotiated Consent Agreement and Order voluntarily, freely, without compulsion or duress and is mindful that it has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein.

3. Respondent acknowledges that he is aware he may pursue this matter through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

4. Respondent expressly acknowledges that the entire agreement is contained in this Consent Agreement and Order and no representations, promises, or inducements have been made by or to Respondent other than as appear in this Consent Agreement and Order.

5. Respondent acknowledges that this Consent Agreement and Order is a public document available for inspection by the public in accordance with the provisions set forth in the West Virginia Freedom of Information Act (W. Va. Code § 29B-1 *et seq.*), and may be reported to other governmental agencies, professional boards or other organizations.

6. Respondent waives any defenses including, but not limited to, laches, statute of limitations, and estoppel that he may have otherwise claimed as a condition of this Consent Agreement and Order.

7. Respondent consents to the entry of the following Order affecting his conduct as a licensed psychologist in the State of West Virginia.

Order

On the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Respondent, the West Virginia Board of Examiners of Psychologists hereby **ORDERS** the following:

1. Beginning on the date of execution of this Consent Agreement and Order, Respondent's license (# 877) shall be suspended for a period of one (1) year. Respondent shall not engage in the practice of psychology, either directly or indirectly, in the State of West Virginia during such period of suspension.

2. In consideration of this Consent Agreement and Order, and continued compliance with the terms set forth herein, Respondent's suspension is hereby placed in abeyance.

3. In lieu of suspension, Respondent's license shall be placed on probation for a period of two (2) years.

4. During this period of probation, Respondent shall not evaluate or treat anyone under the age of 18. Also, he shall not evaluate or treat any females.

5. During this period of probation, and at his expense, Respondent shall practice psychology only under the direct supervision of a licensed psychologist ["supervising psychologist"] of the Board's choosing, who shall cosign all evaluative and treatment work completed by Respondent. The supervising psychologist shall meet with Respondent once a week for a minimum of one hour. The supervising psychologist shall submit quarterly reports to the Board regarding Respondent's performance. The Board agrees that the supervising psychologist(s) can be from Respondent's place of work, PSIMED, Inc. The parties shall execute a supervisory agreement outlining the terms of supervision.

6. By the 1st day of the 23rd month of the probation period, the supervising psychologist shall submit a final report to the Board that shall include a recommendation concerning Respondent's ability to return to independent practice.

7. Within 30 days from the entry date of this Consent Agreement and Order, Respondent shall undergo psychotherapy treatment at his own expense, to be provided by a Board-approved psychologist. By the 1st day of the 23rd month of the probation period, Respondent shall authorize the treating psychologist to submit a report of progress to the Board.

8. During the 24th month of the probation period, Respondent shall undergo a fitness for duty psychological evaluation at his own expense, to be conducted by a psychologist of the Board's choosing.

9. By the 1st day of the 23rd month of the probation period, Respondent shall, at his own expense, enroll in and successfully complete a Board-approved three hour in-person graduate level course relating to ethical psychology practice. Respondent shall submit a written verification to the Board of his enrollment and shall submit proof of having successfully completed the course.

10. At the conclusion of the probationary period, Respondent shall appear before the Board to document and assure the Board he has met all requirements of the Consent Agreement and Order and affirm he is ready and able to return to independent practice.

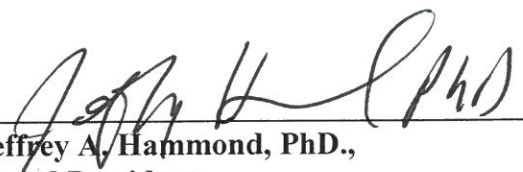
11. After meeting with the Board, Respondent will be reinstated to a licensee in good standing, provided he has complied with all the foregoing requirements of the Consent Agreement and Order, and subject to the recommendation of the supervising psychologist and the result of the fitness for duty psychological examination.

12. Respondent shall at all times cooperate with the Board, and any of its agents or employees, in the monitoring or investigation of Respondent's compliance with the terms and conditions of this Consent Agreement and Order.

13. Respondent's failure to comply with the terms and conditions of this Consent Agreement and Order hereby imposed shall be deemed a violation of this Consent Agreement and Order, and should Respondent violate any of the terms of this Consent Agreement and Order, the Board may immediately suspend Respondent's license. In the event Respondent contests any such allegations of violation of the Consent Agreement and Order, if any, which result in the suspension of Respondent's license, Respondent may request a hearing to seek reinstatement of his license. Any such hearing shall be scheduled and conducted in accordance with the provisions of West Virginia Code § 30-1-8 and § 30-21-1 *et seq.*

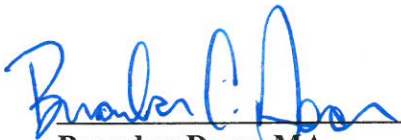
Entered this 28 of June, 2016.

W. Va. Board of Examiners of Psychologists




Jeffrey A. Hammond, PhD.,
Board President

Inspected and Agreed to by:



Brandon Dean, MA
Respondent

6.10.16
Date



Legal Counsel or Witness
for the Respondent

6.10.16
Date