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May 9, 2024

Via Certified Mail
Jeffrey Harlow, Ph.D., Executive Director
West Virginia Board of Examiners of Psychologists
P.O. Box 3955
Charleston, WV 25339-3955
psychbd@wv.gov
Facsimile: 304-558-0608

Re: Paul F. Kradel, Ed.D. (License No. 159)
Ethics Complaints Nos. WV-2023-14 and WV-2023-15

Dear Dr. Harlow:

Enclosed please find the original Consent Agreement and Order which has been executed by Paul F. Kradel, Ed.D. and myself as legal counsel. The Supervisory Agreement shall be forthcoming as we are awaiting receipt of the original copy executed by supervising psychologist, Victor Cerra.

Thank you for your assistance in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Very Truly Yours,

Robert M. Sellards

RMS/jhz

Before the West Virginia Board of Examiners of Psychologists

W. Va. Board of Examiners of Psychologists,

Complainant,

v. **Case No.: 2023-15**

Paul F. Kradel, Ed.D.,

Respondent.

Consent Agreement and Order

Pursuant to W. Va. Code § 30-21-6, the West Virginia Board of Examiners of Psychologists ("Board") began an investigation concerning licensed psychologist Paul F. Kradel and possible violation of W. Va. Code R. § 17-6-5 (Multiple Relationships). 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 as follows:

Findings and Conclusions

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

2. To carry out its regulatory duties, the Board has the authority to take disciplinary action against an individual's psychology license if the individual has engaged in unprofessional or unethical behavior in violation of application statutes, rules, or codes of conduct. See W. Va. Code § 30-21-6; See W. Va. Code § 30-21-10; See W. Va. Code R. § 17-4-4.

3. In West Virginia, psychologists are governed, in part, by a Code of Conduct that is set forth in in W. Va. Code R. § 17-6-1 *et seq*.

4. A violation of this Code of Conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action. See W. Va. Code R. § 17-6-2.4

5. According to the Code of Conduct, psychologists are prohibited from crossing professional boundaries with a client or engaging in multiple or dual relationships with clients. See W. Va. Code R. § 17-6-5.

6. Psychologists are expressly prohibited from engaging in a multiple or dual relationship that would reasonably be expected to impair a psychologist's judgment or objectivity or risk harm to the client. See W. Va. Code R. § 17-6-5.1.b

7. A psychologist shall be responsible for his/her own professional decisions and professional actions. See W. Va. Code R. § 17-6-2.3.

8. Respondent, at all times relevant to this investigation, is a licensed psychologist in the State of West Viginia, License No. 159, and is subject to the jurisdiction and authority of the Board and applicable licensing requirements.

9. The Board investigated a written complaint it received from an employee at a counseling provider where Respondent practiced at the time, concerning behavior between psychologist and client that may have violated W. Va. Code R. § 17-6-5 (Multiple Relationships).

10. 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 acted in good faith and followed applicable laws, regulations, codes of conduct, and has behaved reasonably and within the accepted standards of the profession.

11. The allegations set out above in the Findings and Conclusions, if proved consistent with the applicable burden of proof, would likely demonstrate that Respondent did not comply with applicable codes of conduct, concerning licensed psychologists in West Virginia, which is grounds for disciplinary action pursuant to W. Va. Code § 30-21-10(b)(4), and applicable Board rules and codes of conduct.

Consent of Licensee

The Respondent, by affixing her signature hereto, acknowledges the following:

1. Respondent has been given the opportunity to consult with legal counsel and he executes this negotiated Consent Agreement and Order voluntarily, freely, without compulsion or duress, and he 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 proceedings, and he is aware of his legal rights regarding this matter, but intelligently, knowingly, and voluntarily waives such rights, but he does not waive his rights regarding the interpretation, execution, or compliance with this Consent Agreement and Order.

4. Respondent expressly acknowledges that the entire agreement is contained in this Consent Agreement and Order and that no representations, promises, or inducements have been made by or to Respondent other than as they 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, statutes of limitation, and estoppel, that he may have otherwise claimed as a condition of this Consent Agreement and Order.

Order

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Beginning on the date of execution of this Consent Agreement and Order, Respondent's license shall be placed on probation for a period of one (1) year.

2. During this period of probation, and at his expense, Respondent shall practice under the supervision of a Board-approved licensed psychologist, who shall meet with the Respondent once a month for at least one hour, in person or video conference, during the probation period to address Respondent's adherence to the applicable codes of conduct set forth in W. Va. Code R. §17-6-1 *et seq.*, including W. Va. Code R. § 17-6-5 (Multiple Relationships). The supervising psychologist shall submit quarterly reports to the Board regarding Respondent's performance. The parties shall execute a supervisory agreement outlining the terms of supervision prior to initiation of such supervision.

3. During this period of probation, and at his expense, Respondent shall successfully complete six (6) hours of Board-approved continuing education, which shall incorporate the following topics:

- General Ethics and Codes of Conduct.
- Multiple Relationships/Conflicts of Interest
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This continuing education may be taken in person or on-line. Respondent shall acquire prior board approval of each continuing education course, submit written verification to the Board of his enrollment in each course, and shall submit proof of having successfully completed each course. Respondent acknowledges this continuing education is in addition to the continuing education hours that are needed in the normal course of renewing his license.

4. By the 5th day of the 12th month of the probation period, the supervising psychologist shall submit a final report to the Board, which shall include his/her opinion of whether or not Respondent has met the requirements of the Consent Agreement and Order and a recommendation concerning Respondent's ability to return independent practice. Said final report may also serve as the quarterly report required under Paragraph 2 above for the 12th month of the probation period. During the 12th month of the probation period, Respondent shall appear before the Board in person or via video conferencing (at his discretion) to document and assure the Board he has met all requirements of the Consent Agreement and Order.

5. After meeting with the Board, Respondent's probationary period shall be terminated, provided he has complied with all the foregoing requirements of the Consent Agreement and Order, and subject to him meeting continuation education requirements that may be needed in the normal course of renewing his license.

6. 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.

7. 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 initiate proceedings to further discipline Respondent's license. Respondent shall have the right to contest any such allegations of violating the Consent Agreement and Order by way of hearing. Any such proceedings shall be scheduled and conducted in accordance with the provisions of West Virginia Code § 30-1-8 and § 30-21-11, and W. Va. Code R. §17-5 *et seq*.

Entered this 5th of June 2024.

W. Va. Board of Examiners of Psychologists

Sandra S. Stroebel PhD
Board President

Inspected and agreed to by:

Paul F. Kradel, Ed.D
Respondent

4-18-24
Date

Legal Counsel or Witness
For the Respondent

4/24/2024
Date