BEFORE THE INDIANA STATE PSYCHOLOGICAL BOARD
CAUSE NUMBER: 2012 IPSB 0008

IN THE MATTER OF THE LICENSE OF:)
)
PAMELA CHRISTY, PH.D.)
)
LICENSE NO: 20041691A (ACTIVE))

FILED
SEP 18 2012
Indiana Professional Licensing Agency

FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

The State of Indiana ("Petitioner"), Office of the Indiana Attorney General, by William V. Lawson, Deputy Attorney General, and Pamela Christy, Ph.D., ("Respondent"), by her legal counsel, Peter Pogue, signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana State Psychology Board ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the September 14, 2012 meeting in Room W064 of the Indiana Government Center South, 402 W. Washington Street, Indianapolis, IN 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement which is attached hereto and incorporated herein as Exhibit A and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 2-1-1. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law, and Order.

WHEREFORE, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby ORDERED to abide by all the terms of the Agreement.

SO ORDERED, this 18 day of September, 2012

INDIANA STATE PSYCHOLOGY BOARD

By: _____

Frances L. Kelly
Executive Director
Indiana Professional Licensing Agency

CERTIFICATE OF SERVICE

I certify that a copy of the "final order accepting proposed findings of fact, conclusions of law and order" has been duly served upon:

Pamela Christy, Ph.D
10900 Wilmington Drive
Carmel, Indiana 46033
Service by U.S. Mail

Peter Pogue
Schultz & Pogue, L.L.P.
520 Indiana Ave.
Indianapolis, Indiana 46202
Service by U.S. Mail

William V. Lawson, Deputy Attorney General
Office of the Indiana Attorney General
Indiana Government Center South
302 West Washington Street, Fifth Floor
Indianapolis, Indiana, 46204
Service by Email

9/18/12
Date


Tasha Coleman, Board Director

Indiana State Psychology Board
Indiana Government Center South
402 West Washington St., Room W072
Indianapolis, IN 46204
Phone: 317-234-2051
Fax: 317-233-4236
Email: pla6@pla.in.gov

Explanation of Service Methods
Personal Service: by delivering a true copy of the aforesaid document(s) personally.
Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.
Service by Email: by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.

BEFORE THE INDIANA STATE PSYCHOLOGICAL BOARD
CAUSE NUMBER: 2012 IPSB 0008

IN THE MATTER OF THE LICENSE OF:

PAMELA CHRISTY, PSY.D.

LICENSE NO: 20041691A (ACTIVE)

FILED
SEP 14 2012
Indiana Professional Licensing Agency

PROPOSED SETTLEMENT AGREEMENT

The Petitioner, the State of Indiana, by William Lawson, Deputy Attorney General, Consumer Protection Division ("Petitioner"), Pamela Christy, Psy.D. ("Respondent"), and Respondent's legal counsel, Peter Pogue, hereby execute this Agreement to a disposition of the disciplinary complaint filed on May 23, 2012. This Agreement is subject to the review and approval of the Indiana State Psychology Board ("Board") and the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3 *et seq.* In the event that the Agreement is not approved by the Board, this Agreement shall be null and void and, in accordance with Indiana Rule of Evidence 408, may not be introduced into evidence in any civil, criminal or administrative proceeding.

STIPULATED FINDING OF FACTS

1. Respondent is a licensed Psychologist in the state of Indiana, holding license number 20041691A since August 14, 2001. Respondent's address, as on file with the Indiana Professional Licensing Agency, is 10900 Wilmington Drive, Carmel, Indiana 46033.

2. At all times relevant to this Complaint, Respondent was acting within the scope of her Indiana Psychologist license.

3. On or about December 7, 2009, Respondent began seeing Patient A, his ex-wife ("Mother"), and their two (2) daughters ("Daughters"), ages sixteen (16) and fifteen (15), for family therapy following Patient A and Mother's divorce. Between December, 2009 and

October, 2010, Respondent provided individual, joint, and family therapy sessions for Patient A, Mother, and Daughters.

4. In November, 2009, a court order was issued related to Patient A and Mother's divorce granting Mother sole legal and primary physical custody of Daughters. The order stated "Mother shall not have exclusive decision-making power as sole legal custodian; rather, when there is disagreement between the parties about an issue that falls under the umbrella of legal custody, Mother shall cast the deciding vote. The Court directs the parties to discuss issues such as educational decisions, religious upbringing and nonemergency medical treatment and attempt to reach agreement. In the event an agreement cannot be made, Mother shall decide the issue and father may seek Court intervention if desired."

5. On or about November 23, 2010, Patient A requested Respondent release Daughters' mental health records to him. Respondent consulted with Mother and Mother's legal counsel about Respondent's request. Mother did not wish to release Daughters' mental health records, and refused to give permission for Respondent to do so.

6. On or about November 29, 2010, Respondent spoke to Patient A and refused to release Daughters' mental health records to him.

7. On or about February 10, 2011, Respondent stated in correspondence to Petitioner "I informed Patient A and Mother of my decision not to release the privileged information to either parent." Later in the same correspondence, Respondent stated that she would only release the records with the permission of Daughters, stating "Patient A believes that he can make that decision for his children merely because they are under the age of 18 or 21. I see no such distinction in the law." Respondent also stated "If there is a provision that provides a parent with

legal custody the right to such privileged information, then Patient A is still not entitled to the information."

8. Indiana Code § 16-39-2-9(a)(1) addresses in relevant part the release of mental health records and states "the following persons are entitled to exercise the patient's rights on the patient's behalf: If the patient is a minor, the parent..." Indiana Code § 16-39-2-9(b)(1) states "a custodial parent and a noncustodial parent of a child have equal access to the child's mental health records unless a court has issued an order that limits the noncustodial parent's access to the child's mental health records."

MITIGATING CIRCUMSTANCES

1. Respondent has since requested the court with competent jurisdiction over the dissolution matter to clarify its order regarding release of mental health records to either parent.

2. One of the Daughters is now over the age of majority and the second will be in December, 2012.

3. Prior to informing Patient A of her decision not to release the records Respondent consulted with Mother's legal counsel, Respondent's own legal counsel, and Respondent's own peer supervision groups about the issue.

STIPULATED CONCLUSIONS OF LAW

Respondent's conduct as described above constitutes a violation of Ind. Code § 25-1-9-4(a)(4)(B) in that Respondent has failed to keep abreast of current professional theory or practice as evidenced by her violations of Ind. Code §16-39-2-9(b). Specifically, Respondent refused to release Daughters' mental health records to Patient A based on Mother's report, after consultation with Mother's attorney and Respondent's peer supervision groups, and

Respondent's opinion that it was not in the best interest of the children, and by misinterpreting a court order that did not directly limit access by either parent.

WHEREAS, this matter is set for hearing before the Board; and

WHEREAS, the Respondent and Petitioner wish to resolve this matter prior to a hearing and have reached a resolution.

IT IS NOW THEREFORE AGREED by Respondent and Petitioner as follows:

TERMS AND CONDITIONS

1. The Board has jurisdiction over the Respondent and the subject matter in this disciplinary action commenced on or about May 23, 2012.

2. The parties execute this Agreement voluntarily.

3. Respondent and Petitioner voluntarily waive their rights to a public hearing on the Complaint and all other proceedings in this action to which either party may be entitled by law, including judicial appeal or review.

4. Petitioner agrees that the terms of this Agreement will resolve any and all outstanding claims or allegations or potential claims or allegations relating to disciplinary action against Respondent's license arising from or related to the Complaint (and any allegations stated or related to therein) filed on May 23, 2012.

5. Respondent has carefully read and examined this Agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

6. Respondent agrees that she will receive a **LETTER OF REPRIMAND**, which will be included as a permanent part of her file located at the Indiana Professional Licensing Agency.

7. Respondent agrees that she shall, pursuant to Indiana Code § 4-6-14-10(b), pay a fee of Five Dollars ($5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the Indiana Office of the Attorney General to the attention of Katie Thorpe.

8. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of psychology, or any violation of the Settlement Agreement may result in the State requesting an emergency suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Indiana Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license, except to the extent Respondent has sought clarification of the dissolution court's order which remains pending.

9. The parties agree to the continuing jurisdiction of the Board.

10. Respondent agrees to pay for a copy of the transcript of the presentation of this Agreement to the Board and the court reporter fees associated with this matter, should there be any.

11. Respondent agrees that the Board has the discretion to issue a fine in this matter.

9-14-2012
Date

Pamela Christy
Pamela Christy, Psy.D.
Respondent

9/14/12
Date

Peter Pogue
Counsel for Respondent
Attorney No.

9/14/2012
Date

William Lawson
Attorney No. 29340-49
Deputy Attorney General

We work to keep you working
IPLA
Professional Licensing Agency

State Psychology Board
402 West Washington Street, Room W072
Indianapolis, Indiana 46204
Telephone: (317) 234-2051
Fax: (317) 233-4236
Website: www.PLA.IN.gov

Governor Mitchell E. Daniels, Jr.

September 18, 2012

Pamela Christy, Ph.D.
10900 Wilmington Drive
Carmel, Indiana 46033

Re: In the matter of the license of Pamela Christy, Ph.D.
Before the Indiana State Psychology Board

Dear Dr. Christy:

This letter of reprimand is issued in accordance with the Findings of Fact and Order issued by the Indiana State Psychology Board resolving the administrative complaint against your psychology license filed by the Office of the Attorney General on or about May 23, 2012.

The purpose of this reprimand is to stress the important responsibility that you have by reason of possession of a license to practice psychology in the State of Indiana.

The Settlement Agreement, Findings of Fact, and Final Order are attached and incorporated herein as part of this reprimand.

It is your responsibility to conduct your practice of psychology in accordance with the standards of the profession.

Sincerely,

INDIANA STATE PSYCHOLOGY BOARD

By: _____
Frances L. Kelly
Executive Director
Professional Licensing Agency

EXHIBIT "A"