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State of Utah Department of Commerce

Division of Occupational and Professional Licensing

FRANCINE A. GIANI
Executive Director

MARK B. STEINAGEL
Division Director

August 20, 2018

ROBERT VIRGIL DINDINGER
703 S STATE ST STE 1
OREM UT 84058

Dear Robert Virgil Dindinger:

DENIAL OF LICENSE RENEWAL:

Your application for license renewal dated on or about July 11, 2018 as a Psychologist has been denied because you answered “no” to question 3 on the Qualifying Questionnaire which asked, “Since your last renewal or issuance of this license have you surrendered or had any disciplinary action taken against a license to practice a regulated profession?” Based on the above-described information, your answer was false.

On or about, January 5, 2018, you voluntarily entered into stipulated agreement and order DOPL-2017-351 with the Division, wherein you admitted to unprofessional conduct. DOPL-2018-11 was issued imposing disciplinary action against your license (the “Order”).

Pursuant to the Order, your license was revoked, the revocation was stayed, and your license was placed on probation for five years, subject to various terms and conditions.

You have engaged in unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(o), by violating the terms and conditions of your probationary license as follows.

a. You failed to inform your Utah employer and provide them with a copy of the Stipulation and Order. This is in violation of 8(1)(w) of the Order.

b. While working for your Utah employer after you signed the Order, you supervised a student who was treating a person under the age of 18. You admitted this action to the Psychology Board on July 26, 2018. This is in violation of 8(1)(d) of the Order.

c. You failed to obtain a supervisor and worked unsupervised from on or about January 2018 until on or about April 2018. This is in violation of 8(1)(e)(f)(d) which you admitted to the Psychology Board on July 26, 2018

Please review the following laws (and rules) that pertain to the denial.

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT

Utah Code 58-1-301(1) (a): Each license applicant shall apply to the division in writing upon forms available from the division. Each completed application shall contain documentation of the particular qualifications required of the applicant, shall include the applicant's social security number, shall be verified by the applicant and shall be accompanied by the appropriate fees.

Utah Code 58-1-301(2) (a): A license shall be issued to an applicant who submits a complete application if the division determines that the application meets the qualifications of licensure.

Utah Code 58-1-301(2) (c): A written notice of denial of licensure shall be provided to an applicant who submits a complete application if the division determines that the applicant does not meet the qualifications of licensure.

Utah Code 58-1-301(3): Before any person is issued a license under this title, all requirements for that license as established under this title and by rule shall be met.

Utah Code 58-1-401(1): The division shall refuse to issue a license to an applicant...who does not meet the qualifications for licensure under this title.

R156-61-502. Unprofessional Conduct

- (1) acting as a supervisor or accepting supervision of a supervisor without complying with or ensuring the compliance with the requirements of Sections R156-61-302d and R156-61-302e;

R156-61-302d. Qualifications for Designation as an Approved Psychology Training Supervisor

- (1) be currently licensed in good standing as a psychologist in the jurisdiction in which the supervised training is being performed; and
- (2) have practiced as a licensed psychologist for not fewer than 4,000 hours in a period of not less than two years.

R156-61-302e. Duties and Responsibilities of a Supervisor of Psychology Training and Mental Health Therapist Training.

The duties and responsibilities of a psychologist supervisor are further defined, clarified or established as follows. The psychologist supervisor shall:

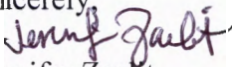
- (1) be professionally responsible for the acts and practices of the supervisee which are a part of the required supervised training, including supervision of all activities requiring a mental health therapy license;
- (2) engage in a relationship with the supervisee in which the supervisor is independent from control by the supervisee, and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;
- (3) supervise not more than three full-time equivalent supervisees unless otherwise approved by the Division in collaboration with the Board;

- (4) be available for advice, consultation, and direction consistent with the standards and ethics of the profession and the requirements suggested by the total circumstances including the supervisee's level of training, ability to diagnose patients, and other factors determined by the supervisor;
- (5) comply with the confidentiality requirements of Section 58-61-602;
- (6) provide timely and periodic review of the client records assigned to the supervisee;
- (7) monitor the performance of the supervisee for compliance with laws, standards, and ethics applicable to the practice of psychology;
- (8) submit appropriate documentation to the Division with respect to work completed by the supervisee evidencing the performance of the supervisee during the period of supervised psychology training and mental health therapist training, including the supervisor's evaluation of the supervisee's competence in the practice of psychology and mental health therapy;
- (9) ensure that the supervisee is certified by the Division as a psychology resident, or is enrolled in a psychology doctoral program and engaged in a training experience authorized by the educational program;
- (10) ensure the psychologist supervisor is legally able to personally provide the services which the psychologist supervisor is supervising; and
- (11) ensure the psychologist supervisor meets all other requirements for supervision as described in this section

CHALLENGE OF DENIAL OF LICENSURE:

You may challenge the denial of your request for licensure by filing a request for agency review within 30 days of the date of this letter. If you choose to file a request for agency review, you must adhere to the attached procedures.

If you have any questions please feel free to contact the individual at the phone number listed below.

Sincerely,

Jennifer Zacht
Bureau Manager
(801) 530-6628

Enclosure



Department of Commerce
160 East 300 South, Box 146701
Salt Lake City, UT 84114-6701

INFORMATION ABOUT AGENCY REVIEW

If you have been denied a license, received disciplinary action on your license, lost a citation hearing, or have otherwise been adversely impacted by a decision from one of the Divisions at the Department of Commerce, please be aware that you may request agency review of that decision by the Department's Executive Director. Upon review, the Executive Director could uphold, reverse, or modify the Division's decision, or might return the case to the Division for further consideration.

If you choose to file a request for agency review, please keep in mind all of the following:

- **Written Request and Due date:** Your request for agency review ("Request") must be received **no later than 30 days** from the date of the Division order that you wish reviewed. The Request must be in writing and must be addressed to the **Executive Director, Utah Department of Commerce**, at the above address;
- **Copy of Order:** You must include with your Request a copy of the letter or order you wish reviewed;
- **Transcript of Hearing:** If a hearing was held in your case, and you are challenging the order on the grounds that the evidence presented at the hearing did not support the order, you must, at your expense, order a transcript of the hearing and file it with the Department. You must also file with the Department your certification verifying that you have ordered a transcript of the proceeding and stating the date by which you expect to file the transcript with this Department. (You may use the form titled "Certification Regarding Transcript," accessed at: <http://www.commerce.utah.gov/agencyrev.html>) For instructions on how to order a transcript, you may contact the hearing officer or administrative law judge who conducted the hearing. However if the hearing involved a DOPL Citation, contact Kim Lesh at (801) 530-6628; if the hearing was before the Division of Real Estate, contact Renda Christensen at (801) 530-6747;
- **Memorandum in Support of Your Request:** You may file a memorandum to support your Request. If you are required to file a transcript of the hearing with the Department, your memorandum must be filed no later than fifteen (15) days after the filing of the transcript. Otherwise, your memorandum must be filed at the time you file your Request;
- **Reply Memorandum:** If the Division files a response, you may file a final reply memorandum no later than ten (10) days after service of any response from the Division;
- **Basis for Request:** In order to succeed on agency review, you must be able to show that you were substantially prejudiced as a result of any of the grounds identified in Utah Code Ann. §63G-4-403; and
- **Copies to Division:** You must provide the Division copies of all documents that you file with the Department.

Please note that you should not rely on this letter alone for instructions regarding agency review proceedings. The Utah Administrative Procedures Act (UAPA), Utah Code Ann. Sections 63G-4-101 *et seq.*, and the Department's UAPA Rules, Utah Admin. Code R151-4-101 *et seq.*, generally govern requests for agency review. You may access these laws and rules at your local library or on the Department of Commerce web site: <http://www.commerce.utah.gov/agencyrev.html>.

If you have any questions about how to proceed, you are encouraged to seek legal advice from an attorney. You may contact Masuda Medcalf, Administrative Law Judge, at (801) 530-7663, with any technical or procedural questions, but the merits of the case cannot be discussed.

Revision Date: July 16, 2012