

LAURIE NODA (U.S.B. 4753)
Assistant Attorney General
SEAN D. REYES (U.S.B. 7969)
Utah Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 140872
Salt Lake City, Utah 84114-6741
Telephone: (801) 530-6412

**BEFORE THE DIVISION OF PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE OF THE STATE OF UTAH**

IN THE MATTER OF THE ISSUANCE OF : **MEMORANDUM OF**
A PROBATIONARY LICENSE TO : **UNDERSTANDING AND**
ROBERT VIRGIL DINDINGER : **ORDER**
APPLICANT NUMBER 6969617 :
TO OPERATE AS A PSYCHOLOGIST :
IN THE STATE OF UTAH : **CASE NO. DOPL 2023-** 53

Robert Virgil Dindinger (“Respondent”) submitted an application for reinstatement of licensure as a psychologist in the State of Utah on or about December 23, 2022. On the Qualifying Questionnaire Respondent answered “yes” to the question regarding past or pending disciplinary action in any jurisdiction. The Division of Professional Licensing of the Department of Commerce of the State of Utah (“Division”) has received documentation showing that:

On or about January 5, 2018, Respondent voluntarily entered into a Stipulation and Order, No. DOPL 2018-11, wherein unprofessional conduct was admitted. Pursuant to the Order, Respondents license was revoked, the revocation was stayed, and the license was placed on probation for five years, subject to various terms and conditions.

Between January 5, 2018, and July 2018, Respondent was out of compliance with multiple terms and conditions of the probationary Stipulation and Order.

On or about July 26, 2018, Respondent met with the Utah Psychologist Licensing Board (“Board”) for a review of non-compliance with Stipulation and Order, No. DOPL 2018-11. Whereby it was determined that Respondents probationary license would not be renewed.

On or about December 23, 2022, Respondent submitted a reinstatement application for psychologist licensure to the Division. Respondent was invited to meet with the Utah Psychologist Licensing Board for a review of the submitted reinstatement application and a licensure determination.

On or about January 19, 2023, the Board offered Respondent a probationary license.

Based upon Respondent's conduct described above, Respondent and Division, as evidenced by their signatures on this Memorandum of Understanding and Order, agree that Respondent shall be issued a probationary license to practice as a psychologist in the State of Utah. Respondent's psychologist license shall be subject to the following probationary terms and conditions, which shall be in effect for a period of five years, commencing upon the date this Order is signed by the Division Director.

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a) and (d). Respondent understands that the issuance of the Order in this matter is disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2)(a).
2. Respondent acknowledges that Respondent enters into this Memorandum of Understanding and Order knowingly and voluntarily, and other than what is contained in this Memorandum of Understanding and Order, no promise or threat whatsoever has been made by the Division, or any member, officer, agent or representative of the Division to induce Respondent to enter into this agreement.
3. Respondent understands that Respondent has the right to be represented by an attorney in this matter, and the Respondent has either sought the advice of counsel or knowingly waives Respondent's right to counsel in this matter.
4. Respondent acknowledges that this Memorandum of Understanding and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Memorandum of Understanding and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.
5. Respondent shall successfully complete and satisfy the following probationary terms and conditions:
 - a. **Compliance Specialist.** Respondent shall meet with Compliance Specialist, Jennifer Johnson, within two weeks of receiving this signed Order from the Division. Ms. Johnson may be reached at (801) 530-6740, or by email at jennyjohnson@utah.gov.
 - b. **Board Meetings.** Respondent shall meet with the Board on a quarterly basis. Additionally, the Board and/or the Division may request attendance at any Board meeting for the duration of this Order. Failure to appear before the Board shall be considered a violation of this Order.
 - c. **Written Plan.** After meeting with the Division Compliance Specialist but prior to the first scheduled appointment with the Licensing Board, Respondent shall submit

to the Division a written plan that summarizes the steps Respondent shall take to ensure full compliance with the terms of probation.

- d. **Prohibition on Treatment of Minor Patient/Clients.** Respondent shall not treat any person under the age of 18 (eighteen) years old.
- e. **Active License.** Respondent shall maintain an active license at all times during the period of this agreement.
- f. **Change of Address.** Respondent shall immediately notify the Compliance Specialist in writing of any change in Respondent's residential or business address.
- g. **Leaving the State of Utah.** If Respondent leaves the State of Utah for a period longer than fifteen (15) days, Respondent shall notify the Compliance Specialist in writing of the dates of departure and return. Respondent shall notify the licensing authorities of the jurisdiction to which Respondent moves in writing of the provisions of this stipulated agreement. Respondent shall also provide a copy of the notification to the Compliance Specialist. Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Order is in effect if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Order.
- h. **Employer Notification.** While employed in Respondent's licensed occupation, Respondent shall notify any employer of the terms of this agreement. Respondent shall cause Respondent's employer to submit to the Compliance Specialist a Memorandum of Understanding related to this Order within two (2) weeks of beginning employment.
- i. **Employer Reports.** Respondent shall cause Respondent's employer to submit performance evaluation reports to the Compliance Specialist on the first day of the month on a monthly basis. The receipt of an unfavorable report from an employer may be considered to be a violation of the terms of this agreement. Employer reports submitted after the first day of the month shall be considered a violation of this Order. This condition is void if/when the Respondent becomes self-employed.
- j. **Self-Employment.** If Respondent is self-employed in private practice, Respondent shall submit a copy of this Stipulation and Order to any entity with whom Respondent has a contract to provide professional service of any type. If Respondent is or becomes self-employed, Respondent shall hire a supervisor, who is pre-approved by the Division and the Licensing Board. Respondent shall also post Respondent's probationary status on any advertising or websites used for professional practice.

- k. **Supervision Required.** Respondent shall practice only under the supervision of a Division and Board pre-approved supervisor. Respondent shall cause Respondent's supervisor to read this Stipulation and Order in its entirety and cause the Respondent's supervisor to submit to the Compliance Specialist a Memorandum of Understanding related to this Order within two (2) weeks of beginning supervision. Any changes in supervision may be made only with the consent of the Division and Board. The Respondent shall be responsible for all fees, if any, incurred by obtaining a supervisor.
- l. **Supervisor Duties.** Respondent shall meet weekly with the supervisor. Respondent's supervisor shall sit in on, videotape, or audio tape at least two (2) sessions per month. The supervisor shall choose which sessions to observe. The supervisor shall review at least 20% of the Respondent's current patient files. The supervisor shall choose which files to review. The supervisor shall also address issues about confidentiality, boundary violations, dual relationships, transference and countertransference, and other issues the supervisor determines are pertinent to ethical practice.
- m. **Supervisor Reports.** Respondent shall cause the supervisor to submit supervision reports assessing Respondent's compliance with the terms of Respondent's probation and ethics. Supervisor reports must be submitted to the Compliance Specialist, on the first day of the month for the first six (6) months and quarterly thereafter, or at such frequency requested by the Division and Board. The receipt of an unfavorable report from a supervisor may be considered a violation of the terms of this agreement. Supervisor reports submitted after the first day of the month shall be considered a violation of this Order.
- n. **Employment Change.** Respondent shall notify the Compliance Specialist in writing within one (1) week of any change of employer, employment status, or practice status. This notification is required regardless of whether Respondent is employed in Respondent's licensed profession.
- o. **Non-Employment in Licensed Profession.** If the Respondent is not employed in their licensed profession, Respondent shall report that to the Compliance Specialist using a form supplied by the Division, on the first day of each month. If Respondent does not work in the Respondent's licensed profession for a period greater than one year, Respondent's probationary license allowed by this agreement will be immediately revoked.
- p. **Reports When Not Employed.** If the Respondent is not employed or self-employed in their licensed profession, Respondent shall report that to the Compliance Specialist using a form supplied by the Division, on the first day of each month. If Respondent does not work in the Respondent's licensed profession for a period greater than one year, Respondent's probationary license allowed by this agreement will be immediately revoked.

- q. **Tolling.** In the event Respondent does not practice in their licensed profession for a period of fifteen (15) days or longer, Respondent shall notify the Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Order. Respondent must work at least eight (8) hours per week to be considered “practicing” in Respondent’s profession. It shall be within the discretion of the Board to modify this requirement if the Respondent satisfactorily explains to the Board that compliance in Respondent’s case was impractical or unduly burdensome.
- r. **Evaluation Required.** Respondent shall complete a mental health evaluation, which includes a fitness for duty component, provided by a Division-approved licensed provider within ninety (90) days of the effective date of this Order. Any changes in the evaluator may be made only with the consent of the Division and Board. The Respondent shall be responsible for all fees, if any, incurred by obtaining evaluation. Respondent shall schedule the initial appointment to be held within thirty (30) days of the effective date of this Order. Respondent shall attend all appointments and follow-up appointments promptly. Respondent shall cooperate fully with the evaluator to ensure a fair and complete evaluation. Respondent shall notify the Division immediately after completing the evaluation. Respondent shall sign any release which permits the evaluator to release the evaluation report, data the evaluation is based upon, and any other information the evaluator feels is important, to the Division and Board.
- s. **Ongoing Therapy and Release of Information.** Respondent shall attend and complete any therapy or treatment recommended in any evaluation report in a timely manner. Respondent shall follow any treatment recommendations made by an evaluator, the Division, and or the Board. Respondent shall execute any necessary releases to allow the therapist to provide reports to the Division and Board regarding Respondent’s progress. Respondent’s therapy should focus on the areas of concern identified by the evaluator. Respondent shall cause progress reports to be submitted to the Compliance Specialist by the therapist every quarter, or at a greater or lesser frequency as determined by the Division and Board. Respondent shall be responsible for all treatment expenses.
- t. **Additional Continuing Education.** Respondent shall complete 8 hours of continuing education, pre-approved by the Division, related to professional ethics, boundaries, and treatment methods, this continuing education will not be counted towards the requirements needed for licensure renewal. Continuing education shall be completed and proof submitted to the Compliance Specialist within six (6) months of probation.
- u. **Essay.** Respondent shall submit a 500-word essay to the Division and Board addressing how his prior misconduct affected Respondent’s clients, practice, and self. The essay shall also address lessons learned from the additional continuing

education courses. The essay shall be submitted within thirty (30) days of Respondent completing the additional continuing education courses.

- v. **Criminal Offense.** If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction inside or outside the State of Utah, for any reason, Respondent agrees to notify the Compliance Specialist immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for a hearing. Such sanctions may include revocation or suspension of the Respondent's license or other appropriate sanctions.
 - w. **Failure to Pay Costs.** Respondent's failure to pay for any of the costs associated with this probation shall be considered a violation of this Order. Respondent further agrees to complete all conditions of probation in a timely manner. Where a specific time for completion is not stated in this Order, it shall be within the Division and Board's discretion to set a time for completion.
6. Respondent shall comply with all applicable federal and state laws, regulations, rules, or orders related to Respondent's licensed area of practice.
 7. Respondent understands that the issuance of a license pursuant to this Memorandum of Understanding and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative or judicial review of that partial denial of licensure.
 8. If Respondent successfully completes the terms of this Memorandum of Understanding and Order, the conditions on Respondent's license will be lifted and Respondent's license will not be subject to further restriction.
 9. If Respondent violates any term or condition of this Memorandum of Understanding and Order, the Division may take action against Respondent, including imposing an appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, citation or fine, or other appropriate sanction.
 10. The terms and conditions of this Memorandum of Understanding and Order become effective immediately upon the approval of this Memorandum of Understanding and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Memorandum of Understanding and Order immediately after the Division Director signs the Order page of this Memorandum of Understanding and Order. Respondent shall complete all the terms and conditions contained in the Memorandum of Understanding and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in this Memorandum of Understanding and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a

timely manner shall constitute a violation of the Memorandum of Understanding and Order and may subject Respondent to revocation or other sanctions.

11. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Memorandum of Understanding and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.
12. Respondent understands that the disciplinary action taken by the Division in this Memorandum of Understanding and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.
13. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties. There are no verbal agreements that modify, interpret, construe or affect this Memorandum of Understanding and Order.
14. Respondent has read each and every paragraph contained in this Memorandum of Understanding and Order. Respondent understands each and every paragraph contained in this Memorandum of Understanding and Order. Respondent has no questions about any paragraph or provision contained in this Memorandum of Understanding and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY: 

JANA JOHANSEN
Bureau Manager

BY: 

ROBERT VIRGIL DINDINGER

DATE: 2/07/2023

DATE: 02/06/2023

SEAN D. REYES
UTAH ATTORNEY GENERAL

BY: 

LAURIE NODA
Assistant Attorney General


DATE: 2/6/2023

ORDER

THE ABOVE STIPULATION, in the matter of **ROBERT VIRGIL DINDINGER** is hereby approved by the Division, and constitutes its Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute the Division's final Order in this case.

DATED this 7th day of FEBRUARY, 2023.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director *SOPB*