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BEFORE THE

BOARD OF CLINICAL SOCIAL WORKERS

STATE OF OREGON

In the Matter of the License to Practice as a Clinical Social Worker of MICHAEL P. BEAVER, LCSW.	STIPULATED FINAL ORDER

Pursuant to ORS 675.540, the above-entitled matter came before the State Board of Clinical Social Workers (Board) on the complaint of Client [redacted].

Pursuant to ORS 183.415(5) and OAR 877-40-045, in order to informally dispose of and settle this matter, Michael Beaver (Beaver), and the Board by and through its Chair, Carol Ormiston, make the following statements:

1.

Beaver admits and stipulates that he has been advised of his right to request a hearing in this matter pursuant to ORS 183.415(2)(a) and to be represented at a hearing pursuant to ORS 183.415(3).

2.

Beaver waives his right to request such a hearing in this matter and waives the right to be represented by an attorney at a hearing.

3.

The Board and Beaver stipulate to the following: That the following allegations, if proven, would be sufficient to support a

finding by the Board that Beaver has violated one or more of the statutes and rules of the Board, specifically ORS 675.540(1)(e), OAR 877-30-005(2)(a) and OAR 877-30-005(2)(e), and that Beaver may be disciplined under the provisions of ORS 675.540(2)(b). Beaver does not contest the following:

(a) Beaver entered into a client provider contract with client [redacted], on behalf of her eight-year old son J. [redacted], in November 1990. James had been in therapy with a Counselor, CJ [redacted] for approximately four months prior to his transfer to Beaver. CJ [redacted] is a colleague of Beaver in a private social worker's practice. Client [redacted] indicated to Beaver that Son J [redacted] had progressed as far as he could in individual therapy and that group therapy might be helpful. Counselor CJ [redacted] discussed the idea of play therapy with client (mother) [redacted], who consented to Son's [redacted] participation in group therapy. Before Son's [redacted] transfer to Beaver and before Beaver engaged SON [redacted] in any therapy, Beaver consulted with Counselor [redacted] regarding the therapy she conducted with the son [redacted] and her diagnosis and prognosis for Son [redacted]. Son [redacted] attended one therapy session with Beaver and Counselor [redacted]. During that session, Beaver told Son [redacted] about some of the rules of the group play processes or techniques used in group therapy, the composition of the group and its therapists and the issues that Son [redacted] would work on in group therapy.

Following the joint session with Counselor [redacted] and Beaver, Son [redacted] attended one group play session on November 26, 1990. Son [redacted] was introduced to the group at the same time as a returning member of the group was introduced. The other child introduced into group

1 therapy with Son [redacted] had completed a similar therapy with Beaver a
2 year before. Beaver felt that introduction of Son [redacted] with the
3 returning child would assist Son [redacted] in the transition to group
4 therapy. The group consisted of three children in addition to
5 Son [redacted] and the returning member.
6 During the course of the November 26, 1990, session, Mike
7 Beaver was present while his co-therapist, M.S. [redacted], placed
8 two Nerf balls down the front of his shirt and placed a wig in his
9 crotch. MS's [redacted] conduct was the product of a group member's
10 conduct during a previous session where that member took the wig
11 off of MS.'s [redacted] head, placed it in MS,'s [redacted] crotch and said, "I am
12 going to f--- you, Mike." MS [redacted] clarified the older boy's
13 feelings and put limits on his behavior within 90 seconds. During
14 the regressive therapy with the older boy, SON [redacted] appeared to both
15 MS [redacted] and to Beaver to be interested in participating in the
16 regressive therapy. Still while wearing these items, he asked
17 SON [redacted] whether he wanted a "drink of 'Mama's milk'." Son [redacted]
18 responded by "attacking" or "nursing" the Nerf ball breasts for
19 approximately 5 minutes. Following the regressive therapy, Son [redacted]
20 participated in cooperative play with the other group members in a
21 game called "King of the Mountain." At the end of the session,
22 Son [redacted] expressed his desire to return to the group therapy session.
23 This [redacted] action is pursuant to a Board-initiated complaint based on
24 a complaint made by the Client [redacted] against MS [redacted], Beaver's co-
25 therapist.
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After the group therapy session, Beaver intended to contact Client. [redacted] to discuss with her Son's [redacted] developmental history and the group therapy session. After the session, Beaver saw that Client [redacted] was visiting with the parents of the other child who was introduced into the group with Son [redacted]. Because he felt the support between those parents was important, Beaver elected not to interrupt the conversation, but decided to contact Client [redacted] at a later time. Beaver's next contact with Client [redacted] was a result of her decision to withdraw Son [redacted] from group therapy. She was unwilling to talk with Beaver in any detail at that time.

(b) The Board contends that Beaver's actions, as detailed above, constitute improper techniques or exercises in the therapeutic relationship and violate one or more of the rules of the Board pertaining to the certification or licensing in that:

(i) Beaver introduced Son [redacted] into a group with other children who were in the midst of crisis or who evidenced severe acting out behaviors.

(ii) Son [redacted] could not know that MS's [redacted] actions were in response to an event that had occurred the previous week.

(iii) MS [redacted], in Beaver's presence, initiated a regressive experience with Son [redacted]

(iv) Son [redacted] expression of interest in MS's [redacted] "breasts" at the first group session was an insufficient indication to do regressive work.

(v) MS [redacted], the co-therapist was used as an object of regression.

4.

Beaver's actions detailed below violate OAR 877-30-005(2)(e):

(a) Beaver failed to explain or discuss the use of regressive therapy with [redacted] client prior to its use in the group.

(b) Beaver failed to include [redacted] client when defining the extent of [redacted] SON's problems.

(c) Beaver failed to define mutually acceptable goals for [redacted] SON with [redacted] client

(d) After [redacted] SON's intense experience in group, Beaver should have told [redacted] client of this experience and discussed with her what possible repercussions to expect.

5.

The Board and Beaver stipulate and agree that this disciplinary action may be concluded by the entry of this Stipulation on the following terms:

(a) Beaver shall undergo supervision by a licensed clinical social worker approved by the Board. The supervisor will be chosen (once only) by Beaver from a list of six created by the Board. Selection of the supervisor shall be completed 30 days from entry of this order. The supervision shall specifically address, but is not limited to, client-related ethics issues. For the first year, the supervision shall occur at least twice a month and for at least one hour each session, <u>for a total of 40 hours in the first year</u>.

(b) At the supervisor's request, Beaver will audiotape sessions with particular clients, contingent upon consent of the clients. The clients and sessions to be taped is at the discretion of the supervisor. Any dispute between Beaver and the supervisor concerning the taping of clients and sessions will be resolved by the Board at their regular scheduled monthly meeting, in an informal binding hearing, with testimony limited

to the supervisor and Beaver. All costs of supervision, including audio-recording, will be borne entirely by Beaver;

(c) The necessity, frequency and amount of supervision for the second year will be at the discretion of the supervisor, not to exceed 40 hours in 12 months.

(d) The supervisor shall provide a formal report to the Board at the following intervals:

i) 3 months after supervision commences;
ii) 10 months after supervision commences;
iii) 16 months after supervision commences; and
iv) at the conclusion of supervision.

Each formal report shall detail Mr Beaver's progress, determine whether Beaver is participating in good faith, whether Beaver is aware of the ethical rules breached which produced the complaint; whether Beaver evidences adequate clinical skills; and Beaver's practice meets the standards for practice in the state of Oregon. The 10 month report shall indicate whether or not the supervisor intends to require a second year of supervision.

(e) If the supervisor determines that therapy is necessary, Beaver agrees to attend therapy sessions with a therapist, or a mental health professional, licensed by the State of Oregon. The supervisor shall recommend five therapists who may approve (only once) any of those therapists to provide therapy. The number of hours of therapy shall be determined by the therapist in consultation with Beaver. Any dispute concerning the necessity or amount of therapy will be resolved by the Board at their regular scheduled monthly meeting, in an informal binding hearing, with testimony limited to the supervisor, the therapist and Beaver. Any therapy shall be at the sole cost of Beaver.

(f) Beaver consents to the supervisor or therapist contacting the Board, if the supervisor or therapist believes there is a risk to the public by the continued practice of Beaver as an LCSW. Unless the therapist, supervisor, or Board perceives Beaver's continued practice as an LCSW is a risk to the public, the contents of, and communications made as a part of Beaver's therapy shall remain confidential.

(g) Beaver consents to the above supervisor and/or therapist consulting with each other, or the Board, regarding Beaver's performance.

(h) At the end of the second year of supervision the supervisor shall, as part of the fourth formal report required by Section (c) above, provide a letter to the Board in which the supervisor states: (i) whether Beaver is aware of the ethical issues breached that resulted in this complaint, (ii) whether Beaver evidences adequate clinical skills, and (iii) whether Beaver's practice meets the standards for practice of an LCSW in Oregon. Beaver waives no right to challenge the report or the contents thereof.

(i) Beaver shall attend 20 hours of training in the first year of supervision. The training shall consist of prior Board approved formal continuing education in the areas of child therapy, ethical issues for social workers, play therapy or other areas identified by the supervisor.

(j) The Board will publicize this Stipulated Final Order by the announcement worded as follows:

Michael P. Beaver, MSW (LCSW# 0717)
Stipulated agreement resolved a Board-initiated complaint against Beaver for violations of ORS 675.540(1)(e), OAR 877-30-005(2)(a) and OAR 877-30-005(e). In lieu of a hearing, Beaver entered into a program of supervision and training.

(k) Sixty days after supervision begins, Beaver will create, and submit to the Board for approval, a therapy disclosure statement including his: name, business address and telephone number; formal education, training, and continuing education; philosophy, technique and approach to social work; and fee schedule. A disclosure statement will be signed by each client and placed in their file, preferable before beginning therapy.

(l) Until Beaver fulfills all of the requirements of this stipulation and the supervisor formally concludes Beaver's supervision, Beaver may not supervise Certified Social Work Associates or Masters of Social Work recipients seeking licensure with the Board.

6.

If the Board finds, after a contested case hearing, that Beaver has materially violated any of the terms of this

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Stipulation, that violation shall constitute grounds for revocation and Beaver's license may be immediately revoked.

IT IS SO STIPULATED.

Signature on File in Board Office

MICHAEL BEAVER, LCSW — DATE 12-4-92

Signature on File in Board Office

CAROL ORMISTON, CHAIR — DATE 11-17-92
BOARD OF LICENSED CLINICAL SOCIAL WORKERS

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