

COPY

January 9, 1998

Oregon

**FINAL ORDER IMPOSING DISCIPLINARY SANCTION
LETTER OF REPRIMAND**

STATE
BOARD OF
CLINICAL
SOCIAL
WORKERS

James R. von Stein, LCSW
210 Tacoma Street
Grants Pass, OR 97526-9370

Re: Mandatory Report Alleging Child Abuse
SBCSW Complaint No. MR-12-97

Dear Mr. von Stein:

On May 30, 1997, the Board of Clinical Social Workers (Board) received a complaint against you through a mandatory reporter alleging child abuse at Southern Oregon Adolescent Study and Treatment Center (SOASTC). Pursuant to its rules, the Board, through its administrator, mailed a copy of the complaint to you. The Board received a response to the complaint from you on August 15, 1997. In addition, the Board, through its Consumer Protection Committee, requested a copy of the July 1, 1997 "memo of reprimand" placed in your personnel file. This was received on October 1, 1997.

The Board met on December 2, 1997, and reviewed its investigation file with regard to this matter. Based on its review, the Board voted to propose to reprimand you for violation of OAR 877-30-070 and OAR 877-30-070(6). OAR 877-30-070 states:

"The Clinical Social Worker's primary responsibility is to clients. The Clinical Social Worker shall serve clients with professional skill and competence including but not limited to the following:"

OAR 877-30-070(6) states "The Clinical Social Worker shall not provide what is considered, or may be considered, inappropriate or unnecessary treatment or therapy with [to] a client."

On December 4, 1997, the Board issued the December 4, 1998 Notice of Intent to Impose Disciplinary Sanction - Letter of Reprimand. On December 22 1997, the Board received a letter from you accepting the December 4, 1997 Letter of Reprimand.



3218 Pringle Rd SE, Ste 140
Salem, OR 97302-6310
(503) 378-5735
FAX (503) 378-3575

FINDINGS OF FACT

The facts supporting this violation are as follows:

1. You worked for SOASTC's Assessment and Evaluation Program in Grants Pass, Oregon at all times material. SOASTC is funded by contracts with Mental Health and Developmental Disability Services Division of the Oregon Department of Human Resources (MHDDSD).

2. SOASTC's Evaluation and Assessment Program (EAP) conducts comprehensive multi-disciplinary individual, family, psychiatric, medical, psychological, neuropsychological and educational evaluations that include treatment recommendations. Children are evaluated, when necessary for arson, sex offence, and substance abuse and other behavioral issues. A child in SOASTC's EAP may have one or more mental health disorders usually diagnosed in infancy, childhood or adolescence. (Specifically the SOASTC's Psychiatric Residential Program (PRP) handles adolescent boys diagnosed with Oppositional Defiant Conduct, Attention Deficient Disorders and youth at of developing adult psychopathology and antisocial personality disorders.)

3. A 12-year old minor child (Child) was SOASTC's client for a comprehensive mental health evaluation and, therefore, your client at all times material.

4. SOASTC policies at the time of the incident allowed staff considerable discretion in determining how to intervene when children are "violently disrupting the therapeutic environment."

5. While in a therapeutic relationship with Child, you engaged in the following treatment or therapy:

- a. You used, and directed junior staff members to use the quiet room, physical restraint, and restraint jackets at high rates and for long periods of time without sufficient documentation of the rationale supporting such extreme measures;
- b. You used restraint and other procedures, such as placing a hand over the mouth of Child and a wet wash cloth over the face of Child, in violation of SOASTC policies and accepted standards of clinical practice while in SOASTC's care.
- c. You did not adequately document and report all special treatment procedures as required by SOASTC policy.
- d. You had knowledge that staff members were using restraint, seclusion and other practices that are not in compliance with SOASTC administrative policies and procedures.
- e. You did not have physician approval for all restraints lasting more than one hour as required by SOASTC policies.

6. After an investigation by the MHDDSD, SOASTC formally admonished you for the above practices.

7. That your December 19, 1997 letter to the Board, received on December 22, 1997, does not constitute a request for a hearing. As such under ORS 183.416(6), this Letter of Reprimand has become a final order by operation of law.

VIOLATION - CONCLUSIONS OF LAW

1. The Board concludes that the above described acts constitute unnecessary and inappropriate treatment or therapy for a Licensed Clinical Social Worker to engage in with a client. Your duty to your client requires you to provide services with professional skill. In the instant circumstances you failed to do so.

2. The Board also concludes that you have been disciplined by your employer and your employer is providing adequate professional supervision considering the facts of this matter. You are also to receive additional training in non-violent crisis intervention with patients. On a personal level, you have also admitted that you believe your actions in this matter to have been in error and a mistake in professional judgment. Based on these mitigating circumstances, the Board believes that a reprimand is appropriate.

3. Please be advised that any future unprofessional conduct may result in harsher sanctions by the Board.

REPRIMAND

The Board is charged with the twin duties among others, (1) to formulate a code of professional conduct for the practice of social work, and (2) to enforce the statutes and rules. ORS 675.595(10) and (12). ORS 675.595(4) authorizes the Board to issue letters of reprimand to licensed clinical social workers in the State of Oregon.

THE BOARD HEREBY REPRIMANDS YOU, James R. von Stein, for these practices and a copy of this reprimand shall become part of your permanent file.

IT IS SO ORDERED this 9th day of January 1998.

BOARD OF CLINICAL SOCIAL WORKERS
State of Oregon

By:

Signature on File in Board Office
Elizabeth A. Buys, Administrator /