

STATE OF OREGON
BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

In the matter of the continuation of licensure)
of)

FINAL ORDER

Noni K. Allerdice
5440 Donald
Eugene, OR 97405

This contested case was heard by a majority of the Board on June 14, 1996. Licensee, Noni K. Allerdice, was represented by Susan Pease, Attorney at Law, and the Board was represented by J. Kevin Shuba, Assistant Attorney General. The Board, composed of those members who heard the case, hereby unanimously make the following:

RULINGS ON OBJECTIONS

1. Mr. Shuba, on behalf of the Board offered exhibits 1 through 9. Ms. Allerdice offered a list of three potential supervisors, accepted as exhibit 10.
2. Allerdice objected to exhibits 6 and 8 as unduly repetitive.
3. The presiding officer's rulings on objections are adopted as those of the Board.
4. With respect to the objection to inclusion of exhibits 6 and 8, such evidence was argued by Ms. Peas to be immaterial because the licensee stipulates that she did not talk to the supervisors before submitting their names. John Deihl, serving as presiding officer, ruled that exhibits 6 and 8 would be admitted because he did not believe them to be unduly repetitive.

EFFECT OF RULINGS ON ULTIMATE DECISION

The Board has concluded that although the findings arising from the above-admitted evidence add support to the Board's findings of fact and conclusions, the licensee's stipulation and testimony independently supports the same findings. The Board therefore states that were the above ruling to be declared in error upon judicial review, the elimination of the evidence and findings based thereon would not change the remaining portions of this decision.

FINDINGS OF FACT

(1) Licensee, with assistance from an attorney (David A. Piper), read and signed a stipulated final order agreeing to a two-year probation that included supervision by another licensee of the Board, selected and approved by the Board from a list of three names submitted by the licensee within 45 days of the effective date of the stipulated agreement.

(2) The stipulated agreement was signed and effective on October 25, 1995. 45 days from the effective date was December 9, 1995.

(3) Licensee did not submit three names of licensees within 45 days after the signing of the stipulated agreement. Licensee submitted names of potential supervisors before the terms of the stipulated agreement were determined and the document executed.

(4) Sometime in December 1995, licensee arranged to meet with a supervisor who was not a licensee of the Board, but a licensee of the Board of Psychologist Examiners. Licensee did not seek approval from the Board. She met with the psychologist in early January 1996 for one hour and 15 minutes. She scheduled a second meeting for February 13 but it was cancelled and she did not reschedule the appointment.

(5) Licensee submitted a list with the names of three board licensees on February 13, 1996 in response to a warning letter dated February 6, 1996 sent to licensee and her attorney, David Piper. Licensee did not contact the individuals on her list to see if they were available, capable, or willing to provide her with supervision.

(6) Licensee did not pay attention to the terms of the agreement. Licensee did not seek clarification of the terms of the agreement from the Board of its representative. Licensee did not take the terms of the agreement seriously.

CONCLUSIONS OF LAW

The conditions for supervision set forth in the stipulated agreement were clear: submit three names of either licensed professional counselors or therapists, submit them within 45 days of the effective date of the order for approval by the Board, submit supervisors with whom the licensee has no dual relationship, submit supervisors willing to provide supervision. Licensee admits the word "approval" is clear and provided no specific reason for not seeking approval other than vague statements about not paying close attention. The Board believes that the stipulated agreement clearly implies that the licensee is responsible since the entire document places the responsibility for everything else in the hands of the licensee. Furthermore, the Board notes that the licensee admits she did not seek clarification from the Board.

Based the repeated admissions of the licensee, the Board concludes that the licensee willfully failed to meet the terms of the agreement and the Board has the authority, under the terms of that agreement, to revoke her license.

OPINION

It is the opinion of the Board that the licensee, by ignoring the terms of a legal agreement that allowed her to continue to practice, by not paying attention to her obligations, and by not seeking clarification did not demonstrate high standards of professional integrity and competence. It is not the opinion of the Board that the licensee was trying to comply with the spirit of the agreement, because the licensee repeatedly stated she did not understand the purpose of having a supervisor, unable to make differentiation between the role of the supervisor and therapist, identifying that both were to provide information as to ethics. The Board believes most professionals understand that supervision provides a

level of protection for clients by having their work reviewed by another professional to make sure the counselor understands his/her obligations to clients and is providing services in an acceptable manner.

Although the Board was prepared to revoke the license to reflect the seriousness of this matter, the Board decided it could be in the best interest of both the public and the licensee to attempt corrective action one more time. Following a suspension of license, the Board will allow the licensee to start over the terms of the October 25, 1995 stipulated agreement, obtaining supervision from a Board licensed individual approved in advance by the Board or its delegate, ~~obtaining therapy~~, completing training in ethics and boundary issues, and undergoing personal therapy. The Board will provide the licensee with clarification of the terms of the agreement, so that she will understand what she needs to do to comply and show compliance with the terms of the agreement.

ORDER

IT IS SO ORDERED THAT the professional counselor license of Noni K. Allerdice is hereby suspended for 60 days, during which time she may not claim to be a licensed professional counselor and she must obtain approval of a clinical supervisor and enter into an agreement to receive supervision. At the completion of the suspension and submission of proof of approved supervision, the terms of the stipulated probation entered into on October 25, 1995 but adjusted for the time delay, will begin.

Date this 25 day of June, 1996

Board of Licensed Professional Counselors
and Therapists

by 

John Deihl, Member and Presiding Officer

Served by Certified Mail No. P298 595 529 dated 6-28-96

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

cc: Susan R. Pease, Attorney at Law
Harrison and Pease
1158 High Street #202
Eugene, OR 97401