

1 **BEFORE THE BOARD OF LICENSED**  
2 **PROFESSIONAL COUNSELORS AND THERAPISTS**  
3 **STATE OF OREGON**

4 In the Matter of:

Agency Case No. 2012-055

5 **BARBARA BLASZAK, LPC & LMFT,**

6 Respondent.

7 **NOTICE OF INTENT TO IMPOSE**  
8 **DISCIPLINE AND RIGHT TO REQUEST**  
9 **HEARING**

10 1.

11 The Board of Licensed Professional Counselors and Therapists (Board) is the state  
12 agency responsible for licensing, regulating, and disciplining licensed professional counselors,  
13 licensed marriage and family therapists, and registered interns. ORS 675.705 to 675.835; OAR  
14 833-001-0000 to 833-130-0080.

15 2.

16 Barbara Blaszak (Respondent) is licensed as both a Professional Counselor and Marriage  
17 & Family Therapist. The Board has jurisdiction over Respondent under ORS 675.705 to  
18 675.835. The last address provided by Respondent to the Board is 107 E Main Street, Suite 2,  
19 Medford, Oregon 97501.

20 3.

21 The Board has adopted a Code of Ethics (Code) that applies to all licensees. *See* OAR  
22 833, Division 100. The Code “constitutes the standards against which the required professional  
23 conduct of licensed professional counselors and marriage and family therapists is measured.”  
24 OAR 833-100-0011(1). The Code’s goal is “the welfare and protection of the individuals and  
25 groups with whom counselors and therapists work.” *Id.* The Code makes clear that violations of  
26 its standards are subject to the highest level of discipline – “Violation of the provisions of this  
code of ethics will be considered unprofessional or unethical conduct and is sufficient reason for  
disciplinary action, including, but not limited to, denial of licensure.” *Id.*

1 4.

2 The Code provides that a licensee must provide clients with reasonable access to their  
3 records. OAR 833-100-0051(12). In the case of minor children, unless otherwise ordered by a  
4 court (and following the guidelines set out in ORS 192.518(2) and ORS 676.765(1)), licensees  
5 must provide parents with access to their minor children's counseling records. (*Id.*)

6 5.

7 Here, Respondent engaged in unethical and unprofessional conduct when she failed to  
8 provide requested counseling records because she had lost the records.

9 5.1 Respondent originally provided counseling services to Mother and Father in 2001.  
10 She also provided individual therapy to Mother for one session in 2001, and continued to provide  
11 services to Father into 2002.

12 5.2 In April 2009, a Custody Evaluator contacted Respondent regarding her opinion  
13 of Father's parental abilities. Respondent provided a general informational letter.

14 5.3 In October 2010, Father contacted Respondent about providing counseling  
15 services to his children. Respondent provided counseling services to the children from October  
16 28, 2010 until February 24, 2011.

17 5.4 In fall 2012, Mother's attorney subpoenaed copies of Respondent's records  
18 reflecting treatment and/or counseling she may have provided to any of their children from  
19 January 7, 2007 to the present. Even after searching all of her client files, Respondent admits  
20 that she was unable to produce the requested records because she had lost them.

21 6.

22 Based on the above, the Board proposes to impose discipline on Respondent for the  
23 following reason – Respondent was unable to provide Mother with a copy of her minor  
24 children's counseling records because she had failed to retain the records in a secure location and  
25 had lost them in violation of ORS 675.745(1)(e) and OAR 833-100-0051(12).

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7.

Given this alleged violation, the Board proposes the following discipline be imposed:

- A. Licensee's work must be supervised for six (6) months consisting of at least one session a month for at least six (6) total sessions by a Board-approved Licensed Professional Counselor;
- B. At the end of the six sessions, the supervisor must prepare a report for the Board assessing whether Respondent has addressed the Board's concerns. If the supervisor's report concludes that Respondent's conduct has addressed the Board's concerns, then the supervision will terminate unless voluntarily continued by Respondent. If the supervisor's report concludes that Respondent's conduct has not addressed the Board's concerns, the Board will determine whether additional supervision is necessary;
- C. Assess a civil penalty of \$1,000 pursuant to ORS 675.745(4); and
- D. Licensee shall pay all costs associated with this disciplinary process, including attorney fees pursuant to ORS 675.745(7).

**NOTICE OF RIGHT TO REQUEST A HEARING**

8.

Pursuant to the Oregon Administrative Procedures Act, ORS Chapter 183, Respondent has the right to request a hearing in this matter. A request for hearing must be submitted in writing and must be **received** by the Board, at the following address, during regular business hours, within twenty-one (21) calendar days of the date on which this Notice is mailed:

Oregon Board of Licensed Professional Counselors and Therapists  
3218 Pringle Road SE, Suite 250  
Salem, OR 97302-6312

If Respondent fails to request a hearing, Respondent's right to a hearing shall be considered waived.

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1 9.

2 Pursuant to OAR 833-001-0010 and OAR 833-001-0015, if Respondent requests a  
3 hearing, Respondent is further required to promptly file with the Board, at the same time, a  
4 written Answer that includes a short, plain statement of each relevant affirmative defense  
5 Respondent asserts.

6 **NOTICE OF CONSEQUENCES OF FAILURE TO FILE AN ANSWER**

7 10.

8 Pursuant to OAR 833-001-0015(3), if Respondent fails to file an Answer, the following  
9 consequences will occur:

- 10 (a) Respondent's failure to raise a particular defense in Respondent's Answer shall be  
11 considered a waiver of such defense;
- 12 (b) New matters alleged in Respondent's Answer (affirmative defenses) are presumed  
13 to be denied by the Board; and
- 14 (c) Evidence shall not be taken on any issue not raised in the Notice or Respondent's  
15 Answer.

16 11.

17 If Respondent requests a hearing, Respondent will be notified of the time and date of the  
18 hearing. The hearing will be conducted according to the contested case procedures described in  
19 ORS 183.411 to 183.470 and OAR 137-003-0501 to 0700. Respondent has the right to represent  
20 herself at such hearing or to be represented by legal counsel. Attached is information on  
21 procedures, right of representation, and other rights of Respondent relating to the conduct of the  
22 hearing as required by ORS 183.413(2) (Notice of Contested Case Rights and Procedures).

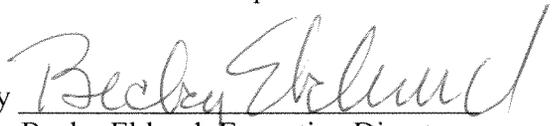
23 12.

24 In the event Respondent fails to request a hearing, withdraws her request for a hearing,  
25 notifies the Board or the Administrative Law Judge assigned to this matter that Respondent does  
26 not intend to appear for the hearing, or fails to appear for the hearing on this matter, the Board

1 may issue a Final Order by Default and impose the proposed discipline. Respondent's  
2 submissions to the Board regarding the subject of this Application and all information in the  
3 Board's files relevant to the subject of this case automatically become part of the evidentiary  
4 record upon default for the purpose of proving a *prima facie* case. ORS 183.417(4).

5 DATED: July 2, 2013

6 Oregon Board of Licensed Professional  
7 Counselors and Therapists

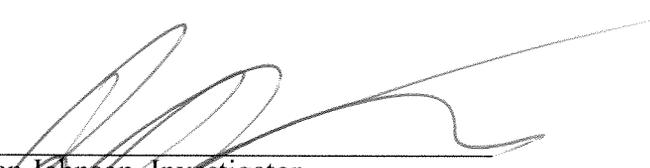
8 By   
9 Becky Eklund, Executive Director

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1 **CERTIFICATE OF SERVICE**

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3 I hereby certify that on the 8<sup>th</sup> day of July, 2013, I served the foregoing **Notice of**  
4 **Intent to Impose Discipline and Right to Request Hearing and Notice of Contested Case**  
5 **Rights and Procedures** by depositing a full, true and correct copy of the same in a sealed  
6 envelope sent by regular and certified mail, addressed as follows:

7  
8 Barbara Blaszak  
9 107 E Main Street, Suite 2  
10 Medford, OR 97501

11   
12 Brian Johnson, Investigator  
13 Board of Licensed Professional Counselors  
14 and Therapists

15 cc: Kelly M. Gabliks, DOJ  
16 Department of Justice  
17 General Counsel/Business Activities Section  
18 1162 Court Street NE  
19 Salem, OR 97301  
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