BEFORE THE BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS FOR THE STATE OF OREGON

In the Matter of	)	Case No. 2005-0028; 2004-0030
	)	
JOSEPH R. COOK JR.	)	**FINAL ORDER OF**
	)	**LICENSE REVOCATION**

The Oregon Board of Licensed Professional Counselors and Therapists (Board) is the state agency responsible for licensing, regulating and disciplining Licensed Professional Counselors and Licensed Marriage and Family Therapists in the State of Oregon.

Pursuant to ORS 675.745(1)(c) and 675.745(1)(d), the Board revokes the licensed professional counselor license of Joseph R. Cook (Licensee) for gross negligence in the practice of counseling and failure to act within the standards of the profession and for failure to act with the highest standards of professional integrity.

Findings of Fact

1.

Licensee (# C1567) has been licensed as a Licensed Professional Counselor in the State of Oregon, under ORS 675.725, since September, 25, 2003. Licensee practiced at the Confederated Tribes of Grand Ronde, Behavioral Health Program in Grand Ronde, Oregon. Since becoming a Licensed Professional Counselor, Licensee has committed the following acts.

2.

In September, 2005. Licensee provided counseling service to a patient and faxed out to a provider a three page document including a two page clinical summary which was to serve as a referral and admission document for residential treatment. There was no valid release of information filled out in the chart, nor provided by Licensee.

3.

In September, 2005, Licensee kept confidential patient files and chart information from other Tribal patients, who he was not providing counseling to. These materials were copied off from the original charts and were in the possession of Licensee.

4.

During 2005, Licensee exhibited unprofessional conduct in his hostile and intimidating manner toward his coworkers, supervisor and supervisors at the Confederated Tribes of Grand Ronde, Behavioral Health Program, Tribe Clinic, in Grand Ronde, Oregon. Licensee obtained and kept documentation about his supervisors and other practitioners at the clinic without their knowledge. Licensee was excessively assertive and coercive and used threatening behavior toward staff on an individual basis and in a group setting.

5.

On December 16, 2004, Licensee arranged for an individual appointment with a client who he had previously assessed as seriously suicidal. When the client arrived, licensee was not in the office. Other staff had to meet with this client to assure client safety. When asked why Licensee was not available for the client, Licensee stated he had a personal appointment with a lawyer and he decided to take that appointment rather than the client's appointment.

6.

On October 25, 2005, Yamhill Circuit Court Judge John Collins made a civil finding in a Judgment of Jurisdiction and Disposition in case number 00321848. Judge Collins made a finding that Licensee sexually abused a minor step daughter between the ages of 15-18 and put another step daughter at risk, also a minor. The younger step daughter was made a ward of the court due to those findings. In that judgment, Judge Collins found that Licensee's testimony did not bolster his credibility. The Judge also found that licensee was controlling in his way of dealing with his children and his family. Licensee was forbid any contact with the minor step daughter. In October 2005, Licensee was terminated from his counseling position with the Grande Ronde Tribe.

7.

In November, 2005, the Board wrote to Licensee for additional information, requesting information about the allegations in this case. A response was due on December 18, 2005. To date, Licensee has failed to respond to the Board's additional request.

8.

On February 3, 2006, the Proposed Notice of License Revocation was served on Licensee. Licensee timely requested a hearing. On September 12 and 13, 2006, a hearing began but was not completed. On October 23, 2006, Licensee withdrew his request for a hearing. In the Proposed Notice of License Revocation, the Board stated that for purposes of a default order, the record herein would be used to constitute a prima facie case.

Conclusions of Law

9.

By failing to provide records requested during a Board investigation, Licensee has violated OAR 833-060-0001(3)(g) and OAR 833-060-0001(4)(c) and ORS 675.765(5) and is failing to cooperate with the Board during this investigation.

10.

By breaching confidentiality of patients assigned the Behavioral Health Program Tribe Clinic, Licensee has violated OAR 833-060-0001(3)(a), (b) and (c) by not abiding by mental health records confidentiality and getting appropriate authorization for release of records to third parties or to Licensee.

11.

The above-described conduct in paragraph 4 in part or in sum, constitute violations of OAR 833-060-0001(2) and (4)(d) because Licensee was not acting in accordance with the highest standards of professional integrity and competence in his intimidating behavior and conduct toward his supervisor or supervisors and other staff at the Tribe.

12.

The above-described conduct in paragraph 5 with a patient, in part or in sum, constitute violation of OAR 833-060-0001(1) by not promoting the welfare and best interest of the patient and by failure to show up for an appointment with the patient or to assure the patients needs were met in that vulnerable condition.

13.

The above-described incident and civil judgment noted in paragraph 6, in part or in sum, constitute violation of ORS 675.745(1)(c) and is grossly negligent. In addition it violates OAR 833-50-0040(1)(b). A civil court judgment finding that Licensee sexually abused his then minor step daughter and limiting of custody of current minor step daughter, places great risk of harm to other patients or potential patients. This finding by a court of law also violates OAR 833-060-0001(4)(a) in that this is a civil lawsuit that relates to the licensee's professional conduct and Licensee's failure to notify the board of this matter violates this rule.

14.

The above-described incidents, in sum or in part, constitute gross negligence under ORS 675.745(1)(c).

Order

15.

Based on the above findings of fact and the withdraw of the Request for Hearing on this matter, the Board revokes the Licensee's license to practice as a licensed professional counselor in the State of Oregon under ORS 675.745(1) for the above alleged incidents as of the date of this final order.

Dated this 31st day of October, 2006.

BOARD OF LICENSED PROFESSIONAL COUNSELORS
AND THERAPISTS, STATE OF OREGON

By: [redacted]
Dr. Marlin D. Schultz, LMFT, Board Chairperson

A party is entitled to judicial review of the Final Order. Judicial review is by the Oregon Court of Appeals pursuant to the provisions of ORS 183.482. Judicial review may be obtained by filing a petition for review with the Office of State Court Administrator, Supreme Court Building, Salem, Oregon 97310. ORS 183.482 requires that an appeal is requested by filing a petition in the Court of Appeals within 60 days following the date the order upon which the petition is based is served.

* * * * *

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of November, 2006, I served the within Final Order of License Revocation, upon the party or parties hereto, a full, true and correct copy thereof, to:

Joseph R. Cook, Jr.
260 SW Huckleberry Dr.
McMinnville, OR 97128

- ☐ by regular mail, postage prepaid
- ☐ by hand-delivery
- ☐ by FAX # _____
- ☒ by certified mail 7003 2260 0006 7459 3778

Conrad E. Yunker, P.C.
Post Office Box 101
Salem, OR 97308-0101

- ☒ by regular mail, postage prepaid
- ☐ by hand-delivery
- ☐ by FAX # _____
- ☐ by certified mail

[redacted]

Julia M. Cooley
Executive Director

27 November 2006

Dated

Notarial Certificate

State of Oregon)
County of Marion)

OFFICIAL SEAL
DAVID HUNTER
NOTARY PUBLIC - OREGON
COMMISSION NO. 406005
MY COMMISSION EXPIRES MAY 11, 2010

On this 29th day of November, 2006, before me David Hunter, a notary public, personally appeared Julia Cooley, personally known to me be the person whose name is subscribed to this instrument, and acknowledged that she executed the same.

[redacted]

NOTARY PUBLIC

My Commission Expires: May 11, 2010