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

In the Matter of:	)	Case No. 2008-002
	)	
KATHLEEN E. FINNEGAN, LPC,	)	
	)	
	)	**SETTLEMENT AGREEMENT AND**
Respondent.	)	**STIPULATED FINAL ORDER**

SETTLEMENT AGREEMENT

1.

The 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.

2.

At all relevant times material herein, Kathleen E. Finnegan (Respondent) has been licensed with the Board as a Licensed Professional Counselor. The Board has jurisdiction over the Respondent under ORS 675.705 to 675.835. Hereinafter Respondent and the Board are collectively referred to as the "Parties."

3.

On February 23, 2009, the Board issued a Notice of Intent to Impose Discipline on Respondent (which by this reference is incorporated herein), who requested a contested case hearing.

4.

The Parties desire to settle this matter and, pursuant to ORS 183.415(3), stipulate and agree as follows in full and complete settlement of the matter currently pending, subject to final approval by the Board:

4.1 This Settlement Agreement is conditioned upon and subject to final approval by the Board;

4.2 In 2006, mother and father divorced, and mother was given sole custody of the minor child. In 2007, in anticipation of a pending disputed custody hearing, father, the non-custodial parent, retained Respondent to conduct an assessment of the father's relationship with the minor child. Respondent never obtained the mother's (custodial parent) consent before providing these professional services to the minor child. Respondent failed to obtain the custodial parent's consent despite Respondent's admission that she had contacted Board personnel on this matter but then failed to review the citation to the applicable statute provided;

4.3 Respondent testified on the father's behalf during the custody hearing. During her testimony, Respondent disclosed confidential information she received from the minor child without the mother's (custodial parent) permission;

4.4 Based on the above, Respondent committed the following violations:

a. Respondent was grossly negligent when she provided counseling services to the minor child without obtaining the custodial parent's consent in violation of ORS 675.745(1)(c), ORS 675.705(6) and ORS 107.154(4); and

b. Respondent was grossly negligent when she disclosed confidential information provided by the minor child without the custodial parent's consent in violation of ORS 675.745(1)(c), (1)(d), ORS 675.705(6), ORS 675.765(1) and OAR 833-060-0001(3)(b);

4.5 The Final Order below may be issued and entered;

4.6 This Settlement Agreement and Stipulated Final Order is a public document;

4.7 Respondent has been fully advised of her right to a contested case hearing under the Oregon Administrative Procedures Act (ORS Chapter 183), and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Settlement Agreement and Stipulated Final Order;.

4.8 Respondent acknowledges by her signature below and that she fully understands the terms of this Settlement Agreement and Stipulated Final Order. Respondent declares

that she has carefully reviewed the terms of this Settlement Agreement and consents to the issuance and entry of the Final Order below, that she knows the contents thereof, that she has had adequate opportunity to consult with others of her choosing, including legal counsel, and that she has voluntarily accepted the terms set forth herein;

4.9 Entry of the Final Order below in no way limits or prevents further remedies, sanctions, or actions that may be available to the Board to enforce the Final Order, for violations of the Final Order, for conduct or actions of Respondent not covered by the Final Order, or against a party not covered by the Final Order; and

4.10 This Agreement constitutes the entire agreement between the Parties in accordance with Oregon law. No waiver, consent, modification or change of terms of this Agreement shall bind any party unless in writing and signed by all parties. Such waiver, consent, modification or change, if made, shall be effective only in specific representation, oral or written, not specified herein regarding this Agreement. The Board and Respondent, by their signatures, hereby acknowledges that they have read this Agreement, understand it, and agree to be bound by its terms and conditions.

IT IS SO STIPULATED AND AGREED TO BY:

_____ Dated: 3/31/09
Kathleen E. Finnegan, LPC

BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS
State of Oregon

By: _____ Dated: 4/12/09
Ryan Melton, Chair

FINAL ORDER

Based on the stipulation and settlement between the Parties set forth above, which is incorporated herein by this reference, pursuant to ORS 675.745(5) and OAR 833-050-0040, it is hereby **ORDERED**:

1. Respondent **Kathleen E. Finnegan** shall receive a written reprimand;

2. Respondent shall obtain a Board-approved supervisor within two (2) weeks after this Stipulated Final Order is signed. The supervisor's review will occur at least once every other month at least one (1) hour per session for a total of six (6) reviews. These six (6) reviews must be completed within one (1) year of the date the supervisor is approved by the Board. The Supervisor must prepare quarterly reports for the Board addressing Respondent's ability to comply with all Oregon statues and rules;

3. Licensee shall pay **$1,220.60** for the costs associated with this disciplinary process pursuant to ORS 675.745(6); and

4. The Board will report this action to the Healthcare Integrity and Protection Data Bank (HIPDB).

DATED and ISSUED this 12th day of April, 2009.

BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS
State of Oregon

By: _____
Ryan Melton, Chair