

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

4 In the Matter of:

Agency Case No. 2010-019

5
6 **HANNAH N. FISCHER, LPC,**

7 Respondent.

**AMENDED FINAL ORDER BY DEFAULT
IMPOSING DISCIPLINE AND COSTS**

8
9 **HISTORY OF THE CASE**

10 On October 6, 2010, the Board of Licensed Professional Counselors and Therapists
11 (Board) issued a Notice of Intent to Impose Discipline and Right to Request Hearing (Notice)
12 stating that the Board intended to impose discipline on Hannah N. Fischer, LPC (Respondent) for
13 various violations of the Code of Ethics.

14 The Notice was served on Respondent by regular and certified U.S. Mail addressed to
15 Respondent at Respondent's last known address – 3731 SE 164 Avenue, Portland, Oregon 97236 on
16 October 7, 2010. The Notice informed Respondent of her opportunity for a hearing if requested in
17 writing and received within twenty-one (21) days of service of the Notice. The Notice also informed
18 Respondent that if a written request for a hearing is not received within the 21-day period, Respondent's
19 right to a hearing shall be considered waived. More than 21 days have passed, and Respondent has
20 failed to request a hearing. Respondent is therefore in default. The Notice further informed Respondent
21 that in the event the Board issues a Final Order by Default, the Board designates it file on this matter for
22 purposes of proving a *prima facie* case.

23 **NOW, THEREFORE,** after consideration of the records and files of the Board relating to this

1 matter, including all correspondences and other material received from Respondent, the Board enters the
2 following Findings of Fact, Conclusions of Law, Opinion and Order.

3 **FINDINGS OF FACT**

4 1. The Board of Licensed Professional Counselors and Therapists (Board) is the
5 state agency responsible for licensing, regulating and disciplining licensed professional
6 counselors, licensed marriage and family therapists and interns.

7 2. Respondent is licensed as a Professional Counselor (LPC).

8 3. The Board has adopted a Code of Ethics (Code) that applies to all licensees. *See*
9 OAR 833, Division 100.

10 4. In 2004, Respondent began providing counseling services to Client A. Both
11 Respondent and Client A belonged to the same small religious community. In June 2008,
12 Respondent informed Client A of her decision to divorce, and ended the therapeutic
13 relationship. At that point, Respondent and Client A began a personal relationship.

14 5. Respondent entered into a relationship with a former client, Client A, which
15 furthered her own personal interests despite the clear risk of exploitation.

16 6. During the course of this personal relationship, Client A supported Respondent in
17 a variety of ways, including, but was not limited to the following: (a) cleaning her house;
18 (b) babysitting Respondent's children; (c) organizing Respondent's finances; (d) helping
19 Respondent move; and (e) being available to talk/text at all hours of the night.

20 7. The Notice was served on Respondent by certified and regular mail on October 7,
21 2010. The Notice provided that if Respondent failed to request a hearing, the Board may
22 issue a Final Order by Default and impose discipline and costs.

23 8. Respondent has never requested a hearing.

1 **CONCLUSIONS OF LAW**

- 2 1. Respondent is in default.
- 3 2. Respondent violated ORS 675.745(1)(e), OAR 833-100-0041(2), (7) & (10) when
4 she entered into a relationship with a former client which furthered Respondent's own
5 personal interests despite the clear risk of exploitation; and
- 6 3. Respondent violated ORS 675.745(1)(e) and OAR 833-100-0061(1) when she
7 failed to conform to higher standards of conduct in her capacity as a professional
8 counselor when she entered into a personal relationship with a former client.

9 **OPINION**

10 Respondent admits she should not have engaged in this relationship immediately after
11 their professional relationship had ended and acknowledges the possible damage it may have
12 caused her former client. Respondent also admits that she was in the middle of a personal crisis
13 when she decided to begin the personal relationship with Client A. Such conduct is unacceptable
14 and will not be tolerated by the Board, which is why discipline, including a fitness for duty
15 assessment, must be imposed.

16

17 **FINAL ORDER**

18 **NOW THEREFORE**, the Board hereby **ORDERS** that:

- 19 1. Respondent Hannah Fischer's work must be supervised for six (6) months
20 consisting of one session a month for at least six (6) total sessions by a Board-
21 approved supervisor;
- 22 2. At the end of the six month period, the supervisor must prepare a report for the
23 Board assessing whether Respondent has addressed the concerns set out in this

1 Order. At that time, the Board will determine whether additional supervision is
2 necessary;

- 3 3. Respondent must submit to an evaluation of her fitness for duty. A copy of the
4 report assessing her fitness must be submitted to the Board. Respondent must
5 comply with the recommendations of the evaluation, which may include further
6 treatment, and she must successfully complete any program that is recommended
7 by the evaluator;
- 8 4. Respondent must attend and complete six (6) hours of ethics training, no hours of
9 which may be used to satisfy any continuing education requirements;
- 10 5. Licensee is **ASSESSED** the Board's costs associated with this disciplinary
11 process, including attorney fees, in the amount of **\$534.30**, pursuant to ORS
12 675.745(7); and
- 13 6. The matter will be reported to the Healthcare Integrity and Protection Data Bank
14 (HIPDB)

15
16 **DATED AND ISSUED** this 29 day of August 2011.

17
18 Oregon Board of Licensed Professional
19 Counselors and Therapists

20
21 By  _____
22 Ryan Melton, Chair
23

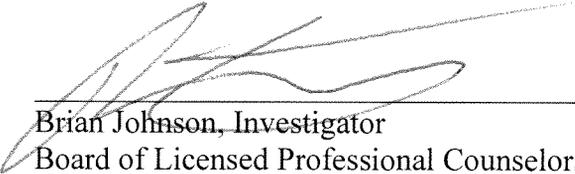
1 **NOTICE OF RIGHT TO APPEAL**

2 You are entitled to judicial review of this Final Order by Default. You may request
3 judicial review by filing a petition for review with the Oregon Court of Appeals in Salem,
4 Oregon within sixty (60) days from service of this Final Order. Judicial review is pursuant to the
5 provisions of ORS 183.482.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 30 day of August 2011, I served the foregoing **Final Order**
3 **by Default Imposing Discipline and Costs** by depositing a true copy of the same in a sealed
4 envelope sent by regular mail, addressed as follows:

5 Hannah Fischer
6 3731 SE 164 Avenue
7 Portland, OR 97236

8
9
10 
11 Brian Johnson, Investigator
Board of Licensed Professional Counselors
and Therapists

12 cc: Kelly M. Gabliks, DOJ
13 Department of Justice
14 General Counsel/Business Activities Section
1162 Court Street NE
Salem OR 97310