

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

In the Matter of the Application) FINAL ORDER
for Licensure Renewal)

SUZANNE T HENTRICH
722 NW MIDLAND AVE
GRANTS PASS, OR 97526

On or about July 2, 1993, a notice stating that the Board intended to refuse to renew profession counselor license C0477 was served upon SUZANNE T HENTRICH by certified mail. This notice alleged that SUZANNE T. HENTRICH (licensee) failed to meet the conditions for renewal by failing to fulfill the continuing education requirements within the time period set forth in OAR 833-25-050.

Pursuant to a written request for hearing as provided by ORS Chapter 183, a hearing before the Board was scheduled for October 15, 1993 at 1:45 pm in the Conference Room of the State Archives Building, Salem, Oregon. Notice of date, time, and place of the hearing and information on procedures, right to representation, and the rights of parties relating to the conduct of the hearing was served upon SUZANNE T. HENTRICH on or about September 10, 1993 by certified mail. Ms. HENTRICH was present, but not represented by an attorney.

Therefore, after consideration of the records and files of the board relating to this matter, a majority of the Board enters the following order:

FINDINGS OF FACT

1. Licensee was not actively practicing and busy with activities related to the retirement of her father which required her to be out-of-state.
2. Licensee relied upon information from others that hours taken before the license year would be counted for renewal.
3. Licensee assumed she could complete the continuing education hours during the "grace period" — the time set forth in statute and Board literature in which application could be completed without penalty. Licensee interpreted "complete application" to mean more than the process of submitting materials. Licensee interpreted "complete application" to include complete taking continuing education courses.
4. Licensee had taken 18 hours of training during the license year that were not listed on the continuing education report because she did not think she needed those hours and had not yet received certificates.
5. Materials sent to licensee over course of the year, specifically listed dates as April 1 through April 1.
4. Licensee completed 18 continuing education hours during month of April 1993.

ULTIMATE FINDINGS OF FACT

1. Licensee relied on misinterpretation of requirements.
2. Law indicates "grace period" to make application and Board materials used words "to complete application" which may have been interpreted to mean complete continuing education if not read with background material sent out over the course of the year.
3. Licensee completed more than 20 clock hours of continuing education during license year plus "grace period".

CONCLUSIONS OF LAW

The number of hours of continuing education required for renewal by ORS 675.725(1)(d) were fulfilled to the satisfaction of the Board.

OPINION

The Board believes licensees, by seeking licensure, have agreed to abide by the regulations of the Board and are obligated to keep abreast of the regulations and must accept the responsibility for and consequences of not reading or studying Board rules and distributed information. The Board believes sufficient information has been distributed and opportunity for clarifications available. The Board also believes that it should not be held accountable for interpretations by others that were not in keeping with the printed materials provided to all licensees. The Board stated that it was not setting precedent by recognizing a first-time situation and may not accept similar arguments in the future.

ORDER

Having met the conditions for renewal, the professional counselor license of SUZANNE T. HENTRICH, is renewed to April 1, 1994.

Dated: 11-8-93


Joshua D. Kadish, Presiding Officer
Board of Licensed Professional Counselors
and Therapists

Service by certified mail no. P 909 902 522 Mailed: 11-10-93

Appeal Rights

SUZANNE T. HENTRICH is entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days from the service of this order after it becomes final, which will be accomplished by mailing. The appeal procedures are set forth in ORS 183.482.