

Licensee also provided therapy to CB in 2001. CB participated in the evening group sessions which involved potlucks, drinking alcoholic beverages and taking hot tubs. Licensee would be present with other clients, sometimes three and four different clients at one time. On one occasion, the alcohol consumption required at least one client to stay at Licensee's home after the evening concluded. CB also participated with others and Licensee, in dinners at each other's homes, going out for dinner, attend a movie, or go to listen to a certain speaker.

Licensee treated KB during March 1997. KB went with her husband for counseling. During her first counseling session, Licensee requested to speak to KB alone. While in the room alone with her, KB became upset and began to cry. Licensee moved his chair next to hers and put his hand on her left thigh. While he had his hand on her thigh, he began to rub or stroke it. Licensee also brought his face very close to KB's face, so close, that KB became uncomfortable with it and began to lean away. KB sought subsequent counseling and reported the experience with Licensee to that counselor.

From December 2003 through January 2004, the Board requested patient records from Licensee on KW, RW and KB. Those requests were sent directly to Licensee's attorney. To date, the records have not been provided of RW and KB. Licensee's attorney states that authorization of the patient is needed to release the record. In a letter dated January 13, 2004, Licensee was made aware that he has an obligation to cooperate with the Board during an investigation and by failing to provide records, the Board may consider that actionable as a disciplinary offense.

Licensee renewed his license with this Board on March 12, 2003. In that renewal, Licensee only listed Corvallis Counseling and Consulting Center as places where he practiced. Licensee was an EAP provider for Hewlett Packard and did not disclose that.

III CONCLUSIONS OF LAW

1.

By failing to provide records requested during a Board investigation, Licensee violated OAR 833-060-0001(3)(g) and OAR 833-060-0010(4)(c) and ORS 675.765(5) and failed to cooperate with the Board during this investigation.

2.

By failing to notify the Board of all locations where he practiced in his 2003 renewal, Licensee has violated OAR 833-050-0010(2) which requires that all changes be reported to the Board within 30 days.

3.

The above-described conduct in the findings of fact constitute violations of OAR 833-060-0001(2)(a) because Licensee engaged in both a therapeutic and personal relationship, thereby creating dual relationships with these patients. (KW and CB)

4.

The above-described incident with patient RW, constitutes a violation of OAR 833-060-0001(1) by not promoting the welfare and best interest of the patient and by failure to provide RW with any referral for counseling services.

5.

The above-described incident with patient KB, constitutes a violation of OAR 833-060-0001(4)(c) by engaging in sexual or harassment or exploitation of client KB by touching her leg during therapy and by physically getting close to her face during therapy.

6.

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

IV.

In lieu of proceeding to notice of discipline with possible revocation, suspension or probation, Licensee has agreed that in lieu of this discipline matter proceeding, Licensee will agree to the following stipulations:

Licensee and the Board wish to resolve the present disciplinary matter. Licensee disputes the findings of fact and neither admits or denies any of the allegations in paragraphs 1 (in part), 2, 3, 4, 5, or 6. Licensee admits that he had a dual relationship with patient KW, with respect to paragraph 1. Licensee agrees to entering of this order. Licensee is aware that if the matter proceeded to discipline, he is entitled to a contested case pursuant to ORS 183.310-550 and agrees that by relinquishing his license he foregoes any contested case rights, or rights on appeal. Pursuant to ORS 183.415 which provides for informal resolution by agreement, the parties agree to the following:

1. Licensee will surrender his license immediately with this board and will no longer be a licensed professional counselor.
2. Licensee agrees not to apply or register with this Board at any time in the future. Alternatively, if and only if the validity of this term is ever declared by a court of competent jurisdiction to be illegal, parties hereby agree that Licensee may not apply for licensure or registration with the Board for at least ten years (10) from the effective date of this Stipulation.
3. Licensee agrees to withdraw the tort claim notice he filed on July 7, 2004, and agrees not to proceed with any claim for tort claim damages in reference to this discipline matter and final stipulated order.
4. This stipulation resolves all matters between Licensee and this Board.
5. The document memorializing the agreement shall be public record.
6. The matter will be reported to the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank (NPDB-HIPDB).

IN SIGNING THIS STIPULATED AGREEMENT, LICENSEE ACKNOWLEDGES:

I understand that by entering into the stipulated agreement, I waive the right to an administrative hearing.

No promises, representation, duress, or coercion have been used to induce me to sign this stipulation.

I have read this stipulation and understand it completely.

I understand that this stipulation will be submitted to the Board for approval and is subject to the Board's confirmation.

IT IS HEREBY ORDERED:

1. Licensee will surrender his license immediately with this board and will no longer be a licensed professional counselor. ✓
2. Licensee will not to apply or register with this Board at any time in the future. Alternatively, if and only if the validity of this term is ever declared by a court of competent jurisdiction to be illegal, parties hereby agree that Licensee may not apply for licensure or registration with the Board for at least ten years (10) from the effective date of this Stipulation.

3/14/05

Date



Kenneth H. Jones LPC ✓

BOARD LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

Date

3/14/05

Date

Julia Cooley
Board Administrator



Lofi H. Lindley
Assistant Attorney General

Dated this ____ day of March, 2005