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

In the Matter of:	)	**Case No. 2007-030; 2006-022**
	)	
BETTIE P. MITCHELL, L.P.C.,	)	
	)	
Licensee.	)	**FINAL ORDER BY DEFAULT**

CASE HISTORY

On February 11, 2008, the Board of Licensed Professional Counselors and Therapists (Board) issued a Notice of Proposed Action and Notice of Right to Hearing (Notice) stating that the Board proposed disciplinary action against Licensed Professional Counselor Bettie P. Mitchell (Licensee) for violation of the following provisions: ORS 675.745(1)(d), OAR 833-060-0001(1), (2) & (3), and OAR 833-060-0001 (2)(a) & (2)(e).

The Notice was served on Licensee by regular and certified U. S. Mail addressed to Licensee at Licensee's last known address
on February 11, 2008. The Notice informed Licensee of the opportunity for a hearing if requested in writing within twenty-one (21) days of service of the Notice. The Notice further informed Licensee that if a written request for hearing is not received within this 21-day period, Licensee's right to a hearing shall be considered waived. The Board did not receive a written request for hearing from Licensee within the allotted time and has to date not received any request for hearing from Licensee. Licensee is therefore in default. The Notice further informed Licensee that in the event the Board issues a Final Order by Default, the Board designates its file on this matter for purposes of proving a *prima facie* case.

NOW, THEREFORE, after consideration of the records and files of the Board relating to this matter, the Board enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds that:

1. 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.

2. Licensee was hired to provide marriage counseling to clients RF and CF and began providing such counseling in October 2006. Licensee also saw RF separately without CF. During counseling, Licensee indicated that wife CF was responsible for all of the couple's problems and CF felt accused by the Licensee.

3. Licensee wrote letters painting a good impression of RF and a poor one of CF. During their counseling, on May 30, 2007, Licensee wrote a letter to RF's attorney to present to a judge for a restraining order issue between CF and RF. In that letter, Licensee discussed information provided by CF despite the fact that Licensee did not have authorization to provide that information.

4. On June 8, 2007, Licensee wrote an additional letter to RF's attorney and discussed information provided by CF without her authorization. During investigation of this matter, Licensee admitted that she based her letters on her counseling time with RF and regretted writing the letters.

5. CF signed an agreement with Licensee that provided that during counseling information divulged to the Licensee in the course of the evaluation would be held in the strictest of confidence and would not be divulged to any other person or agency without her permission.

6. During 2006, a trainee of Licensee's at Good Samaritan Ministry reported that Licensee would set counseling appointments during the lunch hour and would request that the client bring the Licensee a lunch so they could eat lunch during the counseling session. Licensee did not pay for the lunch but relied on the client bringing it to her.

CONCLUSIONS OF LAW

1. Licensee failed to represent the interests of client CF when she provided information to support a restraining order sought against CF by her husband, and failed to maintain the confidentiality of the information provided by CF when providing information to RF's attorney in violation of ORS 675.745 (1)(d) and OAR 833-060-0001(1), (2) & (3).

2. Licensee required her clients to provide her with a lunch during counseling sessions in violation of ORS 675.745(1)(d) and OAR 833-060-0001(2)(a) & (2)(e).

OPINION

The Board takes violations of its Code of Ethics seriously. Given the violations that occurred, the Board proposed discipline of a written reprimand, the enrollment and completion of a Board-approved ethics course and a civil penalty in the amount of $250.00. Recognizing her mistakes, Licensee did not request a hearing but proceeded to enroll in and complete a Board-approved ethics course and paid the $250.00 civil penalty.

The Board believes that Licensee's prompt attention to its concerns evidences a recognition of the rules violated and need to avoid such issues in the future. Such action is consistent with the Board's mission to protect the public and ensure that all licensed counseling professionals provide their services in a professional manner.

FINAL ORDER

Based on the foregoing, **IT IS HEREBY ORDERED:**

1. A civil penalty of $250.00 is assessed against Licensee for violation of ORS 675.745(1)(d), OAR 833-060-0001(1), (2), (2)(a), (2)(e) & (3), which Licensee has already paid; and

2. Licensee is also required to enroll in and complete a Board-approved ethics course of at least six (6) hours of continued education that specifically includes discussions regarding professional boundaries, which course Licensee has already completed.

Dated this _____ day of _____, 2008

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

_____
By: Marlin Schultz, Chair

NOTICE OF RIGHT TO APPEAL

You are entitled to judicial review of this Order. You may request judicial review by filing a petition for review with the Oregon Court of Appeals in Salem, Oregon within sixty (60) days from service of this Final Order. Judicial review is pursuant to the provisions of ORS 183.482.