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

In the Matter of:

Agency Case No. 2012-010

SHARON MUIR, LPC,

Respondent.

**NOTICE OF INTENT TO REVOKE LICENSE
AND RIGHT TO REQUEST HEARING**

1.

The Board of Licensed Professional Counselors and Therapists (Board) is the state agency responsible for licensing, regulating and disciplining licensed professional counselors (LPC) and licensed marriage and family therapists (LMFT). ORS 675.705 to 675.835; OAR 833-001-0000 to 833-130-0080.

2.

Sharon Muir is licensed as a Professional Counselor (LPC). The Board has jurisdiction over Respondent under ORS 675.705 to 675.835. The last address provided by Respondent to the Board is: 236 Pennsylvania Avenue, Wenatchee, Washington 98801-2111.

3.

The Board has adopted a Code of Ethics (Code) that applies to all licensees. See OAR 833, Division 100. The Code “constitutes the standards against which the required professional conduct of licensed professional counselors and marriage and family therapists is measured.” OAR 833-100-0011(1). The Code’s goal is “the welfare and protection of the individuals and groups with whom counselors and therapist work.” *Id.* The Code makes clear that violations of its standards are subject to the highest level of discipline – “Violation of the provisions of this

1 code of ethics will be considered unprofessional or unethical conduct and is sufficient reason for
2 disciplinary action, including, but not limited to, denial of license.” *Id.*

3
4 4.

5 The Code provides that a licensee must act “in accordance with the highest standards of
6 professional integrity and competence.” OAR 833-100-0041(1). The Code also obligates
7 Respondent to “conform to higher standards of conduct in the capacity of a counseling
8 professional” (OAR 833-100-0061(1)).

9 5.

10 The Code is also clear that a licensee’s “primary professional responsibility is to the
11 client.” OAR 833-100-0021(1). Licensees are to “strive to benefit those with whom they work
12 and take care to do no harm” and to “hold the welfare and interests of clients as primary” (OAR
13 833-100-0031(1)). Thus, a licensee is required to take reasonable steps to avoid harming clients
14 and “others with whom they work.” OAR 833-100-0031(2).

15 6.

16 Moreover, the Code provides that licensees must “avoid actions or words that clients
17 could reasonably interpret as demeaning or derogatory, including, but not limited to, coarse or
18 harsh language directed at the client.” OAR 833-100-0031(6). Finally, licensees are prohibited
19 from “engag[ing] in any form of communication or physical behavior that is sexually suggestive,
20 seductive, or demeaning to a client or a former client.” OAR 833-100-0041(9).

21 7.

22 Here, Respondent engaged in unprofessional and unethical conduct when she was
23 terminated from her position as a clinical counselor for the Lincoln County Health and Human

1 Services Department (Lincoln County) for repeated acts of inappropriate and unprofessional
2 behavior with clients, coworkers and community partners.

3 8.

4 Respondent was employed by Lincoln County from July 16, 2007 until February 17,
5 2012. Because of her inappropriate conduct, Respondent received multiple levels of discipline,
6 including at least five (5) written letters of reprimand, multiple work plans, and paid
7 administrative leave. Respondent was also required to attend a course on ethical interactions
8 with clients. After violating the terms of her Last Chance Agreement, Respondent's employment
9 was terminated. Examples of Respondent's inappropriate behaviors include, but are not limited
10 to, the following:

11 8.1 One of Respondent's major job duties included treating and assessing emergency
12 mental and emotional disturbance cases by providing crisis intervention services as part
13 of the Lincoln County Crisis Team. On July 21, 2011, Lincoln County learned that a
14 client (Client 1) had threatened his landlord, was in crisis and the police had been called.
15 Client 1 requested that a member of the Lincoln County mental health staff be present
16 when the police arrived. Respondent refused a direct request by Client 1's case manager
17 (who was not a member of the crisis team and lacked training in mental health crisis
18 work) to accompany him in meeting with Client 1 because she needed to get lunch and
19 had other appointments. Instead, Respondent directed the staff member to call her
20 supervisor for assistance. While the staff member was attempting to contact the
21 supervisor, Respondent left the building for lunch without ensuring that a plan was in
22 place to address the crisis, potentially placing the less experienced staffer and Client 1 at
23 risk.

1 8.2 Lincoln County provided services to a male client (Client 2) who had sexually
2 inappropriate fantasies about women. The mental health team (which included
3 Respondent) staffed the matter and determined that Client 2 should be assigned to a male
4 counselor. Despite knowledge of these issues, in June 2011 Respondent went out of her
5 way to engage Client 2 in conversation, discussing his “cool” truck and how important it
6 was for Respondent to put a face to a name.

7 8.3 On January 30, 2012, Respondent refused to end a session with a minor client
8 (Client 3) and allow Client 3 to leave the room when he told Respondent he did not want
9 to continue the session. Client 3 had to text his Mother (who filed a complaint with
10 Lincoln County) and tell her Respondent was keeping him in the treatment room against
11 his wishes, at which time Respondent had to be instructed to let Client 3 go. Mother also
12 complained that Respondent was rude to her when she made certain statements, including
13 but not limited to telling Mother that what Mother had to say was not important.

14 8.4 Although instructed to let Client 3 go, Respondent left Client 3 in the treatment
15 room and went out to talk to Mother, leaving her computer screen open so that
16 unsupervised Client 3 had access to confidential client information. The screen was
17 locked only after Respondent was reminded to do so by a coworker.

18 8.5 On February 7, 2012, Respondent was rude and sarcastic to a coworker when the
19 coworker reminded her at 1:10 p.m. of a 2:00 p.m. appointment. Respondent insisted that
20 she had to go to lunch and spoke in such a loud tone to the coworker that a client (Client
21 4) waiting for services from another provider could hear everything and made a comment
22 to the effect when Respondent left the area.

23

1 8.6 Despite being reminded of her 2:00 p.m. appointment, Respondent failed to arrive
2 on time, and did not return from her lunch until 2:15 p.m., thereby requiring her clients (a
3 couple) to wait until her return. Earlier in the same day, Respondent rudely interrupted
4 Front Desk staff that was attempting to conduct a financial screening with the same
5 couple (Husband and Wife or couple) seeking services. Respondent began discussing the
6 couple's financial status in front of other clients and ultimately provided the couple with
7 completely inaccurate information regarding the cost of a mental health assessment.
8 Respondent incorrectly stated the couple would need to pay \$300, when their insurance
9 would have covered the entire cost. The couple left without obtaining a screening and
10 later had to contact Respondent's supervisor for assistance, who then arranged for the
11 2:00 p.m. appointment.

12 8.7 When Respondent finally did arrive back to work after lunch, she performed an
13 assessment for services for the Husband. Respondent failed to provide Husband with a
14 mental health diagnosis despite the fact Husband gave her the following information: (a)
15 he had been hospitalized on two occasions for a total of more than one year; (b) during
16 these hospitalizations he was declared incompetent to participate in his own defense in
17 legal matters; (c) he was HIV positive and had cognitive deficits because of the HIV and
18 head trauma; (d) he was currently taking antidepressant medication; and (e) he admitted
19 that sometimes he gets really down and then he can really hurt people, which is why he
20 had been institutionalized.

21 8.8 Respondent failed to act in a professional manner with staff, including but not
22 limited to the following actions: she threw papers at them, made negative facial
23

1 expressions, made derogatory comments about their work and lacing such comments with
2 vulgarities, and generally interacted with them in a rude and sarcastic manner.

3 8.9 Respondent failed to be respectful of her clients in many ways, including but not
4 limited to being late for appointments, being rude to them, and making rude and
5 inappropriate comments about them, such as describing one client as a “wimpy, whinny
6 male that did not have any backbone” and describing another client as “trailer trash.”

7 9.

8 Based on the above, the Board proposes to revoke Respondent’s license as a Professional
9 Counselor for the following reasons, any one of which is sufficient to support revocation:

10 A. Respondent failed to act in accordance with the highest standards of professional
11 integrity, competence and conduct when she engaged in the behavior described
12 above in violation of ORS 675.745(1)(e), OAR 833-100-0041(1), OAR 833-100-
13 0061(1), and OAR 833-100-00071(1);

14 B. Respondent failed to recognize that her primary professional responsibility is to
15 her clients when she refused a request by a staff member to provide services to a
16 client in crisis in violation of ORS 675.745(1)(e), OAR 833-100-0021(1), and
17 OAR 833-100-0031(1), (2) & (3);

18 C. Respondent failed to recognize that her primary professional responsibility is to
19 her clients, failed to treat her clients in a caring, fair, courteous and respectful
20 manner, and harmed clients when she provided inaccurate information to the
21 client, was late to that client’s appointment and failed to provide the same client
22 with a mental health diagnosis in violation of ORS 675.745(1)(e), OAR 833-100-
23 0021(1), and OAR 833-100-0031(1), (2) & (3);

- 1 D. Respondent failed to take reasonable steps to avoid harming a client when she
2 engaged Client 2 in a conversation despite the fact he had inappropriate sexual
3 fantasies about women in violation of ORS 675.745(1)(e), OAR 833-100-0021(1),
4 and OAR 833-100-0031(1), (2) & (3);
- 5 E. Respondent failed to recognize that her primary professional responsibility is to
6 her clients and to take care to do no harm when she held Client 3 against his will,
7 refused to end the session despite his request to do so and was rude to his Mother
8 in violation of ORS 675.745(1)(e), OAR 833-100-0021(1), and OAR 833-100-
9 0031(1), (2) & (3);
- 10 F. Respondent failed to treat clients in a caring, fair, courteous and respectful
11 manner when she made derogatory and demeaning comments about them,
12 including describing clients as “trailer trash” ,“wimpy” and “whinny” in violation
13 of ORS 675.745(1)(e), OAR 833-100-0021(1), OAR 833-100-0031(1), (2),(3) &
14 (6), and OAR 833-100-0041(9);
- 15 G. Respondent failed to limit access to client records when she left her computer
16 accessible to an unattended client in her office in violation of ORS 675.745(1)(e)
17 and OAR 833-100-0051(7); and
- 18 H. Respondent caused harm to her coworkers by treating them in a derogatory, rude
19 and demeaning manner in violation of ORS 675.745(1)(e) and OAR 833-100-
20 0031(1) & (2).

21 10.

22 Given these alleged violations, the Board proposes the following discipline be imposed:

- 23 A. Respondent’s license shall be revoked (ORS 675.745(1)); and

1 B. Respondent shall pay all costs associated with this disciplinary process, including
2 attorney fees pursuant to ORS 675.745(7).

3 **NOTICE OF RIGHT TO REQUEST A HEARING**

4 11.

5 Pursuant to the Oregon Administrative Procedures Act, ORS Chapter 183, Respondent
6 has the right to request a hearing in this matter. A request for hearing must be submitted in
7 writing and must be received by the Board, at the following address, during regular business
8 hours, within twenty-one (21) calendar days from the date on which this Notice is mailed:

9 Oregon Board of Licensed Professional Counselors and Therapists
10 3218 Pringle Road SE, Suite 250
11 Salem, OR 97302-6312

12 12.

13 Pursuant to OAR 833-001-0010 and OAR 833-001-0015, if Respondent requests a
14 hearing, Respondent is further required to file with the Board, at the same time, a written Answer
15 that includes a short, plain statement of each relevant affirmative defense Respondent asserts.

16 **NOTICE OF CONSEQUENCES OF FAILURE TO FILE AN ANSWER**

17 13.

18 Pursuant to OAR 833-001-0015(3), if Respondent fails to file an Answer, the following
19 consequences will occur:

- 20 (a) Respondent's failure to raise a particular defense in Respondent's Answer shall be
21 considered a waiver of such defense;
22 (b) New matters alleged in Respondent's Answer (affirmative defenses) are presumed
23 to be denied by the Board; and

1 (c) Evidence shall not be taken on any issue not raised in the Notice or Respondent's
2 Answer.

3 14.

4 If Respondent requests a hearing, Respondent will be notified of the time and date of the
5 hearing. The hearing will be conducted according to the contested case procedures described in
6 ORS 183.411 to 183.470 and OAR 137-003-0501 to 0700. Respondent has the right to represent
7 herself at such hearing or to be represented by legal counsel. Attached is information on
8 procedures, right of representation and other rights of Respondents relating to the conduct of the
9 hearing as required by ORS 183.413(2) (Notice of Contested Case Rights and Procedures).

10 15.

11 In the event Respondent fails to request a hearing, withdraws her request for a hearing,
12 notifies the Board or the Administrative Law Judge assigned to this matter that Respondent does
13 not intend to appear for the hearing, or fails to appear for the hearing on this matter, the Board
14 may issue a Final Order by Default and impose the proposed discipline. Respondent's
15 submissions to the Board regarding the subject of this Application and all information in the
16 Board's files relevant to the subject of this case automatically become part of the evidentiary
17 record upon default for the purpose of proving a *prima facie* case. ORS 183.417(4).

18
19 DATED: December 18, 2012

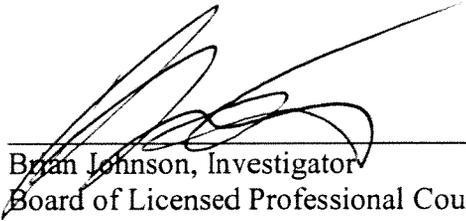
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21 Oregon Board of Licensed Professional
22 Counselors and Therapists

23 By 
Becky Eklund, Executive Director

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 07th day of January, 2013, I served the foregoing **Notice of**
3 **Intent to Revoke License and Right to Request Hearing** with the **Notice of Contested Case**
4 **Rights and Procedures** by depositing a true copy of the same in a sealed envelope sent by
5 regular and certified mail, addressed as follows:

6
7 Sharon Muir
8 236 Pennsylvania Avenue
9 Wenatchee WA 98801-2111

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11 
12 _____
13 Brian Johnson, Investigator
14 Board of Licensed Professional Counselors
15 and Therapists

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cc: Kelly M. Gabliks, DOJ