

STATE OF OREGON
BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

In the Matter of the proposed suspension)
of the professional counselor license of)
)

FINAL ORDER
TO DISMISS

Beverly E Phelps
Mt Hood CC Head Start
10100 NE Prescott
Portland, OR 97230

After notice and hearing before a majority of the Board on October 24, 1997 on the proposed suspension of the professional counselor license, number C0796 of Beverly E Phelps (Licensee), the Board makes the following disposition:

FINDINGS OF FACT

1. Licensee submitted a continuing education report as part of license renewal for 1997-98 claiming completion of 39 hours: Welfare Reform (4), Goal Setting (Head Start) (2), ADD (6), ASQ Testing (1), Team Building (20), and Chronic Pain (6).

2. Licensee was notified that she had been selected for audit and asked to document proof that the continuing education claimed meet Board standards, including the standards for content of training, and provider qualifications as well as proof of attendance. Audit, per OAR 833-025-0060, is also an exercise to verify licensees maintained required documentation.

3. Board accepted documentation of 18 hours.

4. Licensee did not submit information on content, provider qualifications, or certificate of attendance or statement from instructor or provider attesting to completion of training entitled ASQ/Speech Screening Training. Licensee submitted photocopy of list of names with title "ASQ/Speech Screening Training" highlighted.

5. Licensee did not submit information that indicates Team Building Training was designed for the master's level mental health professional. Building Effective Successful Teams' published description shows goal of improving services to children with disabilities and states it was designed for teachers and Head Start staff.

6. Licensee, appearing before the Board, admitted she does not keep her own records, but relies on the Head Start staff to track continuing education; and that she did not realize she was supposed to keep descriptive materials. She admitted she could not provide the necessary documentation for the speech training.

7. Licensee at the direction of the Board, explained the portions of the Team Building training that related directly to her job working with children and accepted a copy of the employer's training record.

ULTIMATE FINDINGS OF FACT

1. Licensee completed more than 20 clock hours of continuing education.

2. Through documentation and interview, Board identified to its satisfaction that sufficient hours met the continuing education requirements.

3. Licensee did not maintain adequate continuing education documents for some of the hours claimed on continuing education report to Board.

CONCLUSIONS OF LAW

The Board has the authority under OAR 822-025-0060 to take disciplinary action for failure to maintain and make available to the Board the continuing education documents required by the rule.

OPINION

The Board believes that it is the responsibility of all licensees to understand the requirements of licensure. The Board notes that the standards are set in administrative rules adopted through a public process, makes copies of the rules available to all licensees at no cost, and has even published and distributed a brochure on continuing education to all licensees. It is the opinion of the Board that Beverly E Phelps may still not understand the recordkeeping requirements and standards for continuing education. To claim that she did not know or understand is a weak defense. However, since the Board could identify that the licensee actually did the training, the Board determined that the audit was the first time the licensee was forced to consider the recordkeeping requirements and suspension for finding out she was remiss is too severe a penalty. The Board, through this order, warns the Licensee it will not make a similar determination if this should happen again and to ensure that Licensee is following Board requirements, the Board will conduct an audit of the next continuing education report filed by the Licensee. The Board reminds the Licensee:

1. The Board accepts courses that fall in certain study areas. Approved areas of study include counseling theories, social and cultural foundations, helping relationships or techniques, group dynamics, life-style and career development, appraisal, research/evaluation/testing, professional orientation and counseling ethics, or clinical supervision training. Courses in personal growth, administration/management, or other how to do your job, but not necessarily counseling activities, better are not acceptable.

2. You are required to keep documents that show you completed or participated in the training. Acceptable documents include transcripts, certificates, signed statements from instructors or the provider organization.

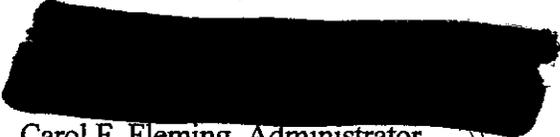
3. You are required to maintain information showing compliance with program standards: copies of papers detailing content of program, dates, instructors, sponsor, and duration (usually printed announcements, or description provided by provider/instructor).

ORDER

IT IS ORDERED that the proposed suspension of the professional counselor license of Beverly E Phelps be dismissed and that the next continuing education report filed by Ms. Phelps be audited.

DATED this 29th day of October, 1997

Board of Licensed Professional Counselors
and Therapists



Carol F. Fleming, Administrator

Served by Certified Mail No. P 035 083 579 mailed on October 29, 1997

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.