

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

In the Matter of:) Case No. 2007-048
)
ROBERT O. PIEHL, LMFT,)
)
Respondent.) **SETTLEMENT AGREEMENT AND**
) **STIPULATED FINAL ORDER**

SETTLEMENT AGREEMENT

1.

The 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.

At all relevant times material herein, Robert O. Piehl (Respondent) has been licensed with the Board as a Licensed Marriage and Family Therapist. The Board has jurisdiction over the Respondent under ORS 675.705 to 675.835. Hereinafter Respondent and the Board are collectively referred to as the "Parties."

3.

On September 3, 2008, the Board issued a Notice of Intent to Impose Discipline on Respondent (which by this reference is incorporated herein), who requested a contested case hearing.

4.

The Parties desire to settle this matter and, pursuant to ORS 183.415(3), stipulate and agree as follows in full and complete settlement of the matter currently pending, subject to final approval by the Board:

4.1 This Settlement Agreement is conditioned upon and subject to final approval by the Board;

4.2 In 2006, Respondent agreed to act as LMFT Intern Robert Massena's supervisor. Intern Massena provided counseling services to husband and wife (the couple). After about six months of counseling, Intern Massena requested guidance from his supervisor, Respondent, regarding Intern Massena's counseling sessions with the couple to determine if his case plan was appropriate. Respondent agreed, and Intern Massena arranged for a session between Respondent and the couple. Both husband and wife were aware that the session would be conducted by Respondent.

4.3 The session took place on or about October 13, 2006 in Intern Massena's office and lasted approximately three hours. While Respondent initially labeled this session a "consultation" he now concedes that this could be and was viewed as a counseling session by the couple. As such, Respondent was required to provide the couple with his Professional Disclosure Statement, which he admits he did not do. While Respondent orally debriefed Intern Massena on the session, he admits he did not take notes or provide anything to Intern Massena in writing, which he readily concedes is important for continuity of care and later treatment.

4.4 In 2007, husband contemplated taking legal action against Intern Massena. Without consulting with Intern Massena, Respondent decided to telephone husband to inform husband of Respondent's support of Intern Massena. Respondent admitted that he also told husband that if husband pursued litigation that we would "defend" ourselves and that this defense may include a countersuit. While Respondent's intent in making these telephone calls was informational, he now concedes that husband could interpret such calls as threatening, and Respondent will not engage in such conduct in the future.

4.5 Respondent cooperated with the Board throughout its investigation and took responsibility for his conduct with the husband and wife.

4.6 Based on the above, Respondent committed the following violations:

- (a) Respondent made an unsolicited telephone call to husband in violation of ORS 675.745(1)(d), OAR 833-060-0001(2)(d) and OAR 833-060-0001(4)(c);

(b) Respondent failed to take notes or maintain client records for the counseling session provided to the couple in violation of ORS 675.745(1)(d) and OAR 833-060-0001(3)(k);

(c) Respondent failed to provide the couple with a copy of his approved Professional Disclosure Statement before providing counseling services in violation of ORS 675.755(1) and OAR 833-050-0020;

(d) By his actions, Respondent failed to act in accordance with the highest standards of professional integrity, competence and deportment in violation of ORS 675.745(1)(d), OAR 833-060-0001(2) and OAR 833-060-0001(4);

4.7 The Final Order below may be issued and entered;

4.8 This Settlement Agreement and Stipulated Final Order is a public document;

4.9 Respondent has been fully advised of his right to a contested case hearing under the Oregon Administrative Procedures Act (ORS Chapter 183), and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Settlement Agreement and Stipulated Final Order;

4.10 Respondent acknowledges by his signature below that he fully understands the terms of this Settlement Agreement and Stipulated Final Order. Respondent declares that he has carefully reviewed the terms of this Settlement Agreement and consents to the issuance and entry of the Final Order below, that he knows the contents thereof, that he has had adequate opportunity to consult with others of his choosing, including legal counsel, and that he has voluntarily accepted the terms set forth herein;

4.11 Entry of the Final Order below in no way limits or prevents further remedies, sanctions, or actions that may be available to the Board to enforce the Final Order, for violations of the Final Order, for conduct or actions of Respondent not covered by the Final Order, or against a party not covered by the Final Order; and

4.12 This Agreement constitutes the entire agreement between the Parties in accordance with Oregon law. No waiver, consent, modification or change of terms of

this Agreement shall bind any party unless in writing and signed by all parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or written, not specified herein regarding this Agreement. The Board and Respondent, by their signatures, hereby acknowledge that they have read this Agreement, understand it, and agree to be bound by its terms and conditions.

IT IS SO STIPULATED AND AGREED TO BY:

Robert O. Piehl, LMFT

Dated: _____

**BOARD OF LICENSED PROFESSIONAL
COUNSELORS AND THERAPISTS
State of Oregon**

By: _____
Ryan Melton, Chair

Dated: _____

FINAL ORDER

Based on the stipulation and settlement between the Parties set forth above, which is incorporated herein by this reference, pursuant to ORS 675.745(5) and OAR 833-050-0040, it is hereby **ORDERED**:

1. Robert O. Piehl shall obtain a Board-approved supervisor within two (2) weeks after this Stipulated Final Order is signed. The supervisor's review will occur at least once (1) a month at least one (1) hour per session for a total of twelve (12) reviews. These 12 reviews must be completed within one (1) year of the date the supervisor is approved by the Board. The Supervisor must prepare quarterly reports for the Board addressing Mr. Piehl's ability to comply with all Oregon statutes and rules;
2. Mr. Piehl must also attend six (6) clock hours of Ethics training and complete this training before his supervision is complete. These 6 hours cannot be used to satisfy any continuing education requirements;
3. Mr. Piehl agrees never to serve as a supervisor for any intern;
4. License shall pay \$3000 for the costs associated with this disciplinary process pursuant to ORS 675.745(6). These costs will be paid in installments of \$250 per month for the year he is on supervision; and
5. The Board will report this action to the Healthcare Integrity and Protection Data Bank (HIPDB).

DATED and ISSUED this _____ day of _____, 2009.

**BOARD OF LICENSED PROFESSIONAL
COUNSELORS AND THERAPISTS
State of Oregon**

By: _____
Ryan Melton, Chair