

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 The Code obligates Respondent to “conform to higher standards of conduct in the
5 capacity of a counseling professional * * * and refrain from any conduct that would bring
6 discredit to the profession” (OAR 833-100-0061(1)).

7 5.

8 Maintaining the confidentiality of the information shared as part of the counseling
9 relationship is critical and required by law. With few exceptions, a licensee shall not disclosure
10 any client communications without the written consent of the client. ORS 675.765. It is
11 important that a licensee safeguard client confidences and never use any confidence to a client’s
12 disadvantage. OAR 833-100-0051(1), (2) & (3). Here, Respondent violated these requirements
13 when she shared confidential information about her clients with her boyfriend.

14 6.

15 Respondent dated Boyfriend from November 2011 through February 2012. While they
16 were dating, Respondent admits that she discussed confidential client information with
17 Boyfriend regarding two different clients, Client A and Client B. Respondent also admitted that
18 she took telephone calls from these two clients in Boyfriend’s presence, further disclosing
19 confidential client information.

20 7.

21 Based on the above, the Board proposes to impose discipline on Respondent for the
22 following reasons:

23 ///

- 1 C. Respondent must complete an education course on ethics, no credits for which
2 may be used to satisfy continuing education requirements, within one (1) year
3 from the date of the Final Order;
- 4 D. Respondent must arrange and undergo a Mental Health assessment/evaluation
5 within one (1) year from the date of the Final Order. The Board must approve, in
6 advance of the assessment, the organization or individual performing this
7 assessment;
- 8 E. Respondent must authorize the release of the written report from the assessing
9 organization to the Board. This report will contain all records pertaining to her
10 assessment and treatment;
- 11 F. Respondent will comply with the recommendations of the assessment, which may
12 include treatment, and successfully complete any program for therapy
13 recommended in the assessment; and
- 14 G. Licensee shall pay all costs associated with this disciplinary process, including
15 attorney fees pursuant to ORS 675.745(7).

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

17 9.

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

22 Oregon Board of Licensed Professional Counselors and Therapists
23 3218 Pringle Road SE, Suite 250
Salem, OR 97302-6312

1 10.

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

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

6 11.

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

9 (a) Respondent's failure to raise a particular defense in Respondent's Answer shall be
10 considered a waiver of such defense;

11 (b) New matters alleged in Respondent's Answer (affirmative defenses) are presumed
12 to be denied by the Board; and

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

15 12.

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

22

23 ///

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

DATED: September 6, 2012

Oregon Board of Licensed Professional Counselors and Therapists

By Becky Eklund
Becky Eklund, Executive Director

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 11th day of September, 2012, I served the foregoing **Notice**
3 **of Intent to Impose Discipline and Right to Request Hearing** with the **Notice of Contested**
4 **Case 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 Laura Sheppard
8 Solutions in Mind Counseling Services
9 1450 NE Village Street
10 Fairview OR 97024

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

16
17
18
19
20
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22
23
cc: Kelly M. Gabliks, DOJ