

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

4 In the Matter of:

Agency Case No. 2011-056

5
6 **REID VANDERBURGH, LMFT,**

7 Respondent.

**FINAL ORDER BY DEFAULT SUSPENDING
LICENSE AND IMPOSING OTHER
DISCIPLINE**

8
9 **HISTORY OF THE CASE**

10 On September 11, 2012, the Board of Licensed Professional Counselors and Therapists
11 (Board) issued a Notice of Intent to Impose Discipline and Right to Request Hearing (Notice)
12 stating that the Board intended to impose discipline on Reid Vanderburgh (Respondent) for
13 misconduct.

14 The Notice was served on Respondent by regular and certified U.S. Mail addressed to
15 Respondent at Respondent's last known address – 4115 N Mississippi Avenue, Portland, Oregon
16 97217. The Notice informed Respondent of the opportunity for a hearing if requested in writing
17 and received within twenty-one (21) days of service of the Notice. The Notice further informed
18 Respondent that if a written request for hearing was not received within this 21-day period,
19 Respondent's right to a hearing shall be considered waived. The Board did not receive a written
20 request for a hearing from Respondent within the allotted time and has to date not received any
21 request for a hearing. Respondent is therefore in default.

22 The Notice also informed Respondent that if he failed to request a hearing, "the Board
23 may issue a Final Order by Default and impose the proposed discipline." The Notice further
24 informed Respondent that in the event the Board issues a Final Order by Default, the Board
25 designates its file on this matter for purposes of proving a *prima facie* case.

26 **NOW, THEREFORE,** after consideration of the records and files of the Board relating

1 to this matter, including all correspondences and other material received from Respondent, if
2 any, the Board enters the following Findings of Fact, Conclusions of Law, Opinion and Order.

3 **FINDINGS OF FACT**

4 1. The Board of Licensed Professional Counselors and Therapists (Board) is the
5 state agency responsible for licensing, regulating and disciplining licensed professional
6 counselors (LPC) and licensed marriage and family therapists (LMFT).

7 2. Respondent is licensed as a Marriage and Family Therapist. The Board has
8 jurisdiction over Respondent under ORS 675.705 to 675.835. The last address provided
9 by Respondent to the Board is: 4115 N Mississippi Avenue, Portland, Oregon 97217.

10 3. Respondent provided counseling services to Client, who was transitioning from
11 male to female, from 2007 through April 2010. Based on the information gained in these
12 counseling sessions, Respondent provided Client with medical referrals related to the
13 trans process, prepared a hormone referral letter, prepared a name and gender change
14 letter to DMV, and sent a letter supporting her genital surgery, all extremely important
15 events in the transgender process.

16 4. In April 2010, Client informed Respondent that she was suicidal, but he failed to
17 take the appropriate action to address this crisis situation.

18 5. For example, on April 8, 2010 at 11:04 p.m., Client sent Respondent an email
19 seeking to meet with him, stating in part – “I’ve been having a lot of emotional problems
20 lately and have been fighting severe depression and suicidal thoughts * * *.”

21 6. Despite the serious nature of her problem, Respondent did not return Client’s
22 email until 1:05 p.m. the next day, and then did not appear to take her threats of suicide
23 seriously. Instead of putting a safety plan in place, attempting to meet with Client
24 immediately or referring her to a colleague or other resource that could meet with her, he
25 merely suggested that, “I’d be happy to set an appointment.”

26 7. Respondent did not immediately address Client’s crisis even after she opined that

1 "I probably belong in a hospital."

2 8. Respondent initially set an appointment for April 19th, **nine days** away, and did
3 not recommend a sooner date until after Client emphasized the serious nature of her crisis
4 – "Perhaps I wasn't forthcoming enough about the situation as I tend to keep a lot to
5 myself. I am personally afraid that **I'm going to kill myself** as I have rationalized it as a
6 permanent answer to a permanent problem and **even have the means to do so.** * * * I've
7 had suicidal thoughts in the past but never had intent or the means to do it. **Now I do.**"
8 (Emphasis added.)

9 9. Despite Client's clearly articulated threats of suicide, Respondent took no action,
10 instead waiting until the April 12th appointment to address these issues.

11 10. During the April 12, 2010 session, Client was extremely agitated, emphasized that
12 she was at the end of her rope and was extremely suicidal. Instead of assisting Client in
13 her time of crisis, Respondent's only response was to inform Client that "this is just
14 something that you're going to have to get through."

15 11. Respondent's response did not address Client's issues, who believed the only
16 reason she did not commit suicide was because of her father's intervention. Given
17 Respondent's lack of assistance, Client never returned and immediately began searching
18 for a new therapist.

19 12. After a failed suicide attempt, Client was able to find a new therapist in April
20 2011. Her new therapist has since diagnosed Client with Complex PTSD, OCD, Anxiety
21 and Depression, and has implemented a treatment problem to address this diagnosis.

22 13. Once Client located a new therapist, she wanted to provide the therapist with as
23 much information as possible, including the records from the counseling she received
24 from Respondent. By email dated April 8, 2011, Client requested that Respondent
25 provide her with a copy of "ANY AND ALL records" he had. (Emphasis in original.)
26 Respondent's notes were inadequate and failed to contain important information such as a

1 treatment plan or any treatment history.

2 14. Respondent admitted that he took very brief notes out of fear that the information
3 would be used against Client in some future, unknown court proceeding, such as a
4 divorce or child custody issues, despite the fact Client was unmarried and had no
5 children.

6 15. Respondent provided services to this Client and others clients when he was
7 impaired. By Respondent's own admissions, in 2010 he was "under a great deal of
8 stress" in his home life. Respondent was also suffering from hypothyroidism, and
9 conceded that the medicine he was taking at the time was "too low for me to be optimal
10 mentally."

11 16. The Notice was served on Respondent on September 11, 2012 by certified and
12 regular mail.

13 17. Respondent failed to timely request a contested case hearing.

14 **CONCLUSIONS OF LAW**

15 1. Respondent is in default.

16 2. Respondent violated ORS 675.745(1)(e), OAR 833-100-0041(1), OAR 833-100-
17 0061(1), and OAR 833-100-00071(1) when he failed to act in accordance with the
18 highest standards of professional integrity, competence and conduct when he
19 engaged in the behavior described above.

20 3. Respondent violated ORS 675.745(1)(e), OAR 833-100-0021(1), and OAR 833-
21 100-0031(1), (2) & (3) when he failed to recognize that his primary professional
22 responsibility is to his clients and caused harm to Client when he failed to act in
23 the best interests of a suicidal client.

24 4. Respondent violated ORS 675.745(1)(e) and OAR 833-100-0021(7) & (10) when
25 he continued to provide counseling services to Client and others when he was
26 impaired.

1 The Board is also entitled to its costs and calculates it as follows:

2 DOJ Costs: 3.9 AAG hours at \$143/hour - Total Costs \$557.70

3
4 **FINAL ORDER**

5 **NOW THEREFORE**, the Board hereby **ORDERS** that:

- 6 1. Respondent Reid Vanderburgh's license as a marriage and family therapist shall
7 be suspended for one (1) year;
- 8 2. If Respondent returns to practice after he completes his suspension, his work must
9 be supervised for one (1) year consisting of two sessions a month for at least
10 twenty four (24) total sessions by a Board-approved supervisor;
- 11 3. At the end of the one year period, the supervisor must prepare a report for the
12 Board assessing whether Respondent has addressed these concerns. At that time,
13 the Board will determine whether additional supervision is necessary;
- 14 4. Respondent must complete education courses on note-taking, self-help and
15 suicide assessments, no credits for which may be used to satisfy continuing
16 education requirements before his suspension is completed; and
- 17 5. Respondent is **ASSESSED** the Board's costs associated with this action, including the
18 Board's attorney fees, in the amount of **\$557.70** pursuant to ORS 675.745(7).

19
20 DATED: November 8, 2012

21
22 Oregon Board of Licensed Professional
23 Counselors and Therapists

24 By Becky Eklund
25 Becky Eklund, Executive Director

NOTICE OF RIGHT TO APPEAL

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You are entitled to judicial review of this Final Order by Default Denying License Application in accordance with ORS 183.482. You may request judicial review by filing a petition with the Oregon Court of Appeals in Salem, Oregon, within sixty (60) days from the date of service of this Final Order

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of November, 2012, I served the foregoing **FINAL ORDER BY DEFAULT SUSPENDING LICENSE AND IMPOSING OTHER DISCIPLINE** by depositing a full true and correct copy of the same in a sealed envelope sent by regular mail, addressed as follows:

Reid Vanderburgh
4115 N Mississippi
Portland OR 97217



Brian Johnson, Investigator
Board of Licensed Professional Counselors
and Therapists

cc: Kelly M. Gabliks, DOJ