

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

4 In the Matter of:

Agency Case No. 2011-014

5
6 **TONYA A. VEE, LPC INTERN,**

7 Respondent.

**NOTICE OF INTENT TO IMPOSE
DISCIPLINE AND RIGHT TO REQUEST
HEARING**

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10 1.

11 The Board of Licensed Professional Counselors and Therapists (Board) is the state
12 agency responsible for licensing, regulating and disciplining licensed professional counselors,
13 licensed marriage and family therapists, and registered interns. ORS 675.705 to 675.835; OAR
14 833-001-0000 to 833-120-0041.

15 2.

16 Tonya A. Vee (Respondent) is registered as a LPC Intern. The Board has jurisdiction
17 over Respondent under ORS 675.705 to 675.835. The last address provided by Respondent to
18 the Board is 9785 SW Inglewood Street, Portland, Oregon 97207.

19 3.

20 With few exceptions, the law requires licensees and interns to maintain the
21 confidentiality of the information clients provide to them. *See* ORS 675.765.

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1 4.

2 The Board has adopted a Code of Ethics (Code) that applies to all licensees and Interns.
3 See OAR 833, Division 100; see also ORS 675.720(5) (“Registered interns are subject to all
4 ethical standards adopted by the board”). The Code “constitutes the standards against which the
5 required professional conduct of licensed professional counselors and marriage and family
6 therapists is measured.” OAR 833-100-0011(1). The Code’s goal is “the welfare and protection
7 of the individuals and groups with whom counselors and therapist work.” *Id.* The Code makes
8 clear that violations of its standards are subject to the highest level of discipline – “Violation of
9 the provisions of this code of ethics will be considered unprofessional or unethical conduct and is
10 sufficient reason for disciplinary action, including, but not limited to, denial of license.” *Id.*

11 5.

12 The Code provides that an intern must act “in accordance with the highest standards of
13 professional integrity and competence”. OAR 833-100-0041(1). The Code also obligates
14 Respondent to “conform to higher standards of conduct in the capacity of a counseling
15 professional” (OAR 833-100-0061(1)).

16 6.

17 The Code specifically recognizes an intern’s obligation to maintain client confidentiality.
18 OAR 833-100-0051(1) provides that “A licensee hold in confidence all information obtained in
19 the course of professional services * * *”. In addition, an intern may disclose confidential
20 information only with the “written informed consent of the client” OAR 833-100-0051(3).

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1 7.

2 Here, Respondent engaged in unprofessional and unethical conduct when, on several
3 occasions, she disclosed confidential client information without obtaining the client's written
4 informed consent. In September 2010, Respondent identified a client by name and then
5 discussed confidential information about that client with another person without receiving
6 consent to do so. Later that same year Respondent allowed another person to read a different
7 client's file without receiving her client's permission to do so.

8 8.

9 Interns are also required to limit access to client records. *See* OAR 833-100-0051(7).
10 Respondent failed to protect client confidences when she worked on client matters at home using
11 an unsecured computer and failed to guard the confidentiality of her client scheduling book.

12 9.

13 Based on the above, the Board proposes to impose discipline on Respondent for the
14 following reasons:

- 15 A. Respondent failed to act in accordance with the highest standards of professional
16 integrity and competence when she engaged in the conduct described above in
17 violation of ORS 675.745(1)(e), ORS 675.720(5), OAR 833-100-0041(1) and
18 OAR 833-100-0061(1);
- 19 B. Respondent disclosed confidential client information without receiving informed,
20 written consent from her clients in violation of ORS 674.745(1)(e), ORS
21 675.720(5), ORS 675.765(1), OAR 833-100-0051(1) & (3); and
- 22 C. Respondent failed to limit access to client records in violation of ORS
23 674.745(1)(e), ORS 675.720(5), ORS 675.765(1), and OAR 833-100-0051(7).

10.

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

- A. Respondent shall receive a written reprimand; and
- B. Respondent shall pay all costs associated with this disciplinary process, including attorney fees pursuant to ORS 675.745(7).

NOTICE OF RIGHT TO REQUEST A HEARING

11.

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

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

If Respondent fails to request a hearing, Respondent's right to a hearing shall be considered waived.

12.

Pursuant to OAR 833-001-0010 and OAR 833-001-0015, if Respondent requests a hearing, Respondent is further required to promptly file with the Board, at the same time, a written Answer that includes the following:

- (a) An admission or denial of each factual matter alleged in the Notice of Intent to Impose Discipline; and
- (b) A short, plain statement of each relevant affirmative defense Respondent asserts.

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

3 13.

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

6 (a) Factual matters alleged in the Notice and not denied in Respondent's Answer
7 shall be presumed admitted;

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

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

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

14 14.

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

21 15.

22 In the event Respondent fails to request a hearing, withdraws her request for a hearing,
23 notifies the Board or the Administrative Law Judge assigned to this matter that Respondent does

1 not intend to appear for the hearing, or fails to appear for the hearing on this matter, the Board
2 may issue a Final Order by Default and impose the proposed discipline. Respondent's
3 submissions to the Board regarding the subject of this Application and all information in the
4 Board's files relevant to the subject of this case automatically become part of the evidentiary
5 record upon default for the purpose of proving a *prima facie* case. ORS 183.417(4).

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7 DATED: September 13, 2011.

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Oregon Board of Licensed Professional
Counselors and Therapists

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By Becky Eklund
Becky Eklund, Executive Director

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CERTIFICATE OF SERVICE

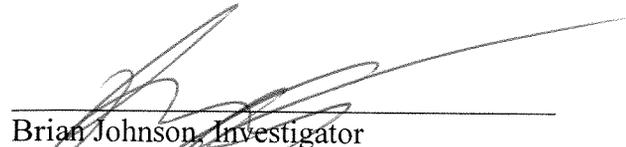
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I hereby certify that on the 14th day of September, 2011, I served the foregoing **Notice of Intent to Impose Discipline and Right to Request Hearing and Notice of Contested Case**

1 **Rights and Procedures** by depositing a true copy of the same in a sealed envelope sent by
2 regular and certified mail, addressed as follows:

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4 Tonya A. Vee
9785 SW Inglewood Street
5 Portland OR 97207
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8 
9 Brian Johnson, Investigator
Board of Licensed Professional Counselors
and Therapists

10 cc: Kelly M. Gabliks, DOJ
11 Department of Justice
General Counsel/Business Activities Section
12 1162 Court Street NE
Salem OR 97310
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