

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

In the Matter of the Civil Penalty Following )  
Continuing Education Audit )

STIPULATED  
FINAL ORDER

**Diane L. Watson, MA, LPC**

Pursuant to ORS 675.745 and 675.785, the Board of Licensed Professional Counselors and Therapists (Board), as a result of the audit of the continuing education reported by Diane L. Watson (Licensee) submitted as a condition of renewal of her license as a professional counselor, number C0431, in April 2000, proposed a civil penalty for failure to adequately document training in compliance with Board documentation and content standards.

Pursuant to ORS 183.415(5) and OAR 833-050-0030, in order to informally dispose of and settle this matter by this stipulated final order (the "Stipulation"), the Licensee and the Board by and through its Administrator make the following statements:

1.

Licensee:

- (1) Believes that she met the continuing education requirements, selecting in good faith relevant programs meeting the program and content requirements established by the Board and obtaining and submitting copies of documents she considers to be adequate proof of attendance at these program.
- (2) Acknowledges that she participated in continuing education that facilitated her position as the Dean of Student Services, an academic and administrative position that does not involve the direct provision of therapeutic services, and that the main focus of her continuing education trainings did not involve her abilities to provide better therapeutic services; but believes that it would have been a question of fact or law as to whether references with the applicable Oregon Administrative rules to continuing education meeting the "professional needs of licensee's intended clientele" may have been reasonably interpreted by a licensee to refer to meeting the needs of students for the kind of knowledge and information typically provided by school counselors and supervisors of school counselors where, as here, the professional counselor is a graduate of a school counseling program, has practiced in the area of school counseling and where school counseling is a generally recognized specialty within the field of professional counseling.
- (3) Admits she made a number of assumptions about continuing education and the audit process, but did not pursue clarification of her assumptions by contacting the Board office or further studying the Guidelines for Continuing Education, or further referring to the renewal instructions regarding continuing education reporting and audit.
- (4) Acknowledges that written audit instructions stated she would be notified when the audit was completed or if there was a problem or compliance was not indicated; but believes that it would be an issue of fact whether an assumption that renewal of her license subsequent to submission of audit materials or after the passage of time was either an indication of compliance or that the audit was completed or reasonably could have been interpreted as an indication of compliance or that the audit was completed.

(5) Understands that the Board does not and has never offered an “inactive” status, that she is not “inactive”, but an “active” licensee who is not currently practicing counseling as defined in ORS 676.705(6).

(6) Assures the Board she was not practicing at the time of renewal in Spring 2000, is not currently practicing, and does not intend to practice for a couple years; therefore, could have qualified for a continuing education waiver.

2.

Licensee admits and stipulates she has been advised of her right to a hearing in this matter pursuant to ORS 183.415(2)(a) and to be represented by counsel at that hearing pursuant to ORS 183.415(3).

3.

Licensee waives her right to such a hearing and waives the right to be represented by an attorney at such a hearing.

4.

Licensee waives any and all civil claims or actions against the Board and its employees relating to this issue.

5.

The Board:

(1) Believes that while its continuing education requirements are not perfectly written, it is not unreasonable to expect (a) requirements that refer to professional activities of a person licensed as a professional counselor to mean counseling or therapeutic activities; (b) licensees to read the regulations in the context of being licensed to practice counseling; and (c) that the purpose of providing a proof of content is so the Board can determine the content fell within the acceptable education areas.

(2) Recognizes that Licensee did participated in a significant amount of professional training, retained descriptions of the content of the training reported, and made an effort to provide the Board with proof of attendance; at issue are: (a) the form of proof of attendance and (b) that the description of the content of the training programs does not show that the focus of the training fell within the approved areas of education for counselors adopted by the Board.

(3) Further recognizes that, with more detailed content documents that were not readily available to Licensee upon completion of the programs, many of the conferences may have included hours specifically related to career counseling and development, which is the Licensee’s specialty.

(4) Notes that the purpose of continuing education is to encourage updating and expanding the skills used in the practice of counseling for the benefit of the clients receiving counseling.

(5) Agrees that because Licensee was not and is not practicing, Licensee qualified for waiver of completion and reporting of continuing education as a condition for renewal in Spring 2000 and, had Licensee submitted a request for waiver prior to renewal date, April 1, 2000, would have been granted a waiver.

(6) Notes that while the Board has the right to assess a civil penalty, licensees did not know at time audit materials were due that they could be fined up to \$1,000 for completing courses the Board would find unacceptable.

6.

The Board and Licensee stipulate to the following: That the Board has jurisdiction, and the right to levy a civil penalty if the Board were to prove that the licensee violated either the licensure statute or one or more of the rules of the Board, specifically relating to completing and documenting continuing education.

7.

The Board and Licensee agree that the following matter may be concluded by the entry of this Stipulation on the following terms:

(A) Licensee has signed and is submitting (attached) a request for a continuing education waiver effective for renewal date April 1, 2002;

(B) Licensee agrees to pay a \$300 settlement fee and is submitting an attached check or money order in the amount of \$300 made payable to the Board of Counselors and Therapists;

(C) The Board, upon receipt of the settlement fee, signed Stipulation, and signed Request for Continuing Education Waiver,

(1) grants approval of the waiver which includes a provision for completing 20 hours of attended continuing education which she agrees will have been designed for practicing counselors with its focus on therapeutic skills, approaches, theories and documenting her completion by certificate of attendance or written verification and supporting descriptive publications from the provider of the training for acceptance by the Board as a condition for her return to practice; and

(2) withdraws its proposed order, taking no disciplinary action in this case.

8.

If the Board finds, after a contested case hearing, that the Licensee has materially violated any of the terms of this stipulation, the violation shall constitute ground for suspension of license.

IT IS SO STIPULATED

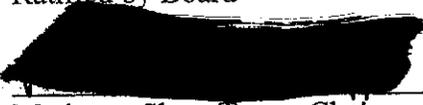
  
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Diane L. Watson, LPC

10/16/2001  
Date

Board of Licensed Professional Counselors  
and Therapists

by   
Carol F. Fleming, Administrator  
Oregon Board of Licensed Professional Counselors & Therapists  
3218 Pringle Rd, SE #160  
Salem, OR 97302-6312

10/17/2001  
Date

Ratified by Board  
  
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Marianne Shaw Trapp, Chair  
Date 10/26/01