BEFORE THE

BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF OREGON

In the Matter of the Conduct of:	) AGENCY NO: OBPE #2013-017 and 2013-050
NINA BINGHAM	)
Respondent	) DEFAULT ORDER

1.

The Board of Psychologist Examiners (Board) is the state agency responsible for licensing and disciplining psychologists, and for regulating the practice of psychology in the State of Oregon. The Board is also responsible for enforcing the laws against the unlicensed practice of psychology in the state of Oregon. Nina Bingham (Respondent) is not licensed by the Board to practice psychology in the state of Oregon.

2.

The Board opened an investigation in 2013 in regard to allegations that Respondent has engaged in the unlicensed practice of psychology in Oregon. On October 13, 2013, the Board issued a Notice of Intent to Impose Civil Penalty (Notice) in which it proposed to impose a civil penalty of $2,500 against Respondent, pursuant to ORS 675.020(1)(a) and (b), ORS 675.070(1)(g) and ORS 675.070(3)(b)(E), for engaging in the unlicensed practice of psychology and for representing herself to be a psychologist by offering or rendering services included in the practice of psychology. Respondent requested a hearing and the matter was referred to the Office of Administrative Hearings for scheduling. A hearing was scheduled for March 18, 2014. After issuance of Notice, the Board received a complaint from a consumer against Respondent. After investigation of the complaint, the Board issued an Amended Notice of intent To Impose Civil Penalty (Amended Notice) in which it proposed to impose civil penalties of $10,000 against Respondent, pursuant to ORS 675.020(1)(a) and (b), ORS 675.070(1)(g) and ORS

675.070(3)(b)(E), for engaging in the unlicensed practice of psychology and for representing herself to be a psychologist by offering or rendering services included in the practice of psychology. As a result of the Board's second investigation, the original hearing was rescheduled to July 2, 2014. Respondent was provided with the Notice of In Person hearing in each instance. Respondent failed to appear for the hearing scheduled on July 2, 2014. As a result, Respondent is in default. The Board's Amended Notice designated the record of proceeding to date, which consists of Respondent's file with the Board as the record for purposes of proving a prima facie case, pursuant to ORS 183.417(4).

NOW THEREFORE, after considering the Board's file relating to this matter, the Board enters the following Order.

3.

FINDINGS OF FACT

Respondent's acts and conduct that constituted the unlicensed practice of psychology, to include representing herself as a psychologist by offering or rendering services included in the practice of psychology, and violated ORS 675.020(1)(a) and (b), ORS 675.070(1)(g) and ORS 675.070(3)(b)(E) are more particularly described below:

3.1 At all times material herein, Respondent was not a licensed psychologist, and did not hold a license from any health care professional board in the State of Oregon.

3.2 Licensee has multiple advertisements, documents, and written representations on the internet as stating that Respondent is a "Certified Clinical Hypnotherapist," that she is a "mental health counselor," is a "Qualified Mental Health Care Associate for the State of Oregon." And that she has a BA in Applied Psychology and AA in Psychology.

3.3 Respondent posted an article on her website "Catharsis Life Coaching and Clinical Hypnotherapy" entitled: "How to integrate Hypnotherapy into Psychotherapeutic Practice" in which she identifies mental disorders that respond positively to hypnotherapy. The Catharsis website also offers "life coaching" which Respondent describes as follows: "*How Life Coaching Can help you: "The effectiveness of Life Coaching, in randomized and controlled*

research studies, can indeed enhance goal attainment, well-being, resilience, and reduce stress, anxiety and depression. 90% of those who utilized coaching reported positive effects."

3.4 Respondent has listed the following credentials on the professional website "LinkedIn" with regard to her qualifications to practice: "Mental Health Counselor and Certified Clinical Hypnotherapist, specializing in affective disorders including: Anxiety Disorder, panic Disorder, Depression, PTSD, Phobias, Addictions, Stress, Smoking Cessation, and Weight Loss."

3.5 HG is an adult female who responded to a Groupon advertisement offering 3 therapy sessions with Respondent for $100. On July 3, 2013, HG met with Respondent at the Catharsis Counseling & Mental Health Clinic for the first session. As part of the first session HG filled out an intake form in which she disclosed a variety of reasons for seeking counseling. During a second session on July 31, 2013, Respondent informed HG that she suspected HG had a form of Autism or perhaps Asperger's Syndrome. When HG challenged the diagnosis, Respondent insisted that HG had the diagnosis of Asperger's Syndrome.

4.

CONCLUSIONS OF LAW

The acts and conduct of Respondent described above constituted the unlicensed practice of psychology as well as representing herself as a psychologist by offering or rendering services included in the practice of psychology, in violation of ORS 675.020(1) (a) and (b), ORS 675.070(1) (g) and ORS 675.070(3)(b)(E).

5.

ORDER

IT IS HEREBY ORDERED THAT Nina Bingham, Respondent, pay a civil penalty of $10,000 within 30 days from the date this order is signed by the Executive Director.

DATED this 21st day of July, 2014.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

Redacted

Becky Eklund
Executive Director

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS 183.482. If this Order was personally delivered to you, the date of service is the day it was mailed, not the day you received it. If you do not file a petition for judicial review within the 60 days time period, you will lose your right to appeal.

BEFORE THE

BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF OREGON

In the Matter of the Conduct of:	) AGENCY NO: OBPE #2013-017 & 2013-050
NINA BINGHAM	)
Respondent	) AMENDED NOTICE OF INTENT TO IMPOSE CIVIL PENALTY

1.

The Board of Psychologist Examiners (Board) is the state agency responsible for licensing and disciplining psychologists, and for regulating the practice of psychology in the State of Oregon. The Board is also responsible for enforcing the laws against the unlicensed practice of psychology in the state of Oregon. Nina Bingham (Respondent) is not licensed by the Board to practice psychology in the state of Oregon.

2.

The Board proposes to impose a civil penalty of $10,000 against Respondent, pursuant to ORS 675.020(1)(a) and (b), ORS 675.070(1)(g) and ORS 675.070(3)(b)(E), for engaging in the unlicensed practice of psychology and by representing herself to be a psychologist by offering or rendering services included in the practice of psychology.

3.

Respondent's violations of ORS 675.020(1)(a) and (b), ORS 675.070(1)(g) and ORS 675.070(3)(b)(E) are more particularly described below:

3.1 Respondent is not a licensed psychologist, and does not hold a license in any health care profession in the State of Oregon. Nevertheless, Licensee has multiple advertisements, documents, and written representations on the internet stating that Respondent is a "Certified Clinical Hypnotherapist," that she is a "mental health counselor," is a "Qualified

Mental Health Care Associate for the State of Oregon," and that she has a BA in Applied Psychology and an AA in Psychology. Respondent has also posted an article on the internet entitled: "How to Integrate Hypnotherapy into Psychotherapeutic Practice" in which she identifies mental disorders that respond positively to hypnotherapy. On yet another internet site, Respondent has listed the following credentials in regard to her qualifications and practice: "Mental Health Counselor and Certified Clinical Hypnotherapist, specializing in affective disorders including: Anxiety Disorder, Panic Disorder, Depression, PTSD, Phobias, Addictions, Stress, Smoking Cessation, and Weight Loss." Licensee has also posted on her own website that she offers "Life Coaching" and presents a quote on her website that states the following: "*How Life Coaching can help you: "The effectiveness of Life Coaching, in randomized and controlled research studies, can indeed enhance goal attainment, well-being, resilience, and reduce stress, anxiety and depression. 90% of those who utilyzed coaching reported positive effects."* By making the aforementioned statements to the public, Respondent has represented to the public that she offers therapy services to individuals for the purpose of diagnosing, or treating behavioral, emotional or mental disorders without an appropriate license, in violation of ORS 675.020(1)(a) and (b).

3.2 HG, an adult female, responded to a Groupon advertisement that offered 3 therapy sessions for $100 with Respondent. On July 13, 2013, HG subsequently met with Respondent at the Catharsis Counseling & Mental Health clinic for the first session. During the second session on July 31, 2013, Respondent informed HG that she suspected that HG had a form of Autism, perhaps Asperger's Syndrome. HG challenged that diagnosis and asked Respondent to read the diagnostic criteria from the Diagnostic Statistical Manual. Respondent complied. Nevertheless, Respondent insisted that HG had the diagnosis of Asperger's Syndrome. By meeting with a client in an clinical setting and providing a mental health diagnosis, Respondent violated ORS 675.020(1)(a), practicing psychology in this state without first being licensed.

4.

The Board has authority to impose a civil penalty of up to $10,000 against Respondent for practicing psychology without a license or representing that she offers services included in the practice of psychology without having a license to practice psychology, pursuant to ORS 675.020(1)(a) and (b), ORS 675.070(1)(g), and ORS 675.070(3)(b)(E).

5.

Respondent has the right, if Respondent requests, to have a formal contested case hearing before an Administrative Law Judge to contest the matter set out above, as provided by Oregon Revised Statutes 183.310 to 183.497. At the hearing, Respondent may be represented by an attorney and subpoena and cross-examine witnesses.

6.

If Respondent requests a hearing, the request must be made in writing to the Board, must be received by the Board within thirty (30) days from the mailing of this notice, and must be accompanied by a written answer to the charges contained in this notice. Before commencement of the hearing, Respondent will be given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing as required under ORS 183.413-415.

7.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil.

8.

If Respondent fails to request a hearing within 30 days, or fails to appear at the hearing as scheduled, the Board may issue a final order by default and impose the above sanctions against

Respondent. Respondent's submissions to the Board to-date regarding the subject of this disciplinary case and all information in the Board's files relevant to the subject of this case automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a *prima facie* case. ORS 183.417(4).

DATED this 21 day of March, 2014.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

Redacted

Becky Eklund
Executive Director

BEFORE THE

BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF OREGON

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NINA BINGHAM	) NOTICE OF INTENT TO IMPOSE CIVIL PENALTY
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DATED this 1st day of October, 2013.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

Redacted

Becky Eklund
Executive Director