

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

In the Matter of:) Case No. 2017-006
)
 STACEY BARTHOLOMEW, LPC) NOTICE OF INTENT TO IMPOSE TERMS
) OF DISCIPLINE

1.

The Oregon Board of Licensed Professional Counselors and Therapists (Board) is the state agency responsible for licensing, regulating and disciplining licensed professional counselors (LPC) and licensed marriage and family therapists (LMFT) in the State of Oregon. Stacey Bartholomew (Licensee) is a LPC in the State of Oregon.

2.

The Board proposes to revoke Licensee's professional counselor license and order that Licensee pay the costs of the disciplinary process.

3.

The Board has adopted a Code of Ethics (Code) that applies to all mental health professionals licensed by the Board. See OAR 833, Division 100. The Code “constitutes the standards against which the required professional conduct of licensed professional counselors and marriage and family therapists is measured.” OAR 833-100-0011(1). The Code’s goal is “the welfare and protection of the individuals and groups with whom counselors and therapists work.” *Id.*

4.

Licensee's acts and conduct alleged to violate ORS 675.745 and the specified code of ethics follow:

4.1 During the course of her duties at Linn County Mental Health in 2015, Licensee began to provide mental health counseling services to Client A, an adult female. On or about

1 October 13, 2015, Licensee reports that she received a letter from Client A professing her
2 attraction to Licensee. Licensee disclosed the contents of this letter to a professional colleague.
3 They discussed certain ethical concerns, to include the ethical imperative that Licensee must not
4 have contact with Client A outside of the office. Licensee subsequently terminated the
5 therapist/client relationship on October 20, 2015. Several weeks later, Licensee initiated contact
6 with Client A through social media. Licensee subsequently entered into a personal/sexual
7 relationship with Client A that continued into March of 2016. This relationship caused Client A
8 to suffer mental and emotional distress.

9 4.2 By engaging in the conduct set forth above, Licensee engaged in a dual/sexual
10 relationship with Client A that violated ORS 675.745(1)(d) gross negligence and ORS
11 675.745(1)(e), in that her conduct violated one or more rules of the Board, to include the Code of
12 Ethics, as follows:

13 a. OAR 833-100-0021(1) Responsibility, a licensee's primary professional
14 responsibility is to the client and must make every reasonable effort to advance the welfare and
15 best interests of all clients.

16 b. OAR 833-100-0031(1), Client Welfare, licensees strive to benefit those
17 with whom they work and take care to do no harm.

18 c. OAR 833-100-0041(1), (5), Integrity, licensees act in accordance with the
19 highest standards of professional integrity and competence and do not engage in a sexual
20 relationship with a former client for three years from the termination of services.

21 5.

22 The Board has authority to impose terms of discipline, to include revoking her license as
23 a professional counselor and to assess the costs of the disciplinary process, including attorney
24 fees, pursuant to ORS 675.745(1), (2) and (7). The Board has authority to investigate complaints
25 under ORS 675.785(5). The Board reserves the right to amend this Notice and impose additional
26 sanctions as allowed under the Board's authority.

1 6.

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

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

7 Oregon Board of Licensed Professional Counselors and Therapists

8 3218 Pringle Road SE, Suite 120

9 Salem, OR 97302-6312

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

11 7.

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

15 8.

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

17 Pursuant to OAR 833-001-0015(3), if Licensee fails to file an Answer, the following
18 consequences will occur:

19 (a) Licensee's failure to raise a particular defense in Licensee's Answer shall be
20 considered a waiver of such defense;

21 (b) New matters alleged in Licensee's Answer (affirmative defenses) are presumed to
22 be denied by the Board; and

23 (c) Evidence shall not be taken on any issue not raised in the Notice or Licensee's
24 Answer.

25 9.

26 If Licensee requests a hearing, Licensee will be notified of the time and date of the
27 hearing. The hearing will be conducted according to the contested case procedures described in

1 ORS 183.411 to 183.470 and OAR 137-003-0501 to 0700. Licensee has the right to represent
2 herself at such hearing or to be represented by legal counsel. Attached is information on
3 procedures, right of representation and other rights of Licensees relating to the conduct of the
4 hearing as required by ORS 183.413(2) (Notice of Contested Case Rights and Procedures).

5 10.

6 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

7 Active duty service members have a right to stay these proceedings under the federal
8 service members Civil Relief Act. For more information contact the Oregon State Bar at 800-
9 452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed
10 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

11 11.

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

19 DATED: August 1, 2017.

20 Oregon Board of Licensed Professional
21 Counselors and Therapists

22 By 
23 Charles Hill
24 Executive Director
25
26
27