

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

In the Matter of) Agency Case No. 2016-006
DANETTE BUCHANAN, LPC) NOTICE OF INTENT TO IMPOSE
) TERMS OF DISCIPLINE
Licensee

1.

9 The Board of Licensed Professional Counselors and Therapists (Board) is the state
10 agency responsible for licensing, regulating, and disciplining licensed professional counselors,
11 licensed marriage and family therapists. ORS 675.705 to 675.835; OAR 833-001-0000 to 833-
12 130-0080. Danette Buchanan, LPC, (Licensee) holds an active license to practice as a licensed
13 professional counselor in the State of Oregon.

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15 The Board proposes to take disciplinary action against Licensee by imposing terms of
16 discipline, consisting of a reprimand and to require Licensee to pay the costs of the disciplinary
17 process, which will be determined and provided in an addendum at the conclusion of the
18 disciplinary process.

3.

20 The Board has adopted a Code of Ethics (Code) that applies to all Licensees. See OAR
21 833, Division 100. The Code “constitutes the standards against which the required professional
22 conduct of licensed professional counselors and marriage and family therapists is measured.”
23 OAR 833-100-0011(1). The Code’s goal is “the welfare and protection of the individuals and
24 groups with whom counselors and therapists work.” *Id.*

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

4 4.1 Patient A initially presented to Licensee for professional counseling in late
5 January 2016. Licensee conducted a complete intake assessment, documenting current
6 symptoms, clinical sessions, and diagnoses. After the first session, Licensee identified a working
7 diagnosis. During a subsequent counseling session, Client A disclosed that she had a felony
8 conviction and had been incarcerated, which had a negative impact on her personal life and
9 marriage. Licensee subsequently submitted a public records request to the Oregon State Police,
10 seeking a copy of Client A's criminal offender information and identifying "Danette Buchanan
11 Pastoral Counseling LLC" as the requestor. Licensee did this without first informing Client A
12 and without obtaining her consent. Client A subsequently received written notice from the
13 Oregon State Police that Licensee had requested a criminal background check on her. Client A
14 experienced emotional distress upon receiving this information.

15 4.2 Licensee's above described conduct violated the Code of Ethics, specifically the
16 following:

17 a. OAR 833-100-0021(1) and (14) Responsibility, in that Licensee failed to
18 make every reasonable effort to advance the welfare and best interest of his client; and Licensee
19 failed to obtain written informed consent from Client A prior to submitting a public records
20 request to obtain the criminal offender information.

24 c. OAR 833-100-0051(1), (3) and (4) Confidentiality. By submitting a
25 public records request to the Oregon State Police without Client A's consent, Licensee
26 failed to hold in confidence all information obtained in the course of professional services.

4 5.

5 The Board has authority to impose a reprimand and to assess a civil penalty and costs of
6 the disciplinary process pursuant to ORS 675.745(2). The Board has authority to investigate
7 complaints under ORS 675.785(5). The Board reserves the right to amend this Notice and
8 impose additional sanctions as allowed under the Board's authority.

NOTICE OF RIGHT TO REQUEST A HEARING

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

15 Oregon Board of Licensed Professional Counselors and Therapists
16 3218 Pringle Road SE, Suite 250
17 Salem, OR 97302-6312

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

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

NOTICE OF CONSEQUENCES OF FAILURE TO FILE AN ANSWER

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

- (a) Licensee's failure to raise a particular defense in Licensee's Answer shall be considered a waiver of such defense;
- (b) New matters alleged in Licensee's Answer (affirmative defenses) are presumed to be denied by the Board; and
- (c) Evidence shall not be taken on any issue not raised in the Notice or Licensee's Answer.

9.

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

NOTICE TO ACTIVE DUTY SERVICE MEMBERS

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16 Active duty service members have a right to stay these proceedings under the federal
17 service members Civil Relief Act. For more information contact the Oregon State Bar at 800-
18 452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed
19 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

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21 In the event Licensee fails to request a hearing, withdraws his request for a hearing,
22 notifies the Board or the Administrative Law Judge assigned to this matter that Licensee does not
23 intend to appear for the hearing, or fails to appear for the hearing on this matter, the Board may
24 issue a Final Order by Default and impose the proposed discipline. Licensee's submissions to
25 the Board regarding the subject of this board action and all information in the Board's files
26 relevant to the subject of this case automatically become part of the evidentiary record upon

1 default for the purpose of proving a *prima facie* case. ORS 183.417(4).

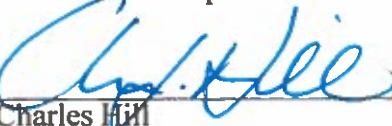
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3 DATED: June 13, 2016.

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Oregon Board of Licensed Professional
5 Counselors & Therapists

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By 
7 Charles Hill
Executive Director

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