

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

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

1.

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

2.

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

3.

The Board has adopted a Code of Ethics (Code) that applies to all Licensees. 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.*

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1 4.

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.

21 b. OAR 833-100-0031(1), (2), and (3) Client Welfare, in that Licensee failed  
22 to take care to do no harm to Client A and failed to treat the client at all times in a caring, fair,  
23 courteous and respectful manner.

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.

d. OAR 833-100-0061 Conduct and Competence, in that Licensee failed to respect the traditions of the profession and engaged in conduct that brings discredit to the profession.

5.

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

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

6.

Pursuant to the Oregon Administrative Procedures Act, ORS Chapter 183, Licensee 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 Licensee fails to request a hearing, Licensee's right to a hearing shall be considered waived.

7.

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

### NOTICE OF CONSEQUENCES OF FAILURE TO FILE AN ANSWER

8.

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

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

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

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

7 9.

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

14 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

15 10.

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>.

20 11.

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).

2  
3 DATED: June 13, 2016.

4 Oregon Board of Licensed Professional  
5 Counselors & Therapists

6  
7 By

  
Charles Hill  
Executive Director