

1 OAR 833-100-0011(1). The Code’s goal is “the welfare and protection of the individuals and
2 groups with whom counselors and therapists work.” *Id.*

3 4.

4 Licensee’s acts and conduct alleged to violate ORS 675.745 and the specified code of
5 ethics follow: Licensee began to meet with Client A, an adult female, for individual therapy
6 sessions in June of 2015, and started to provide marriage therapy to Client A and her adult male
7 husband, Client B, on July 15, 2015. Client A informed Licensee that Client B had been verbally
8 and emotionally abusive to her during their marriage, but that she and her husband wanted to
9 work on their marriage and were committed to six months of marriage therapy. During the first
10 couple’s session on July 15th, Licensee had Client A and Client B sign a “Limitation of
11 Confidentiality” agreement, which contained a “no secrets” policy regarding couples and family
12 therapy. Licensee proceeded to meet with Client A and B as a couple and individually on
13 various occasions for the next five months. During this time, Licensee formed an alliance with
14 Client B, and they frequently shared personal information, to include diagnostic impressions,
15 about Client A via e-mail, to include affirming Client B in his behavior and personal
16 observations about Client A (to include a “mooning” episode). On one occasion, Client B asked
17 Licensee to keep confidential “for now” an appointment between Licensee and Client B and not
18 to tell Client A about it. Licensee later related that Client A expressed a sense of betrayal when
19 she did find out about it. On November 10, 2015, Client A met with Licensee for an individual
20 session. Client A informed Licensee that she was terminating care from Licensee and was
21 transferring to another counselor through “Allies in Change” because they specialize in domestic
22 violence. Client A also informed Licensee that she planned on leaving her husband and opening
23 a separate checking account after Christmas. Client A specifically asked Licensee not to share
24 this information with Client B. On November 19, 2015, Client A sent a follow-up email to
25 Licensee reminding her that she planned to separate from Client B “after Xmas.” Client A
26 explained that she saw no other option because staying in the relationship would be very

1 damaging to their children and was “destroying me.” Client A repeatedly asked Licensee to be
2 “very careful what you say about me” and that “anything negative” would be used by him for
3 years to come. Licensee subsequently met with Client B on December 28, 2015. During that
4 session, Licensee informed Client B that Client A intended to separate from him. There was a
5 subsequent emotional confrontation between Client A and Client B. Licensee did not provide
6 prior notice and did not obtain Client A’s consent before informing Client B that Client A
7 intended to separate from him.

8 5.

9 Licensee’s above described conduct violated the Code of Ethics, as explained below:

10 5.1 Licensee violated OAR 833-100-0021(1), Responsibility, by failing to make
11 every effort to advance the welfare and best interests of her client, Client A. Licensee failed to
12 recognize during the course of individual and couple’s sessions that she was forming an alliance
13 with Client B, and a bias in regard to Client A.

14 5.2 Licensee violated OAR 833-100-0031(1) and (2), Client Welfare, by failing to
15 take care to do no harm, by failing to take reasonable steps to avoid harm to a client by informing
16 Client B of Client A’s plan to separate, despite being specifically asked not to do so, and without
17 notifying Client A in advance or obtaining her consent to make that disclosure; and by forming
18 an alliance with Client B, by affirming him in some of his behaviors and sharing diagnostic
19 impressions with him regarding Client A.

20 5.3 Licensee violated OAR 833-100-0041(11), by failing to act in accordance with
21 the highest standards of professional integrity in regard to Client A by failing to inform her of a
22 divergence interests, values, attitudes, or biases between a client and Licensee that is sufficient to
23 impair their professional relationship.

24 5.4 Licensee violated OAR 833-100-0051 (2), (5) and (14), by using any confidence
25 by a client to the client’s disadvantage; by failing to provide special care to inform clients of the
26 limits of confidentiality when providing services to a couple and by revealing Client A’s

1 confidences to Client B without obtaining prior written permission; and by failing to minimize
2 the risk of confusion and conflict during the course of providing individual counseling to both
3 Client A and Client B.

4 6.

5 The Board has authority to revoke a license to practice and to assess the costs of the
6 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.

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

10 7.

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.

19 8.

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.

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

24 9.

25 Pursuant to OAR 833-001-0015(3), if Licensee fails to file an Answer, the following
26 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 10.

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 herself 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 11.

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 12.

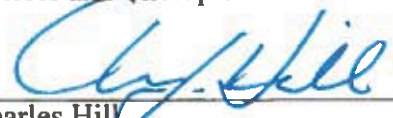
21 In the event Licensee fails to request a hearing, withdraws her request for a hearing,
22 notifies the Board or the Administrative Law Judge assigned to this matter that Licensee does not
23 intend to appear for the hearing, or fails to appear for the hearing on this matter, the Board may
24 issue 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

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1 relevant to the subject of this case automatically become part of the evidentiary record upon
2 default for the purpose of proving a *prima facie* case. ORS 183.417(4).

3 DATED: June 13, 2016.

4 Oregon Board of Licensed Professional
5 Counselors and Therapists

6 By 
7 Charles Hill
8 Executive Director
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