

**BEFORE THE  
HEALTH LICENSING OFFICE  
SEXUAL OFFENSE TREATMENT BOARD**

In the Matter of: )  
**MILLIGAN, LYNETTE** ) **FINAL ORDER BY DEFAULT**  
STB-T-10130007 )  
Respondent. ) File No. 17-8494

## HISTORY OF THE CASE

On August 15, 2019, the Health Licensing Office, Sexual Offense Treatment Board (Board),<sup>1</sup> issued Lynette Milligan (Respondent) a notice of Intent to Assess a Civil Penalty, Impose Additional Discipline and Notice of Right to Request a Hearing. Respondent had 30 days to request a hearing. Respondent did not request a hearing.

**NOW, THEREFORE**, after consideration of the relevant records and files of the Health Licensing Office relating to this matter, the Health Licensing Office enters the following Findings of Fact, Conclusions of Law, and Final Order:

## **PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW**

1. At all relevant times Respondent held Sex Offender Therapist license STB-T-10130007, issued by the HLO through the grandfathering pathway. At all relevant times, Respondent did not hold any other mental health license in Oregon.
2. **Between March 14, 2016, and June 7, 2017**, Respondent met with R.M., who had not been adjudicated of a sex crime or sex offense and mandated by a court or other releasing authority to successfully complete a sex offender treatment program, in order to determine if Respondent could provide sex offender related treatment services for R.M. Respondent met with R.M. on at least six occasions in order to evaluate whether he was a candidate for sex offender treatment. During Respondent's interviews of R.M., Respondent gathered background information to make this determination, evaluated and assessed this information, and referred R.M. for a polygraph to determine whether he was a candidate for further sex offender treatment. Respondent had R.M. sign consent forms to share his "treatment progress and results of assessments and evaluations of myself for the purpose of continuity and integration of treatment services." Providing evaluation and assessment services to an unadjudicated client constitutes sex offender treatment that is outside the scope of the Respondent's license and is prohibited under ORS 675.385(2)(e). Providing evaluation and assessment services to an

<sup>1</sup> On January 1, 2019, the Sex Offender Treatment Board was renamed to Sexual Offense Treatment Board.

2 unadjudicated client constitutes sex offender treatment that is outside the scope of the  
3 Respondent's license, and for which Respondent has no other mental health license authorizing  
4 such services, constitutes unprofessional conduct, a violation of ORS 676.612.(2)(j) a cause  
for discipline under ORS 676.612(2)(m).<sup>2</sup>

6 **APPLICABLE LAW**

8 **675.365 Definitions for ORS 675.360 to 675.410. As used in ORS 675.360 to 675.410:**

10 (3) "Certified sex offender therapist" means a certified clinical sex offender therapist or a certified  
12 associate sex offender therapist.

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16 (6) "Sex offender" means a person convicted or adjudicated of a sex crime, as defined in ORS  
18 163A.005, or a sexual offense, as provided in ORS 163.305 to 163.467, and mandated by a court,  
20 a releasing authority, including the Oregon Youth Authority, or the Oregon Health Authority to  
successfully complete a sex offender treatment program.

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20 (7) "Sex offender treatment" means the process of evaluation, assessment and reformation of sex  
offenders.

22 **ORS 676.612(2)(j) Unprofessional conduct, negligence, incompetence, repeated violations or any  
24 departure from or failure to conform to standards of practice in performing services or practicing  
under ORS 676.583.**

26 **675.385 Disciplinary authority of Health Licensing Office; grounds for discipline;  
28 authorized sanctions.** (1) In the manner prescribed in ORS chapter 183 for contested cases, and  
30 at the direction of the Sex Offender Treatment Board, the Health Licensing Office may impose a  
form of discipline listed in ORS 676.612 against any certified sex offender therapist for any of  
the grounds listed in ORS 676.612 and for any violation of the provisions of ORS 675.360 to  
675.410, or the rules adopted thereunder.

32 (2) The office may impose disciplinary sanctions against a certified sex offender therapist for  
any of the following reasons:

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36 (e) The person has practiced beyond the scope of the person's certification under ORS  
675.380.

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<sup>2</sup> The statutes referenced were the statute in effect between March 14, 2016 and June 7, 2017.

**OPINION**

4 At the time of Respondents initial licensure Respondent didn't have a mental health  
6 license and was only able to provide treatment to convicted or adjudicated adult offenders  
8 as defined in ORS 675.365. Respondent worked outside the scope of her licensure when  
10 Respondent evaluated an individual who was not convicted or adjudicated of a sexual  
12 specific crime, which is a violation of ORS 675.380 and 676.612(2(j)).

**ORDER**

14 Pursuant to ORS 676.992(1)(i) and (2), ORS 675.385, and OAR 331-020-0060, the Health  
16 Licensing Office and the Sexual Offense Treatment Board issues the following ORDER:

18 1) The Respondent is assessed a civil penalty against the Respondent in the amount of \$2,500

20 2) The Respondent's license is on probation for a period of 18 months and the \$2,500 civil  
penalty is stayed with the following conditions:

22 2.1. The Respondent violates no laws or Oregon Administrative Rules for a period of 18  
months from the date this notice becomes final.

24 2.2. Respondent completes an Office approved course in ethics. Respondent is responsible  
26 for identifying a course and submitting the courses for approval by the Office.

28 2.3. Respondent must have client records for all sex offender treatment services provided  
30 during her probation reviewed quarterly, no more than five case files per case review.  
32 The reviewer must be a licensed psychologist who is also a certified clinical sex offender  
therapist approved by the Office. The reviewer must submit evidence of that review to  
the Office on a quarterly basis.

34 2.4. If the Respondent has not provided any sex offender treatment services, the Respondent  
36 will attest to that fact to the Office on a quarterly basis.

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2       3) If Respondent fails to meet any conditions of probation, the Office will assess the full \$2,500  
4            civil penalty and her clinical sex offender therapist license will be suspended until such time  
          the conditions of probation are met.

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10      DATED July 21, 2021

12      R Bothwell

14      Robert Bothwell, Manager  
16            Health Licensing Office Regulatory Operations Division  
18            for Sylvie Donaldson, Director  
          Health Licensing Office,  
          Sexual Offense Treatment Board

20      **Appeal Rights:** If you wish to appeal the Final Order By Default, you must file a petition for  
22            review with the Oregon Court of Appeals within 60 days from the day the Final Order By  
24            Default was served upon you. Judicial review is pursuant to the provisions of ORS 183.482. If  
26            the Final Order By Default was personally delivered to you, the date of service is the day you  
          received the Final Order By Default. If the Final Order By Default was mailed 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-day time period, you will lose your right to appeal.