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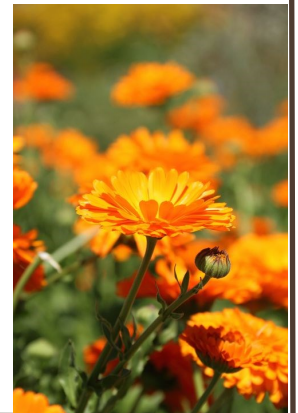
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## Director's Update

Greetings everyone. We are approaching the end of 2022 and I hope this newsletter finds you and yours healthy and well. Also, I want to take the opportunity to wish you all happiness and good tidings as we enter the holiday season.

The BOP held its annual strategic planning session on November 5<sup>th</sup> and had a robust meeting with several agenda items which included discussions on the following: Board Leadership Planning, Endorsement Licensing Process and Mobility, PSYPACT, Trauma Informed Approach to Sensitive Investigations, Compliance Case Backlog, Licensed Psychologist Title Use, Board Member Selection Process, Disaster Preparedness, Measure 109- Psilocybin, and Board Committees. In this newsletter, I want to touch on the highlights of two of the topic items: PSYPACT and Measure 109-Psilocybin.

**PSYPACT.** The BOP continues to see a lot of interest among licensees with regards to joining a national compact- PSYPACT. There are many considerations to take into account on this issue and the BOP is being very intentional and thoughtful in its discussion and deliberations. Back in 2017, the Board was in discussion with ASPPB (Association of State and Provincial Boards) about the possibility of joining the PSYPACT. At that time, ASPPB was in the beginning phases of establishing PSYPACT and as an incentive to being among the first to join, ASPPB was giving rule making authority to the first 7 states who tossed their hat into the ring. The Oregon BOP considered being among the first and commissioned and paid for a qualified legal opinion from the Oregon Department of Justice (DOJ). The legal analysis determined that there were significant constitutional challenges to joining the PSYPACT in 2017, thus, the BOP decided to table the topic and re-evaluate in 5 years. Well, 5 years have now passed, and the BOP is again evaluating whether it is possible and prudent to join PSYPACT. At the November 5, 2022, strategic planning meeting, the BOP identified several questions for consideration and will be engaging ASPPB and requesting a Q/A meeting with ASPPB during an upcoming Board meeting. As part of the plan, the BOP will also be reaching out to the early states who adopted PSYPACT to discuss any pros and cons. The BOP will also be contacting the remaining 17 holdout states to try to get a sense as to why they have not joined the PSYPACT. The BOP, through its customer satisfaction survey, is hearing from several licensees about their interest in this topic. We believe that 33 states are now members of the interstate PSYPACT and that states must be getting their concerns and issues ironed out. However, questions remain for the Oregon BOP, and we want to be thoughtful in our due diligence.



## Director's Update, Cont.

**MEASURE 109-PSILOCYBIN.** Later in this newsletter, LaRee Stashek, MHRA Policy Advisor is providing an article titled "Oregon Psilocybin Services" and I encourage you to all read her informative article. On November 1, 2022, the OPS section posted its proposed rules that covered licensing and facilitator conduct, among other topics. At the November 5, 2022, BOP strategic meeting the BOP reviewed the draft OHA rules relating to Psilocybin Services. The Board continues to have concerns that it will begin receiving complaints alleging unlicensed practice of Psychology by facilitators, and that this would place undue pressure on our investigative staff and our budget which is funded by our licensees. The BOP will be providing feedback to the Oregon Health Authority via rulemaking comment. Public comments are due to OHA by 5:00 pm on November 21, 2022.

–Charles Hill, Executive Director, Mental Health Regulatory Agency

*"Plans are nothing, but planning is everything" – Dwight D. Eisenhower*

## Enforcement Actions

During the period of time from July 12, 2022, to October 11, 2022, the Board took the following actions:

**Adam Heifetz** (Respondent) is not licensed by the Board to practice psychology in the State of Oregon. Respondent owns and operates Threshold Counseling in Portland, Oregon, and registered the website "threshold-counseling.com". According to the website, two "counselors" provide services at Threshold Counseling: Respondent and his wife, Sonja Heifetz, a Licensed Professional Counselor licensed by the Board. Respondent is not licensed by the Board or any other professional board in Oregon. Respondent's profile on the website states that, as a therapist, he relies upon a variety of "psychologies", and that he provides Transpersonal Counseling, Dream Analysis, and Spiritual Guidance. In or around March 2022, Individual A, an adult, contacted Respondent about the possibility that he would provide counseling services to her for anger issues, relationship issues, loneliness, and depression related to past trauma. Respondent sent Individual A a "Counseling Informed Consent" form that requested a variety of information, including a detailed medical history, and asked them to disclose their "symptomology" including symptoms such as: self-harm, thoughts of suicide, depression, anxiety, panic attacks, and more. Respondent informed Individual A that he was not licensed by the Board in Oregon, and that she could lodge a complaint against him with Spiritual Directors International. Spiritual Directors International is a corporation. Spiritual Directors International's Chief Operating Officer informed the Board's investigator that Spiritual Directors International is not a religious organization and that it does not have authority to regulate its registered members. Respondent is listed in the Psychology Today provider index, reporting that he provides services for a variety of issues, including anxiety and depression, and that his treatment approaches include Jungian, psychodynamic, and positive psychology therapies. The acts and conduct of Respondent described above constitute violations of ORS 675.020(1)(b). Respondent is ordered to pay a civil penalty of \$1,000.

## Enforcement Actions, Cont.

**Scott Senn, Psy.D** (Licensee) is licensed by the Board to practice psychology in the State of Oregon. Licensee was licensed by the board from April 28, 2006 to July 31, 2021. On June 15, 2021, the Board emailed Licensee to notify him that his license was due to be renewed on July 31, 2021. Licensee was sent a second reminder on June 30, 2021. Licensee did not take steps to renew his license by July 31, 2021. On August 1, 2021, the Board emailed Licensee to inform him that his license was in late renewal status and that he could renew within a 30-day grace period, by August 31, 2021. Licensee did not take steps to renew his license by August 31, 2021. On September 2, 2021, Licensee was notified by *the* Board via email that his license had expired, and that if he did not seek reinstatement of his license within 60 days of its expiration (July 31, 2021) he would have to reapply for licensure. On December 22, 2021, Licensee submitted an online application to the Board. On April 28, 2022, in email communications with Board staff, Licensee reported that he had been practicing psychology in Oregon from the date his license expired through March 2022. On May 17, 2022, Licensee's new license was issued. The acts and conduct of Licensee described above constitute violations of ORS 675.020(1)(a) and ORS 675.070(2)(h). Licensee was ordered to pay a civil penalty of \$1,000.

**Leia D.H. Hughey, Ph.D** (Licensee) is licensed by the Board to practice psychology in the State of Oregon. At all times relevant, Licensee owned and operated an equine therapy practice located in Corvallis, Oregon. In or about May 2018, Licensee took on as a supervisee in her practice an individual who was registered with the Oregon Board of Licensed Professional Counselors and Therapists (OBLPCT) as an LPC Intern. From September 2016 to June 2017, the LPC Intern had been employed at an in-patient psychiatric center where, it emerged, the LPC Intern had had a sexual relationship with a patient. The relationship was reported to the appropriate authorities in April 2018 and the LPC Intern admitted to the relationship in July 2018. Licensee was promptly notified of the LPC Intern's admission. On July 31, 2018, Licensee wrote to the OBLPCT described the LPC Intern's admitted sexual contact with a patient as an "allegation" and indicated that she intended to continue supervising the LPC Intern. Licensee modified the LPC Intern's employment contract to require self-reporting of "misconduct unbecoming of a counselor" and other self-monitored changes in behavior. With those modifications in the employment contract, Licensee allowed the LPC Intern continue to work with patients in her practice. The LPC Intern continued in that capacity until surrendering their registration to the OBLPCT in November 2018. Licensee's equine therapy practice employed "equine specialists" who provided care to the horses and were also responsible to assist licensed therapists when patients were engaging with the horses for equine facilitated therapy. Equine specialist employees were unlicensed and not adequately trained or educated to provide direct therapeutic services to patients. However, on multiple occasions beginning at least as early as 2020, Licensee was aware that equine specialist employees met with practice patients to facilitate equine therapy pursuant to Licensee's treatment plan without the presence of a licensed therapist. Beginning in September 2018, Licensee began using an electronic system for patient files and billing. Licensee switched systems in June 2019 and again in February 2020. None of the electronic systems provided a complete and accurate record of patient sessions or billing records. In multiple instances, session notes were unsigned or were ascribed to a different practitioner than who actually performed the patient services, with the result that some bills sent to payors did not reliably support the amounts and services for which payment was sought. Licensee neither admits nor denies, but the Board finds that Licensee violated Ethical Standards 3.04(a) Avoiding Harm, ES 2.05 Delegation of Work to Others, ES 6.01 Documentation of Professional Work and Maintenance of Records, and ES 6.06 Accuracy in Reports to Payors. Licensee was reprimanded, ordered to pay a civil penalty of \$10,000, and practice under supervision for a minimum of 2 years.

## Enforcement Actions, Cont.

**Alan Rappoport, Ph.D** (Licensee) is licensed by the Board to practice psychology in the State of Oregon. Sometime in 2014, Licensee, then located and licensed in California, began providing psychotherapy to Patient A who also resided in California. Licensee worked with Patient A generally weekly or twice a week for years. Licensee relocated to Oregon and, on June 12, 2019, became a licensee of the Board. Licensee has remained a Licensee of the Board continuously since that date. After Licensee relocated to Oregon, he continued to treat Patient A (who continued to live in California) remotely. Between approximately January and August 2021, Patient A tried psychiatric medication provided through a practitioner to whom she was referred by Licensee. Patient A reported that she found that none of the three medications she had tried were helpful in resolving her anxiety and depression. In response to Patient's A's lack of success with psychiatric medication, Licensee made Patient A aware of the "possible benefit of a psilocybin experience and gave her some information and encouraged her to do her own research." Licensee discussed the possible use of psilocybin with Patient A for several weeks and Patient A determined she wanted to try psilocybin, asking that Licensee be present for her experience, saying that Licensee was "the only person in the world she would trust to do that." Licensee agreed to be present. Out of professional interest, Licensee has closely followed the research regarding the therapeutic use of psilocybin. Licensee informed Patient A that the experience would last approximately 6 hours and planned with Patient A for her to travel from her home to Corvallis, Oregon (where he lived), for the experience. Licensee consulted with Patient A in the selection of an Air B&B rental property. Licensee recommended that Patient A take a 3.5 gram dose of psilocybin. In August or early September 2021, Patient A procured at least 4.5 grams psilocybin in whole-mushroom form from a source in California unknown to Licensee, but known to Patient A, and transported it to Corvallis, Oregon as planned. On the day of the full day experience, Licensee came to the Air B&B as planned. Patient A took 3.5 grams of the psilocybin she brought with her. While Patient A ingested the psilocybin, Licensee also ingested 1 gram of the substance that Patient A brought with her. Licensee believed that ingesting psilocybin would allow him to "help stay available to [Patient A] and engaged with her during" the six-hour experience and believed that an outdoor "interactive" experience was appropriate for Patient A. At some date after April 21, 2014, Licensee stopped preparing chart notes for Patient A and other patients with whom he had worked for an extensive period of time. This practice continued after Licensee was licensed in Oregon in 2019, with the result that Licensee did not prepare any chart notes for Patient A and her psilocybin experience. Licensee explained to the Board that he justified stopping the practice of keeping chart notes because he did not feel they were useful to him. Licensee acknowledges this is not consistent with practice standards. In November 2020, Oregon voters adopted Measure 109 which will allow psilocybin use for designated purposes beginning in 2023. In 2021, at the time Licensee facilitated Patient A's psilocybin experience, the Oregon Health Authority had not adopted rules regulating the sale and purchase of psilocybin or establishing standards for facilitation services and psilocybin use was not authorized in Oregon. Licensee violated Ethical Standards (ES) 2.01 Boundaries of Competence, ES 3.04 Avoiding Harm, ORS 675.070(2)(d)(A) Unprofessional conduct and gross negligence, and ES 6.01 Documentation of Professional and Scientific Work and Maintenance of Records. Licensee was reprimanded, their license to practice psychology in Oregon is suspended for 1 year, upon completion of the suspension period, Licensee shall practice under supervision for a minimum of 1 year. Licensee was also made to pay a civil penalty of \$5,000.

## Enforcement Actions, Cont.

**Ellen M. Sundberg, Ph.D** (Licensee) was licensed by the Board to practice psychology in the State of Oregon. Licensee was employed as a psychologist at a behavioral health clinic in Oregon from July 2018 to May 2020, working on a part-time basis. During her employment, Licensee was periodically assigned to lead group sessions of adults dealing with chronic pain. One of the patients who attended the chronic pain management group was Client A, an adult. Client A also worked with an individual therapist at the clinic. On or about October 31, 2019, Licensee gave Client A her cellphone number for the purpose of communicating about a scheduling matter. However, a week or two later, Client A initiated a text exchange that was not related to scheduling or professional matters. Licensee described that she and Client A, “continued a friendly texting conversation that was not therapeutic in nature.” Licensee met Client A for lunch at a public restaurant (Olive Garden), which was a social visit, not a therapeutic conversation. On or about December 10, 2019, Licensee personally transported Client A to and from an outpatient surgical procedure, unrelated to her therapeutic practice. Licensee picked up and dropped off Client A at Client A’s home. Around this time, Licensee began to disconnect from Client A by stopping her responses to Client A’s texts. Client A reported experiencing distress at the end of the relationship with Licensee to other professionals at the clinic. Licensee neither admits nor denies, but the Board finds that Licensee violated Ethical Standards (ES) 3.04 Avoiding Harm and ES 3.05 Multiple Relationships. Licensee is required to practice under supervision for a minimum of one (1) year and pay a civil penalty of \$2000.

**Al Kubat, Ph.D** (Licensee) is licensed by the Board to practice psychology in the State of Oregon. On September 9, 2022, the Board issued a Default Order, where the Board imposed discipline. On January 3, 2022, Licensee pled guilty and was convicted of a misdemeanor violation of ORS 163.190 in Josephine County Circuit Court. Licensee did not report his conviction to the Board. The acts and conduct of Licensee described above constitute a violation of ORS 676.150(3). Licensee was reprimanded and ordered to pay a civil penalty of \$500.

**Christopher Liu, Psy.D** (Respondent) is not licensed by the Board to practice psychology in the State of Oregon. In or around August 2017, Respondent graduated from Pacific University with a Doctor of Psychology (Psy.D.) degree. From the date of his graduation to February 2020, Respondent practiced as a psychologist in the United States Air Force (USAF). From February 2020 to the present, Respondent remains a member of the USAF Reserve. In or around October 2020, Respondent was hired as the Executive Director of a private mental health services provider located in Ontario, Oregon. At the time of Respondent’s hire, the employer did not verify if Respondent was licensed by the Board. During his application and employment, Respondent described himself as a “clinical psychologist” in multiple contexts. In June 2022, Respondent resigned from employment with the provider. Licensee has never been licensed by the Board. When asked about his representations by the Board, Licensee expressed the belief that his status as a USAF Reservist permitted him to refer to himself as a “clinical psychologist” in all contexts, even when working in non-federal employment. The acts and conduct of Respondent described above constitute violations of ORS 675.020(1)(b). Respondent was ordered to pay a civil penalty of \$500.

## Administrative Rulemaking

*On September 13, 2022, the Board filed a Permanent Administrative Order for the following rule amendment (effective September 13, 2022):*

### **License renewal, failure to renew, lapse, and reinstatement**

Amend OAR 858-010-0041: This amendment updates the requirements for license renewal in accordance with the Board's recent implementation of an online renewal system. It adds clarifications around conditions and requirements for renewal, including deadlines, expiration dates, delinquent fee hardship waiver, license lapse, and reinstatement. It adds that the Board shall not consider a licensee's practice of psychology during the 30 days following license expiration date ("grace period") to be unlicensed practice. For license reinstatement, it requires that individuals disclose- rather than attest to not having engaged in- the unlicensed practice of psychology during the lapsed period.

Please visit our [Administrative Rulemaking Webpage](#) for more information.

### **Important Reminders!**

The new requirement for **2 credits of Suicide Risk Assessment, Treatment and Management** has begun. Licensees who renew on or after July 1, 2022 must report this training within each reporting period.

Licensees, residents, and individuals granted a limited permit or temporary practice authorization must comply with the provisions of ORS 413.559 and OAR 333-002-0250 related to working with **health care interpreters**. This requires specified providers to work with health care interpreters from the OHA registry, give personal protective equipment at no cost to interpreters, and maintain specified records.

Please note: the [OHA Health Care Interpreter Registry](#) contains a listing of OHA registered interpreters and explains the qualifications and process to become an interpreter. Questions about the requirements of [ORS 413.559](#) or [OAR 333-002-0250](#) should be directed to [OHA](#).

## Oregon Psilocybin Services

As you may know, Ballot Measure 109 passed in November 2020, which directs the Oregon Health Authority (OHA) to license and regulate the manufacturing, transportation, delivery, sale, and purchase of psilocybin products and the provision of psilocybin services. OHA's Public Health Division, Oregon Psilocybin Services (OPS) section, is required to adopt administrative rules to implement ORS chapter 475A, the Oregon Psilocybin Services Act. The Board has been monitoring this process of rule development and considering how psilocybin services may impact or intersect with those provided by psychologists. At this time, the Board has not taken any official position or issued any advice in this area. However, we encourage interested licensees and others to consider these proposals.

In November 2022, the OPS section will post its proposed rules that cover licensing and facilitator conduct, among other topics. The current draft version of the rule includes a provision, Facilitator Scope of Practice, OAR 333-333-5130, that requires psilocybin facilitators to keep separate their other professional license scope of practice. Section 1 reads, "A facilitator shall not engage in any conduct that requires additional professional licensure while providing psilocybin services to clients, including but not limited to diagnosing and treating physical or mental health conditions." The draft rule also requires the facilitator to ask clients whether they are being treated by a medical, clinical, or other healthcare provider for a medical, mental health, or behavioral health condition. If the answer is "yes," the facilitator would be required to encourage the client to consult with their provider about the risk of consuming psilocybin.

You can review the current draft rule on the [OPS Administrative Rules Webpage](#), and watch for the upcoming version of the proposed rules and public comment period starting November 1, 2022. The OPS website explains how to submit written public comments or attend public hearings to share verbal comments. You can also sign up for their email list to stay updated on rulemakings.

– LaRee Stashek, MHRA Policy Advisor

## Upcoming Events

### November

11/4: Board Meeting  
 11/5: Board Strategic Planning Session  
 11/11: Office Closed for Veterans Day  
 11/18: Education Committee Meeting  
 11/24-11/25: Office Closed for Thanksgiving

### December

12/15: Consumer Protection Committee Meeting  
 12/16: Education Committee Meeting  
 12/26: Office Closed for Holiday

### January

1/2: Office Closed for New Year's  
 1/13: Board Meeting  
 1/16: Office Closed for Martin Luther King Jr. Day  
 1/20: Education Committee Meeting

**Reminder!** Contact information changes are now made in the [Licensee Portal](#). Please make sure to update your email address if it changes so that you continue to receive correspondence. You can view and download your license card and receipts, update your qualified person designation, and complete your biennial renewal via the Portal.

**OBOP News** is the official newsletter of the Oregon Board of Psychology and is edited by board staff. Please visit our website at [Oregon.gov/psychology](http://Oregon.gov/psychology), email, or contact us with any comments or suggestions.

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