

THE BOARD

The Oregon Board of Licensed Professional Counselors and Therapists was established to set academic and education standards and license professional counselors and marriage and family therapists. The Board also investigates complaints against licensed counselors and therapists, and if warranted, imposes discipline.

Counselors and therapists are not required by Oregon law to be licensed. The Oregon Board of Licensed Professional Counselors and Therapists has authority only over **licensed** professional counselors and **licensed** marriage and family therapists.

The Board has six counselors and therapists plus a public member; all are appointed to the Board by the Governor.

FILING A COMPLAINT

By providing the Board with allegations against a counselor, you will be required to name the counselor and make specific allegations that violated Board rules. Complaint forms are available on the Board's web site: www.oregon.gov/obl/pct.

The existence of the complaint, any documents submitted as part of the complaint, and information identifying the complainant or the subject of the complaint will be kept confidential.

If the complaint involves your therapy, the Board will ask you to give a release of information. That release will not indicate that you are the complainant but will give the Board the ability to request confidential information related to your complaint. Based on the information requested from your counselor, he or she may guess that you filed the complaint. If your complaint involves someone else as a client, then the Board will need to know the name and

whereabouts of the client in order to obtain a release of information.

Information obtained by the Board as part of an investigation is confidential. The investigation report filed with the Board is confidential. When listing allegations in notices of proposed discipline, the Board will make every effort to protect involved parties; for example, initials may be used in place of names. Details and documents admitted into evidence do not become part of the public record.

TYPES OF COMPLAINTS

State law specifies the types of complaints over which the Board has authority. The law for licensed counselors and therapists states that they can be disciplined for the following behavior:

- Failure to Distribute a Professional Disclosure Statement
- Incompetence or practicing outside the scope of their training and ability
- Obtaining a license fraudulently
- Inability to practice as result of mental illness, physical illness, drug or alcohol abuse
- Failure to report child/elder abuse
- Breach of client confidentiality
- Violation of the Board's Code of Ethic such as having dual relationship or sex with clients, dishonesty, violating client rights, or other professional misconduct.

THE BOARD PROCESS

- The agency logs your complaint and opens a complaint file.
- As part of its preliminary investigation, the agency determines if the allegations indicate violations of the licensing law or rules; for example, having too high a fee, being rude, terminating the association, having a different

opinion, not providing an instant cure, are not violations.

- If the initial investigation leads to further investigation, you will be asked to participate in the investigation. The counselor will be notified that his/her conduct is under investigation, will be provided with summary information regarding the nature of the investigation, and provided the name and contact information of the investigator. The investigator may be a Board Member, a contract investigator or staff member.
- An investigator may contact you and other people who may have knowledge of the situation.
- Following investigation, a confidential report is filed with the Board. The report will be discussed in a session closed to the public.
- The Board decides if it has reason to believe or suspect a violation of law or rule. If it has no reason to suspect violation, then the complaint is dismissed. You will be notified that the file has been closed. The Board cannot disclose any information from the investigation. If it finds reason to suspect violation, then it determines appropriate disciplinary action such as: suspension of license, revocation of license, or denial of license (in case of applicants).
- The Board will vote to dismiss or propose disciplinary action in public session. Case numbers will be used during the meeting so the complaint continues to be confidential. If a majority of the Board votes to propose disciplinary action, the name of the licensee or applicant and the action that is being proposed becomes part of the public record.
- The Board communicates their proposed discipline to the counselor, who has 30 days to respond to the charges and request a hearing. You will be sent a copy of this proposed order. If no hearing is requested, the disciplinary

action is implemented. If a hearing is requested, the Board schedules one.

- If the counselor requests a hearing, a judge will hear the case, weigh legal arguments, and make proposed findings and conclusions. You and witnesses may be asked to participate in the hearing.
- The judge makes recommendations to the Board. The Board adopts the judge's recommendations, makes changes, or makes its own final order. It may find guilt, guilt with extenuating circumstances, or no guilt. The final order is issued. The licensee has 60 days to file for review with the Court of Appeals. You will be sent a copy of the final order.

At any point in this process, the Board and licensee may choose to "settle" the case. For example, the Board may withdraw its proposed discipline if the licensee admits guilt and takes a lesser punishment. You will be sent a copy of this settlement. It will probably be the last communication you will receive from the Board as a result of your complaint.

HOW LONG DOES THIS TAKE?

Investigations involving multiple allegations and many witnesses may take several months. If the counselor appeals proposed orders along the way, it may take even longer.

THE STATUS OR RESULT OF COMPLAINTS

The Board may only acknowledge to you that we received your complaint, tell you about the initiation of an investigation, the name of the investigator, when the case is closed, or if disciplinary action has been proposed. The Board can disclose the final result of any proposed disciplinary action.



Oregon Board of Licensed Professional Counselors and Therapists

FILING A COMPLAINT

Answers to Often Asked Questions



3218 Pringle Rd SE #250
Salem, OR 97302-6312
Telephone: (503) 378-5499
www.oregon.gov/oblpc
e-mail: lpc.lmft@state.or.us