

L MITCHELL JONES (U S B 5979)
Assistant Attorney General
MARK L SHURTLEFF (U S B 4666)
Attorney General
Commercial Enforcement Division
Heber M Wells Building
Box 146741
Salt Lake City, UT 84114-6741
TEL (801) 366-0310

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF)
BARBARA OGDEN) STIPULATION AND ORDER
TO PRACTICE AS A)
PROFESSIONAL COUNSELOR) CASE NO DOPL 2007-- 34
IN THE STATE OF UTAH)

BARBARA OGDEN ("Respondent") and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action
- 2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Professional Counselor Licensing Board ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

7 Respondent admits the following facts

- a From about June 2006 to about November 2006 Respondent provided mental health therapy to client Jane Doe (actual identity withheld for purposes of confidentiality) Respondent was an employee of a hospital that specialized in treating eating disorders
- b Between June 2006 and November 2006 on one occasion Respondent met Jane Doe at a predetermined meeting place a short distance from the treatment center and drove Jane Doe in Respondent's personal vehicle to Café Rio where they had lunch The lunch was not documented in Jane Doe's clinical chart, nor was it part of Jane Doe's treatment Respondent was not authorized and did not receive permission from her employer hospital to take Jane Doe off premises

- c Between June 2006 and November 2006 Respondent disclosed intimate personal information to Jane Doe during clinical sessions and numerous evening telephone calls
- d Between June 2006 and November 2006 Respondent kissed Jane Doe's cheek, forehead, and hands and held Jane Doe's hand during clinical sessions in an effort to comfort Jane Doe
- e Between June 2006 and November 2006 on one occasion, after regular work hours, Respondent and another client of Respondent's, drove in Respondent's personal vehicle to Jane Doe's residence in Provo, Utah. This visit was not approved by Respondent's program administrators or clinical supervisor, and was not documented in Respondent's clinical notes
- f Between June 2006 and November 2006 on one occasion Respondent drove Jane Doe to Respondent's home. Jane Doe waited in Respondent's car while Respondent went inside and picked up a pie, which was delivered to a friend of Respondent while Jane Doe remained in Respondent's car. Respondent then drove Jane Doe to Client Doe's home in Provo, Utah. This trip was not approved by Respondent's program administrator or clinical supervisor, and was not documented in Respondent's clinical notes
- g Between June 2006 and November 2006 Respondent invited Jane Doe to Respondent's home to watch movies and spend the night if Jane Doe was too tired to drive home
- h Between about November 2006 and January 2007 Respondent engaged in an inappropriate dual relationship with client Linda Roe (actual identity withheld for purposes of confidentiality). Respondent dined with Linda Roe on four separate occasions during the period she was treating Linda Roe. During the four meals Respondent and Linda Roe spoke about Respondent's financial situation and Respondent said she might visit Linda Roe's bishop to pay Linda Roe's utility bills
- i In January 2007 Linda Roe's family called Respondent to report Linda Roe's erratic behavior and ask whether Respondent thought Linda Roe should go to the emergency room. Instead of taking Linda Roe to the hospital, Respondent picked Linda Roe up at Linda Roe's residence, took Linda Roe out to eat at a restaurant where Linda Roe had two mixed drinks and a beer. After ingestion of alcohol, Linda Roe revealed to Respondent that Linda Roe had recently taken four units of Klonopin earlier in the evening. Respondent then took Linda Roe to Linda Roe's home where they sat and talked until 5:00 a.m. in an effort to monitor Linda Roe's safety

j In January 2007 Respondent engaged in an inappropriate dual relationship with client Donna Smith (actual identity withheld for purposes of confidentiality). Respondent took a meal to Donna Smith's home

k Respondent failed to maintain proper client records on several of her clients

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and (b), § 58-60-110, Utah Administrative Code R156-60c-502(16), and Principle A 5 a and A 5 c of the Code of Ethics of the American Counseling Association and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(1)(a) Respondent agrees that an Order, which constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2), shall be entered in this matter as follows

- (1) Respondent's license shall be revoked The revocation shall be immediately stayed and Respondent's license shall be subject to a term of probation for a period of five years The period of probation shall commence on the effective date of this Stipulation and Order, which is the date the Division director signs the Order During the period of probation, Respondent shall be subject to all of the following terms and conditions If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division
 - (a) Respondent shall practice only under the supervision of a Division pre-approved supervisor during the term of Respondent's probation Any changes in supervision may be made only with the consent of the Division Respondent shall deliver a copy of this Order to Respondent's supervisor (within ten days of the establishment of the supervisory relationship) and cause Respondent's supervisor to notify the Division in writing that a copy has been received
 - (b) Respondent shall meet weekly with Respondent's supervisor Supervision goals shall include concurrent management, oversight of therapeutic intervention services, and professional relationships and practices The

supervisor shall sit in on at least two clinical sessions per month. The supervisor shall choose which clinical sessions to sit in on. The supervisor shall review 20% of Respondent's current patient files. The supervisor shall choose which files shall be reviewed.

- (c) Respondent shall not work as a private practitioner.
- (d) The supervisor shall meet with clients, oversee clinical interventions, and review records. The supervisor shall also address issues pertaining to boundary violations, dual relationships, transference and counter-transference, and other issues the supervisor determines are pertinent to ethical practice.
- (e) Respondent shall cause Respondent's supervisor to submit reports to the Division assessing Respondent's compliance with the terms of Respondent's probation and ethics. The reports shall be submitted monthly for the first six months, and quarterly thereafter, or at such frequency as directed by the Division. The receipt of an unfavorable report may be considered to be a violation of probation.
- (f) If Respondent is not currently employed in either of Respondent's licensed professions, Respondent shall submit the supervisor report form on the date it is due and indicate on the form that Respondent is not currently employed in one of Respondent's licensed professions, or that Respondent is not currently working.
- (g) Respondent shall notify any employer of Respondent's restricted status and the terms of this Stipulation and Order. Respondent shall provide a copy of this Stipulation and Order to Respondent's employer and cause Respondent's employer to acknowledge to the Division in writing that a copy of the Order has been provided to the employer. The employer shall submit employer reports to the Division on a monthly basis for the first six months and quarterly thereafter, or at such frequency as directed by the Division. The employer shall write the Division and indicate whether the employer will comply with the reporting requirements.
- (h) Respondent shall not supervise other licensed mental health professionals or students.
- (i) Respondent shall complete 12 additional hours of continuing professional education, pre-approved by the Division, in the area of Respondent's licensed field of practice, with emphasis in the areas of professional ethics, values, boundaries, record-keeping, and transference and counter-

transference issues. The 12 additional hours of continuing professional education shall be completed within eight months from the date of this Stipulation and Order. The 12 additional hours of continuing education hours shall not count toward the regular continuing professional education requirement for license renewal. Respondent shall provide documentation to the Division and Board of successful completion of the 12 additional hours.

- (j) Respondent shall successfully complete a psychological evaluation from a Board and Division approved licensed psychologist. The evaluator shall evaluate Respondent's problems relating to boundary violations, dual relationships, professional competency, and any other areas the evaluator identifies as concerns. The evaluator must not be known by Respondent professionally or personally and Respondent will cause a report of the evaluation to be sent to the Division and Board along with any recommended treatment plan. Said evaluation will be completed within ninety (90) days of the date of this Order. Respondent will execute the appropriate written release forms to authorize the evaluating practitioner to report to the Division and Board any report, diagnosis, supporting information, testing and measures administered, interpretation of the tests and treatment recommendations. Respondent shall be responsible for all expenses related to the evaluation.
- (k) Respondent shall follow any treatment recommendations made by the evaluator, the Division, and/or the Board. A therapist approved by the Division and Board shall conduct any treatment. Respondent shall execute any necessary releases to allow the therapist to provide reports to the Division and Board regarding Respondent's progress. Respondent's therapy should focus on the problem areas of dual relationships, boundary issues and transference/counter-transference and any other areas of concern identified by the evaluator. Respondent shall cause quarterly progress reports to be submitted to the Board by the therapist. Respondent shall be responsible for all treatment expenses.
- (l) Respondent shall notify the Division within one (1) week of any change of employer or employment status. This is required regardless of whether Respondent is employed in Respondent's licensed occupation. The notification shall be in writing.
- (m) Respondent shall meet with the Board and Division within thirty (30) days of signing of the accompanying Order and on a quarterly basis, or at other greater or lesser frequency as determined by the Board and Division for the duration of the probationary period thereafter to assess the progress of

Respondent's probation Respondent shall meet with the Board and Division at the first scheduled Board meeting after the effective date of the Order with a plan for Respondent's probation, including the name(s) of evaluator(s) The Board may determine that a different licensing board may oversee and monitor Respondent's probation

- (n) Respondent shall discuss fully and frankly with the Board the information generally described in Paragraph 7(c)
- (o) Respondent shall limit Respondent's practice in accordance with the terms of probation, unless the Division authorizes changes
- (p) In the event that Respondent leaves Utah for a period longer than 60 days, Respondent shall notify the Division in writing of the dates of departure and return The licensing authorities of the jurisdiction to which Respondent moves must be promptly notified of the provisions of this Stipulation and Order Periods of residency or practice outside Utah may apply to the reduction of the probation period if the new state of residency places Respondent's license on probation with equal or greater terms and conditions
- (q) *Periods of unemployment or employment in other fields of practice shall be reported by Respondent to the Division and shall not count toward completion of probation Should Respondent not be employed in Respondent's licensed occupation during Respondent's probationary period for a consecutive period of more than sixty (60) days, that period shall not apply to the reduction of probation, though the terms of probation shall remain applicable If the Respondent works less than full-time in Respondent's licensed occupation, the reduction of any remaining probationary time shall occur on a pro-rata basis, in relation to a full-time position of 40 hours worked per week*
- (r) Should other acts of unprofessional conduct come to the attention of the Division which have occurred prior to the entry of the Order in this case or should Respondent violate probation in any respect, the Division may, in addition to taking action as provided for herein, after giving Respondent notice and the opportunity to be heard, revoke probation or impose *sanctions in accordance with applicable law*
- (s) If a petition is filed against Respondent during Respondent's probation, the period of probation shall be extended until the matters alleged in the petition are fully resolved

- (t) Respondent shall immediately notify the Division, in writing, of any changes in private or professional address and agrees that written communication by the Division and/or the Board shall be mailed to Respondent at the last address provided to the Division via first class U S Mail, and shall constitute notice to Respondent
- (u) Failure to pay for any of the costs associated with this probation shall be considered a violation of this Order Respondent further agrees to complete all conditions of probation in a timely manner Where a specific time for completion is not stated in this Order, it shall be within the Division's discretion to set a time for completion
- (v) Respondent agrees to keep Respondent's Utah license current during the period of probation.
- (w) Respondent shall notify the Division immediately if Respondent is charged or arrested with any criminal conduct and understands that a conviction is a violation of this agreement
- (x) Respondent shall write an essay on the negative effects on a patient and therapist when professional boundaries are not respected in the therapeutic relationship

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of her having reviewed this Stipulation, and this waiver shall survive such nullification

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice

11 This document constitutes the entire agreement between the parties and supersedes

and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

12. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocations or other sanctions.

13. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's licenses, or other appropriate sanction.

14. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

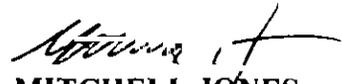
BY 
NOEL TAXIN
Bureau Manager

BY 
BARBARA OGDEN

DATE 2/3/07

DATE 2-8-07

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L. MITCHELL JONES
Counsel for the Division

DATE 8 Feb 2007

ORDER

THE ABOVE STIPULATION, in the matter of **BARBARA OGDEN**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 8 day of February, 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


F DAVID STANLEY
Director

Investigator Dee Thorell