

1
2 BEFORE THE
3 BOARD OF PSYCHOLOGIST EXAMINERS
4 STATE OF OREGON

4 In the Matter of the License to Practice) AGENCY NO: OBPE #2010-079
5 as a Psychologist of:)
6 RANDY BLAY) DEFAULT FINAL ORDER
7)

8 The Board of Psychologist Examiners (Board) is the state agency responsible for
9 licensing and disciplining psychologists, and for regulating the practice of psychology in the
10 State of Oregon. The Board is also responsible for enforcing the laws against the unlicensed
11 practice of psychology in the State of Oregon.

12 1.

13 The Board issued a Notice of Intent to Impose Civil Penalty, dated March 28, 2011, which
14 was sent to Respondent by Certified Mail on March 29, 2011. The Notice was returned unclaimed by
15 the post office on May 5, 2011. This Notice designated the Board's file on this matter as the record
16 for purposes of a default order and granted Respondent an opportunity for a hearing, if requested in
17 writing within 30 days from the mailing of the Notice. Respondent did not request a hearing, and the
18 requisite 30 days to request a hearing has lapsed and Respondent stands in default. The Board elects
19 in this case to designate the record of proceeding to date, which consists of Respondent's file with the
20 Board, to include all matters submitted by Respondent, as the record for purposes of proving a prima
21 facie case, pursuant to ORS 183.417(4).

22 NOW THEREFORE, after considering the Board's file relating to this matter, the Board
23 enters the following Order.
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2.

FINDINGS OF FACT

The evidence of record establishes the following findings of fact:

Respondent wrote a letter dated 7/20/2010 to Josephine County Court regarding Client A.

In the letter, Respondent referred to Client A as his patient and indicated diagnoses of “Axis I 296.33 Mayor [sic] depression” and “316 Psychological. Factors affecting medical condition.”

Respondent made treatment recommendations for Client A, including pharmacological interventions, weekly psychotherapy, biofeedback intervention, and hypnotherapy interventions.

In the letter, Respondent asked that he be allowed to continue to treat Client A due to progress made in the past year.

3.

CONCLUSIONS OF LAW

The acts and conduct of Respondent described above constituted the unlicensed practice of psychology, in violation of ORS 675.020(1)(a) and (b).

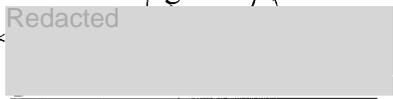
4.

ORDER

IT IS HEREBY ORDERED THAT Randy Blay, Respondent, pay a civil penalty of \$5,000 within 30 days from the date this order is signed by the Executive Director.

IT IS SO ORDERED this 2nd day of June, 2011.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

Redacted


SUSAN LATHAM
Board Chair

Right to Judicial Review

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS 183.482. If this Order was personally delivered 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 days time period, you will lose your right to appeal.

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3.

The Board has authority to impose civil penalties against Respondent pursuant to ORS ORS 675.020(1) and ORS 675.070(1)(g).

4.

Respondent has the right, if Respondent requests, to have a formal contested case hearing before an administrative law judge to contest the matter set out above, as provided by ORS 183.310 to 183.497. At the hearing, Respondent may be represented by an attorney and subpoena and cross-examine witnesses.

5.

If Respondent requests a hearing, the request must be made in writing to the Board, must be received by the Board within thirty (30) days from the mailing of this notice, and must be accompanied by a written answer to the charges contained in this notice. Before commencement of the hearing, Respondent will be given information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing as required under ORS 183.413-415.

6.

If Respondent fails to request a hearing within 30 days, or fails to appear at the hearing as scheduled, the Board may issue a final order by default and impose the above sanctions against Respondent. Respondent's submissions to the Board regarding the subject of this disciplinary case and all information in the Board's files relevant to the subject of this case automatically become part of the evidentiary record of this disciplinary action upon default for the purpose of proving a *prima facie* case. ORS 183.417(4).

DATED this 28 day of March, 2011.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

Redacted

Debra Orman McHugh, Executive Director
Oregon Board of Psychologist Examiners