

1 case to designate the record of proceeding to date, which consists of Respondent's file with the
2 Board as the record for purposes of proving a prima facie case, pursuant to ORS 183.417(4).

3 NOW THEREFORE, after considering the Board's file relating to this matter, the Board
4 enters the following Order.

5 3.

6 FINDINGS OF FACT

7 Respondent's acts and conduct that constituted the unlicensed practice of psychology, to
8 include representing himself as a psychologist by offering or rendering services included in the
9 practice of psychology, and violated ORS 675.020(1)(a) and (b), ORS 675.070(1)(g) and ORS
10 675.070(3)(b)(E) are more particularly described below:

11 3.1 Respondent has served as an independent contractor for Child Adult Intervention
12 Services (CAIS). In that capacity, Respondent, together with Richard King, interviewed and
13 tested a juvenile male for Psychosexual Evaluation and Phallometric Assessment in February of
14 2010. Respondent administered various testing instruments, including an intake assessment, the
15 Kaufman Brief Intelligence Test, Second Edition (KBIT-2 Spanish), the Test of Non-verbal
16 Intelligence, Third Edition (TONI-3), the Jesness Inventory (Spanish), the Millon Adolescent
17 Clinical Inventory (MACI, Spanish), the Adolescent Pathology Scale (APS), the Reynolds
18 Adolescent Depression Scale-Second Edition (RADS-2, Spanish), and the Juvenile Sex Offender
19 Assessment Protocol (J-SOAP). In an assessment report dated March 1, 2010, Respondent
20 interpreted the various tests, summarized the client's personality patterns, listed clinical
21 concerns, assigned DSM IV-TR diagnoses to the client and made treatment recommendations.
22 In the report, Respondent stated that "[the child] has been ordered to sit for a Comprehensive
23 Psychosexual Evaluation to assess his propensity as a sex offender, his risk to sexually offend,
24 his intellectual functioning and mental status and possible pathological functioning."

25 3.2 In July 2011, Respondent and King interviewed and tested an adult male "to
26 assess his characteristics for possible psychopathology, his mental state and cultural influence."

The testing instruments included an intake assessment, the Test of Non-verbal Intelligence, Third

1 Edition (TONI-3), the Millon Clinical Multiaxial Inventory, Third Edition (MCMI-3, Spanish),
2 the Pathological Personality Inventory, Revised (PPI-R, Spanish), and the Clark Sex History
3 Questionnaire for Males (Spanish). In an assessment report dated August 10, 2011, Respondent
4 interpreted the various test results, summarized the personality profile, and clinical concerns.
5 Respondent assigned DSM-IV-TR diagnoses to this client, and also made treatment
6 recommendations.

7 4.

8 CONCLUSIONS OF LAW

9 The acts and conduct of Respondent described above constituted the unlicensed practice
10 of psychology as well as representing himself as a psychologist by offering or rendering services
11 included in the practice of psychology, in violation of ORS 675.020(1)(a) and (b), ORS
12 675.070(1)(g) and ORS 675.070(3)(b)(E).

13 5.

14 ORDER

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

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18 DATED this 17th day of July, 2013.

19 BOARD OF PSYCHOLOGIST EXAMINERS
20 State of Oregon

21 Redacted

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Becky Eklund
Interim Executive Director

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BEFORE THE
BOARD OF PSYCHOLOGIST EXAMINERS
STATE OF OREGON

In the Matter of the Conduct of:) AGENCY NO: OBPE #2011-038
MARCO A. CASTANEDA))
Respondent) NOTICE OF INTENT TO IMPOSE CIVIL
) PENALTY
)

1.

The Board of Psychologist Examiners (Board) is the state agency responsible for licensing and disciplining psychologists, and for regulating the practice of psychology in the State of Oregon. The Board is also responsible for enforcing the laws against the unlicensed practice of psychology in the State of Oregon. Marco A. Castaneda (Respondent) is not licensed by the Board to practice psychology in the State of Oregon.

2.

The Board opened an investigation in 2011 in regard to allegations that Respondent has engaged in the unlicensed practice of psychology in Oregon. The Board sent a letter by certified mail to Respondent, dated August 28, 2012, asking him to respond to specific allegations that he had engaged in the unlicensed practice of psychology. Respondent responded to the Board's letter denying the allegations. The Board now proposes to impose a civil penalty of \$5,000 against Respondent, pursuant to ORS 675.020(1)(a) and (b), ORS 675.070(1)(g) and ORS 675.070(3)(b)(E), for engaging in the unlicensed practice of psychology and by representing himself to be a psychologist by offering or rendering services included in the practice of psychology.

3.

Respondent's acts and conduct that constituted the unlicensed practice of psychology, to include representing himself as a psychologist by offering or rendering services included in the practice of psychology, and violated ORS 675.020(1)(a) and (b), ORS 675.070(1)(g) and ORS 675.070(3)(b)(E) are more particularly described below:

3.1 Respondent has served as an independent contractor for Child Adult Intervention Services (CAIS). In that capacity, Respondent, together with Richard King, interviewed and tested a juvenile male for Psychosexual Evaluation and Phallometric Assessment in February of 2010. Respondent administered various testing instruments, including an intake assessment, the Kaufman Brief Intelligence Test, Second Edition (KBIT-2 Spanish), the Test of Non-verbal Intelligence, Third Edition (TONI-3), the Jesness Inventory (Spanish), the Millon Adolescent Clinical Inventory (MACI, Spanish), the Adolescent Pathology Scale (APS), the Reynolds Adolescent Depression Scale-Second Edition (RADS-2, Spanish), and the Juvenile Sex Offender Assessment Protocol (J-SOAP). In an assessment report dated March 1, 2010, Respondent interpreted the various tests, summarized the client's personality patterns, listed clinical concerns, assigned DSM IV-TR diagnoses to the client and made treatment recommendations. In the report, Respondent stated that "[the child] has been ordered to sit for a Comprehensive Psychosexual Evaluation to assess his propensity as a sex offender, his risk to sexually offend, his intellectual functioning and mental status and possible pathological functioning."

3.2 In July 2011, Respondent and King interviewed and tested an adult male "to assess his characteristics for possible psychopathology, his mental state and cultural influence." The testing instruments included an intake assessment, the Test of Non-verbal Intelligence, Third Edition (TONI-3), the Millon Clinical Multiaxial Inventory, Third Edition (MCMI-3, Spanish), the Pathological Personality Inventory, Revised (PPI-R, Spanish), and the Clark Sex History Questionnaire for Males (Spanish). In an assessment report dated August 10, 2011, Respondent interpreted the various test results, summarized the personality profile, and clinical concerns.

1 Respondent assigned DSM-IV-TR diagnoses to this client, and also made treatment
2 recommendations.

3 4.

4 The Board has authority to a civil penalty of up to \$10,000 against Respondent for
5 practicing psychology, representing that he is a psychologist or offering services included in the
6 practice of psychology without having a license to practice psychology pursuant to ORS
7 675.020(1)(a) and (b), ORS 675.070(1)(g), and ORS 675.070(3)(b)(E).

8 5.

9 Respondent has the right, if Respondent requests, to have a formal contested case hearing
10 before an Administrative Law Judge to contest the matter set out above, as provided by Oregon
11 Revised Statutes 183.310 to 183.497. At the hearing, Respondent may be represented by an
12 attorney and subpoena and cross-examine witnesses.

13 6.

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

20 7.

21 If Respondent fails to request a hearing within 30 days, or fails to appear at the hearing as
22 scheduled, the Board may issue a final order by default and impose the above sanctions against
23 Respondent. Respondent's submissions to the Board to-date regarding the subject of this disciplinary
24 case and all information in the Board's files relevant to the subject of this case automatically become

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1 part of the evidentiary record of this disciplinary action upon default for the purpose of proving a
2 *prima facie* case. ORS 183.417(4).

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DATED this 19th day of February, 2012.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

Redacted

Becky Eklund
Interim Executive Director