BEFORE THE

BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF OREGON

IN THE MATTER OF:	) Agency Case No.: 2014-060
	)
RON FRITZ,	) FINAL ORDER
	)
Respondent	)

HISTORY OF THE CASE

On June 19, 2015, the Board of Psychologist Examiners (Board) issued a Notice of Intent to Impose Civil Penalty to Ron Fritz (Respondent). On July 17, 2015, Respondent requested a hearing.

On July 21, 2015, the Board referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Senior Administrative Law Judge (ALJ) Joe Allen to preside at hearing.

On August 18, 2015, ALJ Allen convened a prehearing telephone conference. Senior Assistant Attorney General Warren Foote represented the Board. Jeff Olson, Attorney at Law, represented Respondent. Hearing was scheduled for November 3, 2015.

On August 26, 2015, the case was reassigned to Senior ALJ Dove L. Gutman.

On October 30, 2015, ALJ Gutman convened a prehearing telephone conference. Mr. Foote represented the Board. Daniel Gordon, Attorney at Law, represented Respondent. ALJ Gutman granted Mr. Gordon's request to postpone the hearing over the Board's objection. Hearing was scheduled for December 1, 2015.

On November 5, 2015, Mr. Gordon, on behalf of Respondent, filed Motions for Summary Determination and To Waive the 28 Day Rule in OAR 137-003-0580, the Affidavit of Ronald Alan Fritz, and attachments (Exhibit A).

On November 16, 2014, Mr. Gordon filed Amended Motions for Summary Determination and To Waive the 28 Day Rule in OAR 137-003-0580, the Supplementary Affidavit of Ronald Alan Fritz, and attachments (Exhibit B).

On November 17, 2014, Mr. Gordon filed a Motion in Limine, requesting that any hearsay evidence where the Board is unable to show that the declarant is unavailable to testify be

excluded.

On November 18, 2015, Mr. Foote, on behalf of the Board, notified the OAH via letter that the Board objected to Respondent Motion in Limine on the basis that hearsay is admissible in contested case hearings, and on the basis that the Motion required the ALJ to speculate about the presentation of testimony in advance of the hearing. Mr. Foote also notified the OAH that the Board objected to Respondent's Motions for Summary Determination and To Waive the 28 Day Rule in OAR 137-003-0580 on the basis that the Motions were untimely.

On November 19, 2015, ALJ Gutman issued a Ruling denying Respondent's Amended Motions for Summary Determination and To Waive the 28 Day Rule in OAR 137-003-0580. On November 23, 2015, ALJ Gutman issued a Ruling denying Respondent's Motion in Limine.

A hearing was held on December 1, 2015, in Salem, Oregon. ALJ Gutman presided. Mr. Foote represented the Board. Mr. Gordon represented Respondent. The following individuals provided testimony: Angela Beier, Lonnie Knotts, Juan Vazquez, Kelly Hanna, Ron Fritz, Dr. Clifford Johannsen, Karen Berry, Deborah Thompson, Jennifer Klinger, John Rone, Donna Fritz, and Justin Hopkins. The record was held open for receipt of an uncontested Qualified Protective Order (QPO).

On December 2, 2015, Mr. Foote filed a QPO with the OAH. ALJ Gutman signed the QPO and the record closed on December 2, 2015. On December 15, 2015, the ALJ issued a Proposed Order.

ISSUES

1. Whether Respondent engaged in the unlicensed practice of psychology and/or represented himself as such without a license. ORS 675.020(1), (2).

2. Whether Respondent should be assessed a civil penalty in the amount of $1,000. ORS 675.070(1)(g), (3).

EVIDENTIARY RULING

The Board's Exhibits A1 through A25 were admitted into the record without objection. Respondent's Exhibits R1 through R7 were admitted into the record without objection.

CREDIBILITY FINDING

A witness testifying under oath or affirmation is presumed to be truthful unless it can be demonstrated otherwise. ORS 44.370 provides, in relevant part:

> A witness is presumed to speak the truth. This presumption, however, may be overcome by the manner in which the witness testified, by the character of the testimony of the witness, or by evidence affecting the character or motives of the witness, or by

contradictory evidence.

A determination of a witness' credibility can be based on a number of factors other than the manner of testifying, including the inherent probability of the evidence, internal inconsistencies, whether or not the evidence is corroborated, and whether human experience demonstrates that the evidence is logically incredible. *Tew v. DMV*, 179 Or App 443 (2002).

Prior to the hearing, while represented by counsel, Respondent submitted a signed statement to the Board admitting that he had "performed 3 psychological evaluations," and promising not to write any more without proper licensing. (Ex. A7.)

During the hearing, when questioned by the Board's attorney, Respondent testified that he had not done any psychological evaluations, claiming that he submitted the signed statement because he felt threatened by the Board's investigator. However, later in the hearing, when questioned by his own attorney, Respondent admitted that he had done three psychological "tests."

The ALJ found that Respondent's testimony during the hearing was inconsistent and therefore not reliable. The ALJ further found that Respondent's claim that he submitted a signed admission because he felt threatened not logically credible given that Respondent was represented by counsel at the time of the submittal.

Accordingly, Respondent's signed admission was given greater weight than Respondent's unreliable denial made during the hearing. The Board agrees with the ALJ's credibility determination.

FINDINGS OF FACT

Background information

1. Respondent is a Certified Alcohol and Drug Counselor III (CADC III) through the Addiction Counselor Certification Board of Oregon (ACCBO). (Test. of Fritz; Ex. R1 at 3.) ACCBO is not a state agency. (Test. of Fritz.)

2. Respondent is certified to provide drug and alcohol counseling to individuals in the State of Oregon. (Test. of Dr. Johannsen.)

3. Respondent's CADC III certification does not permit Respondent to provide diagnoses or treatment services to individuals with mental health disorders. Respondent's CADC III certification does not permit Respondent to offer to render therapy services to individuals with mental health disorders. Respondent's CADC III certification does not permit Respondent to administer or delegate the administration and scoring of psychological tests. (Test. of Dr. Johannsen.)

4. For an individual that has a co-occurring substance use disorder and mental health disorder, Respondent's CADC III certification permits Respondent to provide treatment for the

substance use disorder only. (Test. of Dr. Johannsen.)

5. Respondent has a Masters in Psychology from the University of Phoenix. Respondent is currently pursuing a doctorate from Capella University, which is not accredited by the American Psychological Association. (Test. of Fritz; Ex. R2.)

6. Respondent has never been and is not currently a licensed psychologist. Respondent is not a licensed professional counselor or therapist. Respondent is not a licensed social worker. (Test. of Fritz.)

7. Respondent is not licensed to provide diagnoses or treatment services to individuals with mental health disorders. Respondent is not licensed to administer or delegate the administration and scoring of psychological evaluations or tests. (Test. of Dr. Johannsen.)

8. During the period of November 2011 through April 2012, Respondent was employed at Polk County Mental Health. While there, Respondent received the designation of a Qualified Mental Health Associate (QMHA). Respondent was under the supervision of Jennifer Lief. (Test. of Fritz; Ex. R3 at 25.) When Respondent left the employment of Polk County Mental Health, he no longer carried the designation of a QMHA. (Test. of Hopkins.)

9. In order to obtain the designation of a QMHA or a Qualified Mental Health Professional (QMHP), an individual must be employed by an addictions and mental health provider (agency) that is approved and regulated by the Addictions and Mental Health Division of the Oregon Health Authority (OHA), and must meet specific qualifications and competencies set forth by administrative rule.[1] OHA does not approve or regulate private individuals to provide addictions and mental health services. (Test. of Hopkins; Ex. A25.)

10. Respondent is not a QMHP. (Test. of Hopkins, Dr. Johannsen.)

11. Respondent owns New Phoenix Counseling (New Phoenix) in Dallas, Oregon. Respondent is currently employed at New Phoenix and has been since sometime in 2012. Donna Fritz, Respondent's wife, is also employed at New Phoenix. (Test. of Fritz; Exs. A15, A16, A17, A18, A19, A20.)

12. During his employment at New Phoenix, Respondent ordered and delegated the administration and scoring of the Millon Clinical Multiaxial Inventory III (MCMI-III) test on three inmates. Respondent used the test results to formulate an opinion on each of the inmate's propensity to reoffend if released from prison. Respondent provided his written report/opinion to the Parole Board for use in the inmates' parole hearings. None of the inmates were released from prison. (Test. of Fritz; Ex. A7 at 2.)

13. The MCMI-III is a psychological test (assessment tool).[2] Only doctoral licensed

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[1] The QMHP designation is not equivalent to a license. (Test. of Dr. Johannsen.)

[2] The publisher of the test establishes the qualifications necessary ("C" level qualifications) to access and use the test. (Test. of Dr. Johannsen.)

persons are qualified to use and interpret the test. (Test. of Dr. Johannsen.) By ordering and delegating the administration and scoring of a psychological test and incorporating that test in a written report, Respondent engaged in the practice of psychology. (Test. of Dr. Johannsen.)

Complaint and admission

14. On October 24, 2014, Juan Vazquez, Social Service Specialist I with the Department of Human Services (DHS), met with a DHS client to discuss a court-ordered comprehensive psychological evaluation. The client reported that she was working with Respondent and wanted Respondent to conduct the evaluation. The client called Respondent and placed him on speakerphone. Mr. Vazquez introduced himself to Respondent and informed Respondent that DHS was looking for a comprehensive psychological evaluation. Respondent agreed to conduct the psychological evaluation, stating that he had done many of them.

Mr. Vazquez then asked Respondent if he could include a CAPI (Child Abuse Potential Inventory) in the evaluation. Respondent did not know what a CAPI referred to. Mr. Vazquez notified Respondent that a CAPI exam was important to have in the client's completed psychological evaluation. Respondent agreed to conduct the CAPI. Mr. Vazquez ended the call.

Mr. Vazquez subsequently reviewed the New Phoenix website and learned that Respondent had a Master's Degree. Mr. Vazquez staffed the matter with his supervisor, agreeing to confirm Respondent's qualification to conduct psychological evaluations. Mr. Vazquez contacted the Board and learned that Respondent was not qualified to provide the requested evaluation. (Test. of Vazquez; Ex. A1 at 1.)

15. On November 18, 2014, Respondent's website for New Phoenix stated, in part:

> Our counseling services include, but are not limited to:

- Abandonment issues
- Addiction and Recovery
- Adoption Evaluations
- Anger Management
- Couples Counseling
- Cutting and Self-harm
- Depression and Bipolar Disorders
- Domestic Violence and Abuse
- Dual Diagnosis
- Eating Disorders
- Grief Counseling
- HIV Counseling
- Individual Counseling
- Obsessive-Compulsive Disorder
- Phobias and Irrational Fears
- Post-Traumatic Stress Disorder

- Sex Abuse
- Sex Addiction
- Stress and Anxiety
- Suicide Ideation

(Ex. A15 at 5.)

16. Depression, Bipolar Disorders, Eating Disorders, Obsessive-Compulsive Disorder, Phobias, and Post-Traumatic Stress Disorder (PTSD) are mental health disorders, the diagnosis and/or treatment of which fall within the practice of psychology.[3] (Test. of Dr. Johannsen.) By advertising that he provided counseling services for mental health disorders, Respondent offered to render therapy services to individuals with mental health disorders, thereby engaging in the practice of psychology. (Test. of Dr. Johannsen.)

17. Respondent does not have the education, training, supervised experience, and current competency to provide treatment services to individuals with mental health disorders. (Test. of Dr. Johannsen.)

18. Respondent's unlicensed practice of psychology poses a dangerous risk to clients with mental disorders. Respondent's unlicensed practice of psychology poses a dangerous risk to public safety. (Test. of Dr. Johannsen.)

19. On November 21, 2014, Karen Berry, investigator with the Board, notified Respondent that the Board had opened an investigation into Respondent's alleged unlicensed practice of psychology. (Ex. A2.)

20. On November 26, 2014, Attorney Jeffrey L. Olson notified the Board that he represented Respondent. (Ex. A4 at 2-3.)

21. On December 12, 2014, Respondent notified the Board of his client caseload, stating, in part:

> I am providing you with a breakdown of my company's current caseload of 46 to make it a little more clear what we do...
>
> Co-Occuring [sic] Disorders – 5
> Alcohol & Drug Only – 3
> Domestic Violence Offenders – 3
> Domestic Abuse Victims – 8
> Anger Management Offenders – 2
> Sexual Assault Victims – 2
> Sex Offender – 1
> Sex Addiction – 2
> Pain Management – 2

[3] Cutting and self-harm likely involve a mental disorder. Stress and anxiety likely involve a mental disorder. Suicide may be a symptom of a mental disorder. (Test. of Dr. Johannsen.)

Grief – 1
Couples – 5

PTSD Victims – 2 (The VA sends these people to me and knows I am not licensed)
Anxiety – 2 (Very common for counselors to do this)
Depression/Suicide – 4 (Very common for counselors to do this)

Mental Health Only – 4 (I am completely will[ing] to refer these people out)

My Qualifications

- I am a Certified Alcohol and Drug Counselor 3, which means I am certified to do co-occurring disorders (substance abuse and mental health)
- I am ASIST certified to do suicide response
- I am a state Batterer's Intervention Provider (I can teach DV classes)
- I am trained in Sexual Assault Counseling

(Ex. A4 at 1-2.)

22. On January 10, 2015, Respondent provided a letter to the Board that stated, in part:

> I respectfully request the Board dismiss the allegations that I have been practicing psychology without a license. I am a counselor; I have been one for over 7 years. I am pursuing my doctorate (2nd year), however I am not yet a psychologist. I have never referred to myself as a psychologist, I have never told anyone that I practice psychotherapy, and I have immediately corrected anyone who has ever mistakenly referred to me as "doctor" by informing him or her that I am a Master's level therapist.
>
> I have taken the following actions in response to Ms. Berry's concerns and at her recommendation:
>
> - I have made changes to my website as requested by Ms. Berry; specifically I have removed any references to my being a QMHP. I was unaware that I could not use this credential. Now that I am aware, I will not use this credential again.
>
> - I have ceased performing psychological evaluations. I mistakenly interpreted my education in my Doctoral studies on these reports as an indication that I was qualified to do so. I have only performed 3 psychological evaluations and promise to not write any more without proper licensing or as part of my academic requirements.

- I have applied to the Licensing Board of Professional Counselors and Therapists for licensure in the state of Oregon. I will actively pursue any additional requirements they specify until I have achieved licensure as an LPC.

(Ex. A7.)

23. On January 15, 2015, Lonnie Knotts, Intake Coordinator with LPCT, received Respondent application for licensure. Mr. Knotts reviewed the materials and determined that Respondent's application was missing two requirements for licensure: 1) Lifestyle and Career Development Course; and 2) Internship Practicum (600 hours of internship practicum or 5 years of full-time supervised work experience). Respondent's application is still pending and considered incomplete. (Test. of Knotts.)

Other information

24. Respondent is an Ordained Minister. (Ex. A4.) Respondent does not provide drug and alcohol counseling out of a church in a ministerial capacity. (Ex. A5.)

25. Respondent believes that he can designate himself as a QMHP. Respondent believes his CADC III certification permits him to treat co-occurring disorders. (Test. of Fritz.)

Qualifications of Dr. Johannsen

26. Dr. Clifford Johannsen is a licensed psychologist. He has been licensed in Oregon since January 1991. Dr. Johannsen is the past President of the Oregon Psychological Association (OPA). He is the past Chair of the OPA Ethics Committee. Dr. Johannsen is the past Chair of the Psychiatric Security Review Board. He is the past Chief of Psychology and Senior Clinical Psychologist of the Oregon State Hospital. While at OSH, Dr. Johannsen assisted in formulating rules regarding QMHPs.

Dr. Johannsen has served as the Clinical Director and a Clinical Supervisor of a state licensed and joint commission accredited drug and alcohol treatment center, treating patients with substance abuse disorders, mental health disorders, and co-occurring disorders. Dr. Johannsen has worked with and supervised individuals with CADC I, II and III credentials, and is familiar with the scope of their certification and their ethical obligations.

Dr. Johannsen has received the Labby Award (Lifetime Achievement Award). (Test. of Dr. Johannsen; Ex. A24.)

CONCLUSIONS OF LAW

1. Respondent engaged in the unlicensed practice of psychology and/or represented himself as such without a license.

2. Respondent should be assessed a civil penalty in the amount of $1,000.

OPINION

The Board contends that Respondent engaged in the unlicensed practice of psychology and/or represented himself as such without a license. The Board also contends that Respondent should be assessed a civil penalty for the violation. As the proponent of this position, the Board has the burden of proof. ORS 183.450(2); *Harris v. SAIF*, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of the fact or position); *Metcalf v. AFSD*, 65 Or App 761, 765 (1983) (in the absence of legislation specifying a different standard, the standard of proof in an administrative hearing is preponderance of the evidence). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely true than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987). The Board has met its burden.

The violation

The Board contends Respondent engaged in the unlicensed practice of psychology and/or represented himself as such without a license. Respondent contends to the contrary. I agree with the Board.

ORS 675.020 is titled "Practice or representation as psychologist prohibited without license; use of business name or designation" and provides, in pertinent part:

> (1) To safeguard the people of the State of Oregon from the dangers of unqualified and improper practice of psychology, no person shall, unless exempted from the provisions of ORS 675.010 to 675.150 by ORS 675.090:
>
> (a) Practice psychology in this state without first being licensed under ORS 675.010 to 675.150; or
>
> (b) Represent oneself to be a psychologist without first being licensed under ORS 675.010 to 675.150.
>
> (2) As used in subsection (1)(b) of this section, "represent oneself to be a psychologist" means to use any title or description of services incorporating the words "psychology," "psychological," "psychotherapy" or "psychologist," or to offer or render to individuals or to groups of individuals services included in the practice of psychology.

"Practice of psychology" means rendering or offering to render supervision, consultation, evaluation or therapy services to individuals, groups or organizations for the purpose of

diagnosing or treating behavioral, emotional or mental disorders. "Practice of psychology" also includes delegating the administration and scoring of tests to technicians qualified by and under the direct supervision of a licensed psychologist. ORS 675.010(4).

ORS 675.090 is titled "Application of ORS 675.010 to 675.150" and provides, in material part:

> (1) ORS 675.010 to 675.150 do not apply to:
>
> *****
>
> (c) A graduate student enrolled in an approved psychology program who is pursuing a graduate degree in psychology, provided that the graduate student renders services only for academic credit as part of an organized and supervised training program.
>
> (d) A person pursuing certification, licensure or a graduate degree in any of the certified or licensed professions exempted from ORS 675.010 to 675.150.
>
> (e) A person who is licensed, certified or otherwise authorized by the State of Oregon to provide mental health services, provided that the services are rendered within the person's lawful scope of practice and that the person does not use the title "psychologist" in connection with the activities described in this paragraph.
>
> (f) A person who is employed by a local, state or federal government agency, or employed by a community mental health program or drug and alcohol treatment program licensed or certified by the State of Oregon, to the extent that the person's activities and services are rendered within the person's scope of employment and are performed within the confines of the employing agency and provided that the person does not use the title "psychologist" in connection with the activities authorized under this paragraph.
>
> (g) A person who is a recognized member of the clergy, provided that the person is acting in the person's ministerial capacity and does not use the title "psychologist."

As indicated above, no person, unless exempted by the provisions of ORS 675.090, shall practice psychology or represent oneself to be a psychologist without first being licensed.

Respondent is a Certified Alcohol and Drug Counselor III (CADC III). Respondent is certified to provide drug and alcohol counseling to individuals in Oregon. Respondent is not

certified to provide diagnoses and/or treatment services to individuals with mental health disorders. Respondent owns New Phoenix Counseling (New Phoenix) in Dallas, Oregon. Respondent is currently employed at New Phoenix and has been since sometime in 2012.

The uncontroverted evidence establishes that on November 18, 2014, Respondent advertised on the New Phoenix website that he provided counseling services for Depression, Bipolar Disorders, Eating Disorders, Obsessive-Compulsive Disorder, Phobias, and Post-Traumatic Stress Disorder (PTSD), which are mental health disorders, the diagnosis and/or treatment of which fall within the practice of psychology.

Respondent is not a licensed psychologist, professional counselor, therapist, or social worker. Respondent does not have the education, training, supervised experience, and current competency to provide treatment services to individuals with mental disorders.

By advertising that he provided counseling services for mental health disorders, Respondent offered to render therapy services to individuals with mental health disorders, thereby engaging in the practice of psychology without first being licensed. Therefore, Respondent violated ORS 675.020(1), and (2).

The uncontroverted evidence also establishes that while employed at New Phoenix, Respondent ordered and delegated the administration and scoring of the MCMI-III test on three inmates. Respondent used the test results to formulate a written report on each of the inmate's propensity to reoffend if released from prison.

The MCMI-III is a psychological test (assessment tool). Only doctoral licensed persons are qualified to use and interpret the test. Respondent does not have the qualifications necessary to use and interpret the MCMI-III.

By ordering and delegating the administration and scoring of a psychological test and incorporating that test in a written report, Respondent engaged in the practice of psychology without first being licensed. Consequently, Respondent violated ORS 675.020(1) and (2).

Respondent contends that he is certified to provide mental health services with his CADC III certification and is therefore exempt under ORS 675.090 (1)(e).

However, Respondent's CADC III certification is limited to providing drug and alcohol counseling to individuals in the State of Oregon. Respondent's CADC III certification does not permit Respondent to render (or offer to render) treatment services to individuals with mental health disorders. In addition, Respondent's CADC III certification does not permit Respondent to administer or delegate the administration and scoring of psychological tests. Accordingly, Respondent's CADC III certification does not permit Respondent to engage in the unlicensed practice of psychology. As such, Respondent is not exempt under ORS 675.090 (1)(e).

Respondent next contends that he is permitted to treat mental health disorders as a QMHP and is thus exempt under ORS 675.090(1)(f).

However, in order to obtain the designation of a QMHP, an individual must be employed by an addictions and mental health provider that is approved and regulated by the Addictions and Mental Health Division of the OHA, and must meet specific qualifications and competencies set forth by administrative rule. Respondent is self-employed and his business is not regulated by OHA. As such, Respondent is not a QMHP. Consequently, Respondent is not exempt under ORS 675.090(1)(f).

Respondent next contends that he is currently pursuing a doctorate in psychology from Capella University and is therefore exempt under ORS 675.090(1)(c). However, Capella University is not accredited by the American Psychological Association, and thus is not an approved psychology program. As such, Respondent is not exempt under ORS 675.090(1)(c).

Respondent next contends that he is pursuing a license from LPCT and is exempt under ORS 675.090(1)(d). However, Respondent's application for licensure is missing a lifestyle and career development course and an internship practicum (600 hours or 5 years of supervised work experience). Therefore, Respondent is not exempt under ORS 675.090(1)(d).

Respondent next contends that he is an Ordained Minister and is thus exempt under ORS 675.090(1)(g). However, Respondent does not provide drug and alcohol counseling out of a church in a ministerial capacity. Consequently, Respondent is not exempt under ORS 675.090(1)(g).

In summary, Respondent engaged in the unlicensed practice of psychology and/or represented himself as such without a license, in violation of ORS 675.020(1) and (2). Additionally, Respondent is not exempt from the licensing requirement under ORS 675.090(1).

The sanction

The Board contends that Respondent should be assessed a civil penalty in the amount of $1,000 for the violation. Respondent contends to the contrary. I agree with the Board.

ORS 675.070 is titled "Authorized sanctions; grounds for imposing sanctions; civil penalty" and provides, in relevant part:

> (1) Where any of the grounds enumerated in subsection (2) of this section exist, the State Board of Psychologist Examiners may impose any of the following sanctions:
>
> *****
>
> (g) Impose a civil penalty as set forth in subsection (3) of this section.
>
> (2) Grounds exist for imposition of any of the sanctions enumerated in subsection (1) of this section against any psychologist or psychologist associate or applicant, or, where

applicable, any unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment of the board, the person:

*****

(e) Has practiced or attempted to practice medicine without being licensed to do so;

*****

(h) Has violated any provision of ORS 675.010 to 675.150 or any provision of the code of professional conduct formulated under ORS 675.110(12);

*****

(3) The Board may impose a civil penalty under subsection (1) of this section:

(a) In an amount not to exceed $5,000;

Pursuant to ORS 675.070, the Board may impose a civil penalty in an amount not to exceed $5,000 against any unlicensed person found in violation of ORS 675.010 to 675.150.

As determined above, Respondent engaged in the unlicensed practice of psychology and/or represented himself as such without a license, in violation of ORS 675.020(1) and (2). Therefore, the Board may impose a civil penalty in the amount of $1,000 against Respondent for the violation. Additionally, a review of the record establishes that the civil penalty amount is appropriate in this matter.

Respondent contends the civil penalty amount should be reduced. However, Respondent's unlicensed practice of psychology placed individuals with mental health disorders and the public at risk. As such, Respondent's argument is unpersuasive.

Respondent did not file exceptions to the ALJ's proposed order.

ORDER

The Board adopts the ALJ's findings of fact and conclusions of law in the proposed order, and issues the following order:

1. Respondent engaged in the unlicensed practice of psychology and/or represented himself as such without a license.

2. Respondent should be assessed a civil penalty in the amount of $1,000. The civil

penalty is payable in full 10 days after the civil penalty becomes final by operation of law or on appeal.

DATED this 29 day of January, 2016.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

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Fran Ferder, Ph.D.
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.

BEFORE THE

BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF OREGON

In the Matter of the Conduct of:	) AGENCY NO: OBPE #2014-060
	)
RON FRITZ	) NOTICE OF INTENT TO IMPOSE CIVIL
	) PENALTY
Respondent	)

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. Ron Fritz (Respondent) is not licensed by the Board to practice psychology in the State of Oregon.

2.

The Board proposes to impose a civil penalty of $1,000 against Respondent, pursuant to ORS 675.010(4); ORS 675.020(1) and (2), 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 to individuals and groups included in the practice of psychology.

3.

Respondent's acts and conduct that constituted the unlicensed practice of psychology are more particularly described below:

3.1 Respondent is the owner of the New Phoenix Counseling, in Dallas, Oregon. On the New Phoenix website and in magazine advertisements, Respondent has represented that he has a Master's Degree in Psychology and that he has 20 years of experience working with

depressed and suicidal individuals, has been working as a professional counselor since 2007, and that he was written a book on Major Depressive Disorder. On this website, Respondent represented to the public that the counseling services he offers include, but are not limited to a wide variety of disorders and conditions, to include abandonment, addiction and recovery, assessments and evaluations, cutting and self-harm, depression and bipolar disorders, dual diagnosis, eating disorders, obsessive-compulsive disorder, phobias and irrational fears, post-traumatic stress disorder, sex abuse, sex addiction, stress and anxiety, suicide ideation, and major depressive disorder. This conduct violated ORS 675.020(1) and (2).

3.2 Respondent has informed clients that he is a therapist and has performed comprehensive psychological evaluations without holding a state license in any mental health field that would authorize him to diagnose and treat behavioral, emotional or mental disorders, in violation of ORS 675.020(1) and (2).

4.

The Board has authority to impose a civil penalty of up to $10,000 against Respondent for practicing psychology or representing that he is a psychologist without having a license to practice psychology, pursuant to ORS 675.020(1) and (2), ORS 675.070(1)(g), and ORS 675.070(3)(b)(E).

5.

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 Oregon Revised Statutes 183.310 to 183.497. At the hearing, Respondent may be represented by an attorney and subpoena and cross-examine witnesses.

6.

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.

7.

NOTICE TO ACTIVE DUTY SERVICEMEMBERS: Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through http://legalassistance.law.af.mil.

8.

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 to-date 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 19th day of JUNE, 2015.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

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Charles Hill
Executive Director