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BEFORE THE
BOARD OF PSYCHOLOGIST EXAMINERS
STATE OF OREGON

In the Matter of the Conduct of:

SCOTT O'NEAL.

Respondent.

STIPULATED FINAL ORDER

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 authorized to investigate and enforce its laws against the unlicensed practice of psychology.

2.

On July 22, 2005, the Board issued Notice intent to impose Civil Penalties against Respondent for violations ORS 675.020(1)(a) and (b), and ORS 675.020(2). The Board and Respondent wish to resolve this matter by entry of this Stipulated Order. Respondent understands he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing of and entry of this Order in the Board's records. The parties hereby stipulate to entry of the following:

1. By providing psychotherapy services to K as contained in the Board's Notice, Respondent violated ORS 675.020(1)(a).
2. By referring to himself as a "Psychotherapist" and referring to his services as "psychotherapy" as contained in the Board's Notice, Respondent violated ORS 675.020(1)(b) and ORS 675.020(2).

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3.

NOW THEREFORE, in consideration of the above, Respondent and the Board agree to entry of an Order as follows:

1. Respondent is hereby assessed civil penalties in the sum of \$1000.00. The civil penalties are due and payable within ten days from the date of entry of this final order into the Board's records, as provided under ORS 183.745.
2. Respondent agrees to refrain from engaging in any conduct that constitutes the practice of psychology. For purposes of this agreement, the term "practice of psychology" has the meaning contained in ORS 675.010(4) and OAR 858-010-0001.
3. Respondent agrees to refrain from representing himself to be a psychologist, as provided under ORS 675.020(1)(b) and ORS 675.020(2).

IT IS SO STIPULATED this 20TH day of MARCH 2006.

Redacted

Scott O'Neal

IT IS SO ORDERED this 24th day of MARCH 2006.

Redacted

Martin Pittioni, Executive Director
Board of Psychologist Examiners
State of Oregon

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BEFORE THE
BOARD OF PSYCHOLOGIST EXAMINERS
STATE OF OREGON

In the Matter of the conduct of

SCOTT O'NEAL

Respondent.

AGENCY NO: OBPE #04-017

NOTICE OF INTENT TO IMPOSE
CIVIL PENALTY

TO: Scott O'Neal

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.

1.

The Board proposes to impose civil penalties totaling \$2000.00 against Respondent pursuant to ORS 675.110(5),(8) and (10); ORS 675.070(1)(g); ORS 675.070(2)(i) for violation of the following Board statutes and rules: ORS 675.020(1)(a) and (b); ORS 675.020(2); ORS 675.070 (i) and (j), and OAR 858-010-0001. Respondent's violation of the preceding statutes and rule is more particularly described as follows:

2.

2.1 Between June 30, 2003 and February 26, 2004, Respondent provided psychotherapy services to patient K, a 46-year-old woman referred by nurse practitioner Bonnie Acosta for evaluation of depression and anxiety.

2.2 On or about February 26, 2004, Respondent completed a psychological assessment/impression of the same patient.

1 psychology, in violation of ORS 675.020(1)(a) as the practice of psychology is
2 defined under ORS 675.010(4) and OAR 858-010-0001

3 3.2 The Board alleges Respondent's acts and conduct described in paragraph 2.6 to
4 2.8, either individually or collectively, constitute an unlawful representation that
5 Respondent is a psychologist, in violation of ORS 675.020(1)(b) and ORS
6 675.020(2).

7 4.

8 The Board has authority to impose civil penalties against Respondent pursuant to ORS
9 675.070(1)(g); ORS 675.020(2); and ORS 675.110(5).

10 5.

11 Respondent has the right, if Respondent requests, to have a formal contested case hearing
12 before a hearings officer to contest the matter set out above, as provided by ORS 183.310 to
13 183.550. At the hearing, Respondent may be represented by an attorney and subpoena and cross-
14 examine witnesses.

15 6.

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

21 7.

22 If Respondent fails to request a hearing within 30 days, or fails to appear at the hearing as
23 scheduled, the Board may issue a final order by default and impose the above sanctions against
24 Respondent. Respondent's submissions to the Board regarding the subject of this disciplinary case
25 and all information in the Board's files relevant to the subject of this case automatically become part
26

1 of the evidentiary record of this disciplinary action upon default for the purpose of proving a *prima*
2 *facie* case. ORS 183.415(6).

3
4 DATED this 22nd day of July, 2005.

5 BOARD OF PSYCHOLOGIST EXAMINERS
6 State of Oregon

Redacted

7
8 Martin Pittioni, Executive Director
9 Oregon Board of Psychologist Examiners