BEFORE THE

BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF OREGON

In the Matter of the Conduct of:	) AGENCY NO: OBPE #2014-058
KURT S. SWENSEN	) STIPULATED ORDER
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. Kurt S. Swensen (Respondent) is not licensed by the Board to practice psychology in the State of Oregon.

2.

On July 7, 2015, the Board issued a notice of intent 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 and the Board desire to settle this matter by entry of this Stipulated Order. Respondent understands that he has the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes. Respondent 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. Respondent does not acknowledge that he

violated ORS 675.010(4), 675.020(1), ORS 675.070(1)(G), and ORS 675.070(3)(b)(E) but the does acknowledge that there may be evidence introduced at a hearing from which he could be found to have violated one or more of the above statutes. The Board finds that Respondent engaged in the unlicensed practice of psychology in Oregon, in violation of ORS 675.020(1) and (2), and ORS 675.070(1)(g).

5.

Respondent and the Board agree to close this investigation with the entry of this Stipulated Order, subject to the following terms:

5.1 Respondent must pay a civil penalty of $1,000, payable in full within 60 days from the date this Order is signed by the Board Chair.

5.2 Respondent stipulates and agrees that any violation of the terms of this Order shall be grounds for disciplinary action under ORS 675.070(2)(d).

6.

The terms of this Stipulated Order become effective on the date this Order is signed by the Board's Chair. This Order is a public document and is reportable to the National Practitioner Data Bank.

IT IS SO STIPULATED this 20th day of September, 2015.

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KURT SWENSEN

IT IS SO ORDERED THIS 25th day of Sept, 2015.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

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FRAN FERDER, Ph.D.
Board Chair

BEFORE THE

BOARD OF PSYCHOLOGIST EXAMINERS

STATE OF OREGON

In the Matter of the Conduct of:	) AGENCY NO: OBPE #2014-058
KURT S. SWENSEN	) 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. Kurt S. Swensen (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 was formerly certified by the American Academy of Health Care Providers in the Addictive Disorders as a certified addiction specialist, but has not held a state license in the mental health field in Oregon, and has never been licensed as a psychologist.

Respondent has represented to the public that he works in the field of addictions and mental health. Respondent entered into a therapist/client relationship with an adult female client in November 2011, with repeated sessions that continued into early 2012. Respondent diagnosed this client with dissociative disorder. During the course of these sessions, Respondent engaged in sexual contact with the client. A complaint was subsequently filed with the American Academy of Health Care Providers in the Addictive Disorders (Academy), which conducted an investigation and concluded that Respondent's written response to the ethics committee for the Academy contained misrepresentations. The Academy revoked Respondent's certification as an addiction specialist. This conduct violated ORS 675.020(1) and (2).

3.2 Respondent has informed clients that he is a therapist 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 a civil penalty of up to $10,000 against Respondent for practicing psychology without a license or representing that he is a psychologist or offered services included in the practice of psychology 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 7th day of July, 2015.

BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

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Charles Hill
Executive Director