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BEFORE THE
BOARD OF PSYCHOLOGIST EXAMINERS
STATE OF OREGON

In the Matter of the License to Practice) AGENCY NO: OBPE #2011-020
as a Psychologist of:)
CHARLOTTE HIGGINS-LEE, Ph.D.) STIPULATED ORDER
)

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. Charlotte Higgins-Lee, Ph.D. (Licensee) is licensed by the Board to practice psychology in the State of Oregon.

1.

On December 12, 2011, the Board issued a Notice of Proposed Disciplinary Sanctions in which the Board proposed reprimanding Licensee and to require Licensee to practice under supervision for a minimum of six months (with monthly written reports to the Board), with all evaluation reports prepared by Licensee to be countersigned by the supervising psychologist, and to pay a civil penalty of \$7500.

2.

The Board and Licensee now agree to the following stipulation of facts and conclusions of law:

2.1 Licensee received a referral in late 2010 to perform a psychological evaluation of Client A (an adult male) that would include his nine year old daughter (Client B) and to testify in a January 2011 hearing concerning child custody and parenting time. Licensee has informed the Board that she did this evaluation at the request of Client A's attorney: "due to concerns about

1 the adequacy of the custody evaluation previously performed by an unlicensed person.”¹ As part
2 Licensee’s evaluation process, Licensee interviewed Client A and B, the paternal grandparents, a
3 neighbor, as well as a brother and a former girlfriend of Client A. Licensee did not interview
4 Client C, who was Client A’s former spouse and mother of Client B. In early January 2011,
5 Licensee completed a psychological evaluation report of Client A at the request of Client A’s
6 legal counsel. In the report’s conclusions and recommendations, Licensee found that Client A
7 was a “fit parent.” Licensee went on to explain that Client A was: “without significant
8 psychological problems. In fact, it should be noted that the validity profiles for the MMPI-2 and
9 PAI were within normal limits. This is unusual for child custody litigants because they usually
10 want to present themselves in a “positive light” that tends to invalid the tests. Given the
11 information available to me, it is my opinion that [Client A] should have sole custody of [Client
12 B].” Licensee also wrote in this report that: “More information should be obtained on the
13 mother’s alcohol use/abuse and violence. Reportedly, she has kicked in doors and had what was
14 described as a “psychotic rage” on at least one occasion...It is my opinion that these issues raise
15 the question of supervised visitation on the part of the mother.” On January 12, 2011, Licensee
16 was called to testify at the custody hearing by the attorney for Client A. Licensee’s conduct
17 violated ORS 675.070(2)(d) and Ethical Standards (ES) 2.01 Boundaries of Competence; ES
18 2.04 Bases for Scientific and Professional Judgments; ES 3.04 Avoiding Harm; and ES 9.02 Use
19 of Assessments.

20 2.2 In a report dated January 9, 2011, Licensee issued an amended psychological
21 evaluation report that deleted a portion of her original conclusion and recommendation, to
22 include her comment that “[Client A] should have sole custody of [Client B].” Nevertheless, this
23 amended report retained many critical comments that Licensee made in the original report in
24 regard to Client C, to include describing her has having a “violent temper,” stating that Client B
25

26 ¹ Licensee was referring to a custody evaluation that was prepared by an unlicensed person with a Master’s Degree
in Psychology, at the direction of the Lane County Circuit Court, which concluded that full custody should be
awarded to Client C, with parenting time provided for Client A every other weekend.

1 was afraid of Client C “when she was violently intoxicated,” and that Client C had “kicked in
2 almost every door of the house.” Licensee’s report in this case violated ORS 675.070(2)(d) and
3 Ethical Standards (ES) 2.01 Boundaries of Competence; ES 2.04 Bases for Scientific and
4 Professional Judgments; ES 3.04 Avoiding Harm; and ES 9.02 Use of Assessments.

5 3.

6 The Board has authority to reprimand and to impose other sanctions and terms of
7 supervision upon Licensee’s license to practice psychology in Oregon pursuant to ORS
8 675.070(1); ORS 675.110(4), (5) and (12); and OAR 858-010-0075(1). Licensee and the Board
9 desire to settle this matter by entry of this Stipulated Order. Licensee acknowledges that she has
10 the right to a Contested Case hearing under the Administrative Procedures Act (Chapter 183),
11 Oregon Revised Statutes, and fully and finally waives this right to a Contested Case hearing and
12 any appeal therefrom by the signing of and entry of this Order into the Board’s records.
13 Licensee admits that she engaged in the conduct as alleged in paragraph 2 and that Licensee’s
14 conduct violated the following Ethical Standards (ES) from the Code of Professional Conduct,
15 Ethical Principles of Psychologists and Standards of Conduct, which was promulgated by the
16 American Psychological Association in 2002, as adopted under OAR 858-010-0075(1): ES 2.01
17 (Boundaries of Competence); 2.04 (Bases for Scientific and Professional Judgments); 3.04
18 (Avoiding Harm); and 9.02 (Use of Assessments).

19 4.

20 In order to address the Board’s concerns, Licensee and the Board agree to close this
21 investigation (OBPE #2011-020) with the entry of this Stipulated Order, subject to the following
22 terms:

23 4.1 Licensee surrenders her license to practice psychology while under investigation.

24 4.2 Licensee is prohibited from applying for a license to practice psychology for a
25 minimum of two years from the date this Order is signed by the Board’s designee.

26

1 4.3 Licensee stipulates and agrees that any violation of the terms of this Order shall
2 be grounds for disciplinary action under ORS 675.070 (2(d)(A)).

3 5.

4 The terms of this Stipulated Order become effective on the date this Order is signed by
5 the Board's designee. This Order is a public document.

6
7 IT IS SO STIPULATED this ____ day of April 2012.

Redacted

8
9 CHARLOTTE HIGGINS-LEE, Ph.D.

10
11 IT IS SO ORDERED this 20th day of July 2012.

12 BOARD OF PSYCHOLOGIST EXAMINERS
13 State of Oregon

14 Redacted

15 SHANE HAYDON, Ph.D.
16 Board Chair

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BEFORE THE
BOARD OF PSYCHOLOGIST EXAMINERS
STATE OF OREGON

5 In the Matter of the License to Practice) AGENCY NO: OBPE #2011-020
6 as a Psychologist of:)
7 CHARLOTTE HIGGINS-LEE, Ph.D.) NOTICE OF PROPOSED
8) DISCIPLINARY SANCTIONS &
9) SUPERVISION

9 The Board of Psychologist Examiners (Board) is the state agency responsible for
10 licensing and disciplining psychologists, and for regulating the practice of psychology in the
11 State of Oregon. Charlotte Higgins-Lee, Ph.D. (Licensee) is licensed by the Board to practice
12 psychology in the State of Oregon.

13 1.

14 The Board proposes to reprimand Licensee and to require Licensee to practice under
15 supervision for a minimum of six months (with monthly written reports to the Board), with all
16 evaluation reports prepared by Licensee to be countersigned by the supervising psychologist, and
17 to pay a civil penalty of \$7500.

18 2.

19 The Board's proposal to impose disciplinary sanctions and place Licensee under
20 supervision is based on the following alleged facts that constitute violations of ORS 675.070 and
21 ethical principles:

- 22 2.1 Licensee received a referral in late 2010 to perform a psychological evaluation of
23 Client A (an adult male) that would include his nine year old daughter (Client B)
24 and to testify in a January 2011 hearing concerning child custody and parenting
25 time. Licensee has informed the Board that she did this evaluation at the request
26 of Client A's attorney: "due to concerns about the adequacy of the custody

1 evaluation previously performed by an unlicensed person.”¹ As part of Licensee’s
2 evaluation process, Licensee interviewed Client A and B, the paternal
3 grandparents, a neighbor, as well as a brother and a former girlfriend of Client A.
4 Licensee did not interview Client C, who was Client A’s former spouse and
5 mother of Client B. In early January 2011, Licensee completed a psychological
6 evaluation report of Client A at the request of Client A’s legal counsel. In the
7 report’s conclusions and recommendations, Licensee found that Client A was a
8 “fit parent.” Licensee went on to explain that Client A was: “without significant
9 psychological problems. In fact, it should be noted that the validity profiles for
10 the MMPI-2 and PAI were within normal limits. This is unusual for child custody
11 litigants because they usually want to present themselves in a “positive light” that
12 tends to invalidate the tests. Given the information available to me, it is my opinion
13 that [Client A] should have sole custody of [Client B].” Licensee also wrote in
14 this report that: “More information should be obtained on the mother’s alcohol
15 use/abuse and violence. Reportedly, she has kicked in doors and had what was
16 described as a “psychotic rage” on at least one occasion...It is my opinion that
17 these issues raise the question of supervised visitation on the part of the mother.”
18 On January 12, 2011, Licensee was called to testify at the custody hearing by the
19 attorney for Client A. Licensee’s conduct violated ORS 675.070(2)(d) and
20 Ethical Standards (ES) 2.01 Boundaries of Competence; ES 2.04 Bases for
21 Scientific and Professional Judgments; ES 3.04 Avoiding Harm; and ES 9.02 Use
22 of Assessments.

23 2.2 In a report dated January 9, 2011, Licensee issued an amended psychological
24 evaluation report that deleted a portion of her original conclusion and
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1 recommendation, to include her comment that “[Client A] should have sole
2 custody of [Client B].” Nevertheless, this amended report retained many critical
3 comments that Licensee made in the original report in regard to Client C, to
4 include describing her as having a “violent temper,” stating that Client B was
5 afraid of Client C “when she was violently intoxicated,” and that Client C had
6 “kicked in almost every door of the house.” Licensee’s report in this case violated
7 ORS 675.070(2)(d) and Ethical Standards (ES) 2.01 Boundaries of Competence;
8 ES 2.04 Bases for Scientific and Professional Judgments; ES 3.04 Avoiding
9 Harm; and ES 9.02 Use of Assessments.

10 3.

11 The Board has authority to reprimand and to impose other sanctions and terms of
12 supervision upon Licensee’s license to practice psychology in Oregon pursuant to ORS
13 675.070(1); ORS 675.110(4), (5) and (12); and OAR 858-010-0075(1). The Board has authority
14 to investigate complaints under ORS 675.110(8). The Board reserves the right to amend this
15 Notice and impose additional sanctions as allowed under the Board’s authority.

16 4.

17 Licensee has the right, if Licensee requests, to have a formal contested case hearing
18 before an Administrative Law Judge to contest the matter set out above, as provided by Oregon
19 Revised Statutes 183.310 to 183.550. At the hearing, Licensee may be represented by an
20 attorney and subpoena and cross-examine witnesses.

21 5.

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

3 6.

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

10
11 DATED this 12 day of December, 2011.

12
13 BOARD OF PSYCHOLOGIST EXAMINERS
State of Oregon

14 Redacted

15 _____
Debra Orman McHugh, Executive Director
16 Oregon Board of Psychologist Examiners