ORIGINAL

BEFORE THE IDAHO STATE LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE & FAMILY THERAPISTS

In the Matter of the License of:	)	
	)	Case No. COU-2004-4
TERRI K. BEE-KIMBER,	)	
a/k/a TERRI K. COULSON,	)	**STIPULATION AND**
License No. LPC-921,	)	**CONSENT ORDER**
	)	
Respondent.	)	
	)	

COU\Bee-Kimber\P4126lsa

WHEREAS, information having been received by the Idaho State Board of Professional Counselors and Marriage & Family Therapists (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Terri K. Bee-Kimber a/k/a Terri K. Coulson (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of professional counseling and marriage and family therapy in the State of Idaho in accordance with title 54, chapter 34, Idaho Code.

2. Respondent Terri K. Bee-Kimber a/k/a Terri K. Coulson is a licensee of the Idaho State Board of Professional Counselors and Marriage & Family Therapists and holds License No. LPC-921 to practice as a professional counselor in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 34, Idaho Code.

3. From approximately February 2000 to April 2001, Respondent was employed as a counselor at S.E.L.F. in Pocatello, Idaho.

4. During Respondent's employment with S.E.L.F., Respondent disclosed confidential information obtained from clients to other clients and/or employees of S.E.L.F.

5. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of professional counseling, specifically Idaho Code §§ 54-3407(5) and 54-3410, IDAPA 24.15.01.350, and American Counseling Association Code of Ethics A.3.a and B.1.a. Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent's license to practice as a professional counselor in the State of Idaho.

6. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against her license as set forth in Section C below.

B.

I, Terri K. Bee-Kimber a/k/a Terri K. Coulson, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice as a professional counselor in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of professional counseling in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent shall pay investigative costs in the amount of One Thousand Seven Hundred and No/100 Dollars ($1,700.00) within one (1) year of the entry of the Board's Order.

2. Within one (1) year of the date of entry of the Board's Order, Respondent shall satisfactorily complete fifteen (15) contact hours in ethics. Respondent must receive prior approval by the Board Chair, or the Chair's designee, as to both the institution and coursework for which she is seeking credit. After completion of the coursework, Respondent will provide certified transcripts to the Board.

3. Respondent is hereby placed on supervised probation for a minimum of six (6) months or until Respondent has paid the amount set forth in Section C(1), and fulfilled the ethics requirements of Section C(2), whichever is later. The conditions of probation are as follows:

a. Both the supervisor and the site of the supervised practice must receive preapproval by the Board. Successful completion of the 6-month program of supervised practice will be a prerequisite to reinstatement of Respondent's license without restriction.

b. Respondent shall be supervised at a rate of one (1) hour of supervision for every thirty (30) hours of client contact, and said supervision shall address confidentiality and boundary issues. Respondent shall provide a copy of this Stipulation and Consent Order to the supervisor.

c. The supervisor shall provide a report and recommendation to the Board at the end of six months of supervised practice.

d. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of professional counseling in the State of Idaho.

e. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

f. In the event Respondent should leave Idaho for three (3) continuous months, or to reside or practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place of business, and indicate whether Respondent intends to return. Periods of time spent outside Idaho will not apply to the reduction of this period or excuse compliance with the terms of this Stipulation.

g. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

h. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

i. Respondent's failure to pay the amount set forth in Section C(1) above within one (1) year of the entry of the Board's Order shall be considered a violation of Respondent's supervised probation and grounds for further Board action.

j. Respondent's failure to complete ethics requirements as set forth in Section C(2) above shall be considered a violation of this Stipulation and Consent Order and grounds for further Board action.

5. At the conclusion of the probationary period, Respondent may request from the Board a termination from probation. Any request for termination of supervised probation must be accompanied by written proof of compliance with the terms of this Stipulation. The Board retains discretion to grant termination of probation or to deny and continue the period of probation.

6. All costs associated with compliance with the terms of this stipulation are the sole responsibility of Respondent.

7. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-3407. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code §§ 9-337-50.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

> I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for

settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 16 day of October, 2004.

Terri Coulson

Terri K. Bee-Kimber
a/k/a Terri K. Coulson
Respondent

I concur in this stipulation and order.

DATED this 22 day of October, 2004.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By _____
Kenneth F. Stringfield
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-3404, the foregoing is adopted as the decision of the Board of Professional Counselors and Marriage & Family Therapists in this matter and shall be effective on the 1 day of February, 2005. **IT IS SO ORDERED.**

IDAHO STATE BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE & FAMILY THERAPISTS

By Bobbie A. Birdsall
Bobbie A. Birdsall, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of February 2005, I caused to be served a true and correct copy of the foregoing by the following method to:

Terri K. Bee-Kimber 330 W. Chubbuck Road #20½ Chubbuck, ID 83202	☒ U.S. Mail ☐ Hand Delivery ☒ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail
Kenneth F. Stringfield Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	☐ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☒ Statehouse Mail
Jean R. Uranga URANGA & URANGA P.O. Box 1678 Boise, ID 83701-1678	☒ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: _____ ☐ Statehouse Mail

Rayola Jacobsen

Rayola Jacobsen, Chief
Bureau of Occupational Licenses