



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Kevin C. Boileau
Master Case No.: M2012-263
Document: Stipulation to Informal Disposition

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
SECRETARY OF HEALTH

In the Matter of

KEVIN C. BOILEAU
Credential No. CCC.CL.60139803

Respondent

No. M2012-263

STIPULATION TO INFORMAL
DISPOSITION

1. STIPULATION

1.1 The Executive Director of the Certified Counselor Program (Program), on designation by the Secretary of Health (Secretary), has made the following allegations.

- A. On March 31, 2010, the state of Washington issued Respondent a credential to practice as a certified counselor. Respondent's credential is currently active.
- B. From in or about April 2008 to June 2009, the Respondent provided counseling services to Client A. The Respondent did not keep notes or document the therapy sessions with Client A. The Respondent did not provide a disclosure statement to Client A.
- C. The Respondent began to hug Client A after therapy sessions. The intimacy escalated to kissing and touching, and then eventually to sexual intercourse. The Respondent and Client A engaged in an intimate sexual relationship.
- D. The matter was brought to the attention of the Department of Health on or about January 24, 2012. During the course of the investigation, the Respondent submitted fraudulent materials to the disciplining authority in the attempt to portray false facts.
- E. During the course of the investigation the Respondent threatened and harassed Client A regarding a fabricated financial obligation, first by requesting mediation through a surrogate, and second by threatening to initiate a lawsuit.

1.2 Respondent does not admit any of the allegations in the Statement of Allegations and Summary of Evidence or in Paragraph 1.1 above. This Stipulation to

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ORIGINAL

Informal Disposition (Stipulation) shall not be construed as a finding of unprofessional conduct or inability to practice.

1.3 Respondent acknowledges that a finding of unprofessional conduct or inability to practice based on the above allegations, if proven, would constitute grounds for discipline under RCW 18.130.180(1), (7), (13), (22), (24) and WAC 246-18-100(1)(a), (d), (e), WAC 246-810-031, and WAC 246-810-035(1 - 4).

1.4 Respondent agrees that any sanction as set forth in RCW 18.130.160, except subsections (1), (2), (6) and (8), may be imposed as part of this stipulation, but the Respondent may agree to reimburse the disciplining authority the costs of investigation and processing the complaint up to an amount not exceeding one thousand dollars (\$1,000.00) per allegation.

1.5 The parties wish to resolve this matter by means of a Stipulation pursuant to RCW 18.130.172(1).

1.6 This Stipulation is of no force and effect and is not binding on the parties unless and until it is accepted by the Secretary.

1.7 This Stipulation is not formal disciplinary action. However, if the Secretary accepts this Stipulation, it will be reported to the Health Integrity and Protection Databank (45 CFR Part 61), the National Practitioner Databank (45 CFR Part 60) and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act (Chap. 42.56 RCW).

1.8 The Secretary agrees to forego further disciplinary proceedings concerning the allegations.

1.9 Respondent agrees to successfully complete the terms and conditions of this informal disposition.

1.10 Respondent understands that a violation of this Stipulation, if proven, would constitute grounds for discipline under RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

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2. COMPLIANCE WITH SANCTION RULES

2.1 The disciplining authority applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplining authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."

2.2 Respondent's alleged conduct falls in Tier B of the "Sexual Misconduct or Contact" schedule, WAC 246-16-820. The sanction range associated with that tier does adequately address the alleged facts of this case. WAC 246-16-800(2)(b)(iii) provides that "(s)urrender of a credential may be imposed when the license holder is at the end of his or her effective practice and surrender alone is enough to protect the public. The license holder must agree to retire and not resume practice." In this case, Respondent has indicated to the Department of Health that he is retiring from counseling and permanently resigning his license as a certified counselor.

3. INFORMAL DISPOSITION

The parties agree to the following:

3.1 Respondent agrees to retire and thus **VOLUNTARILY SURRENDER** his credential to practice as a certified counselor and to not resume the practice of counseling in the state of Washington, including any temporary, emergency, or volunteer practice.

3.2 Respondent shall present both portions or verify in writing the destruction of his credential to the Department of Health, Secretary of Health, PO Box 47873, Olympia, WA 98504-7873 within ten (10) days of receipt of this Stipulation.

3.3 The effective date of this Stipulation is the date the Adjudicative Clerk Office places the signed Stipulation into the U.S. mail.

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4. RESPONDENT'S ACCEPTANCE

I, KEVIN C. BOILEAU, have read, understand and agree to this Stipulation. This Stipulation may be presented to the Secretary without my appearance. I understand that I will receive a signed copy if the Secretary accepts this Stipulation.

Kevin C. Boileau, Ph.D.

KEVIN C. BOILEAU
RESPONDENT

August 30, 2012
DATE

D. Jeffrey Burnham

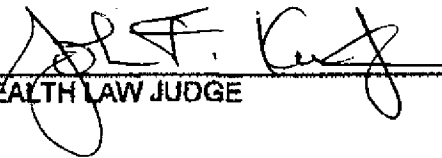
D. JEFFREY BURNHAM, WSBA #22679
ATTORNEY FOR RESPONDENT

August 31, 2012
DATE

5. SECRETARY ACCEPTANCE

The Secretary of Health accepts this Stipulation to Informal Disposition. All parties shall be bound by its terms and conditions.

DATED: September 17, 2012


HEALTH LAW JUDGE

PRESENTED BY:


TIMOTHY TALKINGTON, WSBA #41297
DEPARTMENT OF HEALTH STAFF ATTORNEY

09/24/2012
DATE