



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Ross Anderson III  
Docket No.: 05-06-B-1035HP  
Document: Statement of Charges

Regarding your request for information about the above-named practitioner, 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:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

Information regarding an individual's health care, including where they received health care services, their medical condition, care provided, etc., pursuant to RCW 42.17.312 (Public Records Disclosure) and RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

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

Adjudicative Clerk Office  
P.O. Box 47879  
Olympia, WA 98504-7879  
Phone: (360) 236-4677  
Fax: (360) 586-2171

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

**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
SECRETARY OF HEALTH  
HYPNOTHERAPIST COUNSELOR PROGRAMS**

FILED  
AUG 26 2005  
Adjudicative Clerk Office

In the Matter of the Certification to )  
Practice as a Hypnotherapist Counselor ) **Docket No. 05-06-B-1035HP**  
of: )  
) **STATEMENT OF CHARGES**  
**ROSS E. ANDERSON III,** )  
Certification No. HP10001032 )  
)  
Respondent. )

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The Executive Director of the Hypnotherapist Counselor Program (Program), on designation by the Secretary of Health, makes the allegations below, which are supported by evidence contained in Program case file no. 2005-03-0001. Any clients referred to in this Statement of Charges are identified in an attached Confidential Schedule.

**Section 1: ALLEGED FACTS**

1.1 Ross E. Anderson, Respondent, was issued a certification to practice as a Hypnotherapist Counselor in the state of Washington in October 1999. Respondent's certification had been expired between July 30, 2001 and August 3, 2004, when he renewed. This certification expired on July 30, 2005.

1.2 In approximately December 2003, Respondent provided hypnotherapist counseling services in the state of Washington after allowing his certification to expire.

1.3 While Respondent provided hypnotherapist counseling services to Client A in approximately December 2003, his counseling services were negligent in the following manner:

1.3.1 On or about December [REDACTED] 2003, Respondent crossed professional boundaries, i.e., taking the underwear of Client A after hypnotizing her. Respondent kept the underwear of Client A, until returning it to her on December [REDACTED] 2003, when he informed her that he had used them for his personal enjoyment.

1.3.2 Respondent crossed professional boundaries from approximately December [REDACTED] to December [REDACTED] 2003, by trafficking personal email with Client A. Specifically, as follows:

1.3.2.1 A December [REDACTED] 2003, message from Respondent to Client A included the sexual innuendo of, "I want to be inside you again and again and again... and where shall I explode tonight???"

1.3.2.2 A December [REDACTED] 2003, message from Respondent to Client A stated, "a challenging relationship to grasp – you and I – so far apart – you married – professional relationship turned personal – et cetera."

1.4 On December [REDACTED] 2003, Respondent had sexual intercourse with Client A. This act took place at Respondent's residence, in his bed, after he had hypnotized Client A.

## **Section 2: ALLEGED VIOLATIONS**

2.1 The violations alleged in this section constitute grounds for disciplinary action pursuant to RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

2.2 The facts alleged in paragraph 1.2 constitute unprofessional conduct in violation of RCW 18.190.020(1) through (3), and RCW 18.190.030, which provides in part:

**RCW 18.19.020 Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Client" means an individual who receives or participates in counseling or group counseling.

...

(2) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

...

(3) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

...

**RCW 18.19.030 Registration required.** No person may, for a fee or as a part of his or her position as an employee of a state agency, practice counseling without being registered to practice by the department under this chapter unless exempt under RCW 18.19.040.

...

2.3 The facts alleged in paragraph 1.3 constitute unprofessional conduct in violation of RCW 18.130.180(1), (4), (7), and WAC 246-810-049(3), which provides in part:

**RCW 18.130.180 Unprofessional conduct.** The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

...

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

...

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;...

...

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

...

**WAC 246-810-049 Sexual misconduct.**

(3) A counselor shall not engage in sexually harassing or demeaning behavior with clients.

...

2.4 The facts alleged in paragraph 1.4 constitute unprofessional conduct in violation of RCW 18.130.180(1), (7), (24), and WAC 246-810-049(1), which provides in part:

**RCW 18.130.180 Unprofessional conduct.** The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

...

(1) See, above;

...

(7) See, above;

...

(24) Abuse of a client or patient or sexual contact with a client or patient;

...

**WAC 246-810-049 Sexual misconduct.** (1) A counselor shall not engage in sexual contact or sexual activity with current clients.

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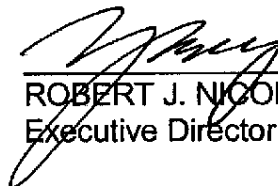
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**Section 3: NOTICE TO RESPONDENT**

The charges in this document affect the public health, safety and welfare. The Executive Director of the Counselor Programs directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

DATED this 9th day of August, 2005.

STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
SECRETARY OF HEALTH  
COUNSELOR PROGRAMS

  
\_\_\_\_\_  
ROBERT J. NICOLOFF  
Executive Director

  
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DOROTHY JAFFE, WSBA #34148  
Assistant Attorney General Prosecutor

FOR INTERNAL USE ONLY:

PROGRAM NO. 2005-03-0001

**CONFIDENTIAL SCHEDULE**

**This information is confidential and is NOT to be released without the consent of the individual or individuals named herein. RCW 42.17.310(1)(d)**

**Client A:**

