

BOARD MEETINGState Capitol, Room 112
Sacramento, CA 95814
(916) 324-0333**Thursday, February 15, 2018**

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:06 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present

Stephen Phillips, JD, PsyD, President
Nicole J. Jones, Vice-President
Lucille Acquaye-Baddoo
Sheryll Casuga, PsyD
Michael Erickson, PhD
Seyron Foo
Jacqueline Horn, PhD

Others Present

Antonette Sorrick, Executive Officer
Norine Marks, DCA Legal Counsel
Sandra Monterrubio, Enforcement Program Manager
Cherise Burns, Central Services Manager
Stephanie Cheung, Licensing Manager
Jason Glasspiegel, Central Services Coordinator
Natasha Lim, BreEZe and Licensing Coordinator
Liesel McCockran, Continuing Education and Renewals Coordinator
Curtis Gardner, Probation Coordinator

Agenda Item #2: President's Welcome

Dr. Phillips welcomed the attendees to the Board's quarterly meeting and read the Board's mission statement. Dr. Phillips stated that because of the Board's movement towards a paper-light system, Board members would be viewing the meeting packets using their laptops instead of paper copies.

Agenda Item #5: Budget Report

Mr. Mark Ito provided a detailed explanation of each attachment in the budget report for the Board. Mr. Foo asked for the guidelines of the loan repayment plan. Mr. Ito stated that we look at the months in reserve and that it depends on the projected fund balance which is assessed yearly. Ms. Jones asked if the Board anticipates requesting more budget change proposals (BCPs). Mr. Ito explained that with previous BCPs, the Board did not have to request additional funds; however, moving forward, if the Board requests additional BCPs, then the Board would have to request the funding as well. Ms. Sorrick

48 reiterated that we did not request additional funds for the Manager position and three
49 Licensing positions. She stated that there is an increase of complaints in Enforcement
50 but Board staff has acquired a limited term Associate Governmental Program Analyst
51 (AGPA) to help manage the workload. If complaints continue in an upward trend, that
52 may be the next BCP the Board seeks. Dr. Phillips asked what the primary source of
53 revenue is for the Board of Psychology. Mr. Ito stated that without looking at the budget
54 line items, it is safe to say that most of the revenue comes from licensing fees.
55

56 **Agenda item #3: Public Comment for Items not on the Agenda. Note: The Board**
57 **May Not Discuss or Take Action on Any Matter Raised During this Public**
58 **Comment Section, Except to Decide Whether to Place the Matter on the Agenda**
59 **of a Future Meeting [Government Code sections 11125 and 11125.7(a)]**
60

61 Dr. Phillips explained that public comment is the opportunity for members of the public
62 to make comments on items not on the agenda. He reminded the Board that they could
63 not discuss or take action on any of the comments received.
64

65 No public comment was received.
66

67 **Agenda Item #4: Approval of Board Meeting Minutes: November 16-17, 2018**
68

69 Dr. Horn and Dr. Phillips provided changes to staff.
70

71 It was M(Horn)/S(Erickson)/C to approve the minutes as modified.
72

73 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no
74

75 **Agenda Item #8: Petition for Early Termination of Probation – David Jimenez, PhD**
76

77 Administrative Law Judge Marcy Larson presided. Deputy Attorney General Jansson
78 Tan was present and represented the People of the State of California. David Jimenez,
79 PhD, was present and represented himself.
80

81 **Agenda Item #9: Petition for Early Termination of Probation– Kenneth Kaisch,**
82 **PhD**
83

84 Administrative Law Judge Marcy Larson presided. Deputy Attorney General Jansson
85 Tan was present and represented the People of the State of California. Kenneth Kaisch,
86 PhD, was present and represented himself.
87

88 **Agenda Item #10: Petition for Early Termination of Probation – Christopher**
89 **Sanders, PhD**
90

91 Administrative Law Judge Marcy Larson presided. Deputy Attorney General Jansson
92 Tan was present and represented the People of the State of California. Christopher
93 Sanders, PhD, was present and was represented by Jonathan Turner, JD.

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Agenda Item #11: Closed Session

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to discuss disciplinary matters including the above petition, petitions for reconsideration, stipulations, and proposed decisions.

Friday, February 16, 2018

Stephen Phillips, JD, PsyD, Board President, called the open session meeting to order at 9:13 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present

- Stephen Phillips, JD, PsyD, President
- Nicole J. Jones, Vice-President
- Lucille Acquaye-Baddoo
- Sheryll Casuga, PsyD
- Michael Erickson, PhD
- Seyron Foo
- Jacqueline Horn, PhD

Others Present

- Antonette Sorrick, Executive Officer
- Norine Marks, DCA Legal Counsel
- Sandra Monterrubio, Enforcement Program Manager
- Cherise Burns, Central Services Manager
- Stephanie Cheung, Licensing Manager
- Jason Glasspiegel, Central Services Coordinator
- Natasha Lim, BreEZe and Licensing Coordinator
- Liezel McCockran, Continuing Education and Renewals Coordinator

Agenda Item #12: Public Comment for Items not on the Agenda. Note: The Board May Not Discuss or Take Action on Any Matter Raised During this Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code sections 11125 and 11125.7(a)]

Dr. Phillips expressed his gratitude to the Senate Business and Professions Committee, especially Senator Jerry Hill and Sarah Huchel, for letting the Board use the room at the State Capitol. Dr. Phillips explained that public comment is the opportunity for members of the public to make comments on items not on the agenda. He reminded the Board that they could not discuss or take action on any of the comments received.

Catherine Campbell, California Protective Parents Association, asked the Board what they are doing for the "Me Too" movement and what training psychologists are required to take beyond the *Professional Therapy Never Includes Sex* brochure.

140
141 Kathleen Russell, Center for Judicial Excellence, talked about the harm that children
142 experience by being forced to live with abusive parents. She also asked for the Board to
143 agendize a discussion of the *DCA Complaint Prioritization Guidelines* and what the
144 Board is doing to implement them. She also asked about the prioritization for complaints
145 that are filed against licensees with multiple similar complaints.

146
147 Kimberly Sweidy, member of the public, asked that psychologists remove themselves
148 from the legal community because she believes they are doing more harm.

149
150 **Agenda Item #6: Executive Officer's Report**

151
152 Ms. Sorrick provided the Board with a staff update. She stated that the Enforcement
153 Technician promoted to a Staff Services Analyst in the Licensing Unit. Ms. Sorrick
154 stated that there are currently 23.3 positions at the Board and there are four vacancies.
155 She also stated that staff has already started conversations with the Budget Office to
156 make the limited term Enforcement Analyst a permanent position due to the upward
157 trend in complaints the Board has received.

158
159 **Agenda Item #7: DCA Executive Update**

160
161 Christopher Castrillo, Deputy Director of Board and Bureau Services, and Karen
162 Nelson, Assistant Deputy Director, provided the Board with an executive update. Ms.
163 Nelson recently joined DCA's executive team, so she provided the Board a brief
164 introduction of herself. Ms. Nelson stated that the participants in the first ever Future
165 Leadership Program will be graduating March 7, 2018. Mr. Castrillo spoke about having
166 an open dialogue with all boards and bureaus and that his team is currently working on
167 having work groups with boards and bureaus.

168
169 **Agenda Item # 13: Enforcement Report**

170
171 Ms. Monterrubio provided the Board with an overview of Enforcement activity. She
172 stated that the Department of Consumer Affairs (DCA) and BreEZe Data Governance
173 staff decided to combine Q1 and Q2 data; therefore, the Performance Measures will be
174 reported at the upcoming May Board Meeting. Ms. Monterrubio also stated that the
175 Enforcement Unit is actively looking to recruit three vacancies; an Enforcement
176 Technician, AGPA, and a Special Investigator. She stated that the next Expert Training
177 will be held in Oakland in April, and experts must physically attend the training. Ms.
178 Monterrubio provided the Board with Enforcement Unit statistics: there were 643
179 complaints received, the Board has issued 27 enforcement citations, 32 cases have
180 been referred to the Office of the Attorney General, and staff is currently monitoring 50
181 probationers.

182
183 Catherine Campbell, California Protective Parents Association, expressed to the Board
184 her concern about complaints against psychologists, specifically for psychologists in
185 family courts. Ms. Campbell expressed that children are living with their abusers while
186 waiting for these complaints to be processed.

187

188 Ms. Monterrubio stated that most of our cases are reviewed by subject matter experts
189 who determine if psychologists have acted outside the standard of care.
190

191 Kathleen Russell, Center for Judicial Excellence, asked the Board what prioritization
192 guidelines are being used and what that entails.
193

194 Ms. Monterrubio stated that when Board staff receive multiple complaints against an
195 individual, Board staff will expedite the complaints and ask the Division of Investigation
196 to work those cases together and faster if possible.
197

198 Kimberly Sweidy, member of the public, expressed to the Board her concern about the
199 training of expert reviewers. Ms. Sweidy also stated that there is a disconnect between
200 what the Board is doing and what the public believes the Board is doing.
201

202 Ms. Jones mentioned that it would be helpful to have a legend to explain some of the
203 items on the Enforcement Report and that it would also be helpful to see the percentage
204 change on this data for the last five years.
205

206 Mr. Foo clarified that it does not cost money to file a complaint, the Board does not
207 charge the consumer for filing a complaint.
208

209 **Agenda Item #14: Enforcement Committee Report and Consideration of**
210 **Committee Recommendations**
211

212 a) Amendments to 16 CCR Section 1395.2 – Disciplinary Guidelines

213 b) Propose Amendments to Complaint form

214 c) Proposed Amendments to Case Acknowledgement and Closure Letters
215

216 Dr. Phillips stated that the above items have been continued from the agenda until after
217 the next Enforcement Meeting.
218

219 Ms. Acquaye-Baddoo stated that every complaint is taken seriously and is thoroughly
220 investigated. She also stated that the Enforcement Committee is currently working on
221 the Disciplinary Guidelines and apologized for the length of time the review is taking.
222

223 Catherine Campbell, California Protective Parents Association, stated that she
224 appreciated the Board for reviewing these but wasn't sure if these changes were open
225 for public review. She also expressed her concern regarding the fact that a person who
226 has had his or her psychology license revoked could reapply and get a license again.
227 She stated that some people should not be able to get a license again, specifically
228 those who have put children in danger.
229

230 Ms. Sorrick explained to the Board the process of changing the Disciplinary Guidelines.
231 She explained that once the Committee provides a draft, it will be brought to the Board
232 for approval. Once approved, it will go through the regulatory process which can take
233 six to eight months. Ms. Sorrick stated that during the process there will be several
234 opportunities for the Board and public to be involved in the draft language.
235

236 Discussion ensued regarding the reasoning as to why the Enforcement Committee is
237 not open to the public. It was stated that it is a unique committee due to the confidential
238 nature of the issues discussed at these meetings. Discussion of using a stakeholder
239 process, like the one used for Pathways to Licensure, for the Disciplinary Guidelines
240 was discussed as a way to increase transparency of this process.
241

242 **Agenda Item #16: Licensing Report**

243
244 Ms. Cheung provided a review of the Licensing Report. She provided the Board with
245 application processing times and stated that Board staff is working hard on closing the
246 gap that occurred due to losing staff last year.
247

248 **Agenda Item #17: Continuing Education and Renewals Report**

249
250 Ms. McCockran provided the Board with a review of the Continuing Education and
251 Renewals Report. She stated that there is no longer a Citations backlog and CE audits
252 have resumed for May and June 2016. She stated that an average of 327 psychologists
253 were processed per month in the last 13 months. Ms. McCockran noted that the number
254 of psychologists renewing online was rising every month.
255

256 Dr. Jo Linder-Crow, Executive Officer for the California Psychological Association,
257 asked how long will it be until we are caught up with CE audits to 2017. Ms. McCockran
258 stated she anticipates being caught up to 2017 by end of summer.
259

260 **Agenda Item #18: Licensing Committee Report and Consideration of Committee**
261 **Recommendations**

262
263 **a) Pathways to Licensure:**

- 264 1) **Proposed Amendments to Business and Professions Code:**
265 **§§ 25, 28, & 2915.5 (Training in Human Sexuality, Child, Elder, and**
266 **Dependent Adult Abuse Assessment and Reporting, and Aging and**
267 **Long-term Care);**
268 • **§ 27 (Disclosure of Information);**
269 • **§ 2903 (Licensure Requirements);**
270 • **§§ 2909, 2909.5, 2910, & 2911 (Exemptions);**
271 • **§ 2913 (Psychological Assistant);**
272 • **§ 2914 (Applicant's Requirement);**
273 • **§ 2915 (Continuing Professional Development);**
274 • **§§ 29 & 2915.7 (Continuing Education: Chemical Dependency and**
275 **Alcoholism and Aging and Long-term Care)**
276 • **§§ 2940 & 2941 (Application and Examination Fees);**
277 • **§§ 2942, 2943, & 2944 (Examination Time and Subjects);**
278 • **§ 2946 (Reciprocity and Temporary Practice);**
279 • **§ 2948 (Issuance of License); and**
280 **§ 2960 (Grounds for Disciplinary Action)**
281
282 2) **Proposed Amendments to Title 16 of the California Code of Regulations:**
283 • **§ 1380.3 (Definitions);**

- 284 • §§ 1381, 1381.1, & 1381.2 (Applications);
- 285 • § 1381.4 (Failure to Appear for an Examination);
- 286 • § 1381.5 (Failure to Pay Initial License Fee);
- 287 • § 1381.6 (Permit Processing Times);
- 288 • §§ 1382, 1382.3, 1382.4, 1382.5, & 1382.6 (Pre-licensing Courses);
- 289 • § 1386 (Evaluation of Education);
- 290 • § 1387 (Supervised Professional Experience);
- 291 • §§ 1387.1 & 1387.2 (Qualifications of Primary and Delegated
- 292 Supervisors);
- 293 • § 1387.3 (Non-Mental Health Services);
- 294 • § 1387.4 (Out-of-State Experience);
- 295 • § 1387.5 (SPE Log);
- 296 • §§ 1388, 1388.6, 1389, & 1389.1 (Examinations-
- 297 Waiver/Reconsideration);
- 298 • §§ 1387.7, 1390, 1390.1, 1390.2, & 1390.3 (Registered
- 299 Psychologists);
- 300 • §§ 1387.6, 1391, 1391.1, 1391.2, 1391.3, 1391.4, 1391.5, 1391.6,
- 301 1391.7, 1391.8, 1391.10, 1391.11, & 1391.12 (Psychological
- 302 Assistants);
- 303 • § 1392.1 (Psychological Assistant Fees); and
- 304 • § 1397.71 (CE Provider Status)
- 305

306 Ms. Sorrick stated that at the last Licensing Committee Meeting, the Committee looked
 307 at changing the Pathways to Licensure. There are currently four pathways to licensure,
 308 and Board staff recommended a single pathway that would require all trainees to
 309 register as psychological assistants with the Board to accrue their supervised
 310 professional experience. The Committee decided more data was needed before a
 311 decision could be made. Board staff recommended sending out a survey to schools,
 312 consumer groups, government agencies and Board staff for data.

313
 314 Dr. Elizabeth Winkelman, California Psychological Association (CPA), asked if feedback
 315 from Registered Psychologists and their supervisors was being included. Ms. Cheung
 316 confirmed that Registered Psychologists and their supervisors are on the list to receive
 317 the survey.

318
 319 Dr. Melodie Shaeffer, CPA and CAPIC, asked that the surveys be sent out to CAPIC
 320 sites. Ms. Cheung confirmed that CAPIC sites are on the list to receive the survey.

321
 322 Dr. Marilyn Immoos, California Department of Corrections (CDCR), asked the Board if
 323 interns and trainees will be getting the surveys or is it primarily training directors? Dr.
 324 Horn confirmed that both trainees and training directors will be receiving the survey.

325
 326 Ms. Sorrick stated that anyone who would like to receive the survey, can email the
 327 Board at BOPLicensing@dca.ca.gov with their name and contact information.

328
 329 Discussion ensued regarding the survey. The survey is a modified Likert scale, asking
 330 open-ended questions. An example of a question on the survey is “How do you think the

331 proposal will impact you?" The Board asked for a report on the organizations receiving
332 the survey, total number of recipients and total number of responses.

333
334 b) Consideration of Licensing Committee Recommendations Regarding an Extension of
335 the 72-Month Registration Period Limitation for Registered Psychological Assistant
336 Pursuant to Section 1391.1(b) of Title 16 of the California Code of Regulations
337

338 Dr. Horn provided an overview of PSB #1's request for an extension.

339
340 It was M(Foo)/S(Acquaye-Baddoo)/C to grant the request for an 18-month extension of
341 the 72-month limitation for the psychological assistant registration.

342
343 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no
344

345 Dr. Horn provided an overview of PSB #2's request for an extension.

346
347 It was M(Foo)/S(Jones)/C to deny the request for a 16-month extension of the 72-month
348 limitation for the psychological assistant registration.

349
350 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no
351

352 Dr. Horn provided an overview of PSB #3's request for an extension.

353
354 It was M(Foo)/S(Erickson)/C to grant the request for an 18-month extension of the 72-
355 month limitation for the psychological assistant registration.

356
357 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no
358

359 Discussion ensued regarding the reasons why the Committee recommends denying or
360 granting an extension request.

361
362
363 c) Consideration of Licensing Committee Recommendations Regarding an Extension of
364 the 30-consecutive Month Limitation to Accrue 1500 Hours of Post-Doctoral Supervised
365 Professional Experience Pursuant to Section 1387(a) of Title 16 of the California Code
366 of Regulations
367

368
369 Dr. Horn provided an overview of PSB #4's extension request.

370
371 It was M(Foo)/S(Acquaye-Baddoo)/C to grant the request for a four-year extension to the
372 30-consecutive month limitation to accrue post-doctoral SPE.

373
374 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no
375

376 d) Consider and Possible Approval of Licensing Committee Recommendation
377 Regarding Supervision Agreement Plans for Supervised Professional Experience in

378 Non-Mental Health Services Pursuant to Section 1387.3 of the California Code of
379 Regulations

380
381 Dr. Horn explained that due to lack of training sites and qualified supervisors in areas
382 such as applied psychological research and industrial-organizational psychology,
383 trainees must submit a plan for SPE to the Board for approval.

384
385 It was M(Foo)/S(Acquaye-Baddoo)/C to approve the supervision agreement plan for
386 supervised professional experience in the non-mental health area for the trainee as a
387 psychological assistant.

388
389 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no

390
391 e) Retired Psychologist License: Consideration of revisions to proposed 16 CCR
392 Sections 1381.9, 1381.10, and 1392 related to the issuance of a License in Retired
393 Status

394
395 Ms. Sorrick explained that the language and forms were previously reviewed and
396 approved by the Board. At the November 2017 Board Meeting, there was an inquiry
397 regarding whether an individual on inactive status is eligible to apply for a retired status.
398 The Committee agreed that a license in inactive status is eligible to apply for a retired
399 status if that individual meet the requirements.

400
401 Dr. Erickson asked if there are continuing education requirements for coming out of
402 Retired status into an Active license. Ms. Marks stated that in Business and Professions
403 Code 2988.5, a holder of a Retired license can apply for an Active license if that person
404 furnishes electronic fingerprints and completes the continuing education or continuing
405 professional development requirement.

406
407 Dr. Jo Linder-Crow, CPA, asked that the reference to Business and Professions Code
408 2988.5 be added to the proposed language. Ms. Marks agreed that it should be added
409 for clarification.

410
411 Dr. Melodie Schaeffer, Division II CPA and CAPIC, stated that it is not explicitly stated
412 that if a psychologist is on a Retired status for more than three years that he or she will
413 not be able to apply for active status. Ms. Marks stated that it states this in the Business
414 and Professions Code, and that individual would need to apply.

415
416 It was M(Foo)/S(Casuga)/C to approve the proposed language as written and direct staff
417 to proceed with the rulemaking file.

418
419 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no

420
421 It was M(Jones)/S(Foo)/C to delegate authority to the Executive Officer to work with the
422 Legal Office to make any technical or non-substantive changes and to initiate the
423 rulemaking process.

424
425 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no

426
427 The proposed language reads as follows:
428

429 **§ 1381.10. Retired Status**

430
431 (a) Pursuant to Section 2988.5 of the Code, a licensed psychologist a psychologist who
432 holds a current Active or Inactive license issued by the Board may apply for a license in
433 retired status by submitting the Form PSY 900 (Rev. 10/20XX), which is hereby
434 incorporated by reference.

435
436 (b) To apply to restore the license to active status if the license in retired status was
437 issued less than three (3) years prior, the licensee shall:

438
439 (1) Submit Form PSY 905 (Rev. 7/20XX), which is incorporated by reference, and
440 pay the biennial renewal fee and all additional fees as prescribed in Sections 2987,
441 of the Code, and section 1397.69 of the California Code of Regulations at the time
442 the request to restore to active status is received;

443
444 (2) Furnish to the Department of Justice, a full set of electronic fingerprints for the
445 purpose of conducting a criminal history record check and to undergo a state and
446 federal level criminal offender record information search if the licensee has not been
447 previously fingerprinted for the Board or for whom an electronic record of the
448 submission of fingerprints does not exist in the Department of Justice's criminal
449 offender identification database.

450
451 (c) The Board will not grant an application for a license to be placed in a retired status
452 more than twice. A licensee who has been granted a license in retired status twice,
453 must apply for a new license in order to obtain a license in active status.

454
455 Note: Authority cited: Section 2930, Business and Professions Code. Reference:
456 Sections 118 and 2988.5, Business and Professions Code.

457
458
459 **§ 1392. Psychologist Fees**

460
461 (a) The application fee for a psychologist is \$40.00.

462
463 (b) The fee for the California Psychology Laws and Ethics Examination (CPLEE) is
464 \$129.00.

465
466 (c) An applicant taking or repeating the licensing examination shall pay the full fee for
467 that examination.

468
469 (d) The initial license fee and the biennial renewal fee for a psychologist are \$400.00,
470 ~~except that if an initial license will expire less than one year after its issuance, then the~~
471 ~~initial license fee is an amount equal to 50 percent of the renewal fee in effect on the~~
472 ~~last regular renewal date before the date on which the license is issued.~~

473

474 (e) The biennial renewal fee for an inactive license is \$40.00.
475 (f) The application fee for a retired license is \$75.00.

476
477 Note: Authority cited: Sections 2930, 2987, 2988.5 and 2989, Business and Professions
478 Code. Reference: Sections 2987, 2988, 2988.5 and 2989, Business and Professions
479 Code.

480
481 **§ 1397.69. Continuing Professional Development Audit Fee Licensee Fees.**
482 **[Effective January 1, 2013.]**

483
484 ~~This section shall be applicable to a license that expires on or after, or is reinstated or~~
485 ~~issued on or after, January 1, 2013.~~

486
487 For the administration of this article, in addition to any other fees due the Board, and as
488 a condition of renewal or reinstatement, a \$10 fee is to be paid to the Board by a licensee
489 renewing in an active status or after inactive, ~~or delinquent,~~ or reactivating from a retired
490 status.

491
492 Note: Authority cited: Sections 2915(g) and 2930, Business and Professions Code.
493 Reference: Sections 2915(j) and 2988.5, Business and Professions Code.

494
495 **Agenda Item #19: Examination: Subject Matter Expert (SME) Qualifications**
496 **Presentation**

497
498 Ms. Burns stated that Ms. Snyder will make a presentation on this topic at the May Board
499 Meeting.

500
501 Dr. Marilyn Immoos, CDCR, stated that her application to become an examination SME
502 was denied due to conflict of interest. She asked if this is for all state employees and how
503 she can participate. Ms. Marks stated that she is not familiar with the application or form,
504 but she will follow up on this.

505
506 **Agenda Item #20: Legislative Update**

507
508 **a) Board Sponsored Legislation**
509 **1) Omnibus Legislative Proposal to Amend Sections 337 and 728 of the Business and**
510 **Professions Code Regarding the Brochure Addressing Sexual Contact Between a**
511 **Psychotherapist and a Patient**

512
513 Ms. Burns provided the Board with a brief history of the brochure "Professional Therapy
514 Never Includes Sex". She stated that staff is currently working with Assembly Member
515 Levine to introduce a spot bill that will become our sponsored legislation. Additionally,
516 Board staff is proposing additional amendments to harmonize the approved text with
517 other statutory provisions.

518
519 The Board discussed the necessity and language of the proposal, the process of omnibus
520 proposals, and provided grammatical edits and suggestions for clarification.

521

522 Ms. Burns stated that this proposal is adding a definition to cover new behaviors Board
523 staff has been seeing in their enforcement complaints.

524
525 The Board discussed "sexual behavior" as described in the proposed language. There
526 was also a conversation about whether the legislative language should include the
527 concept of "unwanted" in the definition of sexual behavior. Dr. Phillips suggested to
528 bifurcate the brochure language to create an in-depth definition of sexual behavior and
529 the basis for discipline after feedback from stakeholders.

530
531 Mr. Joshua Templet, Health Quality Enforcement Section of the Office of the Attorney
532 General, stated that the Board is currently equipped to prosecute sexual harassment and
533 sexual behaviors. Dr. Phillips explained that some of these behaviors are so egregious
534 that they deserve more serious attention and that the penalty hasn't always been
535 commensurate with the behavior.

536
537 Mr. Templet advised the Board against automatic revocation if there had been proof of
538 sexual behavior because it includes things that are not egregious enough for a person to
539 lose his or her license. Ms. Marks stated that the automatic revocation is in relation to the
540 Administrative Law Judge and that the Board always has the authority to decide whether
541 a person's license will be revoked or will have probationary terms applied. This language
542 does not remove the Board's prosecutorial discretion, regardless of the Attorney
543 General's recommendations for prosecuting a case. Mr. Templet agreed.

544
545 Dr. Jo Linder-Crow, CPA, stated she was unaware that Board staff was looking for an
546 author. She also stated that CPA staff provided the Board with their suggestions.

547
548 Ms. Monterrubio stated that many of the case examples presented to the Board were
549 placed on probation. She stated that when a complaint is received, Board staff ensures
550 there is enough proof to substantiate what the victim is alleging. Ms. Monterrubio stated
551 a goal of this brochure is to notify the public of "grooming" behaviors.

552
553 Dr. Elizabeth Winkelman, CPA, provided the Board with her edits and suggestions for the
554 proposed language. She asked if a license can be revoked for reasons other than sexual
555 contact. Ms. Monterrubio stated that a license may be revoked due to reasons other than
556 sexual misconduct.

557
558 Dr. Melodie Shaeffer, CPA and CAPIC, stated that she believes it is prudent to hold back
559 and give this more thought in the creation of the language. She stated that being too
560 specific would not be beneficial.

561
562 Ms. Acquaye-Baddoo stated that broad language is better; however, we want to make
563 sure the new types of issues, such as sexting, are being addressed.

564
565 It was M(Horn)/S(Acquaye-Baddoo)/C to adopt the language, except for section 2960.1,
566 and delegate staff to work with the prospective author.

567
568 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no
569

570 It was M(Horn)/S(Casuga)/M to take action to move forward with looking at the issues of
571 Section 2960.1.

572
573 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no
574

575 Ms. Sorrick suggested that the Chair of the Policy and Advocacy Committee discuss the
576 language of section 2960.1 on the agenda for the next Committee meeting so it can be
577 brought to the full Board at the August Board Meeting.

578
579 The proposed language reads as follows:

580
581 **BUSINESS AND PROFESSIONS CODE - BPC**
582 **DIVISION 1. DEPARTMENT OF CONSUMER AFFAIRS [100 - 472.5]**
583 *(Heading of Division 1 amended by Stats. 1973, Ch. 77.)*
584 **CHAPTER 4. Consumer Affairs [300 - 337]**
585 *(Chapter 4 added by Stats. 1970, Ch. 1394.)*
586 **ARTICLE 6. Information [337- 337.]**
587 *(Article 6 added by Stats. 1970, Ch. 1394.)*
588

589
590 **337.**

591 (a) The department shall prepare and disseminate an informational brochure for victims
592 of psychotherapist-~~client/patient~~ sexual behavior and sexual contact and their advocates
593 ~~for these victims.~~ This brochure shall be developed by the department ~~in consultation~~
594 ~~with members of the Sexual Assault Program of the Office of Criminal Justice Planning~~
595 ~~and the office of the Attorney General.~~

596
597 (b) The brochure shall include, but is not limited to, the following:

598
599 (1) A legal and an informal definition of psychotherapist-~~client/patient~~ sexual behavior
600 and sexual contact.

601
602 (2) A brief description of common personal reactions and ~~histories of victims and~~
603 ~~victim's families.~~

604
605 (3) A ~~client/patient~~'s bill of rights.

606
607 (4) ~~Options~~ Instructions for reporting psychotherapist-~~client/patient~~ sexual behavior and
608 sexual contact ~~relations and instructions for each reporting option.~~

609
610 (5) A full description of administrative, ~~civil, and professional associations~~ complaint
611 procedures.

612
613 (6) A description of services available for support of victims.

614
615 (c) The brochure shall be provided to each individual contacting the Medical Board of
616 California, Osteopathic Medical Board of California, the Board of Psychology, and

617 affiliated health boards, or the Board of Behavioral Sciences regarding a complaint
618 involving psychotherapist-client-patient sexual behavior and sexual contact relations.

619
620
621

622 **BUSINESS AND PROFESSIONS CODE - BPC**
623 **DIVISION 2. HEALING ARTS [500 - 4999.129]**
624 *(Division 2 enacted by Stats. 1937, Ch. 399.)*
625 **CHAPTER 1. General Provisions [500 - 865.2]**
626 *(Chapter 1 enacted by Stats. 1937, Ch. 399.)*
627 **ARTICLE 10.5. Unprofessional Conduct [725 - 733]**
628 *(Article 10.5 added by Stats. 1979, Ch. 348.)*

629
630

631 **728.**

632 (a) Any psychotherapist or employer of a psychotherapist who becomes aware through
633 a client-patient that the client-patient had alleged sexual intercourse or alleged sexual
634 behavior or sexual contact with a previous psychotherapist during the course of a prior
635 treatment shall provide to the client-patient a brochure developed promulgated by the
636 department that delineates the rights of, and remedies for, clients-patients who have
637 been involved sexually with their psychotherapists. Further, the psychotherapist or
638 employer shall discuss with the client-patient the brochure prepared by the department.

640 (b) Failure to comply with this section constitutes unprofessional conduct.

642 (c) For the purpose of this section, the following definitions apply:

644 (1) "Psychotherapist" means a physician and surgeon specializing in the practice of
645 psychiatry or practicing psychotherapy, a psychologist, a psychological assistant, a
646 registered psychologist, a trainee under the supervision of a licensed psychologist, a
647 clinical social worker, a marriage and family therapist, a licensed professional clinical
648 counselor, a psychological assistant, an associate marriage and family therapist
649 registered intern or marriage and family therapist trainee, an intern-associate
650 professional clinical counselor or clinical counselor trainee, and a licensed educational
651 psychologist as specified in Chapter 16 (commencing with Section 4999.10), or an
652 associate clinical social worker.

654 (2) "Sexual contact" means the touching of an intimate part of another person.

656 (3) "Sexual behavior" means inappropriate contact or communication of a sexual nature.
657 This definition does not include the provision of appropriate therapeutic interventions
658 relating to sexual issues.

660 (4) "Intimate part" and "touching" have the same meaning as defined in subdivisions
661 (g) and (e), respectively, of Section 243.4 of the Penal Code.

663 (5) "The course of a prior treatment" means the period of time during which a
664 client-patient first commences treatment for services that a psychotherapist is authorized

665 to provide under his or her scope of practice, or that the psychotherapist represents to
666 the ~~client~~~~patient~~ as being within his or her scope of practice, until the psychotherapist-
667 ~~client~~~~patient~~ relationship is terminated.

668
669 **Agenda Item #15: Review and Consider Draft “Therapy Never Includes Sexual**
670 **Behavior” Brochure – Update**

671
672 Ms. Monterrubio stated that Board staff has been working with the Medical Board of
673 California and the Board of Behavioral Sciences to update the title and content of the
674 brochure. The Board and staff went through page by page and discussed any suggested
675 amendments.

676
677 It was M(Jones)/S(Horn)/C to accept the changes made at this Board Meeting and to
678 provide the approved draft to DCA for review.

679
680 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no

681
682 The proposed language reads as follows:

683 **Professional Therapy Never Includes Sexual Behavior**

684
Printer Friendly Version

685 **State of California**
686 **Department of Consumer Affairs**

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688 California's lawmakers, licensing boards, and ethical therapists want the public to know
689 that professional therapy never includes sexual contact between a therapist and a
690 client. It also never includes inappropriate sexual suggestions, or any other kind of
691 sexual behavior between a therapist and a client. Sexual contact of any kind between a
692 therapist and a client is unethical and illegal in the state of California. Additionally, with
693 regard to former clients, sexual contact within two years after termination of therapy is
694 also illegal and unethical. It is always the responsibility of the therapist to ensure that
695 sexual contact with a client, whether consensual or not, does not occur.

696 Dear Reader:

697 ~~As a reader of "Professional Therapy Never Includes Sexual Contact," you may be a~~
698 ~~California consumer concerned about the conduct of your therapist. You may be a~~
699 ~~licensed therapist, or training to become a therapist. In any case, it's good to know more~~
700 ~~about the high standards of professional conduct expected—and required—in the~~
701 ~~therapy relationship.~~

702 ~~Consumers are looking for professionals they can trust. Therapists value the trust of~~
703 ~~their patients. When this mutual trust is violated by sexual exploitation, everyone loses.~~
704 ~~The patient loses an opportunity for improved health and becomes a victim. The~~
705 ~~therapist stops being a healer and becomes a victimizer. And the profession itself loses~~
706 ~~when the good reputation of the many is diminished by the illegal conduct of a few.~~

707 ~~The California Department of Consumer Affairs is dedicated to working with its~~
708 ~~professional licensing board partners to protect and educate consumers. If you are a~~
709 ~~victim of sexual abuse by a therapist, it's important for you to report your experience to~~
710 ~~the board that licenses your therapist.~~

711 ~~This booklet offers guidance and resources for consumers. For more consumer~~
712 ~~guidelines and information, you may contact the appropriate licensing board or~~
713 ~~professional association, or contact the Department of Consumer Affairs at 1-800-952-~~
714 ~~5210 or www.dca.ca.gov.~~

715 ~~California Department of Consumer Affairs~~

716 ~~Publishing Information~~

717 ~~The 2011 edition of "Professional Therapy Never Includes Sexual Contact" is published~~
718 ~~by the California Department of Consumer Affairs. This publication is a joint project of~~
719 ~~the California Board of Psychology, the California Board of Behavioral Sciences and the~~
720 ~~Department of Consumer Affairs' Office of Publications, Design & Editing.~~

721 ~~This booklet is available in the "Publications" section of the Department of Consumer~~
722 ~~Affairs' Web site www.dca.ca.gov.~~

723 ~~Single copies of the publication are available at no charge from the boards listed above~~
724 ~~and from Publications Office, California Department of Consumer Affairs, P.O. Box~~
725 ~~989004, West Sacramento, CA 95798-0004.~~

726 ~~This booklet may be copied, if (1) the meaning of copied text is not changed or~~
727 ~~misrepresented, (2) credit is given to the California Department of Consumer Affairs,~~
728 ~~and (3) all copies are distributed free of charge.~~

729 ~~Acknowledgments~~

730 ~~The Department of Consumer Affairs, the Board of Psychology and the Board of~~
731 ~~Behavioral Sciences wish to thank former Senator Diane Watson, whose Senate Task~~
732 ~~Force on Psychotherapist and Patient Sexual Relations prompted the development of~~
733 ~~"Professional Therapy Never Includes Sex" in 1990.~~

734 ~~Copyright © 2017, Department of Consumer Affairs~~

735 ~~California law requires that the Department of Consumer Affairs provide an~~
736 ~~informational brochure for victims of psychotherapist-patient sexual contact and their~~
737 ~~advocates.~~

738 ~~California's lawmakers, licensing boards, professional associations and ethical~~
739 ~~therapists want such inappropriate sexual behavior stopped. This booklet was~~
740 ~~developed to help patients who have been sexually exploited by their therapist. It~~
741 ~~outlines their rights and options for reporting what happened. It also defines therapist~~
742 ~~sexual exploitation, gives warning signs of unprofessional behavior, presents a "Patient~~
743 ~~Bill of Rights," and answers some frequently asked questions.~~

744

- 745 • Introduction
- 746 • Definition of Terms
- 747 • Client Rights
- 748 • Warning Signs
- 749 • ~~What If It's Me?~~
- 750 • Common Reactions to Sexual Misconduct by a Therapist
- 751 • ~~Where To Start~~
- 752 • What You Can Do
- 753 ~~— Your Reporting Options~~
- 754 ~~— More About Administrative Action~~
- 755 ~~— More About Professional Association Action~~
- 756 ~~— More About Civil Actions~~
- 757 ~~— More About Criminal Action~~
- 758 • Where to Get Help
- 759 ~~———— Finding a Therapist~~
- 760 ~~———— Self-Help Support Groups~~
- 761 • Frequently Asked Questions
- 762 • ~~— Patient Bill of Rights~~
- 763 ~~-----~~

764 **INTRODUCTION**

765 ~~Professional psychotherapy never includes sex. It also never includes verbal sexual~~
 766 ~~advances or any other kind of sexual contact or behavior. Sexual contact of any kind~~
 767 ~~between a therapist and a patient is unethical and illegal in the state of California.~~
 768 ~~Additionally, with regard to former patients, sexual contact within two years after~~
 769 ~~termination of therapy is also illegal and unethical.~~

770 Sexual behavior between a therapist and a patient/client can also be harmful to the
 771 patient/client. Harm may arise from the therapist's exploitation of the patient/client to fulfill
 772 his or her own needs or desires, and from the therapist's loss of the objectivity
 773 necessary for effective therapy. All therapists are trained and educated to know that this
 774 kind of behavior is illegal and unethical ~~inappropriate and can result in the revocation of~~
 775 ~~their professional license.~~

776 Therapists are trusted and respected, and it is common for patients to admire and feel
777 attracted to them. by their clients, and it is not uncommon for clients to admire and feel
778 attracted to them. However, a therapist who accepts or encourages the expression of
779 these feelings through sexual behavior with the therapist client these normal feelings in
780 a sexual way - or tells a patient/client that sexual involvement is part of therapy - is
781 illegal, unethical, and it violates the therapeutic relationship, and engages in conduct
782 that may be illegal and unethical, using the trusting therapeutic relationship to take
783 advantage of the patient. Once sexual involvement begins, therapy for the patient ends.
784 The original issues that brought the patient to therapy are postponed, neglected, and
785 sometimes lost. This kind of abusive behavior can cause harmful, long-lasting,
786 emotional and psychological effects to the client.

787 Many people who endure this kind of abusive behavior from therapists suffer harmful,
788 long-lasting emotional and psychological effects. Family life and friendships are often
789 disrupted, or sometimes ruined.

790 California's lawmakers, licensing boards, professional associations and ethical
791 therapists want such inappropriate sexual behavior stopped. This booklet was
792 developed to help patients who have been sexually exploited by their therapists. It
793 outlines their rights and options for reporting what happened. It also defines therapist
794 sexual exploitation, gives warning signs of unprofessional behavior, presents a "Patient
795 Bill of Rights," and answers some frequently asked questions.

796

797 **DEFINITION OF TERMS**

798 Throughout this booklet, the terms "therapist," "therapy" and "patient/client" will be used.
799 "Therapist" refers to anyone who is licensed to practice psychotherapy, or is training to
800 become licensed, and includes:

- 801 • Psychiatrists (physicians practicing psychotherapy) Physicians and Surgeons
- 802 • (Psychiatrists)
- 803 • Psychologists
- 804 • Registered pPsychologists
- 805 • Psychological iInterns
- 806 • Psychological aAssistants
- 807 • Licensed eClinical sSocial wWorkers
- 808 • Registered aAssociate eClinical sSocial wWorkers
- 809 • Licensed mMarriage and fFamily tTherapists
- 810 • Registered Associate MMarriage and Family tTherapists-registered interns and
- 811 • trainees
- 812 • Licensed pProfessional eClinical eCounselors
- 813 • Registered Associate PProfessional eClinical eCounselors
- 814 • Licensed Educational Psychologists
- 815 • Registered Research Psychoanalysts

816 The terms "therapy," "therapist" and "patient" in this booklet also refer to educational
817 psychology, educational psychologists and their clients. Though educational

818 ~~psychologists do not practice psychotherapy, these licensed professionals work with~~
819 ~~clients, performing educational evaluations, diagnosis, and test interpretation.~~

820 "Therapy" includes any type of mental health counseling from any of the licensed or
821 registered professional therapists listed above. "Client" "Patient" refers to anyone
822 receiving therapy, or counseling, or other services.

823 According to California laws:

824 ~~Any act of sexual contact, sexual abuse, sexual exploitation, sexual misconduct or~~
825 ~~sexual relations by a therapist with a patient client is unprofessional, illegal, as well as~~
826 ~~unethical, as set forth in Business and Professions Code sections 726, 729, 2960(e),~~
827 ~~4982(k), 4992.3(l), 4989.54(n), and 4999.90(k).~~

828 "Sexual contact" means the touching of an intimate part of another person, including
829 sexual intercourse.

830 "Sexual behavior" means inappropriate contact or communication of a sexual nature.
831 This definition does not include the provision of appropriate therapeutic interventions
832 relating to sexual issues.

833 "Touching" means physical contact with another person either through the person's
834 clothes or directly with the person's skin.

835 "Intimate part" means the sexual organ, anus, groin or buttocks of any person, and the
836 breast of a female.

837 "License" includes certificate, registration or other means to engage in a business or
838 profession regulated by Chapter 1, General Provisions, section 475 of the Business and
839 Professions Code.

840 ~~Sexual exploitation can include sexual intercourse, sodomy, oral copulation, or any~~
841 ~~other sexual contact between a therapist and a patient or a former patient under certain~~
842 ~~circumstances. Sexual misconduct includes a much broader range of activity, which~~
843 ~~may include fondling, kissing, spanking, nudity, verbal suggestions, innuendoes or~~
844 ~~advances. This kind of sexual behavior by a therapist with a patient is unethical,~~
845 ~~unprofessional and illegal.~~

846 **CLIENT RIGHTS**

847 **You, as a client, have the right to:**

- 848 • Request and receive information about the therapist's professional capabilities,
849 including licensure, education, training, experience, professional association
850 membership, specialization and limitations.
- 851 • Be treated with dignity and respect.
- 852 • A safe environment, free from sexual, physical, and emotional abuse.
- 853 • Ask questions about your therapy or other services from your provider.

- 854 • Decline to answer any question or disclose any information you choose not to
- 855 reveal.
- 856 • Request and receive information from the therapist about your progress toward
- 857 your treatment goals.
- 858 • Know the limits of confidentiality and the circumstances in which a therapist is
- 859 legally required to disclose information to others.
- 860 • Know if there are supervisors, consultants, students, or others with whom your
- 861 therapist will discuss your case.
- 862 • Decline a particular type of treatment, or end treatment without obligation or
- 863 harassment.
- 864 • Refuse electronic recording.
- 865 • Request and (in most cases) receive a summary of your file, including the
- 866 diagnosis, your progress, and the type of treatment.
- 867 • Report unethical and illegal behavior by a therapist (see "What You Can Do").
- 868 • Receive a second opinion at any time about your therapy or your therapist's
- 869 methods.
- 870 • Receive a copy of your file or hHave a copy of your file transferred to any
- 871 therapist or agency you choose.

872 **WARNING SIGNS**

873 In most sexual ~~misconduct abuse or exploitation~~ cases, other inappropriate behavior
 874 comes first. While it may be subtle or confusing, it usually feels uncomfortable to the
 875 patient/client. Some clues or warning signs are:

- 876 • ~~Telling sexual jokes or stories.~~
- 877 • ~~"Making eyes at" or giving seductive looks to the patient.~~
- 878 • ~~Discussing the therapist's sex life or relationships excessively.~~
- 879 • Sending obscene images or messages to the client
- 880 • ~~Sitting too close, initiating hugging, holding the patient or lying next to the patient.~~
- 881 Unwanted physical contact.
- 882 • Excessive out-of-session communication (e.g., text, phone, email, social media,
- 883 etc.) not related to therapy

884 ~~Another warning sign is "special" treatment by a therapist, such as:~~

- 885 • ~~Inviting a patient/client to lunch, dinner, or other social and professional activities.~~
- 886 • ~~Dating.~~
- 887 • ~~Changing any of the office's business practices (for example e.g., scheduling late~~
- 888 ~~appointments whense no one is around, having sessions away from the office,~~
- 889 ~~etc.).~~
- 890 • ~~Confiding in a patient/client (e.g., about the therapist's love life, work problems,~~
- 891 ~~loneliness, marital problems, etc.).~~
- 892 • ~~Telling a patient/client that he or she is special, or that the therapist loves him or~~
- 893 ~~her.~~
- 894 • ~~Relying on a patient/client for personal and emotional support.~~
- 895 • ~~Giving or receiving significant gifts.~~

896 ~~Signs of inappropriate behavior and misuse of power include:~~

- 897 • ~~Hiring a patient/client to do work for the therapist, or bartering goods or services~~
- 898 ~~to pay for therapy.~~
- 899 • ~~Suggesting or supporting the patient's/client's isolation from social support~~
- 900 ~~systems, increasing dependency on the therapist.~~
- 901 • ~~Providing or using alcohol (or drugs) during sessions.~~
- 902 • ~~Any violation of the patient's rights as a consumer (see "Patient Bill of Rights,"~~
- 903 ~~page 24).~~

904 ~~Therapy is meant to be a guided learning experience, during which therapists help~~
905 ~~patients to find their own answers and feel better about themselves and their lives. A~~
906 ~~patient should never feel intimidated or threatened by a therapist's behavior.~~

907 ~~If you are experiencing any of these warning signs, you have the right to file a complaint~~
908 ~~with the appropriate licensing board and consult with another therapist. trust your own~~
909 ~~feelings. Check on discuss the therapist's behavior with a different therapist, or with any~~
910 ~~of the agencies in "Where To Start," (see page 10). Depending on what you find out,~~
911 ~~you may want to find another therapist and report the inappropriate behavior to the~~
912 ~~proper licensing board.~~

913 **WHAT IF IT'S ME? COMMON REACTIONS TO SEXUAL MISCONDUCT BY A** 914 **THERAPIST**

915 If a therapist has engaged in any sexual behavior or contact with you, you may
916 experience some or all of the following feelings or reactions:

917 ~~If you have been sexually abused or exploited by your therapist, you may be feeling~~
918 ~~confused. You may feel:~~

- 919 • ~~Guilty and responsible responsibility - even though it is the therapist's~~
- 920 ~~responsibility to keep sexual behavior out of therapy.~~
- 921 • ~~Mixed feelings about the therapist – e.g., protectiveness, anger, love, betrayal.~~
- 922 • ~~Isolated/Isolation and empty/emptiness.~~
- 923 • ~~Distrustful of others' feelings or intentions, or your own feelings.~~
- 924 • ~~Fearful that no one will believe you. or understand what happened, or that~~
- 925 ~~someone will find out.~~
- 926 • ~~Confused about dependency, control and power. Feeling victimized or violated~~
- 927 • ~~Experiencing traumatic symptoms, e.g., anxiety, nightmares, obsessive thoughts,~~
- 928 ~~depression, or suicidal or homicidal thoughts~~

929 ~~You may even have nightmares, obsessive thoughts, depression, or suicidal or~~
930 ~~homicidal thoughts. You may feel overwhelmed as you try to decide what to do or whom~~
931 ~~to tell.~~

932 ~~It's essential that you face what happened. This may be painful, but it is the first major~~
933 ~~step in healing and recovering from the experience. You may have positive and~~
934 ~~negative feelings at the same time, such as starting to feel personal control, being afraid~~

935 of what may happen in the future, remembering the experience, and feeling relieved
936 that the sexual relationship is over.

937 The second step in the healing process is to decide what YOU want to do next. Try to
938 be open-minded about your options.

939 Remember: **It doesn't matter** if you, the patient, started or wanted the sexual
940 involvement with the therapist. Therapists are responsible for keeping sexual intimacy
941 out of the therapy relationship and are trained to know how to handle a patient's sexual
942 attractions and desires.

943 **WHERE TO START**

944 You may need to (1) talk to someone who will understand what you're going through, (2)
945 get information on whether the therapist's behavior was illegal and/or unethical, and (3)
946 find out what you can do about it. Three places to get help are:

- 947 • **Licensing Boards**—In the Department of Consumer Affairs, three different
948 boards license therapists. They can give general information on appropriate
949 behavior for therapists and your rights for reporting what happened, as well as
950 how to file a complaint (see page 13 for licensing board contact information).
- 951 • **Sexual Assault/Crisis Centers**—These centers have staff trained in all types of
952 sexual abuse and exploitation. They can provide general information on
953 appropriate behavior for therapists, crisis services, your rights for reporting what
954 happened, and names of therapists and support groups that may be helpful.
955 Centers are located throughout California. Look in your telephone book under
956 “sexual assault center” or “crisis intervention service.”
- 957 • **Professional Associations**—Each licensed therapy profession has at least one
958 professional association. Associations can provide general information on
959 appropriate behavior for therapists, your rights for reporting what happened, and
960 how to file a complaint. They can provide names of therapists who may be
961 helpful (see pages 16-17 for association contact information).

962 **WHAT YOU CAN DO**

963 You can deal with your situation in several different ways. Take time to explore all of
964 your rights and options. It may help to decide what your goals are:

965 **Reporting the Therapist** - Perhaps you want to prevent the therapist from hurting other
966 patients. You may want to make it known that sexual exploitation is always wrong. If this
967 is your decision, you have several reporting options (see page 12). What happened to
968 you may be illegal and unethical and you should report it to the appropriate licensing
969 board as soon as possible in order for the board to take appropriate action within the
970 statute of limitations.

971

972 It is important to note that reporting misconduct is time sensitive. What can be done in
973 response to the report of misconduct usually depends on who the misconduct is
974 reported to and the length of time between the misconduct and when the report was

975 filed.

976

977 Such a time limit is called a "statute of limitations." As you consider your options, be
978 aware of these time limits.

979 • ~~Your Recovery~~ You may also want to explore and process what happened
980 between you and the therapist. If you decide to do this, you can look into therapy
981 or support groups (see pages 20-21).

982 • ~~Moving On~~ You may wish simply to move on past this experience as quickly as
983 possible and get on with your life. Remember you have the right to decide what
984 is best for you.

985 **~~YOUR REPORTING OPTIONS~~**

986 If you decide to report a therapist's behavior that you believe is unethical and illegal,
987 there are four different ways to do so. All of these reporting options are affected by time
988 limits, so you should consider reporting misconduct at the earliest appropriate
989 opportunity. You may choose one or more of the options listed below. These options
990 and their time limits are discussed in more detail on the following pages:

991 • ~~Administrative Action~~ File a complaint with the therapist's licensing board.
992 (See "More About Administrative Action," page 13.)

993 • ~~Professional Association Action~~ File a complaint with the ethics committee of
994 the therapist's professional association. (See "More About Professional
995 Association Action," page 15.)

996 • ~~Civil Action~~ File a civil lawsuit. (See "More About Civil Action," page 18.)

997 • ~~Criminal Action~~ File a complaint with local law enforcement. (See "More About
998 Criminal Action," page 19.)

999 **~~More About Administrative Action~~**

1000 In California, there are four (4)three (3) boards that license and regulate therapists.
1001 ~~Three California boards license and regulate therapists:~~

1002 **Board of Behavioral Sciences**

1003 1625 N. Market Blvd., Suite S-200

1004 Sacramento, CA 95834

1005 (916) 574-7830

1006 www.bbs.ca.gov

1007 This board licenses and regulates licensed educational psychologists; licensed clinical
1008 social workers; registered associate clinical social workers; licensed marriage and
1009 family therapists; registered associate marriage and family therapist interns; licensed
1010 professional clinical counselors; and registered-professional associate professional
1011 clinical counselors interns.

1012 **Board of Psychology**

1013 2005 Evergreen Street, Suite 1400

1014 Sacramento, CA 95815

1015 1625 N. Market Blvd., Suite N-215
1016 Sacramento, CA 95834
1017 (916) 263-2699(916) 574-7720
1018 www.psychboard.ca.govwww.psychology.ca.gov
1019 This board licenses and regulates psychologists, psychological assistants, and
1020 registered psychologists.

1021 **Medical Board of California**
1022 2005 Evergreen Street, Suite 1200
1023 Sacramento, CA 95815
1024 (916) 263-2389
1025 www.mbc.ca.gov
1026 This board licenses and regulates allopathic (MD) physicians and surgeons, including
1027 (psychiatrists) and research psychoanalysts.

1028 **Osteopathic Medical Board of California**
1029 1300 National Drive, Suite 150
1030 Sacramento, CA 95834-1991
1031 (916) 928-8390
1032 www.ombc.ca.gov
1033 This board licenses and regulates osteopathic (DO) physicians and surgeons
1034 (psychiatrists).

1035 The purpose of these licensing boards is to protect the health, safety and welfare of
1036 consumers. Licensing boards have the power authority to discipline therapists by using
1037 the administrative law process. ~~Depending on the violation, the board may revoke or~~
1038 ~~suspend a license, and/or place a license on probation with terms and conditions the~~
1039 ~~licensed professional must follow. When a license is revoked, the therapist cannot~~
1040 ~~legally practice.~~

1041 ~~In many cases, the California Business and Professions Code requires revocation of a~~
1042 ~~therapist's license or registration whenever sexual misconduct is admitted or proven.~~

1043 ~~It is best to report any case of therapist-patient sexual exploitation as soon as possible,~~
1044 ~~since delays may restrict the disciplinary options available to the board. Time limits~~
1045 ~~require a licensing board to initiate disciplinary action by filing an "accusation" against a~~
1046 ~~licensed professional accused of sexual misconduct:~~
1047 ~~—within three years from the date the board discovered the alleged sexual misconduct,~~
1048 ~~or~~
1049 ~~—within 10 years from the date the alleged sexual misconduct occurred.~~

1050 ~~That means an accusation of sexual misconduct against a therapist can't be filed more~~
1051 ~~than 10 years after the alleged incident. For complaints involving allegations other than~~
1052 ~~sexual misconduct, the licensing board must file an accusation within seven years from~~
1053 ~~the date of the alleged offense.~~

1054 **How to File a the Complaint Process Works**

1055 ~~The licensing boards can give you information about the complaint filing process and~~
1056 ~~discuss your situation with you. To file a complaint, you can request a complaint form,~~

1057 ~~write a letter, or start the complaint process online with the appropriate licensing board.~~
1058 ~~With your complaint, be sure to include your name, address, and telephone number; the~~
1059 ~~therapist's name, address, and telephone number; a description of your complaint;~~
1060 ~~copies of any available documentation (for example, letters, bill receipts, canceled~~
1061 ~~checks, or pictures); and names, addresses and telephone numbers of any witnesses.~~

1062 ~~Each complaint is evaluated and investigated, and you and the therapist will be notified~~
1063 ~~if the board has sufficient evidence to initiate disciplinary action. You and the therapist~~
1064 ~~will be interviewed separately.~~

1065 ~~Most cases are settled by a *stipulated agreement*—the therapist typically admits to the~~
1066 ~~violation(s) and accepts the disciplinary action, no hearing is held, and the patient does~~
1067 ~~not have to testify. In the event that your case is not settled by a stipulated agreement, a~~
1068 ~~hearing will be held by an administrative law judge, and you will be required to testify.~~
1069 ~~When the judge makes a decision about the case, the board will then decide whether to~~
1070 ~~accept this decision or to issue its own decision.~~

1071 ~~It is board policy to use only initials, rather than full names, to identify patients in public~~
1072 ~~disciplinary documents. However, hearings are open to the public, and there is a~~
1073 ~~possibility that confidentiality may be jeopardized during the investigation process or at~~
1074 ~~the hearing itself. If you are concerned about this, discuss it with the licensing board~~
1075 ~~investigator.~~

1076 ~~The disciplinary process may take about two years from the time a complaint is received~~
1077 ~~to the time a final decision is made. Sometimes the process takes longer. Keep in mind~~
1078 ~~that you cannot receive monetary compensation from the therapist by using this option,~~
1079 ~~but you may affect the therapist's ability to practice and thereby protect other patients~~
1080 ~~from similar misconduct.~~

1081 You can submit your complaint online or in writing using the forms on the board's
1082 website to start the process. You should provide as much information as possible, but it
1083 is especially helpful to provide the following information, if available:

- 1084 • Detailed description of the conduct you are reporting.
1085 • Copies of materials that support your complaint, e.g., e-mails, text messages,
1086 correspondence between you and the therapist, photographs or other images
1087 you shared with or received from the therapist, etc.

1088 The board will require a signed release form, authorizing the board to obtain your
1089 records from the therapist. These records are required for official use, including
1090 investigation and possible administrative proceedings regarding any violations of the
1091 law. Your complaint will be evaluated, investigated, and you will be notified of the
1092 outcome.

1093 The following are possible outcomes of your complaint:

- 1094 • Revocation or surrender of the therapist's license: This results in the loss of
1095 license and right to practice.
1096 • Probation: The therapist's license may be placed on probation for a defined
1097 period of time, with terms and conditions that must be complied with, in order to
1098 continue to practice.

- 1099 • Case closed and no action taken against the therapist's license: the board could
1100 not substantiate a violation of the laws and regulations.

1101 It is board policy to use only initials, rather than full names, to identify clients in public
1102 disciplinary documents. However, hearings are open to the public, and you may be
1103 asked to testify. All disciplinary actions are public information.

1104 **More About Professional Association Action**

1105 ~~Many therapists join professional associations—organizations that provide education~~
1106 ~~and guidance to members of a profession. Each association has ethics guidelines, and~~
1107 ~~all such guidelines state that sexual involvement with patients is unacceptable and~~
1108 ~~unethical.~~

1109 ~~If your therapist is a member of a professional association, you may file a formal~~
1110 ~~complaint with the association. After investigating the complaint, the association may~~
1111 ~~recommend disciplinary actions that may include removal of the therapist from its~~
1112 ~~membership. Removing a therapist from the association will let other members know~~
1113 ~~about the person's unethical behavior, **but it will not keep the therapist from**~~
1114 ~~**practicing.** Only a licensing board or court action can do that. In addition, the action will~~
1115 ~~not result in monetary recovery for you (only a civil action can do that), and will not~~
1116 ~~result in criminal action against the therapist.~~

1117 ~~Each association has different ways of filing complaints. Call or write the appropriate~~
1118 ~~association for this information. To find out which association, if any, the therapist~~
1119 ~~belongs to, call the therapist's office and request this information; have a friend call the~~
1120 ~~office or therapist for you; or check with the different associations.~~

1121 **Professional Associations**

1122 ~~Most professional association ethics committees will typically review only those~~
1123 ~~complaints that include allegations made within one year of the date of the alleged~~
1124 ~~misconduct.~~

1125 ~~Contact the appropriate association for specifics on reporting professional misconduct,~~
1126 ~~or to get more general information.~~

1127 **Psychiatrist, Physician**

1128 ~~American Psychiatric Association~~
1129 ~~4000 Wilson Blvd. Suite 1825~~
1130 ~~Arlington, VA 22209~~
1131 ~~(888) 367-7924~~
1132 ~~www.psychiatry.org~~

1133 ~~California Medical Association~~
1134 ~~1201 J Street, Suite 200~~
1135 ~~Sacramento, CA 95814~~
1136 ~~(916) 444-5532~~
1137 ~~www.emanet.org~~

- 1138 ~~California Psychiatric Association~~
1139 ~~4029 K Street, Suite 28~~
1140 ~~Sacramento, CA 95814~~
1141 ~~(916) 442-5196~~
1142 ~~www.calpsych.org~~
- 1143 **Licensed Psychologist**
- 1144 ~~American Psychological Association~~
1145 ~~750 First Street, NE~~
1146 ~~Washington, DC 20002~~
1147 ~~(800) 374-2721~~
1148 ~~www.apa.org~~
- 1149 ~~California Psychological Association~~
1150 ~~4231 I Street, Suite 204~~
1151 ~~Sacramento, CA 95814~~
1152 ~~(916) 286-7979~~
1153 ~~www.cpapsych.org~~
- 1154 **Licensed Clinical Social Worker**
- 1155 ~~National Association of Social Workers, California Chapter~~
1156 ~~4016 23rd Street~~
1157 ~~Sacramento CA 95816~~
1158 ~~(916) 442-4565~~
1159 ~~www.naswdc.org~~
- 1160 ~~National Association of Social Workers~~
1161 ~~750 First Street, NE, Suite 700~~
1162 ~~Washington, DC 20002~~
1163 ~~(202) 408-8600~~
1164 ~~www.naswdc.org~~
- 1165 ~~California Society for Clinical Social Work~~
1166 ~~6060 Sunrise Vista Drive, Suite 1300~~
1167 ~~Citrus Heights, CA 95610~~
1168 ~~(916) 560-9238~~
1169 ~~clinicalsocialworksociety.org~~
- 1170 **Licensed Educational Psychologist**
- 1171 ~~California Association of Licensed Educational Psychologists~~
1172 ~~P.O. Box 387~~
1173 ~~Aptos, CA 95004~~
1174 ~~www.calep.com~~
- 1175 ~~California Association of School Psychologists~~
1176 ~~4020 42th Street, Suite 200~~
1177 ~~Sacramento, CA 95814~~

1178 ~~(916) 444-1595~~
1179 ~~www.casponline.org~~

1180 **~~Licensed Marriage and Family Therapist~~**

1181 ~~American Association for Marriage and Family Therapy~~
1182 ~~442 South Alfred Street~~
1183 ~~Alexandria, VA 22314-3064~~
1184 ~~(703) 838-9808~~
1185 ~~www.aamft.org~~

1186 ~~American Association for Marriage and Family Therapy, California Division~~
1187 ~~Post Office Box 6907~~
1188 ~~Santa Barbara, CA 93160~~
1189 ~~(800) 662-2638~~
1190 ~~(805) 681-1413~~
1191 ~~aamftca.org~~

1192 ~~California Association of Marriage and Family Therapists~~
1193 ~~7901 Raytheon Road~~
1194 ~~San Diego, CA 92111~~
1195 ~~(858) 292-2638~~
1196 ~~www.camft.org~~

1197 **~~Licensed Professional Clinical Counselors~~**

1198 ~~California Association for Licensed Professional Clinical Counselors~~
1199 ~~P.O. Box 280640~~
1200 ~~Northridge, CA 91328~~
1201 ~~http://calpec.org/~~

1202 **~~More About Civil Action~~**

1203 **~~Suing the Therapist or Their Employer~~**

1204 ~~Generally, civil lawsuits are filed to seek money for damages or injuries to a patient. For~~
1205 ~~a sexual misconduct case, a patient may want to sue the therapist for injuries suffered~~
1206 ~~and for the cost of future therapy sessions.~~

1207 ~~Under California law, you may file a lawsuit against the therapist or the therapist's~~
1208 ~~employer if you believe the employer knew or should have known about the therapist's~~
1209 ~~behavior. If the employer is a local or state public mental health agency for which the~~
1210 ~~therapist works, you must first file a complaint with the agency within six months of the~~
1211 ~~sexual misconduct. Consult with an attorney for specific advice.~~

1212 ~~If you think you want to file a lawsuit, it is important to consult an attorney as soon as~~
1213 ~~possible, since there are different time limits for filing civil lawsuits. Most civil lawsuits~~
1214 ~~must be filed within one year after the sexual misconduct occurred.~~

1215 **~~Media Attention~~**

1216 Once a lawsuit is filed, there is the possibility of media coverage, especially if the patient
1217 or therapist is well known. While many cases are settled out of court, some do go to
1218 trial, and it can take years before your case is tried.

1219 **Patients Don't Always Win**

1220 You should be aware that some cases end up being decided in favor of the therapist,
1221 rather than the patient.

1222 **Finding an Attorney**

1223 Take time to choose an attorney to represent you. You may need to interview several.
1224 Here are some points to consider:

- 1225 • ~~Get a list of attorneys from your County Bar Association's referral service. You~~
1226 ~~can also check with your local legal aid society for legal assistance.~~
- 1227 • ~~Contact a lawyer referral service certified by the State Bar of California. To find a~~
1228 ~~certified lawyer referral service, look in the telephone book yellow pages at the~~
1229 ~~beginning of the "Attorneys" listings, or visit the State Bar Web site at~~
1230 ~~www.calbar.ca.gov.~~
- 1231 • ~~Check with the State Bar of California (www.calbar.ca.gov) to make sure the~~
1232 ~~attorney has a clear license.~~
- 1233 • ~~While some attorneys are willing to wait to be paid based on the outcome of the~~
1234 ~~suit (contingency basis), some will not.~~
- 1235 • ~~Be sure that the attorney has civil litigation experience in the area of medical~~
1236 ~~and/or psychological malpractice.~~
- 1237 • ~~Make sure that you feel comfortable with your attorney and can trust and confide~~
1238 ~~in him or her.~~

1239 **More About Criminal Action**

1240 Sexual exploitation of patients by therapists is wrong. The law makes it a crime for a
1241 therapist to have sexual contact with a patient. For a first offense with only one victim,
1242 an offender would probably be charged with a misdemeanor. For this charge, the
1243 penalty may be a sentence of up to one year in county jail, or up to \$1,000 in fines, or
1244 both. Second and following offenses, or offenses with more than one victim, may be
1245 misdemeanors or felonies. The penalty in such felony cases can be up to three years in
1246 prison, or up to \$10,000 in fines, or both.

1247 This law applies to two situations:

- 1248 • ~~The therapist has sexual contact with a patient during therapy, or~~
- 1249 • ~~The therapist ends therapy primarily to start having sexual contact with the~~
1250 ~~patient (unless the therapist has referred the patient to an independent and~~
1251 ~~objective therapist who has been recommended by a third-party therapist).~~

1252 To file a criminal complaint against a therapist:

- 1253 • ~~Contact your local law enforcement agency. Many agencies in larger cities have~~
1254 ~~sexual assault units that handle these complaints.~~

1255 • ~~Contact your local victim/witness assistance program for help through the legal~~
1256 ~~process. Look in your local telephone book under "District Attorney" or call 1-800-~~
1257 ~~VICTIMS (842-8467).~~

1258 ~~Once a complaint is filed, it will be investigated by the law enforcement agency, which~~
1259 ~~will give the results of the investigation to the district attorney's office. The district~~
1260 ~~attorney's office will decide whether there is enough evidence to file criminal charges.~~

1261 ~~Time limits, or statutes of limitations, affect this reporting option. If you are considering~~
1262 ~~this option, contact your local law enforcement agency. The agency's authority to take~~
1263 ~~action may expire as soon as one year from the date the alleged misconduct occurred.~~

1264 **WHERE TO GET HELP**

1265 ~~Many patients who have been sexually exploited by therapists find it difficult to see~~
1266 ~~another therapist for help and support. However, for most people, the issues that~~
1267 ~~brought them to therapy were never worked on or resolved, and the sexual exploitation~~
1268 ~~created even more issues to handle. If this is your situation, therapy may be an~~
1269 ~~important tool in your healing process.~~

1270 Therapy may be an important tool in your recovery. Before selecting a new therapist,
1271 here are a few suggestions to support that process: ~~interview several until you find one~~
1272 ~~you are comfortable with. Use the "Patient Bill of Rights" as a guide (see page 24). If~~
1273 ~~you are unsure after one session, either consider a different therapist or set up a follow-~~
1274 ~~up session to clarify your concerns. Do not feel pressured to stay with one therapist.~~

1275 **Finding a Therapist**

1276 ~~Some ways of finding a therapist are:~~

- 1277 • ~~Ask someone you know and trust for a referral. who has been in therapy, who~~
1278 ~~feels good about the experience and who has changed in ways you consider~~
1279 ~~positive.~~
- 1280 • ~~Calling your local sexual assault center or crisis intervention service (in the~~
1281 ~~telephone book yellow pages). These centers can refer you to therapists~~
1282 ~~experienced in dealing with those who have suffered sexual exploitation or~~
1283 ~~abuse.~~
- 1284 • ~~Calling professional associations (see pages 16-17) and asking for referrals to~~
1285 ~~therapists who specialize in helping those who have been sexually abused or~~
1286 ~~exploited by therapists.~~
- 1287 • Search online for a local sexual assault center or crisis intervention service.
1288 These centers can refer you to therapists experienced in dealing with those who
1289 have suffered sexual misconduct by a therapist.
- 1290 • Contact professional associations and asking for referrals to therapists who
1291 specialize in helping those who have suffered sexual misconduct by a therapist.
- 1292 • Seek a referral from your primary care physician or insurance provider.

1293 ~~After getting several names, call the appropriate licensing board (see page 13) or visit~~
1294 ~~their Web site for on-line license verification and disciplinary actions. You can also call~~

1295 the professional association (see pages 16-17) and ask if the therapists are licensed
1296 and if any disciplinary actions have been filed against them. Check with your county
1297 Superior Court to see if there is a record of any malpractice lawsuits filed against the
1298 therapists. Visit the board's website to verify the status of the therapist's license.

1299 **Self-Help Support Groups**

1300 There is an informal network of self-help support groups throughout California. While
1301 there might not be a group in your area specifically focused on sexual exploitation by
1302 therapists, there may be groups dealing with more general kinds of sexual abuse. To
1303 find out if there are any groups in your area, call your local sexual assault center or
1304 crisis intervention service (listed in the telephone book yellow pages).

1305 **FREQUENTLY ASKED QUESTIONS**

1306 • **Is it normal to feel attracted to my therapist?**

1307
1308 Yes. It is normal to feel attracted to someone who is attentive, kind, and caring.
1309 This is a common reaction toward someone who is helping you. However, all
1310 therapists are trained to be aware of this and to maintain a professional therapy
1311 relationship that is beneficial to the patient/client.

1312 • **What if I was the one who brought up having sex the client initiated sexual behavior?**

1313
1314
1315 That doesn't matter. The therapist is the one who is responsible for keeping
1316 ensuring that sexual intimacy behavior or contact is not part out of therapy.

1317 • **Does this happen a lot?**

1318 A national study revealed that probably fewer than 10 percent of all therapists
1319 have had sexual contact with their patients and that 80 percent of the sexual
1320 exploiting therapists have exploited more than one patient. If a therapist is
1321 sexually exploiting a patient, they have probably done so before and are likely to
1322 do so again. In recent years, aggressive prosecution of offending therapists and
1323 passage of laws that facilitate the enforcement work of licensing boards have
1324 helped to significantly reduce the number of such cases reported to the licensing
1325 boards.

1326 • **Why do some therapists sexually exploit their patients?**

1327 There are probably as many excuses as there are therapists who engage in such
1328 unprofessional conduct. But no excuse is acceptable for a therapist to abuse the
1329 therapeutic relationship and the trust of a patient for the therapist's own sexual
1330 gain. All therapists should know that this conduct is unethical and illegal.

1331 • **Why do I feel scared or confused about reporting my therapist?**

1332
1333 In most cases, the therapist is an important person in the client's life. Therefore,
1334 Feelings of such as fear, confusion, protectiveness, shame or guilt are common.

1335 Get as much information as possible about your options. Keep in mind that you
1336 are in control and can choose what to do.

1337 • **What if the therapist retaliates against me, harasses me or files a lawsuit**
1338 **against me for reporting him or her?**

1339 Retaliation against a patient or harassment of a patient is illegal. Contact your
1340 local district attorney. If the therapist files a lawsuit against you, you will be
1341 required to defend yourself in the lawsuit. However, the law does provide
1342 immunity from monetary liability for reporting misconduct to a licensing board.

1343 • **How can I prevent this from happening again?**

- 1344 1. Acknowledge your right to be free from sexual exploitation.
1345 2. When choosing a therapist, check with the licensing board (see page 13) to
1346 see if the therapist is licensed and if the license is under suspension or
1347 probation. Check on any complaints filed with a professional association.
1348 Review county Superior Court records to see if any malpractice lawsuit
1349 judgments are on file against the therapist.
1350 3. Question any action that may seem sexual.
1351 4. Remember that feelings of attraction are natural, therapy is supposed to be a
1352 means to explore and resolve feelings, without having to act them out.
1353 5. Feel free to end a relationship that no longer seems safe.

1354 • **Can I file a complaint if there is or has been a civil case between myself and**
1355 **the therapist?**

1356 Yes, you may file a complaint at any time, whether the case is ongoing or
1357 concluded. A civil settlement cannot preclude you from filing a complaint against
1358 a licensee.

1359 • **Is there a cost associated with filing a complaint?**

1360 No, filing a complaint is free and can be filed via telephone, email, mail, or online.

1361 • **Can I file a complaint if I had a personal relationship with my therapist?**

1362 Yes.

1363 • **Can I contact the therapist after I file a complaint?**

1364 In order to preserve the integrity of the investigation, it is strongly recommended
1365 that you do not initiate contact with the therapist once you have filed a complaint.

1366 • **What if the therapist contacts me after I file a complaint?**

1367 Once you have filed a complaint, notify the board right away if the therapist
1368 contacts you.

1369 **Can I file an anonymous complaint with a licensing board?**

1370 ~~Anonymous complaints are accepted, but they are almost impossible to investigate~~
1371 ~~without the cooperation of the accuser.~~

1372

1373 **PATIENT BILL OF RIGHTS**

1374 **Patients have the right to:**

- 1375 • ~~Request and receive information about the therapist's professional capabilities,~~
1376 ~~including licensure, education, training, experience, professional association~~
1377 ~~membership, specialization and limitations.~~
- 1378 • ~~Have written information about fees, payment methods, insurance~~
1379 ~~reimbursement, number of sessions, substitutions (in cases of vacation and~~
1380 ~~emergencies), and cancellation policies before beginning therapy.~~
- 1381 • ~~Receive respectful treatment that will be helpful to you.~~
- 1382 • ~~A safe environment, free from sexual, physical and emotional abuse.~~
- 1383 • ~~Ask questions about your therapy.~~
- 1384 • ~~Refuse to answer any question or disclose any information you choose not to~~
1385 ~~reveal.~~
- 1386 • ~~Request and receive information from the therapist about your progress.~~
- 1387 • ~~Know the limits of confidentiality and the circumstances in which a therapist is~~
1388 ~~legally required to disclose information to others.~~
- 1389 • ~~Know if there are supervisors, consultants, students, or others with whom your~~
1390 ~~therapist will discuss your case.~~
- 1391 • ~~Refuse a particular type of treatment, or end treatment without obligation or~~
1392 ~~harassment.~~
- 1393 • ~~Refuse electronic recording (but you may request it if you wish).~~
- 1394 • ~~Request and (in most cases) receive a summary of your file, including the~~
1395 ~~diagnosis, your progress, and the type of treatment.~~
- 1396 • ~~Report unethical and illegal behavior by a therapist (see "Your Reporting~~
1397 ~~Options," page 12).~~
- 1398 • ~~Receive a second opinion at any time about your therapy or therapist's methods.~~
- 1399 • ~~Have a copy of your file transferred to any therapist or agency you choose.~~

1400

1401

1402 Publishing Information

1403 The 2018 edition of "Therapy Never Includes Sexual Behavior" is published by the
1404 California Department of Consumer Affairs. This publication is a joint project of the
1405 California Board of Psychology, the California Board of Behavioral Sciences, the
1406 Medical Board of California, the Osteopathic Medical Board of California, and the
1407 Department of Consumer Affairs' Office of Publications, Design & Editing.

1408 This publication, and its previous versions, are the result of the dedicated work of former
1409 Senator Diane Watson, whose Senate Task Force on Psychotherapist and Patient
1410 Sexual Relations prompted the development of the original "Professional Therapy Never
1411 Includes Sex" brochure in 1990.

1412 This booklet is available in the "Publications" section of the Department of Consumer
1413 Affairs' website at www.dca.ca.gov.

1414 Single copies of the publication are available at no charge from the boards listed above
1415 and from *Publications Office, California Department of Consumer Affairs, P.O. Box*
1416 *989004, West Sacramento, CA 95798-0004.*

1417 This booklet may be copied, if (1) the meaning of copied text is not changed or
1418 misrepresented, (2) credit is given to the California Department of Consumer Affairs,
1419 and (3) all copies are distributed free of charge.

1420

1421

1422 **Agenda Item #20: Legislative Update**

1423 b) Review and Consideration of Board Recommendations on Legislation:

1424 1) Bill on Which the Board has Taken an Active Position

1425 A. AB 244 (Cervantes) – Maternal Mental Health

1426

1427 Ms. Jones stated that this bill is Dead.

1428

1429 B. AB 710 (Wood) – Department of Consumer Affairs: boards: meetings

1430

1431 Ms. Jones stated that this bill is Dead.

1432

1433 C. SB 572 (Stone) – Healing Arts Licenses: Violations: Grace Period

1434

1435 Ms. Jones stated that this bill is Dead.

1436

1437 2) Watch Bills

1438

1439 Mr. Glasspiegel explained that "chaptered" means the bill was signed. He explained that
1440 the bills provided in the Board packet are chaptered and dead bills and that at the next
1441 Board Meeting the chaptered and dead bills will be removed and the new bills will be
1442 added.

1443

1444 **Agenda Item #21: Legislative Items for Future Meeting. The Board May**
1445 **Discuss Other Items of Legislation in Sufficient Detail to Determine Whether**
1446 **Such Items Should be on a Future Board Meeting Agenda and/or Whether to**
1447 **Hold a Special Meeting of the Board to Discuss Such Items Pursuant to**
1448 **Government Code Section 11125.4**

1449

1450 Ms. Jones asked to add bills dealing with the "Me Too" movement.

1451

1452 Mr. Glasspiegel stated that the Center for Judicial Excellence asked the Board to
1453 watch AB 244.

1454

1455 **Agenda Item #22: Overview Presentation of the Legislative Process**

1456

1457 Dr. Phillips stated that this agenda item will be moved to the May Board Meeting.

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Agenda Item #23: Regulatory Update, Review, and Consideration of Additional Changes (N. Jones)

a) 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants

b) 16 CCR Section 1396.8 – Standards of Practice for Telehealth

c) 16 CCR Sections 1381.9, 1381.10, 1392 – Retired License, Renewal of Expired License, Psychologist Fees

d) 16 CCR Sections 1381.9, 1397.60, 1397.61, 1397.62, 1397.67 – Continuing Professional Development

Mr. Glasspiegel stated that the above referenced items are pending the start of or in the initial review stage with DCA.

Agenda Item #24: Outreach Update

a) Strategic Plan

b) Communications Plan

c) Website

d) Social Media

e) Newsletter

f) Outreach Activities

Dr. Phillips stated that this agenda item will be presented at the May Board Meeting due to Ms. Bernal's absence.

Agenda Item #25: President's Report

a) 2018 Meeting Calendar and Locations

The calendar was provided as part of the Board materials. No comments were made.

b) Committee Updates

Dr. Phillips stated that the EPPP 2 Task Force will be chaired by Dr. Casuga and Mr. Foo. He named the members of the taskforce.

Dr. Jo Linder-Crow, CPA, asked the Board about the invitation process and if there was still room to add people.

Ms. Sorrick stated that Board staff reached out to training programs and school organizations. She stated that this is an open meeting so anyone can participate.

Dr. Melodie Schaefer, CPA and CAPIC, asked if someone from Division 2 was involved. Ms. Sorrick stated she will follow up to see who was contacted.

Agenda Item # 27: Recommendations for Agenda Items for Future Board Meetings. Note: The Board May Not Discuss or Take Action on Any Matter Raised During This Public Comment Section, Except to Decide Whether to Place the Matter on the Agenda of a Future Meeting [Government Code Sections 11125 and 11125.7(a)]

1506
1507 Ms. Jones stated that she would like to see the child custody evaluation letters and how
1508 we are using DCA's prioritization guidelines, and she asked that this be placed on a
1509 future Board agenda.

1510
1511 Dr. Jo Linder-Crow, CPA, asked what the Board's perspective is on the PSYPACT. Dr.
1512 Phillips stated the Board submitted comments to ASPPB when it first came out. Dr.
1513 Linder-Crow asked for this to be placed on a future Board agenda.

1514
1515 **Agenda Item #26: Election of Officers**

1516
1517 For Board President:
1518 Ms. Acquaye-Baddoo nominated Dr. Casuga
1519 Mr. Foo nominated Dr. Phillips
1520 Ms. Jones nominated Mr. Foo
1521 Dr. Casuga and Mr. Foo did not accept the nomination.

1522
1523 Ms. Jones inquired about the process of Board members indicating interest to serve.
1524 She shared that the Board previously discussed efforts to have licensed and public
1525 members represented in Board leadership. He asked Ms. Marks about the legality of
1526 Board members advocating for support outside of meetings and Ms. Marks explained
1527 that the Board should be mindful of violations of the Open Meeting Act. Ms. Marks also
1528 provided information on other Board's creating nomination committee processes.

1529
1530 Ms. Marks said the motion was to have to Dr. Phillips as Board President for the 2018
1531 calendar year.

1532
1533 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no

1534
1535 For Vice President:
1536 Dr. Acquaye-Baddoo nominated Dr. Casuga
1537 Dr. Casuga nominated Ms. Bernal
1538 Dr. Erickson nominated Mr. Foo
1539 Dr. Casuga did not accept the nomination.

1540
1541 Board discussed whether to vote now in Ms. Bernal's absence or wait until the May
1542 Board Meeting. It was decided to wait until the May Board Meeting to vote on the office
1543 of Vice-President.

1544
1545 It was M(Foo)/S(Erickson)/C to wait until the May Board Meeting to have a vote for
1546 Vice-President and have Ms. Jones continue to be Vice-President until that time.

1547
1548 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no

1549
1550 It was M(Foo)/S(Erickson)/C to adjourn.

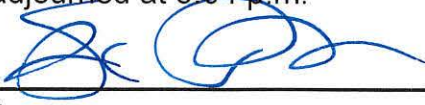
1551
1552 Vote: 7 aye (Acquaye-Baddoo, Casuga, Erickson, Foo, Horn, Jones, Phillips), 0 no

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1554 Meeting adjourned at 5:04 p.m.

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5/15/2018

1557 President

Date

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