

# **Board of Psychology**

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#### **MEMORANDUM**

**Date** February 3, 2015

**To** Board of Psychology Members

From Sandra Monterrubio

Enforcement Program Manager DCA/California Board of Psychology

Subject Enforcement Program Update

Please find attached the Overview of Enforcement Activity displaying complaint, investigation, and discipline statistics for the previous five fiscal years, and the current fiscal year to date. Also included in the update are the Board's Performance Measures.

### **Complaints & Citations**

The total number of complaints received for fiscal year 2014/15 is 539. Complaint violations include but are not limited to, gross negligence, incompetence, repeated negligence acts, and unprofessional conduct. Enforcement staff has served 52 citations. Of the 52 citations, 44 were served for continuing education deficiencies.

## **Formal Discipline**

Currently there are 47 cases pending at the Office of the Attorney General (OAG). These cases include Accusations, Accusation and Petition to Revoke Probation, and Statement of Issues (License Denial). Of the 47 cases, 27 have been sent to the OAG since July 1, 2014.

#### **Probation**

The Board is currently monitoring 33 active probationers and 39 tolled probationers. Of the 72 probationers, 11 are out of compliance.

Typically, once a violation is discovered, the probation coordinator takes immediate action by collecting evidence to substantiate that a violation has occurred. Depending on the violation, the probation coordinator could issue a warning letter or refer the matter to the OAG for filing of an Accusation and Petition to Revoke Probation.

### **Expert Training**

The Board will be holding its Expert Training on July 9, 2015 at the Office of the Attorney General located in Sacramento. Initially the training was scheduled for June 18, 2015, but due to a scheduling conflict the training was moved to July. The Board will have approximately 30 attendees and several presenters which include an Administrative Law Judge, two or three Deputy Attorney General's, two Health and Quality Investigation Unit Investigators, and a representative from the Department of Consumer Affairs accounting unit. Invitations to the training will be mailed out no later than March 15, 2015. To date, the Board has received approximately 120 applications.

Action Requested Information Only

# **BOARD OF PSYCHOLOGY**

**Overview of Enforcement Activity** 

Compalarits Received	Overview of Enforcement Activity								
Criminal Conviction Reports Received   72	Cases Opened	08/09	09/10	10/11	11/12	12/13	13/14	14/15**	
Investigations Opened   88   79   83   107   73   505   473   Cases sent to AG   23   38   37   34   38   41   27   Filings   28   29   27   31   27   27   31   27   31   32   32   32   32   32   32   32								539	
Cases sent to AG Filings Accusations Statement of Issues 9 8 4 4 4 2 4 4 4 9 Petition to Revoke Probation 9 8 4 4 4 2 4 4 4 9 9 4 4 4 9 9 9 8 9 8 4 4 4 2 9 8 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9									
Filings			_						
Accusations   8   23   21   27   31   27   15   58   58   14   4   2   2   4   4   2   4   4   2   4   4		23	38	37	34	38	41	27	
Statement of Issues	_								
Petition to Revoke Probation									
Petitions to Compel Psych, Exam									
Petitions for Penalty Relief			-	-					
Petition for Reinstatement	· · ·	_	- 1			-			
Petitions for Reconsideration									
Filing Withdrawals/Dismissals									
Accusations Withdrawn  Accusations Dismissed  0 1 0 1 1 0 1 1 1 0 0 1 1 1 0 0 1 1 1 0 0 1 1 1 0 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 0 1 1 1 1 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		U	- 1	U	U		U	U	
Accusations Dismissed   0		0	0	2	0	0	2	0	
Statement of Issues Withdrawn									
Citations Ordered         5         10         9         18         10         6         52           Disciplinary Decisions         8         8         8         8         8         8         8         8         8         8         8         8         1         1         3         2         4         2         4         1         11         11         11         11         11         19         9         12         11         11         11         19         9         12         11         11         11         19         9         2         12         11         11         11         19         9         12         11         11         10         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0         0									
Citations Ordered   5		J	U		1		0	- 0	
Disciplinary Decisions   1   3   2   4   2   4   1		5	10	a	18	10	6	52	
Revocations		J	10	- 3	10	10	- 0	- 52	
Revocation, Stayed, Probation		1	3	2	4	2	4	1	
Revocation, Stayed, Probation, Susp.   3   0   0   0   0   0   0   0   0   0									
Voluntary Surrender								0	
Reprimands			-					4	
ISO/TRO/ASO/PC23 Ordered						-	-	0	
Statement of Issues-License Denied								1	
Other			1	0	1			0	
Total Disciplinary Decisions   25   21   20   33   28   29   16							-	1	
Other Decisions   Statement of Issues-License Granted					-		-	•	
Statement of Issues-License Granted		23	21	20	33	20	2.5	10	
Petitions for Penalty Relief Denied		4	5	4	3	6	3	0	
Petitions for Penalty Relief Granted   3									
Petition for Reinstatement Granted				-	-	-	-		
Petition for Reinstatement Denied									
Reconsiderations Denied									
Reconsiderations Granted									
Orders Compelling Psych. Exam         0         0         0         1         0         1         0           Total Other Decisions         9         7         7         6         11         5         1           Violation Types         Uservision           Gross Negligence/Incompetence         5         4         4         3         5         9         7           Improper Supervision         0         0         1         0         0         1         0         0         1         0         0         1         0         6         3         3         12         1         0         6         3         3         12         1         8         1         0         0         0         1         0         6         3         3         12         1         8         1         1         0         0         2         2         3         1         1         0         0         2         2         3         1         1         0         0         2         1         1         0         0         2         1         1         0         0         2         1         1         0			-		-		-		
Total Other Decisions									
Violation Types           Gross Negligence/Incompetence         5         4         4         3         5         9         7           Improper Supervision         0         0         1         0         0         1         0           Repeat Negligent Acts         0         0         0         1         0         6         3           Self Abuse of Drugs or Alcohol         2         3         3         12         1         8         1           Dishonesty/Fraud         0         3         0         2         2         3         1           Mental Illness         1         0         0         0         0         2         1         0           Aiding Unlicensed Practice         0         0         0         0         0         0         1         0           General Unprofessional Conduct         1         1         1         0         2         14         2           Probation Violation         1         0         0         2         1         2         0           Sexual Misconduct         6         1         2         6         9         1         1         2								1	
Gross Negligence/Incompetence									
Improper Supervision		5	4	4	3	5	9	7	
Repeat Negligent Acts		0	0	1		0		0	
Self Abuse of Drugs or Alcohol         2         3         3         12         1         8         1           Dishonesty/Fraud         0         3         0         2         2         3         1           Mental Illness         1         0         0         0         0         2         1         0           Aiding Unlicensed Practice         0         0         0         0         0         0         1         0           General Unprofessional Conduct         1         1         1         0         0         0         0         1         0           General Unprofessional Conduct         1         1         1         0         0         2         14         2           Probation Violation         1         0         0         2         1         2         0         0         2         1         1         2         0         9         1         1         1         2         0         9         1         1         2         0         9         1         1         2         0         9         1         1         2         0         9         1         1         2         0		0	0	0	1		6	3	
Dishonesty/Fraud         0         3         0         2         2         3         1           Mental Illness         1         0         0         0         0         2         1         0           Aiding Unlicensed Practice         0         0         0         0         0         1         0           General Unprofessional Conduct         1         1         1         0         2         14         2           Probation Violation         1         0         0         2         1         2         0           Sexual Misconduct         6         1         2         6         9         1         1           Conviction of a Crime         7         9         8         5         5         11         2           Discipline by Another State Board         1         0         1         1         0         0         0           Violation of Rules of Professional Conduct         0         1         1         0         0         2           Misrepresentation of License Status         1         0         1         1         0           Professional Standards - Findings         1         1         0 <t< td=""><td></td><td>2</td><td>3</td><td></td><td></td><td></td><td></td><td>1</td></t<>		2	3					1	
Mental Illness       1       0       0       0       2       1       0         Aiding Unlicensed Practice       0       0       0       0       0       1       0         General Unprofessional Conduct       1       1       1       0       2       14       2         Probation Violation       1       0       0       2       1       2       0         Sexual Misconduct       6       1       2       6       9       1       1         Conviction of a Crime       7       9       8       5       5       11       2         Discipline by Another State Board       1       0       1       1       0       0       0         Violation of Rules of Professional Conduct       0       1       1       0       0       0         Misrepresentation of License Status       1       0       1       1       0       0       2         Professional Standards - Findings       13/14       14/15***       1       0       0       0       2         Abandonment       1       0       0       2       1       1       1       1       1       1       1							-		
Aiding Unlicensed Practice       0       0       0       0       0       1       0         General Unprofessional Conduct       1       1       1       0       2       14       2         Probation Violation       1       0       0       2       1       2       0         Sexual Misconduct       6       1       2       6       9       1       1         Conviction of a Crime       7       9       8       5       5       11       2         Discipline by Another State Board       1       0       1       1       0       0       0         Violation of Rules of Professional Conduct       0       1       1       0       0       0       0         Misrepresentation of License Status       1       0       1       1       0       0       0       2         Professional Standards - Findings       13/14       14/15**       1       0       0       0       2         Abandonment       1       0       0       2       1       1       0         Confidentiality       1       1       0       0       2         Improper Supervision       0		_		-					
General Unprofessional Conduct         1         1         1         0         2         14         2           Probation Violation         1         0         0         2         1         2         0           Sexual Misconduct         6         1         2         6         9         1         1           Conviction of a Crime         7         9         8         5         5         11         2           Discipline by Another State Board         1         0         1         1         0         0         0           Violation of Rules of Professional Conduct         0         1         1         0         0         0           Misrepresentation of License Status         1         0         1         0         0         2           Professional Standards - Findings         13/14         14/15***         1         0         0         2           Abandonment         1         0         1         1         0         0         2           Improper Supervision         0         2         1         0         0         2           Improper Supervision         1         0         1         0         0							- 1		
Probation Violation         1         0         0         2         1         2         0           Sexual Misconduct         6         1         2         6         9         1         1           Conviction of a Crime         7         9         8         5         5         11         2           Discipline by Another State Board         1         0         1         1         0         0         0           Violation of Rules of Professional Conduct         0         2         1         0         0         2           Misrepresentation of License Status         1         0         2         1         0         0         2           Professional Standards - Findings         13/14         14/15***         1         0         0         0         2         1         0         0         0         2         1         0         0         0         1         1         0         0         2         1         1         0         0         2         1         1         1         0         0         2         1         1         0         0         2         1         1         0         0         2		-	-		-	-			
Sexual Misconduct         6         1         2         6         9         1         1           Conviction of a Crime         7         9         8         5         5         11         2           Discipline by Another State Board         1         0         1         1         0         0         0           Violation of Rules of Professional Conduct         0         2         0         2           Misrepresentation of License Status         1         0         1         0           Professional Standards - Findings         13/14         14/15***         14/15***           Abandonment         1         0         1         1         0           Confidentiality         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1	General Unprofessional Conduct	1	1	1	0	2	14	2	
Conviction of a Crime         7         9         8         5         5         11         2           Discipline by Another State Board         1         0         1         1         0         0         0           Violation of Rules of Professional Conduct         0         2         0         2           Misrepresentation of License Status         1         0         1         0           Professional Standards - Findings         13/14         14/15***         14/15***           Abandonment         1         0         1         1         0           Confidentiality         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         <	Probation Violation	1	0	0	2	1	2	0	
Discipline by Another State Board         1         0         1         1         0         0           Violation of Rules of Professional Conduct         0         2           Misrepresentation of License Status         1         0           Professional Standards - Findings         13/14         14/15***           Abandonment         1         0           Confidentiality         1         1           Failure to provide medical records         0         2           Improper Supervision         1         0           Outside of area of competence         1         0           Unfit to practice         1         1           Violation of Code (child custody)         1         1	Sexual Misconduct	6	1	2	6	9	1	1	
Discipline by Another State Board         1         0         1         1         0         0           Violation of Rules of Professional Conduct         0         2           Misrepresentation of License Status         1         0           Professional Standards - Findings         13/14         14/15***           Abandonment         1         0           Confidentiality         1         1           Failure to provide medical records         0         2           Improper Supervision         1         0           Outside of area of competence         1         0           Unfit to practice         1         1           Violation of Code (child custody)         1         1	Conviction of a Crime	7	9	8	5	5	11	2	
Violation of Rules of Professional Conduct         0         2           Misrepresentation of License Status         1         0           Professional Standards - Findings         13/14         14/15**           Abandonment         1         0           Confidentiality         1         1           Failure to provide medical records         0         2           Improper Supervision         1         0           Outside of area of competence         1         0           Unfit to practice         1         1           Violation of Code (child custody)         1         1			-					0	
Misrepresentation of License Status         1         0           Professional Standards - Findings         13/14         14/15**           Abandonment         1         0           Confidentiality         1         1           Failure to provide medical records         0         2           Improper Supervision         1         0           Outside of area of competence         1         0           Unfit to practice         1         1           Violation of Code (child custody)         1         1		<u>'</u>	J	'	1	0	-		
Professional Standards - Findings         13/14         14/15**           Abandonment         1         0           Confidentiality         1         1           Failure to provide medical records         0         2           Improper Supervision         1         0           Outside of area of competence         1         0           Unfit to practice         1         1           Violation of Code (child custody)         1         1							-		
Abandonment         1         0           Confidentiality         1         1           Failure to provide medical records         0         2           Improper Supervision         1         0           Outside of area of competence         1         0           Unfit to practice         1         1           Violation of Code (child custody)         1         1							•		
Confidentiality         1         1         1         1         1         1         1         1         1         1         1         1         1         1         2         Improper Supervision         1         0         0         2         1         0         1         0         0         1         0         1         0         0         1         0         1         0         0         1         1         1         0         0         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1         1								14/15**	
Failure to provide medical records         0         2           Improper Supervision         1         0           Outside of area of competence         1         0           Unfit to practice         1         1           Violation of Code (child custody)         1         1	Abandonment						1	0	
Improper Supervision         1         0           Outside of area of competence         1         0           Unfit to practice         1         1           Violation of Code (child custody)         1         1	Confidentiality						1	1	
Improper Supervision         1         0           Outside of area of competence         1         0           Unfit to practice         1         1           Violation of Code (child custody)         1         1	Failure to provide medical records						0	2	
Outside of area of competence     1       Unfit to practice     1       Violation of Code (child custody)     1							-	0	
Unfit to practice 1 1 1 Violation of Code (child custody) 1 1 1									
Violation of Code (child custody)	-						-		
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							1	1	

<sup>\*\*</sup> through 1/31/2015