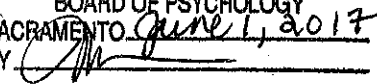


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FILED  
STATE OF CALIFORNIA  
BOARD OF PSYCHOLOGY  
SACRAMENTO June 1, 2017  
BY 

7  
8 **BEFORE THE**  
9 **BOARD OF PSYCHOLOGY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 600-2015-000322

13 **REX BIERLEY, Ph.D.**

14 12 Palisades Drive  
15 Daly City, CA 94015

**ACCUSATION**

16 Psychologist License No. PSY 11981

Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Antonette Sorrick ("Complainant") brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs.

22 2. On March 4, 1991, the Board of Psychology issued Psychologist License Number  
23 PSY 11981 to Rex Bierley, Ph.D. ("Respondent"). The Psychologist License expired on October  
24 31, 2016, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Psychology ("Board"), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.

1       4.    Section 2920.1 makes public protection the highest priority for the Board.

2       5.    Section 2936 requires that the Board apply the Ethical Principles of Psychologists and  
3 Code of Conduct of the American Psychological Association as the standard of ethical conduct  
4 for psychologists in California.

5           A. Section 3.05 of the Ethical Principles of Psychologists and Code of Conduct  
6           forbids psychologists from entering into multiple relationships “if the multiple  
7           relationship could reasonably be expected to impair the psychologist’s objectivity,  
8           competence, or effectiveness....”

9           B. Section 3.08 of the Ethical Principles of Psychologists and Code of Conduct  
10          states, in relevant part: “Psychologists do not exploit persons over whom they  
11          have supervisory, evaluative, or other authority, such as clients/patients, students,  
12          supervisees....”

13          C. Section 7.07 of the Ethical Principles of Psychologists and Code of Conduct  
14          states: “Psychologists do not engage in sexual relationships with students or  
15          supervisees who are in their department, agency, or training center or over whom  
16          psychologists have or are likely to have evaluative authority.”

17       6.    Section 2960 of the Code states:

18           “The board may refuse to issue any registration or license, or may issue a registration or  
19           license with terms and conditions, or may suspend or revoke the registration or license of any  
20           registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional  
21           conduct. Unprofessional conduct shall include, but not be limited to:

22           “(a) Conviction of a crime substantially related to the qualifications, functions or duties of  
23           a psychologist or psychological assistant.

24           “(b) Use of any controlled substance as defined in Division 10 (commencing with Section  
25           11000) of the Health and Safety Code, or dangerous drug, or any alcoholic beverage to an extent  
26           or in a manner dangerous to himself or herself, any other person, or the public, or to an extent that  
27           this use impairs his or her ability to perform the work of a psychologist with safety to the public.

28

1           "(c) Fraudulently or neglectfully misrepresenting the type or status of license or  
2 registration actually held.

3           "(d) Impersonating another person holding a psychology license or allowing another person  
4 to use his or her license or registration.

5           "(e) Using fraud or deception in applying for a license or registration or in passing the  
6 examination provided for in this chapter.

7           "(f) Paying, or offering to pay, accepting, or soliciting any consideration, compensation, or  
8 remuneration, whether monetary or otherwise, for the referral of clients.

9           "(g) Violating Section 17500.

10          "(h) Willful, unauthorized communication of information received in professional  
11 confidence.

12          "(i) Violating any rule of professional conduct promulgated by the board and set forth in  
13 regulations duly adopted under this chapter.

14          "(j) Being grossly negligent in the practice of his or her profession.

15          "(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

16          "(l) The aiding or abetting of any person to engage in the unlawful practice of psychology.

17          "(m) The suspension, revocation or imposition of probationary conditions by another state  
18 or country of a license or certificate to practice psychology or as a psychological assistant issued  
19 by that state or country to a person also holding a license or registration issued under this chapter  
20 if the act for which the disciplinary action was taken constitutes a violation of this section.

21          "(n) The commission of any dishonest, corrupt, or fraudulent act.

22          "(o) Any act of sexual abuse, or sexual relations with a patient or former patient within two  
23 years following termination of therapy, or sexual misconduct that is substantially related to the  
24 qualifications, functions or duties of a psychologist or psychological assistant or registered  
25 psychologist.

26          "(p) Functioning outside of his or her particular field or fields of competence as established  
27 by his or her education, training, and experience.

28



1           12. A.B.<sup>1</sup> was a fourth year student working on a doctorate in psychology when she was  
2 admitted to a one year practicum at a Kaiser Permanente facility where Respondent was  
3 employed as a supervisor in the psychology department. Respondent accepted A.B. into the  
4 program as his supervisee in the fall of 2014. Respondent was aware of the ethical restrictions of  
5 the supervisor/supervisee relationship, as evidenced by an October 14, 2014 e-mail he wrote to  
6 A.B., declining her offer of a walk on the beach: "It would undoubtedly be fun, but recall the  
7 rules on dual relationship. That friendship will have to wait until much later in your career."

8           13. The e-mail and text communications between Respondent and A.B. grew in number  
9 and became increasingly intimate. In an e-mail on February 1, 2015, Respondent stated that he  
10 likes to think about A.B. taking a shower. A week later, Respondent wrote: "My only fear  
11 involves professional consequences, including the possibility of being fired and losing my  
12 license." Despite that justified concern, over the next two months the written communication  
13 between Respondent and A. B. became more explicit and sexual: Respondent asked about details  
14 of her sexual history and refers to his state of sexual excitement when texting her. In February  
15 and March of 2015, Respondent and A.B. met at his home and hers and engaged in physical  
16 intimacy which included Respondent's touching A.B.'s breasts and buttocks and placing A.B.'s  
17 hand on his clothed penis. Respondent gave A.B. presents and offered to buy her jewelry and  
18 lingerie. A.B. stated to Board investigators that Respondent's conduct made her confused and  
19 uncomfortable. Respondent continued to act as A.B.'s supervisor in the psychology practicum  
20 during this time.

21           14. On March 11, 2015, A.B. told her therapist about the relationship; the following day  
22 A.B. informed her graduate school. The school terminated A.B.'s practicum with Respondent  
23 and informed Respondent's employer of the relationship.

24           15. Respondent has subjected his license to disciplinary action under section 2960(o) for  
25 engaging in sexual misconduct substantially related to the qualifications, functions, or duties of a  
26 psychologist.

27           <sup>1</sup> The student trainee is identified herein by the letters "A.B." to preserve confidentiality.  
28 The student trainee's identity is known to Respondent and will be provided in discovery.

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SECOND CAUSE FOR DISCIPLINE

(Sexual Relationship with Trainee)

16. The allegations of paragraphs 11 through 13 are incorporated by reference as if set out in full. Respondent is subject to disciplinary action under section 2960(i), in that his sexual relationship with A.B. while he as acting as her practicum primary supervisor violates the prohibition of CCR section 1387.1(l) and violates section 7.07 of the Ethical Principles of Psychologists and Code of Conduct, the standard of conduct for psychologists in California by invocation of section 2936.

THIRD CAUSE FOR DISCIPLINE

(Multiple Relationship)

17. The allegations of paragraphs 11 through 13 are incorporated by reference as if set out in full. Respondent is subject to disciplinary action under section 2960(k), in that his engaging in a sexual relationship with A.B. while she was his supervisee violates the proscriptions of sections 3.05 and 3.08 of the Ethical Principles of Psychologists and Code of Conduct, adopted as the standard of conduct for psychologists in California by section 2936.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

18. The allegations of paragraphs 11 through 13 are incorporated by reference as if set out in full. Respondent is subject to discipline under section 2960 in that his engaging in a sexual relationship with a student trainee while he was exercising evaluative authority as her primary supervisor in a psychology practicum constitutes unprofessional conduct.

PRAYER

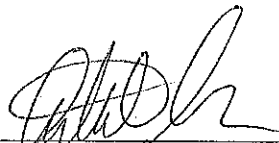
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Psychology issue a decision:

1. Revoking or suspending Psychologist License Number PSY 11981, issued to Rex Bierley, Ph.D.;

1           2.     Ordering Rex Bierley, Ph.D. to pay the Board of Psychology the reasonable costs of  
2 the investigation and enforcement of this case, and, if placed on probation, the costs of probation  
3 monitoring; and,

4           3.     Taking such other and further action as deemed necessary and proper.  
5  
6  
7

8 DATED:     June 1, 2017



ANTONETTE SORRICK  
Executive Officer  
Board of Psychology  
Department of Consumer Affairs  
State of California  
*Complainant*

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