

(approved April 24, 2003)

**BOARD OF BEHAVIORAL SCIENCES
AD HOC DISCIPLINARY GUIDELINES COMMITTEE**

FEBRUARY 20, 2003

**HOLIDAY INN ON THE BAY
1355 NORTH HARBOR DRIVE
SAN DIEGO, CA**

MEMBERS PRESENT

Catherine Kay, Public Member
Peter Manoleas, LCSW Member
Roberto Quiroz, Public Member

MEMBERS ABSENT

STAFF PRESENT

Sherry Mehl, Executive Officer
Anita Scuri, Legal Counsel
Julie McAuliffe, Administrative Analyst

GUEST LIST ON FILE

The meeting was called to order at approximately 9:55 a.m.

1. REVIEW AND DISCUSSION ON THE CURRENT DISCIPLINARY GUIDELINES

Ms. Mehl stated that Board member Howard Stein had requested that an Ad Hoc Committee be formed to review the current Disciplinary Guidelines and determine if changes are needed. If changes are needed, these recommendations will then be presented to the Board.

Anita Scuri, Legal Counsel for the Board, stated that the Guidelines were originally created to help Deputy Attorney General's, licensees, and their counsel understand what the Board considers varying levels of severity of violations to be and the appropriate terms and conditions for those violations. Model regulations are in place that incorporate the document by reference and allow for deviation of the Guidelines if appropriate.

Ms. Mehl stated that tolling language used by the Medical Board was included in the meeting materials. This language is very important and addresses individuals who stay on probation indefinitely due to moving out of state and tolling their probation.

Ms. Kay suggested that a preamble page be included to explain further the methods that are used to determine minimum and maximum penalties. She then indicated that the document should be reviewed for clarity and be made as user friendly as possible. Ms.

Mehl stated that she has contacted the Attorney General's office and found that these guidelines are input in their computer system as well as the Administrative Law Judge's computer system to make the process of completing disciplinary documents consistent. They also indicated that most of the Board's guidelines are similar in structure and these similarities have assisted in familiarizing them with the document.

Mr. Quiroz stated that this issue is complex. He indicated that the Guidelines language could be clearer, the rationale for imposing some probationary conditions in one violation as opposed to another violation needed to be clarified, and optional condition criteria needed to be further clarified.

Ms. Scuri agreed that a preamble is helpful and the preamble should include instructions and the need for explanation if there are deviations from the Guidelines. She then indicated that she was legal counsel for the Board many years ago and the Board has progressed in a proactive way in clarifying these decisions.

The Committee discussed their options regarding meeting since there are three members, which constitutes a Committee quorum. Ms. Mehl explained that any communication, whether it be in person, through conference call, or by e-mail must be properly agendaized to allow the public an opportunity to attend and comment on their discussions. Due to the Budget circumstances, the Committee could not meet outside of the regularly scheduled Board meetings unless they were to meet at state facilities that did not charge a fee for the meeting space.

After further discussion, the Committee determined that they would each submit revisions to Board staff and staff would then compile their comments and present them to the Committee at the April meeting.

Additionally, the Committee agreed that a chair was needed and selected Catherine Kay to lead this Committee.

The meeting adjourned at approximately 10:25 a.m.