

(approved November 13, 2003)

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

AUGUST 21, 2003

**PHILLIPS GRADUATE INSTITUTE
5445 BALBOA BLVD
ENCINO, CA**

MEMBERS PRESENT

Catherine Kay, Public Member, Committee Chair
Robert Gerst, Public Member
Peter Manoleas, LCSW Member

MEMBERS ABSENT

Roberto Quiroz, Public Member

STAFF PRESENT

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

GUEST LIST ON FILE

The meeting was called to order at approximately 10:00 a.m.

Ms. Kay announced that Board member Robert Gerst had joined this Committee. Ms. McAuliffe called the roll and a Committee was established.

1. APPROVAL OF MINUTES

PETER MANOLEAS MOVED, CATHERINE KAY SECONDED, AND THE COMMITTEE CONCURRED TO APPROVE THE APRIL 24, 2003 MINUTES.

2. REVIEW AND DISCUSSION ON THE PROPOSED CHANGES TO THE DISCIPLINARY GUIDELINES

Ms. Kay provided an overview of the progress in revising the guidelines. She indicated that several changes had been suggested at the Committee meeting in April and she had met with staff and legal

counsel to draft those suggested changes and bring them back for Committee review. She had also determined that numerous changes were going to take place, therefore the Committee should review these changes in portions over the next several meetings. The first round of changes included: a new introduction, a new “Penalty Guidelines” statement providing direction to the Administrative Law Judge regarding deviations or omissions, a new explanatory description of Model Disciplinary Orders, moving “Optional Conditions” before “Standard Conditions”, moving “Notification to Clients” and “Law and Ethics” probation terms from “Standard” to “Optional Conditions” and including a note to explain the circumstances when these terms are appropriate, adding “Residing or Practicing Out-of –State” and “Failure to Practice – California Resident” terms and conditions to the “Standard Conditions”, adding a requirement that a physical license be returned to the Board thirty days after the Board’s acceptance of a surrender, adding a requirement that a period of “non-practice” does not relieve a licensee of their obligation to reimburse the Board for its costs, adding a requirement that “optional terms” are listed before “standard terms” when a probation order is imposed, re-titling the violation categories, and reformatting the document. The meeting materials included shaded areas of changes throughout the Guidelines document, a summary of the changes so far, and outstanding changes to be made in the future.

The Committee briefly discussed Mr. Manoleas’ suggestion from a prior meeting that if a violation occurs that includes substance abuse, the supervisor or the personal psychotherapist of the probationer should be knowledgeable in the area of substance abuse. Ms. Kay asked that Mr. Manoleas provide staff with suggested language to address this issue.

Ms. Kay commended staff on their work on the document thus far.

Mr. Gerst suggested that a form be created for the Optional Condition “Notification to Clients” to capture the information that the Board feels is necessary to be provided to the client.

The Committee discussed the Law and Ethics requirement and Mr. Gerst asked if the Guidelines should be more detailed to elaborate on specific course content. Ms. Kay suggested that the Guidelines be maintained in a broader sense and the Board could then provide the probation monitor staff person with further details on the specification of the course. Ms. Scuri stated that she thought the proposed language was appropriate given that it elaborated on the number of units required, required that the course be taken at the graduate level, and indicated that workshops were not acceptable.

The Committee then discussed the addition of the tolling probationary condition proposal to the Standard Conditions and stated that this would assist in eliminating those who remain in limbo for several years. Mr. Gerst asked that “non-resident” be clarified. Ms. Scuri indicated that the Medical Board of California has recently implemented this language and we should have some idea of the success of this language in the near future.

Ms. Kay then stated that some language, including the language added to the Education Optional Condition, was new and should have been highlighted. Staff will identify the appropriate language and include it in the next revision to be reviewed in November.

Ms. Schieldge indicated that some of the new language included in “License Surrender” should have been highlighted as well.

Ms. Kay indicated that the next round of changes would include staff reviewing the minimum and maximum penalties, amend them as appropriate, and bring the document back to the Committee for review.

Ms. Kay stated that there were discrepancies in the Penalty Guidelines as to inclusion of additional penalties “if warranted”. She asked that staff review the Guidelines and make changes to retain consistency throughout the document.

Ms. Kay then mentioned that explanatory “notes” have been added to select probationary conditions to provide guidance as to the types of situations where such conditions would be appropriate.

An audience member had asked about the “Notification to Clients” language. Ms. Kay stated that there are certain violations that do not impact the interaction of the therapist and the client and have not caused client harm, therefore the Committee felt that this condition should be included in the optional conditions and included in decisions as appropriate.

Ms. Gerst asked about the first paragraph included in the Board Policies and Guidelines regarding admissions and license surrender. Ms. Scuri indicated that legal counsel and staff would research this language, identify its importance, and report back.

Ms. Kay asked that other Board members provide their suggested changes to Ms. Mehl.

ROBERT GERST MOVED, CATHERINE KAY SECONDED, AND THE COMMITTEE CONCURRED TO ADJOURN THE MEETING.

The meeting was adjourned at approximately 10:40 a.m.