

(approved February 19, 2004)

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

**JANUARY 7, 2004**

**DEPARTMENT OF CONSUMER AFFAIRS  
400 R STREET, SUITE 3150  
SACRAMENTO, CA**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

**STAFF PRESENT**

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

**GUEST LIST ON FILE**

The meeting was called to order at approximately 11:35 a.m.

Ms. McAuliffe called the roll and a Committee was established.

**1. DISCUSSION OF PROPOSED REVISION TO THE CURRENT DISCIPLINARY GUIDELINES**

Ms. Kay provided an overview of the progress in revising the guidelines. She indicated that staff had prepared a chart that broke down each violation category. This document was identified as very helpful in reviewing each violation and the minimum and maximum penalties; therefore the Committee asked that this format be used in the guidelines document. The Committee then began to review each violation penalty for changes. They discussed the need to add a statement to the preamble that indicated that although the "if warranted" segment of a minimum penalty included the Board's desire to have these additional probationary conditions included, there may be others included in the optional conditions that

may be appropriate for that specific violation. The Committee asked that staff review each “if warranted” additional probationary condition to determine if other specific conditions should be included. The Committee also asked that the Law and Ethics course be added where appropriate. Ms. Kay asked that these changes be brought back to the Committee at the February meeting for review.

Enforcement staff had suggested that an additional Standard Condition regarding Notification of Name Change be included. After discussion the Committee decided that since this requirement is in statute, a reminder about this reporting requirement should be included in the notice that is sent with the final decision.

Enforcement staff had also asked that the Committee consider revising the Voluntary Surrender language. The Committee asked that staff and legal counsel review existing language, determine if changes are needed, and bring back to the Committee in February.

The Committee then discussed Mr. Manoleas’ suggestion that violations relating to chemical dependency include the requirement that personal psychotherapy be with someone who has experience in treating individuals with addictions. The Committee decided to include an explanatory note that states that the Board attempts to select an evaluator who has appropriate knowledge, training, and experience in the area involved in the violation. The Committee further determined that this would apply to Optional Conditions number two and four, “Psychological Evaluations” and “Psychotherapy”. Additionally, the Committee requested that “Psychiatric” be included with “Psychological Evaluations”

The Committee then determined that the additional time needed as necessary to obtain and review a psychological evaluation and to implement any recommendations from that evaluation should be added to other minimum penalty terms as appropriate, such as those that involve mental illness. Staff will review the document to determine where this should be added and include it with the revisions for the Committee’s review at the February Meeting.

Ms. Kay then suggested changes for timeframes for actual suspension and probation for specified violations. She suggested that the actual suspension timeframe for “Intentionally/Recklessly Causing Physical or Emotional Harm to Client” should be changed from 60-90 day to 90-120 days, the probation length for “Fails to Provide Sexual Misconduct Brochure” should be changed from 3-5 years to 1-3 years, and the probation length for “Pay, Accept, Solicit Fee For Referrals” should be increased from 3 years to 3-5 years. The Committee concurred with these changes.

Ms. Kay asked the Committee to reconsider the decision of moving the “Notification of Client” to an optional condition. Ms. Mehl added that staff had expressed concern about making this an optional condition. After discussion, the Committee determined that it should continue to be a standard condition, with an addition of an explanatory note further clarifying to the probationer when notification is necessary.

Another change Ms. Kay suggested was to change the maximum penalty for “Pay, Accept, Solicit Fee For Referrals” from suspension and probation to revocation.

Mr. Gerst asked about probation monitoring and the fees collected for this service. Ms. Mehl stated that the Board currently does not impose these fees but will research how other boards address this and report back to the Committee.

Additional changes to formatting of the document, such as including all those that require revocation as a maximum penalty flow together in the chart, were discussed and will be included in the draft that will be reviewed at the February meeting.

The meeting was adjourned at approximately 1:30 p.m.