

(approved May 20, 2004)

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

FEBRUARY 19, 2004

**DEPARTMENT OF CONSUMER AFFAIRS
400 R STREET, SUITE 3020
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
Kristy Schieldge, Legal Counsel
Julie McAuliffe, Administrative Analyst
Meuy Saephan, Administrative Technician

GUEST LIST ON FILE

The meeting was called to order at approximately 9:02 a.m.

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

1. APPROVAL OF MINUTES

ROBERT GERST MOVED, PETER MANOLEAS SECONDED, AND THE COMMITTEE CONCURRED TO APPROVE THE JANUARY 7, 2004 MINUTES.

2. REVIEW OF THE PROGRESS MADE TO THE DISCIPLINARY GUIDELINES AT THE JANUARY 7, 2004 MEETING

Ms. Kay outlined changes to the Disciplinary Guidelines document from the January 7, 2004 meeting. The modifications included adding an explanation of the Optional Conditions and additional direction in the Penalty Guidelines preface, reformatting the Penalty Guidelines in a table format, editing various minimum and maximum penalties, adding "Psychiatric" to Psychological evaluations in Optional Conditions, moving "Psychotherapy" to come before "Supervised Practice" and renumbering

accordingly, renaming the “ Supervised Practice” condition, moving “Notification of Clients” back to a Standard Condition and renumbering accordingly, adding a NOTE regarding the appointment of evaluators for psychological or psychiatric evaluations, adding a NOTE regarding the appointment of therapists, renumbering Standard Condition terms, including additional direction to a probationer when notification to a client is needed and including a NOTE providing direction to a probationer regarding appropriate application of the condition.

Ms. Kay indicated that the Committee should review the document and determine if any other changes were needed. The document will be submitted to the Board for approval in May. Ms. Kay thanked staff for their work on this document and commented on how comprehensive the changes were that were submitted to the Committee.

Ms. Kay indicated that the substantive changes related to the modifications of the minimum and maximum penalties.

The Committee also amended the psychological evaluations to include psychiatric evaluations and the determination from staff as to which evaluation is appropriate. The Committee also included a NOTE explaining the Board’s requirement of an appropriately trained evaluator who has knowledge in the area of the violation.

Ms. Kay then mentioned that the “Notification to Client” was moved back to a Standard Condition for reasons including enforcement situations, Board staff concern, and the public concern. The language was revised to further explain when this notification is needed and a NOTE was added providing the probationer direction regarding appropriateness of notification.

Ms. Mehl suggested that the words “in addition” be added to the minimum penalty listing of specified crimes against people, use of drugs and alcohol, and fiscal and property crimes for the violation of Conviction of a Crime Substantially Related to Duties, Qualifications, or Functions of a Licensee/Registrant.

CATHERINE KAY MOVED, PETER MANOLEAS SECONDED, AND THE COMMITTEE APPROVED THE SUGGESTED CHANGE.

Ms. Mehl stated that she had provided a survey of the Probation Monitoring Costs Program Board Comparison and suggested that the Committee decide if this should be implemented. Ms. Mehl suggested that an appropriate cost for these services would be between \$1,200 and \$1,500. The Committee discussed this issue. Mr. Gerst suggested that they implement the program. Mr. Manoleas indicated that the Committee should discuss this issue further. Mr. Gerst stated that the Board has the authority in law to collect the costs associated with probation. Ms. Kay indicated that the Committee would recommend that the full Board direct staff to begin implementing the costs associated with the probation program.

CATHERINE KAY MOVED, ROBERT GERST SECONDED, AND THE COMMITTEE CONCURRED TO RECOMMEND THAT STAFF IMPOSE AND IMPLEMENT PROBATION MONITORING COST RECOVERY AND REFER TO FULL BOARD FOR ADOPTION.

The meeting was adjourned at approximately 9:17 a.m.