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8 **BEFORE THE**
9 **BOARD OF BEHAVIORAL SCIENCES**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. MF-2014-212

13 **BERNADINE FRIED**
329 N. Wetherly Drive, #207
Beverly Hills, CA 90211

A C C U S A T I O N

14 **Licensed Marriage and Family Therapist**
15 **License No. LMFT 31210**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Kim Madsen ("Complainant") brings this Accusation solely in her official capacity as
20 the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.

21 2. On or about December 27, 1993, the Board of Behavioral Sciences issued Licensed
22 Marriage and Family Therapist License No. LMFT 31210 to Bernadine Fried ("Respondent").
23 The Marriage and Family Therapist License was in full force and effect at all times relevant to the
24 charges brought herein and will expire on November 30, 2015, unless renewed.

25 **JURISDICTION**

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

1 COST RECOVERY

2 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 PATIENT A.G.

7 BACKGROUND INFORMATION

8 8. Between October 2011 and July 2013, Respondent was A.G.'s therapist. From late
9 October to early December 2011 and again from January to March 2013, Respondent treated A.G.
10 at ONE80CENTER, an in-patient residential treatment facility for drug and alcohol addiction that
11 Respondent co-founded with her husband, Alex Shohet ("Mr. Shohet"). From late October 2011
12 to July 2013, Respondent treated A.G. on an out-patient basis at her private office. At the
13 beginning of her therapeutic relationship with Respondent, A.G. disclosed private, highly
14 sensitive, confidential information to Respondent.

15 9. In the summer of 2012, M.D. attended a business lunch with Respondent and Mr.
16 Shohet. M.D. was an investor who knew A.G.'s sister and Mr. Shohet had been attempting to
17 convince M.D. that A.G.'s sister should invest in Respondent's and Mr. Shohet's business
18 ventures. During the course of this meeting, M.D. told Mr. Shohet that A.G.'s sister would not
19 invest with him and Respondent because Mr. Shohet had lost credibility with the sister. Mr.
20 Shohet then told M.D. that he did not need A.G.'s sister's participation because he could count on
21 A.G. herself. Mr. Shohet then revealed to M.D. the private, highly sensitive, confidential
22 information about A.G. that A.G. had disclosed to Respondent. Respondent sat by while Mr.
23 Shohet revealed the information and said and did nothing. A.G. did not learn about the disclosure
24 until July 2013 when M.D. finally told her fiancé, who in turn, told her.

25 10. In or around May 2013, A.G. was on her way into Respondent's office for an
26 appointment when a man she did not recognize walked out. Respondent asked A.G. if she knew
27 who the man was and when A.G. said she did not, Respondent told A.G. the man's name and
28 described him as a well-known author.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 11. Respondent is subject to disciplinary action under Code section 4982, subdivision (d)
4 on the grounds of gross negligence in that Respondent's care and treatment of A.G. constituted an
5 extreme departure from the standard of care. The facts and circumstances, which include by
6 reference Paragraphs 8 through 10, are as follows:

7 12. Respondent improperly disclosed A.G.'s private, highly sensitive, confidential
8 information, without justification or authorization, to her husband, Mr. Shohet, who in turn,
9 disclosed the information to M.D., without justification or authorization.

10 13. Respondent improperly used her professional relationship with A.G. to further her
11 own financial interest when she revealed A.G.'s private, highly sensitive, confidential information
12 to her husband, who, with the intention of using the information to further the financial interests
13 of himself and Respondent, disclosed the information to M.D.

14 14. Respondent improperly disclosed to A.G. the identity of one of her patients, whom
15 she described as a well-known author.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Incompetence)**

18 15. Respondent is subject to disciplinary action under Code section 4982, subdivision (d)
19 on the grounds of incompetence in that Respondent lacked either knowledge or ability to
20 discharge her professional obligations regarding her care and treatment of A.G. Complainant
21 incorporates by reference Paragraphs 8 through 14 as though fully set forth herein.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Failure to Maintain Confidentiality)**

24 16. Respondent is subject to disciplinary action under Code section 4982, subdivision (m)
25 on the grounds that Respondent failed to maintain confidentiality of all information, including her
26 patients' identities, that she received from her clients in confidence during the course of treatment
27 and all information about her clients that she obtained from tests or other means. Complainant
28 incorporates by reference Paragraphs 8 through 10 as though fully set forth herein.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Intentionally or Recklessly Causing Emotional Harm to a Client)**

3 17. Respondent is subject to disciplinary action under Code section 4982, subdivision (i)
4 on the grounds that Respondent intentionally or recklessly caused physical or emotional harm to
5 A.G. As a result of Respondent's conduct as described above in Paragraphs 8 through 10, A.G.
6 suffered a severe psychiatric reaction to the breach of confidentiality – conversion disorder – and
7 was not able to walk for several months. Respondent knew or should have known that her
8 disclosure of A.G.'s personal, highly sensitive, confidential information would cause A.G. to
9 suffer physical and emotional distress.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Failure to Keep Proper Records)**

12 18. Respondent is subject to disciplinary action under Code section 4982, subdivision (v)
13 on the grounds that Respondent failed to keep records consistent with sound clinical judgment,
14 the standards of the profession, and the nature of the services being rendered. A marriage and
15 family therapist must keep records that are consistent with sound clinical practice. Respondent
16 treated A.G. for over a year and a half, and had virtually no records to show for the treatment.
17 The facts and circumstances are as follows:

18 19. After A.G. terminated her therapeutic relationship with Respondent, A.G. sent
19 Respondent a text message asking for her treatment file. Several days later, Respondent dropped
20 off a few pages of documents.

21 20. When questioned by a Board Investigator regarding A.G.'s records of treatment and
22 billing, Respondent stated that she is "not much of a note taker, but I'll look and see if I can find
23 something to send to you."

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Failure to Provide Records When Requested)**

26 21. Respondent is subject to disciplinary action under Code section 4982, in conjunction
27 with California Code of Regulations, title 16, section 1845, subdivision (e), in that on or about
28 March 18, 2014, Respondent participated in an interview with a Board Investigator regarding

1 A.G. The Board Investigator asked Respondent if she could send her a copy of A.G.'s treatment
2 and billing file. Respondent stated that she is "not much of a note taker, but I'll look and see if I
3 can find something to send to you." Respondent never provided the Board Investigator with any
4 of the requested records.

5 PATIENT K.I.

6 BACKGROUND INFORMATION

7 22. Between February 2013 and August 2013, K.I. was a patient at ONE80CENTER,
8 where Respondent was the clinical director. Respondent and Mr. Shohet also had a financial
9 interest in ONE80CENTER .

10 23. In or about July and/or August 2013, the ONE80CENTER experienced managerial
11 turmoil between Respondent and Mr. Shohet and other board members. The other board
12 members were trying to oust Respondent and Mr. Shohet and court action ensued.

13 24. On or about August 10, 2013, Respondent and Mr. Shohet held a meeting with clients
14 of ONE80CENTER and discussed the legal situation. Respondent asked the group, including
15 K.I., to write letters to the court to explain how she and Mr. Shohet had been helpful to them.
16 Respondent stated that it would be therapeutic for the patients to express themselves. K.I. did not
17 write a letter as she did not support Respondent and Mr. Shohet and hoped that the other board
18 members would be successful in becoming the new managers of ONE80CENTER.

19 SEVENTH CAUSE FOR DISCIPLINE

20 (Gross Negligence)

21 25. Respondent is subject to disciplinary action under Code section 4982, subdivision (d)
22 on the grounds of gross negligence in that Respondent's care and treatment of K.I. constituted an
23 extreme departure from the standard of care. The facts and circumstances, which include by
24 reference Paragraphs 22 through 24, are as follows:

25 26. Respondent entered into an unethical and inappropriate dual relationship with K.I.
26 when she asked K.I. to write a letter that provided Respondent legal support at the same time that
27 Respondent provided clinical support to K.I. Despite her contention that writing a letter would be
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1 therapeutic for K.I. and the other patients, Respondent's request was unethical because it served
2 only Respondent's needs and not K.I.'s needs.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Incompetence)**

5 27. Respondent is subject to disciplinary action under Code section 4982, subdivision (d)
6 on the grounds of incompetence in that Respondent lacked either knowledge or ability to
7 discharge her professional obligations regarding her care and treatment of K.I. Complainant
8 incorporates by reference Paragraphs 22 through 26 as though fully set forth herein.

9 **PATIENT S.W.**

10 **BACKGROUND INFORMATION**

11 28. Between April 2005 and June 2008, Respondent was S.W.'s therapist. S.W. saw
12 Respondent both at a residential drug and alcohol treatment center and in a private practice
13 setting.

14 29. In March 2008, while S.W. was still Respondent's private practice client and a
15 therapist trainee, Respondent hired S.W. to work as a residential technician at Wonderland, a
16 residential drug and alcohol treatment center, where Respondent was the clinical director. S.W.'s
17 employment at Wonderland was brief as Respondent was terminated from Wonderland shortly
18 after S.W. was hired and S.W. left Wonderland around the time of Respondent's termination.

19 30. In November 2010, Respondent hired S.W. (who by then was a licensed marriage and
20 family therapist intern on probation with the Board) to work for her as a therapist at
21 ONE80CENTER and in private practice.

22 31. S.W. felt uncomfortable going from being in a therapeutic relationship with
23 Respondent to being in a supervisory relationship with Respondent. Respondent used information
24 that she had obtained in therapy to critic S.W. and discussed S.W.'s confidential information with
25 S.W.'s coworkers. In November 2012, Respondent terminated S.W.'s employment after S.W.
26 attempted to discuss these issues with Respondent.

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1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 32. Respondent is subject to disciplinary action under Code section 4982, subdivision (d)
4 on the grounds of gross negligence in that Respondent's care and treatment of S.W. constituted an
5 extreme departure from the standard of care. The facts and circumstances, which include by
6 reference Paragraphs 28 through 31, are as follows:

7 33. Respondent entered into an unethical and inappropriate dual relationship with S.W.
8 when she hired S.W. to be her employee at Wonderland in March 2008 while she was still
9 providing therapy to S.W.

10 34. Respondent entered into an unethical and inappropriate dual relationship with S.W.
11 when she employed S.W. as a marriage and family therapist intern from November 2010 to
12 November 2012 at ONE80CENTER and in private practice and was S.W.'s supervisor.
13 Respondent used her knowledge of S.W.'s personal, confidential information to create conflict
14 and emotional turmoil for S.W.

15 **TENTH CAUSE FOR DISCIPLINE**

16 **(Incompetence)**

17 35. Respondent is subject to disciplinary action under Code section 4982, subdivision (d)
18 on the grounds of incompetence in that Respondent lacked either knowledge or ability to
19 discharge her professional obligations regarding her care and treatment of S.W. Complainant
20 incorporates by reference Paragraphs 28 through 34 as though fully set forth herein

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Keep Proper Records)**

23 36. Respondent is subject to disciplinary action under Code section 4982, subdivision (v)
24 on the grounds that Respondent failed to keep records consistent with sound clinical judgment,
25 the standards of the profession, and the nature of the services being rendered. A marriage and
26 family therapist must keep records that are consistent with sound clinical practice. Respondent
27 treated S.W. for over three years. However when questioned by a Board Investigator regarding
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1 Respondent's records of S.W.'s treatment, Respondent stated that she is "not much of a note taker,
2 but I'll look and see if I can find something to send to you."

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Provide Records When Requested)**

5 37. Respondent is subject to disciplinary action under Code section 4982, in conjunction
6 with California Code of Regulations, title 16, section 1845, subdivision (e), in that on or about
7 March 18, 2014, Respondent participated in an interview with a Board Investigator regarding
8 S.W. The Board Investigator asked Respondent if she could send her a copy of S.W.'s treatment
9 file. Respondent stated that she is "not much of a note taker, but I'll look and see if I can find
10 something to send to you." Respondent never provided the Board Investigator with any of the
11 requested records.

12 **PRAYER**

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

- 15 1. Revoking or suspending Licensed Marriage and Family Therapist License No. LMFT
16 31210, issued to Bernadine Fried;
- 17 2. Ordering Bernadine Fried to pay the Board of Behavioral Sciences the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
19 section 125.3; and
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: April 15, 2015



23 KIM MADSEN
24 Executive Officer
25 Board of Behavioral Sciences
26 Department of Consumer Affairs
27 State of California
28 *Complainant*

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