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

11 In the Matter of the Accusation Against:

Case No. LC-2009-832

12 **JANELLE LEE BURRILL**
13 **915 University Avenue**
Sacramento, CA 95825

FIRST AMENDED
ACCUSATION

14 **Clinical Social Worker**
15 **License No. LCS 16216**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about July 31, 1992, the Board of Behavioral Sciences issued Clinical Social
24 Worker License Number LCS 16216 to Janelle Lee Burrill (Respondent). The Clinical Social
25 Worker License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on July 31, 2013, unless renewed.

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JURISDICTION

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

5 4. Section 4996.11 of the Code states that "[t]he board may suspend or revoke the
6 license of any person who is guilty on the grounds set forth in Section 4992.3. The proceedings
7 for the suspension or revocation of licenses under this article shall be conducted in accordance
8 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
9 Government Code, and the board shall have all the powers granted in that chapter."

10 5. Section 118, subdivision (b), of the Code provides that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
12 within which the license may be renewed, restored, reissued or reinstated.

13 6. Section 4992.3 of the Code states, in pertinent part:

14 The board may deny a license or a registration, or may suspend or revoke the license or
15 registration of a licensee or registrant if he or she has been guilty of unprofessional conduct.

16 Unprofessional conduct includes, but is not limited to, the following:

17 ...

18 (d) Incompetence in the performance of clinical social work.

19 ...

20 (e) An act or omission that falls sufficiently below the standard of conduct of the
21 profession as to constitute an act of gross negligence.

22 ...

23 (k) The commission of any dishonest, corrupt, or fraudulent act substantially related to the
24 qualifications, functions, or duties of a licensee or registrant.

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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 BACKGROUND FACTS - MINOR R.K.

7 8. On March 25, 2009, E.V. ("Mother") and her ex-husband, D.K. ("Father"), stipulated
8 to "reunification therapy" with Respondent, which was then ordered by the Sacramento County
9 Superior Court. The goal of the therapy was to help reunite R.K. with Father. R.K. was age 13 at
10 the time of the order. R.K. and Father had not spent time together for almost eight years. In
11 addition to the therapy, the court requested a written report regarding the progress of the therapy.
12 Respondent conducted sessions with Mother, Mother and her husband C.V., Father, Father and
13 his wife S.C., and multiple sessions with R.K. Respondent also met with collateral witnesses
14 including Valerie Russell, Senior Deputy Probation Officer for Sacramento County, and Thomas
15 Russell, L.C.S.W., a previous evaluator. Respondent reviewed various documents listed in her
16 report to the Court. In Respondent's report dated June 4, 2009, she told the Court that she was
17 not making progress in the therapy and recommended that the therapy be suspended, and that
18 Father and R.K. have supervised visits which had previously been ordered by the Court. Also
19 included in the report was Respondent's conclusion that Mother had not been supportive of the
20 reunification.

21 9. Subsequent to the report being filed with the Court, Mother made complaints to the
22 Court concerning what she believed was Respondent's bias and inappropriate behavior in the
23 course of the treatment. After making a formal complaint to the local family courts, Mother filed
24 a complaint with the Board of Behavioral Sciences.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 10. Paragraphs 1 through 9 are herein incorporated by reference.

4 11. Respondent is subject to discipline pursuant to Code section 4992.3, subdivision (e),
5 on the ground of unprofessional conduct, in that her conduct in preparing the report she submitted
6 to the Court falls sufficiently below the standard of conduct of the profession, as follows:

7 a. Respondent misconstrued information provided by Valerie Russell, Senior Probation
8 Officer for Sacramento County in that she misquoted Ms. Russell and incorrectly attributed
9 statements to her. Respondent falsely stated that Ms. Russell told her that Mother was
10 responsible for alienating R.K. from Father, and that Ms. Russell believed that C.V., R.K.'s step-
11 father, was "manipulative".

12 b. Respondent was told by the previous evaluator, Thomas Russell, L.C.S.W., that he
13 did not believe that Mother was alienating R.K from Father, yet she failed to include this in her
14 report.

15 c. Respondent stated in her report to the Court that Mother was not supportive of
16 reunification, yet failed to include facts regarding the manner in which Mother did cooperate with
17 the therapy along with the information that led Respondent to draw the clinical conclusion that
18 Mother did not support the reunification therapy.

19 d. Respondent minimized a traumatic incident that occurred when R.K. was young, in
20 which Father burned R.K.'s sibling's feet with fireworks, and incorrectly stated in her report that
21 Father denied that he had done this.

22 e. Respondent omitted important information about Father in her report to the Court,
23 specifically that he told her he was a recovering alcoholic who attended Alcoholics Anonymous
24 twice a week, and that he had used "acid" heavily when he was younger.

25 f. Respondent omitted important information from her report about Father's history of
26 anger problems, including Father telling Respondent that the police were called to his residence
27 approximately fifty times while he was married to Mother.

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1 her failure to report that she knew about a complaint having been filed against her with the Board,
2 ABE revoked Respondent's certification as a Board Certified Diplomate on or about March 17,
3 2010.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Gross Negligence)**

6 19. Paragraphs 1 through 18 are incorporated herein by reference.

7 20. Respondent is subject to disciplinary action under Code section 4992.3, subdivision
8 (e) in that she committed acts that fall sufficiently below the standard of conduct of the profession
9 as to constitute acts of gross negligence, as set forth more specifically in paragraph 18, above.

10 **PRAYER**

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

13 1. Revoking or suspending Clinical Social Worker License Number LCS 16216, issued
14 to Janelle Lee Burrill;

15 2. Ordering Janelle Lee Burrill to pay the Board of Behavioral Sciences the reasonable
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions
17 Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.

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20 DATED: July 14, 2011



21 KIM MADSEN
22 Executive Officer
23 Board of Behavioral Sciences
24 Department of Consumer Affairs
25 State of California
26 Complainant

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