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7 Attorneys for Complainant

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-2007-862

13 EDA GORBIS
921 Westwood Blvd., #224
Los Angeles, CA 90024
Marriage and Family Therapist License No.
14 MFC 32501

A C C U S A T I O N

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Paul Riches (Complainant) brings this Accusation solely in his official
20 capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer
21 Affairs.

22 2. On or about June 20, 1995, the Board of Behavioral Sciences (Board)
23 issued Marriage and Family Therapist License Number MFC 32501 to Eda Gorbis (Respondent).
24 The Marriage and Family Therapist License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on August 31, 2010, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code unless otherwise
4 indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 118, subdivision (b), provides that the suspension, expiration,
7 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
8 disciplinary action during the period within which the license may be renewed, restored, reissued
9 or reinstated.

10 4. Section 490 provides, in pertinent part, that a board may suspend or revoke
11 a license on the ground that the licensee has been convicted of a crime substantially related to the
12 qualifications, functions, or duties of the business or profession for which the license was issued.

13 5. Section 4982 states, in pertinent part:

14 "The board . . . may suspend or revoke the license or registration of any registrant
15 or licensee if the applicant, licensee, or registrant has been guilty of unprofessional conduct.

16 Unprofessional conduct shall include, but not be limited to:

17 "(a) The conviction of a crime substantially related to the qualifications,
18 functions, or duties of a licensee or registrant under this chapter. The record of conviction shall
19 be conclusive evidence only of the fact that the conviction occurred. The board may inquire into
20 the circumstances surrounding the commission of the crime in order to fix the degree of
21 discipline or to determine if the conviction is substantially related to the qualifications, functions,
22 or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction
23 following a plea of nolo contendere made to a charge substantially related to the qualifications,
24 functions, or duties of a licensee or registrant under this chapter shall be deemed to be a
25 conviction within the meaning of this section. The board may order any license or registration
26 suspended or revoked, or may decline to issue a license or registration when the time for appeal
27 has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order
28 granting probation is made suspending the imposition of sentence, irrespective of a subsequent

1 order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty
2 and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
3 information, or indictment.

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5 "(d) Gross negligence or incompetence in the performance of marriage and
6 family therapy.

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8 "(i) Intentionally or recklessly causing physical or emotional harm to any
9 client.

10 "(j) The commission of any dishonest, corrupt, or fraudulent act substantially
11 related to the qualifications, functions, or duties of a licensee or registrant.

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13 "(n) Prior to the commencement of treatment, failing to disclose to the client or
14 prospective client the fee to be charged for the professional services, or the basis upon which that
15 fee will be computed.

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17 "(v) Failure to keep records consistent with sound clinical judgment, the
18 standards of the profession, and the nature of the services being rendered."

19 **COST RECOVERY**

20 6. Section 125.3 provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations
22 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Conviction of a Substantially-Related Crime)**

26 7. Respondent is subject to disciplinary action under section 490, and section
27 4982, subdivision (a), as a result of Respondent's conviction of a crime that is substantially
28 related to the qualifications, functions, and duties of a licensed marriage and family therapist. On

1 or about January 22, 2009, after pleading nolo contendere, Respondent was convicted of one
2 misdemeanor count of violating Penal Code section 602, subdivision (j) [criminal trespass] in the
3 criminal proceeding entitled The People of the State of California v. Eda Gorbis (Super. Ct. Los
4 Angeles County, 2009, No. 8CA10471). The underlying factual circumstances occurred on or
5 about August 7, 2008, when Respondent was arrested and charged with petty theft [Penal Code
6 section 484, subdivision (a)], after she was observed removing security tags from perfume bottles
7 and other merchandise in a Beverly Hills department store, slipping those items into her bag, and
8 leaving the store without paying for them. The initial charge of petty theft was reduced in court
9 to a charge of criminal trespass, and Respondent is currently on probation for that charge.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct / Failure to Cooperate with Board's Investigation)**

12 8. Respondent is subject to disciplinary action under section 4982 for
13 unprofessional conduct by failing to cooperate with an investigation by the Board. On or about
14 August 22, 2008, the Board sent a letter to Respondent requesting a detailed explanation of the
15 circumstances regarding her August 7, 2008 arrest, and further requested that Respondent send
16 related certified court documents. Respondent's attorney advised her not to provide a detailed
17 description of the underlying circumstances that led to the violation due to the fact that the case
18 was still pending. But despite the fact that he said he would notify the Board of the outcome,
19 even after her conviction, no information was provided. Complainant refers to and incorporates
20 all the allegations contained in paragraph 7, as though set forth fully.

21 **PATIENT A.Y.**

22 9. On or about February 15, 2007, the Board received a complaint filed by
23 the parents of Patient A. Y. A. Y. was 16 years old when he began seeing Respondent. Due to a
24 skateboarding accident that resulted in a concussion and a broken jaw, his jaw was wired shut
25 and he was forced to eat through a straw. He later began exhibiting signs of an eating disorder
26 and ritualized and Obsessive Compulsive Disorder (OCD) behaviors. On December 21, 2005,
27 when A. Y. had lost a total of approximately 40 pounds, his parents took him to see Respondent
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1 at the Westwood Institute for Anxiety Disorders (WIAD) in Los Angeles, California for an initial
2 assessment. She diagnosed him with OCD and Anorexia Nervosa.

3 10. On or about January 23, 2006, A.Y. began treatment with Respondent at
4 WIAD. On January 24, 2006, A.Y. was evaluated by the University of California Los Angeles
5 (UCLA) Eating Disorder Unit and admitted into the UCLA Neuro-Psychiatric Hospital for
6 inpatient treatment of his anorexia, where he participated in their full inpatient program. While
7 in this inpatient program, Respondent also treated A.Y. for his OCD. Treatment by Respondent
8 was limited due to the full-time nature of the inpatient eating disorder program.

9 11. On or about February 14, 2006, A.Y. was discharged to the Partial
10 Hospitalization Program to allow him to work on his OCD treatment with Respondent. A.Y. was
11 discharged from the Partial Hospitalization Program on or about March 24, 2006, and returned to
12 his home and he was eventually re-hospitalized under the care of another provider.

13 12. On or about February 15, 2007, the parents of A.Y. filed a consumer
14 complaint form with the Board. Among other things, the parents of A.Y. allege that Respondent
15 yelled at him during treatment sessions. The parents of A.Y. also allege that Respondent engaged
16 in unprofessional billing practices, including "forced donations" of \$80,000.00 to UCLA in
17 Respondent's name; and billing for sessions that were not provided, or were misrepresented in
18 terms of where and when the services occurred.

19 13. Respondent took several months to respond to A.Y.'s parents' request for
20 patient records, and there were periods of treatment during his hospitalization for which
21 Respondent kept no records.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct -- Gross Negligence)**

24 14. Respondent is subject to disciplinary action under section 4982,
25 subdivision (d), for unprofessional conduct in the form of gross negligence, as a result of various
26 actions by Respondent that represented an extreme departure from the standard of care that
27 would be exercised by a reasonably prudent marriage and family therapist.

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1 a. Respondent's failure to maintain patient records while A.Y. was
2 hospitalized represents an extreme departure from the standard of care that would be exercised by
3 a reasonably prudent marriage and family therapist.

4 b. Respondent's failure to timely provide patient records after A.Y.'s parents'
5 request for them represents an extreme departure from the standard of care that would be
6 exercised by a reasonably prudent marriage and family therapist.

7 c. Respondent's request for donations to a non-profit agency that resulted in
8 her professional and/or financial gain represents an extreme departure from the standard of care
9 that would be exercised by a reasonably prudent marriage and family therapist.¹

10 d. Respondent's billing for services that were not provided represents an
11 extreme departure from the standard of care that would be exercised by a reasonably prudent
12 marriage and family therapist.

13 e. Respondent's misrepresentations regarding when and where professional
14 services provided represents an extreme departure from the standard of care that would be
15 exercised by a reasonably prudent marriage and family therapist.

16 f. Respondent's misrepresentations regarding the length of treatment
17 sessions represents an extreme departure from the standard of care that would be exercised by a
18 reasonably prudent marriage and family therapist.

19 g. Respondent's failure to provide and/or document immediate medical care
20 after pronouncing the evaluative conclusion that "[i]mmediate medical care [was] indicated due
21 to his blood pressure dropping dramatically and the fact that he lost over 40 pounds in the past
22 few months" represents an extreme departure from the standard of care that would be exercised
23 by a reasonably prudent marriage and family therapist.

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1. In 2008, Respondent entered into a "Letter of Agreement Concerning Return of Funds," whereby the \$80,000.00 donation to UCLA was refunded to A. Y.'s parents.

1 h. Respondent's yelling at A.Y. during treatment sessions represents an
2 extreme departure from the standard of care that would be exercised by a reasonably prudent
3 marriage and family therapist.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct -- Recklessly**
6 **Causing Emotional Harm)**

7 15. Respondent is subject to disciplinary action under section 4982,
8 subdivision (i), for unprofessional conduct based on Respondent's recklessly causing emotional
9 harm when she yelled at A.Y. during treatment sessions. Complainant refers to and incorporates
10 all the allegations contained in paragraph 14, subparagraph (h), as though set forth fully.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct -- Committing Dishonest, Corrupt and/or Fraudulent Acts)**

13 16. Respondent is subject to disciplinary action under section 4982,
14 subdivision (j), for unprofessional conduct in the form of committing dishonest, corrupt and/or
15 fraudulent acts, as a result of Respondent's billing for sessions that did not occur,
16 misrepresenting where and when services were provided regarding sessions that did occur, and
17 engaging in a billing practice of "forced donations," which amount to dishonest, corrupt and/or
18 fraudulent acts. Complainant refers to and incorporates all the allegations contained in
19 paragraphs 14, subparagraphs (c), (d), (e), and (f), as though set forth fully.

20 **SIXTH CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct -- Failure to Disclose the Fees to Be Charged**
22 **and/or How Fees Are Computed)**

23 17. Respondent is subject to disciplinary action under section 4982,
24 subdivision (n), for unprofessional conduct in the form of failure to disclose the fees to be
25 charged and/or how those fees are computed. Complainant refers to and incorporates all the
26 allegations contained in paragraph 14, subparagraphs (c), (d), (e), and (f), as though set forth
27 fully.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct -- Failure to Maintain Proper Records)**

3 18. Respondent is subject to disciplinary action under section 4982,
4 subdivision (v), for unprofessional conduct through her failure to maintain proper records.
5 Respondent failed to keep records that reflected sound clinical judgment, matched the standards
6 of the profession, and were appropriate for the nature of the services being rendered, when she
7 failed to keep records for some of the sessions she had with A.Y., and misrepresented where and
8 when services were provided regarding sessions that were held, while A.Y. was hospitalized.
9 Complainant refers to and incorporates all the allegations contained in paragraph 14,
10 subparagraph (a), as though set forth fully.

11 **PATIENT J. S.**

12 19. On or about September 19, 2008, the Board received an online complaint
13 from Patient J. S., Respondent's former patient who initially received care from her in 1998,
14 when he entered the UCLA Psychiatric Hospital for a three-week intensive OCD program at a
15 cost of approximately \$6,000.00. This initial treatment was successful, and resulted in the
16 remission of J. S.'s symptoms for approximately six years.

17 20. In 2004, J. S.'s symptoms returned. He again contacted Respondent for
18 assistance. J. S. alleges that Respondent recommended the same three-week program, but that
19 the fee quoted this time was \$22,000.00 (\$16,000.00 higher than before.) J. S. further alleges
20 that when he told Respondent that he could not afford the program, she said UCLA would
21 occasionally approve a lower fee. J. S. eventually agreed to a fee of \$13,600.00 for treatment.

22 21. During her treatment of J. S., Respondent took extended phone calls
23 during sessions such that an hour of consulting time with him took as much as two hours, and
24 then she charged him for the entire two hours.

25 22. J. S. alleges that Respondent insisted on walking him down to the bank
26 and staying with him while he explained to the bank manager why he needed \$4,000.00 cash on
27 two separate occasions.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 23. Respondent is subject to disciplinary action under section 4982 for
4 unprofessional conduct by making disparaging or insulting remarks about potential patients to J.
5 S. during his treatment sessions.

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7 **NINTH CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct – Incompetence)**

9 24. Respondent is subject to disciplinary action under section 4982,
10 subdivision (d), for unprofessional conduct in the form of incompetence, when Respondent took
11 frequent calls during J. S.'s appointments. Complainant refers to and incorporates all the
12 allegations contained in paragraphs 19 - 23, as though set forth fully.

13 **TENTH CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct – Gross Negligence)**

15 25. Respondent's actions of accompanying J. S. to the bank so that he could
16 pay her in cash represents an extreme departure from the standard of care that would be exercised
17 by a reasonably prudent marriage and family therapist.

18 26. Respondent's statements to J. S. that misrepresented her true relationship
19 with UCLA represents an extreme departure from the standard of care that would be exercised by
20 a reasonably prudent marriage and family therapist.

21 **PATIENT O. B.**

22 27. On or about September 9, 2008, the Board received an online complaint
23 from the parents of Patient O. B., Respondent's former assessment-only patient whose family
24 did not pursue treatment with Respondent following her evaluation of him.

25 28. On or about January 9, 2006, the parents of O. B. saw Respondent for an
26 OCD assessment of their then-14-year-old son, O. B. Respondent explained the treatment
27 program briefly, administered a battery of tests, and explained that the \$750.00 assessment fee
28 would have to be paid in cash, and that the three-week intensive program cost of \$25,000.00

1 would have to be paid in cash or by bank check.

2 29. Although O. B.'s parents had brought prior OCD-indicative test results to
3 the assessment, which they wished to show to Respondent, Respondent showed no interest in the
4 test results and wanted to complete her own testing.

5 30. Respondent spoke at length on the telephone during O. B.'s assessment
6 appointment.

7 31. Respondent informed O. B.'s parents that there was a six-month waiting
8 list for treatment, partly as a result of Respondent's appearance on an MTV show about OCD and
9 the world-wide patient base she had acquired as a result of this television show.

10 32. Respondent told O. B.'s parents that because he was so young and his
11 condition so serious, she would talk to the Board of Directors to see if they would admit him on
12 an emergency basis. Respondent then explained that the Board would look more favorably on
13 such a request if O. B.'s parents made a donation to UCLA in Respondent's name. Respondent
14 produced a binder full of similar letters of recommendation as samples and most of these letters
15 mentioned donations to UCLA.

16 33. Several days after O. B.'s assessment, Respondent called his parents to
17 indicate that she would try to get him moved up on the waiting list, but that she would need a
18 letter and a donation. O. B.'s parents told Respondent that they were uncomfortable making a
19 donation before Respondent had provided any treatment whatsoever to him.

20 34. Based on reservations about Respondent, most notably demanding cash
21 and seeking donations, O. B.'s parents did not enroll their son in her program.

22 **ELEVENTH CAUSE FOR DISCIPLINE**

23 **(Failure to Disclose the Fees to be Charged and/or How Fees Are Computed)**

24 35. Respondent is subject to disciplinary action under section 4982,
25 subdivision (d), for unprofessional conduct in the form of gross negligence, as a result of various
26 actions by Respondent that represented an extreme departure from the standard of care that
27 would be exercised by a reasonably prudent marriage and family therapist.

28

1 a. Respondent's showing O. B.'s parents letters of recommendation with
2 donations to UCLA, and her request for such a letter and donation from O. B.'s parents in order
3 for him to be admitted on an emergency basis represents an extreme departure from the standard
4 of care that would be exercised by a reasonably prudent marriage and family therapist.

5 **TWELFTH CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct -- Recklessly**

7 **Causing Emotional Harm)**

8 36. Respondent is subject to disciplinary action under section 4982,
9 subdivision (i), for unprofessional conduct in the form of recklessly causing emotional harm.
10 Complainant refers to and incorporates all the allegations contained in paragraph 36,
11 subparagraph (a), as though set forth fully.

12 37. On or about June 5, 2008, doctoral student K. C. was working at WIAD
13 under Respondent's direction.

14 38. On or about June 10, 2008, the Board received an online complaint from
15 K.C., regarding events that had occurred on June 5, 2008, while working at WIAD, and
16 Respondent's behavior in response to those events.

17 39. On June 5, 2008, Respondent shared with K.C. that Respondent was upset
18 about a patient's terminating treatment early due to feeling "hurt" and upset by Respondent's
19 treatment recommendations and her tone of voice.

20 40. Respondent informed K.C. that the patient was requesting a partial refund
21 and that Respondent had indicated that she planned to issue the partial refund despite a written
22 no-refund policy.

23 41. To support Respondent's acknowledgment of this no-refund policy,
24 Respondent wished to reference a signed acknowledgment document that Respondent normally
25 used. However, there was no such signed document from this particular patient because
26 Respondent had forgotten to request the patient's signature on such agreement, a fact which
27 Respondent admitted to K.C.

28 42. Respondent failed to admit that there was no signed agreement regarding

1 Respondent's no-refund policy because she had forgotten to obtain this patient's signature.
2 Instead, Respondent created a forged document to support her assertion that the patient had
3 agreed to such policy. Respondent created a counterfeit "signed agreement" by cutting and
4 pasting the patient's signature from another document onto her boilerplate no-refund agreement
5 document, using correctional fluid, scissors, tape, and a copy machine.

6 43. Respondent asked K.C. to help her with the cutting and pasting of
7 Respondent's signature. K.C. refused, and informed Respondent that she was engaging in
8 "dangerous behavior."

9 44. Later on that same date, June 5, 2008, K.C. overheard Respondent
10 speaking with the husband of the patient who had requested a refund. K.C. heard Respondent
11 tell the patient's husband that "[K.C.], the other doctor is here," although Respondent knew that
12 K.C. was not a doctor but was instead a doctoral student.

13 45. When the patient's husband stopped by K.C.'s office later that day, K.C.
14 informed him that she was a doctoral student and not a doctor, and did so in the presence of
15 Respondent. Respondent said nothing in response.

16 **THIRTEENTH CAUSE FOR DISCIPLINE**

17 **(Committing Dishonest, Corrupt and/or Fraudulent Acts)**

18 46. Respondent is subject to disciplinary action under section 4982,
19 subdivision (j), for unprofessional conduct in the form of committing dishonest, corrupt and/or
20 fraudulent acts, specifically: (1) forging a patient record through cutting and pasting the patient's
21 signature from one document onto another; (2) and by affirmatively misrepresenting that a
22 doctoral student was "the other doctor." Complainant refers to and incorporates all the allegations
23 contained in paragraphs 38 through 46, inclusive, as though set forth fully.

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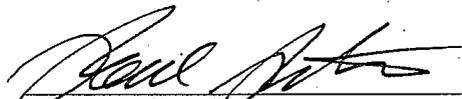
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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board issue a decision:

- 4 1. Revoking or suspending Marriage and Family Therapist License
5 No. MFC 32501, issued to Respondent;
6 2. Ordering Respondent to pay the Board the reasonable costs of the
7 investigation and enforcement of this case, pursuant to section 125.3; and,
8 3. Taking such other and further action as deemed necessary and proper.
9

10 DATED: October 1, 2009

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12 
13 PAUL RICHES
14 Executive Officer
15 Board of Behavioral Sciences
16 Department of Consumer Affairs
17 State of California
18 Complainant

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