
CITATION NUMBER: MF-2010-878
DATE OF ISSUANCE: **August 6, 2010**
NAME: Judy Kim Whitson
ADDRESS: 11317 Mountain View Drive #173
Rancho Cucamonga, CA 91730

Pursuant to Sections 125.9 of the Business and Professions Code, and Title 16, California Code of Regulations Section 1886, KIM MADSEN issues this citation in her official capacity as the Executive Officer for the Board of Behavioral Sciences (hereinafter referred to as the "Board").

Registration/Licensing History

The records of the Board reflect that on **December 21, 2000**, the Board issued Marriage and Family Therapist license number **MFC 37363** to **Judy Kim Whitson**. Said license expires on **November 30, 2010**, unless renewed.

Citation

A citation containing a fine and Order of Abatement is hereby issued to you in accordance with Title 16, California Code of Regulations Sections 1886, 1886.20, 1886.30, and 1886.40 for the violation(s) described below.

Applicable Statutes and Regulations

Violation of section **4982(e)** of the Business and Professions Code which reads as follows:

"...Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board..."

Violation of section **4982(r)** of the Business and Professions Code which reads as follows:

"...Any conduct in the supervision of any registered intern, associate clinical social worker, or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board..."

Violation of section **1870(a)(4)(A)** of the California Code of Regulations, which reads as follows:

"...Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training..."

Violation of section **1870(a)(5)** of the California Code of Regulations, which reads as follows:

"...The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required..."

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Cause for Citation

Investigation revealed that you provided supervision to a registered associate clinical social worker (Registrant)¹ from approximately November 18, 2008, through August 2009, without having taken the required 15 hour supervision training.

On March 1, 2010, Board staff requested a response to the allegations. On or about March 15, 2010, the Board received your response. You indicated that you signed the Responsibility Statement for Supervisors of an Associate Clinical Social Worker, and that you did not complete the 15 hour supervision training. You stated, "...I was unaware of the change in this rule for ASW supervision."

It was found that you signed, under penalty of perjury, the Responsibility Statement for Supervisors of an Associate Clinical Social Worker, which certified that you knew and understood the statutes and regulations pertaining to supervision of the registrant, and met the criteria stated on the form. Said form was signed and dated November 18, 2008.

Based on your own admission, you did not know and understand the statutes and regulations governing supervised practice at the time you signed the responsibility statement.

Cause exists for the Board to take enforcement action against your license. Accordingly, a citation, which includes a fine, has been ordered for these violations of the Business and Professions Code and California Code of Regulations.

Orders

(1) Order of Abatement:

The Board of Behavioral Sciences orders you to:

1. Familiarize yourself with the statutes and regulations governing the supervision of trainees, interns and associates;
2. Cease supervising until you have met the requirements of California Code of Regulations 1870; and,
3. Obey all laws governing your license as a Marriage and Family Therapist.

Within thirty (30) days from the date of this citation, but no later than **September 5, 2010**, you **must** submit proof that you have brought yourself into compliance with the order imposed by the Board of Behavioral Sciences as stated above. Proof of compliance should be sent to the Board to the attention of the Enforcement Unit at 1625 North Market Blvd., Suite S200, Sacramento, CA 95834.

(2) Order to Pay Administrative Fine:

In addition, you must pay an administrative penalty (fine) in the amount of **\$500.00**, within thirty (30) days from the date this citation was served, but no later than **September 5, 2010**. In assessing this penalty, the Board considered that you are not currently supervising ASW registrants in California, you cooperated with the investigation, and that you have no prior history of said violations.

¹ The Board has previously notified you of the name of the Registrant. The Board will provide you with the Registrant's full name upon request.

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Payment of the administrative penalty should be made to the Board of Behavioral Sciences (BBS), 1625 North Market Blvd., Suite S200, Sacramento, CA 95834. Please note your citation number on the check or money order.

You may contest this citation, or any portion thereof, by requesting either an Informal Citation Conference or a Formal Administrative Hearing, or both (Title 16, CCR Section 1886.70). Any request you make either for the formal or informal hearing or for both of them must be in writing and must be submitted to the Board within (30) calendar days after service of the citation. If you request both an Informal Citation Conference and a Formal Administrative Hearing, and an Informal Citation Conference is held, your request for a Formal Administrative Hearing shall be deemed withdrawn. Following the conclusion of the Informal Citation Conference, the Executive Officer shall either, affirm, modify or dismiss the citation. If the citation is affirmed or modified, you will then have the opportunity to contest it by filing a written request with the Board for a Formal Administrative Hearing within (30) calendar days after service of the affirmed or modified citation. The Formal Administrative Hearing shall be held pursuant to the Administrative Procedures Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. (Please refer to the enclosed Instructions to Cited Person for additional appeal information.)

You may withdraw a Request for Informal Citation Conference at any time prior to the date of the conference. You may withdraw a Request for Administrative Hearing at any time prior to the date of the hearing.

Failure to request an Informal Citation Conference or Administrative Hearing in a timely manner will waive your right to contest this citation. If the citation is not contested, or if the citation is contested and you do not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.

Further, failure to timely comply with an order of abatement or pay an assessed fine may result in disciplinary action being taken by the board or other appropriate judicial action being taken against you. If you have been issued an order of abatement and you are unable to complete the correction(s) within the time set forth in the citation because of conditions beyond your control after the exercise of reasonable diligence, you may request an extension of time in which to complete the correction from the executive officer of the board. Such a request shall be in writing and shall be made within the time set forth for abatement. (Title 16, CCR section 1886.60.)

Pursuant to Business and Professions code section 125.9, if you do not request a formal Administrative Hearing, payment of the fine does not constitute an admission of the violation(s) alleged. Further, where a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

IF YOU NEITHER PAY THE FINE NOR REQUEST AN INFORMAL CITATION CONFERENCE OR ADMINISTRATIVE HEARING WITHIN THE ALLOTTED TIME FRAME, YOUR LICENSE WILL NOT BE RENEWED FOR THE NEXT RENEWAL PERIOD UNTIL THE FINE IS PAID.

Original Signed By

Date: August 6, 2010

KIM MADSEN
Executive Officer

Attachments: Statement of Rights
Section 125.9, Business and Professions Code
Section 1886.70, Title 16, California Code of Regulations
Notice of Appeal
Acknowledgment Receipt of Citation form