

BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to
Revoke Probation Against:

VICKI ELENA PAULASKIS
77564 Country Club Dr., Bldg.B, #400A
Palm Desert, CA 92211

Marriage and Family Therapist License No.
MFC 28013

Respondent.

Case No. D1-2002-459

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 17, 2005.

It is so ORDERED October 17, 2005.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN FITZGERALD, State Bar No. 112278
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2066
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

11 In the Matter of the Accusation and Petition to
12 Revoke Probation Against:

13 VICKI ELENA PAULAUSKIS
77564 Country Club Dr., Bldg.B, #400A
14 Palm Desert, CA 92211

15 Marriage and Family Therapist License No. .
16 MFC 28013

17 Respondent.

Case No. D1-2002-459

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Paul Riches (Complainant) is the Executive Officer of the Board of Behavioral
22 Sciences. He brought this action solely in his official capacity and is represented in this matter
23 by Bill Lockyer, Attorney General of the State of California, by Susan Fitzgerald, Deputy
24 Attorney General.

25 2. Vicki Elena Paulauskis (Respondent) is represented in this proceeding by attorney
26 O. Brandt Caudill, whose address is Callahan, McCune & Willis, 111 Fashion Lane, Tustin, CA
27 92780.

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1 OTHER MATTERS

2 12. By virtue of probationary condition no.16 of the Board's Decision and Order that
3 issued on October 1, 2004 concerning Respondent, Respondent agreed to pay the Board \$6,000
4 in cost recovery. The amount not yet paid is \$4,800.00. The parties herein agree that any
5 payment of that \$4,800.00 shall be deferred to such time, if ever, that Respondent reapplies to the
6 Board of licensure of any kind.

7 13. The parties understand and agree that facsimile copies of this Stipulated Surrender
8 of License and Order, including facsimile signatures thereto, shall have the same force and effect
9 as the originals.

10 14. In consideration of the foregoing admissions and stipulations, the parties agree
11 that the Board may, without further notice or formal proceeding, issue and enter the following
12 Order:

13 ORDER

14 IT IS HEREBY ORDERED that Marriage and Family Therapist License No. MFC
15 28013, issued to Respondent Vicki Elena Paulauskis is surrendered and accepted by the Board of
16 Behavioral Sciences.

17 A. The surrender of Respondent's Marriage and Family Therapist license and the
18 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
19 against Respondent. This stipulation constitutes a record of the discipline and shall become a
20 part of Respondent's license history with the Board.

21 B. Respondent shall lose all rights and privileges as a marriage and family therapist
22 in California as of the effective date of the Board's Decision and Order.

23 C. Respondent shall cause to be delivered to the Board both her wall license and
24 renewal certificate within five (5) days of the effective date of the Decision and Order.

25 D. Respondent further agrees that with the adoption by the Board of her license
26 surrender, Respondent may not petition the Board for reinstatement of the surrendered license.

27 E. Should Respondent at any time after this surrender ever reapply to the Board for
28 licensure, Respondent must meet all current requirements for licensure including, but not limited

1 to, fillog a current application, meeting all current educational requirements, and taking and
2 passing any and all examinations required of new applicants.

3 F. Respondent also understands and agrees that should she ever reapply for licensure
4 as a marriage and family therapist or should she ever apply for any other registration or licensure
5 issued by the Board, or by the Board of Psychology, all of the charges and allegations contained
6 in Accusation and Petition to Revoke Probation, No. D1-2002-459 shall be deemed to be true,
7 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
8 proceeding seeking to deny or restrict licensure.

9 G. Respondent shall pay the Board the remaining costs of investigation and
10 enforcement, as per the probationary condition in its Decision issued October 1, 2004, in the
11 amount of \$4,800.00 prior to issuance of any further licensure.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Surrender of License and Order and have fully
14 discussed it with my attorney, O. Brandt Caudill. I understand the stipulation and the effect it
15 will have on my Marriage and Family Therapist license. I enter into this Stipulated Surrender of
16 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
17 Decision and Order of the Board of Behavioral Sciences.

18 DATED: September 8, 2005.

(Vicki Elena Paulauskis)

Vicki E. Paulauskis, PhD

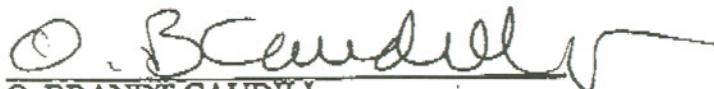
VICKI ELENA PAULAUSKIS
Respondent

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1 I have read and fully discussed with Respondent Vicki Elena Paulauskis the terms and
 2 conditions and other matters contained in this Stipulated Surrender of License and Order. I
 3 approve its form and content.

4 DATED: September 9, 2005.

5 CALLAHAN, McCUNE & WILLIS

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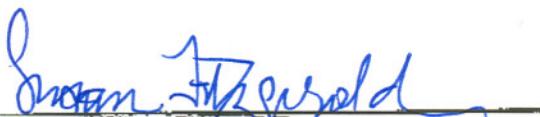
8 O. BRANDT CAUDILL
 Attorney for Respondent

9 **ENDORSEMENT**

10 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
 11 for consideration by the Board of Behavioral Sciences of the Department of Consumer Affairs.

12 DATED: September 20, 2005.

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 14 BILL LOCKYER, Attorney General
 of the State of California

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17 SUSAN FITZGERALD
 Deputy Attorney General

18 Attorneys for Complainant

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Exhibit A

Accusation and Petition to Revoke Probation No. D1-2002-459

1 BILL LOCKYER, Attorney General
 of the State of California
 2 SUSAN FITZGERALD, State Bar No. 112278
 Deputy Attorney General
 3 California Department of Justice
 110 West "A" Street, Suite 1100
 4 San Diego, CA 92101

5 P.O. Box 85266
 San Diego, CA 92186-5266
 6 Telephone: (619) 645-2066
 Facsimile: (619) 645-2061

7 Attorneys for Complainant
 8

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

12 In the Matter of the Accusation & Petition to
 Revoke Probation Against:

Case No. D1-2002-459

13 VICKI ELENA PAULASKIS
 14 77564 Country Club Dr., Bldg. B, #400A
 Palm Desert, CA 92211

**ACCUSATION AND PETITION
 TO REVOKE PROBATION**

15 Marriage and Family Therapist License No.
 16 MFC 28013

17 Respondent.

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 19 Complainant alleges:

20 **PARTIES**

21 1. Paul Riches (Complainant) brings this Accusation and Petition to Revoke
 22 Probation solely in his official capacity as the Executive Officer of the Board of Behavioral
 23 Sciences, Department of Consumer Affairs (Board).

24 **LICENSING HISTORY**

25 2. On or about January 4, 1991, the Board of Behavioral Sciences issued Marriage
 26 and Family Therapist (MFT) License Number MFC 28013 to Vicki Elena Paulauskis
 27 (Respondent).

28 ///

1 "10. Violation of Probation. If Respondent violates the conditions of her probation,
2 the Board, after giving Respondent notice and the opportunity to be heard, may set aside the stay
3 order and impose the discipline of revocation of Respondent's license provided in the
4 decision. . . ."

5 **CHARGES AND ALLEGATIONS- CAUSE FOR DISCIPLINE**

6 **(Mental and/or Physical Unfitness to Practice - Code §822)**

7 6. Respondent has subjected her MFT license to having the current stayed revocation
8 of her license set aside and the license revoked outright, pursuant to Code section 822, in that she
9 is mentally and or physically incompetent to practice marriage and family therapy safely, as more
10 particularly alleged below:

11 A. On or about April 21, 2005, the Board issued an Order to Respondent compelling
12 psychological and medical examinations, pursuant to Code section 820, due to observations and
13 reports by Respondent's practice supervisor (pursuant to Respondent's probation to the Board).

14 B. On or about June 1, 2005, a forensic medical evaluation was conducted on
15 Respondent. No objective physical reason was found to restrict Respondent's practice.
16 However, the examining doctor was concerned about the number of psychotropic medications
17 Respondent reports that she takes. These psychotropic medications include, Tylenol with
18 Codeine #3, Adderall (close to the maximum dose), Clonazepam 0.5 mg, Prozac 20 mg., and
19 Wellbutrin SR 100 mg. The doctor recommended that Respondent be "under strict medical
20 supervision including possible review of her drug regimen by a pharmacologist."

21 C. On or about June 2, 2005, Respondent underwent psychological evaluation and
22 testing. The conclusion of the examiner, in his July 14, 2005 report, is that Respondent is not
23 safe to practice as a marriage and family therapist due to Respondent's impaired grasp of reality.
24 She was diagnosed as suffering from Delusional Disorder, Persecutory Type and Narcissistic
25 Personality Disorder.

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PRAYER

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

1. Setting aside the Order in Decision MF 2002-459 and revoking outright the Marriage and Family Therapist License Number MFC 28013, issued to Vicki Elena Paulauskis;
2. Taking such other and further action as deemed necessary and proper.

DATED: July 29, 2005.



PAUL RICHES
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

1 BILL LOCKYER, Attorney General
 of the State of California
 2 SUSAN FITZGERALD,
 Deputy Attorney General
 3 (BAR # 112278)
 P.O. Box 85266
 4 San Diego, California 92186-5266
 Telephone: (619) 645-2066
 5 Facsimile: (619) 645-2061

AUG 10 2005

6 Attorneys for Petitioner

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 8 **BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS**
FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
 9 **STATE OF CALIFORNIA**

10 Paul Riches, Executive Officer
 Board of Behavioral Sciences, Dept.
 11 of Consumer Affairs, State
 of California,

Case #D1 2002-454

12 Petitioner,

INTERIM ORDER OF
SUSPENSION

13 v.

(Government Code §494)

14 VICKI ELENA PAULAUSKIS, MFT
 15 77564 Country Club Dr., Bldg.B #400A
 Palm Dessert, CA 92211

Date: Friday, August 12, 2005

16 Marriage & Family Therapist
 17 License No., MFC 28013,

Time: 11:00 a.m.

18 Respondent.

Place: San Diego OAH

19
 20 The Administrative Law Judge, having received the ex parte Petition of the Executive
 21 Officer of the Board of Behavioral Sciences, the accompanying Memorandum of Points and
 22 Authorities and supporting declarations, having heard oral argument, and having determined that
 23 this is a proper cause for the issuance of an Interim Suspension Order pursuant to Business &
 24 Professions Code section 494, orders as follows:

25 IT IS ORDERED that Marriage and Family Therapist license #MFC 28013, issued to
 26 Vicki Elena Paulauskis be suspended and that, as of the date and time of issuance of this order,
 27 Vicki Elena Paulauskis cease practice of any nature whatsoever, directly or indirectly, anywhere

1 in the State of California, under her marriage and family therapist license until such time as a full
2 hearing on the petition herein can be had. Such hearing shall be held on 8/30, 2005,
3 commencing at 10:30a.m. at the Office of Administrative Hearings, 1350 Front Street, Room
4 6022, San Diego, California.

5 Dated: August 12, 2005.

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8 Administrative Law Judge Alan R. Alvard
9 Office of Administrative Hearings
State of California

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BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
STATE OF CALIFORNIA

In the Matter of the Petition For
Interim Order of Suspension:

Paul Riches, Executive Officer,
Board of Behavioral Science, Department
of Consumer Affairs, State of California,

Petitioner,

v.

VICKI ELENA PAULAUSKIS, MFT
77564 Country Club Dr., Bldg. B #400 A
Palm Desert, CA 92111

Marriage & Family Therapist
License No. MFC 28013,

Respondent.

Agency Case No. D1 2002-454

OAH No. L2005080286

DECISION

James Ahler, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on August 30, 2005, in San Diego, California.

Susan Fitzgerald, Deputy Attorney General, appeared on behalf of petitioner.

O. Brandt Caudill, Jr., Attorney at Law, appeared on behalf of respondent Vicki Elena Paulauskis, MFT, who was not present.

The matter was submitted on August 30, 2005.

FACTUAL FINDINGS

1. On January 4, 1991, the Board of Behavioral Sciences (the Board), Department of Consumer Affairs, State of California issued Marriage & Family Therapist

License No. MFC 28013 to Vicki Elena Paulauskis, MFT (respondent). That license is renewed through September 30, 2006.

2. On February 11, 2004, the Board filed Accusation MF 2002-459 against Marriage & Family Therapist License No. MFC 28031.

3. On October 31, 2004, Marriage & Family Therapist License No. MFC 28031 was revoked, but the order of revocation was stayed and the license was placed on five years probation on various terms and conditions including a 30 day actual suspension, a requirement that respondent's practice be supervised, and a requirement that respondent participate in ongoing psychotherapy.¹

4. On July 29, 2005, Paul Riches, the Board's Executive Director, signed an Accusation and Petition to Revoke Probation in Case No. D1-2002-459. The Accusation and Petition essentially alleged respondent was unfit to practice as a result of a mental and physical impairment.

5. On August 10, 2005, Susan Fitzgerald, on behalf of petitioner Paul Riches, signed the Petition for Interim Order of Suspension.

The petition alleged that as a result of reports from the therapist supervising respondent's practice and as a result of the report from the therapist treating respondent, the Board issued an order on April 21, 2005 compelling respondent to submit to a psychological and a physical examination. The petition alleged that while the medical doctor's evaluation on June 1, 2005, resulted in no objective physical reason to limit respondent's practice, the examining physician was concerned about the amount of prescription medications respondent was taking. The petition alleged the psychologist who examined respondent concluded respondent had an impaired grasp of reality and was suffering from a delusional disorder. The petition alleged, "because of her mental illness, Respondent cannot practice her profession safely" and "Permitting Respondent to continue to practice in her present mental condition has endangered and continues to endanger the public health, safety or welfare." The petition sought the temporary suspension of respondent's practice under her

¹ In the stipulated settlement giving rise to the disciplinary order, respondent admitted that between August 1999 and January 2001, respondent treated N.D. after N.D.'s mother was attacked at church and was badly beaten, suffering brain damage; that during therapy, respondent started sharing increasing amounts of personal information about herself with N.D. including information about her sex life; that she gave N.D. gifts of clothing, plants and other things and received gifts from N.D.; that when N.D. decided to end therapy with N.D., respondent reminded N.D. that the "Dark Ones" were influencing N.D. to stop therapy, with the result that therapy continued; that during therapy respondent encouraged N.D. to see her twice a week, after which the sessions began to be two or three hours long and often lasted past midnight; that respondent invited N.D. to spend the weekend with her at respondent's home and N.D. spent several days and nights at respondent's home; that while they were present in respondent's home, respondent smoked marijuana in N.D.'s presence and invited N.D. to smoke it also, which N.D. declined; that while they were at respondent's home, respondent had a massage in her living room and started to undress in front of N.D.; that respondent blurred therapeutic boundaries by creating a dual relationship; that on September 11, 2002, respondent lied to a Board investigator, telling the investigator that on the weekend that N.D. was at her home respondent did not smoke marijuana in N.D.'s presence and did not offer it to N.D., when, in fact, respondent admitted she had done so to N.D.'s therapist A.B.

license. A memorandum of points and authorities, counsel's declaration, a copy of the Board's decision in Case No. MF 2002-259, a certification of license history, a copy of the Board order compelling a psychological and medical examinations, and the declarations of Carol Bayer, MFT, Edie Keller, MFT, Alan Karbelnig, Ph.D. and Kurt DeCrimis, M.D., and a copy of the Accusation and Petition to revoke Probation in Case No. D1-2002-459 accompanied the petition.

6. On August 10, 2005, the Petition for Interim Order of Suspension and accompanying documents were filed with the Office of Administrative Hearings.

7. On August 12, 2005, Administrative Law Judge Alan R. Alvord (ALJ Alvord) received and reviewed the petition and accompanying documents, heard oral argument from Susan Fitzgerald, Deputy Attorney General, and O. Brandt Caudill, Jr., Attorney at Law, who appeared on behalf of respondent, and determined cause existed to issue an Interim Suspension Order under Business and Professions Code section 494. ALJ Alvord signed an order suspending Marriage & Family Therapist License No. MFC 28013 and prohibiting respondent from practicing under that license until a full hearing on August 30, 2005.

8. Respondent, through counsel, filed opposition to the petition for an interim order of suspension, respondent's declaration in opposition, counsel's declaration in support of the opposition, the declaration of William White, Ph.D. in support of the opposition, the declaration of Steven Bucky, Ph.D. in support of the opposition, and the declaration of Russell L. Christopher, Jr., M.D., in support of the opposition.

9. Summary of Petitioner's Relevant Evidence: Carol A. Bayer (Bayer), MFT, is a licensed marriage and family therapist. Bayer has supervised respondent's clinical practice since December 10, 2004, meeting with respondent weekly, in accordance with the order of probation. Based on her many contacts with respondent, Bayer finally concluded in August 2005 that respondent was delusional and was not competent to practice.

Edie Keller (Keller), MFT, is a license marriage and family therapist. Keller has provided respondent with mental health therapy since January 31, 2005, on a weekly basis in accordance with the order of probation. On August 5, 2005, respondent was upset that Keller and a psychiatrist had discussed respondent's plan to travel with a patient to Oregon.

Alan Karbelnig (Karbelnig), Ph.D., is a licensed psychologist. Karbelnig conducted a comprehensive psychological evaluation of respondent at the Board's request on June 2, 2005. In his interview with respondent, respondent told Karbelnig she had treated a woman (inferentially patient N.D., the subject of the prior accusation) who was one of many victims of "Operation Monarch," an organization engaged in a form of absolute mind control. When N.D. stopped therapy with respondent and returned to her "handler," N.D. was encouraged by her handler to file a complaint against respondent with the Board. Respondent told Karbelnig she was the victim of various acts of retribution by the patient or others involved with Operation Monarch which included breaking into her home and smearing the walls with blood and performing surgery on her on at least one night. Respondent said, "I know it all

sound's strange, but it's true . . . There is an underground of abusers, the organized ritual abusers, that know about me, and therefore they try to intercept me." Respondent described the nighttime surgery to her left hip as being two inches wide by two inches long by two inches deep. Respondent told Karbelnig that Operation Monarch officials were scrutinizing her professional work. Psychological testing was within normal limits except for possible mild cognitive impairment. Respondent's mental status examination was not remarkable. Karbelnig diagnosed respondent as having a delusional disorder, "a fairly unusual psychotic condition that is typically hard to detect and is often characterized by a fairly normal clinical presentation and psychological test results." Asking the rhetorical question, "Can a delusional person be of assistance to another delusional person?" and noting respondent apparently agrees with some of her patients' delusional forms of thinking, he concluded respondent was "incapable of helping them to test reality more accurately." Karbelnig concluded respondent is not currently mentally competent to practice safely as a marriage, family and child counselor.

10. Summary of Respondent's Relevant Evidence: Respondent sought to impeach Karbelnig's opinions by offering Karbelnig's deposition transcript taken in a different matter to establish he sometimes used intuition, an article Karbelnig co-authored entitled *Detecting Accuracy in Mental Health Evaluations* to stress the Karbelnig's belief that psychological testing was very important in confirming a diagnosis, the diagnostic criteria for a Narcissistic Personality Disorder to establish Karbelnig misapplied those criteria, and a Research Update from the Office of Criminal Justice Planning (Special Edition) concerning occult crime to establish that some of the bizarre things respondent talked about actually occurred. These materials were interesting, but they did not undermine the ultimate opinion and conclusion Karbelnig expressed in his declaration and narrative report, i.e. respondent was suffering from a delusional disorder and was not currently mentally competent to practice safely as a marriage, family and child counselor.

Evidence was presented in an effort to establish that while respondent might march to the beat of a different drummer, she was not mentally incompetent and she did not present any danger to the public if her license was not suspended pending a disciplinary hearing on the Accusation and Petition to Revoke Probation. This evidence essentially consisted of the information and opinions contained in four declarations.

Respondent submitted a declaration in which she claimed Bayer and Keller did not have training in treating dissociative identity disorder patients which resulted in some clinical disagreement, neither Bayer nor Keller ever told her they thought she was delusional, her plan to travel with an agoraphobic patient to Oregon was "blown out of proportion" and she never had firm plans to do so, information communicated to Keller, Bayer and Karbelnig was misunderstood or distorted, the cut on her hip was really three-quarters of an inch square and about an inch and a half deep and appeared to be surgical in nature and she denied attributing the cut to any group or organization, and she believed in ritual abuse and cults but had not pushed her beliefs in these matters on any patients in any way.

Steven Bucky (Bucky), Ph.D., is a licensed psychologist who served as an expert witness for the Board in the past. Bucky was part of a Ritual Abuse Task Force in which about 30% of 134 responding therapists said they had seen clients who had reported memories of ritual abuse. According to Bucky, a minority of psychologists and therapists believe ritual abuse and cult abuse occurs. Bucky reviewed the reports of Karbelnig, Bayer and Keller and administered (unidentified) psychological testing to respondent on August 22, 2005, when he also met with respondent and interviewed her. Bucky's review of Karbelnig's report and his own assessment revealed no basis to assert respondent was or is delusional. Bucky believed Karbelnig's test results were inconsistent with a diagnosis of a delusional disorder. Based on his interview with respondent, Bucky concluded respondent did not pose a danger to the public. If Bucky prepared a narrative report summarizing his interview, testing and evaluation of respondent, it was not produced. His declaration was very conclusionary and lacked details to support those conclusions. Bucky's declaration was dated August 26, 2005.

William White (White), Ph.D., is a licensed psychologist who treated respondent from May 1993 until October 1995. According to White, respondent did not give any evidence that she was delusional. He did not believe she was a danger to the patients she was treating.

Russell L. Christopher, Jr. (Christopher), M.D., is a licensed physician practicing psychiatry who has known respondent on a professional basis for five years, sharing 75-100 patients with her over that period of time. Christopher's declaration stated respondent had never demonstrated hallucinations or delusions, was a very dedicated therapist, and obtained good results from the individuals and couples she treated.

LEGAL CONCLUSIONS

1. Business and Professions Code section 494 provides in part:

"(a) A board or an administrative law judge sitting alone, as provided in subdivision (h), may, upon petition, issue an interim order suspending any licentiate . . . The petition shall include affidavits that demonstrate, to the satisfaction of the board, both of the following:

(1) The licentiate has engaged in acts or omissions constituting a violation of this code or has been convicted of a crime substantially related to the licensed activity.

(2) Permitting the licentiate to continue to engage in the licensed activity, or permitting the licentiate to continue in the licensed activity without restrictions, would endanger the public health, safety, or welfare.

(b) No interim order provided for in this section shall be issued without notice to the licentiate unless it appears from the petition and supporting documents that serious injury would result to the public before the matter could be heard on notice.

(c) . . . If the order was initially issued without notice as provided in subdivision (b), the licentiate shall be entitled to a hearing on the petition within 20 days of the issuance of the interim order without notice . . .

(d) At the hearing on the petition for an interim order, the licentiate may:

- (1) Be represented by counsel.
- (2) Have a record made of the proceedings . . .
- (3) Present affidavits and other documentary evidence.
- (4) Present oral argument.

(e) . . . an administrative law judge sitting alone as provided in subdivision (h), shall issue a decision on the petition for interim order within five business days following submission of the matter. The standard of proof required to obtain an interim order pursuant to this section shall be a preponderance of the evidence standard . . .

(f) The board shall file an accusation within 15 days of the issuance of an interim order. In the case of an interim order issued without notice, the time shall run from the date of the order issued after the noticed hearing. If the licentiate files a Notice of Defense, the hearing shall be held within 30 days of the agency's receipt of the Notice of Defense. A decision shall be rendered on the accusation no later than 30 days after submission of the matter. Failure to comply with any of the requirements in this subdivision shall dissolve the interim order by operation of law.

(g) Interim orders shall be subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure and shall be heard only in the superior court in and for the Counties of Sacramento, San Francisco, Los Angeles, or San Diego. The review of an interim order shall be limited to a determination of whether the board abused its discretion in the issuance of the interim order. Abuse of discretion is established if the respondent board has not proceeded in the manner required by law, or if the court determines that the interim order is not supported by substantial evidence in light of the whole record.

(h) The board may, in its sole discretion, delegate the hearing on any petition for an interim order to an administrative law judge in the Office of Administrative Hearings . . . When the petition has been delegated to an administrative law judge, he or she shall sit alone and exercise all of the powers of the board relating to the conduct of the hearing. A decision issued by an administrative law judge sitting alone shall be final

when it is filed with the board. If the administrative law judge issues an interim order without notice, he or she shall preside at the noticed hearing, unless unavailable, in which case another administrative law judge may hear the matter. The decision of the administrative law judge sitting alone on the petition for an interim order is final, subject only to judicial review in accordance with subdivision (g).

(i) Failure to comply with an interim order issued pursuant to subdivision (a) or (b) shall constitute a separate cause for disciplinary action against any licentiate, and may be heard at, and as a part of, the noticed hearing provided for in subdivision (f). Allegations of noncompliance with the interim order may be filed at any time prior to the rendering of a decision on the accusation. Violation of the interim order is established upon proof that the licentiate was on notice of the interim order and its terms, and that the order was in effect at the time of the violation. The finding of a violation of an interim order made at the hearing on the accusation shall be reviewed as a part of any review of a final decision of the agency.

If the interim order issued by the agency provides for anything less than a complete suspension of the licentiate from his or her business or profession, and the licentiate violates the interim order prior to the hearing on the accusation provided for in subdivision (f), the agency may, upon notice to the licentiate and proof of violation, modify or expand the interim order.”

2. Business and Professions Code section 820 provides:

“Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate’s ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.”

3. Business and Professions Code section 822 provides in part:

“If a licensing agency determines that its licentiate’s ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate’s certificate or license.
- (b) Suspending the licentiate’s right to practice.
- (c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated."

4. Under the statute, petitioner need only prove his case by a preponderance of the evidence, and this requires a demonstration of a reasonable probability that petitioner will prevail in establishing the violations complained of in seeking the injunction. *People v. Frangadakis* (1960) 184 Cal.App.2d 540, 549-550.

5. The preponderance of the evidence established respondent probably suffers from a delusional disorder and that as a result of that disorder permitting respondent to continue to engage marriage and family therapy would endanger the public health, safety and welfare.

Respondent has been licensed as marriage and family therapist since January 4, 1991. In respondent's treatment of patient N.D. between August 1999 and January 2001, respondent engaged in conduct constituting gross negligence and engaged in dishonest acts. Respondent was placed on probation on that condition her practice be supervised and on condition that she receive psychotherapy. These conditions were imposed to alert the Board if it became apparent to either respondent's supervisor or respondent's therapist that respondent might pose a danger to patients in treatment. Respondent selected Bayer as her practice supervisor and Keller as her psychotherapist.

Bayer and Keller recently became concerned about respondent's mental health and her ability to provide her patients with safe, quality care. The Board referred respondent to Karbelnig, a licensed psychologist, who concluded (among other things) that respondent was delusional and was not currently mentally competent to practice safely as a marriage, family and child counselor. Karbelnig performed and documented his psychological testing, the content of his interview with respondent, his review of medical and other records, and his diagnosis, opinions and conclusions.

Karbelnig's opinion that respondent suffers from a delusional disorder and his conclusion that respondent is not currently mentally competent to practice safely as a marriage, family and child counselor has more far convincing force than the evidence presented to the contrary, at least based on the evidence that was presented at this hearing. White's opinion was not based on current evidence. Christopher's opinion concerning respondent's ability to practice safely had some probative value, but only if one assumes respondent was not delusional. Exactly what respondent told Bucky is unknown. Whether respondent told him she was the target of Operation Monarch retribution and had a 2"x2"x2" chunk of flesh removed from her left hip during the night is indefinite and, if she did say that

was the case, Bucky's evaluation of her claim was unidentified. The nature and extent of the psychological testing Bucky performed was not reported. While it may well be that ritual abuse and cult abuse takes place on a daily basis, that occurrence has nothing to do with respondent's current mental competency. Delusional persons should not be caring for other delusional persons in a professional setting.

The administrative law judge is aware of and quite sympathetic about the impact a temporary suspension will have on respondent. However, this matter is required to proceed to a disciplinary hearing very quickly in accordance with the governing statutes which will mitigate respondent's inevitable economic losses. On balance, the public safety requires the interim suspension of respondent's license at this time.

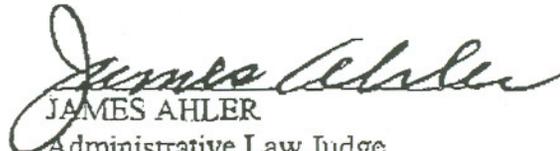
By reason of the matters set forth herein, petitioner has demonstrated that an interim suspension order is necessary to protect the public health, safety and welfare. Respondent's evidence and arguments in opposition were considered. It would not be in the public interest to impose anything less than a full suspension of respondent's license to practice at this time.

ORDER

Marriage & Family Therapist License No. MFC 28013 is hereby suspended in accordance with Business and Professions Code section 494.

Respondent Vicki Elena Paulauskis, MFT shall be and hereby is immediately restrained and prohibited from practicing or attempting to practice as a licensed marriage and family therapist and she is ordered to cease practice of any nature whatsoever, directly or indirectly, anywhere in the State of California under her marriage and family therapist license.

DATED: August 31, 2005.


JAMES AHLER
Administrative Law Judge
Office of Administrative Hearings