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6 **Attorneys for Complainant**

7
8 BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation) No. MF-2005-411
Against:)
12 PATRICIA KATHLEEN WALKER)
13 11344 Coloma Rd. # 180) **STIPULATED SETTLEMENT;**
Rancho Cordova, CA 95670) **ORDER AND DECISION**
14 License No. MFC 27583)
15 Respondent.)

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18 **PARTIES**

19 1. Paul Riches (Complainant) is the Executive Officer of the Board of
20 Behavioral Sciences, Department of Consumer Affairs, State of California. He brought this
21 action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney
22 General of the State of California, by Jessica M. Amgwerd, Deputy Attorney General.

23 2. Respondent PATRICIA KATHLEEN WALKER (Respondent) is
24 represented in this proceeding by Robert B. Zaro of the Law Offices of Robert B. Zaro.

25 3. On or about July 3, 1990, the Board of Behavioral Sciences issued
26 License Number MFC 27583 to Respondent.

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1 Respondent's fiscal and client records.

2 (3) **Obey All Laws.** Respondent shall obey all federal, state and local laws,
3 all statutes and regulations governing the licensee, and remain in full compliance with any court
4 ordered criminal probation, payments and other orders. A full and detailed account of any and
5 all violations of law shall be reported by the Respondent to the Board or its designee in writing
6 within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this
7 term, Respondent shall submit fingerprints through the Department of Justice and Federal
8 Bureau of Investigation within 30 days of the effective date of the decision, unless previously
9 submitted as part of the licensure application process. Respondent shall pay the cost associated
10 with the fingerprint process.

11 (4) **File Quarterly Reports.** Respondent shall submit quarterly reports to
12 the Board or its designee, as scheduled on the "Quarterly Report Form" (rev. 01/12/01).
13 Respondent shall state under penalty of perjury whether she has been in compliance with all the
14 conditions of probation. Notwithstanding any provision for tolling of requirements of
15 probation, during the cessation of practice Respondent shall continue to submit quarterly reports
16 under penalty of perjury.

17 (5) **Comply with Probation Program.** Respondent shall comply with the
18 probation program established by the Board and cooperate with representatives of the Board in
19 its monitoring and investigation of the Respondent's compliance with the program.

20 (6) **Interviews with the Board.** Respondent shall appear in person for
21 interviews with the Board or its designee upon request at various intervals and with reasonable
22 notice.

23 (7) **Tolling of Probation.** Respondent shall notify the Board in writing
24 within 10 days if Respondent leaves California to reside or practice in another state. The
25 written notice to the Board or its designee shall include the dates of departure from California
26 and return. Respondent shall notify the Board within 10 days upon return to California. The
27 period of probation shall be tolled during the time Respondent is residing or practicing outside
28 of California.

1 (8) **Change of Place of Employment or Place of Residence.** Respondent
2 shall notify the Board or its designee in writing within 30 days of any change of place of
3 employment or place of residence. The written notice shall include the address, the telephone
4 number and the date of the change.

5 (9) **Supervision of Unlicensed Persons.** While on probation, Respondent
6 shall not act as a supervisor for any hours of supervised practice required for any license issued
7 by the Board. Respondent shall terminate any such supervisory relationship in existence on
8 the effective date of this Decision.

9 (10) **Notification to Clients.** Respondent shall notify all clients of any term
10 or condition of probation which will affect their therapy or the confidentiality of their records.
11 Such notification shall be signed by each client prior to continuing or commencing treatment.
12 Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of
13 compliance with this term of probation.

14 (11) **Notification to Employer.** Respondent shall provide each of her
15 employers, when performing services that fall within the scope of practice of marriage and
16 family therapy, licensed clinical social work, or licensed educational psychology, a copy of this
17 Decision and the Statement of Issues or Accusation before commencing employment.
18 Notification to the Respondent's current employer shall occur no later than the effective date of
19 the Decision. Respondent shall submit, upon request by the Board or its designee, satisfactory
20 evidence of compliance with this term of probation.

21 (12) **Violation of Probation.** If Respondent violates the conditions of her
22 probation, the Board, after giving Respondent notice and the opportunity to be heard, may set
23 aside the stay order and impose the discipline of revocation of Respondent's License Number
24 MFC 27583 provided in the decision.

25 If during the period of probation, an Accusation, Petition to Revoke Probation,
26 or Statement of Issues has been filed against Respondent's license, or the Attorney General's
27 Office has been requested to prepare such an Accusation, Petition to Revoke Probation, or
28 Statement of Issues, the probation period set forth in this decision shall be automatically

1 extended and shall not expire until the Accusation, Petition to Revoke Probation, or Statement
2 of Issues has been acted upon by the Board. Upon successful completion of probation,
3 Respondent's license shall be fully restored.

4 (13) **Law and Ethics Course.** Respondent shall take and successfully
5 complete the equivalency of two semester units in law and ethics. Course work shall be taken
6 at the graduate level at an accredited educational institution as defined in sections 4980.40 and
7 4996.18 of the Business and Professions Code and section 1854 of title 16 of the California
8 Code of Regulations. Classroom attendance must be specifically required; workshops are not
9 acceptable. Within 90 days of the effective date of this Decision, Respondent shall submit a
10 plan for prior Board approval for meeting this educational requirement. Said course must be
11 taken and completed within one year from the effective date of this Decision. The costs
12 associated with the law and ethics course shall be paid by the Respondent. Units obtained for
13 an approved course in law and ethics shall not be used for continuing education units required
14 for renewal of licensure.

15 (14) **Education.** Respondent shall take and successfully complete the
16 equivalency of two (2) semester units in dual relationships and boundaries. All course work
17 shall be taken at the graduate level at an accredited educational institution. Classroom
18 attendance must be specifically required; workshops are not acceptable. Course content shall be
19 pertinent to the violation and all course work must be completed within the first year of
20 probation.

21 Within 90 days of the effective date of the decision Respondent shall submit a
22 plan for prior Boar approval for meeting these educational requirements. All costs of the course
23 work shall be paid by the Respondent.

24 (15) **Maintain Valid License.** Respondent shall, at all times while on
25 probation, maintain a current and active license with the Board, including any period during
26 which suspension or probation is tolled. Should Respondent's license, by operation of law or
27 otherwise, expire, upon renewal of Respondent's license shall be subject to any and all terms of
28 this probation not previously satisfied.

1 (16) **License Surrender.** Following the effective date of this decision, if
2 respondent ceases practicing due to retirement or health reasons, or is otherwise unable to
3 satisfy the terms and conditions of probation, Respondent may voluntarily surrender her license
4 to the Board. The Board reserves the right to evaluate the Respondent's request and to exercise
5 its discretion whether to grant the request or to take any other action deemed appropriate and
6 reasonable under the circumstances. Upon formal acceptance of the tendered license,
7 Respondent will no longer be subject to the terms and conditions or probation.

8 Voluntary surrender of Respondent's license shall be considered to be a
9 disciplinary action and shall become a part of Respondent's license history with the Board.
10 Respondent may not petition the Board for reinstatement of the surrendered license. Should
11 Respondent at any time after voluntary surrender ever reapply to the Board for licensure,
12 Respondent must meet all current requirements for licensure including, but not limited to, filing
13 a current application, meeting all current educational requirements, and taking and passing any
14 and all written and oral examinations required of new applicants.

15 (17) **Instruction of Course Work Qualifying for Continuing Education.**
16 Respondent shall not be an instructor of any course work for continuing education credit
17 required by any license issued by the Board.

18 (18) **Notification to Referral Services.** Respondent shall immediately send a
19 copy of this decision to all referral services registered with the Board in which Respondent is a
20 participant. While on probation, Respondent shall send a copy of this decision to all referral
21 services registered with the Board that Respondent seeks to join.

22 (19) **Cost Recovery.** Respondent shall pay the Board Two Thousand Six
23 Hundred And Eight Dollars (\$2,608), as and for the reasonable costs of the investigation and
24 prosecution of Case No. MF-2005-411. Respondent shall be permitted to pay said costs during
25 the first two years of probation, under the following payment plan: Within 30 days of the
26 effective date of the Decision, Respondent shall make monthly payments in the amount of One
27 Hundred Eight Dollars and Sixty-Six Cents (\$108.66). Respondent shall make the check or
28 money order payable to the Board of Behavioral Sciences and shall indicate on the check or

1 money order that it is the cost recovery payment for Case No. MF-2005-411. Any order for
2 payment of cost recovery shall remain in effect whether or not probation is tolled. Probation
3 shall not terminate until full payment has been made. Should any part of cost recovery not be
4 paid monthly, in accordance with the outlined monthly payment schedule during the first two
5 years, Respondent shall be considered to be in violation of probation.

6 (20) **Reimbursement of Probation Program.** Respondent shall reimburse
7 the Board One Thousand Two Hundred Dollars (\$1,200) per year for monitoring her probation
8 ensuring her compliance for the duration of the probation period.

9 11. This stipulation shall be subject to approval by the Board of Behavioral
10 Sciences. Respondent understands and agrees that counsel for Complainant and the staff of the
11 Board of Behavioral Sciences may communicate directly with the Board regarding this
12 stipulation and settlement, without notice to or participation by Respondent or her counsel. By
13 signing the stipulation, Respondent understands and agrees that she may not withdraw her
14 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon
15 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated
16 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it
17 shall be inadmissible in any legal action between the parties, and the Board shall not be
18 disqualified from further action by having considered this matter.

19 13. The parties understand and agree that facsimile copies of this Stipulated
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
21 force and effect as the originals.

22 In the event this stipulation is not adopted by the Board, the stipulation will not
23 become effective and the admissions made herein may not be used for any purpose.

24 ACCEPTANCE

25 I have carefully read the above Stipulated Settlement and Disciplinary Order and
26 have fully discussed it with my attorney. I understand the stipulation and the effect it will have
27 on my MFC License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
28 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of

FROM: Patricia K Walker MA, MFT

FAX NO. : 916 851 9424

Feb. 13 2007 12:57PM P2

1 Behavioral Sciences.

2 DATED: 2-13-07

Patricia Kathleen Walker
PATRICIA KATHLEEN WALKER
Respondent

4 I have read and fully discussed with Respondent PATRICIA KATHLEEN
5 WALKER the terms and conditions and other matters contained in the above Stipulated
6 Settlement and Disciplinary Order. I approve its form and content.

7 DATED: 2/13/07

THE LAW OFFICES OF ROBERT B. ZARO

9
10 By: Robert B. Zaro
11 ROBERT B. ZARO
12 Attorney for Respondent

13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby
15 respectfully submitted for consideration by the Board of Behavioral Sciences of the Department
16 of Consumer Affairs.

17 DATED: February 13, 2007

18 EDMUND G. BROWN, JR., Attorney General
of the State of California
19 Jessica M. Amgwerd
20 JESSICA M. AMGWERD
21 Deputy Attorney General
22 Attorneys for Complainant
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EXHIBIT A
Amended Accusation

1 BILL LOCKYER, Attorney General
of the State of California
2 JESSICA M. AMGWERD, State Bar No. 155757
Deputy Attorney General
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4 Sacramento, California 94244-2550
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5 **Attorneys for Complainant**

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

10 In the Matter of the Accusation) No. MF-2005-411
Against:)

11 PATRICIA KATHLEEN WALKER)
12 11344 Coloma Rd. # 180)
Rancho Cordova, CA 95670)
13 License No. MFC 27583)

AMENDED ACCUSATION

14 Respondent.)
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16 Complainant, Paul Riches, alleges as follows:

17 1. Complainant is the Executive Officer of the Board of Behavioral Science
18 Examiners, Department of Consumer Affairs, State of California ("Board"), and makes and
19 files this Accusation in his official capacity. This Amended Accusation supercedes *nunc pro*
20 *tunc*, the previously filed Accusation.

21 I.

22 **LICENSE INFORMATION**

23 2. On July 3, 1990, the Board issued to Patricia Kathleen Walker, License
24 Number MFC 27583, allowing Ms. Walker to practice as a licensed Marriage and Family
25 Therapist ("MFC") in the State of California.

26 On April 30, 2006, Ms. Walker's ("Respondent") MFC license will expire,
27 unless renewed.

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1 II.

2 RELEVANT STATUTES

3 3. Business and Professions Code section 118, subsection (b) provides that
4 an expired license shall not deprive the board of its authority to institute a disciplinary
5 proceeding against the license.

6 4. Business and Professions Code § 4982 states in pertinent part the
7 following:

8 "The board may . . . suspend or revoke the license or registration
9 of any registrant or licensee if the applicant, licensee, or registrant
10 has been guilty of unprofessional conduct. Unprofessional
11 conduct includes, but is not limited to:

12 (d) Gross negligence or incompetence in the performance of marriage,
13 family, and child counseling.

14 (e) Violating, attempting to violate, or conspiring to violate
15 any of the provisions of this chapter or any regulation
16 adopted by the board.

17 (i) Intentionally or recklessly causing physical or emotional
18 harm to any client.

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

22 . . ."

23 5. Under Business and Professions Code section 125.3, the Board may
24 request the administrative law judge to direct a licensee found to have committed a violation
25 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
26 investigation and enforcement of the case.

27 III.

28 GENERAL BACKGROUND

A. Patient M. W.

6. In June 2002, patient M.W. began receiving therapy from Respondent.
Thereafter, M.W., and her daughters received treatment from Respondent until circa December
2003.

1 7. During the one and one-half years M.W. and her children received
2 treatment from Respondent, M.W. and her children greatly admired, respected, and trusted
3 Respondent and the therapeutic process. However, during one of M.W.'s December 2003
4 therapy sessions, Respondent changed the nature of the therapeutic process and asked M.W. for
5 \$20,000 ostensibly to help a desperately ill friend. Based on her therapeutic relationship with
6 Respondent, M.W. believed in the integrity of Respondent, hence she and her husband agreed
7 to make the loan. Respondent did not divulge her own past financial difficulties to M.W. and
8 her husband.

9 8. On the day M.W. and her husband were going to provide the loan,
10 Respondent requested cash instead of a cashier's check and sought an additional \$5,000. On
11 December 16, 2003, M.W. and her husband provided Respondent with a \$25,000 cashier's
12 check to be repaid in June 2004.

13 9. Shortly after Respondent received the \$25,000, Respondent solicited
14 another \$10,000 from M.W.'s husband. This request, which was refused, completely eroded
15 M.W.'s trust in Respondent, and M.W. decided to discontinue treatment. In June 2004, when
16 the money became due, Respondent failed to repay the loan.

17 10. In addition to patient M.W., Respondent borrowed money from seven
18 other patients ostensibly to help pay for expenses to third persons with medical needs including
19 cancer.

20 11. M.W.'s husband never received treatment from Respondent nor
21 employed her services. Nevertheless, Respondent billed for a February 7, 2003 treatment to
22 M.W.'s husband.

23 **B. Patient D. M.**

24 12. D. M. began seeing Respondent as a patient circa March 26, 2003. In
25 May 2003, during a therapy session, Respondent informed D.M. that Respondent's friend was
26 dying of cancer, had young children and needed \$25,000. Manipulating D.M.'s mental health
27 state, Respondent convinced D.M., during several subsequent therapy sessions, to withdraw
28 money from D.M.'s annuity.

- 1 2. After receiving the \$25,000 loan, Respondent continued to
2 exploit M.W. by requesting \$10,000 in additional funding
3 and failing to pay the loan when due.
4 3. Respondent used her professional relationship with
5 patient M.W. to further her own interests.
6 4. When sued by M.W. and her husband for repayment of
7 the unpaid loan, Respondent, under penalty of
8 perjury, stated, that "no contract even existed by and between
9 the parties", thereby recklessly disregarding the impact
10 of said statement to the clients.
11 5. Respondent used sympathetic personal reasons to solicit
12 funds from clients, including M. W. thereby shifting the
13 roles and responsibilities of care taker.
14 18. Establishing a dual relationship with M.W., was reasonably likely to
15 impair professional judgment or lead to exploitation of the patient.

12 **B. Patient D. M.**

13 19. By reference paragraphs 12 through 16 are incorporated herein. In her
14 care and treatment of patient D.M. Respondent has subjected her license to discipline based on
15 unprofessional conduct pursuant to Business and Professions Code section 4982(d). More
16 specifically Respondent's unprofessional conduct, including incompetence and gross
17 negligence, is based in part upon the following:

- 18 1. Respondent established a dual relationship with patient D.
19 M.. By using patient D. M., as a personal lender, this
20 impaired Respondent's professional judgment and lead to
21 the exploitation of D. M., whereby D.M. suffered
22 financial, psychological, and emotional damages and lost
23 her trust in the therapeutic process.
24 2. Respondent used her professional relationship with
25 patient D. M. to further her own interests.
26 3. Respondent used sympathetic personal reasons to solicit
27 funds from clients, including D. M. thereby shifting the
28 roles and responsibilities of care taker.
29 20. Establishing a dual relationship with D. M., was reasonably likely to
30 impair professional judgment or lead to exploitation of the patient.

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2. Billing for a February 7, 2003 treatment of M.W.'s husband, even though M.W.'s husband was never seen as a patient by Respondent.

B. Patient D. M.

24. By reference paragraph 20 is incorporated herein. In her care and treatment of patient D. M., Respondent has subjected her license to discipline pursuant to Business and Professions Code section 4982(j). Respondent has committed dishonest, corrupt, or fraudulent acts substantially related to the duties of a licensed MFC. These acts include, *inter alia*, the conduct as alleged in paragraph 20, as well as entering into unethical dual relationships with D. M. thereby blurring the boundaries between therapy and non-therapeutic relationships.

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1 V.

2 PRAYER

3 WHEREFORE, complainant prays that a hearing be held and that the Board of
4 Behavioral Sciences make its order:

5 1. Revoking or suspending License No. MFC 27583 issued to Patricia
6 Kathleen Walker.

7 2. Ordering Patricia Kathleen Walker to pay to the Board its costs in
8 investigating and enforcing the case according to proof at the hearing, pursuant to Business and
9 Professions Code section 125.3.

10 3. Paying patient M.W. \$41,519.30 in restitution plus interest for financial
11 damages caused by Respondent's exploitation of M.W.

12 4. Paying restitution plus interest to patient D. M., for all unpaid financial
13 damages caused by Respondent's exploitation of D. M.

14 5. Taking such other and further action as may be deemed proper and
15 appropriate.

16 DATED: August 9, 2006

17 
18 Paul Riches, Executive Officer
19 Board of Behavioral Sciences
20 Department of Consumer Affairs
21 State of California

22 **Complainant**
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