

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

In the Matter of the Statement of Issues and
Accusation Against:

JENNIFER NAOMI WITHERS
2125 Arizona Ave.
Santa Monica, CA 90403

Marriage and Family Therapist Intern
Registration No. IMF 44953

Respondent.

Statement of Issues No. AP-2006-616
OAH No. 2006080701

Accusation No. IM-2004-597
OAH No. 2006080702

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 March 27, 2008.

It is so ORDERED February 26, 2008.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 NICHOLAS A. SANCHEZ, State Bar No. 207998
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2542
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

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

11 In the Matter of the Statement of Issues and
12 Accusation Against:

13 JENNIFER NAOMI WITHERS
2125 Arizona Ave.
14 Santa Monica, CA 90403

15 Marriage and Family Therapist Intern
Registration No. IMF 44953

16 Respondent.

Statement of Issues No. AP-2006-616
OAH No. 2006080701

Accusation No. IM-2004-597
OAH No. 2006080702

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Paul Riches (Complainant) is the Executive Officer of the Board of
22 Behavioral Sciences. He brought this action solely in his official capacity and is represented in
23 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Nicholas A.
24 Sanchez, Deputy Attorney General.

25 2. Jennifer Naomi Withers (Respondent) is represented in this proceeding by
26 attorney Harry Nelson, whose address is Fenton & Nelson, LLP, 11835 West Olympic
27 Boulevard, Suite 705, Los Angeles, CA 90064.

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1 No. AP-2006-616. Respondent has also carefully read, fully discussed with counsel, and
2 understands the effects of this Stipulated Settlement and Disciplinary Order.

3 9. Respondent is fully aware of her legal rights in this matter, including the
4 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
5 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
6 the right to present evidence and to testify on her own behalf; the right to the issuance of
7 subpoenas to compel the attendance of witnesses and the production of documents; the right to
8 reconsideration and court review of an adverse decision; and all other rights accorded by the
9 California Administrative Procedure Act and other applicable laws.

10 10. Respondent voluntarily, knowingly, and intelligently waives and gives up
11 each and every right set forth above.

12 CULPABILITY

13 11. Respondent understands and agrees that the charges and allegations in
14 Accusation No. IM-2004-597 and Statement of Issues No. AP-2006-616, if proven at a hearing,
15 constitute cause for imposing discipline upon her Marriage and Family Therapist Intern
16 Registration and denying her Marriage and Family Therapist License application.

17 **As to Accusation No. IM-2004-597 First and Second Causes for Discipline, Only:**

18 12. For the purpose of resolving the Accusation without the expense and
19 uncertainty of further proceedings, Respondent admits the truth of each and every charge and
20 allegation in paragraphs 13 (Misrepresentation of License) and 14 (Obtained Remuneration from
21 Clients), only, of Accusation No. IM-2004-597.

22 **As to Accusation No. IM-2004-597 Third Cause for Discipline, Only:**

23 13. Respondent agrees that, at a hearing, Complainant could establish a factual
24 basis for the charges in paragraph 15 (Failure to Maintain Proper Supervision), only, of
25 Accusation No. IM-2004-597 and that those charges constitute cause for discipline. Although
26 Respondent does not admit to liability and in fact specifically denies such liability, she hereby
27 gives up her right to contest that cause for potential discipline exists based upon those charges.

28 ///

1 **As to Statement of Issues No. AP-2006-616 First and Second Causes for Discipline, Only:**

2 14. For the purpose of resolving the Statement of Issues without the expense
3 and uncertainty of further proceedings, Respondent admits the truth of each and every charge and
4 allegation in paragraphs 20 (Engaged in Unlicensed Practice) and 22 (Obtained Remuneration
5 from Clients), only, of Statement of Issues No. AP-2006-616.

6 **As to Statement of Issues No. AP-2006-616 First Cause for Discipline, Only:**

7 15. Respondent agrees that, at a hearing, Complainant could establish a factual
8 basis for the charges in paragraph 21 (Engaged in Unlicensed Practice), only, of Statement of
9 Issues No. AP-2006-616 and that those charges constitute cause for discipline. Although
10 Respondent does not admit to liability and in fact specifically denies such liability, she hereby
11 gives up her right to contest that cause for potential discipline exists based upon those charges.

12 16. Respondent agrees that her Marriage and Family Therapist Intern
13 Registration is subject to discipline and her Marriage and Family Therapist License application is
14 subject to denial and she agrees to be bound by the Board's imposition of discipline as set forth in
15 the Disciplinary Order below.

16 CONTINGENCY

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

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1 2. **Reimbursement of Probation Program.** Respondent shall reimburse the
2 Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the
3 duration of the probation period in the amount of \$1,200.00 per year.

4 3. **Physical Evaluation.** Within 90 days of the effective date of this
5 decision, and on a periodic basis thereafter as may be required by the Board or its designee,
6 Respondent shall complete a physical evaluation by such license physicians as are appointed by
7 the Board. The cost of such evaluation shall be borne by Respondent. Failure to pay for the
8 report in a timely fashion constitutes a violation of probation.

9 Such physician shall furnish a written report to the Board or its designee regarding
10 Respondent's judgment and ability to function independently and safely as a counselor and such
11 other information as the Board may require. Respondent shall execute a Release of Information
12 authorizing the physician to release all information to the Board. Respondent shall comply with
13 the recommendations of the physician.

14 If a physical evaluation indicates a need for medical treatment, within 30 days of
15 notification by the Board, Respondent shall submit to the Board or its designee the name and
16 qualifications of the medical provider, and a treatment plan by the medical provider by which
17 the Respondent's physical treatment will be provided.

18 If Respondent is determined to be unable to practice independently and safely,
19 upon notification, Respondent shall immediately cease practice and shall not resume practice
20 until notified by the Board or its designee. Respondent shall not engage in any practice for which
21 a license issued by the Board is required, until the Board or its designee has notified the
22 Respondent of its determination that Respondent may resume practice.

23 4. **Law and Ethics Course.** Respondent shall take and successfully
24 complete the equivalency of two semester units in law and ethics. Course work shall be taken at
25 the graduate level at an accredited educational institution as defined in sections 4980.40 and
26 4996.18 of the Business and Professions Code and section 1854 of Title 16 of the California
27 Code of Regulations. Classroom attendance must be specifically required; workshops are not
28 acceptable. Within 90 days of the effective date of this Decision, Respondent shall submit a plan

1 for prior Board approval for meeting this educational requirement. Said course must be taken
2 and completed within one year from the effective date of this Decision. The costs associated
3 with the law and ethics course shall be paid by the Respondent. Units obtained for an approved
4 course in law and ethics shall not be used for continuing education units required for renewal of
5 licensure.

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

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

21 7. **Comply with Probation Program.** Respondent shall comply with the
22 probation program established by the Board and cooperate with representatives of the Board in
23 its monitoring and investigation of the Respondent's compliance with the program.

24 8. **Interviews with The Board.** Respondent shall appear in person for
25 interviews with the Board or its designee upon request at various intervals and with reasonable
26 notice.

27 9. **Residing or Practicing Out of State.** In the event Respondent should
28 leave the State of California to reside or to practice, Respondent shall notify the Board or its

1 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is
2 defined as any period of time exceeding thirty calendar days in which respondent is not engaging
3 in any activities defined in Sections 4980.02, 4986.10 or 4996.9 of the Business and Professions
4 Code.

5 All time spent in an intensive training program outside the State of California
6 which has been approved by the Board or its designee shall be considered as time spent in
7 practice within the State. A Board-ordered suspension of practice shall not be considered as a
8 period of non-practice. Periods of temporary or permanent residence or practice outside
9 California will not apply to the reduction of the probationary term. Periods of temporary or
10 permanent residence or practice outside California will relieve respondent of the responsibility to
11 comply with the probationary terms and conditions with the exception of this condition and the
12 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and
13 Cost Recovery.

14 Respondent's license shall be automatically cancelled if Respondent's periods of
15 temporary or permanent residence or practice outside California total two years. However,
16 Respondent's license shall not be cancelled as long as Respondent is residing and practicing in
17 another state of the United States and is on active probation with the licensing authority of that
18 state, in which case the two year period shall begin on the date probation is completed or
19 terminated in that state.

20 10. **Failure to Practice-California Resident.** In the event Respondent resides
21 in the State of California and for any reason Respondent stops practicing in California,
22 Respondent shall notify the Board or its designee in writing within 30 calendar days prior to the
23 dates of non-practice and return to practice. Any period of non-practice within California, as
24 defined in this condition, will not apply to the reduction of the probationary term and does not
25 relieve Respondent of the responsibility to comply with the terms and conditions of probation.
26 Non-practice is defined as any period of time exceeding thirty calendar days in which
27 Respondent is not engaging in activities defined in sections 4980.02, 4986.10 or 4996.9 of the
28 Business and Professions Code.

1 11. **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 12. **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 the
8 effective date of this Decision.

9 13. **Notification to Clients.** Respondent shall notify all clients of any term or
10 condition of probation which will affect their therapy or the confidentiality of their records. Such
11 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 14. **Notification to Employer.** Respondent shall provide each of her current
15 or future employers, when performing services that fall within the scope of her practice, a copy of
16 this Decision and the Statement of Issues and Accusation before commencing employment.
17 Notification to the Respondent's current employer shall occur no later than the effective date of
18 the Decision or immediately commencing employment. Respondent shall submit, upon request
19 by the Board or its designee, satisfactory evidence of compliance with this term of probation.

20 15. **Violation of Probation.** If Respondent violates the conditions of her
21 probation, the Board, after giving Respondent notice and the opportunity to be heard, may set
22 aside the stay order and impose the revocation of Respondent's license provided in the Decision.

23 If during the period of probation, an accusation or petition to revoke probation has
24 been filed against Respondent's license, or the Attorney General's office has been requested to
25 prepare such an accusation or petition to revoke probation, the probation period set forth in this
26 decision shall be automatically extended and shall not expire until the accusation or petition to
27 revoke probation has been acted upon by the board. Upon successful completion of probation,
28 Respondent's license shall be fully restored.

1 16. **Maintain Valid License.** Respondent shall, at all times while on
2 probation, maintain a current and active license with the Board, including any period during
3 which suspension or probation is tolled. Should Respondent's license, by operation of law or
4 otherwise, expire, upon renewal Respondent's license shall be subject to any and all terms of this
5 probation not previously satisfied.

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

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

20 18. **Instruction of Coursework Qualifying for Continuing Education.**
21 Respondent shall not be an instructor of any coursework for continuing education credit required
22 by any license issued by the Board.

23 19. **Notification to Referral Services.** Respondent shall immediately send a
24 copy of this decision to all referral services registered with the Board in which Respondent is a
25 participant. While on probation, Respondent shall send a copy of this decision to all referral
26 services registered with the Board that Respondent seeks to join.

27 20. **Cost Recovery.** Respondent shall pay the Board \$5,000.00 as and for the
28 reasonable costs of the investigation and prosecution of Case No. IM-2004-597. Payment to the

1 Board of the full amount of cost recovery shall be received no later than 6 months before
2 probation terminates. Respondent shall make the check or money order payable to the Board of
3 Behavioral Sciences and shall indicate on the check or money order that it is the cost recovery
4 payment for Case No. IM-2004-597. Any order for payment of cost recovery shall remain in
5 effect whether or not probation is tolled. Probation shall not terminate until full payment has
6 been made. Should any part of cost recovery not be paid in accordance with the outlined
7 payment schedule, Respondent shall be considered to be in violation of probation. A period of
8 non-practice by Respondent shall not relieve Respondent of her obligation to reimburse the
9 Board for its costs.

10 ACCEPTANCE

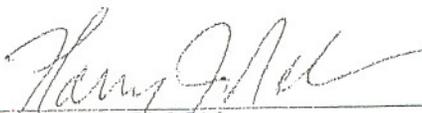
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and
12 have fully discussed it with my attorney, Harry Nelson. I understand the stipulation and the
13 effect it will have on my Marriage and Family Therapist Intern Registration and application for a
14 Marriage and Family Therapist license. I enter into this Stipulated Settlement and Disciplinary
15 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
16 of the Board of Behavioral Sciences.

17 DATED: August 16, 2007.

18
19 
20 JENNIFER NAOMI WITHERS
Respondent *(by Harry Nelson her attorney)*

21
22 I have read and fully discussed with Respondent Jennifer Naomi Withers the
23 terms and conditions and other matters contained in the above Stipulated Settlement and
24 Disciplinary Order. I approve its form and content.

25 DATED: 8/16/07

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28 HARRY NELSON
Attorney for Respondent

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ENDORSEMENT

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

DATED: 8/16/2007

EDMUND G. BROWN JR., Attorney General
of the State of California

MARC D. GREENBAUM
Supervising Deputy Attorney General



NICHOLAS A. SANCHEZ
Deputy Attorney General
Attorneys for Complainant

DOJ Matter ID LA2005601233
60237438.4.wpd

Exhibit A

Statement of Issues No. AP-2006-616

1 BILL LOCKYER, Attorney General
of the State of California
2 NICHOLAS A. SANCHEZ, State Bar No. 207998
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2542
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

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

11 In the Matter of the Statement of Issues Against:

Case No. AP-2006-616

12 JENNIFER NAOMI WITHERS
2125 Arizona Ave.
13 Santa Monica, CA 90403

STATEMENT OF ISSUES

14 Marriage and Family Therapist Intern
Registration No. IMF 44953

15 Respondent.
16

17
18 Complainant alleges:

19 PARTIES

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

23 2. On July 3, 1996, the Board of Behavioral Sciences issued Marriage and
24 Family Therapist Intern Registration No. IMF 29618 to Jennifer Naomi Withers (Respondent).
25 Registration No. IMF 29618 expired due to non-payment of renewal fees on July 31, 1998, and
26 was subsequently renewed on August 6, 1998. Registration No. IMF 29618 expired on July 31,
27 2002, and is no longer renewable.

28 ///

1 marital consultant, or in any way use these or any similar titles, including the letters "M.F.T." or
2 "M.F.C.C.," or other name, word initial, or symbol in connection with or following his or her
3 name to imply that he or she performs these services without a license as provided by this
4 chapter. Persons licensed under Article 4 (commencing with Section 4996) of Chapter 14 of
5 Division 2, or under Chapter 6.6 (commencing with Section 2900) may engage in such practice
6 or advertise that they practice marriage and family therapy but may not advertise that they hold
7 the marriage and family therapist's license."

8 8. Section 4980.10 of the Code states:

9 "A person engages in the practice of marriage and family therapy who performs
10 or offers to perform or holds himself or herself out as able to perform this service for
11 remuneration in any form, including donations."

12 9. Section 4980.43 states:

13 "(i) Trainees, interns, and applicants shall only perform services at the place
14 where their employers regularly conduct business, which may include performing services at
15 other locations, so long as the services are performed under the direction and control of their
16 employer and supervisor, and in compliance with the laws and regulations pertaining to
17 supervision. Trainees and interns shall have no proprietary interest in the employer's business."

18 10. Section 4980.44 states:

19 "(b) When no further renewals are possible, an applicant may apply for and obtain
20 new intern registration status if the applicant meets the educational requirements for registration
21 in effect at the time of the application for a new intern registration. An applicant who is issued a
22 subsequent intern registration pursuant to this subdivision may be employed or volunteer in any
23 allowable work setting except private practice."

24 11. Section 4982 states:

25 "The board may refuse to issue any registration or license, or may suspend or
26 revoke the license or registration of any registrant or licensee if the applicant, licensee, or
27 registrant has been guilty of unprofessional conduct. Unprofessional conduct shall include, but
28 not be limited to:

1 . . .
2 "(e) Violating, attempting to violate, or conspiring to violate any of the
3 provisions of this chapter or any regulation adopted by the board."

4 12. California Code of Regulations, title 16, section 1833, states:

5 "(d) Experience gained by interns and trainees shall be subject to the following
6 conditions, as applicable:

7 "(1) When an intern employed in private practice is supervised by
8 someone other than the employer, the supervisor must be employed by and practice at the same
9 site(s) as the intern's employer.

10 "(2) A trainee shall not perform services in a private practice.

11 "(3) Interns and trainees may only perform services as employees or
12 volunteers and not as independent contractors."

13 STATEMENT OF FACTS

14 13. On July 3, 1996, the Board of Behavioral Sciences issued Marriage and
15 Family Therapist Intern Registration No. IMF 29618 to Respondent.

16 14. On or about April 1, 2002, the Respondent submitted a Marriage, Family
17 and Child Counselor Experience Verification ("Verification") to the Board covering the time
18 period from December 6, 1996, to April 1, 2002 ("Present ongoing"). The report was signed
19 under penalty of perjury by Evelyn L. Freeman, Ph.D. as the supervising Marriage, Family and
20 Child Counselor and the Center for Healthy Aging in Santa Monica, California, as the designated
21 employer.

22 15. Respondent's verification attested that she was gaining hours of
23 experience at the Center for Healthy Aging, a nonprofit and charitable corporation, as a nonpaid
24 volunteer, under the supervision of Evelyn L. Freeman, Ph.D. as the supervising Marriage,
25 Family and Child Counselor. From on or about 1996 until 2002, Respondent paid Evelyn L.
26 Freeman a rental fee to treat patients at the Center for Healthy Aging. From on or about 1996
27 until 2004, Respondent performed the practice of marriage and family therapy for remuneration.

28 ///

Exhibit B

Accusation No. IM-2004-597

1 BILL LOCKYER, Attorney General
of the State of California
2 NICHOLAS A. SANCHEZ, State Bar No. 207998
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2542
5 Facsimile: (213) 897-2804
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 Against:

Case No. IM-2004-597

12 JENNIFER NAOMI WITHERS
2125 Arizona Ave.
13 Santa Monica, CA 90403

A C C U S A T I O N

14 Marriage and Family Therapist Intern
Registration No. IMF 44953

15 Respondent.
16

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 July 3, 1996, the Board of Behavioral Sciences issued Marriage and
23 Family Therapist Intern Registration No. IMF 29618 to Jennifer Naomi Withers (Respondent).
24 Registration No. IMF 29618 expired due to non-payment of renewal fees on July 31, 1998, and
25 was subsequently renewed on August 6, 1998. Registration No. IMF 29618 expired on July 31,
26 2002, and is no longer renewable.

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7. Section 4980.10 of the Code states:

“A person engages in the practice of marriage and family therapy who performs or offers to perform or holds himself or herself out as able to perform this service for remuneration in any form, including donations.”

8. Section 4980.43 states:

“(b) All applicants, trainees, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Supervised experience shall be gained by interns and trainees either as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.

...

“(i) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. Trainees and interns shall have no proprietary interest in the employer's business.”

9. Section 4980.44 states:

“(b) When no further renewals are possible, an applicant may apply for and obtain new intern registration status if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration. An applicant who is issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

///

///

1 10. Section 4982 states:

2 "The board may refuse to issue any registration or license, or may suspend or
3 revoke the license or registration of any registrant or licensee if the applicant, licensee, or
4 registrant has been guilty of unprofessional conduct. Unprofessional conduct shall include, but
5 not be limited to:

6

7 "(e) Violating, attempting to violate, or conspiring to violate any of the
8 provisions of this chapter or any regulation adopted by the board.

9 "(f) Misrepresentation as to the type or status of a license or registration held by
10 the person, or otherwise misrepresenting or permitting misrepresentation of his or her education,
11 professional qualifications, or professional affiliations to any person or entity.

12

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

15 11. California Code of Regulations, title 16, section 1833, states:

16 "(d) Experience gained by interns and trainees shall be subject to the following
17 conditions, as applicable:

18 “(1) When an intern employed in private practice is supervised by
19 someone other than the employer, the supervisor must be employed by and practice at the same
20 site(s) as the intern's employer.

21 “(2) A trainee shall not perform services in a private practice.

22 “(3) Interns and trainees may only perform services as employees or
23 volunteers and not as independent contractors.”

24 12. Section 125.3 of the Code provides, in pertinent part, that the Board may
25 request the administrative law judge to direct a licentiate found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
27 and enforcement of the case.

28 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (Misrepresentation of License)

3 13. Respondent is subject to disciplinary action under Code sections 4980(b),
4 and 4982, subdivisions (e) and (f), on the grounds of unprofessional conduct, in that Respondent
5 misrepresented the status of her registration to clients. The circumstances are as follows:

6 a. On July 31, 2002, Respondent's Marriage and Family Therapist Intern
7 Registration No. IMF 29618 expired, and was no longer renewable. On February 26, 2004, the
8 Board of Behavioral Sciences issued Marriage and Family Therapist Intern Registration No. IMF
9 44953 to Respondent. Beginning on or about August 1, 2002, through February 25, 2004,
10 Respondent provided therapy sessions to clients. Respondent misrepresented the status of her
11 registration by not informing her clients that her Marriage and Family Therapist Intern
12 Registration had expired.

13 SECOND CAUSE FOR DISCIPLINE

14 (Obtained Remuneration from Clients)

15 14. Respondent is subject to disciplinary action under Code sections 4980.10,
16 4980(b), and 4982, subdivisions (e) and (f), on the grounds of unprofessional conduct for having
17 violated Title 16, California Code of Regulations, section 1833, in that Respondent received
18 payment from clients for performing the practice of marriage and family therapy. The
19 circumstances are as follows:

20 a. From on or about 1996 until 2002, Respondent paid Evelyn L.
21 Freeman a rental fee as an independent contractor to treat patients at the Center for Healthy
22 Aging. From on or about 1996 until 2004, Respondent received payment from clients for
23 performing the practice of marriage and family therapy.

24 THIRD CAUSE FOR DISCIPLINE

25 (Failure to Maintain Proper Supervision)

26 15. Respondent is subject to disciplinary action under Code sections 4982(e)
27 and 4980.43(b) on the grounds of unprofessional conduct, in that Respondent failed to be under
28 the supervision of a supervisor, as follows:

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a. From on or about April 2, 2002 until January 23, 2004, Respondent rendered therapy without any supervision.

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. Revoking or suspending Marriage and Family Therapist Intern Registration No. IMF 44953, issued to Jennifer Naomi Withers;
2. Ordering Jennifer Naomi Withers to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: May 15, 2006



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

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