

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

In the Matter of the Accusation Against:

ENGEDAW BERHANU  
3788 Pintail Drive  
Antioch, CA 94509  
Licensed Clinical Social Worker License No.  
LCS 15980

Respondent.

Case No. LC-2009-23

OAH No. 2009071067

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 April 23, 2010.

It is so ORDERED March 24, 2010.

  
\_\_\_\_\_  
FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 CHAR SACHSON  
Deputy Attorney General  
4 State Bar No. 161032  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5558  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. LC-2009-23

11 **ENGEDAW BERHANU**  
12 **3788 Pintail Drive**  
**Antioch, CA 94509**  
13 **Licensed Clinical Social Worker License No.**  
**LCS 15980**

OAH No. 2009071067

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14  
15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

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

24 2. Respondent Engedaw Berhanu (Respondent) is represented in this proceeding by  
25 attorney John L. Fleeer, Esq., whose address is 1850 Mt. Diablo Boulevard, Suite 120  
26 Walnut Creek, CA 94596.

27 3. On or about February 13, 1992, the Board of Behavioral Sciences issued Licensed  
28 Clinical Social Worker License No. LCS 15980 to Engedaw Berhanu (Respondent). The

1 Licensed Clinical Social Worker License was in full force and effect at all times relevant to the  
2 charges brought in Accusation No. LC-2009-23 and will expire on September 30, 2011, unless  
3 renewed.

4 JURISDICTION

5 4. Accusation No. LC-2009-23 was filed before the Board of Behavioral Sciences  
6 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
7 Accusation and all other statutorily required documents were properly served on Respondent on  
8 July 17, 2009. Respondent timely filed his Notice of Defense contesting the Accusation. A copy  
9 of Accusation No. LC-2009-23 is attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Accusation No. LC-2009-23. Respondent has also carefully read, fully  
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
14 Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 CULPABILITY

25 8. Respondent does not contest the truth of the charges and allegations in Accusation  
26 No. LC-2009-23.





1 Supervision obtained from a probation supervisor shall not be used as experience gained toward  
2 licensure. If the supervisor is no longer available, respondent shall notify the Board within 15  
3 days and shall not practice until a new supervisor has been approved by the Board. All costs of  
4 the supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per  
5 week in individual face to face meetings. The supervisor shall not be the respondent's therapist.  
6 Respondent shall not practice until he/she has received notification that the Board has approved  
7 respondent's supervisor.

8       **3. Reimbursement of Probation Program.** Respondent shall reimburse the Board for  
9 the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the  
10 probation period in the amount of \$1,200 per year.

11       **4. Monitor Billing System.** Within 30 days of the effective date of this decision,  
12 Respondent shall obtain the services of an independent billing system to monitor and document  
13 the dates and times of client visits. Clients are to sign documentation stating the dates and time of  
14 services rendered by Respondent and no bills are to be issued unless there is a corresponding  
15 document signed by the client in support thereof. The billing system service shall submit  
16 quarterly written reports concerning Respondent's cooperation with this system. The cost of the  
17 service shall be borne by Respondent.

18       **5. Monitor Billing System Audit.** Within 60 days of the effective date of this decision,  
19 Respondent shall provide to the Board or its designee the names and qualifications of three  
20 auditors. The Board or its designee shall select one of the three auditors to annually audit  
21 Respondent's billings for compliance with the Billing System condition of probation. During  
22 said audit, randomly selected client billing records shall be reviewed in accordance with accepted  
23 auditing/accounting standards and practices. The cost of the audits shall be borne by Respondent.  
24 Failure to pay for the audits in a timely fashion shall constitute a violation of probation.

25       **6. Law and Ethics Course.** Respondent shall take and successfully complete the  
26 equivalency of two semester units in law and ethics. Course work shall be taken at the graduate  
27 level at an accredited educational institution as defined in sections 4980.40 and 4996.18 of the  
28 Business and Professions Code and section 1854 of Title 16 of the California Code of

1 Regulations. Classroom attendance must be specifically required; workshops are not acceptable.  
2 Within 90 days of the effective date of this Decision, Respondent shall submit a plan for prior  
3 Board approval for meeting this educational requirement. Said course must be taken and  
4 completed within one year from the effective date of this Decision. The costs associated with the  
5 law and ethics course shall be paid by Respondent. Units obtained for an approved course in law  
6 and ethics shall not be used for continuing education units required for renewal of licensure.

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

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

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

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

26 11. **Residing or Practicing Out of State.** In the event Respondent should leave the State  
27 of California to reside or to practice, Respondent shall notify the Board or its designee in writing  
28 30 calendar days prior to the dates of departure and return. Non-practice is defined as any period

1 of time exceeding thirty calendar days in which Respondent is not engaging in any activities  
2 defined in sections 4980.02, 4989.14 or 4996.9 of the Business and Professions Code.

3 All time spent in an intensive training program outside the State of California which has  
4 been approved by the Board or its designee shall be considered as time spent in practice within  
5 the State. A Board-ordered suspension of practice shall not be considered as a period of non-  
6 practice. Periods of temporary or permanent residence or practice outside California will not  
7 apply to the reduction of the probationary term. Periods of temporary or permanent residence or  
8 practice outside California will relieve Respondent of the responsibility to comply with the  
9 probationary terms and conditions with the exception of this condition and the following terms  
10 and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.  
11 Respondent's license shall be automatically cancelled if Respondent's periods of temporary or  
12 permanent residence or practice outside California total two years. However, Respondent's  
13 license shall not be cancelled as long as Respondent is residing and practicing in another state of  
14 the United States and is on active probation with the licensing authority of that state, in which  
15 case the two year period shall begin on the date probation is completed or terminated in that state.

16 12. **Failure to Practice-California Resident.** In the event Respondent resides in the  
17 State of California and for any reason Respondent stops practicing in California, Respondent shall  
18 notify the Board or its designee in writing within 30 calendar days prior to the dates of non-  
19 practice and return to practice. Any period of non-practice within California, as defined in this  
20 condition, will not apply to the reduction of the probationary term and does not relieve  
21 Respondent of the responsibility to comply with the terms and conditions of probation. Non-  
22 practice is defined as any period of time exceeding thirty calendar days in which Respondent is  
23 not engaging in activities defined in sections 4980.02, 4989.14 or 4996.9 of the Business and  
24 Professions Code.

25 13. **Change of Place of Employment or Place of Residence.** Respondent shall notify  
26 the Board or its designee in writing within 30 days of any change of place of employment or  
27 place of residence. The written notice shall include the address, the telephone number and the  
28 date of the change.

1           14. **Supervision of Unlicensed Persons.** While on probation, Respondent shall not act  
2 as a supervisor for any hours of supervised practice required for any license issued by the Board.  
3 Respondent shall terminate any such supervisorial relationship in existence on the effective date  
4 of this Decision.

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

10           16. **Notification to Employer.** Respondent shall provide each of his current or future  
11 employers, when performing services that fall within the scope of his practice, a copy of this  
12 Decision and the Accusation before commencing employment. Notification to Respondent's  
13 current employer shall occur no later than the effective date of the Decision or immediately  
14 commencing employment. Respondent shall submit, upon request by the Board or its designee,  
15 satisfactory evidence of compliance with this term of probation.

16           17. **Violation of Probation.** If Respondent violates the conditions of his probation, the  
17 Board, after giving Respondent notice and the opportunity to be heard, may set aside the stay  
18 order and impose the discipline revocation of Respondent's license provided in the decision.

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

26           18. **Maintain Valid License.** Respondent shall, at all times while on probation, maintain  
27 a current and active license with the Board, including any period during which suspension or  
28 probation is tolled. Should Respondent's license, by operation of law or otherwise, expire, upon

1 renewal Respondent's license shall be subject to any and all terms of this probation not previously  
2 satisfied.

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

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

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

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

24 22. **Cost Recovery.** Respondent shall pay the Board \$2,365.25 as and for the reasonable  
25 costs of the investigation and prosecution of Case No. LC-2009-23. Respondent shall make such  
26 payments as follows: 12 payments due the first of each month after the effective date of this  
27 decision: 11 payments in the amount of \$200.00, and one final payment in the amount of  
28 \$165.25. Respondent shall make the check or money order payable to the Board of Behavioral

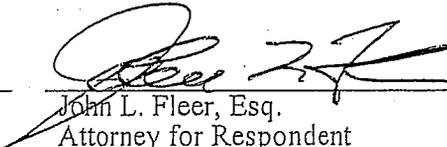
1 Sciences and shall indicate on the check or money order that it is the cost recovery payment for  
2 Case No. LC-2009-23. Any order for payment of cost recovery shall remain in effect whether or  
3 not probation is tolled. Probation shall not terminate until full payment has been made. Should  
4 any part of cost recovery not be paid in accordance with the outlined payment schedule,  
5 Respondent shall be considered to be in violation of probation. A period of non-practice by  
6 Respondent shall not relieve Respondent of his obligation to reimburse the board for its costs.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
9 discussed it with my attorney, John L. Fleeer, Esq. I understand the stipulation and the effect it  
10 will have on my Licensed Clinical Social Worker License. I enter into this Stipulated Settlement  
11 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
12 Decision and Order of the Board of Behavioral Sciences.

13  
14 DATED: 10-14-09   
15 ENGEDAW BERHANU  
16 Respondent

17 I have read and fully discussed with Respondent Engedaw Berhanu the terms and  
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
19 I approve its form and content.

20 DATED: 10-14-09   
21 John L. Fleeer, Esq.  
22 Attorney for Respondent

23 ENDORSEMENT

24 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
25 ///  
26 ///  
27 ///  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

submitted for consideration by the Board of Behavioral Sciences of the Department of Consumer Affairs.

Dated: 10/14/09

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General

  
CHAR SACHSON  
Deputy Attorney General  
*Attorneys for Complainant*

SF2009403629

Exhibit A

Accusation No. LC-2009-23

**EXHIBIT A**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 CHAR SACHSON  
Deputy Attorney General  
4 State Bar No. 161032  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5558  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. LC-2009-23

11 **ENGEDAW BERHANU**  
12 3788 Pintail Drive  
Antioch, CA 94509  
13 Licensed Clinical Social Worker License No.  
LCS 15980

**A C C U S A T I O N**

14 Respondent.

15  
16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about February 13, 1992, the Board of Behavioral Sciences issued Licensed  
22 Clinical Social Worker License Number LCS 15980 to Engedaw Berhanu (Respondent). The  
23 Licensed Clinical Social Worker License was in full force and effect at all times relevant to the  
24 charges brought herein and will expire on September 30, 2009, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Behavioral Sciences (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.



1           “(5) Knowingly prepare, make, or subscribe any writing, with the intent to present or  
2 use it, or to allow it to be presented, in support of any false or fraudulent claim.

3           “(6) Knowingly make or cause to be made any false or fraudulent claim for payment  
4 of a health care benefit.

5           “(7) Knowingly submit a claim for a health care benefit that was not used by, or on  
6 behalf of, the claimant.

7  
8           “(b) It is unlawful to do, or to knowingly assist or conspire with any person to do,  
9 any of the following:

10           “(1) Present or cause to be presented any written or oral statement as part of, or in  
11 support of or opposition to, a claim for payment or other benefit pursuant to an insurance policy,  
12 knowing that the statement contains any false or misleading information concerning any material  
13 fact.

14           “(2) Prepare or make any written or oral statement that is intended to be presented to  
15 any insurer or any insurance claimant in connection with, or in support of or opposition to, any  
16 claim or payment or other benefit pursuant to an insurance policy, knowing that the statement  
17 contains any false or misleading information concerning any material fact.”

18  
19           7. Section 118, subdivision (b), of the Code provides that the expiration of a license  
20 shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action  
21 during the period within which the license may be renewed, restored, reissued or reinstated.

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

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

FACTUAL BACKGROUND

9. While working as a Licensed Clinical Social Worker (LCSW) for Alameda County Behavioral Health Care Services (ACBHCS); Respondent billed for mental health services to Medi-Cal beneficiaries which he did not perform, as follows:

- a. Respondent billed for three individual therapy sessions with minor patient J.T., March 16, 2007, March 23, 2007, and March 30, 2007, when in fact, Respondent only saw J.T. two times.
- b. Respondent billed for 20 individual therapy sessions, and 21 family therapy sessions for minor patient D.R. between February 13, 2007 and August 30, 2007 which he did not provide.
- c. Respondent billed for three individual therapy sessions with adult patient B.Z., February 9, 2007, February 16, 2007, and February 23, 2007, when in fact, Respondent only saw B.Z. one time.
- d. Respondent billed for 50 family therapy sessions for minor patient D.L. between January 11, 2007 and December 27, 2007 which he did not provide.
- e. Respondent billed for nine family therapy sessions for minor patient A.C. between November 1, 2007 and December 27, 2007 which he did not provide.
- f. Respondent billed for 17 individual therapy sessions, and 18 family therapy sessions for minor patient M.H. between January 4, 2007 and April 27, 2007 which he did not provide. Respondent provided therapy sessions for M.H. in 2004 and 2005, but only spent approximately ten to fifteen minutes with the patient during each session, rather than the standard 50 minutes.
- g. Respondent had regular Friday appointments with minor patient K.H. between March 16, 2007 and September 28, 2007. In addition to the Friday individual therapy sessions, Respondent billed for 26 family sessions every Thursday during that time-frame that did not take place.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1. Revoking or suspending Licensed Clinical Social Worker License  
Number LCS 15980, issued to Engedaw Berhanu.

2. Ordering Engedaw Berhanu 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: July 13, 2009



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

SF2009403629