

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

In the Matter of the Accusation Against:

JUDITH LYNN MARX
45 Laurel Drive
Carmel Valley, CA 93924
Marriage and Family Therapist License No.
MFC 41189

Case No. MF-2008-636

OAH No. 2009060838

Respondent.

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 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 JONATHAN D. COOPER
Deputy Attorney General
4 State Bar No. 141461
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1404
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:

11 **JUDITH LYNN MARX**
45 Laurel Drive
12 Carmel Valley, CA 93924
Marriage and Family Therapist License No.
13 MFC 41189

14 Respondent.

Case No. MF-2008-636

OAH No. 2009060838

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15
16
17
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) was the Executive Officer of the Board of Behavioral
22 Sciences when he brought this action solely in his official capacity. Kim Madsen is now the
23 Executive Officer. She is represented in this matter by Edmund G. Brown Jr., Attorney General
24 of the State of California, by Jonathan D. Cooper, Deputy Attorney General.

25 2. On or about November 2, 2004, the Board of Behavioral Sciences issued Marriage
26 and Family Therapist License Number MFC 41189 to Judith Lynn Marx (Respondent). The
27 Marriage and Family Therapist License was in full force and effect at all times relevant to the
28 charges brought herein and will expire on May 31, 2010, unless renewed.

1 considered this matter.

2 14. The parties understand and agree that facsimile copies of this Stipulated Surrender of
3 License and Order, including facsimile signatures thereto, shall have the same force and effect as
4 the originals.

5 15. This Stipulated Surrender of License and Order is intended by the parties to be an
6 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
7 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
8 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
9 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
10 executed by an authorized representative of each of the parties.

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

14 ORDER

15 IT IS HEREBY ORDERED that Marriage and Family Therapist License No. MFC 41189,
16 issued to Respondent Judith Lynn Marx, is surrendered and accepted by the Board of Behavioral
17 Sciences.

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

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

24 6. Respondent shall cause to be delivered to the Board both her license and her current
25 renewal certificate on or before the effective date of the Decision and Order.

26 7. Should Respondent ever reapply for licensure as a Marriage and Family Therapist or
27 should she ever apply for any other registration or licensure issued by the Board, or by the Board
28 of Psychology, all of the charges contained in First Amended Accusation No. MF-2008-636 shall

1 be deemed admitted for the purpose of any Statement of Issues or other proceedings seeking to
2 deny such application or reapplication.

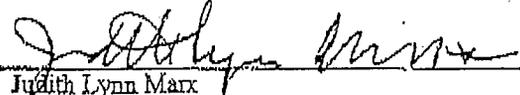
3 8. Respondent may reapply to the Board for licensure three years from the date of
4 surrender and must meet all current requirements for licensure including, but not limited to, filing
5 a current application, meeting all current educational requirements, and taking and passing any
6 and all examinations required of new applicants.

7 9. Respondent shall pay the Board its costs of investigation and enforcement in the
8 amount of \$4,857.00 prior to issuance of a new registration or license.

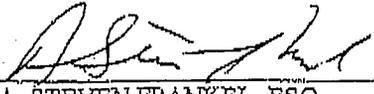
9 ///
10 ///
11 ///
12 ///
13 ///

14 ACCEPTANCE

15 I have carefully read the above Stipulated Surrender of License and Order and have fully
16 discussed it with my attorney, A. Steven Frankel, Esq. I understand the stipulation and the effect
17 it will have on my license. I enter into this Stipulated Surrender of License and Order voluntarily,
18 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
19 Behavioral Sciences.

20 DATED: FEB. 2 / 2010 
21 Judith Lynn Marx
22 Respondent

23 I have read and fully discussed with Respondent Judith Lynn Marx the terms and conditions
24 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
25 and content.

26 DATED: 2/2/10 
27 A. STEVEN FRANKEL, ESQ.
28 Attorney for Respondent

ENDORSEMENT

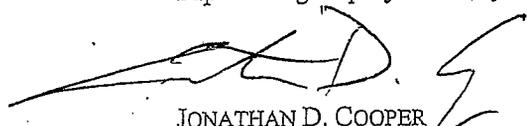
The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted

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

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

Dated: 2/9/10

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



JONATHAN D. COOPER
Deputy Attorney General
Attorneys for Complainant

Exhibit A

First Amended Accusation No. MF-2008-636

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JONATHAN D. COOPER, State Bar No. 141461
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-1404
Facsimile: (415) 703-5480

6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. MF-2008-636

12 **JUDITH LYNN MARX**
13 45 Laurel Drive
Carmel Valley, CA 93924
14 Marriage and Family Therapist License No.
MFC 41189

FIRST AMENDED ACCUSATION

OAH No. 2009060838

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about November 2, 2004, the Board of Behavioral Sciences issued
24 Marriage and Family Therapist License Number MFC 41189 to Judith Lynn Marx (Respondent).
25 The Marriage and Family Therapist License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on May 31, 2010, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board of Behavioral Sciences

1 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 118, subdivision (b), of the Code provides that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
5 period within which the license may be renewed, restored, reissued or reinstated.

6 STATUTORY PROVISIONS

7 5. Section 4982 of the Code states:
8 The board may refuse to issue any registration or license, or may suspend or
9 revoke the license or registration of any registrant or licensee if the applicant, licensee, or
10 registrant has been guilty of unprofessional conduct. Unprofessional conduct shall include, but
11 not be limited to:

12
13 (d) Gross negligence or incompetence in the performance of marriage and family
14 therapy.

15
16 (i) Intentionally or recklessly causing physical or emotional harm to any client.

17
18 COSTS

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

23 FACTUAL SUMMARY

24 7. From approximately September, 2006 to April, 2007, Respondent
25 provided therapy services to patient C.K.¹

26 8. During the course of treatment, Respondent was aware that patient C.K.

27
28

1. The identity of patient C.K. is withheld to protect patient privacy.

1 was experiencing psychotic symptoms. Respondent failed to provide patient C.K. with timely
2 referrals for a psychiatric evaluation and/or failed to ascertain whether patient C.K. had complied
3 with a physician's previous referral to a psychiatrist.

4 9. In October, 2006, Respondent noted that patient C.K. exhibited evidence
5 of psychosis. Between October, 2006 and February, 2007 Respondent failed to encourage
6 patient C.K. to see a psychiatrist or refer patient C.K. to see a psychiatrist. In February, 2007,
7 Respondent noted that patient C.K. again showed signs of psychosis, after a period of abatement.
8 Respondent failed thereafter to make a psychiatric referral or counsel Respondent regarding
9 obtaining psychiatric evaluation.

10 10. Respondent's failure to provide psychiatric referrals for patient C.K. or to
11 encourage her to seek psychiatric evaluation resulted in a delay in patient C.K. receiving
12 necessary treatment. Patient C.K. ultimately needed psychiatric hospitalization and suffered
13 emotional harm.

14 **FIRST CAUSE FOR DISCIPLINE**

15 (Unprofessional Conduct)

16 11. Respondent is subject to disciplinary action under Code section 4982 in
17 that she acted unprofessionally, as set forth above in paragraphs 7 through 10.

18 **SECOND CAUSE FOR DISCIPLINE**

19 (Gross Negligence/Incompetence)

20 12. Respondent is subject to disciplinary action under section 4982(d) of the
21 Code in that she acted with gross negligence and/or incompetence, as set forth above in
22 paragraphs 7 through 10.

23 **THIRD CAUSE FOR DISCIPLINE**

24 (Causing Harm to Patient)

25 13. Respondent is subject to disciplinary action under section 4982(i) of the
26 Code in that she intentionally or recklessly caused emotional harm to her patient, as set forth
27 above in paragraphs 7 through 10.

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

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 License Number MFC 41189, issued to Judith Lynn Marx;

2. Ordering Judith Lynn Marx 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: November 12, 2009



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