

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

In the Matter of the Accusation Against:

Case No. LC-2009-20

THERESE MARIE MASSOD
P.O. Box 691134
Stockton, CA 95269
Licensed Clinical Social Worker License No.
LCS 16788

Respondent.

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 24, 2011.

It is so ORDERED February 23, 2011.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

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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. LC-2009-20

12 **THERESE MARIE MASSOD**
13 P.O. Box 691134
Stockton, CA 95269

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Licensed Clinical Social Worker License No.
15 LCS 16788

16 Respondent.

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

20 **PARTIES**

21 1. Kim Madsen (Complainant) is the Executive Officer of the Board of Behavioral
22 Sciences. She brought this action solely in her official capacity and is represented in this matter
23 by Edmund G. Brown Jr., Attorney General of the State of California, by John Padrick, Deputy
24 Attorney General.

25 2. Respondent Therese Marie Massod (Respondent) is represented in this proceeding by
26 attorney Christopher J. Massod, whose address is 343 East Main Street, Ste. 712,
27 Stockton, California 95202.

1 On or about March 15, 1994, the Board of Behavioral Sciences issued Licensed
2 Clinical Social Worker License No. LCS 16788 to Therese Marie Massod (Respondent). The
3 Licensed Clinical Social Worker License will expire on May 31, 2011, unless renewed.

4 JURISDICTION

5 3. Accusation No. LC-2009-20 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 April 22, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A
9 copy of Accusation No. LC-2009-20 is attached as exhibit A and incorporated herein by
10 reference.

11 ADVISEMENT AND WAIVERS

12 4. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. LC-2009-20. Respondent has also carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
15 Order.

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

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

25 CULPABILITY

26 7. Respondent admits the truth of the first cause of action in Accusation No. LC-2009-
27 20, with the caveat that said conviction was a misdemeanor. Respondent also admits the truth of
28 the second cause of action.

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

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

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

1 8. **Comply with Probation Program.** Respondent shall comply with the probation
2 program established by the Board and cooperate with representatives of the Board in its
3 monitoring and investigation of the Respondent's compliance with the program.

4 9. **Interviews with the Board.** Respondent shall appear in person for interviews
5 with the Board or its designee upon request at various intervals and with reasonable notice.

6 10. **Residing or Practicing Out of State.** In the event Respondent should leave the
7 State of California to reside or to practice, Respondent shall notify the Board or its designee in
8 writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any
9 period of time exceeding thirty calendar days in which respondent is not engaging in any
10 activities defined in Sections 4980.02, 4986.10 or 4996.9 of the Business and Professions Code.

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

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

24 11. **Failure to Practice-California Resident.** In the event Respondent resides in the
25 State of California and for any reason Respondent stops practicing in California, Respondent shall
26 notify the Board or its designee in writing within 30 calendar days prior to the dates of non-
27 practice and return to practice. Any period of non-practice within California, as defined in this
28 condition, will not apply to the reduction of the probationary term and does not relieve

1 Respondent of the responsibility to comply with the terms and conditions of probation. Non-
2 practice is defined as any period of time exceeding thirty calendar days in which Respondent is
3 not engaging in activities defined in sections 4980.02, 4986.10 or 4996.9 of the Business and
4 Professions Code.

5
6 12. **Change of Place of Employment or Place of Residence.** Respondent shall notify
7 the Board or its designee in writing within 30 days of any change of place of employment or
8 place of residence. The written notice shall include the address, the telephone number and the
9 date of the change.

10 13. **Supervision of Unlicensed Persons.** While on probation, Respondent shall not
11 act as a supervisor for any hours of supervised practice required for any license issued by the
12 Board. Respondent shall terminate any such supervisory relationship in existence on the
13 effective date of this Decision.

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

19 15. **Notification to Employer.** Respondent shall provide each of her current or future
20 employers, when performing services that fall within the scope of her practice, a copy of this
21 Decision and the Accusation before commencing employment. Notification to the respondent's
22 current employer shall occur no later than the effective date of the Decision or immediately upon
23 commencing employment. Respondent shall submit, upon request by the Board or its designee,
24 satisfactory evidence of compliance with this term of probation.

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

28 If during the period of probation, an accusation, petition to revoke probation, or statement

1 of issues has been filed against Respondent's license or application for licensure, or the Attorney
2 General's office has been requested to prepare such an accusation, petition to revoke probation, or
3 statement of issues, the probation period set forth in this decision shall be automatically extended
4 and shall not expire until the accusation, petition to revoke probation, or statement of issues has
5 been acted upon by the board. Upon successful completion of probation, Respondent's license
6 shall be fully restored.

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

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

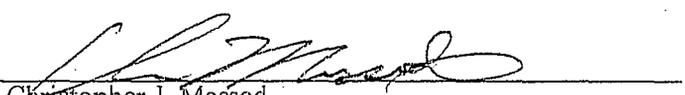
19 Voluntary surrender of Respondent's license shall be considered to be a disciplinary action
20 and shall become a part of Respondent's license history with the Board. Respondent may not
21 petition the Board for reinstatement of the surrendered license. Should Respondent at any time
22 after voluntary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

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

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I concur with this stipulated settlement.

DATED: 12/17/10

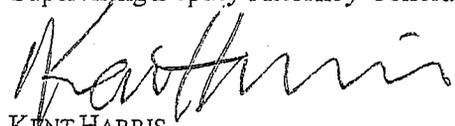

Christopher J. Massod
Attorney for Respondent

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: 1/14/10

EDMUND G. BROWN JR.
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General


KENT HARRIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. LC-2009-20

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Board of Behavioral Sciences

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10 **STATE OF CALIFORNIA**

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12 In the Matter of the Accusation Against:

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13 **THERESE MARIE MASSOD**
14 **P.O. Box 691134**
Stockton, CA 95269

ACCUSATION

15 Licensed Clinical Social Worker No. LCS
16 16788

17 Respondent.

18
19 Complainant alleges:

20 **I.**

21 **PARTIES**

22 1. Kim Madsen ("Complainant") brings this Accusation solely in her official capacity as
23 the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs
24 ("the Board").

25 2. On or about March 15, 1994, the Board issued Licensed Clinical Social Worker
26 License No. LCS 16788 to Therese Marie Massod ("Respondent"). Respondent's license was in
27 full force and effect at all times relevant herein and expires on May 31, 2011.

1 II.

2 JURISDICTION

3 3. This Accusation is brought before the Board under the authority of the following
4 laws. All section references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 4992.3 of the Code states, in part:

6 "The board may deny a license or a registration, or may suspend or revoke the license or
7 registration of a licensee or registrant if he or she has been guilty of unprofessional conduct.

8 Unprofessional conduct includes, but is not limited to, the following:

9 "(a) The conviction of a crime substantially related to the qualifications, functions, or duties
10 of a licensee or registrant under this chapter. The record of conviction shall be conclusive
11 evidence only of the fact that the conviction occurred. The board may inquire into the
12 circumstances surrounding the commission of the crime in order to fix the degree of discipline or
13 to determine if the conviction is substantially related to the qualifications, functions, or duties of a
14 licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a
15 plea of *nolo contendere* made to a charge substantially related to the qualifications, functions, or
16 duties of a licensee or registrant under this chapter is a conviction within the meaning of this
17 section. . . .

18 (f) Violating, attempting to violate, or conspiring to violate this chapter or any regulation
19 adopted by the board. . . .

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

22 (t) Failure to keep records consistent with sound clinical judgment, the standards of the
23 profession, and the nature of the services being rendered."

24 5. Section 810 of the Code states, in part:

25 "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,
26 including suspension or revocation of a license or certificate, for a health care professional to do
27 any of the following in connection with his or her professional activities: . . .

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

3 (b) It shall constitute cause for revocation or suspension of a license or certificate for a
4 health care professional to engage in any conduct prohibited under Section 1871.4 of the
5 Insurance Code or Section 549 or 550 of the Penal Code. . . .”

6 6. Section 550 of the Penal Code states, in part:

7 “(a) It is unlawful to do any of the following or to aid, abet, solicit, or conspire with any
8 person to do any of the following:

9 (1) Knowingly present or cause to be presented any false or fraudulent claim for the
10 payment of a loss or injury, . . .

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

13 7. Section 118 of the Code states, in part:

14 “(a) The withdrawal of an application for a license after it has been filed with a board in the
15 department shall not, unless the board has consented in writing to such withdrawal, deprive the
16 board of its authority to institute or continue a proceeding against the applicant for the denial of
17 the license upon any ground provided by law or to enter an order denying the license upon any
18 such ground.

19 (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
20 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
21 order of a court of law, or its surrender without the written consent of the board, shall not, during
22 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
23 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
24 provided by law or to enter an order suspending or revoking the license or otherwise taking
25 disciplinary action against the licensee on any such ground.”

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1 III.

2 COST RECOVERY

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

7 IV.

8 FIRST CAUSE FOR DISCIPLINE

9 (Conviction of Substantially Related Crime)

10 9. Respondent is subject to disciplinary action under Code section 4992.3, subdivisions
11 (a), (f), (k) and (t), in that on January 27, 2009, in the Superior Court, County of San Joaquin, in
12 the case titled *People of the State of California v. Therese Marie Massod*, (Case No. SF109684A),
13 Respondent was convicted by the court on her plea of *nolo contendere* of violation Penal Code
14 section 487 (A), (grand theft of over \$400).

15 10. The circumstances of the theft are that in or about October 2004, Respondent's client,
16 T.V., a court referred victim of domestic violence, was granted reimbursement for mental health
17 treatment expenses from the California Victim Compensation and Government Claims Board for
18 herself and four children. Thereafter, T.V. commenced treatment with Respondent, who
19 subsequently submitted claims to the Victim Compensation and Government Claims Board in the
20 amount of \$7,350 for treatment on behalf of T.V. and her children between June 2005 and
21 January 2006. However, Respondent submitted over 100 claims for mental health care treatment
22 that she did not provide. The claims included those for T.V.'s treatment, which was not provided
23 on each occasion claimed, and those of her children, who never even began treatment with
24 Respondent. Such conduct is substantially related to the qualifications, functions and duties of a
25 Licensed Clinical Social Worker.

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28 ///

