

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

In the Matter of the Accusation Against:

Case No. LC-2010-1597

CYNTHIA SUZANNE CHAPA
1015 -12th Street
Modesto, CA 95354

Licensed Clinical Social Worker
License Number LCS 6334

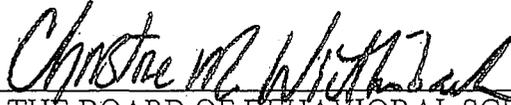
Respondent.

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 October 15, 2011.

It is so ORDERED September 15, 2011.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

ORIGINAL

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. LC-2010-1597

12 **CYNTHIA SUZANNE CHAPA**
1015 -12th Street
13 Modesto, CA 95354

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Licensed Clinical Social Worker
License Number LCS 6334

15 Respondent.

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

21 **PARTIES**

22 1. Kim Madsen ("Complainant") is the Executive Officer of the Board of Behavioral
23 Sciences ("Board"), Department of Consumer Affairs. She brought this action solely in her
24 official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of
25 the State of California, by Leslie A. Burgermyer, Deputy Attorney General.

26 2. Respondent Cynthia Suzanne Chapa ("Respondent") is represented in this proceeding
27 by attorney Gerald E. Brunn, Esq., Brunn & Flynn, 928 - 12th Street, Suite 200, Modesto, CA
28 95354; Telephone: (209) 521-2133.

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 **IT IS HEREBY ORDERED** that Licensed Clinical Social Worker License No. LCS 6334
8 issued to Respondent Cynthia Suzanne Chapa ("Respondent") is revoked. However, the
9 revocation is stayed and Respondent is placed on probation for three (3) years on the following
10 terms and conditions.

11 1. **Psychotherapy.** Respondent shall participate in ongoing psychotherapy with a
12 California licensed mental health professional who has been approved by the Board. Within sixty
13 (60) days of the effective date of this decision, Respondent shall submit to the Board or its
14 designee for its prior approval the name and qualifications of one or more therapists of
15 Respondent's choice. Such therapist shall possess a valid California license to practice and shall
16 have had no prior business, professional, or personal relationship with Respondent, and shall not
17 be the Respondent's supervisor. Counseling shall be at least once a week unless otherwise
18 determined by the Board. Respondent shall continue in such therapy at the Board's discretion.
19 Cost of such therapy is to be borne by Respondent.

20 Respondent may, after receiving the Board's written permission, receive therapy via
21 videoconferencing if Respondent's good faith attempts to secure face-to-face counseling are
22 unsuccessful due to the unavailability of qualified mental health care professionals in the area.
23 The Board may require that Respondent provide written documentation of her good faith attempts
24 to secure counseling via videoconferencing.

25 Respondent shall provide the therapist with a copy of the Board's decision no later than the
26 first counseling session. Upon approval by the Board, Respondent shall undergo and continue
27 treatment until the Board or its designee determines that no further psychotherapy is necessary.
28 Respondent shall take all necessary steps to insure that the treating psychotherapist submits

1 quarterly written reports to the Board concerning Respondent's fitness to practice, progress in
2 treatment, and to provide such other information as may be required by the Board. Respondent
3 shall execute a Release of Information authorizing the therapist to divulge information to the
4 Board.

5 If the treating psychotherapist finds that Respondent cannot practice safely or
6 independently, the psychotherapist shall notify the Board within three (3) working days. Upon
7 notification by the Board, Respondent shall immediately cease practice and shall not resume
8 practice until notified by the Board or its designee that Respondent may do so. Respondent shall
9 not thereafter engage in any practice for which a license issued by the Board is required until the
10 Board or its designee has notified Respondent that she may resume practice. Respondent shall
11 document compliance with this condition in the manner required by the Board.

12 **2. Attend Alcoholics Anonymous Meetings.** Respondent shall be required to attend
13 one (1) Alcoholics Anonymous meeting per week and submit proof of regular attendance to the
14 Board or its designee on a quarterly basis.

15 **3. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples.**
16 Respondent shall completely abstain from the use of alcoholic beverages during the period of
17 probation.

18 Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon
19 request by the Board or its designee. The length of time and frequency will be determined by the
20 Board. There will be no confidentiality in test results. Any confirmed positive finding will be
21 immediately reported to the Respondent's current employer and shall be a violation of probation.

22 **4. Abstain from Use of Controlled Substances / Submit to Biological Fluid Testing**
23 **and Samples.** Respondent shall completely abstain from the use or possession of controlled or
24 illegal substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

25 Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon
26 request by the Board or its designee. The length of time and frequency will be determined by the
27 Board. There will be no confidentiality in test results. Any confirmed positive finding will be
28 immediately reported to Respondent's current employer and shall be a violation of probation.

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

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

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

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

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

24 10. **Residing or Practicing Out-of-State.** In the event Respondent should leave the
25 State of California to reside or to practice, Respondent shall notify the Board or its designee in
26 writing thirty (30) calendar days prior to the dates of departure and return. Non-practice is
27 defined as any period of time exceeding thirty (30) calendar days in which Respondent is not

28 ///

1 engaging in any activities defined in sections 4980.02, 4986.10 or 4996.9 of the Business and
2 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
12 or 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 11. **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 thirty (30) calendar days prior to the dates of
19 non-practice and return to practice. Any period of non-practice within California, as defined in
20 this 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 (30) calendar days in which Respondent
23 is not engaging in activities defined in sections 4980.02, 4986.10 or 4996.9 of the Business and
24 Professions Code.

25 12. **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 13. **Supervision of Unlicensed Persons.** While on probation, Respondent shall not
2 act as a supervisor for any hours of supervised practice required for any license issued by the
3 Board. Respondent shall terminate any such supervisorial relationship in existence on the
4 effective date of this Decision.

5 14. **Notification to Clients.** Respondent shall notify all clients of any term or
6 condition 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 15. **Notification to Employer.** Respondent shall provide each of her current or future
11 employers, when performing services that fall within the scope of her practice, a copy of this
12 Decision and the Accusation before commencing employment. Notification to the 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 16. **Violation of Probation.** If Respondent violates the conditions of her probation,
17 the Board, after giving Respondent notice and the opportunity to be heard, may set aside the stay
18 order and impose the discipline, that is, revocation of Respondent's license provided in the
19 decision.

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

27 17. **Maintain Valid License.** Respondent shall, at all times while on probation,
28 maintain a current and active license with the Board, including any period during which

1 suspension or probation is tolled. Should Respondent's license, by operation of law or otherwise,
2 expire, upon renewal Respondent's license shall be subject to any and all terms of this probation
3 not previously satisfied.

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

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

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

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

25 **21. Cost Recovery.** Respondent shall pay the Board \$4,505.00 as and for the
26 reasonable costs of the investigation and prosecution of Case No. LC-2010-1597. Respondent
27 shall be permitted to pay these costs in a payment plan approved by the Board, with payments to
28 be completed no later than six (6) months prior to the end of the probation term. Respondent

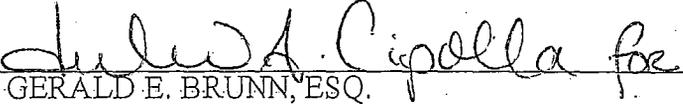
1 shall make the check or money order payable to the Board of Behavioral Sciences and shall
2 indicate on the check or money order that it is the cost recovery payment for Case No. LC-2010-
3 1597. Any order of repayment of cost recovery shall remain in effect whether or not probation is
4 tolled. Probation shall not terminate until full payment has been made. Should any part of cost
5 recovery not be paid in accordance with the outlined payment schedule, Respondent shall be
6 considered to be in violation of probation. A period of non-practice by Respondent shall not
7 relieve Respondent of his obligation to reimburse the Board for its costs.

8 ACCEPTANCE

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

14
15 DATED: 8/10/11 
16 CYNTHIA SUZANNE CHAPA
Respondent

17 I have read and fully discussed with Respondent Cynthia Suzanne Chapa 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
21 DATED: 8/11/11 
22 GERALD E. BRUNN, ESQ.
Attorney for Respondent

23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

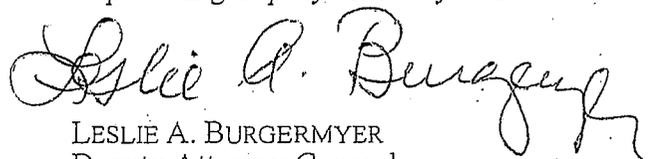
ENDORSEMENT

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: 8-11-11

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General



LESLIE A. BURGERMYER
Deputy Attorney General
Attorneys for Complainant

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

Exhibit A

Accusation No. LC-2010-1597

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. LC-2010-1597

13 **CYNTHIA SUZANNE CHAPA**
1015 -12th Street
Modesto, CA 95354

A C C U S A T I O N

14 Licensed Clinical Social Worker
License Number LCS 6334

Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about May 15, 1978, the Board of Behavioral Sciences issued Licensed
22 Clinical Social Worker License Number LCS 6334 to Cynthia Suzanne Chapa (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 May 31, 2012, 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 affirmed on appeal, or, when an order granting probation is made suspending the
2 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
3 the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of
4 not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
5 information, or indictment.

6 (c) Administering to himself or herself any controlled substance or using any
7 of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the
8 extent, or in a manner, as to be dangerous or injurious to the person applying for a
9 registration or license or holding a registration or license under this chapter, or to
10 any other person, or to the public, or, to the extent that the use impairs the ability
11 of the person applying for or holding a registration or license to conduct with
12 safety to the public the practice authorized by the registration or license, or the
13 conviction of more than one misdemeanor or any felony involving the use,
14 consumption, or self-administration of any of the substances referred to in this
15 subdivision, or any combination thereof.

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

18 **REGULATORY PROVISIONS**

19 8. California Code of Regulations, title 16, section 1881 states:

20 The board may suspend or revoke the license of a licensee or may refuse to
21 issue a license to a person who:

22 (e) Commits any dishonest, corrupt, or fraudulent act which is substantially
23 related to the qualifications, functions or duties of a licensee.

24 **COST RECOVERY**

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

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

10. Respondent is subject to disciplinary action under Code sections 4992.3, subdivision
(a), and 490, subdivisions (a) through (c), in that on or about July 2, 2007, in the case titled
People v. Cynthia Suzanne Chapa, Stanislaus County Superior Court, Case No. MPD 07-50310,
Respondent she was convicted on her plea of guilty of violating Vehicle Code section 23152,
subdivision (b), [driving a motor vehicle under the influence of alcohol with a BAC of 0.08% or

1 more], a misdemeanor. Said conviction is substantially related to the qualifications, functions,
2 and duties of a Licensed Clinical Social Worker. The circumstances are as follows:

3 a. On or about May 30, 2007, Respondent was involved in a solo car collision in
4 the canal on E. Briggsmore Avenue, east of McHenry Avenue, in Modesto, California. A police
5 officer was dispatched to the scene. In speaking with Respondent, the police officer observed that
6 she had a strong odor of an alcoholic beverage emitting from her person, her speech was very
7 slurred, and her gait was extremely unsteady causing her to lean on the officer's police car to
8 steady herself. Respondent did not pass any of the field sobriety tests administered by the police
9 officer. Respondent admitted to drinking a martini and Smirnoff with cranberry juice at her
10 fiance's home and was driving to her own home when the collision occurred. Respondent blew a
11 .25% BAC on the E-Pas device.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Used Alcohol Injurious to Self or Others)

14 11. Respondent is subject to disciplinary action under section 4992.3, subdivision (c), on
15 the grounds of unprofessional conduct in that Respondent self-administered and used alcohol in a
16 manner to be dangerous or injurious to herself, other persons, or to the public, to the extent her
17 use impairs her ability to conduct with safety to the public the practice of Licensed Clinical Social
18 Work. The circumstances are set forth in paragraph 10, above, incorporated herein by this
19 reference.

20 **THIRD CAUSE FOR DISCIPLINE**

21 (Committed Dishonest, Corrupt, or Fraudulent Act)

22 12. Respondent is subject to disciplinary action under section 4992.3, subdivision (k), and
23 California Code of Regulations, title 16, section 1881, subdivision (e), in that Respondent
24 committed a dishonest, corrupt, or fraudulent act substantially related to the qualifications,
25 functions, or duties of a Licensed Clinical Social Worker. The circumstances are as follows:

26 a. On or about March 4, 2008, Respondent submitted her license renewal
27 application to the Board. She signed the application under penalty of perjury that the information
28 she provided was true and correct. In response to the question "Since your last renewal have you

1 been convicted of or pled nolo contendere to a misdemeanor or felony or have you had any
2 disciplinary action taken by any regulatory or licensing board in this or any other state?

3 [Convictions dismissed under Section 1203.4 of the Penal Code must be disclosed.],” Respondent
4 checked NO for part G of the renewal application. The truth is that Respondent had been
5 convicted of a misdemeanor as set forth in paragraph 10, above, incorporated herein by this
6 reference.

7 PRAYER

8 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Behavioral Sciences issue a decision:

- 10 1. Revoking or suspending Licensed Clinical Social Worker License Number LCS
11 6334, issued to Cynthia Suzanne Chapa.
- 12 2. Ordering Cynthia Suzanne Chapa to pay the Board of Behavioral Sciences the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
14 Professions Code section 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.

16
17
18 DATED: October 29, 2010

KIM MADSEN

KIM MADSEN
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

19
20
21
22 SA2010102614 / 10628931