

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

In the Matter of the Accusation Against:

PAUL ANTHONY GABRINETTI
5525 Oakdale Avenue, #410
Woodland Hills, CA 91364
Marriage and Family Therapist License No.
MFC 8301

Respondent.

Case No. 200 2014 723

OAH No. 2015010547

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 June 17, 2015.

It is so ORDERED May 18, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
6 Facsimile: (213) 897-2804
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. 200 2014 723

11 **PAUL ANTHONY GABRINETTI**
12 **5525 Oakdale Avenue, #410**
Woodland Hills, CA 91364
13 **Marriage and Family Therapist License No.**
MFC 8301

OAH No. 2015010547
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 Respondent.

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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. Kim Madsen (Complainant) is the Executive Officer of the Board of Behavioral
21 Sciences. She brought this action solely in her official capacity and is represented in this matter
22 by Kamala D. Harris, Attorney General of the State of California, by M. Travis Peery, Deputy
23 Attorney General.

24 2. Respondent Paul Anthony Gabrinetti is represented in this proceeding by attorney A.
25 Steven Frankel, Ph.D., J.D., whose address is:
26 3527 Mount Diablo Boulevard, Suite 2690
27 Lafayette, CA 94549

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 200 2014 723.

4 10. Respondent agrees that his Marriage and Family Therapist License is subject to
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
6 Disciplinary Order below.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Board of Behavioral Sciences.
9 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
10 Behavioral Sciences may communicate directly with the Board regarding this stipulation and
11 settlement, without notice to or participation by Respondent or his counsel. By signing the
12 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
13 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
14 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
15 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
16 action between the parties, and the Board shall not be disqualified from further action by having
17 considered this matter.

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
20 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

21 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
26 writing executed by an authorized representative of each of the parties.

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1 and shall not practice until a new supervisor has been approved by the Board. All costs of the
2 supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per
3 week in individual face-to-face meetings. The supervisor shall not be the respondent's therapist.

4 **2. Education**

5 Respondent shall take and successfully complete the equivalency of two semester units in
6 the following areas: boundaries and/or transference. All course work shall be taken at the
7 graduate level at an accredited or approved educational institution that offers a qualifying degree
8 for licensure as a marriage and family therapist, clinical social worker, educational psychologist,
9 or professional clinical counselor or through a course approved by the Board. Classroom
10 attendance must be specifically required. Course content shall be pertinent to the violation and all
11 course work must be completed within one year from the effective date of this Decision.

12 Within 90 days of the effective date of the decision respondent shall submit a plan for prior
13 Board approval for meeting these educational requirements. All costs of the course work shall be
14 paid by the respondent. Units obtained for an approved course shall not be used for continuing
15 education units required for renewal of licensure.

16 **3. Obey All Laws**

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

25 **4. File Quarterly Reports**

26 Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the
27 "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury
28 whether he/she has been in compliance with all the conditions of probation. Notwithstanding any

1 provision for tolling of requirements of probation, during the cessation of practice respondent
2 shall continue to submit quarterly reports under penalty of perjury.

3 **5. Comply with Probation Program**

4 Respondent shall comply with the probation program established by the Board and
5 cooperate with representatives of the Board in its monitoring and investigation of the respondent's
6 compliance with the program.

7 **6. Comply with Board of Psychology Probation**

8 Respondent shall comply with all terms and conditions contained in the Decision and Order
9 in Case No. IF-2011-220530 before the Board of Psychology. (Decision and Order is attached as
10 Exhibit B and is incorporated herein by reference). If Respondent violates any term of the Board
11 of Psychology's Decision and Order it is deemed to be a violation of this stipulated settlement.

12 **7. Interviews with the Board**

13 Respondent shall appear in person for interviews with the Board or its designee upon
14 request at various intervals and with reasonable notice.

15 **8. Failure to Practice**

16 In the event respondent stops practicing in California, respondent shall notify the Board or
17 its designee in writing within 30 calendar days prior to the dates of non-practice and return to
18 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which
19 respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or
20 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this
21 condition, will not apply to the reduction of the probationary term and will relieve respondent of
22 the responsibility to comply with the probationary terms and conditions with the exception of this
23 condition and the following terms and conditions of probation: Obey All Laws; File Quarterly
24 Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost
25 Recovery. Respondent's license/registration shall be automatically cancelled if respondent's
26 period of non-practice total two years.

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1 **9. Change of Place of Employment or Place of Residence**

2 Respondent shall notify the Board or its designee in writing within 30 days of any change
3 of place of employment or place of residence. The written notice shall include the address, the
4 telephone number and the date of the change.

5 **10. Supervision of Unlicensed Persons**

6 While on probation, respondent shall not act as a supervisor for any hours of supervised
7 practice required for any license issued by the Board. Respondent shall terminate any such
8 supervisory relationship in existence on the effective date of this Decision.

9 **11. Notification to Clients**

10 Respondent shall notify all clients when any term or condition of probation will affect their
11 therapy or the confidentiality of their records, including but not limited to supervised practice,
12 suspension, or client population restriction. Such notification shall be signed by each client prior
13 to continuing or commencing treatment. Respondent shall submit, upon request by the Board or
14 its designee, satisfactory evidence of compliance with this term of probation.

15 **12. Notification to Employer**

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

22 **13. Violation of Probation**

23 If respondent violates the conditions of his/her probation, the Board, after giving respondent
24 notice and the opportunity to be heard, may set aside the stay order and impose the discipline
25 (revocation/suspension) of respondent's license [or registration] provided in the decision.

26 If during the period of probation, an accusation, petition to revoke probation, or statement
27 of issues has been filed against respondent's license [or registration] or application for licensure,
28 or the Attorney General's office has been requested to prepare such an accusation, petition to

1 revoke probation, or statement of issues, the probation period set forth in this decision shall be
2 automatically extended and shall not expire until the accusation, petition to revoke probation, or
3 statement of issues has been acted upon by the Board. Upon successful completion of probation,
4 respondent's license shall be fully restored.

5 **14. Maintain Valid License**

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

10 **15. License Surrender**

11 Following the effective date of this decision, if respondent ceases practicing due to
12 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of
13 probation, respondent may voluntarily request the surrender of his/her license to the Board. The
14 Board reserves the right to evaluate the respondent's request and to exercise its discretion whether
15 to grant the request or to take any other action deemed appropriate and reasonable under the
16 circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar
17 days deliver respondent's license and certificate and if applicable wall certificate to the Board or
18 its designee and respondent shall no longer engage in any practice for which a license is required.
19 Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms
20 and conditions of probation.

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

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16. Instruction of Course Work Qualifying for Continuing Education

Respondent shall not be an instructor of any course work for continuing education credit required by any license issued by the Board.

17. Notification to Referral Services

Respondent shall immediately send a copy of this decision to all referral services registered with the Board in which respondent is a participant. While on probation, respondent shall send a copy of this decision to all referral services registered with the Board that respondent seeks to join.

18. Reimbursement of Probation Program

Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period. Reimbursement costs shall be \$1,200.00 per year.

19. Cost Recovery

Respondent shall pay the Board \$1,509.11 as and for the reasonable costs of the investigation and prosecution of Case No. 200 2014 723. Respondent shall make such payments pursuant to a payment plan outlined by the Board. Respondent shall make the check or money order payable to the Board of Behavioral Sciences and shall indicate on the check or money order that it is the cost recovery payment for Case No. 200 2014 723. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment schedule, respondent shall be considered to be in violation of probation. A period of non-practice by respondent shall not relieve respondent of his or her obligation to reimburse the Board for its costs.

Cost recovery must be completed six months prior to the termination of probation. A payment plan authorized by the Board may be extended at the discretion of the Enforcement Manager based on good cause shown by the probationer.

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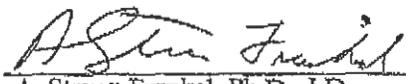
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, A. Steven Frankel, Ph.D., J.D.. I understand the stipulation and the effect it will have on my Marriage and Family Therapist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral Sciences.

DATED: 4/9/2015 
PAUL ANTHONY GABRINETTI
Respondent

I have read and fully discussed with Respondent Paul Anthony Gabrinetti the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

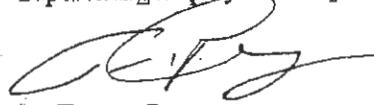
DATED: 4/9/15 
A. Steven Frankel, Ph.D., J.D.
Attorney for Respondent

ENDORSEMENT

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

Dated: 4-10-15

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General


M. TRAVIS PEERY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 200 2014 723

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
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. 200 2014 723

11 **PAUL ANTHONY GABRINETTI**
12 **5525 Oakdale Avenue, #410**
13 **Woodland Hills, CA 91364**

A C C U S A T I O N

14 **Marriage and Family Therapist License No.**
15 **MFC 8301**

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about September 27, 1976, the Board issued Marriage and Family Therapist
23 License Number MFC 8301 to Paul Anthony Gabrinetti (Respondent). The Marriage and Family
24 Therapist License was in full force and effect at all times relevant to the charges brought herein
25 and will expire on March 31, 2016, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following laws.

28 All section references are to the Business and Professions Code unless otherwise indicated.

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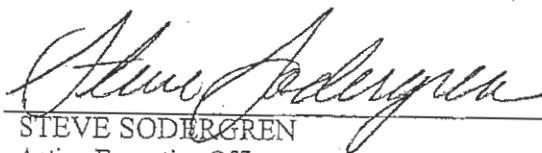
PRAYER

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 8301, issued to Paul Anthony Gabrinetti;
2. Ordering Paul Anthony Gabrinetti 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: _____

10/22/14



STEVE SODERGREN
Acting Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

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Exhibit B

Decision and Order in Board of Psychology Case No. IF-2011-220530

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

PAUL ANTHONY GABRINETTI, Ph.D.

5525 Oakdale Avenue, Suite 410
Woodland Hills, California 91364

Psychologist License Number PSY 9076

Respondent.

Case No. 1F-2011-220530

OAH No. 2013040768

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Psychology, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 11, 2014.

It is so ORDERED December 12, 2013

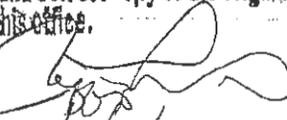


FOR THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
MICHAEL ERICKSON, PH.D., PRESIDENT

STATE OF CALIFORNIA, Board of Psychology,
I, Jeffrey Ingram, official custodian of the
records, do hereby certify that this document
is a true and correct copy of the original on
file with this office.

Signed

Dated


6/9/14

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 TAN N. TRAN
Deputy Attorney General
4 State Bar No. 197775
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6793
6 Facsimile: (213) 897-9395
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF PSYCHOLOGY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 PAUL ANTHONY GABRINETTI, Ph.D.
12 5525 Oakdale Avenue, Suite 410
13 Woodland Hills, California 91364
14 Psychologist License Number PSY 9076
15 Respondent.
16

Case No. 1F-2011-220530

OAH No. 2013040768

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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. Thomas S. O'Connor (Complainant) is the Interim Executive Officer of the Board of
22 Psychology (Board). He brought this action solely in his official capacity and is represented in
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Tan N. Tran,
24 Deputy Attorney General.

25 2. Respondent Paul Anthony Gabrinetti, Ph.D. (Respondent) is represented in this
26 proceeding by attorney A. Steven Frankel, Ph.D., J.D., whose address is: 3527 Mt. Diablo Blvd.,
27 #269, Lafayette, CA 94549.
28

1
STIPULATED SETTLEMENT (1F-2011-220530)

1 No. 1F-2011-220530, and that he has thereby subjected his Psychologist License No. PSY 9076
2 to disciplinary action.

3 10. Respondent agrees that his Psychologist License is subject to discipline and he agrees
4 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

5 RESERVATION

6 11. The admissions made by Respondent herein are only for the purposes of this
7 proceeding, or any other proceedings in which the Board of Psychology or other professional
8 licensing agency is involved, and shall not be admissible in any other criminal or civil
9 proceeding.

10 CONTINGENCY

11 12. This stipulation shall be subject to approval by the Board of Psychology. Respondent
12 understands and agrees that counsel for Complainant and the staff of the Board of Psychology
13 may communicate directly with the Board regarding this stipulation and settlement, without
14 notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent
15 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
16 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
17 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
18 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
19 and the Board shall not be disqualified from further action by having considered this matter.

20 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
22 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

23 14. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following
25 Disciplinary Order:

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1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Psychologist License No. PSY 9076 issued to Respondent
3 Paul Antony Gabrinetti, Ph.D. is revoked. However, the revocation is stayed and Respondent is
4 placed on probation for five (5) years on the following terms and conditions.

5 1. PSYCHOLOGICAL EVALUATION Within 90 days of the effective date of this
6 Decision and on a periodic basis thereafter as may be required by the Board or its designee,
7 respondent shall undergo a psychological evaluation (and psychological testing, if deemed
8 necessary) by a Board-appointed California-licensed psychologist. Respondent shall sign a
9 release which authorizes the evaluator to furnish the Board a current DSM IV diagnosis and a
10 written report regarding the respondent's judgment and/or ability to function independently as a
11 psychologist with safety to the public, and whatever other information the Board deems relevant
12 to the case. The completed evaluation is the sole property of the Board. The evaluation should
13 not be disclosed to anyone not authorized by the Board or by court order.

14 If the Board concludes from the results of the evaluation that respondent is unable to
15 practice independently and safely, respondent shall immediately cease accepting new patients
16 and, in accordance with professional standards, shall appropriately refer/terminate existing
17 patients within 30 days and shall not resume practice until a Board-appointed evaluator
18 determines that respondent is safe to practice. During this suspension period, probation will be
19 tolled and will not commence again until the suspension is concluded.

20 If ongoing psychotherapy is recommended in the psychological evaluation, the Board will
21 notify respondent in writing to submit to such therapy and to select a psychotherapist for approval
22 by the Board or its designee within 30 days of such notification. The therapist shall 1) be a
23 California-licensed psychologist with a clear and current license; 2) have no previous business,
24 professional, personal or other relationship with respondent; and 3) not be the same person as
25 respondent's practice monitor. Frequency of psychotherapy shall be determined upon
26 recommendation of the treating psychotherapist with approval by the Board or its designee;
27 however, psychotherapy shall, at a minimum, consist of one one-hour session per week.
28 Respondent shall continue psychotherapy until released by the approved psychologist and

1 approved by the Board or its designee. The Board or its designee may order a re-evaluation upon
2 receipt of the therapist's recommendation.

3 Respondent shall execute a release authorizing the therapist to provide to the Board any
4 information the Board or its designee deems appropriate, including quarterly reports of
5 respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the
6 therapist. If the therapist determines the respondent cannot continue to independently render
7 psychological services, with safety to the public, he/she shall notify the Board immediately.

8 Respondent shall pay all costs associated with the psychological evaluation and ongoing
9 psychotherapy. Failure to pay costs will be considered a violation of the probation order.

10 2. PRACTICE MONITOR Within 90 days of the effective date of this Decision,
11 respondent shall submit to the Board or its designee for prior approval, the name and
12 qualifications of a psychologist who has agreed to serve as a practice monitor. The monitor shall
13 1) be a California-licensed psychologist with a clear and current license; 2) have no prior
14 business, professional, personal or other relationship with respondent; and 3) not be the same
15 person as respondent's therapist. The monitor's education and experience shall be in the same
16 field of practice as that of the respondent.

17 Once approved, the monitor shall submit to the Board or its designee a plan by which
18 respondent's practice shall be monitored. Monitoring shall consist of a least one hour per week of
19 individual face to face meetings and shall continue during the entire probationary period. The
20 respondent shall provide the monitor with a copy of this Decision and access to respondent's
21 fiscal and/or patient records. Respondent shall obtain any necessary patient releases to enable the
22 monitor to review records and to make direct contact with patients. Respondent shall execute a
23 release authorizing the monitor to divulge any information that the Board may request. It shall be
24 respondent's responsibility to assure that the monitor submits written reports to the Board or its
25 designee on a quarterly basis verifying that monitoring has taken place and providing an
26 evaluation of respondent's performance.

27 Respondent shall notify all current and potential patients of any term or condition of
28 probation which will affect their therapy or the confidentiality of their records (such as this

1 condition which requires a practice monitor/billing monitor). Such notifications shall be signed
2 by each patient prior to continuing or commencing treatment.

3 If the monitor quits or is otherwise no longer available, respondent shall obtain approval
4 from the Board for a new monitor within 30 days. If no new monitor is approved within 30 days,
5 respondent shall not practice until a new monitor has been approved by the Board or its designee.
6 During this period of non-practice, probation will be tolled and will not commence again until the
7 period of non-practice is completed. Respondent shall pay all costs associated with this
8 monitoring requirement. Failure to pay these costs shall be considered a violation of probation.
9 The practice monitor is required for a minimum period of one year. Thereafter, the practice
10 monitoring requirement may be discontinued upon a written recommendation from said monitor
11 that monitoring of Respondent is no longer necessary.

12 3. EXAMINATION(S) Respondent shall take the CPLEE within 90 days of the
13 effective date of the decision. If respondent fails such examination, respondent shall immediately
14 cease accepting new patients and, in accordance with professional standards, shall appropriately
15 refer/terminate existing patients within 30 days and shall not resume practice until the re-
16 examination has been successfully passed, as evidenced by written notice to respondent from the
17 Board or its designee. During this period of non-practice, probation shall be tolled and will not
18 commence again until the suspension is completed. It is respondent's responsibility to contact the
19 Board in writing to make arrangements for such examination. Respondent shall pay the
20 established examination fee(s).

21 4. COURSEWORK Respondent shall take and successfully complete not less than
22 twenty (20) hours each year of probation. Type/Area of Coursework must be preapproved by the
23 Board or its designee. All coursework shall be taken at the graduate level at an accredited
24 educational institution or by an approved continuing education provider. Classroom attendance is
25 specifically required; correspondence or home study coursework shall not count toward meeting
26 this requirement. The coursework must be in addition to any continuing education courses that
27 may be required for license renewal.

28 Within 90 days of the effective date of this Decision, respondent shall submit to the Board

1 or its designee for its prior approval a plan for meeting the educational requirements. All costs of
2 the coursework shall be paid by the respondent.

3 5. ETHICS COURSE Within 90 days of the effective date of this Decision, respondent
4 shall submit to the Board or its designee for prior approval a course in laws and ethics as they
5 relate to the practice of psychology. Said course must be successfully completed at an accredited
6 educational institution or through a provider approved by the Board's accreditation agency for
7 continuing education credit. Said course must be taken and completed within one year from the
8 effective date of this Decision. The cost associated with the law and ethics course shall be paid
9 by the respondent.

10 6. PSYCHOTHERAPY Within 90 days of the effective date of this Decision, a
11 therapist shall be selected by the respondent for approval by the Board. The therapist shall 1) be a
12 California-licensed psychologist with a clear and current license; 2) have no previous business,
13 professional, personal, or other relationship with respondent; and 3) not be the same person as
14 respondent's monitor. Respondent shall furnish a copy of this Decision to the therapist.
15 Psychotherapy shall, at a minimum, consist of one hour per week over a period of 26 weeks after
16 which it may continue or terminate upon the written recommendation of the therapist with
17 approval by the Board or its designee. The Board or its designee may order a re-evaluation upon
18 receipt of the therapist's recommendation.

19 Respondent shall execute a release authorizing the therapist to provide to the Board or its
20 designee any information the Board deems appropriate, including quarterly reports of
21 respondent's therapeutic progress. It shall be respondent's responsibility to assure that the
22 required quarterly reports are filed by the therapist in a timely manner. If the therapist notifies the
23 Board that the therapist believes the respondent cannot continue to safely render psychological
24 services, respondent shall immediately cease accepting new patients and, in accordance with
25 professional standards, shall appropriately refer/terminate existing patients within 30 days and
26 shall not resume practice until a Board-appointed evaluator determines that respondent is again
27 safe to practice. During this period of non-practice, probation shall be tolled and will not
28 commence again until the period of non-practice is completed.

1 If, prior to the termination of probation, respondent is found not to be mentally fit to resume
2 the practice of psychology without restrictions, the Board shall retain continuing jurisdiction over
3 the respondent's license and the period of probation shall be extended until the Board or its
4 designee determines that the respondent is mentally fit to resume the practice of psychology
5 without restrictions.

6 Cost of psychotherapy is to be paid by the respondent.

7 7. INVESTIGATION/ENFORCEMENT COST RECOVERY Respondent shall pay
8 the Board its costs of investigation and enforcement in the amount of \$7,080.00 within the first
9 year of probation. Such costs shall be payable to the Board of Psychology and are to be paid
10 regardless of whether the probation is tolled. Failure to pay such costs shall be considered a
11 violation of probation.

12 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
13 repay investigation and enforcement costs.

14 8. PROBATION COSTS Respondent shall pay the costs associated with probation
15 monitoring each and every year of probation. Such costs shall be payable to the Board of
16 Psychology at the end of each fiscal year (June 30). Failure to pay such costs shall be considered
17 a violation of probation.

18 The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to
19 repay probation monitoring costs.

20 9. OBEY ALL LAWS Respondent shall obey all federal, state, and local laws and all
21 regulations governing the practice of psychology in California including the ethical guidelines of
22 the American Psychological Association. A full and detailed account of any and all violations of
23 law shall be reported by the respondent to the Board or its designee in writing within seventy-two
24 (72) hours of occurrence.

25 10. QUARTERLY REPORTS Respondent shall submit quarterly declarations under
26 penalty of perjury on forms provided by the Board or its designee, stating whether there has been
27 compliance with all the conditions of probation. Quarterly reports attesting to non-practice status
28 are to be submitted if probation is tolled.

1 11. PROBATION COMPLIANCE Respondent shall comply with the Board's probation
2 program and shall, upon reasonable notice, report to the Board of Psychology probation monitor.
3 Respondent shall contact the assigned probation monitor regarding any questions specific to the
4 probation order. Respondent shall not have any unsolicited or unapproved contact with 1)
5 complainants associated with the case; 2) Board members or members of its staff; or 3) persons
6 serving the Board as expert evaluators.

7 12. INTERVIEW WITH BOARD OR ITS DESIGNEE Respondent shall appear in
8 person for interviews with the Board or its designee upon request at various intervals and with
9 reasonable notice.

10 13. CHANGES OF EMPLOYMENT Respondent shall notify the Board in writing,
11 through the assigned probation monitor, of any and all changes of employment, location, and
12 address within 30 days of such change.

13 14. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-
14 STATE NON-PRACTICE In the event respondent should leave California to reside or to
15 practice outside the State, or for any reason should respondent stop practicing psychology
16 in California, respondent shall notify the Board or its designee in writing within ten days of
17 the dates of departure and return or the dates of non-practice within California. Non-
18 practice is defined as any period of time exceeding thirty days in which respondent is not
19 engaging in any activities defined in Sections 2902 and 2903 of the Business and
20 Professions Code. During periods of non-practice, the probationary period is tolled and
21 respondent's license or registration shall be placed on inactive status. The probationary
22 period will not commence again until respondent activates his or her license and resumes
23 practicing psychology in the state of California. However, the Board may require
24 respondent to complete certain terms of probation that are not associated with active
25 practice and respondent will be required to pay cost recovery and restitution as ordered.

26 15. EMPLOYMENT AND SUPERVISION OF TRAINEES If respondent is licensed as
27 a psychologist, he/she shall not employ or supervise or apply to employ or supervise
28 psychological assistants, interns or trainees during the course of this probation. Any such

1 supervisory relationship in existence on the effective date of this probation shall be terminated
2 by respondent and/or the Board.

3 16. FUTURE REGISTRATION OR LICENSURE If respondent is registered as a
4 psychological assistant or registered psychologist and subsequently obtains other psychological
5 assistant or registered psychologist registrations or becomes licensed as a psychologist during the
6 course of this probationary order, this Decision shall remain in full force and effect until the
7 probationary period is successfully terminated. Future registrations or licensure shall not be
8 approved, however, until respondent is currently in compliance with all of the terms and
9 conditions of probation.

10 17. VIOLATION OF PROBATION If respondent violates probation in any respect, the
11 Board may, after giving respondent notice and the opportunity to be heard, revoke probation and
12 carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation
13 is filed against respondent during probation, the Board shall have continuing jurisdiction until the
14 matter is final, and the period of probation shall be extended until the matter is final. No Petition
15 for Modification or Termination of Probation shall be considered while there is an Accusation or
16 Petition to Revoke Probation pending against respondent.

17 18. COMPLETION OF PROBATION Upon successful completion of probation,
18 respondent's license shall be fully restored.

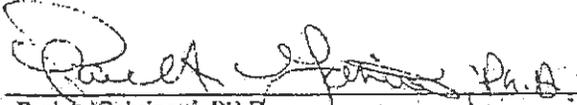
19 19. LICENSE SURRENDER. Following the effective date of this Decision, if
20 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
21 the terms and conditions of probation, Respondent may request to surrender his or her license.
22 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
23 determining whether or not to grant the request, or to take any other action deemed appropriate
24 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
25 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
26 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
27 to the terms and conditions of probation. If Respondent re-applies for a psychologist license, the
28 application shall be treated as a petition for reinstatement of a revoked certificate.

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ACCEPTANCE

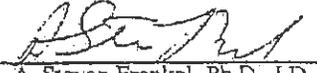
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, A. Steven Frankel, Ph.D., J.D.. I understand the stipulation and the effect it will have on my Psychologist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Psychology.

DATED: 12/6/2013


Paul A. Gabrinetti, Ph.D.
Respondent

I have read and fully discussed with Respondent Paul A. Gabrinetti, Ph.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 12/6/13


A. Steven Frankel, Ph.D., J.D.
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 Psychology of the Department of Consumer Affairs.

Dated: 12/6/13

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ROBERT MCKIM BELL
Supervising Deputy Attorney General



TAN N. TRAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 1F-2011-220530

AG-DISC - 00016

1 KAMALA D. HARRIS
Attorney General of California
2 ROBERT MCKIM BELL
Supervising Deputy Attorney General
3 TAN N. TRAN
Deputy Attorney General
4 State Bar No. 197775
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7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO 3/20/13
BY Juan A. Torres

8
9 BEFORE THE
10 BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. IF-2011-220530

13 PAUL ANTHONY GABRINETTI, Ph.D.

ACCUSATION

14 5525 Oakdale Avenue, Suite 410
15 Woodland Hills, California 91364

16 Psychologist License Number PSY 9076,

17 Respondent.

18
19 Complainant alleges:
20

21 PARTIES

22 1. Robert L. Kahane, J.D. (Complainant) brings this Accusation solely in his official
23 capacity as the Executive Officer of the California Board of Psychology (Board).

24 2. On or about July 29, 1985, the Board issued Psychologist License number PSY 9076
25 to Paul Anthony Gabrinetti, Ph.D. (Respondent). That license was in full force and effect at all
26 times relevant to the charges brought herein and will expire on May 31, 2013, unless renewed.

27 //

28

JURISDICTION

1
2 3. This Accusation is brought before the Board of Psychology (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code unless otherwise indicated.

5 4. Section 2960 of the Code states:

6 "The board may refuse to issue any registration or license, or may issue a
7 registration or license with terms and conditions, or may suspend or revoke the
8 registration or license of any registrant or licensee if the applicant, registrant, or licensee
9 has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not
10 be limited to:

11 "....

12 "(h) Willful, unauthorized communication of information received in professional
13 confidence.

14 "(i) Violating any rule of professional conduct promulgated by the board and set
15 forth in regulations duly adopted under this chapter.

16 "(j) Being grossly negligent in the practice of his or her profession.

17 "...

18 "(n) The commission of any dishonest, corrupt, or fraudulent act.

19 "(o) Any act of sexual abuse, or sexual relations with a patient or former patient
20 within two years following termination of therapy, or sexual misconduct that is
21 substantially related to the qualifications, functions or duties of a psychologist or
22 psychological assistant or registered psychologist.

23 "...

24 "(r) Repeated acts of negligence.

25 5. Section 2964.6 of the Code provides that, if an administrative disciplinary
26 decision imposes terms of probation, such terms may include, among other things, a
27 requirement that the licensee who is being placed on probation pay the monetary costs
28

1 associated with monitoring the probation.

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

6 FIRST CAUSE FOR DISCIPLINE

7 (Gross Negligence)

8 7. Respondent is subject to disciplinary action under Code section 2960(j), in that he
9 was grossly negligent in the practice of his profession. The facts and circumstances are as
10 follows:

11 8. Respondent was M.T.'s psychologist and treated M.T. for depression, inability to
12 function adequately, marital problems, anxiety and self-esteem issues from about November 2005
13 through August 2008.¹ M.T. claims that during this time period, Respondent would often hold
14 her hand in session, hugged her, told her that she was special compared to other patients, and that
15 he felt intensely about her in and out of sessions. The formal psychologist-patient relationship
16 between Respondent and M.T. terminated in August 2008.

17 9. Despite this termination, the relationship between Respondent and M.T. continued
18 on a social/collegial basis beginning around October 2008 and extended almost three years
19 thereafter, during which time both Respondent and M.T. would meet in coffee shops, parks, in
20 Respondent's office, in M.T.'s office. After the psychologist-patient relationship between
21 Respondent and M.T. terminated in August 2008, Respondent and M.T. also continued to
22 exchange telephonic and email communications, and they even attended therapy sessions
23 together.

24 10. For example, in June 2010, Respondent and M.T. met with Richard Baker, M.D.
25 In Dr. Baker's treatment summary, he states that Respondent and M.T. sought treatment due to
26

27 ¹ The Respondent has stated that the initial consultation was in relation to bringing "closure" between M.T.
28 and her previous therapist.

1 "unresolved issues that got in the way" of their relationship post-therapy. Dr. Baker also states
2 that Respondent did not understand the power differential that was evoked by him appreciating
3 M.T. M.T. also had one individual session with Dr. Baker to clarify what had transpired during
4 and after the joint session.

5 11. In January 2011, Respondent and M.T. also had a session with Morris Eagle,
6 Ph.D. Dr. Eagle stated that he was aware that both Respondent and M.T. were his patients, and
7 that the purpose of the session was to "clarify the nature of [Respondent's and M.T.'s]
8 relationship."

9 12. In March 2011, Respondent and M.T. had two sessions with Wendy Gregson,
10 MFT, in order to address unresolved issues M.T. had had with Respondent. Dr. Gregson stated in
11 her summary that Respondent admitted that he had held hands with M.T. and had acted on his
12 feelings of attraction towards M.T. while Respondent and M.T. were in a doctor-patient
13 relationship.

14 13. Respondent was grossly negligent in the practice of his profession for stepping out
15 of his professional role and confusing M.T. about the nature of their relationship, specifically for
16 seeing M.T. on a social basis outside of the office after the therapeutic relationship was
17 terminated.

18 SECOND CAUSE FOR DISCIPLINE

19 (Repeated Acts of Negligence)

20 14. By reason of the matters set forth above in paragraphs 6 through 9, Respondent is
21 subject to disciplinary action under Code section 2960(r), for repeated acts of negligence in the
22 practice of his profession. The facts and circumstances alleged in paragraphs 8-13 are
23 incorporated as though set forth fully.

24 THIRD CAUSE FOR DISCIPLINE

25 (Violation of Rules of Professional Conduct)

26 15. Respondent is subject to disciplinary action under Code section 2960(i), in that he
27 violated a rule of professional conduct promulgated by the Board. The facts and circumstances
28

1 alleged in paragraphs 8-13 are incorporated as though set forth fully. Additional facts and
2 circumstances are as follows:

3 A. The applicable standards of conduct for psychologists at the time in
4 question was that a psychologist take reasonable steps to avoid harming their
5 clients/patients and to minimize harm where it is foreseeable and avoidable. (APA Ethical
6 Principles of Psychologists and Code of Conduct 3.04 - Avoiding Harm). APA codes
7 3.05 (Multiple Relationships) and 3.08 (Exploitative Relationships).

8 B. Respondent violated APA Ethics code section 3.04, in that he stepped out
9 of his professional role and confused M.T. about the nature of their relationship,
10 specifically for seeing M.T. on a social basis outside of the office after the therapeutic
11 relationship was terminated, especially when M.T. had issues with her previous therapist
12 regarding "closure" issues. In so doing, Respondent also violated APA code sections 3.05
13 and 3.08, which prohibits multiple/dual relationships and/or exploitative relationships.

14 C. Respondent also violated APA Ethics code sections 6.01 (Documentation
15 of professional and scientific work and maintenance of records), and 6.02 (Maintenance,
16 dissemination, and disposal of confidential records of professional and scientific work).
17 The circumstances are as follows:

18 D. When M.T. requested her medical records, Respondent claims he could not
19 produce them due to water damage. Per Respondent, he moved his personal residence and
20 a box of files from his office to a public storage facility. He states this was the first time
21 he had a storage unit and the first time he had moved records out of his office. He further
22 states that he left one box of confidential patient information outside and unattended while
23 he was moving articles from his personal residence. From Respondent's account, a
24 rainstorm happened in the 30 minutes that he was gone and water poured into the
25 unattended records. Respondent did not contact a records restoration service. He did not
26 call his malpractice agency to discuss the loss of these records, nor did he contact patients
27 to indicate that records had been lost, nor did he document which records were lost.
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Psychologist's License Number PSY 9076 issued to Paul Gabrinetti, Ph.D.;
2. Ordering him to pay the reasonable costs of the investigation and enforcement of this case, and, if placed on probation, the costs of probation monitoring;
3. Taking such other and further action as deemed necessary and proper.

DATED: March 20, 2013



ROBERT I. KAHANE, J.D.
Executive Officer
California Board of Psychology

Complainant

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