

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

In the Matter of the Accusation Against:

GLYNIS JOYCE SAMB
800 Fulton Way
El Sobrante, CA 94803

Licensed Clinical Social Worker License No.
LCS 20936

Respondent.

CASE No. LC-2013-1849

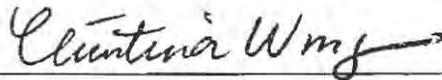
OAH No. 2014090108

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 11, 2015.

It is so ORDERED February 9, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 NICHOLAS TSUKAMAKI
Deputy Attorney General
4 State Bar No. 253959
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1188
6 Facsimile: (415) 703-5480
E-mail: Nicholas.Tsukamaki@doj.ca.gov
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **GLYNIS JOYCE SAMB**
13 **800 Fulton Way**
El Sobrante, CA 94803

14 **Licensed Clinical Social Worker License No.**
15 **LCS 20936**

16 Respondent.

Case No. LC-2013-1849

OAH No. 2014090108

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

25 2. Respondent Glynis Joyce Samb (Respondent) is represented in this proceeding by
26 attorney Wally Hesselstine, whose address is: 3445 Golden Gate Way, Lafayette, CA 94549.

27 ///

28

1 shall execute a Release of Information authorizing the therapist to divulge information to the
2 Board.

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

10 2. Supervised Practice

11 Within 30 days of the effective date of this decision, Respondent shall submit to the Board
12 or its designee, for its prior approval, the name and qualifications of one or more proposed
13 supervisors and a plan by each supervisor. The supervisor shall be a current California licensed
14 practitioner in Respondent's field of practice, who shall submit written reports to the Board or its
15 designee on a quarterly basis verifying that supervision has taken place as required and including
16 an evaluation of Respondent's performance. The supervisor shall be independent, with no prior
17 business, professional or personal relationship with Respondent.

18 If Respondent is unable to secure a supervisor in his or her field of practice due to the
19 unavailability of mental health care professionals in the area, then the Board may consider the
20 following options for satisfying this probationary term:

- 21 (1) Permitting Respondent to receive supervision via videoconferencing; or,
- 22 (2) Permitting Respondent to secure a supervisor not in Respondent's field of practice.

23 The forgoing options shall be considered and exhausted by the Board in the order listed
24 above. The Board may require that Respondent provide written documentation of her good faith
25 attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a
26 mental health professional that is licensed in Respondent's field of practice.

27 Failure to file the required reports in a timely fashion shall be a violation of probation.
28 Respondent shall give the supervisor access to Respondent's fiscal and client records.

1 Supervision obtained from a probation supervisor shall not be used as experience gained toward
2 licensure.

3 If the supervisor is no longer available, Respondent shall notify the Board within 15 days
4 and shall not practice until a new supervisor has been approved by the Board. All costs of the
5 supervision shall be borne by Respondent. Supervision shall consist of at least one (1) hour per
6 week in individual face to face meetings. The supervisor shall not be Respondent's therapist.

7 **3. Education**

8 Respondent shall take and successfully complete the equivalent of two (2) semester units in
9 each of the following areas: alcohol awareness/substance abuse. All course work shall be taken at
10 the graduate level at an accredited or approved educational institution that offers a qualifying
11 degree for licensure as a marriage and family therapist, clinical social worker, educational
12 psychologist, or professional clinical counselor or through a course approved by the Board.
13 Classroom attendance must be specifically required. Course content shall be pertinent to the
14 violation and all course work must be completed within one year from the effective date of this
15 Decision.

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

20 **4. Abstain from Controlled Substances / Submit to Biological Fluid Testing and**
21 **Samples**

22 Respondent shall completely abstain from the use or possession of controlled or illegal
23 substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

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

28 ///

1 **5. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples**

2 Respondent shall completely abstain from the use of alcoholic beverages during the period
3 of probation.

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

8 **6. Attend Dependency Support Program**

9 Respondent shall attend a dependency support program approved by the Board no less than
10 two (2) times per week. Respondent shall provide proof of attendance at said program with each
11 quarterly report that Respondent submits during the period of probation. Failure to attend, or to
12 show proof of such attendance, shall constitute a violation of probation.

13 **7. Obey All Laws**

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

22 **8. File Quarterly Reports**

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

28 ///

1 **9. Comply with Probation Program**

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

5 **10. Interviews with the Board**

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

8 **11. Failure to Practice**

9 In the event Respondent stops practicing in California, Respondent shall notify the Board or
10 its designee in writing within 30 calendar days prior to the dates of non-practice and return to
11 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which
12 Respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or
13 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this
14 condition, will not apply to the reduction of the probationary term and will relieve Respondent of
15 the responsibility to comply with the probationary terms and conditions with the exception of this
16 condition and the following terms and conditions of probation: Obey All Laws; File Quarterly
17 Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost
18 Recovery. Respondent's license shall be automatically cancelled if Respondent's period of non-
19 practice totals two years.

20 **12. Change of Place of Employment or Place of Residence**

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

24 **13. Supervision of Unlicensed Persons**

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

28 ///

1 **14. Notification to Clients**

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

7 **15. Notification to Employer**

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

14 **16. Violation of Probation**

15 If Respondent violates the conditions of her probation, the Board, after giving Respondent
16 notice and the opportunity to be heard, may set aside the stay order and impose the discipline
17 (revocation/suspension) of Respondent's license provided in the decision.

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

25 **17. Maintain Valid License**

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

1 license shall be subject to any and all terms of this probation not previously satisfied.

2 **18. License Surrender**

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

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

20 **19. Instruction of Coursework Qualifying for Continuing Education**

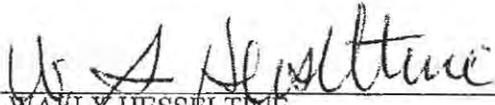
21 Respondent shall not be an instructor of any coursework for continuing education credit
22 required by any license issued by the Board.

23 **20. Notification to Referral Services**

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

28 ///

1 I have read and fully discussed with Respondent Glynis Joyce Samb the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
3 I approve its form and content.

4
5 DATED: 1-13-15 
6 WALLY HESSELTINE
7 Attorney for Respondent

8 ENDORSEMENT

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

11 Dated: *January 13, 2015*

12 Respectfully submitted,
13 KAMALA D. HARRIS
14 Attorney General of California
15 JOSHUA A. ROOM
16 Supervising Deputy Attorney General
17 
18 NICHOLAS TSUKAMAKI
19 Deputy Attorney General
20 *Attorneys for Complainant*

21 SF2014408795
22 41153779.doc

Exhibit A

Accusation No. LC-2013-1849

1 KAMALA D. HARRIS
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 NICHOLAS TSUKAMAKI
Deputy Attorney General
4 State Bar No. 253959
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1188
6 Facsimile: (415) 703-5480
E-mail: Nicholas.Tsukamaki@doj.ca.gov
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-2013-1849

13 **GLYNIS JOYCE SAMB**
800 Fulton Way
El Sobrante, CA 94803

ACCUSATION

14 **Licensed Clinical Social Worker License No.**
15 **LCS 20936**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about September 18, 2002, the Board of Behavioral Sciences issued Licensed
23 Clinical Social Worker License Number LCS 20936 to Glynis Joyce Samb (Respondent). The
24 Licensed Clinical Social Worker License was in full force and effect at all times relevant to the
25 charges brought herein and will expire on July 30, 2016, unless renewed.

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9

JURISDICTION

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

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

STATUTORY PROVISIONS

5. Section 4996.11 of the Code states that “[t]he board may suspend or revoke the license of any person who is guilty on the grounds set forth in Section 4992.3. The proceedings for the suspension or revocation of licenses under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted in that chapter.”

6. Section 4992.3 of the Code states, in relevant part:

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

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

“(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter is a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction

1 has been 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 the Penal Code
3 allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the
4 verdict of guilty, or dismissing the accusation, information, or indictment.

5 . . .

6 “(c) Administering to himself or herself any controlled substance or using any of the
7 dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner,
8 as to be dangerous or injurious to the person applying for a registration or license or holding a
9 registration or license under this chapter, or to any other person, or to the public, or, to the extent
10 that the use impairs the ability of the person applying for or holding a registration or license to
11 conduct with safety to the public the practice authorized by the registration or license. The board
12 shall deny an application for a registration or license or revoke the license or registration of any
13 person who uses or offers to use drugs in the course of performing clinical social work. This
14 provision does not apply to any person also licensed as a physician and surgeon under Chapter 5
15 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a
16 patient under his or her care.

17 . . .”

18 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
19 revoke a license on the ground that the licensee has been convicted of a crime substantially
20 related to the qualifications, functions, or duties of the business or profession for which the
21 license was issued.

22 COSTS

23 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
27 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
28 included in a stipulated settlement.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Conviction)**

3 9. Respondent is subject to disciplinary action under sections 4996.11, 4992.3,
4 subdivision (a), and/or 490 of the Code in that on or about November 13, 2013, in a criminal
5 proceeding entitled *People v. Glynis Joyce Samb*, Case Number 02-314349-2, in Contra Costa
6 County Superior Court, Respondent was convicted by her plea of nolo contendere of violating
7 Vehicle Code section 23152, subdivision (b) (driving while having a 0.08 or higher blood alcohol
8 level), a misdemeanor. Imposition of sentence was suspended and Respondent was ordered to
9 serve four (4) years probation and pay a fine. The circumstances of Respondent's conviction are
10 as follows:

11 a. On or about May 21, 2013, Respondent, while returning home from work, drove her
12 vehicle into the driveway of a home in El Sobrante, California. Police officers responded to the
13 scene and found Respondent to be disoriented. When asked how she ended up in the driveway,
14 Respondent told one of the officers that she did not know. Upon observing that Respondent had
15 bloodshot eyes, that her speech was slurred, and that there was a strong odor of an alcoholic
16 beverage on Respondent's breath, one of the officers requested that Respondent perform a series
17 of field sobriety tests. Respondent was unable to stand without leaning against her vehicle, and
18 was only able to perform the preliminary alcohol screening test. Respondent was then arrested
19 and transported to the Martinez Detention Facility. While at the Facility, Respondent was
20 administered a breath test, the results of which indicated that Respondent's blood alcohol level
21 was 0.12.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Use of Alcohol in a Dangerous Manner)**

24 10. Respondent is subject to disciplinary action under sections 4996.11 and 4992.3,
25 subdivision (c) of the Code in that Respondent used alcohol in a dangerous manner. The
26 circumstances of Respondent's conduct are as follows:

27 a. On or about May 21, 2013, Respondent, while returning home from work, drove her
28 vehicle into the driveway of a home in El Sobrante, California. Police officers responded to the

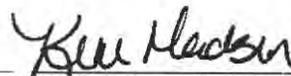
1 scene and found Respondent to be disoriented. When asked how she ended up in the driveway,
2 Respondent told one of the officers that she did not know. Upon observing that Respondent had
3 bloodshot eyes, that her speech was slurred, and that there was a strong odor of an alcoholic
4 beverage on Respondent's breath, one of the officers requested that Respondent perform a series
5 of field sobriety tests. Respondent was unable to stand without leaning against her vehicle, and
6 was only able to perform the preliminary alcohol screening test. Respondent was then arrested
7 and transported to the Martinez Detention Facility. While at the Facility, Respondent was
8 administered a breath test, the results of which indicated that Respondent's blood alcohol level
9 was 0.12.

10 **PRAYER**

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

- 13 1. Revoking or suspending Licensed Clinical Social Worker License Number LCS
14 20936 issued to Glynis Joyce Samb;
- 15 2. Ordering Glynis Joyce Samb to pay the Board of Behavioral Sciences the reasonable
16 costs of the investigation and enforcement of this case pursuant to Business and Professions Code
17 section 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.

19
20
21 DATED: August 13, 2014



22 KIM MADSEN
23 Executive Officer
24 Board of Behavioral Sciences
25 Department of Consumer Affairs
26 State of California
27 Complainant

25 SF2014408795
26 41016042.docx