

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

In the Matter of the Accusation Against:

Case No. 200-2014-000323

KATHARINE W. O'DONNELL
101 Kinross Drive, Apt. 2
Walnut Creek, CA 94598-2132

Associate Clinical Social Worker
Registration No. ASW 59584

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of Registration and Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 18, 2015.

It is so ORDERED November 18, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
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4 State Bar No. 226937
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703-5480
7 *Attorneys for Complainant*

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. 200-2014-000323

12 **KATHARINE W. O'DONNELL**
13 **101 Kinross Drive, Apt. 2**
Walnut Creek, CA 94598-2132

**STIPULATED SURRENDER OF
REGISTRATION AND ORDER**

14 **Associate Clinical Social Worker**
15 **Registration No. ASW 59584**

16 Respondent.

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 (Board). She brought this action solely in her official capacity and is represented in this
22 matter by Kamala D. Harris, Attorney General of the State of California, by Justin R. Surber,
23 Deputy Attorney General.

24 2. On or about October 24, 2013, the Board issued Associate Clinical Social Worker
25 Registration No. ASW 59584 to Katharine W. O'Donnell (Respondent). The Associate Clinical
26 Social Worker Registration will expire on October 31, 2015, unless renewed.

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1 Registration and Order, if accepted by the Board, is considered formal discipline against her
2 registration.

3 8. Respondent understands that by signing this Stipulated Surrender of Registration and
4 Order, she enables the Board to accept the surrender of her registration without further process.

5 CONTINGENCY

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

15 10. The parties understand and agree that Portable Document Format (PDF) and facsimile
16 copies of this Stipulated Surrender of Registration and Order, including Portable Document
17 Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the
18 originals.

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

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

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ORDER

IT IS HEREBY ORDERED that Associate Clinical Social Worker Registration No. ASW 59584, issued to Respondent Katharine W. O'Donnell (Respondent), is surrendered and accepted by the Board of Behavioral Sciences.

1. The surrender of Respondent's Associate Clinical Social Worker Registration and the acceptance of the surrendered registration by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's registration history with the Board.

2. Respondent shall lose all rights and privileges as a Associate Clinical Social Worker in California as of the effective date of the Board's Decision and Order.

3. If Respondent ever files an application with the Board for registration or licensure, Respondent must meet all current requirements including, but not limited to, filing a current application, meeting all current educational and experience requirements, and taking and passing any and all examinations required of new applicants.

4. Respondent shall not apply for registration or licensure for three (3) years from the effective date of the Board's Decision and Order.

5. Respondent further understands and agrees that the Board's adoption of her registration surrender precludes her from petitioning the Board for reinstatement of the surrendered registration.

6. Respondent understands that should she ever apply for registration or licensure as a Licensed Marriage and Family Therapist, Licensed Clinical Social Worker or any other registration or license issued by the Board or by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 200-2014-000323 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny such application or reapplication.

7. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$855.00 prior to issuance of a new registration or license.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of Registration and Order. I understand the stipulation and the effect it will have on my Associate Clinical Social Worker Registration. I enter into this Stipulated Surrender of Registration and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral Sciences.

DATED: 10/21/15 _____ 
KATHARINE W. O'DONNELL
Respondent

I have read and fully discussed with Respondent Katharine W. O'Donnell the terms and conditions and other matters contained in this Stipulated Surrender of Registration and Order. I approve its form and content.

DATED: 10/26/15 _____ 
DAVID J. BRIGGS
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of Registration and Order is hereby respectfully submitted for consideration by the Board of Behavioral Sciences of the Department of Consumer Affairs.

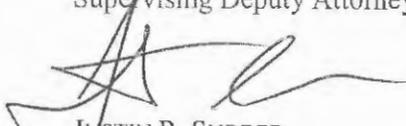
Dated: 10/29/15 _____
Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General

JUSTIN R. SURBER
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Decision and Order in Case No. 200-2014-000323

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

In the Matter of the Accusation Against:

Case No. 200-2014-000323

KATHARINE W. O'DONNELL
6925 Chabot Road
Oakland, CA 94618
Associate Clinical Social Worker
Registration No. ASW 59584

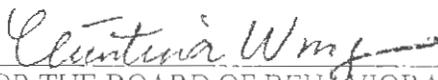
Respondent.

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 August 27, 2015.

It is so ORDERED July 28, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 'KAMALA D. HARRIS
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2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
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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. 200-2014-000323

11 **KATHARINE W. O'DONNELL**
12 6925 Chabot Road
Oakland, CA 94618
13 Associate Clinical Social Worker
Registration No. ASW 59584

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.

15
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 Justin R. Surber, Deputy
23 Attorney General.

24 2. Respondent Katharine W. O'Donnell ("Respondent") is represented in this proceeding
25 by attorney David J. Briggs, Esq., whose address is: 910 Court Street
26 Martinez, CA 94553

27 3. On or about October 24, 2013, the Board of Behavioral Sciences issued Associate
28 Clinical Social Worker Registration No. ASW 59584 to Katharine W. O'Donnell (Respondent).

1 The Associate Clinical Social Worker Registration expired on October 31, 2014, and has not been
2 renewed.

3 JURISDICTION

4 4. Accusation No. 200-2014-000323 was filed before the Board of Behavioral Sciences
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 January 27, 2015. Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 200-2014-000323 is attached as exhibit A and incorporated
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 200-2014-000323. Respondent has also carefully read,
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

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

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 200-2014-000323.

DISCIPLINARY ORDER

1
2 IT IS HEREBY ORDERED that Associate Clinical Social Worker Registration No. ASW
3 59584 issued to Respondent Katharine W. O'Donnell (Respondent) is revoked. However, the
4 revocation is stayed and Respondent is placed on probation for five (5) years on the following
5 terms and conditions. Probation shall continue on the same terms and conditions if respondent is
6 granted another registration or license regulated by the Board.

7 **1. Psychological / Psychiatric Evaluation**

8 Within 90 days of the effective date of this decision, and on a periodic basis thereafter as
9 may be required by the Board or its designee, respondent shall complete a psychological or
10 psychiatric evaluation by such licensed psychologists or psychiatrists as are appointed by the
11 Board. The cost of such evaluation shall be borne by respondent. Failure to pay for the report in
12 a timely fashion constitutes a violation of probation.

13 Such evaluator shall furnish a written report to the Board or its designee regarding
14 respondent's judgment and ability to function independently and safely as a counselor and such
15 other information as the Board may require. Respondent shall execute a Release of Information
16 authorizing the evaluator to release all information to the Board. Respondent shall comply with
17 the recommendations of the evaluator.

18 Note: If supervised practice is not part of the order, and the evaluator finds the need for
19 supervised practice, then the following term shall be added to the disciplinary order. If a
20 psychological or psychiatric evaluation indicates a need for supervised practice, (within 30 days
21 of notification by the Board), respondent shall submit to the Board or its designee, for its prior
22 approval, the name and qualification of one or more proposed supervisors and a plan by each
23 supervisor by which the respondent's practice will be supervised.

24 If respondent is determined to be unable to practice independently and safely, upon
25 notification, respondent shall immediately cease practice and shall not resume practice until
26 notified by the Board or its designee. Respondent shall not engage in any practice for which a
27 license issued by the Board is required, until the Board or its designee has notified the respondent
28 of its determination that respondent may resume practice.

1 2. **Psychotherapy**

2 Respondent shall participate in ongoing psychotherapy with a California licensed mental
3 health professional who has been approved by the Board. Within 15 days of the effective date of
4 this decision, respondent shall submit to the Board or its designee for its prior approval the name
5 and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a
6 valid California license to practice and shall have had no prior business, professional, or personal
7 relationship with respondent, and shall not be the respondent's supervisor. Counseling shall be at
8 least once a week unless otherwise determined by the Board. Respondent shall continue in such
9 therapy at the Board's discretion. Cost of such therapy is to be borne by respondent.

10 Respondent may, after receiving the Board's written permission, receive therapy via
11 videoconferencing if respondent's good faith attempts to secure face-to-face counseling are
12 unsuccessful due to the unavailability of qualified mental health care professionals in the area.
13 The Board may require that respondent provide written documentation of his or her good faith
14 attempts to secure counseling via videoconferencing.

15 Respondent shall provide the therapist with a copy of the Board's decision no later than the
16 first counseling session. Upon approval by the Board, respondent shall undergo and continue
17 treatment until the Board or its designee determines that no further psychotherapy is necessary.

18 Respondent shall take all necessary steps to ensure that the treating psychotherapist submits
19 quarterly written reports to the Board concerning respondent's fitness to practice, progress in
20 treatment, and to provide such other information as may be required by the Board. Respondent
21 shall execute a Release of Information authorizing the therapist to divulge information to the
22 Board.

23 If the treating psychotherapist finds that respondent cannot practice safely or independently,
24 the psychotherapist shall notify the Board within three (3) working days. Upon notification by
25 the Board, respondent shall immediately cease practice and shall not resume practice until
26 notified by the Board or its designee that respondent may do so. Respondent shall not thereafter
27 engage in any practice for which a license issued by the Board is required until the Board or its
28 designee has notified respondent that he/she may resume practice. Respondent shall document

1 compliance with this condition in the manner required by the Board.

2 **3. Education**

3 Respondent shall take and successfully complete the equivalency of 2 semester units in
4 alcohol and substance abuse. All course work shall be taken at the graduate level at an accredited
5 or approved educational institution that offers a qualifying degree for licensure as a marriage and
6 family therapist, clinical social worker, educational psychologist, or professional clinical
7 counselor or through a course approved by the Board. Classroom attendance must be specifically
8 required. Course content shall be pertinent to the violation and all course work must be completed
9 within one year from the effective date of this Decision.

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

14 **4. Relapse Prevention Program**

15 Within fifteen (15) days from the effective date of the decision, Respondent shall submit to
16 the Board or its designee for prior approval the name of one or more program(s) for relapse
17 prevention. Respondent shall enter a relapse prevention program within fifteen (15) days after
18 notification of the Board's approval of such program. Respondent shall successfully complete
19 such treatment contract as may be recommended by the program and approved by the Board or its
20 designee. Respondent shall submit proof satisfactory to the Board or its designee of compliance
21 with this term of probation. Respondent shall sign a release allowing the program to release to the
22 Board all information the Board deems relevant. The Respondent shall take all necessary steps to
23 ensure that the relapse prevention program submits quarterly written reports to the Board
24 addressing the Respondent's treatment and progress in the program.

25 Components of the treatment contract shall be relevant to the violation and to the
26 Respondent's current status in recovery or rehabilitation. The components may include, but are
27 not limited to: restrictions on practice and work setting, random biological fluid testing,
28 abstention from drugs and alcohol, use of worksite monitors, participation in chemical

1 dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric evaluations
2 and other appropriate relapse prevention program(s). All costs of participating in the program(s)
3 shall be borne by Respondent.

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

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

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

12 **6. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples**

13 Respondent shall completely abstain from the use of alcoholic beverages during the period
14 of probation.

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

19 **7. Attend Dependency Support Program.**

20 Respondent shall attend a dependency support program approved by the Board no less than
21 2 times per week. Respondent shall provide proof of attendance at said program with each
22 quarterly report that Respondent submits during the period of probation. Failure to attend, or to
23 show proof of such attendance, shall constitute a violation of probation.

24 **8. Obey All Laws**

25 Respondent shall obey all federal, state and local laws, all statutes and regulations
26 governing the licensee, and remain in full compliance with any court ordered criminal probation,
27 payments and other orders. A full and detailed account of any and all violations of law shall be
28 reported by the respondent to the Board or its designee in writing within seventy-two (72) hours

1 of occurrence. To permit monitoring of compliance with this term, respondent shall submit
2 fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days
3 of the effective date of the decision, unless previously submitted as part of the licensure
4 application process. Respondent shall pay the cost associated with the fingerprint process.

5 **9. File Quarterly Reports**

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

11 **10. Comply with Probation Program**

12 Respondent shall comply with the probation program established by the Board and
13 cooperate with representatives of the Board in its monitoring and investigation of the respondent's
14 compliance with the program.

15 **11. Interviews with the Board**

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

18 **12. Failure to Practice**

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

1 period of non-practice total two years.

2 **13. Change of Place of Employment or Place of Residence**

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

6 **14. Supervision of Unlicensed Persons**

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

10 **15. Notification to Clients**

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

16 **16. Notification to Employer**

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

23 **17. Violation of Probation**

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

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

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

6 **18. Maintain Valid License**

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

12 **19. License Surrender**

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

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

1 passing any and all examinations required of new applicants.

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

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

5 **21. Notification to Referral Services**

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

10 **22. Reimbursement of Probation Program**

11 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to
12 ensure compliance for the duration of the probation period. Reimbursement costs shall be \$1200
13 per year.

14 **23. Cost Recovery**

15 Respondent shall pay the Board \$855.00 as and for the reasonable costs of the investigation
16 and prosecution of Case No. 200-2014-000323. Respondent shall make the check or money order
17 payable to the Board of Behavioral Sciences and shall indicate on the check or money order that it
18 is the cost recovery payment for Case No. 200-2014-000323. Any order for payment of cost
19 recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate
20 until full payment has been made. Should any part of cost recovery not be paid in accordance
21 with the outlined payment schedule, respondent shall be considered to be in violation of
22 probation. A period of non-practice by respondent shall not relieve respondent of her obligation
23 to reimburse the board for its costs.

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

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Exhibit A

Accusation No. 200-2014-000323

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
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4 State Bar No. 226937
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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. 200-2014-000323

11 KATHERINE W. O'DONNELL
12 6925 Chabot Road
Oakland, CA 94618

ACCUSATION

13 Associate Clinical Social Worker
14 Registration No. ASW 59584

15 Respondent.

16
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 October 24, 2013, the Board of Behavioral Sciences issued Associate
22 Clinical Social Worker Registration Number ASW 59584 to Katherine W. O'Donnell
23 (Respondent). The Associate Clinical Social Worker Registration expired on October 31, 2014,
24 and has not been 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 COSTS

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

6 FIRST CAUSE FOR DISCIPLINE

7 (Dangerous use of Alcohol)

8 8. Respondent is subject to disciplinary action under section 4992.3, subsection (c), of
9 the Code in that Respondent consumed alcohol in a manner that was dangerous or injurious to
10 herself and/or another. The circumstances are as follows:

11 a. On or about December 2, 2013, Respondent consumed alcohol while serving as a
12 nanny for two children under four years of age. Respondent passed out and was found to have a
13 blood alcohol level of .39 percent. Respondent passed out while the gas on the stove was on but
14 not ignited.

15 b. Respondent was charged in Contra Costa Superior Court Case No. 1-168002-4 with
16 violating penal Code sections 273a(a), willful child endangerment, as a result of the occurrences
17 of December 2, 2013, as described in paragraph 7(a) above. On or about September 24, 2014,
18 Respondent entered into a pre-trial diversion program pursuant to Penal Code section 1000.12.

19 SECOND CAUSE FOR DISCIPLINE

20 (Unprofessional conduct)

21 9. Respondent is subject to disciplinary action under section 4992.3 of the code in that
22 Respondent was involved in unprofessional conduct. The circumstances are described in
23 paragraph 7, above.

24 PRAYER

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

27 1. Revoking or suspending Associate Clinical Social Worker Registration Number ASW
28 59584, issued to Katherine W. O'Donnell;

1 2. Ordering Katherine W. O'Donnell to pay the Board of Behavioral Sciences the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: January 14, 2015

Kim Madsen

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

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