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

In the Matter of the Petition to Revoke
Probation Against:

Case No. 2002015001288

AMY MARIE HICKS

DEFAULT DECISION AND ORDER

13916 Cerise Ave., #27
Hawthorne, CA 90250

[Gov. Code, §11520]

Licensed Clinical Social Worker License No.
LCSW 63872

Respondent.

FINDINGS OF FACT

1. On or about May 26, 2015, Complainant Kim Madsen, in her official capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs, filed Petition to Revoke Probation No. 2002015001288 against Amy Marie Hicks (Respondent) before the Board of Behavioral Sciences. (Petition to Revoke Probation attached as Exhibit A.)

2. On or about October 2, 2014, the Board of Behavioral Sciences (Board) issued Licensed Clinical Social Worker License No. LCSW 63872 to Respondent.. The Licensed Clinical Social Worker License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 2002015001288 and will expire on April 30, 2016, unless renewed.

1 3. On or about June 3, 2015, Respondent was served by Certified and First Class Mail
2 copies of the Petition to Revoke Probation No. 2002015001288, Statement to Respondent, Notice
3 of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
5 Professions Code section 136, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is: 13916 Cerise Ave., #27, Hawthorne, CA 90250.

7 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
8 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
9 Code section 124.

10 5. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 may nevertheless grant a hearing.

16 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of
18 Petition to Revoke Probation No. 2002015001288.

19 7. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent.

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.
2002015001288, finds that the charges and allegations in Petition to Revoke Probation No.
2002015001288, are separately and severally, found to be true and correct by clear and
convincing evidence.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Amy Marie Hicks has subjected
3 her Licensed Clinical Social Worker License No. LCSW 63872 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Behavioral Sciences is authorized to revoke Respondent's Licensed
6 Clinical Social Worker License based upon the following violations alleged in the Petition to
7 Revoke Probation which are supported by the evidence contained in the Default Decision
8 Evidence Packet in this case.:

9 a. At all times after the effective date of Respondent's probation, Condition 6 stated:

10 **"Abstain from Use of Alcohol/Submit to Biological Fluid Testing and Samples**

11 Respondent shall completely abstain from the use of alcoholic beverages during
12 the period of probation.

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

16 Respondent's probation is subject to revocation because she failed to comply with
17 probation Condition 6, referenced above. The facts and circumstances regarding this violation are
18 that Respondent tested positive for Ethyl Glucuronide and Ethyl Sulfate (Alcohol) on November
19 18, 2014. In response to the Board's subsequent violation letter, Respondent admitted that she
20 consumed 2 glasses of wine.

21 b. At all times after the effective date of Respondent's probation, Condition 10 stated:

22 **"Comply with Probation Program**

23 Respondent shall comply with the probation program established by the Board
24 and cooperate with representatives of the Board in its monitoring and investigation of
the [R]espondent's compliance with the program."

25 Respondent's probation is subject to revocation because she failed to comply with
26 probation Condition 10, referenced above. The facts and circumstances regarding this violation
27 are set forth in paragraphs 5 and 6 above, inclusive and hereby incorporated by reference.

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ORDER

IT IS SO ORDERED that Licensed Clinical Social Worker License No. LCSW 63872, heretofore issued to Respondent Amy Marie Hicks, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on October 16, 2015.

It is so ORDERED September 16, 2015



FOR THE BOARD OF BEHAVIORAL
SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

51822602.DOC
DOJ Matter ID:LA2015500420

Attachment:
Exhibit A: Petition to Revoke Probation

Exhibit A

Petition to Revoke Probation

(AMY MARIE HICKS)

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

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. 2002015001288

12 **AMY MARIE HICKS**

PETITION TO REVOKE PROBATION

13 13916 Cerise Ave., #27
14 Hawthorne, CA 90250

15 Licensed Clinical Social Worker License No.
16 LCSW 63872

Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about October 2, 2014, the Board of Behavioral Sciences issued Licensed
24 Clinical Social Worker License Number LCSW 63872 to Amy Marie Hicks (Respondent). The
25 Licensed Clinical Social Worker License was in effect at all times relevant to the charges brought
26 herein and will expire on April 30, 2016, unless renewed.

27 3. In a disciplinary action entitled *In the Matter of Statement of Issues Against: Amy*
28 *Marie Hicks*, Case No. AP-2012-23, the Board of Behavioral Sciences, issued a decision,

1 effective October 2, 2014, in which Respondent's Licensed Clinical Social Worker License was
2 revoked. However, the revocation was stayed and Respondent's Licensed Clinical Social Worker
3 License was placed on probation for a period of three (3) years, with terms and conditions. A
4 copy of that decision is attached as Exhibit A and is incorporated by reference.

5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Board of Behavioral Sciences
7 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
8 references are to the Business and Professions Code unless otherwise indicated.

9 FIRST CAUSE TO REVOKE PROBATION

10 (Abstain from Use of Alcohol/Submit to Biological Fluid Testing and Samples)

11 5. At all times after the effective date of Respondent's probation, Condition 6 stated:

12 "Abstain from Use of Alcohol/Submit to Biological Fluid Testing and Samples

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

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

20 6. Respondent's probation is subject to revocation because she failed to comply with
21 probation Condition 6, referenced above. The facts and circumstances regarding this violation are
22 that Respondent tested positive for Ethyl Glucuronide and Ethyl Sulfate (Alcohol) on November
23 18, 2014. In response to the Board's subsequent violation letter, Respondent admitted that she
24 consumed 2 glasses of wine.

25 SECOND CAUSE TO REVOKE PROBATION

26 (Comply with Probation Program)

27 7. At all times after the effective date of Respondent's probation, Condition 10 stated:

28 "Comply with Probation Program

Respondent shall comply with the probation program established by the
Board and cooperate with representatives of the Board in its monitoring and
investigation of the [R]espondent's compliance with the program."

