

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

In the Matter of the Accusation Against:

MATTHEW ADAM BOYNTON
16261 Vernon Street
Fountain Valley, CA 92708

Marriage and Family Therapist Intern
Registration No. IMF 65677

Respondent.

Case No. IM-2013-1200

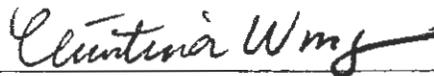
OAH No. 2013120886

DECISION AND ORDER

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

This Decision shall become effective on October 16, 2015.

It is so ORDERED September 16, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 SHERRY L. LEDAKIS
Deputy Attorney General
4 State Bar No. 131767
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2078
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 **MATTHEW ADAM BOYNTON**
14 **16261 Vernon Street**
Fountain Valley, CA 92708

15 **Marriage and Family Therapist Intern**
16 **Registration No. IMF 65677**

17 Respondent.

Case No. IM-2013-1200

OAH No. 2013120886

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Board of Behavioral Sciences of the Department of
20 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
21 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
22 disposition of the Accusation.

23 PARTIES

24 1. Kim Madsen ("Complainant") is the Executive Officer of the Board of Behavioral
25 Sciences. She brought this action solely in her official capacity and is represented in this matter
26 by Kamala D. Harris, Attorney General of the State of California, by Sherry Ledakis, Deputy
27 Attorney General.

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1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Marriage and Family Therapist Intern Registration
9 No. IMF 65677 issued to Respondent Matthew Adam Boynton (Respondent) is revoked.
10 However, the revocation is stayed and Respondent is placed on probation for three (3) years on
11 the following terms and conditions. In the event that, while on probation, Respondent's current
12 registration number is cancelled and a subsequent registration number is issued, the subsequent
13 registration shall be placed on probation under the same terms and conditions described below
14 until the probation period is completed. In the event that, while on probation, Respondent passes
15 all required exams and a Marriage and Family Therapist license is issued to Respondent,
16 Respondent's Marriage and Family Therapist license shall be placed on probation under the same
17 terms and conditions described below until the probation period is completed.

18 1. **Actual Suspension**

19 Commencing from the effective date of this decision, respondent shall be suspended from
20 the practice of marriage and family therapy for a period of 60 (sixty) days.

21 2. **Psychological / Psychiatric Evaluation**

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

27 Such evaluator shall furnish a written report to the Board or its designee regarding
28 respondent's judgment and ability to function independently and safely as a counselor and such

1 other information as the Board may require. Respondent shall execute a Release of Information
2 authorizing the evaluator to release all information to the Board. Respondent shall comply with
3 the recommendations of the evaluator.

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

9 3. Supervised Practice If License is Granted

10 If Respondent is issued a license during the probationary period, within 30 days
11 respondent shall submit to the Board or its designee, for its prior approval, the name and
12 qualification of one or more proposed supervisors and a plan by each supervisor. The supervisor
13 shall be a current California licensed practitioner in respondent's field of practice, who shall
14 submit written reports to the Board or its designee on a quarterly basis verifying that supervision
15 has taken place as required and including an evaluation of respondent's performance. The
16 supervisor shall be independent, with no prior business, professional or personal relationship with
17 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 the respondent to receive supervision via videoconferencing; or,
- 22 (2) Permitting respondent to secure a supervisor not in the 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 his or her good
25 faith attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a
26 mental health professional that is licensed in the 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. Supervision

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

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

6 4. Law and Ethics Course

7 Respondent shall take and successfully complete the equivalency of two semester units in
8 law and ethics. Course work shall be taken at the graduate level at an accredited or approved
9 educational institution that offers a qualifying degree for licensure as a marriage and family
10 therapist, clinical social worker, educational psychologist, professional clinical counselor as
11 defined in Sections 4980.40, 4996.18, 4999.32 or 4999.33 of the Business and Professions Codes
12 and Section 1854 of Title 16 of the California Code of Regulations or through a course approved
13 by the Board. Classroom attendance must be specifically required. Within 90 days of the effective
14 date of this Decision, respondent shall submit a plan for prior Board approval for meeting this
15 educational requirement. Said course must be taken and completed within one year from the
16 effective date of this Decision. The costs associated with the law and ethics course shall be paid
17 by the respondent. Units obtained for an approved course in law and ethics shall not be used for
18 continuing education units required for renewal of licensure.

19 5. Obey All Laws

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

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6. File Quarterly Reports

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

7. 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 respondent's compliance with the program.

8. Interviews with the Board

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

9. Failure to Practice

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

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1 10. **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 11. **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 12. **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 13. **Notification to Employer**

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

22 14. **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 of Respondent's registration/license 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 registration/license or application for licensure, or the
28 Attorney General's office has been requested to prepare such an accusation, petition to revoke

1 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 registration/license shall be fully restored.

5 **15. Maintain Valid License**

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

11 **16. License Surrender**

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

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

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1 educational and experience requirements, and taking and passing any and all examinations
2 required of new applicants.

3 **17. Instruction of Coursework Qualifying for Continuing Education**

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

6 **18. Notification to Referral Services**

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

11 **19. Reimbursement of Probation Program**

12 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to
13 ensure compliance for the duration of the probation period. Reimbursement costs shall be
14 \$1,200.00 per year.

15 **20. Cost Recovery**

16 Respondent shall pay the Board \$4,750.00 as and for the reasonable costs of the
17 investigation and prosecution of Case No. IM-2013-1200. Respondent shall make all cost
18 recovery payments by certified check or money order payable to the Board of Behavioral
19 Sciences and shall indicate on the certified check or money order that it is the "cost recovery
20 payment for Case No. IM-2013-1200." Any order for payment of cost recovery shall remain in
21 effect whether or not probation is tolled. Probation shall not terminate until full payment has
22 been made. Should any part of cost recovery not be paid in accordance with the outlined payment
23 schedule, respondent shall be considered to be in violation of probation. A period of non-practice
24 by respondent shall not relieve respondent of his obligation to reimburse the board for its costs.

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

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1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
3 stipulation and the effect it will have on my Marriage and Family Therapist Intern Registration.
4 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
5 intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral
6 Sciences

7
8 DATED: 9/4/15

9 M A B
10 MATTHEW ADAM BOYNTON
11 Respondent

12 ENDORSEMENT

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

15 Dated: 9/4/2015

16 Respectfully submitted,

17 KAMALA D. HARRIS
18 Attorney General of California
19 JANE LEDAKIS
20 Supervising Deputy Attorney General

21 Sherry Ledakis
22 SHERRY LEDAKIS
23 Deputy Attorney General
24 Attorneys for Complainants

25 SD2013705707
26 Boynton Revised Stip 9 4 2015.docx
27
28

Exhibit A

Accusation No: IM-2013-1200

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2996
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

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12 In the Matter of the Accusation Against:

Case No. IM-2013-1200

13 **MATTHEW ADAM BOYNTON**
16261 Veron Street
14 Fountain Valley, CA 92708

ACCUSATION

15 **Marriage and Family Therapist Intern**
Registration No. IMF 65677

16 Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about December 8, 2010, the Board of Behavioral Sciences issued Marriage
24 and Family Therapist Intern Registration Number IMF 65677 to Matthew Adam Boynton
25 (Respondent). The Marriage and Family Therapist Intern Registration was in full force and effect
26 or was delinquent at all times relevant to the charges brought herein and will expire on December
27 31, 2013, unless renewed.

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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 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.

5. Section 4982 states:

The board may deny a license or 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:

.....

(f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.

.....

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

.....

STATUTORY PROVISION

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

REGULATORY PROVISION

7. California Code of Regulations, title 16, section 1814 states:

1 (a) When considering the suspension or revocation of a license, the board, in
2 evaluating the rehabilitation of such person and his or her eligibility for a license will
3 consider the following criteria:

4 (1) Nature and severity of the act(s) or crime(s) under consideration as grounds
5 for suspension or revocation.

6 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under
7 consideration as grounds for suspension or revocation under Section 490 of the Code.

8 (3) The time that has elapsed since commission of the act(s) or crime(s) giving
9 rise to the suspension or revocation.

10 (4) Whether the licensee has complied with any terms of probation, parole,
11 restitution or any other sanctions lawfully imposed against such person.

12 (5) If applicable, evidence of expungement proceedings pursuant to Section
13 1203.4 of the Penal Code.

14 (6) Evidence, if any, concerning the degree to which a false statement relative to
15 application for licensure may have been unintentional, inadvertent or immaterial.

16 (7) Efforts made by the applicant either to correct a false statement once made
17 on an application or to conceal the truth concerning facts required to be disclosed.

18 (8) Evidence, if any, of rehabilitation submitted by the licensee.
19

20 **COST RECOVERY**

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

25 **FACTUAL ALLEGATIONS**

26 9. On or about June 28, 2011, Respondent was hired as a therapist in the outpatient
27 psychiatric services department of College Hospital in Cerritos, California. This position required
28 licensure by an appropriate licensing agency.

10. Respondent's Marriage and Family Therapist Intern Registration IMF 65677 became
due for renewal in December 2012. However, Respondent failed to renew his license in
December 2012 and the registration became delinquent on December 31, 2012 because
Respondent failed to pay the renewal fee for his registration by that date.

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PRAAYER

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 Intern Registration Number IMF 65677, issued to Matthew Adam Boynton;
2. Ordering Matthew Adam Boynton 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: November 22, 2013



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

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