

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

In the Matter of the Accusation Against:

CINDA L. TEJERAS
P.O. Box 4574
El Dorado Hills, CA 95762
LCSW No. 27684

Respondent.

Case No. LC-2012-1371

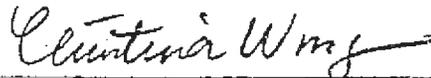
OAH No. 2014090451

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

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2 KENT D. HARRIS
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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:

13 **CINDA L. TEJERAS**
14 **P.O. Box 4574**
El Dorado Hills, CA 95762
15 **LCSW No. 27684**

16 Respondent.

Case No. LC-2012-1371

OAH No. 2014090451

**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. She brought this action solely in her official capacity and is represented in this matter
23 by Kamala D. Harris, Attorney General of the State of California, by Elena L. Almanzo, Deputy
24 Attorney General.

25 2. Respondent Cinda L. Tejeras ("Respondent") is represented in this proceeding by
26 attorney Jeffrey S. Kravitz, Esq., whose address is: 6747 Fair Oaks Blvd., Carmichael, CA
27 95608.

28 //

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. LC-2012-1317, if proven at a hearing, constitute cause for imposing discipline upon her
4 Clinical Social Worker License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest
8 those charges.

9 11. Respondent agrees that her Clinical Social Worker License is subject to discipline and
10 she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
11 below.

12 CONTINGENCY

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

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

26 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

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 Clinical Social Worker License No. 27684 issued to
9 Respondent Cinda L. Tejeras (Respondent) is revoked. However, the revocation is stayed and
10 Respondent is placed on probation for three (3) years on the following terms and conditions.

11 **1. Supervised Practice**

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

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

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

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

28 Failure to file the required reports in a timely fashion shall be a violation of probation.

1 Respondent shall give the supervisor access to respondent's fiscal and client records. Supervision
2 obtained from a probation supervisor shall not be used as experience gained toward 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 the respondent's therapist.

7 **2. Education**

8 Respondent shall take and successfully complete the following: two semester units in
9 Record Keeping. In addition, Respondent shall complete a one semester unit course in Suicide
10 Assessment Prevention and Treatment. All course work shall be taken at the graduate level at an
11 accredited or approved educational institution that offers a qualifying degree for licensure as a
12 marriage and family therapist, clinical social worker, educational psychologist, or professional
13 clinical counselor or through a course approved by the Board. Classroom attendance must be
14 specifically required. Course content shall be pertinent to the violation and all course work must
15 be completed within one year from the effective date of this 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 the respondent. Units obtained for an approved course shall not be used for continuing
19 education units required for renewal of licensure.

20 **3. Law and Ethics Course**

21 Respondent shall take and successfully complete the equivalency of two semester units in
22 law and ethics. Course work shall be taken at the graduate level at an accredited or approved
23 educational institution that offers a qualifying degree for licensure as a marriage and family
24 therapist, clinical social worker, educational psychologist, professional clinical counselor as
25 defined in Sections 4980.40, 4996.18, 4999.32 or 4999.33 of the Business and Professions Codes
26 and Section 1854 of Title 16 of the California Code of Regulations or through a course approved
27 by the Board. Classroom attendance must be specifically required. Within 90 days of the effective
28 date of this Decision, respondent shall submit a plan for prior Board approval for meeting this

1 educational requirement. Said course must be taken and completed within one year from the
2 effective date of this Decision. The costs associated with the law and ethics course shall be paid
3 by the respondent. Units obtained for an approved course in law and ethics shall not be used for
4 continuing education units required for renewal of licensure.

5 **4. Obey All Laws**

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

14 **5. File Quarterly Reports**

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

20 **6. Comply with Probation Program**

21 Respondent shall comply with the probation program established by the Board and
22 cooperate with representatives of the Board in its monitoring and investigation of the respondent's
23 compliance with the program.

24 **7. Interviews with the Board**

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

27 **8. Failure to Practice**

28 In the event respondent stops practicing in California, respondent shall notify the Board or

1 its designee in writing within 30 calendar days prior to the dates of non-practice and return to
2 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which
3 respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or
4 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this
5 condition, will not apply to the reduction of the probationary term and will relieve respondent of
6 the responsibility to comply with the probationary terms and conditions with the exception of this
7 condition and the following terms and conditions of probation: Obey All Laws; File Quarterly
8 Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost
9 Recovery. Respondent's license/registration shall be automatically cancelled if respondent's
10 period of non-practice total two years.

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

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

15 **10. Supervision of Unlicensed Persons**

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

19 **11. Notification to Clients**

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

25 **12. Notification to Employer**

26 Respondent shall provide each of his or her current or future employers, when performing
27 services that fall within the scope of practice of his or her license, a copy of this Decision and the
28 Statement of Issues or Accusation before commencing employment. Notification to the

1 respondent's current employer shall occur no later than the effective date of the Decision or
2 immediately upon commencing employment. Respondent shall submit, upon request by the
3 Board or its designee, satisfactory evidence of compliance with this term of probation.

4 **13. Violation of Probation**

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

8 If during the period of probation, an accusation, petition to revoke probation, or statement
9 of issues has been filed against respondent's license [or registration] or application for licensure,
10 or the Attorney General's office has been requested to prepare such an accusation, petition to
11 revoke probation, or statement of issues, the probation period set forth in this decision shall be
12 automatically extended and shall not expire until the accusation, petition to revoke probation, or
13 statement of issues has been acted upon by the Board. Upon successful completion of probation,
14 respondent's license shall be fully restored.

15 **14. Maintain Valid License**

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

20 **15. License Surrender**

21 Following the effective date of this decision, if respondent ceases practicing due to
22 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of
23 probation, respondent may voluntarily request the surrender of his/her license to the Board. The
24 Board reserves the right to evaluate the respondent's request and to exercise its discretion whether
25 to grant the request or to take any other action deemed appropriate and reasonable under the
26 circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar
27 days deliver respondent's license and certificate and if applicable wall certificate to the Board or
28 its designee and respondent shall no longer engage in any practice for which a license is required.

1 Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms
2 and conditions of probation.

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

10 **16. Instruction of Coursework Qualifying for Continuing Education**

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

13 **17. Notification to Referral Services**

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

18 **18. Reimbursement of Probation Program**

19 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to
20 ensure compliance for the duration of the probation period. Reimbursement costs shall be \$1,200
21 per year.

22 **19. Cost Recovery**

23 Respondent shall pay the Board \$2,040 as and for the reasonable costs of the investigation
24 and prosecution of Case No. LC-2012-1371. Respondent shall make such payments as follows:
25 payments in the amount of \$68.00 until the amount is paid in full. Respondent shall make the
26 check or money order payable to the Board of Behavioral Sciences and shall indicate on the
27 check or money order that it is the cost recovery payment for Case No. LC-2012-1371. Any
28 order for payment of cost recovery shall remain in effect whether or not probation is tolled.

1 Probation shall not terminate until full payment has been made. Should any part of cost recovery
2 not be paid in accordance with the outlined payment schedule, respondent shall be considered to
3 be in violation of probation. A period of non-practice by respondent shall not relieve respondent
4 of his or her obligation to reimburse the Board for its costs.

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

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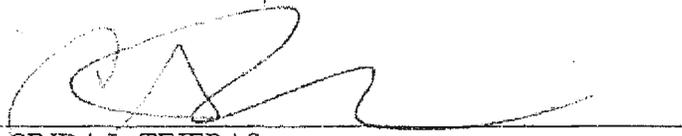
ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorney, Jeffrey S. Kravitz, Esq.. I understand the stipulation and the effect
12 it will have on my Clinical Social Worker License. I enter into this Stipulated Settlement and
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
14 Decision and Order of the Board of Behavioral Sciences.

15

16

DATED: 7/1/15



CINDA L. TEJERAS
Respondent

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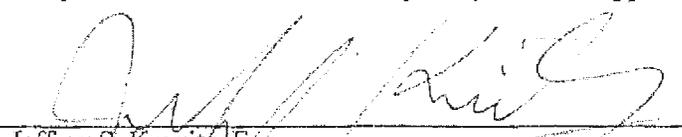
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I have read and fully discussed with Respondent Cinda L. Tejeras the terms and conditions
and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
its form and content.

21

DATED: 7-1-15



Jeffrey S. Kravitz, Esq.
Attorney for Respondent

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ENDORSEMENT

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

Dated: 7/2/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General


ELENA L. ALMANZO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. LC-2012-1371

1 KAMALA D. HARRIS
Attorney General of California
2 KENT.D. HARRIS
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. LC-2012-1371

12 CINDA L. TEJERAS
P.O. Box 4574
13 El Dorado Hills, CA 95762

ACCUSATION

14 Clinical Social Worker License No. 27684

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 August 31, 2011, the Board of Behavioral Sciences issued Clinical Social
22 Worker License Number 27684 to Cinda L. Tejeras (Respondent). The Clinical Social Worker
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on May 31, 2015, unless renewed.
- 25 3. On or about June 16, 2004, the Board of Behavioral Sciences issued Associate
26 Clinical Social Worker Registration Number 16940 to Respondent, said registration expired on
27 June 30, 2010. On or about June 15, 2010, the Board of Behavioral Sciences issued Associate
28

1 Clinical Social Worker Registration Number 28285 to Respondent, said registration expired on
2 June 30, 2012.

3 JURISDICTION

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

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

12 6. Section 4992.3 of the Code states in pertinent part:

13 "The board may deny a license or a registration, or may suspend or revoke the license or
14 registration of a licensee or registrant if he or she has been guilty of unprofessional conduct.
15 Unprofessional conduct includes, but is not limited to, the following:

16 "(d) Incompetence in the performance of clinical social work.

17 "(e) An act or omission that falls sufficiently below the standard of conduct of the
18 profession as to constitute an act of gross negligence.

19 "(f) Violating, attempting to violate, or conspiring to violate this chapter or any regulation
20 adopted by the board.

21 "(t) Failure to keep records consistent with sound clinical judgment, the standards of the
22 profession, and the nature of the services being rendered.

23 7. 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.

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1 FACTUAL ALLEGATIONS

2 8. Respondent was employed as a Clinical Social Worker¹ by the Department of
3 Corrections and Rehabilitation from July 7, 2008, to January 5, 2012, at California Medical
4 Facility, hereinafter ("CMF"), in Vacaville.

5 9. On June 2, 2010, Respondent was assigned and met with patient R. A., who
6 committed suicide the next day. Respondent only documented her meeting with R.A. after his
7 death, but did not mention in the note it was a late entry. She also documented that R.A. was
8 "homicidal" and that he was not on psychotropic medication for over a month. In truth and in fact,
9 R.A. was not "homicidal" and he had not been on medication for over a year. During the meeting
10 the R.A. actively requested medication, but Respondent documented that the patient was "willing
11 to start medication." Respondent was subsequently placed on a monitoring program by CMF
12 while working as a associate social worker due to her repeated difficulty in evaluating risk factors
13 present in the clients she was treating.²

14 FIRST CAUSE FOR DISCIPLINE

15 (Gross Negligence)

16 10. Respondent is subject to disciplinary action under section 4992.3 (e) in that she had
17 committed acts constituting gross negligence in connection with her treatment of patients/
18 inmates. The circumstances are as follows:

19 A. On or about August 12, 2011, Respondent was assigned to treat patient K.P.,
20 Respondent failed to conduct an accurate and complete risk assessment of said patient/inmate on
21 the Suicide Risk Evaluation (SRE) and treatment plan she completed for K.P., as more
22 specifically set forth below:

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24
25
26 ¹ Respondent was hired when she was registered as an Associate Clinical Social Worker.
27 ² The Board was not notified of Respondent's failures until March 27, 2012, when the
28 Board received a Health Facility Reporting form. Respondent's treatment of patient R. A. was
pre-licensure conduct for which the Board would have disciplined her had the Board been aware
of the conduct prior to her licensure.

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D. During a meeting with R.A., he actively requested medication, but Respondent inaccurately documented that the patient was willing to start medication

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

12. Respondent is subject to disciplinary action under section 4992.3 for unprofessional conduct as more specifically set forth above in paragraphs 8 and 9, above.

PRAYER

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

- 1. Revoking or suspending Clinical Social Worker License Number 27684, issued to Cinda L. Tejeras;
- 2. Ordering Cinda L. Tejeras 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: July 31, 2014

Kim Madsen

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

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