

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

In the Matter of the Accusation Against:

Case No. MF-2013-1125

STEVEN GEORGE O'ROURKE
3217 Meadow Glen Drive
Santa Rosa, CA 95404

Marriage and Family Therapist License No.
MFC 32888

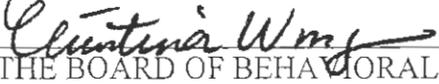
Respondent.

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 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 JOSHUA A. ROOM
 Supervising Deputy Attorney General
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Attorneys for Complainant

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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:
 11 **STEVEN GEORGE O'ROURKE**
 12 3217 Meadow Glen Drive
 13 Santa Rosa, CA 95404
 14 Marriage and Family Therapist License No.
 15 MFC 32888
 16 Respondent.

Case No. MF-2013-1125
 OAH No. 2015020195

**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 Maretta Ward, Deputy
 24 Attorney General.

25 2. Respondent Steven George O'Rourke ("Respondent") is representing himself in this
 26 proceeding and has chosen not to exercise his right to be represented by counsel.

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1 3. On or about November 14, 1995, the Board of Behavioral Sciences issued Marriage
2 and Family Therapist License No. MFC 32888 to Steven George O'Rourke (Respondent). The
3 Marriage and Family Therapist License was in full force and effect at all times relevant to the
4 charges brought in Accusation No. MF-2013-1125 and will expire on January 31, 2017, unless
5 renewed.

6 JURISDICTION

7 4. Accusation No. MF-2013-1125 was filed before the Board of Behavioral Sciences
8 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
9 Accusation and all other statutorily required documents were properly served on Respondent on
10 August 5, 2014. Respondent timely filed his Notice of Defense contesting the Accusation.

11 5. A copy of Accusation No. MF-2013-1125 is attached as Exhibit A and incorporated
12 herein by reference.

13 ADVISEMENT AND WAIVERS

14 6. Respondent has carefully read and understands the charges and allegations in
15 Accusation No. MF-2013-1125. Respondent has also carefully read and understands the effects
16 of this Stipulated Settlement and Disciplinary Order.

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

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

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CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. MF-2013-1125.

10. Respondent agrees that his Marriage and Family Therapist License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

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

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

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

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1 treatment, and to provide such other information as may be required by the Board. Respondent
2 shall execute a Release of Information authorizing the therapist to divulge information to the
3 Board.

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

11 **2. Education**

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

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

23 **3. Attend Dependency Support Program**

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

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

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

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

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

9 Respondent shall completely abstain from the use of alcoholic beverages during the period
10 of probation.

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

15 **6. Obey All Laws**

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

24 **7. File Quarterly Reports**

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

1 shall continue to submit quarterly reports under penalty of perjury.

2 **8. Comply with Probation Program**

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

6 **9. Interviews with the Board**

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

9 **10. Failure to Practice**

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

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

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

25 **12. Supervision of Unlicensed Persons**

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

1 13. Notification to Clients

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

7 14. Notification to Employer

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

14 15. Violation of Probation

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

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

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1 **16. Maintain Valid License**

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

6 **17. License Surrender**

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

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

24 **18. Instruction of Coursework Qualifying for Continuing Education**

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

27 **19. Notification to Referral Services**

28 Respondent shall immediately send a copy of this decision to all referral services registered

1 with the Board in which respondent is a participant. While on probation, respondent shall send a
2 copy of this decision to all referral services registered with the Board that respondent seeks to
3 join.

4 **20. Reimbursement of Probation Program**

5 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to
6 ensure compliance for the duration of the probation period. Reimbursement costs shall be
7 \$1,200.00 per year.

8 **21. Cost Recovery**

9 Respondent shall pay the Board \$4,812.00 as and for the reasonable costs of the
10 investigation and prosecution of Case No. MF-2013-1125. Respondent shall make such
11 payments pursuant to a payment plan to be outlined by the Board. Respondent shall make the
12 check or money order payable to the Board of Behavioral Sciences and shall indicate on the
13 check or money order that it is the cost recovery payment for Case No. MF-2013-1125. Any
14 order for payment of cost recovery shall remain in effect whether or not probation is tolled.
15 Probation shall not terminate until full payment has been made. Should any part of cost recovery
16 not be paid in accordance with the outlined payment schedule, respondent shall be considered to
17 be in violation of probation. A period of non-practice by respondent shall not relieve respondent
18 of his obligation to reimburse the board for its costs.

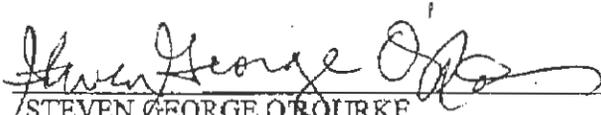
19 Cost recovery must be completed six months prior to the termination of probation. A
20 payment plan authorized by the Board may be extended at the discretion of the Enforcement
21 Manager based on good cause shown by the probationer.

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ACCEPTANCE

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

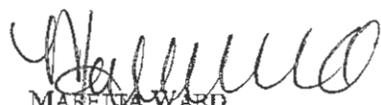
DATED: 6/3/15 
STEVEN GEORGE O'ROURKE
Respondent

ENDORSEMENT

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

Dated: 6.15.15

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General


MARENNA WARD
Deputy Attorney General
Attorneys for Complainant

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Stipulation rtf
41292890.doc

Exhibit A

Accusation No. MF-2013-1125

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Attorneys for Complainant

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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 Accusation Against:

Case No. MF-2013-1125

11 **STEVEN GEORGE O'ROURKE**
12 **3217 Meadow Glen Drive**
13 **Santa Rosa, CA 95404**

A C C U S A T I O N

14 **Marriage and Family Therapist License No.**
MFC 32888

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about November 14, 1995, the Board of Behavioral Sciences issued Marriage
23 and Family Therapist License Number MFC 32888 to Steven George O'Rourke (Respondent).

24 The Marriage and Family Therapist License was in full force and effect at all times relevant to the
25 charges brought herein and will expire on January 31, 2015, unless renewed.

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JURISDICTION

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

5 4. Section 4982 of the Code provides in pertinent part:

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

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

9 (a) The conviction of a crime substantially related to the qualifications, functions, or
10 duties of a licensee or registrant.

11

12 (c) Administering to himself or herself any controlled substance or using of any of the
13 dangerous drugs specified in Section 4022, or any alcoholic beverage to the extent, or in a
14 manner, as to be dangerous or injurious person applying for registration or license or holding a
15 registration or license or holding a registration nor license under this chapter, or any other person,
16 or to the public, or to the extent that the use impairs the ability of the person applying for or
17 holding a registration or license to conduct with safety to the public the practice authorized by the
18 registration or license. The board shall deny an application for a registration or license or revoke
19 the license or registration of any person, other than one who is license as a physician and surgeon,
20 who uses or offers to use drugs in the courts of performing marriage and family services.

21 5. Section 118 of the Code states in pertinent part:

22 "(a) The withdrawal of an application for a license after it has been filed with a board in the
23 department shall not, unless the board has consented in writing to such withdrawal, deprive the
24 board of its authority to institute or continue a proceeding against the applicant for the denial of
25 the license upon any ground provided by law or to enter an order denying the license upon any
26 such ground.

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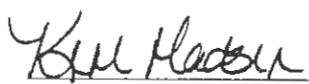
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PRAYER

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 Marriage and Family Therapist License Number MFC 32888, issued to Steven George O'Rourke;
2. Ordering Steven George O'Rourke 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 15, 2014



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

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