

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

In the Matter of the Accusation Against:

JESSICA KAY PLANCICH
174 8TH Street, #1
Brooklyn, NY 11215-3214

**Marriage and Family Therapist No. LMFT
39667**

Respondent.

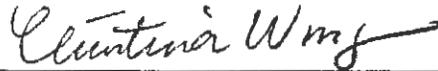
Case No. MF-2014-310

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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Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
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Attorneys for Complainant

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15 **Marriage and Family Therapist No. LMFT**
16 **39667**

17 Respondent.

Case No. MF-2014-310

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 PARTIES

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

26 2. Respondent Jessica Kay Plancich ("Respondent") is represented in this proceeding by
27 attorney Keith Zwillinger, Esq., whose address is: Law Office of James R Rogers, 125 S Hwy
28 101 #101, Solana Beach, CA 92075.

1 and shall not practice until a new supervisor has been approved by the Board. All costs of the
2 supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per
3 week in individual face to face meetings. The supervisor shall not be the respondent's therapist.

4 **2. Education**

5 Respondent shall take and successfully complete the equivalency of two (2) semester units
6 in the following areas: Supervision, Record Keeping and Risk Assessment. All course work shall
7 be taken at the graduate level at an accredited or approved educational institution that offers a
8 qualifying degree for licensure as a marriage and family therapist, clinical social worker,
9 educational psychologist, or professional clinical counselor or through a course approved by the
10 Board. Classroom attendance must be specifically required. Course content shall be pertinent to
11 the violation and all course work must be completed within one year from the effective date of
12 this Decision.

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

17 **3. Law and Ethics Course**

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

1 continuing education units required for renewal of licensure.

2 **4. Obey All Laws**

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

11 **5. File Quarterly Reports**

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

17 **6. Comply with Probation Program**

18 Respondent shall comply with the probation program established by the Board and
19 cooperate with representatives of the Board in its monitoring and investigation of the respondent's
20 compliance with the program.

21 **7. Interviews with the Board**

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

24 **8. Failure to Practice**

25 In the event respondent stops practicing in California, respondent shall notify the Board or
26 its designee in writing within 30 calendar days prior to the dates of non-practice and return to
27 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which
28 respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or

1 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this
2 condition, will not apply to the reduction of the probationary term and will not relieve respondent
3 of the responsibility to comply with the probationary terms and conditions with the exception of
4 this condition and the following terms and conditions of probation: Obey All Laws; File
5 Quarterly Reports; Comply With Probation Program; Maintain Valid License/Registration; and
6 Cost Recovery. Respondent's license/registration shall be automatically cancelled if respondent's
7 period of non-practice total two years.

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

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

12 **10. Supervision of Unlicensed Persons**

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

16 **11. Notification to Clients**

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

22 **12. Notification to Employer**

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

1 **13. Violation of Probation**

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

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

12 **14. Maintain Valid License**

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

17 **15. License Surrender**

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

28 Voluntary surrender of respondent's license shall be considered to be a disciplinary action

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

7 **16. Instruction of Course Work Qualifying for Continuing Education**

8 Respondent shall not be an instructor of any course work for continuing education credit
9 required by any license issued by the Board.

10 **17. Notification to Referral Services**

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

15 **18. Reimbursement of Probation Program**

16 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to
17 ensure compliance for the duration of the probation period. Reimbursement costs shall be
18 \$1,200.00 per year.

19 **19. Cost Recovery**

20 Respondent shall pay the Board \$1,200.00 as and for the reasonable costs of the
21 investigation and prosecution of Case No. MF-2014-310. Respondent shall make such payments
22 as follows: On the effective date of this Decision and on the first of each month thereafter,
23 Respondent shall pay the Board \$30.00 per month until the costs are paid in full. Respondent
24 shall make the check or money order payable to the Board of Behavioral Sciences and shall
25 indicate on the check or money order that it is the cost recovery payment for Case No. MF-2014-
26 310. Any order for payment of cost recovery shall remain in effect whether or not probation is
27 tolled. Probation shall not terminate until full payment has been made. Should any part of cost
28 recovery not be paid in accordance with the outlined payment schedule, respondent shall be

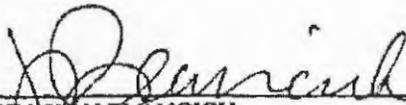
1 considered to be in violation of probation. A period of non-practice by respondent shall not
2 relieve respondent of his or her obligation to reimburse the board for its costs.

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

6 ACCEPTANCE

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
8 discussed it with my attorney, Keith Zwillinger, Esq. I understand the stipulation and the effect it
9 will have on my Marriage and Family Therapist license. I enter into this Stipulated Settlement
10 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
11 Decision and Order of the Board of Behavioral Sciences.

12
13 DATED: 6.8.15



JESSICA KAY PLANCICH
Respondent

14
15
16 I have read and fully discussed with Respondent Jessica Kay Plancich the terms and
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
18 I approve its form and content.

19
20 DATED: 6/8/15



Keith Zwillinger, Esq.
Attorney for Respondent

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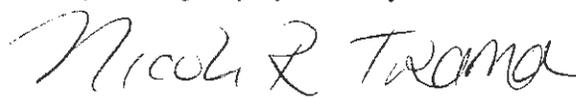
ENDORSEMENT

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

Dated: 6/19/2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General



NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. MF-2014-310

1 KAMALA D. HARRIS
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15 **Marriage and Family Therapist No. LMFT**
39667
16
17 Respondent.

Case No. MF-2014-310

A C C U S A T I O N

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Kim Madsen (Complainant) brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.
- 23 2. On or about April 10, 2003, the Board of Behavioral Sciences issued Marriage and
24 Family Therapist Number LMFT 39667 to Jessica Kay Plancich (Respondent). The Marriage and
25 Family Therapist was in full force and effect at all times relevant to the charges brought herein and
26 will expire on November 30, 2016, unless renewed.
- 27
28

1 **JURISDICTION**

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 references
4 are to the Business and Professions Code unless otherwise indicated.

5 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
6 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
7 disciplinary action during the period within which the license may be renewed, restored, reissued
8 or reinstated.

9 **STATUTORY PROVISIONS**

10 5. Section 4980, subdivision (b) states:

11 No person may engage in the practice of marriage and family therapy as
12 defined by Section 4980.02, unless he or she holds a valid license as a marriage and
13 family therapist, or unless he or she is specifically exempted from that requirement,
14 nor may any person advertise himself or herself as performing the services of a
15 marriage, family, child, domestic, or marital consultant, or in any way use these or
16 any similar titles, including the letters "M.F.T." or "M.F.C.C.," or other name,
17 word initial, or symbol in connection with or following his or her name to imply
18 that he or she performs these services without a license as provided by this chapter.
19 Persons licensed under Article 4 (commencing with Section 4996) of Chapter 14 of
20 Division 2, or under Chapter 6.6 (commencing with Section 2900) may engage in
21 such practice or advertise that they practice marriage and family therapy but may
22 not advertise that they hold the marriage and family therapist's license.

23 6. Section 4980.02 of the Code states:

24 For the purposes of this chapter, the practice of marriage and family therapy
25 shall mean that service performed with individuals, couples, or groups wherein
26 interpersonal relationships are examined for the purpose of achieving more
27 adequate, satisfying, and productive marriage and family adjustments. This practice
28 includes relationship and premarriage counseling.

The application of marriage and family therapy principles and methods
includes, but is not limited to, the use of applied psychotherapeutic techniques, to
enable individuals to mature and grow within marriage and the family, the provision
of explanations and interpretations of the psychosexual and psychosocial aspects of
relationships, and the use, application, and integration of the coursework and
training required by Sections 4980.36, 4980.37, and 4980.41, as applicable.

7. Section 4980.43, of the Code states, in part:

1
2 (b) All applicants, trainees, and registrants shall be at all times under the
3 supervision of a supervisor who shall be responsible for ensuring that the extent,
4 kind, and quality of counseling performed is consistent with the training and
5 experience of the person being supervised, and who shall be responsible to the
6 board for compliance with all laws, rules, and regulations governing the practice of
7 marriage and family therapy. Supervised experience shall be gained by interns and
8 trainees only as an employee or as a volunteer. The requirements of this chapter
9 regarding gaining hours of experience and supervision are applicable equally to
10 employees and volunteers. Experience shall not be gained by interns or trainees as
11 an independent contractor.

12
13 (h) Trainees, interns, and applicants shall not receive any remuneration from
14 patients or clients, and shall only be paid by their employers.

15
16 8. Section 4980.44, of the Code states:

17 An unlicensed marriage and family therapist intern employed under this
18 chapter shall comply with the following requirements:

19 (a) Possess, at a minimum, a master's degree as specified in Section 4980. 36
20 or 4980.37, as applicable.

21 (b) Register with the board prior to performing any duties, except as
22 otherwise provided in subdivision (g) of Section 4980.43.

23 (c) Prior to performing any professional services, inform each client or patient
24 that he or she is an unlicensed marriage and family therapist registered intern,
25 provide his or her registration number and the name of his or her employer, and
26 indicate whether he or she is under the supervision of a licensed marriage and
27 family therapist, licensed clinical social worker, licensed professional clinical
28 counselor, licensed psychologist, or a licensed physician and surgeon certified in
psychiatry by the American Board of Psychiatry and Neurology.

(d)(1) Any advertisement by or on behalf of a marriage and family therapist
registered intern shall include, at a minimum, all of the following information:

(A) That he or she is a marriage and family therapist registered intern.

(B) The intern's registration number.

(C) The name of his or her employer.

(D) That he or she is supervised by a licensed person.

1 (2) The abbreviation "MFTI" shall not be used in an advertisement unless the
2 title "marriage and family therapist registered intern" appears in the advertisement.

3 9. Section 4982 of the Code states, in part:

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

8

9 (d) Gross negligence or incompetence in the performance of marriage and
10 family therapy.

11 (e) Violating, attempting to violate, or conspiring to violate any of the
12 provisions of this chapter or any regulation adopted by the board.

13

14 (h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or
15 unregistered person to engage in conduct for which a license or registration is
16 required under this chapter.

17 (i) Intentionally or recklessly causing physical or emotional harm to any
18 client.

19

20 (r) Any conduct in the supervision of any registered intern, associate clinical
21 social worker, or trainee by any licensee that violates this chapter or any rules or
22 regulations adopted by the board.

23 (t) Permitting a trainee or registered intern under one's supervision or control
24 to perform, or permitting the trainee or registered intern to hold himself or herself
25 out as competent to perform, professional services beyond the trainee's or
26 registered intern's level of education, training, or experience.

27

28 (u) The violation of any statute or regulation governing the gaining and
supervision of experience required by this chapter.

. . . .

REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1845 provides:

1 As used in Section 4982 of the code, unprofessional conduct includes, but is
2 not limited to:

3 (a) Performing or holding himself or herself out as able to perform
4 professional services beyond his or her field or fields of competence as established
5 by his or her education, training and/or experience.

6 (b) Permitting a trainee or intern under his or her supervision or control to
7 perform or permitting the trainee or intern to hold himself or herself out as
8 competent to perform professional services beyond the trainee's or intern's level of
9 education, training and/or experience.

10 (c) Failing to comply with the child abuse reporting requirements of Penal
11 Code Section 11166.

12 (d) Failing to comply with the elder and dependent adult abuse reporting
13 requirements of Welfare and Institutions Code Section 15630.

14 (e) Failure to provide to the board, as authorized by law, copies of records
15 within 15 days of receipt of the request or within the time specified in the request,
16 whichever is later, unless the licensee or registrant is unable to provide the records
17 within this time period for good cause.

18 Good cause includes, but is not limited to, physical inability to access the
19 records in the time allowed due to illness or travel, or inability to obtain the
20 necessary patient release authorization, if applicable. This subsection shall not apply
21 to a licensee or registrant who does not have access to, and control over, medical
22 records.

23 (f) Failure to cooperate and participate in any board investigation pending
24 against the licensee or registrant. This subsection shall not be construed to deprive
25 a licensee, registrant, or a consumer of any rights or privilege guaranteed by the
26 Fifth Amendment to the Constitution of the United States, or any other
27 constitutional or statutory rights or privileges. This subsection shall not be
28 construed to require a licensee or registrant to cooperate with a request that would
require the licensee, registrant, or a consumer to waive any constitutional or
statutory rights or privilege or to comply with a request for information or other
matters within an unreasonable period of time in light of the time constraints of the
licensee's or registrant's practice. Any exercise by a licensee or registrant of any
constitutional or statutory rights or privilege shall not be used against the licensee
or registrant in a regulatory or disciplinary proceeding against the licensee or
registrant.

(g) Failure to report to the board within 30 days any of the following:

(1) A conviction of any felony or misdemeanor, which is not subject to
Health & Safety Code sections 11357(b), (c), (d), (e) or 11360(b). A conviction
includes any verdict of guilty, or plea of guilty or no contest.

1 (2) Any disciplinary action taken by another licensing entity or authority of
2 this state or of another state or an agency of the federal government or the United
3 States military.

3 (h) Failure to provide, within 30 days of a request, documentation to the
4 Board regarding the arrest of the licensee or registrant, except for records of
5 convictions or arrests protected under Penal Code section 1000.4, or Health and
6 Safety Code sections 11361.5 and 11361.7.

6 (i) Failure or refusal to comply with a court order, issued in the enforcement of
7 a subpoena, mandating the release of records to the board.

8 COSTS

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

13 FACTUAL ALLEGATIONS

14 12. From approximately February 2011 to November 2012, Respondent was the licensed
15 supervisor of Tanya F., a Marriage and Family Therapist Intern. Respondent allowed Tanya F. to
16 work as an independent contractor while under her supervision, did not provide Tanya F. with a
17 W-2 and allowed Tanya F. to accept direct payment for MFT services from patients.

18 13. While working under Respondent's supervision, Tanya F. provided therapy to R.A.
19 Tanya F. continued to provide R.A. treatment until approximately November 2012.

20 14. During the time that Tanya F. treated R.A. and while under Respondent's supervision,
21 Tanya F. engaged in unethical dual relationships with R.A. by engaging in a close personal
22 friendship with R.A., among other roles. Tanya F. spent the night at R.A.'s house, ingested
23 alcoholic beverages with R.A., had dinner with R.A., hugged R.A., held excessively lengthy
24 psychotherapy sessions with R.A. with some sessions lasting until 4:00 a.m., and offered services
25 while under the influence of narcotics. Tanya F. also sold Herbal Life products to R.A. as part of
26 her MFT treatment, borrowed clothes from R.A., shopped with R.A., and changed her clothes for
27 dates at R.A.'s home. Tanya F. disclosed confidential information about other patients to R.A.,
28 made inappropriate self-disclosures in the course of the treatment process and allowed a form of

1 role reversal to develop where she allowed R.A. to be a psychotherapist to her. With
2 Respondent's knowledge and consent, Tanya F. provided treatment to R.A. at R.A.'s home for
3 several sessions and accepted direct payment from R.A. for her MFT services.

4 15. While under Respondent's supervision, Tanya F. used her professional relationship
5 with R.A. to further Tanya F.'s own interests. For example, Tanya F. exploited R.A. financially by
6 charging R.A. for excessively long and unnecessary sessions. Tanya F. failed to document
7 treatment decisions in her records. In the instances where Tanya F. did document treatment
8 decisions, the documentation was well below the standard of care. In addition, Tanya F. failed to
9 maintain proper clinical records regarding her treatment of R.A.

10 16. On November 30, 2011, Tanya F.'s Marriage and Family Therapist Intern Registration
11 expired due to non-payment of renewal fees. The Registration was not renewed until March 15,
12 2012. Therefore, for the period of November 30, 2011 to March 15, 2012, Tanya F. was not
13 registered/licensed to practice. In early March 2012, and while under Respondent's supervision,
14 Tanya F. informed R.A. that her Marriage and Family Therapist Intern registration had expired.
15 At that time, Tanya F. decided to transition her services to R.A. to become a "wellness coach," a
16 decision that was supported by Respondent. Thereafter, Tanya F. gave R.A. a letter drafted by
17 Respondent and Tanya F., which indicated that Tanya F. was going to provide services as a
18 "wellness coach" and act as R.A.'s "mentor, cheerleader, advisor, and counselor." However,
19 neither Tanya F. nor Respondent clarified or distinguished Tanya F.'s new role as a life coach
20 versus her prior role as a Marriage and Family Therapist Intern to R.A. In addition, Tanya F.
21 continued to provide psychotherapy, not life coaching. For example, Tanya F. regularly
22 documented that she was assessing R.A. for dangerousness and also made diagnostic observations
23 – both indicators of provision of psychotherapeutic rather than life coaching services. As such,
24 Tanya F., while under Respondent's supervision, practiced psychotherapy without a license during
25 the period that her registration was expired.

26 17. Respondent failed to properly supervise, monitor, control and review Tanya F.'s
27 treatment and care of R.A. While under Respondent's supervision, Tanya F. practiced outside the
28 scope of her competence and failed to accurately diagnose R.A.'s condition. Only late in the

1 psychotherapy process, did Tanya F. make a diagnoses of Post-Traumatic Stress Disorder and
2 Borderline Personality Disorder. However, Tanya F. should have been able to draw actual
3 diagnostic conclusions much earlier and should have created a treatment plan based on those
4 diagnoses. Tanya F. also continued to provide treatment to R.A. even though it was reasonably
5 clear that R.A. was not benefitting from the relationship. Tanya F.'s practice created a
6 dependency in R.A., rather than focusing to increase R.A.'s autonomy. As a result of the
7 treatment she received from Tanya F., R.A. was emotionally harmed.

8 18. Beginning in or around November 29, 2012, R.A. began contacting Respondent to
9 complain about the treatment she was receiving from Tanya F., as well as Tanya F.'s
10 unprofessional behavior. Respondent did not meet with R.A., address R.A.'s concerns, or ensure
11 that R.A. was referred to a competent psychotherapist.

12 FIRST CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct - Gross Negligence/Incompetence)

14 19. Respondent is subject to disciplinary action under Code section 4982, subdivision (d),
15 for unprofessional conduct, in that she committed acts of gross negligence or incompetence, as set
16 forth in paragraphs 12 through 18, which are incorporated herein. Specifically, Respondent was
17 grossly negligent or incompetent when she:

18 (a) Failed to properly supervise, monitor, control and review Tanya F.'s treatment and
19 care of R.A.;

20 (b) Failed to properly document or keep records of her supervision of Tanya F.'s
21 therapy of R.A.;

22 (c) Authorized Tanya F. to become a "wellness coach" for R.A. even though
23 psychotherapy was necessary for R.A.;

24 (d) Allowed Tanya F. to receive payments directly from patients even though it was
25 illegal to do so;

26 (e) Aided and abetted Tanya F. in the unlicensed practice of psychotherapy;
27
28

1 (f) Failed to take appropriate actions to meet with R.A., address R.A.'s concerns or
2 ensure that R.A. was referred to a competent psychotherapist, after R.A. complained about Tanya
3 F.'s treatment;

4 (g) Allowed Tanya F. to commit acts which constitute gross negligence and
5 incompetence, including but not limited to, engaging in unethical dual relationships with R.A.,
6 offering services while under the influence of narcotics, consuming alcohol during therapy sessions
7 with R.A., making inappropriate self-disclosures to R.A. during the course of treatment, using her
8 professional relationship with R.A. to further her own interests, inappropriately handling the
9 transition to "wellness coach," continuing to provide psychotherapy to R.A. during the period
10 when her registration was expired, failing to document treatment decisions in her records, failing
11 to maintain clinical records regarding her treatment of R.A., practicing outside the scope of her
12 competence and failing to accurately diagnose R.A.'s condition, and recklessly causing R.A.
13 emotional harm.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct – Violating Regulations)**

16 20. Respondent is subject to disciplinary action under Code section 4982, subdivision (e)
17 and (u), for unprofessional conduct, in that Respondent violated statutes or regulations governing
18 the gaining and supervision of experience required by the chapter by allowing Tanya F. to work as
19 an independent contractor and accept direct payment from client's in violation of Code section
20 4980.43, subdivisions (b) and (h), as set forth in paragraphs 12 through 18, which are incorporated
21 herein.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct – Aiding and Abetting Unlicensed Practice)**

24 21. Respondent is subject to disciplinary action under Code section 4982, subdivision (h)
25 in that Respondent aided and abetted Tanya F. to engage in the practice of marriage and family
26 therapy during a period when her Marriage and Family Therapist Intern Registration was expired
27 in violation of Business and Professions Code section 4980, as set forth in paragraphs 12 through
28 18, which are incorporated herein.

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DATED: December 2, 2014

Kim Madsen

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

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