BBS sees MHSA in action

Plenty of information is available on how the Mental Health Services Act (MHSA) is changing mental health service delivery in California, but reading about changes and seeing them in person are vastly different. On November 9, 2007, Board members and staff visited the South Tulare County Mobile Unit to see exactly how MHSA funding is improving county-based mental health service delivery.

The South Tulare County Mobile Unit operates out of a modest office in the rural community of Tulare. The Unit is operated by Kings View Behavioral Health System, a nonprofit organization, under a contract with Tulare County. The clinical staff includes two full-time and three part-time therapists, a full-time program director, and five case managers. There is also a nurse practitioner on staff. The program targets high-risk consumers living in the outlying areas of Tulare County who have had difficulties fitting into the traditional service delivery model. The program’s ambitious philosophy calls for the staff to do whatever it takes to promote wellness and recovery.

The Board’s visit to the Unit included a presentation from Director Cynthia Reveles, a question-and-answer session with staff and consumers, and a tour of the rural county setting in which the Unit operates. The question-and-answer session included some moving stories from individuals who have faced severe challenges with mental illness and drug addiction. Many consumers extended their heartfelt appreciation to the

MFT Education Committee drafts proposed changes to curriculum

The MFT Education Committee, which formed in July 2006, held several meetings to discuss and draft proposed changes to the current education requirements for MFT licensure. Substantial changes to the laws have not been made since 1988, and the Mental Health Services Act is changing the landscape for the delivery of mental health services (see BBS News summer 2007 issue). These two factors motivated the Board to revisit the statutes relating to MFT education.

The discussions at MFT Education Committee meetings with Board members, school faculty, professional associations, and other interested constituents had a direct influence on the draft. The proposed changes to the MFT curriculum protect the core values of the profession, while acknowledging the need for increased focus in a number of subject areas.

Proposed changes to the MFT education statutes include:

An expansion of the required degree program from 48 semester or 72 quarter units to 60 semester or 90 quarter units.

Additional instruction in areas needed for practice in a public mental health environment (case management, systems of care for the severely mentally ill, etc.)
BBS sees State-funded program in action

Program’s staff and explained how the help they received had improved their lives and the lives of their friends and loved ones. Numerous consumers also commented on how their success motivates them to give back and help others in the community who are in need.

So how does the staff at one small office help consumers over an expansive rural county so effectively? Aside from the sheer determination to do whatever it takes to deliver the necessary services, the Unit also uses several high-tech solutions. For example, the Unit has a functioning telepsychiatry service that allows doctors to prescribe medication without actually being in the room with the consumer. Using video technology, the doctor can see and talk to the consumer. The program also recently acquired a state-of-the-art mobile service unit. The unit, which looks like a large RV, is a fully functional mobile office. It includes a private room for medical and psychotherapy services and a telepsychiatry system. This unit will focus on underserved areas.

Tulare County is just one of the California counties benefiting from MHSA. To learn more, visit www.dmh.ca.gov/Prop_63/MHSA.

On behalf of Board members and staff, we would like to extend our sincere thanks and appreciation to the staff and consumers at the South Tulare County Mobile Unit.

MFT Education Committee ... changes

That may be provided in credit level coursework or through extension programs.

An addition of three units and 75 contact hours to the practicum requirement.

More flexibility in the curriculum requirements (i.e., fewer requirements for specific hours or units for particular coursework) to allow for innovation in curriculum design.

An infusion of the culture and norms of public mental health work and principles of the Mental Health Services Act (including recovery-oriented care, consumer empowerment and participation, a greater emphasis on culture, etc.) throughout the curriculum.

Requirements that coursework currently permitted to be taken outside of the degree program be taken within the degree program. Many of these courses are currently required before taking the licensing examinations. They would now be required before registering as an MFT Intern.

A requirement for content on evidence-based practices, co-occurring disorders, behavioral addiction, and collaborative treatment.

A requirement for schools to provide students an opportunity to meet with consumers and family members of consumers of mental health services.

The proposed statute allows time for schools to comply with the proposed standards. These proposed requirements would apply only to applicants for licensure or registration who began graduate study on or after August 1, 2012.

The MFT Education Committee held its final meeting on December 7, 2007, and made its official recommendation to the Board at the February 21-22, 2008, Board meeting. The full text for the proposed changes is available in the November 8-9, 2007, Board meeting material at www.bbs.ca.gov/bd_activity/bd_mtgs.shtml (pg 271).

The Board welcomes comments on the proposed changes. E-mail your comments to bbswebmaster@bbs.ca.gov.

Join the Subscriber List at www.bbs.ca.gov/quick_links/subscribe.shtml to receive e-mail updates on Board activities.
MESSAGE FROM THE BOARD CHAIR
Ian Russ, Ph.D., MFT

I am honored to have been appointed to the Board of Behavioral Sciences and to have been elected by the Board as its current chair. While we continue the mission set by the Legislature to protect the public through the regulation of Marriage and Family Therapists, Clinical Social Workers, and Educational Psychologists, we have also developed working relationships with the Department of Mental Health and various public and private mental health agencies throughout the State.

As a Board, we are exploring how to stimulate young adults from various cultures to pursue training as MFTs and LCSWs and to return to their communities to improve the quality of mental health. Currently, we are working with the Licensed Mental Health Services Provider Education Program to distribute $300,000 this coming year to repay school loans for young mental health professionals who return to their communities to serve the underserved.

In November, the Board members traveled to South Tulare County where we met with the staff of the South Tulare County Mobile Unit, a new rural mental health program funded by MHSA. The program provides mental health services to rural residents. A group of dedicated mental health professionals and paraprofessionals serve the community through in-home treatment, employment education, telepsychiatric service, and individual and group therapy. Their attitude toward mental health treatment is “whatever it takes,” a core element of what is often referred to as the “recovery model.”

One of the difficulties confronted by the South Tulare County Mobile Unit, as well as by other rural mental health providers, is the lack of appropriate supervision for trainees and interns. In response, the BBS has introduced legislation to allow video supervision of both LSCW trainees and MFT interns.

Much of my time this last year has been spent working with schools, colleges, and the public to develop a new curriculum for MFT training. This new curriculum will better prepare MFTs to work in both the private sector and in the various community mental health agencies throughout California.

I have mentioned only a few of the many projects that have been placed before the BBS. I invite all members of the MFT, LCSW, and Educational Psychology communities to attend our meetings and participate in the dialogue and debates surrounding the growth and evolution of mental health training, ethical behavior, cultural and geographic diversity, mental health delivery systems, and more.
Make sure your big day is squared away

Note: “Registrant Corner” is a recurring feature that helps explain the MFT and LCSW licensure process. You can find previous installments of “Registrant Corner” in past issues of the BBS News available on the Forms and Publications section of the Board’s Web site.

Meet Stacey and Jason. Stacey is an MFT Intern who is close to reaching the six-year limit for renewing her MFT Intern registration. Jason is an ASW in the LCSW examination process.

Understanding the six-year rule For MFT applicants

Stacey paced frantically in the employee breakroom. Her fellow employees looked on in concern as she muttered to herself that she “waited too long” and “destroyed her chances at earning an MFT license.”

“Stacey, are you okay? It seems like you are really worried about something. Would you like to talk?” asked her co-worker Christina.

“I’m distraught over this six-year rule that I heard the Board of Behavioral Sciences has,” Stacey said. “Apparently – I don’t know if you knew this – you lose all your hours if you don’t submit your application for examination eligibility within six years of graduating with your master’s degree.”

“Actually Stacey, I think you are interpreting the rule incorrectly,” Christina said.

Christina went on to explain the Six-Year Rule. When Christina was in graduate school, a representative from the Board visited her campus for a presentation on the MFT licensing process. Understanding the Six-Year Rule was one of the key points of the presentation, and Christina memorized it.

“You are stressing yourself out for no reason, Stacey. Here’s how the Six-Year Rule works: The Board’s staff look at the date that they receive your application for examination eligibility and they count backwards six years to make sure your supervised experience qualifies,” said Christina.

“So you are telling me that it doesn’t matter if I’m applying eight, nine, or even ten years after graduation, I can still qualify as long as my hours fall within the most recent six years from the date the Board receives my application for examination eligibility,” said Stacey.

“Yes. Also remember that if your MFT Trainee experience is older than six years at the time you apply for licensure, up to 500 hours of pre-degree counseling experience and supervision can still qualify,” said Christina.

“Right,” said Stacey. “I guess I am not in as bad a shape as I originally thought. What a relief.”

Later, Stacey estimated a target date of July 18, 2008, to submit her application for MFT licensure. She counted back six years from that date until July 18, 2002, and found that she had 3,000 hours of experience and 104 weeks of supervision in that time.

Note: See “Professional Experience; Interns or Trainees,” Business and Professions Code Section 4980.43. The Six-Year Rule also applies to applicants seeking social work licensure. Refer to question five in the publication Answers to Most Frequently Asked Questions Relating to ASWs available on the Board’s Web site for a complete explanation.

Understanding registration renewal in the examination process

Jason nervously verified his registration via the Board’s Web site. When his record came up, his fear was realized. He had forgotten to renew his registration a month ago, and now it was listed as delinquent.

“I have an examination date next week. I can’t believe I let my registration lapse,” said Jason.

Jason decided to call the Board to determine what steps he should take. He spoke with a Social Worker Evaluator, who told Jason that failing to renew his registration on time did not mean that he could not take his examination as planned.

The evaluator stressed the importance of thinking of the registration and the examination as two independent processes. Just because your registration expires does not mean that you are ineligible to take a licensing examination. The evaluator’s explanation of the two processes made sense and eased Jason’s anxiety.

“While in the examination process, you must make sure that you meet your examination deadlines,” explained the evaluator. “Meeting examination deadlines means your hours will remain acceptable. In fact, since you have already gained all of your hours to qualify, you need an ASW number only if your employer requires it.”

Jason later found out that his employer, a nonprofit organization, does not require him to maintain his ASW registration. One phone call to the Board alleviated Jason’s worries.

Note: See “Employees of Certain Organizations; Activities of Psychosocial Nature or Use of Official Title of Position,” Business and Professions Code Section 4996.14.

Look for new installments of “Registrant Corner” in future newsletters.
The facts about CE exceptions

While most LCSWs and MFTs must complete CEs in order to renew a license as active, licensees meeting specific criteria may qualify for an exception. The requirements for an exception are specific, and a licensee has a limited time frame to apply for an exception.

The Request for Continuing Education Exception form is available to download on the Forms and Publications section of the Board’s Web site. The licensee must submit the form at least 60 days before the renewal period’s expiration date. In other words, licensees cannot ask for an exception for a future renewal period.

A licensee applying for an exception should not send in a renewal application until after the Board has ruled on the request. The Board will notify the applicant of its decision within 30 working days of receiving the request.

Under Title 16 California Code of Regulations section 1887.2(c), the Board shall grant an exception if the licensee can provide evidence satisfactory to the Board, that:

1. For at least one year during the licensee’s previous license renewal period, the licensee was absent from California due to military service.

2. For at least one year during the licensee’s previous license renewal period, the licensee resided in another country; or

3. During the licensee’s previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability must be verified by a licensed physician or psychologist with special expertise in the area of the disability. Verification of the disability must include:
   - the nature and extent of the disability;
   - an explanation of how the disability would hinder the licensee from completing the continuing education requirement; and
   - the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

For questions on CE exception requests, call the CE program at (916) 574-7869.

MFT occupational analysis update

The Board would like to thank all the MFTs who completed the occupational analysis questionnaire in summer 2007. The results from this analysis will ensure the credibility of the MFT licensing examinations by making sure the exams accurately reflect the tasks performed in the profession as well as the knowledge, skills, and abilities required to be a licensed MFT in California.
A STUDENT SPEAKS
My decision to pursue licensure as a Marriage and Family Therapist

Fifteen years ago, my therapist suggested I consider becoming a therapist myself. I thought she was kidding. I could never be as consistently calm and compassionate and wise as she was. And certainly my introverted nature would prevent me from talking with people all day. So, in spite of my therapist’s further encouragement, I dismissed the idea completely.

A few years later, I began practicing Zen Buddhism. As I became more involved, I started facilitating groups and leading workshops. Students commented that they understood themselves more deeply and gained a larger perspective on their issues when I facilitated a group. Again, their comments did not fit my view of myself. All I was doing was listening, asking an occasional question, and providing some reassurance. But, over time, I began to notice a shift in my state of being as I sat in front of a group. I was present and centered, interested in everyone without taking their words personally. I felt a deep sense of peace. This was how I wanted to be all the time. I wondered what career shift I could make so that my daily work would benefit others while encouraging me to be present and centered myself.

I had long forgotten my therapist’s suggestion. Flipping through a magazine one day, I saw an advertisement for a local graduate school that offered a master of arts degree in Counseling Psychology with an emphasis in Holistic Studies. The curriculum met all the requirements for licensure as a Marriage and Family Therapist while also emphasizing the therapist’s state of being. This was it. I knew immediately that becoming a licensed Marriage and Family Therapist with this encompassing perspective was the path I wanted to pursue.

So, at the age of 47, I enrolled in the Holistic Studies program at John F. Kennedy University in Campbell, CA. It has taken a solid commitment to attend school full time for three years while also working full-time. Yet my commitment has been strengthened by the licensed professionals I have met during this period. Faculty members at the University are practicing Marriage and Family Therapists. Their clinical experiences reinforce my desire to become a licensed therapist in private practice, and their support inspires me to consider teaching as well. My clinical practicum supervisor also serves as a role model for being an intuitive, supportive presence for clients while adhering to legal and ethical guidelines.

Fellow students and clients also spur me on the path toward licensure. Surrounded by other trainees who share a deep compassion for the clients we serve, I am heartened to realize that these people will form my professional community as we become licensed practitioners. Confirming my decision to be a Marriage and Family Therapist are the clients I have been privileged to work with during my practicum. They have bravely developed relationships with me that have enhanced their own self-awareness as well as their ability to be authentic in relationships with others.

I look forward to using my background in Zen, along with my graduate school training, to bring more compassion into the world, one relationship at a time.

Laurie Hammond
John F. Kennedy University School of Holistic Studies
MACP Candidate 2007
I’ve been audited…what should I do?

Receiving a letter notifying you that the Board of Behavioral Sciences is auditing your continuing education units is probably not what you would consider a cause for celebration. No one likes to be audited, but following these tips can help you survive the process.

Licensed Clinical Social Workers and Marriage and Family Therapists licensed by the Board must complete continuing education (CE) units each renewal period and may have their records audited at any time to verify compliance. (Business and Professions Code section 4980.54(d) and 4996.22(b).)

The Board conducts random audits to ensure that licensees are completing CE units. If you are selected for an audit, the Board will send a letter to your address of record. Your response should be postmarked no later than 30 days from the date of the audit letter and should contain a record of course completion, such as:

- Letters of verification of attendance
- Photocopies of certificates
- Grade slips
- Transcripts

Falsifying CE completion or failing to produce a record of completion when requested by the Board can result in disciplinary action. (See page 17). In many instances, the result may be a citation and fine.

Quick facts about the audit process

Licensees should keep a record of completed courses for at least two years after each renewal cycle. If an audit of your CE units reveals a deficiency, you will have an opportunity to correct it. This may involve taking one or more CE courses.

Suggestions for a painless audit

- Organize your CE documents (certificates, transcripts, etc.) by renewal cycle. Licensees cannot carry over excess hours of CE from one renewal cycle to the next.
- Use a “priority” mailing service, especially one with a tracking feature, when submitting copies of CE certificates or transcripts. Tracking the mailing will decrease the likelihood of documents getting lost in the mail.
- Submit only copies of the CE certificates and transcripts. Do not send original documents.

See future issues of the BBS News for more on continuing education.

New!

PUBLICATION FOR CONSUMERS
Self-Empowerment: Choosing a Mental Health Professional in California

This consumer publication provides information on selecting a mental health professional, understanding the assessment and treatment processes, and finding mental health services. It is available online at www.bbs.ca.gov/forms.shtml.

ONLINE FEATURE FOR STUDENTS AND REGISTRANTS
MFT and LCSW experience calculators

These calculators, created by Board staff, can help MFT Interns and ASWs determine how close they are to completing their required experience. Details and the calculators are at www.bbs.ca.gov/app-reg/exp_calc.shtml.
Every year, thousands of victims of violent crimes receive valuable assistance in putting their lives back together from dedicated licensed mental health professionals. The Victim Compensation and Government Claims Board (VCGCB) thanks all of the dedicated licensed psychologists, psychiatrists, licensed marriage and family therapists, licensed clinical social workers and interns who reach out to crime victims in need and provide them with quality mental health services.

Many victims of violent crime suffer from the emotional impact of victimization long after the physical wounds have healed. While characteristic symptoms such as intense fear, helplessness, and outbursts of anger, anxiety, or depression often develop within the first three months following victimization, victims can be surprised when such symptoms are reactivated long after the crime has occurred. Common events that may cause symptom reactivation include the anniversary date of the crime, a perpetrator’s release from prison, life stressors, entering a new developmental stage, or sights, sounds, and smells that may remind the victim of the crime event. The Victim Compensation Program (VCP) recognizes that victims of crime may need to resume treatment if symptom reactivation occurs. If you would like further information regarding the requirements for resuming treatment after a break in treatment, please contact the VCP Mental Health Section staff who are trained to answer questions regarding mental health treatment requirements for victims of violent crime.

In addition to treatment questions, the VCGCB Provider Ombudsman, Afzal Rashid, can answer any questions regarding issues related to provider payments. If you experience a delay in payments or have other issues regarding payments, please contact Afzal Rashid at (916) 491-3580 or e-mail him at Afzal.Rashid@vcgcb.ca.gov.

The VCGCB appreciates the patience and understanding of those who may have experienced problems in receiving payments, and wants to assure all mental health service providers that our new claims management system (CaRES) is continuing to improve the efficiency of payment processing. To further ensure efficient provider payments, an auto payment enhancement was recently incorporated into CaRES, which is continuing to decrease the processing time for payments. Additionally, an enhancement that allows online access to CaRES is currently being tested so providers should soon be able to check the status of bills directly via the VCGCB Web site.

At this time, providers can request information on bill status by completing an Provider Application and Bill Status Request Form, which is available on the VCGCB Web site at www.vcgcb.ca.gov. This form will be helpful in expediting inquiries about the status of multiple bills.

Again, thank you to all of the mental health providers that serve crime victims. You play a vital role in helping crime victims take back their lives.

Note: The Victim Compensation and Government Claims Board provided this article.
BBS STAFF HIGHLIGHTS

Christy Berger: Newly promoted BBS-MHSA coordinator

Christy Berger began working for the Board more than 17 years ago. She was hired as the receptionist before Board staff even had voice mail. “We had only four incoming telephone lines from the main number, and most of the time all four lines were ringing,” she said. Over the years, she has worked in nearly every unit of the Board, most recently serving as the Board’s legislation analyst and lead of the examination unit.

Christy was recently promoted to a new position at the Board — BBS-MHSA Coordinator. She will be a liaison between the Board and the Department of Mental Health to address the impact of the Mental Health Services Act (MHSA). Her tasks will include improving the Board’s ability to address MHSA-related mandates; implementing MHSA-related policy changes; disseminating MHSA-related information to Board members, management, and staff; and reviewing licensure standards to ensure they remain relevant to a changing public mental health system.

In addition, Christy was recently elected Chair of the Board’s Strategic Planning Council. The Council coordinates and oversees the implementation of the Board’s strategic plan. Christy has always had an interest in mental health issues, which has contributed to her long tenure at the Board. She has enjoyed working with the licensees and Board staff over the years. “In all of my years at the Board, this is the best group of people that I have ever worked with,” she said. “People are really dedicated, knowledgeable and friendly, and I am proud to be a part of that.”

New search feature boosts Board’s Web site

Last year, the Board of Behavioral Sciences launched a new and updated Web site which features a Google-powered search tool. The new tool can help users locate information on the site more quickly.

For example, someone looking for a list of continuing education providers can enter “continuing education provider list” in the search field. The first item on the results page is a list of continuing education providers. For more advanced techniques that can help your search more effectively, click on “search help” from the Google results page.

The Board’s Web site is a great resource for mental health professionals and consumers, and accessing information has never been easier.
Board adopts new strategic plan

At their August meeting, Board members adopted a new strategic plan that expands on the vision, mission, value, and goals of the previous plan to better represent the Board’s critical role in California’s mental health services system. At a time when the State of California is acknowledging the importance of mental health services throughout the State with landmark legislation like the Mental Health Services Act, the Board must be prepared to do its part to ensure consumer protection and competent, licensed professionals.

While preparing the new strategic plan, both staff and Board members considered whether a change was necessary in the vision, mission, and values statements. Ultimately, the Board decided the vision and mission statements could be improved, but that the values should remain the same. Here are the new vision and mission statements:

Vision: Strong minds, lives, families, and communities.

Mission: Protect Californians by promoting consumer awareness, advocating for improved mental health services, and setting, communicating, and enforcing standards.

The Board also made significant revisions to its goals and objectives. In formulating the strategic plan, the Board set out to challenge itself to create aggressive but attainable goals. When formulating the goals, the Board included a specific outcome for each.

Goal 1: Be a model State licensing board.
   Outcome: Superior consumer protection.

Goal 2: Influence changes in mental health services throughout California.
   Outcome: Better access to mental health services.

Goal 3: Promote quality mental health services.
   Outcome: Better informed consumers.

Goal 4: Expand the Board’s access to resources.
   Outcome: Effective use of the Board’s resources.

For Board members and staff, this new plan required a significant investment of time and energy. This plan represents the future of the Board of Behavioral Sciences. For more information on the new Strategic Plan and the 2007 Strategic Plan document, visit the Board’s Web site, www.bbs.ca.gov/pdf/publications/splan.pdf.

The Board welcomes new member Elise Froistad

In May 2007, Governor Arnold Schwarzenegger appointed Elise Froistad, MFT, to the Board of Behavioral Sciences. She is one of two MFTs on the Board.

Froistad has served as director of community involvement for Olive Crest Homes and Services for Abused Children since 2006 and has practiced marriage and family therapy at T&G Communications / Thomas Okomoto since 1999. Previously, she was director of residential group homes and clinical director for Olive Crest Homes and Services from 1993 to 2004.

Froistad serves on the Board’s Consumer Protection Committee and looks forward to representing her profession while helping protect California consumers.

In September 2007, the State Senate appointed Rita Cameron Wedding to the Board as a public member. Please see the next issue of the BBS News for information about her.

Farewell to Board member Howard Stein

Board member Howard Stein’s second term expired June 1, 2007.

The State Senate appointed Stein, a public member, to the Board in 1999 and again in 2003. During his tenure, he served on numerous committees, including the Consumer Services/Consumer Protection Committee, the Legislation/Managed Care Committee, the Licensing Committee, and the Examination Committee. He also served twice as Chair of the Consumer Services/Consumer Protection Committee.

Stein valued his role as a Board member and did his part to ensure consumer protection and high professional standards for mental health providers. His presence and contributions will be missed. Please join current Board members and staff in wishing him a sincere farewell.
2008 COMMITTEE MEETINGS

April 11
Policy and Advocacy Committee
Consumer Protection Committee
Los Angeles/Orange County

July 11
Policy and Advocacy Committee
Consumer Protection Committee
Sacramento

October 10
Policy and Advocacy Committee
Consumer Protection Committee
Los Angeles/Orange County

2008 BOARD MEETINGS

May 29-30 – Sacramento

August 21-22 – TBA

November 13-14 – Los Angeles

For more information on meeting locations and materials, visit the Board’s Web site, www.bbs.ca.gov/bd_activity/bd_mtgss.shtml.
Regulatory proposals

For more information and updates on the Board’s regulatory proposals, visit [www.bbs.ca.gov/bd_activity/law-reg.shtml](http://www.bbs.ca.gov/bd_activity/law-reg.shtml). The adoption of all regulations is contingent upon approval by the Office of Administrative Law.

Amend Title 16, CCR Sections 1805, 1806, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1854, 1856, and 1858 (and repeal Sections 1833.3, 1855, and 1857) - Abandonment of Application Files, Fees, and Technical Cleanup:

This proposal, which took effect December 2007, will do all of the following:

- Delete language that refers to examination final filing dates.  
  **Reason:** Such language is no longer needed because the Board no longer administers an oral examination.

- Establish a 180-day waiting period between examinations for any applicant retaking an examination.  
  **Reason:** This is consistent with current BBS practice, and is required in order to ensure that the applicant takes a different version of the examination. New examination versions are implemented approximately every 180 days.

- Allow the Board’s Executive Officer to waive the 180-day waiting period in certain circumstances.

- Resolve the discrepancy between Sections 1806 and 1833.3, clarifying that all candidates have a one-year period in which to take an examination.  
  **Reason:** Sections 1806 and 1833.3 have conflicting language. Both sections apply to candidates who are retaking an exam, and reflect two different time frames.

- Make revisions that provide clarity, consistency across the practice acts, and removes duplicate, outdated, or unnecessary language.

- Restructure fee regulations (there are no changes to fee dollar amounts).

- Clarify the difference between different types of renewal fees.

- Clarify the difference between a “license application” and an “initial license application” by renaming the “license application” to “application for examination eligibility.”

- Implement technical and editorial changes consistent with statutory changes made by Senate Bill 1475 (Chapter 659, Statutes of 2006), pertaining to Licensed Educational Psychologists.

Amend Title 16, CCR Sections 1833.1 and 1870, Supervisor Qualifications

This proposal, which took effect January 2008, will do the following:

Currently, supervisors of registrants must have practiced psychotherapy for two out of the five years preceding any supervision. This proposal would allow supervisors to count time spent directly supervising persons who perform psychotherapy toward this requirement and deletes the requirement that supervisors of MFT Interns and Trainees average five hours of client contact per week for two out of the five years before supervising.

Amend Title 16, CCR Sections 1816.7 and 1887.7, and adopt 1887.13 and 1887.14, Delinquency Fees for Continuing Education Providers

This proposal, which took effect January 2008, will do the following:

Allow a registered provider of continuing education (PCE) a period of one year from the registration’s expiration date in order to renew an expired PCE registration with a $100 delinquency fee. Currently, when a PCE does not renew the registration before its expiration date, the registration is cancelled and a new one must be obtained.

Amend Title 16, CCR Sections 1887.2(a) and 1887.3(a) Continuing Education Self-Study

This proposal, expected to take effect in early to mid 2008, will do the following:

Licensees are currently permitted to take an unlimited amount of continuing education (CE) by conventional or online means. However, hours earned through “self-study” courses are limited to one-third of the total required CE hours. This proposal permits licensees to take up to one-half of the total required CE hours through self-study.

(continued on page 13)
The following regulatory proposals have been approved by the Board and are expected to begin the formal regulatory process in 2008:

**Title 16, CCR Section 1887.2, Exceptions to Continuing Education Requirements**

This regulation sets forth CE exception criteria for MFT and LCSW license renewals. This proposal amends the language in order to clarify and better facilitate the request for exception from the CE requirement process.

**Title 16, CCR Sections 1887, 1887.2, 1887.3, and 1887.7, Minor Clean-Up of Continuing Education Regulations**

This proposal makes minor clean-up amendments to continuing education regulations.

**Title 16, CCR Section 1870, Two-Year Practice Requirement for Supervisors of Associate Clinical Social Workers**

This proposal requires supervisors of Associate Clinical Social Workers to be licensed for at least two years prior to commencing any supervision, and makes some technical changes for clarity.

**Title 16, CCR Section 1886, Citation and Fine of Continuing Education Providers**

This proposal provides the Board with the authority to issue a citation and fine to a continuing education provider.

**Title 16, CCR Section 1832.5, Acceptance of Degrees Granted by Institutions Approved by the Bureau for Private Postsecondary and Vocational Education (BPPVE)**

This proposal allows the Board to continue accepting degrees from BPPVE-approved schools that offer an MFT program when such a degree is awarded on or before June 30, 2012. Degrees awarded after June 30, 2012, would also be accepted if the school becomes accredited by the Western Association of Schools and Colleges or its MFT program is accredited by the Commission of Accreditation for Marriage and Family Therapy Education.

For more information and updates on the Board’s regulatory proposals, visit www.bbs.ca.gov/bd_activity/law-reg.shtml. The adoption of all regulations is contingent upon approval by the Office of Administrative Law.
Legislative update

For more information see California’s Legislative Counsel Web site at www.leginfo.ca.gov, or contact your professional association.

BOARD-SPONSORED BILLS

Assembly Bill 234 (Eng) Licensed Educational Psychologists and Marriage and Family Therapists — signed on October 13, 2007; took effect January 1, 2008.

The bill addresses changes made by SB 1475 (Chapter 659, Statutes of 2006) pertaining to Licensed Educational Psychologists, as follows:

1. Makes technical changes to clarify experience requirements.
2. Restores the Board’s ability to accept the following types of experience gained more than six years prior to application for licensure:
   - One year of supervised experience earned in a school psychology program.
   - One year of supervised experience as a credentialed school psychologist in a public school.
3. Restores the Board’s ability to deem different degree titles as equivalent.
4. Changes the CE requirement from 150 hours every five years to 36 hours every two years. *(Note: The CE requirement will not be implemented until regulations have been passed — this will take at least one year).*
5. Repeals the continuing education (CE) exemption for persons who hold a pupil personnel services credential. *(The Commission on Teacher Credentialing no longer requires CE.)*

This proposal also makes a number of clarifying changes and updates to the Marriage and Family Therapy Licensing laws, and also does the following:

1. Limits MFT Interns to a maximum of 125 hours of experience providing personal psychotherapy services via telemedicine.
2. Prohibits MFT Trainees and Interns from leasing or renting space, paying for furnishings, equipment or supplies, or in any other way paying for the obligations of their employers.
3. Clarifies that persons who live in California but attend a school located outside of California must meet the same educational requirements for registration or licensure as persons who attend school in California (same as AB 234).

SB 1048 (Senate Business, Professions and Economic Development Committee):
BBS Omnibus Bill — Signed on October 13, 2007; took effect January 1, 2008.

This legislation makes a number of changes for a number of boards under the Department of Consumer Affairs. The following relate to BBS licensees:

1. **Unprofessional Conduct**
   Lists all types of unprofessional conduct in one section and adds the following to the definitions of unprofessional conduct:
   - For MFTs and LCSWs, a violation of the telemedicine statute (Business and Professions Code Section 2290.5).

2. **Eliminate Extensions for Associate Clinical Social Worker (ASW) Registrations**
   Repeals the statute pertaining to extensions of an ASW registration. Requires an ASW to obtain a new registration (if needed) once his or her registration is no longer renewable. Any extension issued by the Board prior to January 1, 2008, will be valid for the duration of the extension.

3. **Out-of-State MFT Education**
   Clarifies that persons who live in California but attend a school located outside of California must meet the same educational requirements for registration or licensure as persons who attend school in California (same as SB 1048).

4. **Reduces License Delinquency Period to Three Years**
   Decreases the amount of time a license can remain delinquent from five years to three years. After the three-year period has elapsed, the license is cancelled.

5. **Fictitious Business Names**
   Addresses the use of fictitious business names for Licensed Clinical Social Workers (LCSWs) in private practice, in parallel with current MFT statute. Prohibits such a licensee from using a name that is false, misleading, or deceptive, and requires the licensee to inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

(continued on page 14)
6. Fee Statutes and Applications
Makes a number of technical changes related to fee and renewal statutes for consistency and clarity. Also changes the name of the “Application for State Licensure” to “Application for Examination Eligibility” to better clarify the purpose of the application.

7. Exempt Practice Settings
Aligns exempt practice settings specified in LCSW statute with those specified in MFT statute. Clarifies that the exempt settings statute also applies to volunteers working in such settings. The exempt settings, which apply to persons whose work is performed solely under the supervision of the employer, are now as follows:
- A governmental entity;
- A school, college, or university;
- An institution that is both nonprofit and charitable; or
- A volunteer who is working in any of the settings described above if his or her work is performed solely under the supervision of the entity, school, college, university, or institution.

8. Portability of MFT Licensure
- Permits a person who has been licensed as an MFT in another state for at least two years, who completed a qualifying course in law and ethics out of state, to meet the California law and ethics requirement by taking an 18-hour course.
- Permits a person licensed as an MFT in another state to count hours of experience gained within the six-year period preceding the applicant’s initial licensure in that state.
- Permits an applicant for MFT licensure who has a degree earned outside of California to make up for deficiencies in units or content if the applicant’s degree contains the required number of practicum units and the required amount of coursework in marriage, family, and child counseling and marital and family systems approaches to treatment.

9. Qualifications for MFT Intern Registration
- Permits an applicant for MFT intern registration who has a degree earned outside of California to make up for deficiencies in units or content if the applicant’s degree contains the required number of practicum units and the required amount of coursework in marriage, family and child counseling and marital and family systems approaches to treatment.
- Eliminates an outdated provision which permits applicants for MFT Intern registration to qualify under an alternative method.

OTHER LEGISLATION
BBS licensees are currently subject to disciplinary action for refusing, or aiding or inciting another licensee to refuse to perform licensed services because of the prospective recipient’s race, color, sex, religion, ancestry, disability, marital status, or national origin. Existing law also creates an exception to that prohibition for healing arts practitioners if the licensed activity sought would pose a direct threat to the health or safety of others.

This legislation adds “medical condition,” “marital status,” and “sexual orientation” to the list of reasons a licensee cannot refuse, or aid or incite another licensee to refuse to perform licensed services. This bill also establishes that these requirements do not prohibit a licensee from taking into consideration those characteristics for purposes of diagnosis or treatment. Additionally, this bill does not require any healing arts practitioner to perform a licensed activity for which he or she is not qualified.

This bill also makes a number of other changes not directly related to BBS licensees.

AB 1178 (Hernandez) Medical Information Disclosures — signed on October 11, 2007; took effect January 1, 2008.
This legislation permits a provider of health care to disclose medical information when a psychotherapist has reasonable cause to believe that the patient is in such a mental or emotional condition as to be dangerous to himself or herself or to the person or property of another and that disclosure is necessary to prevent the threatened danger. This bill conforms the Civil Code to existing provisions established in case law and in the Evidence Code. At its meeting on May 31, 2007, the Board adopted a position of “support” on this legislation.

(continued on page 16)
SB 45 (Perata) **Private Postsecondary Education**  
— signed on October 13, 2007; took effect January 1, 2008.

This bill extends by six months (until January 1, 2009), institutional approvals necessary to preserve an applicant’s ability to qualify for registration or licensure. This legislation also extends the provisions of AB 1525 and does a number of other things, including establishing a Bureau for Private Postsecondary Education in the Department of Consumer Affairs that will begin operations when a larger reform bill is passed.

**AB 1367 (DeSaulnier) Licensed Alcohol and Drug Abuse Counselors**

This bill would establish title protection and licensure for Licensed Alcohol and Drug Abuse Counselors, with the program to be administered by the Board of Behavioral Sciences. The Board did not take a position on this bill. The Board expects this bill to be reconsidered in 2008.

**SB 455 (Steinberg and Romero) Mentally Ill Offenders**

This proposal would have established mental health courts statewide, requiring each county to establish a method for screening every defendant for mental illness. If the defendant is eligible and consents, he or she would be placed on probation and required to participate in the program for a minimum of one year. This proposal would also have expanded mental health and treatment programs for prisoners and probationers with severe mental illness. It would have provided a structure and philosophy consistent with the Mental Health Services Act (MHSA) but without using MHSA funding. The Board’s Policy and Advocacy Committee recommended a position of “support” to the full Board, which adopted the Committee’s recommendation at its May 31, 2007, meeting.

**AB 509 (Hayashi) Suicide Prevention**

This proposal would have established the Office of Suicide Prevention (OSP) under the Department of Mental Health (DMH). TheOSP would be required to coordinate and implement a statewide suicide prevention strategy modeled after the National Strategy for Suicide Prevention, among other tasks. The Board’s Policy and Advocacy Committee recommended a position of “support” to the full Board, which adopted the Committee’s recommendation at its meeting on May 31, 2007. Although this bill was vetoed, the Board received a letter from the bill’s author stating that the Governor has agreed to create the OSP by Executive Order.

**AB 1025 (Bass) Denial of Licensure**

This proposal would have prohibited a person from being denied licensure or having his or her license suspended or revoked based on a criminal conviction that has been expunged. The Board’s Policy and Advocacy Committee recommended a position of “oppose” to the full Board, which adopted the Committee’s recommendation at its May 31, 2007, meeting. The Board expects this bill to be reconsidered in 2008.

**AB 1486 (Calderon) Licensed Professional Counselors**

This legislation would establish title protection and licensure for Licensed Professional Counselors, with the program to be administered by the Board of Behavioral Sciences. At its meeting on May 31, 2007, the Board adopted a position of “support” for this bill. The Board expects this bill to be reconsidered in 2008.

The following bills were vetoed by the Governor in 2007:

**AB 249 (Eng) Regulatory Gag Clauses**

This proposal would have prohibited Board licensees and registrants, as well as other healing arts licensees from including any of the following provisions in a civil settlement:

1. Prohibiting the other party from contacting, cooperating or filing a complaint with the Board
2. Requiring the other party to withdraw a complaint from the Board

The Board’s Policy and Advocacy Committee recommended a position of “support” to the full Board, which adopted the Committee’s recommendation at its May 31, 2007, meeting.

**AB 423 (Beall) Mental Health Parity**

This proposal would have required health care service plan contracts and health insurance policies to provide coverage for the diagnosis and treatment of a mental illness to persons of all ages under the same terms and conditions applied to other medical conditions. Defines “mental illness” as mental disorders defined in the DSM-IV or subsequent editions, and includes substance abuse. The Board’s Policy and Advocacy Committee recommended a position of “support” to the full Board, which adopted the Committee’s recommendation at its May 31, 2007, meeting.

**AB 851 (Steinberg and Romero) Mentally Ill Offenders**

This proposal would have established mental health courts statewide, requiring each county to establish a method for screening every defendant for mental illness. If the defendant is eligible and consents, he or she would be placed on probation and required to participate in the program for a minimum of one year. This proposal would also have expanded mental health and treatment programs for prisoners and probationers with severe mental illness. It would have provided a structure and philosophy consistent with the Mental Health Services Act (MHSA) but without using MHSA funding. The Board’s Policy and Advocacy Committee recommended a position of “support” to the full Board, which adopted the Committee’s recommendation at its May 31, 2007, meeting.
## Enforcement Citations

**January 1, 2007, through June 30, 2007**

### Failure to Comply with Continuing Education Requirement

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(continued on page 18)
### Enforcement Citations (continued from page 17)

January 1, 2007, through June 30, 2007

#### Failure to Comply with Continuing Education Requirement

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<td>Thronson, Penelope Ann</td>
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<td>Kaplan, Carol Ann</td>
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#### Practicing Beyond Scope

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<td>Young, Linda G.</td>
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#### Unlicensed Practice

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Suggest an Article for *BBS News*

Is there an article you would like to see in *BBS News*? The Board welcomes suggestions for future issues. Please send your ideas via e-mail to bbswebmaster@bbs.ca.gov or by mail to:

**BOARD OF BEHAVIORAL SCIENCES**  
1625 NORTH MARKET BLVD., SUITE S-200  
SACRAMENTO, CA 95834
Enforcement disciplinary actions

Baca, Dianna Marie  
IMF 46949; Case No. IM-2005-664  
Anaheim, CA

Alleged grounds for discipline: Conviction of a substantially related crime.

On or about April 27, 2005, respondent pleaded guilty to one count of Vehicle Code Section 23103.5, a misdemeanor (reckless driving, reduced from driving under the influence).

Disposition: By stipulation, registration revoked, revocation stayed, placed on three years’ probation. Terms and conditions include rehabilitation program, supervised practice, psychological evaluation, psychotherapy, biological fluid testing, education, reimbursement of probation program, and cost recovery of $2,670. Effective 3/17/2007.

Burstyn, Donna Eddi  
MFC 32445; Case No. MF-2005-417  
Beverly Hills, CA

Alleged grounds for discipline: Conviction of a substantially related crime; unprofessional conduct; gross negligence or incompetence; failure to maintain confidentiality; failure to maintain records; intentional or reckless harm; dishonest, corrupt, or fraudulent act.

On or about December 26, 2001, respondent pleaded no contest to one count of violating Penal Code section 459, a misdemeanor (burglary) and one count of Penal Code section 484(a), a misdemeanor (petty theft). In August 2003, respondent allegedly discussed a client with a third party. Respondent allegedly spoke at length about her own personal problems in session with client. Respondent allegedly failed to maintain adequate records.

Disposition: By stipulation, license revoked, revocation stayed, placed on five years’ probation. Terms and conditions include psychological evaluation, psychotherapy, supervised practice, education, reimbursement of probation program, law and ethics course, and cost recovery of $5,500. Effective 5/23/07.

Chernoff, Sharon Marsha  
LCS 12215; Case No. LC-2006-308  
Coalinga, CA

Alleged grounds for discipline: Unprofessional conduct, gross negligence, and incompetence.

During the period from on or about July 19, 2004, through on or about mid-May 2005, respondent, an employee of the Department of Corrections and Rehabilitation, allegedly engaged in a personal relationship with a client/inmate. This relationship allegedly included, but was not limited to, writing letters of a personal and sexual nature to the client/inmate, and lengthy telephone conversations of a personal nature with the client/inmate.


Ekhardt, Bonita N.  
MFC 23448, LEP 1733; Case No. DL-2003-579  
Bakersfield, CA

Alleged grounds for discipline: Unprofessional conduct; failure to maintain confidentiality; multiple relationships; gross negligence and/or incompetence; dishonest, corrupt or fraudulent act; misrepresentation of license.

On or about January 16, 2002, respondent allegedly notified Client A that the court had appointed her as Special Master for the purpose of making decisions for custody and visitation of Client A and Client A’s ex-wife’s two minor children. Respondent allegedly communicated information to third parties without obtaining approval of Client A. Respondent allegedly later (September 2002) discussed confidential information in court testimony after claiming resignation as Special Master. Allegedly, respondent engaged in multiple relationships with Client A’s family by acting as their individual therapist, family therapist, child visitation supervisor, and forensic expert for one party in a custody hearing and by providing treatment to the minor children. Respondent allegedly failed to keep Client A informed as to the nature of billing services and his financial obligations. The Board alleged that respondent held herself out as a psychologist to Client A.

Disposition: By stipulation, license revoked, revocation stayed, placed on five years’ probation, license suspended for 60 days. Terms and conditions include supervised practice, education, reimbursement of probation program, law and ethics course, and cost recovery of $10,000. Effective 5/23/07.

Esswein, Jason Eugene  
MFC 41644, Case No. MF-2005-874  
San Jose, CA

Alleged grounds for discipline: Conviction of a substantially related crime.

On or about January 26, 2006, in Santa Clara Superior Court, respondent was convicted of having violated California Penal (continued on page 20)
Enforcement disciplinary actions (continued from page 19)

Code section 245(a)(1) (assault by means of force likely to produce a great bodily injury), a felony, and section 12020(a) (possession of a billy), a misdemeanor.

Disposition: By stipulation, license revoked, revocation stayed, placed on three years’ probation. Terms and conditions include license suspension until respondent obtains a psychological evaluation, psychotherapy, supervised practice, reimbursement of probation program, and cost recovery of $1,383.50. Effective 1/19/2007.

Gouaux, R. Andre
LCS 16690; Case No. LC-2006-383
Manteca, CA

Alleged grounds for discipline: Conviction of a substantially related crime.

On or about December 12, 2005, in the San Joaquin Superior Court, respondent, an employee of the Department of Corrections, was convicted of violating Penal Code section 289.6(A) (engaging in sexual activity with a consenting person confined in the Department of Corrections).

Disposition: By stipulation, voluntary surrender of license, must pay cost recovery of $1,861.50 prior to issuance of a new license. Effective 1/19/2007.

Maung, Iqbal T.
MFC 16461; Case No. DP-2005-836
West Covina, CA

Alleged grounds for discipline: Unprofessional conduct; gross negligence and incompetence; violating, attempting to violate, or conspiring to violate any of the provisions or any regulation adopted by the Board; aiding or abetting the unlicensed practice of marriage and family therapy; dishonest, corrupt, or fraudulent acts; failure to keep records.

Upon reviewing respondent’s practice, the Department of Health Services (DHS) discovered that during the time frame of January 1, 2002, through July 31, 2002, respondent employed three persons as health care counselors who were not psychology assistants nor registered Marriage and Family Therapist Interns, and permitted them to treat multiple patients. Respondent allegedly falsely billed Medi-Cal individually for each of the three unlicensed persons. Respondent allegedly employed a psychiatrist not enrolled in Medi-Cal and billed Medi-Cal for services under respondent’s provider number. Allegedly, respondent billed for services that were not documented in the patient’s records. Respondent allegedly failed to keep accurate and adequate records of services provided to patients.

Disposition: By stipulation, voluntary surrender of intern registration, cost recovery of $7,847.25 prior to issuance of new registration or license. Effective 5/30/2007.

Peacock, Bruce A.
MFC 22404; Case No. MF-2006-354
Merced, CA

Alleged grounds for discipline: Conviction of a substantially related crime.

On or about February 15, 2006, respondent pleaded no contest in Merced Superior Court to one felony count of violating Penal Code section 646.9(a) (stalking). The circumstances are that on or about September 20, 2005, respondent was arrested and charged with felony stalking following an incident that occurred on September 19, 2005, involving a female former employee.

Disposition: By stipulation, voluntary surrender of license, must pay cost recovery of $1,243.50 prior to the issuance of a new registration or license. Effective 5/11/2007.

Peterman, Heather N.
IMF 49645; Case No. IM-2006-897
Grass Valley, CA

Alleged grounds for discipline: Conviction of a substantially related crime, self-administration of a controlled substance.

On or about January 9, 2006, in Placer Superior Court, respondent pleaded guilty to possessing and self-administering an unknown quantity of a controlled substance.

Enforcement disciplinary actions (continued from page 20)

Pleune, Scott M.
ASW 16088; Case No. AS-2005-90
Sherman Oaks, CA

Alleged grounds for discipline: Conviction of a substantially related crime, commission of a sexually related crime, sexual misconduct with client, physical or emotional harm to a client.

On or about November 23, 2005, respondent pleaded no contest to violating Penal Code section 647.6 (annoy or molest children under 18), a misdemeanor. The circumstances surrounding the conviction are that on or about July 15, 2004, respondent committed a lewd and lascivious act upon and with the body and certain parts of a child and did unlawfully annoy and molest another child.


Rosen, Martin D.
MFC 38165; Case No. MF-2006-1120
Vallejo, CA

Alleged grounds for discipline: Conviction of a substantially related crime.

On or about September 25, 2006, respondent pleaded no contest to carrying a concealed weapon.

Disposition: By stipulation, license revoked, revocation stayed, placed on five years’ probation. Terms and conditions include psychological evaluation, psychotherapy, supervised practice, restricted practice (cannot work in a lockdown facility), reimbursement of probation program, cost recovery of $3,512.25. Effective 6/30/2007.

Schelin, David M.
IMF 44692; Case No. DI-2003-485
Rancho Santa Margarita, CA

Alleged grounds for discipline: Failure to comply with terms of probation.

Respondent failed to comply with numerous terms of his probation, including to be supervised, to participate in psychotherapy, to complete a law and ethics course in a timely manner, to comply with community service, to maintain a current and active registration, and to submit quarterly reports.


Walker, Patricia K.
MFC 27583; Case No. MF-2005-411
Rancho Cordova, CA

Alleged grounds for discipline: Unprofessional conduct; gross negligence/incompetence; violating/conspiring to violate regulations; intentionally, recklessly, causing harm to clients; dishonest, corrupt, or fraudulent acts.

Respondent allegedly established a dual relationship with two clients when she used them as personal lenders. Respondent allegedly borrowed large sums of money from the clients.

Disposition: By stipulation, license revoked, revocation stayed, placed on five years’ probation. Terms and conditions include 60 days’ suspended practice, supervised practice, education in boundaries and dual relationships, law and ethics course, reimbursement of probation program, and cost recovery of $2,608. Effective 6/30/2007.

Yorke, Jeanne M.
MFC 23097; Case No. MF-2005-730
Fullerton, CA

Alleged grounds for discipline: Unprofessional conduct, gross negligence, recklessly causing physical or emotional harm to a client, breach of client confidentiality.

Respondent allegedly engaged in multiple relationships with a client, involving client in respondent’s personal life and sharing intimate details of her life with the client. Respondent allegedly enmeshed her client in respondent’s own family, fostering an unhealthy level of dependence. Respondent allegedly shared information about client with a third party.

Disposition: By stipulation, license revoked, revocation stayed, placed on five years’ probation. Terms and conditions include 30 days’ suspended practice, psychotherapy, supervised practice, law and ethics course, education in boundary issues, reimbursement of probation program, and cost recovery of $4,500. Effective 06/30/2007.