

**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE
REVISED FOR 15-DAY NOTICE**

Changes to the originally proposed language are shown in the following manner:
Language originally proposed is underlined; deletions from the language originally proposed are shown in strikethrough; and additions to the language originally proposed are shown in double underline.

Amend Section 1886.40 of Division 18 of Title 16 as follows:

§1886.40. Citable Offenses. Amount of Fines.

(a) For purposes of this section, a "citable offense" is defined as any violation of the statutes and regulations enforced by the Board of Behavioral Sciences, including Chapters 13 and 14 of Division Two of the Business and Professions Code and Title 16, Division 18, California Code of Regulations.

(b) The executive officer of the board shall ~~may~~ assess fines for citable offenses ~~listed in this section, provided however, in no case shall the total fines which shall not exceed two thousand five hundred dollars (\$2,500) for each investigation except as otherwise provided in this section.~~ The executive officer shall not impose any duplicate fines for the same violation. ~~The fine for a violation of the following sections of the Business and Professions Code, California Code of Regulations, and Welfare and Institutions Code shall be from \$100 to \$2,500.~~

(c) The executive officer of the board may assess fines for citable offenses which shall not exceed five thousand (\$5,000) for each investigation if the violation or count includes one or more of the following circumstances:

(1) The cited person has a history of two or more prior citations ~~of~~ for similar violations, except for citations withdrawn or dismissed after appeal.

(2) The citation involves multiple violations that demonstrate a willful disregard of the law statutes or regulations.

(3) The citation ~~involves~~ is for a violation or violations ~~perpetrated against~~ involving a minor, ~~person over the age of 60 elder or dependent adult~~, or a person with a physical or mental disability as defined in Section 12926 of the Government Code.

~~(5)~~(4) The citation involves unlicensed practice.

~~(6)~~(5) The citation involves an impermissible unlawful or unauthorized breach of confidentiality.

(d) The executive officer of the board may assess fines which shall not exceed five thousand dollars (\$5,000) for each violation or count if the violation or count involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare.

~~—B&P refers to the Business and Professions Code.~~

~~—CCR refers to the California Code of Regulations.~~

~~—W&I refers to the Welfare and Institutions Code.~~

~~The summary description in this section is for the convenience of reference only, does not include the complete text or all required elements of the listed statutes and regulations and shall be disregarded in determining the meaning and effect of this section.~~

~~B&P § (unless otherwise indicated)—~~

~~(a) 15630 (W&I §)~~

~~CCR§—~~

~~1845(e), 1881(o),
1858(o)—~~

~~Summary Descriptions—~~

~~Fails to Comply with Child Abuse,
Elder and Dependent Adult~~

(b) 480, 4980.02, 4982(l), 4982(s), 4982(t), 4986.10, 4987.9, 4988.1, 4992.3(l), 4996.5, 4996.9, 4998.4— (c) 141, 480, 4982.25, 4992.36	1845(a), 1845(b), 1881(g), 1881(h), 1858(i), 1858(j)—	Reporting Requirements— Performing, Offering to Perform, Permitting to Perform Beyond Scope of License—
(d) 480, 4980(b), 4982(f), 4986.50, 4992.3(f), 4996	1845(a), 1845(b) 1881(a), 1858(a), 1858(g)	Discipline by Another State or by California Against a Corresponding License— Misrepresentation of License / Qualifications, Practice with an Expired License or Without a License—
(e) 123, 4982(q), 4992.3(q)— (f) 480, 125, 4982(h), 4992.3(h)	1881(l), 1858(n)— 1881(c), 1858(c)—	Violates Exam Security— Aiding and Abetting Unlicensed / Unregistered Activity—
(g) 480, 4982(m), 4992.3(m)— (h) 480, 728—	1881(i), 1858(k)—	Failure to Maintain Confidentiality— Fails to Provide Sexual Misconduct Brochure—
(i) 4980.44(a)(4), 4980.45, 4982(r), 4982(t), 4982(u), 4992.3(r)	1833.1, 1845(b), 1858(j), 1881(h)—	Improper Supervision of Trainee / Intern / Associate
(j) 480, 4982(e), 4982(u), 4992.3(e), 4986.70(e), 4996.18, 4996.20(e), 4980.48, 4980.43(f), 4980.43(i)—	1880, 1880.1	Violations by Registrants / Applicants / Trainees
(k) 4982(n), 4992.3(n)— (l) 4982(o), 4992.3(o)— (m) 480, 651, 4980.46, 4982(p), 4986.70(d), 4987.8, 4992.3(p), 4998.3— (n) 703, 4980.30, 4984, 4987.7, 4998.2—	1881(j), 1858(l)— 1881(n)— 1811, 1881(k), 1850.6, 1858(m)—	Failure to Disclose Fees in Advance Pay, Accept, Solicit Fee for Referrals False/Misleading Advertising
(o) 4987.9, 4988, 4998.2, 4998.3, 4998.4, 4998.5, 4996.19— (p) 136—	1850.7, 1850.8 1804—	Failure to Pay Required Fees Corporation Requirements
(q) 654.2— (r) 4996.7, 4996.8— (s) 4996.16—		Failure to Notify of Change of Address— Prohibited Charges— Display of License/Renewal Receipt Out-of-State Limitations—

NOTE

Authority cited: Sections 125.9, 148, 149, 4980.60, 4987 and 4990.14, Business and Professions Code. Reference: Sections 123, 125, 125.9, 136, 141, 148, 149, 480, 651, 654.2, 703, 728, 4980, 4980.02, 4980.30, 4980.43, 4980.44, 4980.45, 4980.46, 4980.48, 4982, 4982.25, 4984, 4986.10, 4986.50, 4986.70, 4987.7, 4987.8, 4987.9, 4988, 4988.1, 4988.5, 4992.3, 4992.36, 4996, 4996.5, 4996.7, 4996.8, 4996.9, 4996.16, 4996.18, 4996.19, 4996.20, 4998.2, 4998.3 and 4998.4, Business and Professions Code; Sections 1804, 1811, 1833.1, 1845, 1850.6, 1850.7, 1850.8, 1858, 1880, 1880.1 and 1881, California Code of Regulations; and Section 15630, Welfare and Institutions Code.