

## MEMORANDUM

<b>DATE</b>	August 30, 2017
<b>TO</b>	Psychology Board Members
<b>FROM</b>	Sandra Monterrubio, Enforcement Program Manager Board of Psychology
<b>SUBJECT</b>	Enforcement Report, Agenda Item 6

Please find attached the Overview of Enforcement Activity conveying complaint, investigation, and discipline statistics to date for the current fiscal year.

### Complaint Program

Since July 1, 2017, the Board has received 164 complaints. All complaints received are opened and assigned to an enforcement analyst within seven (7) days of receipt.

### Citation Program

Since July 1, 2017, the Board has issued 11 enforcement citations. Citation and fines are issued for minor violations.

### Discipline Program

Since July 1, 2017, the Board has referred seven (7) cases to the Office of the Attorney General for formal discipline.

### Probation Program

Enforcement staff is currently monitoring 52 probationers. Of the 52 probationers, five (5) are out of compliance.

### Experts

The Board is currently recruiting qualified psychologists to serve as expert reviewers. Experts are paid \$100 – \$200 per hour, depending upon the services rendered, for case reviews, preparation of expert opinion reports, and testimony at administrative hearings. The Expert Reviewer Program is the backbone of the Board's Enforcement Program, and its effectiveness is vital for fulfilling our legislative mandate to protect California consumers of psychological services from unlicensed, unprofessional, incompetent, and otherwise dangerous practitioners.

Expert reviewers must meet the following requirements:

- ❖ Possess a current California psychology license in good standing
- ❖ Have forensic experience and be willing to testify if a case proceeds to a hearing
- ❖ Have an active practice, defined as at least 80 hours per month in direct patient care, clinical activity, psychometric testing and/or teaching. However, at least 40 hours must be in direct patient care.
- ❖ Have three or more years of expertise in specific areas of practice
- ❖ Have no prior or current charges or formal disciplinary actions related to any healing arts license, registration, certificate or credential to practice psychology or any other profession or occupation in any state in the United States or foreign country
- ❖ Have no criminal convictions, including any that were expunged or dismissed

The Board created the Expert Reviewer Program as an additional resource for investigating complaints. The Board relies on the experts to provide insight and direction to Enforcement staff throughout the course of an investigation. The review conducted by the expert will determine whether the complaint requires further formal investigation by the Health Quality Investigative Unit or the Division of Investigation or whether the case should be closed. If the expert determines that the Subject's conduct or practice did not fall below the standard of care, the case is closed and no further action is anticipated. If a complaint is referred for formal investigation and it is determined a violation occurred, the case may be submitted to the Office of the Attorney General for formal discipline or a citation and fine may be issued.

Before an expert can accept a case from the Board for review, the expert must sign and certify that they do not know the Subject of the complaint, and that they have never had any type of business, professional, personal or other relationship with either the Subject or the Complainant. This ensures the case is reviewed fairly and impartially.

The Board is currently conducting an e-mail campaign inviting eligible licensees to participate in the next expert training, which is scheduled for November 2017. The Board hopes that the positive early responses to this campaign will result in many new appointments to the program.

Action Requested

This item is for informational purposes only.

Attachment A: Overview of Enforcement Activity

Attachment B: Performance Measures

**BOARD OF PSYCHOLOGY**  
**Overview of Enforcement Activity**

<b>License &amp; Registration</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>*17/18</b>
Psychologist	20,307	21,019	21,527	22,020	22,688	****	20,575	20,024	20,596	20,704
Registered Psychologist	324	320	312	320	349	****	280	278	249	228
Psychological Assistant	1,397	1,429	1,507	1,635	1,727	****	1,701	1,466	1,442	1,482
<b>Cases Opened</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>*17/18</b>
Complaints Received	786	712	785	747	707	643	900	798	1042	164
Criminal Conviction Reports Received	72	54	48	70	42	133	72	50	39	10
Investigations Opened	88	79	83	107	73	505	736	602	771	156
Cases sent to DA	2	3	3	5	6	0	0	0	0	1
Cases sent to AG	23	38	37	34	38	41	46	33	45	7
<b>Filings</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>*17/18</b>
Accusations	8	23	21	27	31	27	30	23	27	4
Statement of Issues	9	8	4	4	2	4	10	5	7	0
Petition to Revoke Probation	0	0	0	3	1	2	2	3	1	3
Petitions to Compel Psych. Exam	0	0	1	1	0	1	0	1	0	0
Petitions for Penalty Relief	3	1	0	1	1	2	0	0	3	1
Petition for Reinstatement	1	1	0	2	1	1	0	0	2	0
Petitions for Reconsideration	0	1	0	0	2	0	0	0	0	0
<b>Filing Withdrawals/Dismissals</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>*17/18</b>
Accusations Withdrawn	0	0	2	0	0	2	0	5	0	0
Accusations Dismissed	0	1	0	1	1	0	1	4	1	0
Statement of Issues Withdrawn	5	0	2	1	0	0	0	0	1	0
<b>Citations</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>*17/18</b>
Citations Ordered	5	10	9	18	10	6	11	27	32	11
<b>Disciplinary Decisions</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>*17/18</b>
Revocations	1	3	2	4	2	4	2	4	2	2
Revocation, Stayed, Probation	7	9	12	11	11	11	12	24	16	3
Revoked, Stayed, Probation, Susp.	3	0	0	0	0	0	0	0	0	0
Surrender	8	3	2	11	10	10	9	12	26	2
Reprovals	0	0	1	2	0	2	1	3	3	1
ISO/TRO/ASO/PC23 Ordered	3	4	1	4	3	2	2	2	1	0
Statement of Issues-License Denied	1	1	0	1	1	0	2	0	0	0
<b>Total Disciplinary Decisions</b>	<b>23</b>	<b>20</b>	<b>18</b>	<b>33</b>	<b>27</b>	<b>29</b>	<b>28</b>	<b>45</b>	<b>48</b>	<b>8</b>
<b>Other Decisions</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>*17/18</b>
Statement of Issues-License Granted	4	5	4	3	6	3	1	1	0	0
Petitions for Penalty Relief Denied	1	0	0	0	0	0	0	0	2	1
Petitions for Penalty Relief Granted	3	1	1	1	1	1	0	0	1	0
Petition for Reinstatement Granted	1	0	0	0	1	0	0	0	0	0
Petition for Reinstatement Denied	0	0	1	1	1	0	0	0	2	0
Reconsiderations Denied	0	0	1	0	1	0	0	1	0	0
Reconsiderations Granted	0	1	0	0	1	0	0	0	0	0
Orders Compelling Psych. Exam	0	0	0	1	0	1	0	0	0	0
<b>Total Other Decisions</b>	<b>9</b>	<b>7</b>	<b>7</b>	<b>6</b>	<b>11</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>1</b>
<b>Violation Types</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>*17/18</b>
Gross Negligence/Incompetence	5	4	4	3	5	9	7	23	29	5
Improper Supervision	0	0	1	0	0	1	0	1	0	0
Repeated Negligent Acts	0	0	0	1	0	6	6	22	31	5
Self Abuse of Drugs or Alcohol	2	3	3	12	1	8	3	7	15	3
Dishonesty/Fraud	0	3	0	2	2	3	3	6	8	2
Mental Illness	1	0	0	0	2	1	0	4	5	1
Aiding Unlicensed Practice			0	0	0	1	0	1	0	1
General Unprofessional Conduct	1	1	1	0	2	14	2	5	2	1
Probation Violation	1	0	0	2	1	2	0	3	26	0
Sexual Misconduct	6	1	2	6	9	1	1	6	14	1
Conviction of a Crime	7	9	8	5	5	11	12	18	23	0
Discipline by Another State Board	1	0	1	1	0	0	0	5	5	1
Misrepresentation of License Status						1	1	1	1	1
<b>Professional Standards - Findings</b>						<b>13/14</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>*17/18</b>
Abandonment						1	0	0	0	0
Confidentiality						1	1	1	4	0
Failure to provide medical records						0	2	1	2	0
Outside of area of competence						1	0	3	5	0

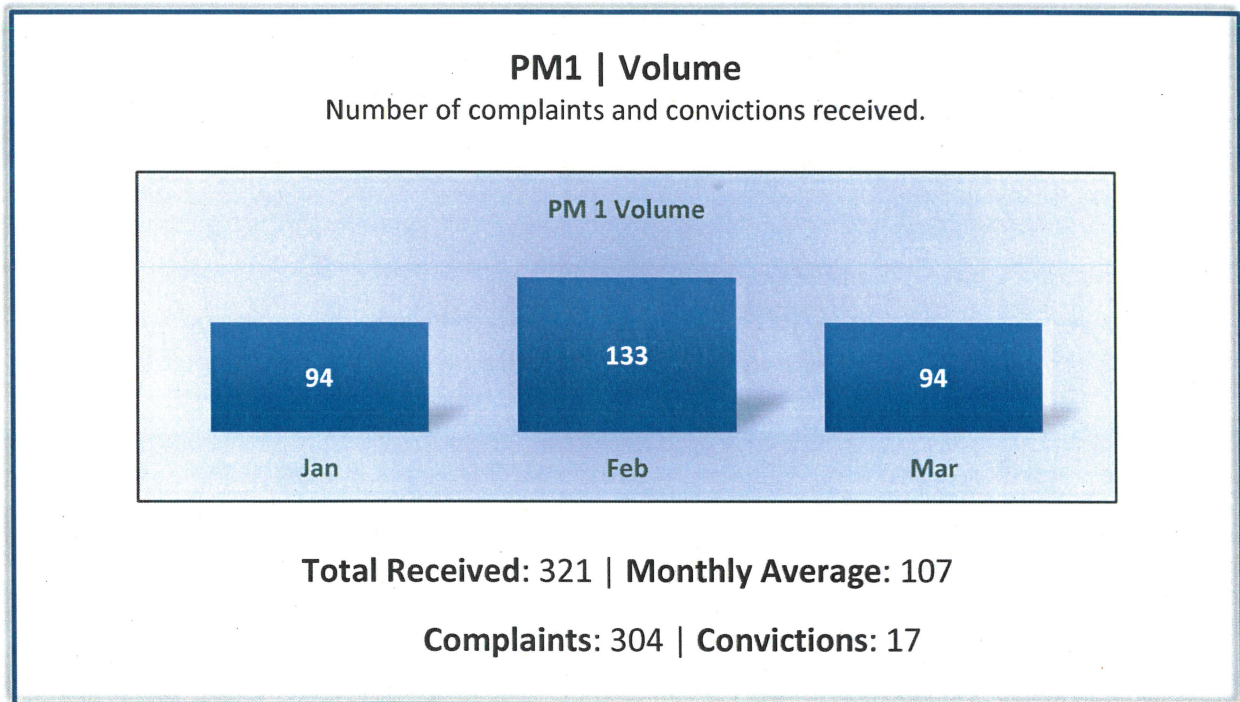
\*Statistics through August 28, 2017

\*\*\*\*Statistics unavailable

## Enforcement Performance Measures

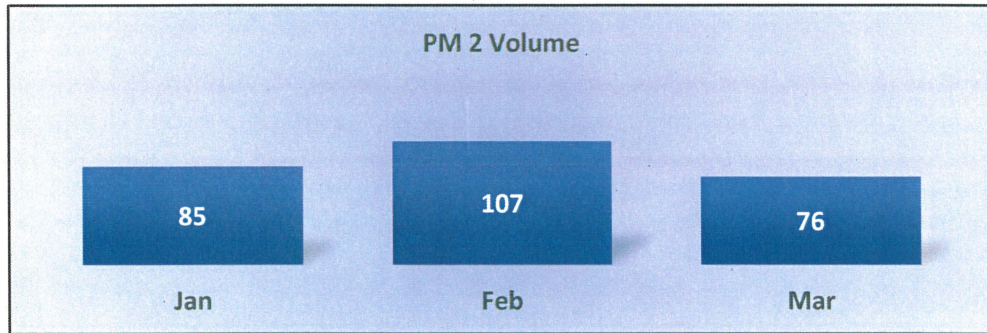
### Q3 Report (January – March 2017)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.



### PM2 | Intake – Volume

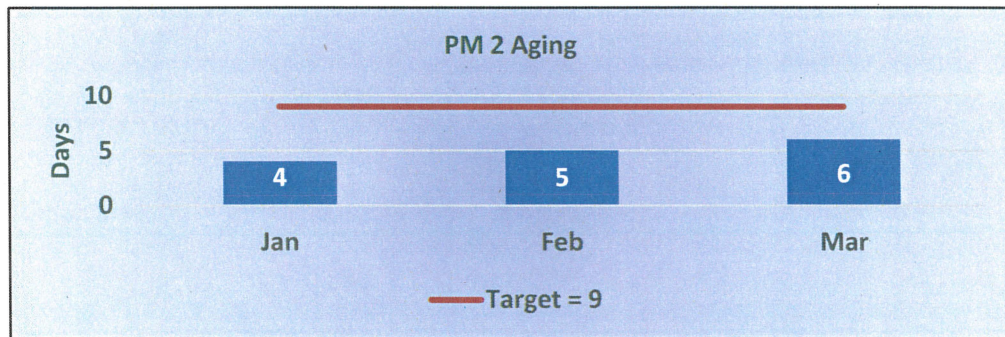
Number of complaints closed or assigned to an investigator.



**Total: 268 | Monthly Average: 89**

### PM2 | Intake – Cycle Time

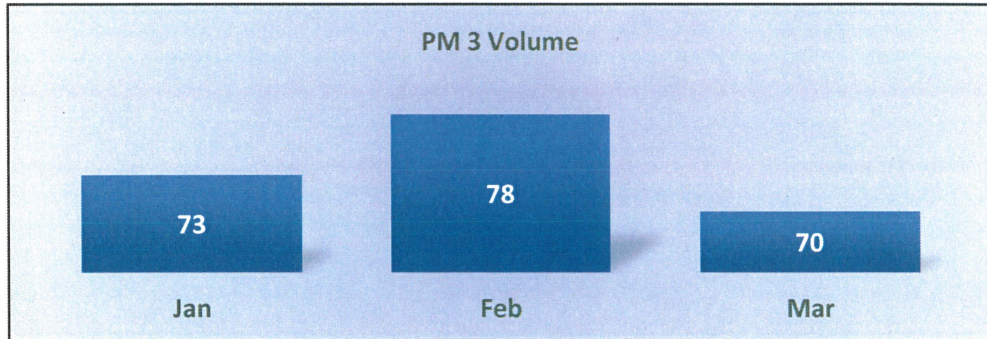
Average number of days from complaint receipt, to the date the complaint was closed or assigned to an investigator.



**Target Average: 9 Days | Actual Average: 5 Days**

### PM3 | Investigations – Volume

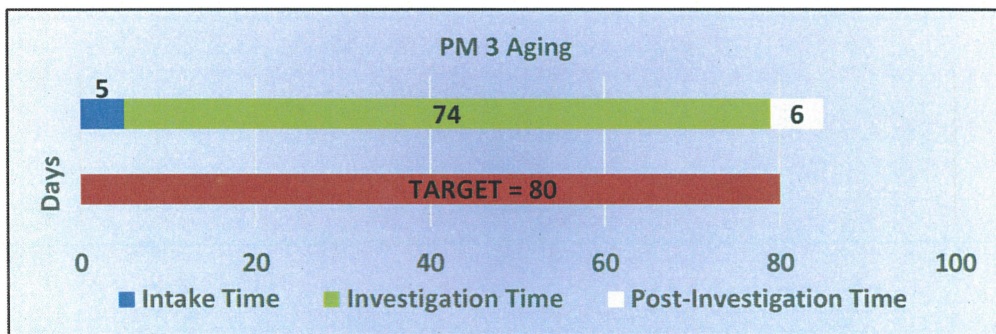
Number of investigations closed (not including cases transmitted to the Attorney General).



**Total: 221 | Monthly Average: 74**

### PM3 | Investigations – Cycle Time<sup>1</sup>

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and investigation.)

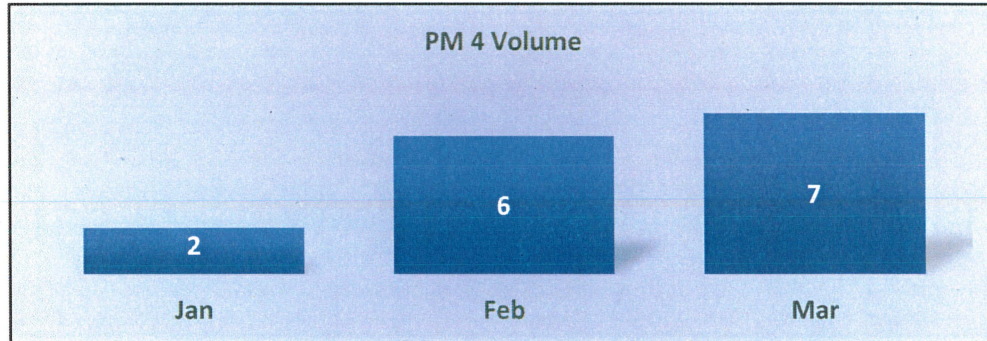


**Target Average: 80 Days | Actual Average: 87 Days**

<sup>1</sup> Due to rounding, there might be small discrepancies between the PM3 "Actual Average", and the sum of the individual case stages (i.e., Intake time + Investigation time + Post-Investigation time).

### PM4 | Formal Discipline – Volume

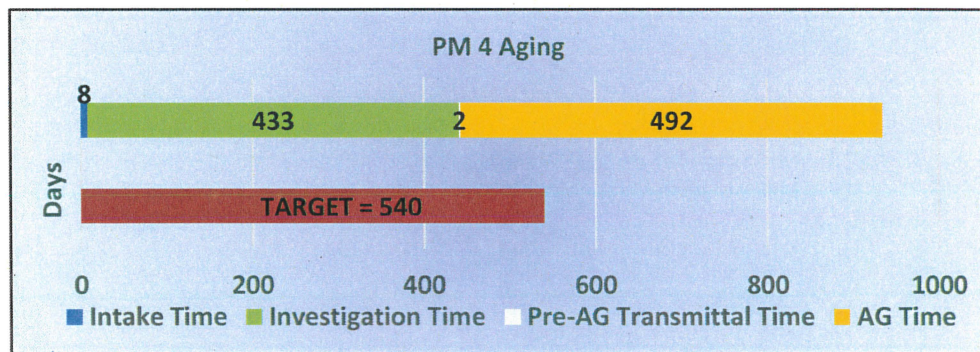
Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).



**Total: 15 | Monthly Average: 5**

### PM4 | Formal Discipline – Cycle Time<sup>2</sup>

Average number of days to close cases after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

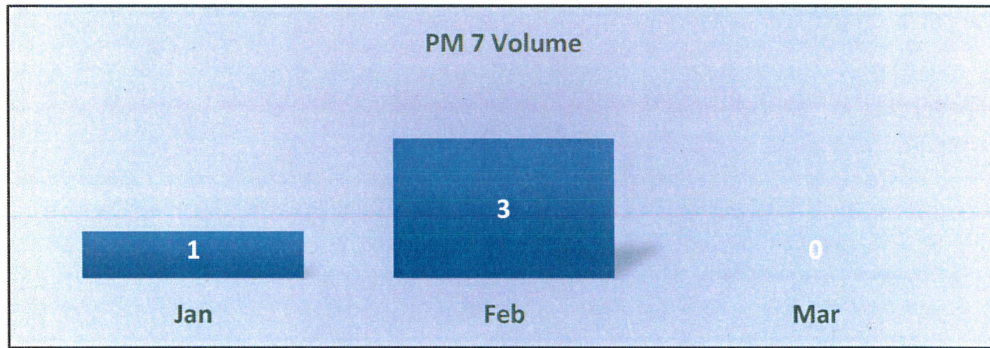


**Target Average: 540 Days | Actual Average: 929 Days**

<sup>2</sup> Due to rounding, there might be small discrepancies between the PM4 "Actual Average", and the sum of the individual case stages (i.e., Intake time + Investigation time + Pre-AG Transmittal time + AG time).

### PM7 | Probation Intake – Volume

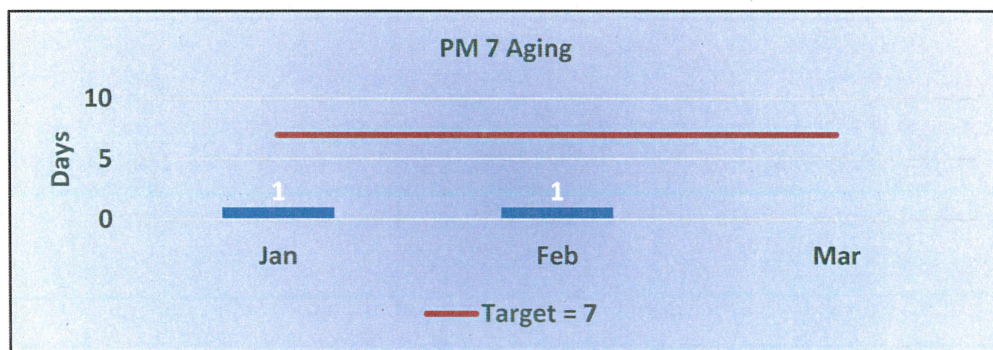
Number of new probation cases.



**Total: 4**

### PM7 | Probation Intake – Cycle Time

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

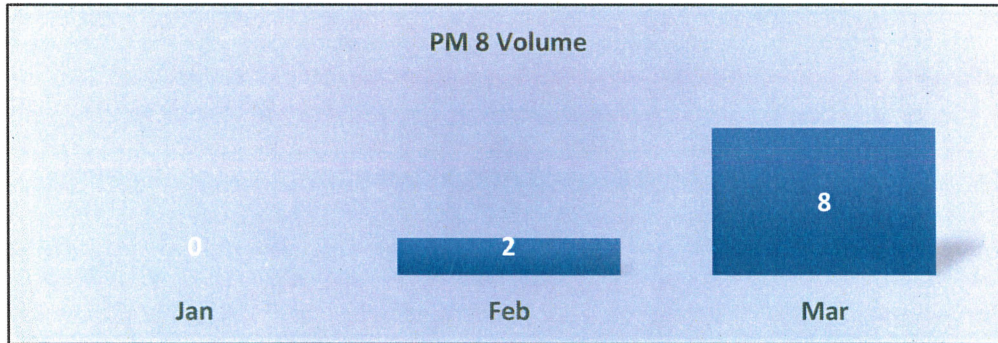


**Target Average: 7 Days | Actual Average: 1 Day**



### PM8 | Probation Violation Response – Volume

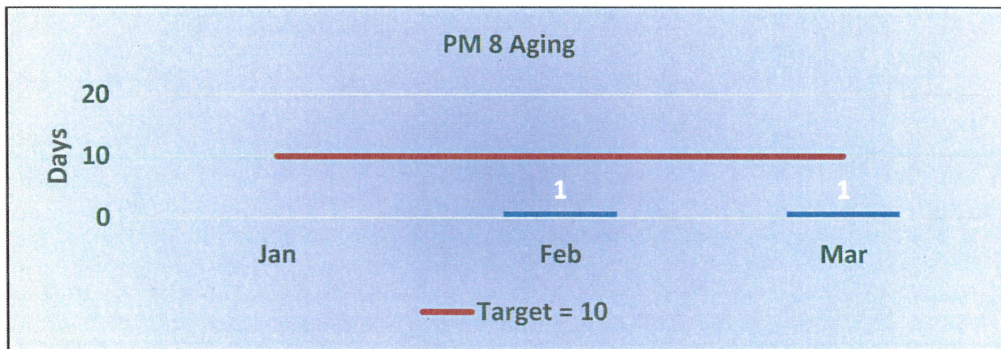
Number of probation violation cases.



**Total: 10**

### PM8 | Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



**Target Average: 7 Days | Actual Average: 1 Day**