

Board of Psychology

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MEMORANDUM

Date October 30, 2015

To Board of Psychology Members

From Sandra Monterrubio
Enforcement Program Manager
DCA/California Board of Psychology

Subject **Enforcement Program Update**

In September Mr. Corey Brasier, Enforcement Analyst, resigned from the Board and accepted a position with the Department of Rehabilitation. The week of October 12 the Board conducted interviews for the vacant Enforcement Analyst position. The Board has made a conditional employment offer and anticipates the new employee will join the Enforcement team by mid-November. The new enforcement hire will conduct investigations, issue citations, process disciplinary cases, and perform other enforcement related duties as needed.

Expert training was held on September 29, 2015 at the Office of the Attorney General located in Sacramento. The training was a success, and the Board will also have training in December/January in Los Angeles for those experts practicing in Southern California. Additional information regarding changes to the Expert Review Program will be discussed during the Enforcement Committee Report.

COMPLAINT PROGRAM

Since July 1, 2015, the Board of Psychology has received 316 complaints. All complaints received are opened and assigned to an enforcement analyst within eight (8) days of receipt.

CITATION PROGRAM

Since July 1, 2015, 12 citations have been served. Citation and fines are issued for minor violations that do not require formal discipline. For example, false or misleading advertising, minor record keeping violations, and Continuing Education deficiencies are considered minor violations.

DISCIPLINE PROGRAM

There are 52 cases pending at the Office of the Attorney General. Of the 52 cases, 13 have been sent over since July 1, 2015.

PROBATION PROGRAM

Enforcement staff is currently monitoring 35 probationers. Of the 35 probationers, one is out of compliance. Staff will be forwarding these matters over to the Office of the Attorney General for

filing of an Accusation and Petition to Revoke Probation. Currently the Board has 40 tolled probationers.

Tolled refers to probationers who chose to leave California to reside or to practice outside the State for any reason. During periods of non-practice, the probationary period is tolled and respondent's license or registration shall be placed on an inactive status. The probationary period will not commence again until respondent activates his or her license and resumes practicing psychology in California.

ATTACHEMENTS

Please find attached the Overview of Enforcement Activity and the Board's Performance Measures.

Action Requested

This item is for informational purposes only. No action is required.

BOARD OF PSYCHOLOGY
Overview of Enforcement Activity

| License & Registration* | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | 13/14 | 14/15 | *15/16 |
|--------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|
| Psychologist | 20,307 | 21,019 | 21,527 | 22,020 | 22,688 | **** | 20,575 | 17,037 |
| Registered Psychologist | 324 | 320 | 312 | 320 | 349 | **** | 280 | 290 |
| Psychological Assistant | 1397 | 1429 | 1507 | 1635 | 1727 | **** | 1701 | 1560 |
| Cases Opened | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | 13/14 | 14/15 | *15/16 |
| Complaints Received | 786 | 712 | 785 | 747 | 707 | 643 | 900 | 316 |
| Criminal Conviction Reports | 72 | 54 | 48 | 70 | 42 | 133 | 72 | 20 |
| Investigations Opened | 88 | 79 | 83 | 107 | 73 | 505 | 808 | 297 |
| Cases sent to DA | 2 | 3 | 3 | 5 | 6 | 0 | 0 | 0 |
| Cases sent to AG | 23 | 38 | 37 | 34 | 38 | 41 | 46 | 13 |
| Filings | | | | | | | | |
| Accusations | 8 | 23 | 21 | 27 | 31 | 27 | 30 | 9 |
| Statement of Issues | 9 | 8 | 4 | 4 | 2 | 4 | 10 | 10 |
| Petition to Revoke Probation | 0 | 0 | 0 | 3 | 1 | 2 | 2 | 1 |
| Petitions to Compel Psych. Exam | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 |
| Petitions for Penalty Relief | 3 | 1 | 0 | 1 | 1 | 2 | 0 | 0 |
| Petition for Reinstatement | 1 | 1 | 0 | 2 | 1 | 1 | 0 | 0 |
| Petitions for Reconsideration | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 0 |
| Filing Withdrawals/Dismissals | | | | | | | | 0 |
| Accusations Withdrawn | 0 | 0 | 2 | 0 | 0 | 2 | 0 | 2 |
| Accusations Dismissed | 0 | 1 | 0 | 1 | 1 | 0 | 1 | 4 |
| Statement of Issues Withdrawn | 5 | 0 | 2 | 1 | 0 | 0 | 0 | 0 |
| Citations | | | | | | | | |
| Citations Ordered | 5 | 10 | 9 | 18 | 10 | 6 | 11 | 12 |
| Disciplinary Decisions | | | | | | | | |
| Revocations | 1 | 3 | 2 | 4 | 2 | 4 | 2 | 1 |
| Revocation, Stayed, Probation | 7 | 9 | 12 | 11 | 11 | 11 | 12 | 14 |
| Revocation, Stayed, Probation, Susp. | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Voluntary Surrender | 8 | 3 | 2 | 11 | 10 | 10 | 9 | 7 |
| Reprovals | 0 | 0 | 1 | 2 | 0 | 2 | 1 | 3 |
| ISO/TRO/ASO/PC23 Ordered | 3 | 4 | 1 | 4 | 3 | 2 | 2 | 0 |
| Statement of Issues-License Denied | 1 | 1 | 0 | 1 | 1 | 0 | 2 | 0 |
| Other | 2 | 1 | 2 | 0 | 1 | 0 | 1 | 0 |
| Total Disciplinary Decisions | 25 | 21 | 20 | 33 | 28 | 29 | 29 | 25 |
| Other Decisions | | | | | | | | |
| Statement of Issues-License Granted | 4 | 5 | 4 | 3 | 6 | 3 | 1 | 2 |
| Petitions for Penalty Relief Denied | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Petitions for Penalty Relief Granted | 3 | 1 | 1 | 1 | 1 | 1 | 0 | 0 |
| Petition for Reinstatement Granted | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Petition for Reinstatement Denied | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 0 |
| Reconsiderations Denied | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 |
| Reconsiderations Granted | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 |
| Orders Compelling Psych. Exam | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 |
| Total Other Decisions | 9 | 7 | 7 | 6 | 11 | 5 | 1 | 2 |
| Violation Types | | | | | | | | |
| Gross Negligence/Incompetence | 5 | 4 | 4 | 3 | 5 | 9 | 7 | 14 |
| Improper Supervision | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 |
| Repeat Negligent Acts | 0 | 0 | 0 | 1 | 0 | 6 | 6 | 4 |
| Self Abuse of Drugs or Alcohol | 2 | 3 | 3 | 12 | 1 | 8 | 3 | 1 |
| Dishonesty/Fraud | 0 | 3 | 0 | 2 | 2 | 3 | 3 | 1 |
| Mental Illness | 1 | 0 | 0 | 0 | 2 | 1 | 0 | 0 |
| | | | 0 | 0 | 0 | 1 | 0 | 0 |
| General Unprofessional Conduct | 1 | 1 | 1 | 0 | 2 | 14 | 2 | 0 |
| Probation Violation | 1 | 0 | 0 | 2 | 1 | 2 | 0 | 2 |
| Sexual Misconduct | 6 | 1 | 2 | 6 | 9 | 1 | 1 | 1 |
| Conviction of a Crime | 7 | 9 | 8 | 5 | 5 | 11 | 12 | 8 |
| Discipline by Another State Board | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 |
| Violation of Rules of Professional | | | | | | 0 | 1 | 0 |
| Misrepresentation of License Status | | | | | | 1 | 1 | 0 |

| Professional Standards - Findings | | | | | | 13/14 | 14/15 | *15/16 |
|------------------------------------|--|--|--|--|--|-------|-------|--------|
| Abandonment | | | | | | 1 | 0 | 0 |
| Confidentiality | | | | | | 1 | 1 | 0 |
| Failure to provide medical records | | | | | | 0 | 2 | 0 |
| Improper Supervision | | | | | | 1 | 0 | 0 |
| Outside of area of competence | | | | | | 1 | 0 | 0 |
| Unfit to practice | | | | | | 1 | 1 | 0 |
| Violation of Code (child custody) | | | | | | 1 | 0 | 0 |

*Doesn't include cancelled, revoked, or surrendered license/registration

****Statistics unavailable



2015/2016 Enforcement Performance Measure Workbook

Please note: if your program's enforcement data is available and correct in the CAS system, you may skip this tab and only fill out the Probation Monitoring Worksheet.

Volume

Number of complaints and convictions received.

| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
|-------------|-----|-------------|--|-------------|--|-------------|--|
| July | 114 | October | | January | | April | |
| August | 65 | November | | February | | May | |
| September | 105 | December | | March | | June | |
| Q1 Total | 284 | Q2 Total | | Q3 Total | | Q4 Total | |
| Convictions | 18 | Convictions | | Convictions | | Convictions | |
| Complaints | 266 | Complaints | | Complaints | | Complaints | |

Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
|---------------|----|---------------|--|---------------|--|---------------|--|
| July | 8 | October | | January | | April | |
| August | 8 | November | | February | | May | |
| September | 8 | December | | March | | June | |
| Q1 Avg | 8 | Q2 Avg | | Q3 Avg | | Q4 Avg | |
| Record Counts | | Record Counts | | Record Counts | | Record Counts | |
| July | 86 | October | | January | | April | |
| August | 78 | November | | February | | May | |
| September | 83 | December | | March | | June | |

Investigation Cases

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
|---------------|----|---------------|--|---------------|--|---------------|--|
| July | 61 | October | | January | | April | |
| August | 48 | November | | February | | May | |
| September | 55 | December | | March | | June | |
| Q1 Avg | 54 | Q2 Avg | | Q3 Avg | | Q4 Avg | |
| Record Counts | | Record Counts | | Record Counts | | Record Counts | |
| July | 52 | October | | January | | April | |
| August | 66 | November | | February | | May | |
| September | 46 | December | | March | | June | |

Formal Discipline Cases

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
|---------------|------|---------------|---------|---------------|---------|---------------|---------|
| July | 1240 | October | | January | | April | |
| August | 983 | November | | February | | May | |
| September | 1167 | December | | March | | June | |
| Q1 Avg | 1169 | Q2 Avg | #DIV/0! | Q3 Avg | #DIV/0! | Q4 Avg | #DIV/0! |
| Record Counts | | Record Counts | | Record Counts | | Record Counts | |
| July | 8 | October | | January | | April | |
| August | 3 | November | | February | | May | |
| September | 9 | December | | March | | June | |

Probation Intake

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

*** LOCKED: FILL OUT PROBATION WORKSHEET ON NEXT TAB**

| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
|---------------|---|---------------|--|---------------|--|---------------|--|
| July | 1 | October | | January | | April | |
| August | 1 | November | | February | | May | |
| September | 2 | December | | March | | June | |
| Q1 Avg | | Q2 Avg | | Q3 Avg | | Q4 Avg | |
| Record Counts | | Record Counts | | Record Counts | | Record Counts | |
| July | 1 | October | | January | | April | |
| August | 1 | November | | February | | May | |
| September | 4 | December | | March | | June | |

Probation Violation Response

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

*** LOCKED: FILL OUT PROBATION WORKSHEET ON NEXT TAB**

| Quarter 1 | | Quarter 2 | | Quarter 3 | | Quarter 4 | |
|---------------|---|---------------|--|---------------|--|---------------|--|
| July | 4 | October | | January | | April | |
| August | | November | | February | | May | |
| September | 1 | December | | March | | June | |
| Q1 Avg | 3 | Q2 Avg | | Q3 Avg | | Q4 Avg | |
| Record Counts | | Record Counts | | Record Counts | | Record Counts | |
| July | 2 | October | | January | | April | |
| August | | November | | February | | May | |
| September | 1 | December | | March | | June | |