

## MEMORANDUM

<b>DATE</b>	January 25, 2018
<b>TO</b>	Board of Psychology Members
<b>FROM</b>	Sandra Monterrubio, Enforcement Program Manager Board of Psychology
<b>SUBJECT</b>	Enforcement Report, Item 13

### Background

Please find attached the Overview of Enforcement Activity conveying complaint, investigation, and discipline statistics for the current fiscal year. The Executive Office of Department of Consumers Affairs (DCA) reached an agreement with BreZe Data Governance staff whereby the quarterly reporting of Performance Measures to DCA will be combined into reporting of Q1/Q2 at the normal Q2 reporting date and the reporting of Q3/Q4 will take place at the normal Q4 reporting date. For this reason, the latest available Performance Measures are for the period ending June 30, 2017, while the Performance Measures for the period ending December 2017 should be available in late March 2018.

The Board is actively looking to recruit for three vacancies in the Enforcement Unit; an Enforcement Technician (OT), Associate Governmental Program Analyst (AGPA), and a Special Investigator (SI). Interviews are currently being held in anticipation of filling all three positions within the next few weeks. The OT opens complaints, assigns cases to experts and provides office support to enforcement staff. The AGPA performs desk investigations, refers cases for formal investigation, reviews Accusations and negotiates Stipulated Settlements with the Office of the Attorney General, and transmits cases to the investigative units and the Office of the Attorney General. The SI conducts investigations, prepares investigative reports, interviews witnesses, and testifies and hearings on behalf of the Board.

Our next Expert Training has been scheduled for April 2018. The experts will be trained on writing analyses, working with the Board's investigative units, and testifying at administrative hearings. The Board's Deputy Attorney General liaison, Joshua Templet, and two other Deputy Attorneys General will be assisting with the

training as well as Board of Psychology staff and a Supervising Investigator from the Division of Investigation.

#### Complaint Program

Since July 1, 2017, the Board has received 643 complaints. All complaints are opened and assigned to an enforcement analyst within 9 days of receipt.

#### Citation Program

Since July 1, 2017, the Board has issued 27 enforcement citations. Citation and fines are issued for minor violations that do not rise to the level of formal discipline. For example, false or misleading advertising or minor record keeping violations are considered minor violations.

#### Discipline Program

Since July 1, 2017, the Board has referred 32 cases to the Office of the Attorney General for formal discipline.

#### Probation Program

Enforcement staff is currently monitoring 50 probationers. Of the 50 probationers, eighteen (18) are out of compliance. Of the eighteen (18) out of compliance, six (6) have been referred to the Office of the Attorney General for filing of an Accusation and Petition to Revoke Probation.

#### **Action Requested**

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

**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	20,952
Registered Psychologist	324	320	312	320	349	****	280	278	249	211
Psychological Assistant	1,397	1,429	1,507	1,635	1,727	****	1,701	1,466	1,442	1,439
<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	643
Criminal Conviction Reports Received	72	54	48	70	42	133	72	50	39	22
Investigations Opened	88	79	83	107	73	505	736	602	771	541
Cases sent to DA	2	3	3	5	6	0	0	0	0	0
Cases sent to AG	23	38	37	34	38	41	46	33	45	32
<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	16
Statement of Issues	9	8	4	4	2	4	10	5	7	6
Petition to Revoke Probation	0	0	0	3	1	2	2	3	1	4
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	3
Petition for Reinstatement	1	1	0	2	1	1	0	0	2	1
Petitions for Reconsideration	0	1	0	0	2	0	0	0	0	2
<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	1
<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	27
<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	7
Revocation, Stayed, Probation	7	9	12	11	11	11	12	24	16	5
Revoked, Stayed, Probation, Susp.	3	0	0	0	0	0	0	0	0	0
Surrender	8	3	2	11	10	10	9	12	26	5
Reprovals	0	0	1	2	0	2	1	3	3	2
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>19</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	1
Petitions for Penalty Relief Denied	1	0	0	0	0	0	0	0	2	2
Petitions for Penalty Relief Granted	3	1	1	1	1	1	0	0	1	1
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	1
Reconsiderations Denied	0	0	1	0	1	0	0	1	0	2
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>7</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	11
Improper Supervision	0	0	1	0	0	1	0	1	0	0
Repeated Negligent Acts	0	0	0	1	0	6	6	22	31	12
Self Abuse of Drugs or Alcohol	2	3	3	12	1	8	3	7	15	7
Dishonesty/Fraud	0	3	0	2	2	3	3	6	8	8
Mental Illness	1	0	0	0	2	1	0	4	5	2
Aiding Unlicensed Practice			0	0	0	1	0	1	0	0
General Unprofessional Conduct	1	1	1	0	2	14	2	5	2	9
Probation Violation	1	0	0	2	1	2	0	3	26	18
Sexual Misconduct	6	1	2	6	9	1	1	6	14	2
Conviction of a Crime	7	9	8	5	5	11	12	18	23	1
Discipline by Another State Board	1	0	1	1	0	0	0	5	5	7
Misrepresentation of License Status						1	1	1	1	0
<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	1
Failure to provide medical records						0	2	1	2	0
Outside of area of competence						1	0	3	5	2

\*Statistics through January 25, 2018

\*\*\*\*Statistics unavailable