

MEMORANDUM

DATE	January 22, 2019
TO	Board Members
FROM	Sandra Monterrubio, Enforcement Program Manager Board of Psychology
SUBJECT	Enforcement Report, Agenda Item 19

Enforcement Staff

In December 2018, two Enforcement Analysts (Associate Governmental Program Analysts) left the Board of Psychology. One retired and the other accepted a promotion with another board within the Department of Consumer Affairs. Consequently, the Board is actively looking to recruit two new Enforcement Analysts. Interviews are currently being held in anticipation of filling both positions within the next several weeks. The Enforcement Analysts are responsible for analyzing consumer complaints, performing desk investigations, referring cases for formal investigation, reviewing Accusations and negotiating Stipulated Settlements with the Office of the Attorney General.

Complaint Program

Since July 1, 2018, the Board has received 638 complaints. Complaints can be submitted on-line, via fax, telephonically, or mailed to the Board. All complaints received are opened and assigned to an enforcement analyst. On average, the intake process is completed within five (5) days of receipt of the complaint.

Citation Program

Since July 1, 2018, the Board has issued 40 enforcement citations. Citation and fines are issued for some probation violations and minor violations that do not require formal discipline. For example, false or misleading advertising and minor record keeping violations are considered minor violations.

Discipline Program

Since July 1, 2018, the Board has referred 27 cases to the Office of the Attorney General for formal discipline.

Probation Program

Enforcement staff is currently monitoring 41 active probationers and 23 tolled probationers. Active monitoring is ensuring that each probationer is complying with each of the terms and conditions of probation which includes meeting with each new probationer at the onset of probation to discuss all of the terms and conditions of their probation, discussing the status of probation and providing early termination information, conducting a quarterly audit of each probation file, and answering questions from probationers.

Of the 41 probationers, nine (9) have had probation violations. If a probationer is out of compliance, the Board may issue a citation and fine or refer the matter to the Office of the Attorney General for further discipline of their license. For minor violations, the probationer will most likely be issued a citation and fine which can include an Order of Abatement to correct the non-compliance. For more egregious violations, or accumulation of minor violations, the case would be referred to the Office of the Attorney General for possible revocation or an extension of probation.

Attachments

Overview of Enforcement Activity.

Action Requested

This item is for informational purposes only.

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	16/17	17/18	*18/19
Psychologist	20,307	21,019	21,527	22,020	22,688	****	20,575	20,024	20,596	20,977	21,329
Registered Psychologist	324	320	312	320	349	****	280	278	249	188	162
Psychological Assistant	1,397	1,429	1,507	1,635	1,727	****	1,701	1,466	1,442	1,350	1,475
Cases Opened	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	*18/19
Complaints Received	786	712	785	747	707	643	900	798	1,042	1,097	638
Arrest Reports**	72	54	48	70	42	133	72	50	39	53	20
Investigations Opened	88	79	83	107	73	505	736	602	771	805	464
Cases referred to DA	2	3	3	5	6	0	0	0	0	0	0
Cases referred to AG	23	38	37	34	38	41	46	33	45	70	27
Filings	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	*18/19
Accusations	8	23	21	27	31	27	30	23	27	15	19
Statement of Issues	9	8	4	4	2	4	10	5	7	6	2
Petition to Revoke Probation	0	0	0	3	1	2	2	3	1	6	1
Petitions to Compel Psych. Exam	0	0	1	1	0	1	0	1	0	0	0
Petitions for Penalty Relief	3	1	0	1	1	2	0	0	3	6	5
Petition for Reinstatement	1	1	0	2	1	1	0	0	2	1	3
Petitions for Reconsideration	0	1	0	0	2	0	0	0	0	2	0
Filing Withdrawals/Dismissals	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	*18/19
Accusations Withdrawn	0	0	2	0	0	2	0	5	0	0	0
Accusations Dismissed	0	1	0	1	1	0	1	4	1	0	0
Statement of Issues Withdrawn	5	0	2	1	0	0	0	0	1	3	0
Citations	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	*18/19
Citations Ordered	5	10	9	18	10	6	11	27	32	46	14
Disciplinary Decisions	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	*18/19
Revocations	1	3	2	4	2	4	2	4	2	9	0
Revocation, Stayed, Probation	7	9	12	11	11	11	12	24	16	7	8
Revoked, Stayed, Probation, Susp.	3	0	0	0	0	0	0	0	0	0	0
Surrender	8	3	2	11	10	10	9	12	26	11	4
Reprovals	0	0	1	2	0	2	1	3	3	4	2
ISO/TRO/PC23 Ordered	3	4	1	4	3	2	2	2	1	2	0
Statement of Issues-License Denied	1	1	0	1	1	0	2	0	0	0	0
Total Disciplinary Decisions	23	20	18	33	27	29	28	45	48	33	10
Other Decisions	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	*18/19
Statement of Issues-License Granted	4	5	4	3	6	3	1	1	0	0	2
Petitions for Penalty Relief Denied	1	0	0	0	0	0	0	0	2	4	5
Petitions for Penalty Relief Granted	3	1	1	1	1	1	0	0	1	2	2
Petition for Reinstatement Granted	1	0	0	0	1	0	0	0	0	0	1
Petition for Reinstatement Denied	0	0	1	1	1	0	0	0	2	1	1
Reconsiderations Denied	0	0	1	0	1	0	0	1	0	2	0
Reconsiderations Granted	0	1	0	0	1	0	0	0	0	0	0
Orders Compelling Psych. Evaluation	0	0	0	1	0	1	0	0	0	3	0
Total Other Decisions	9	7	7	6	11	5	1	2	5	12	5
Violation Types	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	*18/19
Gross Negligence/Incompetence	5	4	4	3	5	9	7	23	29	20	12
Improper Supervision	0	0	1	0	0	1	0	1	0	1	0
Repeated Negligent Acts	0	0	0	1	0	6	6	22	31	21	9
Self Abuse of Drugs or Alcohol	2	3	3	12	1	8	3	7	15	7	3
Dishonest/Corrupt/Fraudulent Act	0	3	0	2	2	3	3	6	8	9	5
Mental Illness	1	0	0	0	2	1	0	4	5	2	1
Aiding Unlicensed Practice			0	0	0	1	0	1	0	0	0
General Unprofessional Conduct	1	1	1	0	2	14	2	5	2	13	6
Probation Violation	1	0	0	2	1	2	0	3	26	29	9
Sexual Misconduct	6	1	2	6	9	1	1	6	14	2	3
Conviction of a Crime	7	9	8	5	5	11	12	18	23	1	5
Discipline by Another State Board	1	0	1	1	0	0	0	5	5	2	0
Misrepresentation of License Status						1	1	1	1	1	0

Professional Standards - Findings						13/14	14/15	15/16	16/17	17/18	*18/19
Abandonment						1	0	0	0	0	0
Confidentiality						1	1	1	4	0	0
Failure to provide medical records						0	2	1	2	1	0
Outside of area of competence						1	0	3	5	5	0

*Statistics through October 28, 2018 ****Statistics unavailable **Previously "Criminal Conviction Reports Received"