



## MEMORANDUM

**Date** April 25, 2014  
**To** Board of Psychology Members  
**From** Gina Bayless  
Enforcement Coordinator  
DCA/California Board of Psychology  
**Subject** **Enforcement Program Report**

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Please find attached the Overview of Enforcement Activity displaying complaint, investigation, and discipline statistics for the current fiscal year to date. Unfortunately, due to conversion to BreZE, statistical reports are not yet available. The statistics provided in the attached report were gathered manually. Staff is continuing to work with BreZE staff to test reports and resolve issues.

Nicole Walker, accepted a Special Investigator position with Emergency Medical Services Authority. Her last day with the Board is April 30, 2014. Ms. Walker performed the duties of a Special Investigator which included conducting complaint investigations, preparing investigation reports, and issuing citations. Ms. Walker's caseload will be reassigned to existing enforcement staff until this vacancy is filled.

The Board hired a new Probation Coordinator, Barbara Tanner, who started on April 17, 2014. Ms. Tanner will be monitoring all probationers, conducting probation intake meetings and annual probation meetings.

**Action Requested:**  
No action requested

**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>
Psychologist	20,307	21,019	21,527	22,020	22,688	****
Registered Psychologist	324	320	312	320	349	****
Psychological Assistant	1397	1429	1507	1635	1727	****
<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>
Complaints Received	786	712	785	747	707	638
Criminal Conviction Reports Received	72	54	48	70	42	115
Investigations Opened	88	79	83	107	73	****
Cases sent to DA	2	3	3	5	6	****
Cases sent to AG	23	38	37	34	38	****
<b>Filings</b>						
Accusations	8	23	21	27	31	19
Statement of Issues	9	8	4	4	2	3
Petition to Revoke Probation	0	0	0	3	1	2
Petitions to Compel Psych. Exam	0	0	1	1	0	1
Petitions for Penalty Relief	3	1	0	1	1	2
Petition for Reinstatement	1	1	0	2	1	1
Petitions for Reconsideration	0	1	0	0	2	0
<b>Filing Withdrawals/Dismissals</b>						
Accusations Withdrawn	0	0	2	0	0	1
Accusations Dismissed	0	1	0	1	1	0
Statement of Issues Withdrawn	5	0	2	1	0	0
<b>Citations</b>						
Citations Ordered	5	10	9	18	10	****
<b>Decisions (Penalty)</b>						
Revocations	1	3	2	4	2	4
Revocation, Stayed, Probation	7	9	12	11	11	11
Revocation, Stayed, Probation, Susp.	3	0	0	0	0	0
Voluntary Surrender	8	3	2	11	10	9
Reprimands	0	0	1	2	0	2
ISO/TRO/ASO/PC23 Ordered	3	4	1	4	3	2
Statement of Issues-License Denied	1	1	0	1	1	0
Statement of Issues-License Granted***	4	5	4	3	6	3
Petitions for Penalty Relief Denied***	1	0	0	0	0	0
Petitions for Penalty Relief Granted***	3	1	1	1	1	1
Petition for Reinstatement Granted***	1	0	0	0	1	0
Petition for Reinstatement Denied***	0	0	1	1	1	0
Reconsiderations Denied***	0	0	1	0	1	0
Reconsiderations Granted***	0	1	0	0	1	0
Orders Compelling Psych. Exam***	0	0	0	1	0	1
Other	2	1	2	0	1	0
<b>Total Decisions</b>	<b>24</b>	<b>22</b>	<b>21</b>	<b>34</b>	<b>29</b>	<b>28</b>
<b>Decisions (Violation Type)</b>						
Gross Negligence/Incompetence	5	4	4	3	5	3
Improper Supervision	0	0	1	0	0	1
Repeat Negligent Acts	0	0	0	1	0	3
Self Abuse of Drugs or Alcohol	2	3	3	12	1	8
Dishonesty/Fraud	0	3	0	2	2	1
Mental Illness	1	0	0	0	2	0
Aiding Unlicensed Practice	0	0	0	0	0	0
General Unprofessional Conduct	1	1	1	0	2	4
Probation Violation	1	0	0	2	1	2
Sexual Misconduct	6	1	2	6	9	1
Conviction of a Crime	7	9	8	5	5	5
Discipline by Another State Board	1	0	1	1	0	0
Other	0	0	0	0	0	0

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

\*\* Numbers from 7/1/2013 thru 4/22/2014

\*\*\* Not included in Total Decisions or Violation Type

## EXPLANATION OF LANGUAGE

Below are broad, brief descriptions of statistical categories contained in the Board of Psychology's Overview of Enforcement Activity

**Cases Opened:** This category includes 1) all **complaints** that were received in the fiscal year indicated, regardless of source; 2) all **investigations** that were opened during that fiscal year as a result of a complaint filed with the board, regardless of when the complaint was received; and 3) all cases that were referred, during that fiscal year, to the **Office of the Attorney General or the District Attorney's Office**, regardless of when the complaint was originally received.

**Investigation** – After “informal” staff review, the complaint is “formally” investigated by in-house staff or by investigators (peace officers) of the Medical Board of California.

### **Filings:**

**Accusation** – Formal statement of charges against licensee.

**Statement of Issues** – Formal statement of reasons why an application for license/registration should be denied.

**Petition to Compel Psychological** - Request to compel licensee to submit a psychological examination.

**Petition for Penalty Relief** – A process whereby one can petition for reinstatement of their revoked or surrender license or request early termination of probation or modification of a condition of probation.

**Petition for Reconsideration** – A process whereby one can petition the Board to reconsider a final decision of the Board.

**Accusation/Statement of Issues Withdrawn** – The formal statement of charges/reasons is withdrawn by the board.

**Accusation Dismissed** – The case is dismissed after a hearing has been held and the dismissal decision is adopted by the Board.

**Statement of Issues – License Granted** – After a hearing, or as a result of a settlement, an applicant is granted a license or registration with or without terms and conditions (i.e. probation, coursework).

**Petitions for Penalty Relief Granted** – A Petition for Reinstatement of a license or registration is granted by the Board, or a Petition for Termination or Modification of Probation is granted by the Board.

**Reconsiderations Granted** – A Petition for Reconsideration is granted by the Board.

**Citations Ordered:** This tool is used for various minor violations such as false advertising or misrepresentation. Citations and fines are public information but are not considered to be disciplinary actions.

**Decision (Penalty):** - This category indicated the actual disciplinary action (penalty) rendered against the licensee or registrant that was ordered by the board in the fiscal year indicated.

**Revoked** - The license is canceled, voided, rescinded. The right to practice is ended.

**Revoked, Stayed, Probation** - "Stayed" means the revocation is postponed. Professional practice may continue so long as the licensee complies with specific probationary terms and conditions.

Violation of probation may result in the revocation that was postponed.

**Suspension** - The licensee is prohibited from practicing for a specific period of time.

**License Surrender** - While charges are still pending, the licensee turns in the license - subject to acceptance by the board. The right to practice is ended.

**Reprimands/Reprovals** - An option that is most commonly negotiated between the Board, the licensee, and his/her counsel. Such a letter is an option in settlement of an Accusation. Typically, the letter of reprimand or reproof is a viable option if the violations alleged are relatively minor and no patient harm occurred. It includes a summary of the allegations, acknowledges the impropriety of the acts summarized and can include mandated coursework that the licensee must take, cost recovery to the Board for investigation and essentially may include any other term or condition listed in the Board's Disciplinary Guidelines.

**ISO – Interim Suspension Order** – When a licensee or registrant is required to immediately suspend the practice of psychology. This occurs through the hearing process in cases where the evidence indicates that the licensee is likely to engage in behaviors that present an immediate threat to the public health, safety and welfare.

**Other** - Includes atypical decisions that do not fall into the above categories.

**Decisions (Violation Type):** This category indicates each violation that a licensee or registrant committed that resulted in the disciplinary action that was rendered during the fiscal year indicated. These violations are grounds for disciplinary action as found in the *Laws and Regulations Relating to the Practice of Psychology*.