

**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE**

Amend Section 1886.40 of Division 18 of Title 16 as follows:

~~§1886.40. Citable Offenses. Amount of Fines.~~

(a) For purposes of this section, a “citable offense” is defined as any violation of the statutes and regulations enforced by the Board of Behavioral Sciences, including Chapters 13 and 14 of Division Two of the Business and Professions Code.

(b) The executive officer of the board shall ~~may~~ assess fines for citable offenses ~~listed in this section, provided however, in no case shall the total fines which shall not exceed two thousand five hundred dollars (\$2,500) for each investigation except as otherwise provided in this section.~~ The executive officer shall not impose any duplicate fines for the same violation. ~~The fine for a violation of the following sections of the Business and Professions Code, California Code of Regulations, and Welfare and Institutions Code shall be from \$100 to \$2,500.~~

(c) The executive officer of the board may assess fines for citable offenses which shall not exceed five thousand (\$5,000) for each investigation if the violation or count includes one or more of the following circumstances:

- (1) The cited person has a history of two or more prior citations of similar violations.
- (2) The citation involves multiple violations that demonstrate a willful disregard of the law.
- (3) The citation involves a violation or violations perpetrated against a minor, person over the age of 60, or a person with a physical or mental disability as defined in Section 12926 of the Government Code.
- (5) The citation involves unlicensed practice.
- (6) The citation involves an impermissible breach of confidentiality.

(d) The executive officer of the board may assess fines which shall not exceed five thousand dollars (\$5,000) for each violation or count if the violation or count involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare.

~~–B&P refers to the Business and Professions Code.~~

~~–CCR refers to the California Code of Regulations.~~

~~–W&I refers to the Welfare and Institutions Code.~~

~~The summary description in this section is for the convenience of reference only, does not include the complete text or all required elements of the listed statutes and regulations and shall be disregarded in determining the meaning and effect of this section.~~

B&P § (unless otherwise indicated)	CCR§	Summary Descriptions
(a) 15630 (W&I §)	1845(e), 1881(o), 1858(o)	Fails to Comply with Child Abuse, Elder and Dependent Adult Reporting Requirements
(b) 480, 4980.02, 4982(l), 4982(s), 4982(t), 4986.10, 4987.9, 4988.1, 4992.3(l), 4996.5, 4996.9, 4998.4	1845(a), 1845(b), 1881(g), 1881(h), 1858(i), 1858(j)	Performing, Offering to Perform, Permitting to Perform Beyond Scope of License
(c) 141, 480, 4982.25, 4992.36		Discipline by Another State or by California Against a Corresponding License
(d) 480, 4980(b), 4982(f),	1845(a), 1845(b)	Misrepresentation of License /

4986.50, 4992.3(f), 4996	1881(a), 1858(a), 1858(g)	Qualifications, Practice with an Expired License or Without a License
(e) 123, 4982(q), 4992.3(q)	1881(l), 1858(n)	Violates Exam Security
(f) 480, 125, 4982(h), 4992.3(h)	1881(c), 1858(c)	Aiding and Abetting Unlicensed / Unregistered Activity
(g) 480, 4982(m), 4992.3(m)	1881(i), 1858(k)	Failure to Maintain Confidentiality
(h) 480, 728		Fails to Provide Sexual Misconduct Brochure
(i) 4980.44(a)(4), 4980.45, 4982(r), 4982(t), 4982(u), 4992.3(r)	1833.1, 1845(b), 1858(j), 1881(h)	Improper Supervision of Trainee / Intern / Associate
(j) 480, 4982(e), 4982(u), 4992.3(e), 4986.70(e), 4996.18, 4996.20(c), 4980.48, 4980.43(f), 4980.43(i)	1880, 1880.1	Violations by Registrants / Applicants / Trainees
(k) 4982(n), 4992.3(n)	1881(j), 1858(l)	Failure to Disclose Fees in Advance
(l) 4982(o), 4992.3(o)	1881(n)	Pay, Accept, Solicit Fee for Referrals
(m) 480, 651, 4980.46, 4982(p), 4986.70(d), 4987.8, 4992.3(p), 4998.3	1811, 1881(k), 1850.6, 1858(m)	False/Misleading Advertising
(n) 703, 4980.30, 4984, 4987.7, 4998.2		Failure to Pay Required Fees
(o) 4987.9, 4988, 4998.2, 4998.3, 4998.4, 4998.5, 4996.19	1850.7, 1850.8	Corporation Requirements
(p) 136	1804	Failure to Notify of Change of Address
(q) 654.2		Prohibited Charges
(r) 4996.7, 4996.8		Display of License/Renewal Receipt
(s) 4996.16		Out-of-State Limitations

NOTE

Authority cited: Sections 125.9, 148, 149, 4980.60, 4987 and 4990.14, Business and Professions Code. Reference: Sections 123, 125, 125.9, 136, 141, 148, 149, 480, 651, 654.2, 703, 728, 4980, 4980.02, 4980.30, 4980.43, 4980.44, 4980.45, 4980.46, 4980.48, 4982, 4982.25, 4984, 4986.10, 4986.50, 4986.70, 4987.7, 4987.8, 4987.9, 4988, 4988.1, 4988.5, 4992.3, 4992.36, 4996, 4996.5, 4996.7, 4996.8, 4996.9, 4996.16, 4996.18, 4996.19, 4996.20, 4998.2, 4998.3 and 4998.4, Business and Professions Code; Sections 1804, 1811, 1833.1, 1845, 1850.6, 1850.7, 1850.8, 1858, 1880, 1880.1 and 1881, California Code of Regulations; and Section 15630, Welfare and Institutions Code.