

CITATION NUMBER: MF-2009-436
DATE OF ISSUANCE: January 21, 2009
NAME: Amy Roskelley Ellis
ADDRESS: 11512 B Avenue
Auburn, CA 95603

Pursuant to Sections 125.9 and 148 of the Business and Professions Code, and Title 16, California Code of Regulations Section 1886, PAUL RICHES issues this citation in his official capacity as the Executive Officer for the Board of Behavioral Sciences (hereinafter referred to as the "Board").

Registration/Licensing History

The records of the Board reflect that **Amy Roskelley Ellis** was issued Marriage and Family Therapist license number **MFC 40536** on **May 24, 2004**. Said license expires on **May 31, 2009**, unless renewed.

Citation

A citation containing a fine and Order of Abatement is hereby issued to you in accordance with Title 16, California Code of Regulations Sections 1886, 1886.20, 1886.30, and 1886.40 for the violation(s) described below.

Applicable Statutes and Regulations

Violation of Section **4982(f)** of the Business and Professions Code, which states as follows:

"Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity."

Violation of Section **4982(h)** of the Business and Professions Code, which states as follows:

"Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter."

Violation of section **1833.1(a)(7)** of Title 16, California Code of Regulations, which states as follows:

"The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a marriage and family therapist."

Cause for Citation

Investigation revealed that on or about June 16, 2008 to on or about October 10, 2008, you aided and abetted the unlicensed practice of Melissa Byrd by employing her in your private practice setting to perform therapeutic services without her being registered as a marriage and Family therapist intern. You also allowed Ms. Byrd to misrepresent herself as a registered marriage and family therapist intern on your website at amyellis.marriage-family.com.

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Board staff contacted you on October 21, 2008, and requested your response to the allegations. On October 25, 2008, you responded, "I was mistaken about the law regarding when someone is eligible to work in private practice. My understanding was the Interns needed to have completed their educational requirements, receive their diploma, and apply for their intern number within 90 days. Since she was an applicant for her intern registration number, I thought she was allowed to begin seeing clients. I now understand the distinction between the non-profit settings and private practices. I now understand that any employee I hire in my private practice must **have** a valid and current registration number. If I had known this law, I would not have hired Ms. Byrd." Said statement confirms that you did not know and understand the laws pertaining to the supervision of trainees and interns.

Based on the facts stated above, it is the Board's finding that you violated Business and Professions Code sections 4982(f) and (h), and Title 16, California Code of Regulations section 1833.1(a)(7).

Orders

(1) Order of Abatement:

The Board of Behavioral Sciences orders you to:

1. Cease aiding and abetting unlicensed practice;
2. Cease allowing unregistered interns to represent themselves as registered interns;
3. Review the statutes and regulations relating to the practice of Marriage and Family Therapy; and
4. Obey all laws governing your license as a Marriage and Family Therapist.

Within 30 days from the date of this citation, but no later than **February 20, 2009**, you **must** submit proof that you have brought yourself into compliance with the order imposed by the Board of Behavioral Sciences as stated above. Proof of compliance should be sent to the Board to the attention of the Enforcement Unit at 1625 North Market Blvd., Suite S200, Sacramento, CA 95834.

(2) Order to Pay Administrative Fine:

In addition, you must pay an administrative penalty (fine) in the amount of **\$2,500.00**, within thirty (30) days from the date this citation was served, but no later than **February 20, 2009**. In assessing this penalty, the Board considered that you did not know and understand the statutes and regulations pertaining to the supervision of trainees and interns, you aided and abetted unlicensed practice, you allowed an employee to misrepresent herself as a registered intern on your website, you cooperated with our investigation and you have no prior history of such violations.

Payment of the administrative penalty should be made to the Board of Behavioral Sciences (BBS), 1625 North Market Blvd., Suite S200, Sacramento, CA 95834. Please note your citation number on the check or money order.

You may contest this citation, or any portion thereof, by requesting either an Informal Citation Conference or a Formal Administrative Hearing, or both (Title 16, CCR Section 1886.70). Any request you make either for the formal or informal hearing or for both of them must be in writing and must be submitted to the Board within (30) calendar days after service of the citation. If you request both an Informal Citation Conference and a Formal Administrative Hearing, and an Informal Citation Conference is held, your request for a Formal Administrative Hearing shall be deemed withdrawn. Following the conclusion of the Informal Citation Conference, the Executive Officer shall either, affirm, modify or dismiss the citation. If the citation is affirmed or modified, you will then have the opportunity to contest it by filing a written request with the Board for a Formal Administrative Hearing within (30) calendar days after service of the affirmed or modified citation. The

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Formal Administrative Hearing shall be held pursuant to the Administrative Procedures Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. (Please refer to the enclosed Instructions to Cited Person for additional appeal information.)

You may withdraw a Request for Informal Citation Conference at any time prior to the date of the conference. You may withdraw a Request for Administrative Hearing anytime prior to the date of the hearing.

Failure to request an Informal Citation Conference or Administrative Hearing in a timely manner will waive your right to contest this citation. If the citation is not contested, or if the citation is contested and you do not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.

Further, failure to timely comply with an order of abatement or pay an assessed fine may result in disciplinary action being taken by the board or other appropriate judicial action being taken against you. If you have been issued an order of abatement and you are unable to complete the correction(s) within the time set forth in the citation because of conditions beyond your control after the exercise of reasonable diligence, you may request an extension of time in which to complete the correction from the executive officer of the board. Such a request shall be in writing and shall be made within the time set forth for abatement. (Title 16, CCR section 1886.60.)

Pursuant to Business and Professions code section 125.9, if you do not request a formal Administrative Hearing, payment of the fine does not constitute an admission of the violation(s) alleged. Further, where a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

IF YOU NEITHER PAY THE FINE NOR REQUEST AN INFORMAL CITATION CONFERENCE OR ADMINISTRATIVE HEARING WITHIN THE ALLOTTED TIME FRAME, YOUR LICENSE WILL NOT BE RENEWED FOR THE NEXT RENEWAL PERIOD UNTIL THE FINE IS PAID.

Original Signature on File

PAUL RICHES
Executive Officer

Date: January 21, 2009

Attachments: Statement of Rights
Section 125.9, Business and Professions Code
Section 1886.70, Title 16, California Code of Regulations
Notice of Appeal
Acknowledgment Receipt of Citation form