



Board of Behavioral Sciences
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BOARD PROBATIONER INFORMATION AND INSTRUCTIONS FOR CLINICAL DIAGNOSTIC EVALUATION

Pursuant to the [Uniform Standards Related to Substance Abuse and Disciplinary Guidelines](#) adopted pursuant to [California Code of Regulations, Title 16 \(16 CCR\), section 1888](#) and according to your Decision, you are required to undergo a clinical diagnostic evaluation by a psychologist or psychiatrist (a.k.a. “evaluator”) that is approved by the Board of Behavioral Sciences (Board). You must undergo this forensic clinical diagnostic evaluation **within 20 days** of the effective date of your Decision and pay for the evaluation in the manner set forth by the evaluator. The completed evaluation is the sole property of the Board, and should not be disclosed to anyone not authorized by the Board or by court order.

Failure to undergo, complete, and pay for your clinical diagnostic evaluation as required are violations of your probation terms and conditions and will result in the Board referring your case to the Office of the Attorney General to pursue further disciplinary action (i.e., revocation) against your license or registration.

NOTE: All references to “practice” or “practicing” herein pertain to any and all activities for which a license or registration issued by the Board is required pursuant to California Business and Professions Code (BPC) sections [4980.02](#), [4989.14](#), [4996.9](#), and [4999.20](#).

PRACTICE RESTRICTIONS

Upon the effective date of your Decision, you must comply with the following practice restriction requirements until the Board notifies you that you may resume practice:

- 1. Submit to random and directed alcohol and drug testing** at least two (2) times per week, with at least 30 calendar days of negative drug and alcohol test results (See “Information Regarding Drug and Alcohol Testing” document for further information and instructions).
- 2. Suspension** from practicing as a Board licensee or associate (See INFORMATION AND INSTRUCTIONS FOR SUSPENSION OF PRACTICE form).

EVALUATOR PROPOSAL PACKETS

Incomplete evaluator proposal packets (See “Step 2: Submit the Evaluator Proposal Packet” section) submitted to the Board will be denied. In addition, it is imperative that you

submit your evaluator proposal packet on or soon after the effective date of your Decision. This enables the Board to have adequate time to process your evaluator proposal packet and, if your proposed evaluator is approved, allows sufficient time for you to undergo the evaluation prior to your deadline (**within 20 days** of the effective date of your Decision).

CLINICAL DIAGNOSTIC EVALUATION PROCESS

Complete the evaluation process according to the following steps. **DO NOT** proceed to a subsequent step until all requirements listed in each step are met.

Step 1: Find an Evaluator

1. Find one or more evaluators who can conduct the evaluation **within 20 days** of the effective date of your Decision, and who meet **ALL** of the following requirements:
 - a. **If proposed evaluator is a psychologist:** Evaluator holds a current, active, and unrestricted Psychologist license issued by the California Board of Psychology;
 - b. **If proposed evaluator is a psychiatrist:** Evaluator holds a current, active, and unrestricted license as a Physician and Surgeon issued by the Medical Board of California or the Osteopathic Medical Board of California and is certified in psychiatry by the American Board of Psychiatry and Neurology;
 - c. Evaluator possesses a minimum of three (3) years of experience conducting clinical evaluations of health care professionals with substance use disorders;
 - d. Evaluator has no current or prior relationship with you, including but not limited to a financial, personal, professional, business, or therapeutic relationship;
 - d. Evaluator has not currently or previously acted as your supervisor¹ or substitute supervisor² while you are/were a student, Trainee, Applicant or Associate; and,
 - e. Evaluator has never been the subject of a disciplinary action³ against their license.

¹ “Supervisor” is an individual who provides supervision to a supervisee as required in [BPC sections 4980.04, 4996.23, or 4999.46](#), or who provides supervision or direction to a supervisee as required in [BPC section 4989.20\(a\)\(6\)\(A\) or \(B\)](#).

² “Substitute Supervisor” is a supervisor who provides temporary supervision to a supervisee according to the requirements set forth in [16 CCR sections 1821.1, 1833.1.5 or 1870.3](#).

³ Examples of disciplinary action include, but are not limited to, when a Board-issued license or registration is on probation, revoked, suspended, reprobated, censured, reprimanded, restricted, limited or conditioned.

2. Next, provide the evaluator with ALL of the following:

- A copy of this document—the BOARD PROBATIONER INFORMATION AND INSTRUCTIONS FOR CLINICAL DIAGNOSTIC EVALUATION;
- A copy of the INFORMATION AND INSTRUCTIONS FOR CLINICAL DIAGNOSTIC EVALUATOR document;
- A copy of your Decision, including your Stipulated Settlement or Proposed Decision and Accusation or Statement of Issues; and,
- A completed RELEASE OF INFORMATION form with your original signature.

NOTE: Although it is not required, you may want to discuss payment arrangements in advance with the evaluator, since you will be required to pay for the evaluation in the manner set forth by the evaluator.

Step 2: Submit the Evaluator Proposal Packet

Assemble **ALL** of the following documentation for your evaluator proposal packet:

- 1. The **name(s) and curriculum vitae (CV)** of the proposed evaluator(s) who meet(s) the criteria as listed in **Step 1: Find an Evaluator** section.
- 2. **A letter written by the proposed evaluator(s)**, signed under penalty of perjury, stating that the proposed evaluator:
 - Has no current or prior relationship with you, including but not limited to a financial, personal, business, professional, or therapeutic relationship;
 - Has not currently or previously acted as your supervisor (*see Footnote 1*) or substitute supervisor (*see Footnote 2*) while you are/were a student, Trainee, Applicant or Associate;
 - Has never been the subject of a disciplinary action (*see Footnote 3*) against their license;
 - Has been given a copy of your Decision, including your Stipulated Settlement or Proposed Decision and Accusation or Statement of Issues;
 - Has read and understood the above-listed documents; and,
 - Is willing to conduct the evaluation as required and in accordance with acceptable professional standards for conducting substance use disorder clinical diagnostic evaluations.

- 3. A letter written by you**, signed under penalty of perjury, stating that:
 - You have no current or prior relationship with the proposed evaluator(s) [specifying the name(s) of the proposed evaluator(s) in your letter], including but not limited to a financial, personal, business, professional, or therapeutic relationship; and,
 - The proposed evaluator(s) [specifying the name(s) of the proposed evaluator(s)] has/have not currently or previously acted as your supervisor (*see Footnote 1*) or substitute supervisor (*see Footnote 2*) while you are/were a student, Trainee, Applicant or Associate.

- 4. A completed RELEASE OF INFORMATION form** with your original signature.

Next, on or after the effective date of your Decision, submit #1 - #4 (listed above) **AS A SINGLE PACKET** to:

Board of Behavioral Sciences
Attn: [INSERT NAME OF ASSIGNED PROBATION ANALYST]
1625 N. Market Blvd., Ste. S200
Sacramento, CA 95834

Step 3: Receive Board Notification

If your evaluator proposal packet included **one** proposed evaluator, the Board will send written notification to you regarding whether the proposed evaluator is approved or denied.

If your evaluator proposal packet included **more than one** proposed evaluator **and** the Board approved more than one proposed evaluator, you must do the following:

1. By the date specified in the Board's written notification to you, determine which **one** of the approved evaluators that you will proceed with for the evaluation; **and**,
2. Immediately notify your assigned Board Probation Analyst (via email) of your determination.

Upon Board approval of the evaluator **AND** prior to the evaluation, the Board will send the approved evaluator written notification and instructions.

If the proposed evaluator(s) are **denied by the Board**, return to **Step 1: Find an Evaluator** (on Page 2).

Step 4: Complete the Clinical Diagnostic Evaluation

1. **Contact the Board-approved evaluator immediately** for an initial appointment;
2. **Notify your assigned Board Probation Analyst** by email of all appointment dates with the evaluator;

3. **Attend all appointments** with the evaluator, cooperate with the evaluator/evaluation process, and pay the cost of the evaluation as required by the evaluator; and,
4. **Document compliance** with the evaluation process in your Quarterly Report(s).

Step 5: Comply with Board Determination, Requirements, and/or Restrictions

The Board will provide written notification to you that includes the following:

1. The evaluator's recommendation(s);
2. The Board's determination(s), requirement(s), and/or restriction(s) made or imposed as a result of the evaluation;
3. Whether you may resume practice; and,
4. Further instructions as needed.

For example, if the evaluator recommends probation terms and conditions that are in addition to those specified in your Decision (e.g., psychotherapy, supervised practice, education, etc.), then the Board may add those terms and conditions to your disciplinary order. If the Board adds probation terms and conditions to your disciplinary order, then the Board would include, in the written notification to you (listed above), information and instructions regarding the added probation terms and conditions.

Failure to comply with any requirements, restrictions, or recommendations imposed or made as a result of your clinical diagnostic evaluation are violations of the terms and conditions of your probation and may result in the Board referring your case to the Office of the Attorney General to pursue further disciplinary action (i.e., revocation) against your license or registration.

REQUIREMENT FOR A NEW CLINICAL DIAGNOSTIC EVALUATION

Pursuant to the [Uniform Standards Related to Substance Abuse and Disciplinary Guidelines](#), consequences for committing a major violation while you are on Board probation may include, pursuant to Board Decision, the requirement to undergo a new clinical diagnostic evaluation. Major violations include, but are not limited to, the following:

1. Failure to complete any Board-ordered program;
2. Committing more than one minor violation⁴ of probation conditions and terms;

⁴ *Minor violations include, but are not limited to, failure to submit required documentation in a timely manner, unexcused absence at required meetings, failure to contact a supervisor and/or monitor as required, and/or any other violations that do not present an immediate threat to the licensee or associate or to the public.*

3. Treating a patient while under the influence of drugs or alcohol;
4. Committing any drug or alcohol offense that is a violation of the Business and Professions Code, or other state or federal law;
5. Failure to submit to drug and alcohol testing on the same day that you are selected to test;
6. A positive drug and alcohol test result; and,
7. Knowingly using, making, altering, or possessing any object or product in such a way as to defraud a drug test designed to detect the presence of alcohol or a controlled substance.

If a new clinical diagnostic evaluation is ordered pursuant to Board Decision, then the Board will provide written notice to you that includes information and instructions regarding your new clinical diagnostic evaluation.

PROBATIONER QUESTIONS

If you have any questions, contact your assigned Board Probation Analyst.