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BEFORE THE
BOARD OF PSYCHOLOGY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) Board Case No. D-5124
12 Against:)
13 RICHARD CHARLES CERVANTES, Ph.D.) OAH Case No. L-_____
14 1541 South Shenendoah Street, No. 7)
15 Los Angeles, California 90035)
16 Psychologist's License)
17 No. PSY 10056,)
18 Respondent.)

A C C U S A T I O N

18 THOMAS S. O'CONNOR ("Complainant"), for causes for
19 discipline, alleges:

21 PARTIES

22 1. Complainant makes and files this accusation solely
23 in his official capacity as Executive Officer of the Board of
24 Psychology, Medical Board of California, Department of Consumer
25 Affairs, State of California.

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27 /

1 not exceeding one year, or the revocation of, or the
2 imposition of probationary conditions upon, a licensee for
3 any of the following causes:

4 ...

5 "(b) Use of any controlled substance as defined in Division
6 10 (commencing with Section 11000) of the Health and Safety
7 Code, or dangerous drug, or any alcoholic beverage to an
8 extent or in a manner dangerous to himself or herself, any
9 other person, or the public, or to an extent that such use
10 impairs his or her ability to perform the work of a
11 psychologist with safety to the public.

12 ...

13 "(i) Violating any rule of professional conduct promulgated
14 by the committee and set forth in regulations duly adopted
15 under this chapter.

16 "(j) Being grossly negligent in the practice of his or her
17 profession.

18 "(k) Violating any of the provisions of this chapter or
19 regulations duly adopted thereunder.

20 ...

21 "(n) The commission of ... any act of sexual abuse, or
22 sexual relations with a patient, or sexual misconduct which
23 is substantially related to the qualifications, functions or
24 duties of a psychologist or psychological assistant.^{3/}

25 /
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27 3. In its 1992 session, the California Legislature
redesignated this portion of subdivision (n) as subdivision (o).

1 "(o) Functioning outside of his or her particular field or
2 fields of competence as established by his or her education,
3 training, and experience ..."^{4/}

4 7. B&P § 726 declares in pertinent portion that, "The
5 commission of any act of sexual abuse, misconduct, or relations
6 with a patient, client, or customer which is substantially
7 related to the qualifications, functions, or duties of the
8 occupation for which a license was issued constitutes
9 unprofessional conduct and grounds for disciplinary action for
10 any person licensed under this division..."

11 8. California Code of Regulations ("CCR"), Title 16,
12 §1396 provides that, "A psychologist shall not function outside
13 his or her particular field or fields of competence as
14 established by his or her education, training and experience."

15 9. CCR, Title 16, §1396.1 provides that:

16 "It is recognized that a psychologist's effec-
17 tiveness depends upon his or her ability to maintain sound
18 interpersonal relations, and that temporary or more enduring
19 problems in a psychologist's own personality may interfere
20 with this ability and distort his or her appraisals of
21 others. A psychologist shall not knowingly undertake any
22 activity in which temporary or more enduring personal prob-
23 lems in the psychologist's personality integration may re-
24 sult in inferior professional services or harm to a patient
25 or client. If a psychologist is already engaged in such

27 4. In its 1992 session, the California Legislature
 redesignated this subdivision as subdivision (p).

1 activity when becoming aware of such personal problems, he
2 or she shall seek competent professional assistance to
3 determine whether services to the patient or client should
4 be continued or terminated."

5
6 IN RE: P.H.

7 10. P.H. was, at all times relevant herein, a female
8 adult individual residing in the State of California.^{5/}

9 11. In or around October 1984, P.H. sought
10 psychotherapy services from respondent, in connection with
11 various problems, including but not limited to (1) difficulties
12 in her relationships with men, and (2) job-related concerns.
13 Said psychotherapy services were provided in the form of weekly
14 individual counselling sessions.

15 12. Starting in or around January 1985, respondent
16 repeatedly told P.H. that he felt close to her and that he liked
17 her.

18 13. In February 1985, respondent and P.H. commenced a
19 sexually intimate relationship.

20 14. Two or three weeks after the commencement of the
21 sexually intimate relationship between respondent and P.H.,
22 respondent told P.H. that they could not continue both their
23 sexual relationship and their psychotherapeutic relationship.
24 Respondent required P.H. to decide which of the two relationships
25

26
27 5. For privacy reasons only the initials of this
individual will be used in this accusation. The full name will
be provided to respondent in discovery upon request.

