

**BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**CARLA JEANNE BLACK
3825 Ventura Canyon Avenue
Sherman Oaks, CA 91423**

**Licensed Marriage and Family Therapist
License No. LMFT 44511**

Respondent.

Case No. 2002016001583

OAH No. 2018060478

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 13, 2019.

It is so ORDERED May 14, 2019.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

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7

8 **BEFORE THE**
9 **BOARD OF BEHAVIORAL SCIENCES**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2002016001583

13 **CARLA JEANNE BLACK**
14 **3825 Ventura Canyon Avenue**
Sherman Oaks, CA 91423

OAH No. 2018060478

15 **Licensed Marriage and Family Therapist**
16 **License No. LMFT 44511**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kim Madsen (Complainant) is the Executive Officer of the Board of Behavioral
23 Sciences (Board). She brought this action solely in her official capacity and is represented in this
24 matter by Xavier Becerra, Attorney General of the State of California, by Natalia Matusik,
25 Deputy Attorney General.

26 2. Respondent Carla Jeanne Black (Respondent) is represented in this proceeding by
27 attorney Kevin D. Cauley, 624 South Grand Avenue, 22nd Floor, Los Angeles, CA 90017-3323.
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1 3. On or about April 30, 2007, the Board issued Licensed Marriage and Family
2 Therapist License No. LMFT 44511 to Respondent. The Licensed Marriage and Family
3 Therapist License was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 2002016001583, and will expire on April 30, 2020, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 2002016001583 was filed before the Board, and is currently pending
7 against Respondent. The Accusation and all other statutorily required documents were properly
8 served on Respondent on May 3, 2018. Respondent timely filed her Notice of Defense contesting
9 the Accusation.

10 5. A copy of Accusation No. 2002016001583 is attached as exhibit A and incorporated
11 herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 2002016001583. Respondent has also carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

17 7. Respondent is fully aware of her legal rights in this matter, including the right to a
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
19 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of
21 documents; the right to reconsideration and court review of an adverse decision; and all other
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 **CULPABILITY**

26 9. Respondent understands and agrees that the charges and allegations in Accusation
27 No. 2002016001583, if proven at a hearing, constitute cause for imposing discipline upon her
28 Licensed Marriage and Family Therapist License.

1 10. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest
4 those charges.

5 11. The admissions made by Respondent herein are only for the purposes of this
6 proceeding, or any other proceedings in which the Board of Behavioral Sciences or other
7 professional licensing agency is involved and shall not be admissible in any other criminal or civil
8 proceeding.

9 12. Respondent agrees that her Licensed Marriage and Family Therapist License is
10 subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in
11 the Disciplinary Order below.

12 CONTINGENCY

13 13. This stipulation shall be subject to approval by the Board. Respondent understands
14 and agrees that counsel for Complainant and the staff of the Board may communicate directly
15 with the Board regarding this stipulation and settlement, without notice to or participation by
16 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that
17 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
18 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
19 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
20 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
21 be disqualified from further action by having considered this matter.

22 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
24 signatures thereto, shall have the same force and effect as the originals.

25 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
28 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

3 16. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Licensed Marriage and Family Therapist License No.
8 LMFT 44511 issued to Carla Jeanne Black is revoked. The revocation is stayed and Respondent
9 is placed on three (3) years probation with the following terms and conditions. Probation shall
10 continue on the same terms and conditions if Respondent is granted another registration or license
11 regulated by the Board.

12 **1. Education**

13 Respondent shall take and successfully complete the equivalency of three (3) semester units
14 or 45 hours in Law and Ethics. All course work shall be taken at the graduate level at an
15 accredited or approved educational institution that offers a qualifying degree for licensure as a
16 marriage and family therapist, clinical social worker, educational psychologist, or professional
17 clinical counselor or through a course approved by the Board. Classroom attendance must be
18 specifically required. Course content shall be pertinent to the violation and all course work must
19 be completed within one year from the effective date of this Decision.

20 Within 90 days of the effective date of the decision Respondent shall submit a plan for prior
21 Board approval for meeting these educational requirements. All costs of the course work shall be
22 paid by the Respondent. Units obtained for an approved course shall not be used for continuing
23 education units required for renewal of licensure.

24 **2. Restricted Practice**

25 Respondent's practice shall be restricted from telehealth. However, the telehealth
26 restriction does not prohibit Respondent to communicate with her existing clients telephonically
27 in the event of an emergency. Within 30 days from the effective date of the decision, Respondent
28 shall submit to the Board or its designee, for prior approval, a plan to implement this restriction.

1 Respondent shall submit proof satisfactory to the Board or its designee of compliance with this
2 term of probation. Respondent shall notify her supervisor of the restrictions imposed on her
3 practice.

4 **3. Obey All Laws**

5 Respondent shall obey all federal, state and local laws, all statutes and regulations
6 governing the licensee, and remain in full compliance with any court ordered criminal probation,
7 payments and other orders. A full and detailed account of any and all violations of law shall be
8 reported by the respondent to the Board or its designee in writing within seventy-two (72) hours
9 of occurrence. To permit monitoring of compliance with this term, respondent shall submit
10 fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days
11 of the effective date of the decision, unless previously submitted as part of the licensure
12 application process. Respondent shall pay the cost associated with the fingerprint process.

13 **4. File Quarterly Reports**

14 Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the
15 "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury
16 whether she has been in compliance with all the conditions of probation. Notwithstanding any
17 provision for tolling of requirements of probation, during the cessation of practice respondent
18 shall continue to submit quarterly reports under penalty of perjury.

19 **5. Comply with Probation Program**

20 Respondent shall comply with the probation program established by the Board and
21 cooperate with representatives of the Board in its monitoring and investigation of the respondent's
22 compliance with the program.

23 **6. Interviews with the Board**

24 Respondent shall appear in person for interviews with the Board or its designee upon
25 request at various intervals and with reasonable notice.

26 **7. Failure to Practice**

27 In the event respondent stops practicing in California, respondent shall notify the Board or
28 its designee in writing within 30 calendar days prior to the dates of non-practice and return to

1 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which
2 respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or
3 4999.20 of the Business and Professions Code. The failure to practice for a total of two years
4 shall be a violation of probation and Respondent's license shall be subject to cancellation.

5 **8. Change of Place of Employment or Place of Residence**

6 Respondent shall notify the Board or its designee in writing within 30 days of any change
7 of place of employment or place of residence. The written notice shall include the address, the
8 telephone number and the date of the change.

9 **9. Supervision of Unlicensed Persons**

10 While on probation, respondent shall not act as a supervisor for any hours of supervised
11 practice required for any license issued by the Board. Respondent shall terminate any such
12 supervisory relationship in existence on the effective date of this Decision.

13 **10. Notification to Clients**

14 Respondent shall notify all clients when any term or condition of probation will affect their
15 therapy or the confidentiality of their records, including but not limited to supervised practice,
16 suspension, or client population restriction. Such notification shall be signed by each client prior
17 to continuing or commencing treatment. Respondent shall submit, upon request by the Board or
18 its designee, satisfactory evidence of compliance with this term of probation.

19 **11. Notification to Employer**

20 Respondent shall provide each of her current or future employers, when performing
21 services that fall within the scope of practice of his or her license, a copy of this Decision and the
22 Statement of Issues or Accusation before commencing employment. Notification to the
23 respondent's current employer shall occur no later than the effective date of the Decision or
24 immediately upon commencing employment. Respondent shall submit, upon request by the
25 Board or its designee, satisfactory evidence of compliance with this term of probation.

26 The Respondent shall provide to the Board the names, physical addresses, and telephone
27 numbers of all employers, supervisors, and contractors.

28 Respondent shall complete the required consent forms and sign an agreement with the

1 employer and supervisor, or contractor, and the Board to allow the Board to communicate with
2 the employer and supervisor or contractor regarding the licensee or registrant's work status,
3 performance, and monitoring.

4 **12. Violation of Probation**

5 If respondent violates the conditions of her probation, the Board, after giving respondent
6 notice and the opportunity to be heard, may set aside the stay order and impose the discipline
7 (revocation/suspension) of respondent's license provided in the decision.

8 If during the period of probation, an accusation, petition to revoke probation, or statement
9 of issues has been filed against Respondent's license or application for licensure, or the Attorney
10 General's office has been requested to prepare such an accusation, petition to revoke probation, or
11 statement of issues, the probation period set forth in this decision shall be automatically extended
12 and shall not expire until the accusation, petition to revoke probation, or statement of issues has
13 been acted upon by the board. Upon successful completion of probation, Respondent's license
14 shall be fully restored.

15 **13. Maintain Valid License**

16 Respondent shall, at all times while on probation, maintain a current and active license with
17 the Board, including any period during which suspension or probation is tolled. Should
18 Respondent's license, by operation of law or otherwise, expire, upon renewal Respondent's
19 license shall be subject to any and all terms of this probation not previously satisfied.

20 **14. License Surrender**

21 Following the effective date of this decision, if Respondent ceases practicing due to
22 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of
23 probation, Respondent may voluntarily request the surrender of his/her license to the Board. The
24 Board reserves the right to evaluate the Respondent's request and to exercise its discretion
25 whether to grant the request or to take any other action deemed appropriate and reasonable under
26 the circumstances. Upon formal acceptance of the surrender, Respondent shall within 30 calendar
27 days deliver Respondent's license and certificate and if applicable wall certificate to the Board or
28 its designee and Respondent shall no longer engage in any practice for which a license is

1 required. Upon formal acceptance of the tendered license, Respondent will no longer be subject
2 to the terms and conditions of probation.

3 Voluntary surrender of Respondent's license shall be considered to be a disciplinary action
4 and shall become a part of Respondent's license history with the Board. Respondent may not
5 petition the Board for reinstatement of the surrendered license. Should Respondent at any time
6 after voluntary surrender ever reapply to the Board for licensure Respondent must meet all
7 current requirements for licensure including, but not limited to, filing a current application,
8 meeting all current educational and experience requirements, and taking and passing any and all
9 examinations required of new applicants.

10 **15. Instruction of Coursework Qualifying for Continuing Education**

11 Respondent shall not be an instructor of any coursework for continuing education credit
12 required by any license issued by the Board.

13 **16. Notification to Referral Services**

14 Respondent shall immediately send a copy of this decision to all referral services registered
15 with the Board in which Respondent is a participant. While on probation, Respondent shall send
16 a copy of this decision to all referral services registered with the Board that Respondent seeks to
17 join.

18 **17. Reimbursement of Probation Program**

19 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to
20 ensure compliance for the duration of the probation period. Reimbursement costs shall be
21 \$1,200.00 per year.

22 **18. Cost Recovery**

23 Respondent shall pay the Board \$4,261.00 for the reasonable costs of the investigation and
24 prosecution of Case No. 2002016001583. Respondent shall make such payments as follows:
25 Respondent shall make the check or money order payable to the Board of Behavioral Sciences
26 and shall indicate on the check or money order that it is the cost recovery payment for Case No.
27 2002016001583. Any order for payment of cost recovery shall remain in effect whether or not
28 probation is tolled. Probation shall not terminate until full payment has been made. Should any

1 part of cost recovery not be paid in accordance with the outlined payment schedule, Respondent
2 shall be considered to be in violation of probation. A period of non-practice by Respondent shall
3 not relieve Respondent of her obligation to reimburse the board for its costs.

4 Cost recovery must be completed six months prior to the termination of probation. A
5 payment plan authorized by the Board may be extended at the discretion of the Enforcement
6 Manager based on good cause shown by the probationer.

7 **19. Supervised Practice**

8 Within 30 days of the effective date of this decision, Respondent shall submit to the Board
9 or its designee, for its prior approval, the name and qualification of one or more proposed
10 supervisors and a plan by each supervisor. The supervisor shall be a current California licensed
11 practitioner in Respondent's field of practice, who shall submit written reports to the Board or its
12 designee on a quarterly basis verifying that supervision has taken place as required and including
13 an evaluation of Respondent's performance. The supervisor shall be independent, with no prior
14 business, professional or personal relationship with Respondent.

15 If Respondent is unable to secure a supervisor in her field of practice due to the
16 unavailability of mental health care professionals in the area, then the Board may consider the
17 following options for satisfying this probationary term:

- 18 (1) Permitting the Respondent to receive supervision via videoconferencing; or,
19 (2) Permitting Respondent to secure a supervisor not in the Respondent's field of practice.

20 The forgoing options shall be considered and exhausted by the Board in the order listed
21 above. The Board may require that Respondent provide written documentation of her good faith
22 attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a
23 mental health professional that is licensed in the Respondent's field of practice.

24 Respondent shall complete any required consent forms and sign an agreement with the
25 supervisor and the Board regarding the Respondent and the supervisor's requirements and
26 reporting responsibilities. Failure to file the required reports in a timely fashion shall be a
27 violation of probation. Respondent shall give the supervisor access to Respondent's fiscal and
28 client records. Supervision obtained from a probation supervisor shall not be used as experience

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gained toward licensure.

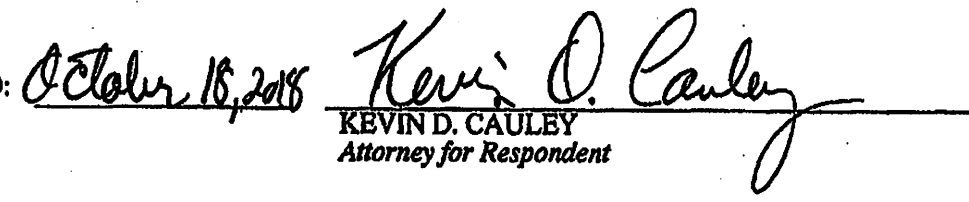
If the supervisor is no longer available, Respondent shall notify the Board within 15 days and shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by Respondent. Supervision shall consist of at least one (1) hour per week in individual face to face meetings. The supervisor shall not be the Respondent's therapist.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kevin D. Cauley. I understand the stipulation and the effect it will have on my Licensed Marriage and Family Therapist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral Sciences.

DATED: *October 18, 2018* 
CARLA JEANNE BLACK
Respondent

I have read and fully discussed with Respondent Carla Jeanne Black the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: *October 18, 2018* 
KEVIN D. CAULEY
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Behavioral Sciences.

Dated: October 18, 2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
LINDA SUN
Supervising Deputy Attorney General



NATALIA MATUSIK
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 2002016001583

1 XAVIER BECERRA
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2 SHAWN P. COOK
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7 *Attorneys for Complainant*

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9 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

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12 In the Matter of the Accusation Against:

Case No. 2002016001583

13 **CARLA JEANNE BLACK**
14 **3825 Ventura Canyon Avenue**
Sherman Oaks, CA 91423

A C C U S A T I O N

15
16 **Licensed Marriage and Family Therapist**
License No. LMFT 44511

17 Respondent.
18

19
20 Complainant alleges:

21 **PARTIES**

22 1. Kim Madsen (Complainant) brings this Accusation solely in her official capacity as
23 the Executive Officer of the Board of Behavioral Sciences ("Board"), Department of Consumer
24 Affairs.

25 2. On or about April 30, 2007, the Board issued Licensed Marriage and Family
26 Therapist License Number LMFT 44511 to Carla Jeanne Black ("Respondent"). The Licensed
27 Marriage and Family Therapist License was in full force and effect at all times relevant to the
28 charges brought herein and will expire on April 30, 2020, unless renewed.

1 **JURISDICTIONAL & STATUTORY PROVISIONS**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 118, subdivision (b) of the Code provides that the suspension, expiration,
6 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
7 disciplinary action during the period within which the license may be renewed, restored, reissued
8 or reinstated.

9 5. Section 4990.33 states:

10 Notwithstanding any other law, except as provided in Section 4990.32, the
11 expiration, cancellation, forfeiture, or suspension of a license, registration, or other
12 authority to practice by operation of law or by order or decision of the board or a court
13 of law, the placement of a license on a retired status, or the voluntary surrender of a
14 license or registration by a licensee or registrant, of any license or registration within
the authority of the board, shall not deprive the board of jurisdiction to commence or
proceed with any investigation of, or action or disciplinary proceeding against, the
licensee or registrant or to render a decision suspending or revoking the license or
registration.

15 6. Section 4980, subdivision (b) provides, in pertinent part, that no person may engage
16 in the practice of marriage and family therapy unless he or she holds a valid license as a marriage
17 and family therapist, or unless he or she is specifically exempted from that requirement.

18 7. Section 4982 states:

19 The board may deny a license or registration or may suspend or revoke the license
20 or registration of a licensee or registrant if he or she has been guilty of unprofessional
conduct. Unprofessional conduct includes, but is not limited to, the following:

21 ...

22 (d) Gross negligence or incompetence in the performance of marriage and family therapy.

23 (e) Violating, attempting to violate, or conspiring to violate any of the provisions of
24 this chapter or any regulation adopted by the board.

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

27 ...

28 ///

1 (j) The commission of any dishonest, corrupt, or fraudulent act substantially related to
2 the qualifications, functions, or duties of a licensee or registrant. . .

3 (p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as
4 defined in Section 651.

5 **REGULATORY PROVISIONS**

6 8. California Code of Regulations, title 16, section 1814 states:

7 (a) When considering the suspension or revocation of a license, the board, in evaluating the
8 rehabilitation of such person and his or her eligibility for a license will consider the following
9 criteria:

10 (1) Nature and severity of the act(s) or crime(s) under consideration as grounds for
11 suspension or revocation.

12 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under
13 consideration as grounds for suspension or revocation under Section 490 of the Code.

14 (3) The time that has elapsed since commission of the act(s) or crime(s) giving rise to
15 the suspension or revocation.

16 (4) Whether the licensee has complied with any terms of probation, parole, restitution
17 or any other sanctions lawfully imposed against such person.

18 (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of
19 the Penal Code.

20 (6) Evidence, if any, concerning the degree to which a false statement relative to
21 application for licensure may have been unintentional, inadvertent or immaterial.

22 (7) Efforts made by the applicant either to correct a false statement once made on an
23 application or to conceal the truth concerning facts required to be disclosed.

24 (8) Evidence, if any, of rehabilitation submitted by the licensee. . .

25 9. California Code of Regulations, title 16, section 1845 states:

26 Unprofessional conduct includes, but is not limited to:

27 (a) Performing or holding himself or herself out as able to perform professional services
28 beyond his or her field or fields of competence as established by his or her education, training
and/or experience.

1 10. California Code of Regulations, title 16, section 1815.5 states:

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3 (e) A licensee or registrant of this state may provide telehealth services to clients locate in
4 another jurisdiction only if the California licensee or registrant meets the requirements to lawfully
5 provide services in that jurisdiction, and delivery of services via telehealth is allowed by that
6 jurisdiction.

7 **COSTS**

8 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
13 included in a stipulated settlement.

14 **FACTUAL ALLEGATIONS**

15 12. On March 28, 2016, a landlord J.G.in Pennsylvania filed a complaint with the Board
16 alleging that Respondent provided a letter to J.G.'s tenant stating Respondent was treating the
17 tenant for his emotional mental health condition and prescribed the tenant an emotional support
18 dog. J.G. had grave doubts about the standard of diagnosis and care given during a one-hour
19 remote interview.

20 13. On April 28, 2016, a Board investigator accessed Respondent's website
21 <http://www.carlackmft.com>. On the homepage, although Respondent indicated that she was a
22 Licensed Marriage and Family Therapist, she did not provide a license number or her full name as
23 filed with the Board. Her website indicated she specialized in Emotional Support Animal (ESA)
24 services and ESA letters. In a listing of the services she provided she listed ESA Services first,
25 then psychotherapy, couples' therapy, art therapy, and telephone or internet sessions. On her ESA
26 pages, she provided additional details about obtaining an ESA letter. This included a one-hour
27 counseling consultation at a cost of \$150 as well as a "clinical assessment" consisting of
28 administering and evaluating real evaluative test to assess a real need for an ESA.

1 14. On May 4, 2016, the Investigator sent a letter to Respondent. On May 23, 2016,
2 Respondent replied and stated that she determined that an individual could therapeutically benefit
3 through the companionship and affections of an ESA by performing a thorough assessment of the
4 client's mental health and considered all forms of treatment, only one of which was an ESA.
5 Respondent made the decision based on the client's answers to a series of questions which
6 addressed the client's symptoms. She would determine if an individual had an illness which
7 limited one or more major life activities or had a mental health issue based on the client's answers to
8 a series of comprehensive and thorough questions. Respondent further stated that there were
9 occasions when she would speak with clients via telephone, and on rare occasions, and if the
10 client so chose, she would make an assessment of disability without speaking to the client.

11 15. Respondent often used the questions available at
12 <http://www.healthyplace.com/psychological-tests/>, which are used in situations which include a
13 possibility of Adult ADHD Test, Panic Attack Test, GAD Test, PTSD Test, OCD Symptoms Test,
14 Bipolar Mania Test, Online Bipolar Test, Short Depression Test, and Borderline Personality Test.

15 16. On June 3, 2016, <http://www.healthyplace.com/psychological-tests/> was accessed.
16 The website clearly stated, "These online psychological tests are for your entertainment and
17 possibly educational use only and do not replace in any way a formal psychiatric evaluation."

18 17. Respondent did not provide a copy of questionnaires she used but did provide a sample
19 copy of one of her ESA Letters of Prescription.

20 18. Respondent admitted she was not licensed to practice in either Pennsylvania or
21 Wisconsin. Respondent stated her practice was in California and she was always located in
22 California when she provided services.

23 19. On or about October 28, 2016, the Board received a complaint from a TV
24 Reporter E.S. ("E.S."), which alleged Respondent provided letters to the public to obtain
25 emotional support animals for a fee. The reporter explained that he was conducting an
26 investigative TV report to show how easy it was to obtain Emotional Support Animal ("ESA")
27 letters online. At the time, Respondent offered ESA letters for \$149.00 through her website
28 www.carlablackmft.com.

1 20. According to E.S., he took a simple ten-minute online survey answering questions
2 on Respondent's website and received an ESA letter signed by Respondent, in which he
3 provided a copy. E.S. stated he never met nor talked with Respondent. After he paid \$149.00
4 and took an online survey he received the ESA letter, which would allow him to take animals
5 on an airplane at no cost. The letter stated that E.S. was Respondent 's patient and that she
6 was currently treating him for a mental and emotional disability recognized in the Diagnostic
7 and Statistical Manual of Mental Disorders - Fourth Edition (DSM IV).

8 21. In December of 2016, a Board Enforcement Analyst contacted Respondent to conduct
9 an investigation. Respondent stated that on June 23, 2016, she received E.S.'s exam from a
10 company she contracted with. She explained the exam was an extremely comprehensive
11 exam, which addressed multiple disorders, such as depression, anxiety, PTSD, panic attacks
12 and social phobia. Respondent further stated, the exam contained over 70 questions, and sub-
13 questions. Respondent explained that she would normally check back with clients after 90
14 days, however, she discovered that E.S. was a reporter doing an undercover story on her so
15 she did not follow up with him.

16 22. The investigation revealed that Respondent contracted with a third party, a
17 company called "The Dogtor," which provided clients with a questionnaire to complete.
18 Respondent explained that the company provided a nationwide portal that connected clients
19 with mental health professionals. After a questionnaire was completed, it would be
20 forwarded to Respondent for evaluation to access for a mental health condition, which would
21 qualify a client for an ESA letter. Respondent then would decide if an ESA letter could be
22 issued to the patient.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Unlicensed Practice)**

25 23. Respondent has subjected her license to disciplinary action pursuant to Section 4982,
26 subdivision (e) of the Code in that she engaged in the practice of marriage and family therapy
27 without a valid Licensed Marriage and Family Therapist license as described in paragraphs 12
28

1 through 22, above when she issued ESA letters to patients outside of the state of California,
2 specifically in the state of Pennsylvania, in violation of Code section 4980, subdivision (b).

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dishonest, Corrupt, or Fraudulent Acts)**

5 24. Respondent has subjected her registration to disciplinary action pursuant to section
6 4982, subdivision (j) of the Code for unprofessional conduct, in that Respondent committed
7 dishonest and fraudulent acts, as described in paragraphs 12 through 22 above, when she issued
8 ESA letters without making a proper assessment of the patient's mental health.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(General Unprofessional Conduct)**

11 25. Respondent has subjected her license to disciplinary action pursuant to section 4982
12 of the Code for unprofessional conduct, as described in paragraphs 12 through 22 as follows:

- 13 a. Respondent issued ESA letters without making a proper assessment of the patient's
14 mental health;
- 15 b. Respondent engaged in unprofessional conduct by issuing ESA letters when she failed
16 to inform patients of the potential risks, consequences, and benefits, including but not
17 limited to, issues of confidentiality, clinical limitations, transmission difficulties, and
18 ability to respond to emergencies;
- 19 c. Respondent engaged in unprofessional conduct when she based her clinical evaluations
20 based on questions obtained from a website;
21 <http://www.healthyplace.com/psychological-tests/>, which clearly stated that their online
22 psychological tests were for entertainment and possibly educational use only and did
23 not replace in any way a formal psychiatric evaluation.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct – Misrepresentation of License Type and Status)**

26 26. Respondent is subject to disciplinary action under section 4982, subdivision (f), in
27 that she misrepresented the type and/or status of her license as set forth in paragraphs 12 through
28

1 22above when she failed to provide her full name and license number on her advertising
2 materials.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Gross Negligence)**

5 27. Respondent has subjected her registration to disciplinary action pursuant to section
6 4982, subdivision (d) of the Code for gross negligence, in that Respondent committed grossly
7 negligent acts, as described in paragraphs 12 through 22 above, when she issued ESA letters
8 without making a proper assessment of the patient's mental health.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(False Advertising)**

11 28. Respondent is subject to disciplinary action under section 4982, subdivision (p), in
12 that she engaged in false, fraudulent, misleading and/or deceptive advertising, as defined in
13 Section 651, as set forth in paragraphs 12 through 22 above when she advertised issuing ESA
14 letters by filing out an online questionnaire without making a proper assessment of the patient's
15 mental health.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Behavioral Sciences issue a decision:

1. Revoking or suspending Licensed Marriage and Family Therapist License Number LMFT 44511, issued to Carla Jeanne Black
2. Ordering Carla Jeanne Black to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: May 1, 2018



KIM MADSEN
Executive Officer
Board of Behavioral Sciences
State of California
Complainant