

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

In the Matter of the Accusation Against:

CYNTHIA HEARD, Ph.D.,  
Psychologist License No. PSY 13478,

Respondent.

Case No. 1F-2005-163569

OAH No. L2006120065

**PROPOSED DECISION**

Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, heard this matter on March 11, 2008, in Los Angeles, California.

Judith T. Alvarado, Deputy Attorney General, represented Robert I. Kahane (Complainant).

Alan I. Kaplan, Attorney at Law, represented Cynthia Heard, Ph.D. (Respondent).

Complainant seeks to revoke respondent's psychologist license on grounds of incompetence due to mental illness. Respondent contends jurisdiction does not exist because her license is presently on inactive status. Respondent also argues that her impairment may have been the temporary result of medication, which she is no longer taking.

Oral and documentary evidence was received at the hearing. The record was left open at the conclusion of the hearing to enable Respondent to submit pertinent portions of the Physician's Desk Reference (PDR). On March 18, 2008, Respondent's counsel submitted a facsimile transmittal, which has been marked for identification as Exhibit C, which contained argument and referred to the PDR, but which did not actually contain any PDR material. A second facsimile transmittal, which has been marked for identification as Exhibit D, was received on March 21, 2008, which did contain an 11-page copy of a manufacturer insert for the drug Symmetrel. Both transmittals indicated that a copy had been sent to Deputy Attorney General Alvarado. Apparently not having received the transmittals, on March 27, 2008, Deputy Attorney General Alvarado filed a request for the record to be closed for Respondent's failure to submit the PDR material, which document has been marked as Exhibit 20. Respondent's counsel replied on April 1, 2008, providing another copy of the Symmetrel PDR insert, which has been marked for identification as Exhibit E. On April 3, 2008, Complainant's counsel filed objections to the receipt into evidence of the Symmetrel insert, which document has been marked for identification as Exhibit 21. The matter was submitted for decision on April 3, 2008.

Complainant's relevancy and hearsay objections to the receipt of Exhibit D are overruled. While Complainant is correct that the cause of the alleged incompetence is not relevant to Respondent's present ability to practice her profession, the fact that the impairment may have been a side effect of medication may be relevant to the gravity of the impairment and to Respondent's ability to return to practice if the medication is discontinued. Although hearsay, the manufacturer's insert "is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs . . ." (Evid. Code § 11513, subd. (c).) It will be received into evidence to supplement or explain Respondent's description of experienced symptoms. Accordingly, the 11-page Symmetrel manufacturer's insert contained in Exhibit C is received into evidence as administrative hearsay. However, Exhibit C's usefulness is limited, as it is missing pages 1, 2, 4, 6, and 7.

### FACTUAL FINDINGS

1. Complainant filed the First Amended Accusation in his official capacity as the Executive Officer of the Board of Psychology, Department of Consumer Affairs, State of California (Board).

2. On August 1, 1993, the Board issued Psychologist's License Number PSY 13478 to respondent. The license became inactive on December 16, 2005, and expired on April 30, 2007. Board licensing records indicate that as of March 3, 2008, the license was "Delinquent and Inactive."

3. Respondent is 57 years old. She obtained her undergraduate and graduate degrees from the University of Southern California. Her doctorate is in counseling psychology. Her private practice primarily consisted of the evaluation of children with developmental disabilities.

4. Respondent was involved in an automobile accident in December 1998, in which she suffered back and head injuries. She was subsequently diagnosed with post concussion syndrome, speech disorder, and aphasia, the latter a condition involving loss of the ability to comprehend written or spoken language. She also experienced sight and hearing loss. Respondent underwent speech, physical and occupational therapy, not necessarily at the same time, for approximately two years. Because of the aphasia, Respondent was unable to follow conversations, or to respond spontaneously; speech was moving too fast for her to timely participate in conversations. In late 1999 or early 2000, Dr. Richard Adams (Adams) prescribed a "cocktail" of medications that included the analgesic Neurontin and Symmetrel. The medications helped, and Respondent was able to follow conversations and respond in a timely manner.

5. According to the manufacturer's insert, Symmetrel is used to treat viruses and Parkinson's Disease. However, Dr. Adams' use was reportedly "off label," and he asked Respondent to report any anxiety or related symptoms. The insert lists delusions and paranoid reactions as potential adverse reactions of the drug. She took the medication three times each day for over one year. She experienced confusion, and reported it to Dr. Adams, who suggested that Respondent take the medication three to four months in any given year instead of an entire year. She continued to take the medication on such limited basis for an undetermined period.

6. Respondent stopped working after the accident. Respondent tried to return to work on a part-time basis approximately two years later but, despite the therapy and medications, she was unable to perform her work as a psychologist to her satisfaction. In 2003, Respondent closed her office and stopped practicing psychology. Respondent is not sure whether she wants to return to the practice of psychology.

7. Reports of bizarre behavior by Respondent reached the Board and, on December 13, 2005, the Board ordered Respondent to undergo a mental examination pursuant to Business and Professions Code<sup>1</sup> section 820.

8. Ari Kalechstein, Ph.D. (Kalechstein), a psychologist selected by the Board, conducted the mental examination on January 23, 2006. Dr. Kalechstein reviewed material forwarded by the Board describing the bizarre behavior and containing the opinions of its medical consultant regarding Respondent's ability to practice, administered the Minnesota Multiphasic Personality Inventory-2, and conducted a clinical interview. Dr. Kalechstein testified at the hearing and the findings set forth in factual finding numbers 9 through 14 are based on his uncontroverted testimony, which was in fact partially corroborated by Respondent.

9. Dr. Kalechstein presented Respondent with alleged instances of her bizarre behavior involving another psychologist, the Federal Bureau of Investigation (FBI), and the National Broadcasting Corporation (NBC). Although Respondent denied some of the alleged incidents, she did not deny others, at times provided obtuse responses, and lacked insight about the issues presented by the underlying behavior. For instance, she denied making threatening telephone calls to James Brogan (Brogan), described an amicable relationship between the two, and described the restraining order Brogan obtained against her as a "Hollywood prank." Respondent denied accusing the comedian Jay Leno (Leno) of bugging her residence or vehicle, but stated that some of the conversations between her and Brogan were inserted into Leno's television monologues. Respondent agreed that she took materials to another psychologist she had never met for his review, but that they were never able to get together, a situation she described as "perplexing." Based on Respondent's responses, and the consistent testing and reports, Dr. Kalechstein concluded that Respondent continued to hold delusional beliefs regarding persecution by the FBI and NBC.

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<sup>1</sup> All further statutory references are to the Business and Professions Code.

10. During the clinical interview, Respondent's behavior and comments did not reflect the presence of any mental health disorder until she spoke about her difficulties with NBC and others believed connected to the network. Dr. Kalechstein found no evidence of mood disorder, substance abuse, or other psychological deficits.

11. Dr. Kalechstein diagnosed respondent as suffering from delusional disorder, persecutory type. In Dr. Kalechstein's opinion, Respondent's condition, described as a "severe mental disorder," prevents her from safely practicing as a psychologist.

12. Dr. Kalechstein did not believe the concussion Respondent suffered during the accident was the cause of the delusional behavior. In his opinion, post-concussion symptoms do not typically persist for more than six months, and the delusional behavior had lasted longer.

13. Respondent was receiving no treatment at the time of Dr. Kalechstein's evaluation, as she did not believe she was suffering from any mental impairment. This lack of insight is typical of those suffering from a thought disorder. The lack of treatment and insight does not bode well for Respondent's rehabilitation and reinforces Dr. Kalechstein's opinion that Respondent is presently not able to discharge the duties of her profession. In explaining her inability to undergo psychotherapy, Respondent also pointed to her lack of resources and to her emphasis on therapies to deal with more immediate concerns, such as the aphasia.

14. In his report, Dr. Kalechstein recommended that Respondent be prevented from treating patients until she agrees to a treatment plan and is reevaluated.

15. By the time of the evaluation by Dr. Kalechstein, Respondent had read about potential side effects of Symmetrel and had stopped taking the medication. After doing so, Respondent noticed she did not have thoughts of Brogan or NBC. Nevertheless, she took Symmetrel prior to her meeting with Dr. Kalechstein so that "she could be fluent." Despite the potential adverse side effects, Respondent felt it was more important to do well in the interview.

16. No expert opinion was presented to establish that any of Respondent's behavior was attributable to the side effects of Symmetrel. Respondent's description of "confusion" while taking the medication or her belief that delusional thoughts stopped after discontinuation of the medication are insufficient to establish the requisite causal link. Dr. Kalechstein was not aware of the potential side effects of Symmetrel, and did not know if Respondent's condition had been impacted by the medication. He did concede that if the medication played a role, then Respondent's prognosis for recovery would be improved.

17. The Board has incurred costs in the sum of \$25,884 in the investigation and prosecution of this matter charges, all of which costs are in the form of charges from the Attorney General's Office. In the absence of objection or contrary evidence, these costs are deemed reasonable.

18. Respondent had to sell her home to pay for therapy. She provides custodial care to elderly clients, and resides at their home. Respondent is presently unable to pay any of the Board's costs of investigation or prosecution.

### LEGAL CONCLUSIONS

1. Section 822 provides, in pertinent part:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any of the following methods:

(a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper. . . .

2. "Licentiate" is defined in section 23.8 as "any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Sections 1000 and 3600."

3. Respondent argues that the Board lacks jurisdiction to proceed against her because once her license became inactive she was no longer a "licentiate" of the Board.<sup>2</sup>

Provisions in the Business and Professions Code authorizing inactive licenses for psychologists are found in two places. The initial statutory enactments, section 700 et seq., added by Stats. 1977, ch. 410, § 1, is part of Division 2 (Healing Arts), Chapter 1 (General Provisions), and applies to all healing professions, including that of psychology. Section 700, contains the following statement of legislative intent: "It is the intent of the Legislature to establish in this article an inactive category of health professionals' licensure. Such inactive licenses or certificates are intended to allow a person who has a license or certificate in one of

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<sup>2</sup> Respondent filed a pre-hearing motion to dismiss the accusation for lack of jurisdiction, which motion was denied by Administrative Law Judge Timothy S. Thomas. Inasmuch as Judge Thomas did not state that the motion was denied with prejudice and since he did not state the basis(es) for the denial, the motion, which was renewed at the hearing, has been considered.

the healing arts, but who is not actively engaged in the practice of his or her profession, to *maintain licensure or certification in a nonpracticing status.*" (Emphasis added.) Section 701 authorizes issuance of inactive licenses or certificates, section 703 permits renewal of the inactive license or certificate, and section 704 provides a procedure for returning the license or certificate to active status. Section 702 provides that "The holder of an inactive healing arts license or certificate issued pursuant to this article shall not engage in any activity for which an active license or certificate is required."

The other provision governing inactive licenses is section 2988, found in Chapter 6.6 (Psychologists) of Division 2. It was added in 1982, by Stats. 1982, ch. 462, § 10, and applies specifically to licensed psychologists. It states:

A licensed psychologist who for reasons, including but not limited to ill health or absence from the state, is not engaged in the practice of psychology, may apply to the board to request that his or her license be placed on an inactive status. A licensed psychologist who holds an inactive license shall pay a biennial renewal fee fixed by the board, of not more than forty dollars (\$40). A psychologist holding an inactive license shall be exempt from the continuing education requirements specified in Section 2915, but *shall otherwise be subject to this chapter* and shall not engage in the practice of psychology in this state. Licensees on inactive status who have not committed any acts or crimes constituting grounds for denial of licensure and have completed the continuing education requirements specified in Section 2915 may, upon their request have their license to practice psychology placed on active status. (Emphasis added.)

Respondent argues that because section 2988 prohibits those holding inactive license from practicing psychology she is not "authorized by a license, certificate, registration, or other means to engage in a business or profession," and, therefore, is not a "licentiate" subject to section 822.

In construing statutes it is essential to ascertain the intent of the Legislature so as to effectuate the purpose of the law. (*California Teachers Association v. Governing Board of Rialto Unified School District* (1997) 14 Cal.4th 627, 632; *People v. Hull* (1991) 1 Cal.4th 266, 271 (*Hull*); *Steketee v. Lintz, Williams & Rothberg* (1985) 38 Cal.3d 46, 51 (*Steketee*)). In determining intent, courts first look to the words contained in the statute, giving them their plain meaning. (*Kavanaugh v. West Sonoma County Union High School District* (2003) 29 Cal.4th 911, 919 (*Kavanaugh*); *Hull, supra*, at 1 Cal. 4th at p. 271; *Steketee, supra*, 38 Cal.3d. at pp. 51-52; *Welch v. Oakland Unified School District* (2002) 91 Cal.App.4th 1421, 1430-31). If necessary, canons of statutory construction can assist in discerning the correct interpretation of statutory language. Thus, "[a] statute must be construed in the context of the entire statutory system of which it is a part, in order to achieve harmony among the parts

[Citations].” (*Hull, supra*, 1 Cal. 4th at p. 272; *Kavanaugh, supra*, 29 Cal. 4th at p. 919.) Such contextual reading avoids an interpretation that would lead to an illogical or absurd result. (*Kavanaugh, supra*, 29 Cal. 4th at 923-24; *Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 142.)

Sections 700 and 2988 plainly express a common legislative intent to permit licensees to temporarily cease practicing their profession. During this hiatus, the licensees need not comply with continuing education requirements and must not, in accordance with their intent to remain inactive, practice their profession. However, equally plain in both statutes is the fact that the professional remains licensed, retaining reinstatement rights and being subject to applicable laws. Thus, section 700 allows the inactive licensee to “maintain licensure or certification in a nonpracticing status,” and section 2988 expressly provides that, except for not completing the continuing education requirements and practicing psychology, inactive licensees “shall otherwise be subject to this chapter.” The Legislature has, in effect, created two subsets of licentiates, or authorized practitioners, namely, those actively engaged in the practice their professions and those voluntarily, and temporarily, not engaging in practice.

Respondent’s focus on the language that prohibits actual practice during the period of inactive licensure is misplaced. Such nonpractice is the defining characteristic of inactive status, and should not be interpreted, particularly in light of affirmative statements of continued licensure, as depriving a regulatory agency of its jurisdiction. To conclude otherwise would lead to the absurd result that a licensee facing disciplinary charges could avoid discipline by simply rendering his or her license inactive.

Respondent’s argument is therefore rejected and the motion to dismiss for lack of jurisdiction is denied.

4. Complainant has established that respondent’s ability to practice medicine safely is impaired because she is mentally ill, by reason of factual finding numbers 8 through 16. Cause, therefore, exists to take action against Respondent’s psychologist license pursuant to section 822.

5. The parties disagree about the proper disposition of this matter. Complainant argues that the best course of action to protect the public is revocation of the license. Respondent counters that the public is adequately protected if Respondent is permitted to remain on inactive status, which will allow her, as a disabled person, not to suffer the indignity of a disciplinary action.

The purpose of licensing statutes and administrative proceedings enforcing licensing requirements is not penal but public protection. (*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 784-786; *Bryce v. Board of Medical Quality Assurance* (1986) 184 Cal.App.3d 1471, 1476). Because of the impairment affecting Respondent’s ability to practice

safely, public protection requires some safeguards should Respondent wish to return to the practice of psychology. Simply allowing her to apply to have her license placed on active status may not afford sufficient protection. In light of the factual findings and legal conclusions in this Decision, Respondent needs to show that she is able to safely practice her profession before her license is reinstated to active practice. On the other hand, revocation, in the existing circumstances, is too harsh a remedy and unnecessary because of other available options.

Section 822, subdivision (d), allows the Board to take "such other action in relation to the licentiate as the licensing agency in its discretion deems proper." As authorized by this statute, an order can be tailored to fit Respondent's specific situation, while ensuring public protection. In this regard, Respondent may remain on inactive status, but would have to demonstrate her competence should she decide to return to the practice of psychology. The order that follows is, therefore, necessary and sufficient for the protection of the public.

6. Cause exists to order reimbursement of \$25,884 as the Board's costs of investigation and adjudication pursuant to section 125.3, by reason of factual finding number 17 and legal conclusion numbers 1, 2, and 3.

In *Zuckerman v. State Board of Chiropractic Examiner* (2002) 29 Cal.4th 32 (2002), the Supreme Court rejected a constitutional challenge to a cost regulation similar to section 125.3. In so doing, however, the Court directed the administrative law judge and the agency to evaluate several factors to ensure that the cost provision did not deter individuals from exercising their right to a hearing. Thus, the board must not assess the full costs where it would unfairly penalize the respondent who has committed some misconduct, but who has used the hearing process to obtain the dismissal of some charges or a reduction in the severity of the penalty; the board must consider a respondent's subjective good faith belief in the merits of his or her position and whether the respondent has raised a colorable challenge; the board must consider a respondent's ability to pay; and the board may not assess disproportionately large investigation and prosecution costs when it has conducted a disproportionately large investigation to prove that a respondent engaged in relatively innocuous misconduct. (*Id.*, at p. 45.)

In this case, Respondent has not engaged in any "misconduct," but, rather, suffers from a mental condition that impacts her ability to practice her profession. She has also demonstrated her inability to pay the costs. Her resources are minimal and her expenses, many related to rehabilitation of existing medical conditions, are substantial. Therefore, Respondent shall not be assessed any responsibility for paying the Board's costs of investigation and prosecution.

#### ORDER

1. Psychologist License number PSY 13478, issued to respondent Cynthia Heard may remain on inactive status, provided Respondent applies for an inactive status license in



accordance with sections 700 et seq. and 2988 and complies with the requirements of such provisions and any implementing regulations of the Board.

2. In the event that Respondent applies for an active license to practice psychology in the State of California, then she shall, as a condition precedent to any licensure re-activation, comply with the following conditions:

a. Respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Board-appointed California-licensed psychologist or psychiatrist. Respondent shall sign a release that authorizes the evaluator to furnish the Board a current DSM IV diagnosis and a written report regarding the Respondent's judgment and/or ability to function independently as a psychologist with safety to the public. The completed evaluation is the sole property of the Board, but must be provided to Respondent. The evaluation should not be disclosed to anyone not authorized by the Board or by court order.

b. If ongoing psychotherapy is recommended in the psychological evaluation, the Board will notify respondent in writing to submit to such therapy and to select a psychotherapist for approval by the Board or its designee within 30 days of such notification. The therapist shall 1) be a California-licensed psychologist with a clear and current license; and 2) have no previous business, professional, personal or other relationship with Respondent. The frequency of psychotherapy shall be determined upon recommendation of the treating psychotherapist with approval by the Board or its designee; however, psychotherapy shall, at a minimum, consist of one one-hour session per week. Respondent shall continue psychotherapy until released by the approved psychologist and approved by the Board or its designee. The Board or its designee may order a re-evaluation upon receipt of the therapist's recommendation.

c. Respondent shall execute a release authorizing the therapist to provide to the Board any information the Board or its designee deems appropriate, including quarterly reports of respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the therapist. If the therapist determines that the Respondent cannot continue to independently render psychological services, with safety to the public, he/she shall notify the Board immediately.

d. If deemed warranted in the psychological evaluation, within 90 days of the recommendation, Respondent shall undergo a physical examination by a licensed physician and surgeon approved by the Board. Respondent shall sign a release authorizing the physician to furnish the Board a report that shall provide an assessment of respondent's physical condition and capability to safely provide psychological services to the public. If the evaluating physician determines that respondent's physical condition prevents safe practice, Respondent shall not resume practice until a Board-appointed evaluator determines that respondent is safe to practice. If the evaluating physician determines it to be necessary, a recommended treatment program will be instituted and followed by the Respondent with the physician providing written


progress reports to the Board on a quarterly basis or as otherwise determined by the Board or its designee.

c. Respondent shall not pay the costs associated with the psychological or medical evaluations, but shall pay for any ongoing psychotherapy or medical treatment.

f. If Respondent's fitness to practice is established by the psychological evaluation, or, if pertinent, the physical examination, her psychologist license shall be reinstated to an active status.

g. If the Board concludes from the results of the psychological and/or physical evaluation(s) that Respondent is unable to practice independently and safely, the application shall be denied and a Statement of Issues shall be issued pursuant to Government Code section 11500 et seq. regarding the issue of Respondent's competence at the time she seeks reinstatement to active status.

DATED: 5/2/08

  
SAMUEL D. REYES  
Administrative Law Judge  
Office of Administrative Hearings

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


In the Matter of the Accusation Against	)	Case No. 1F 2005 163569
	)	
	)	OAH. No. L-2006120065
CYNTHIA HEARD, PhD.	)	
1715 Via El Prado, #387	)	
Redondo Beach, CA 90277	)	
	)	
	)	
	)	
Psychologist License No. PSY 13478	)	
	)	
Respondent.	)	
_____	)	

**DECISION AND ORDER**

The attached Proposed Decision and Disciplinary Order is hereby adopted by the Board of Psychology, State of California, as its Decision in the above entitled matter.

This Decision shall become effective on July 31, 2008.

It is so ORDERED July 1, 2008.

  
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JAMES L. MCGHEE  
PRESIDENT, BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



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FILED  
STATE OF CALIFORNIA  
BOARD OF PSYCHOLOGY  
SACRAMENTO March 12 20 07  
BY Michael Smith ANALYST

8 **BEFORE THE**  
9 **BOARD OF PSYCHOLOGY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:  
11 CYNTHIA HEARD, Ph.D.  
1715 Via El Prado, #387  
12 Redondo Beach, California 90277  
13 Psychologist License No. PSY 13478  
14 Respondent.

Case No. 1F-2005-163569  
OAH No. L2006120065  
**FIRST AMENDED ACCUSATION**

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16 Complainant alleges:  
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18 **PARTIES**

19 1. Robert I. Kahane (Complainant) brings this Accusation solely in his  
20 official capacity as the Executive Officer of the Board of Psychology (Board), Department of  
21 Consumer Affairs, State of California.

22 2. On or about August 2, 1993, the Board issued Psychologist License No.  
23 PSY 13478 to Cynthia Heard, Ph.D. (Respondent). The Psychologist License is inactive and will  
24 expire on April 30, 2007, unless renewed.

25  
26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the  
28 following sections of the Business and Professions Code (Code).

1 certificate or license until it has received competent evidence of the absence or control of  
2 the condition which caused its action and until it is satisfied that with due regard for the  
3 public health and safety the person's right to practice his or her profession may be safely  
4 reinstated."

5 8. Section 118, subdivision (b), of the Code states:

6 "The suspension, expiration, or forfeiture by operation of law of a license  
7 issued by a board in the department, or its suspension, forfeiture, or cancellation by order  
8 of the board or by order of a court of law, or its surrender without the written consent of  
9 the board, shall not, during any period in which it may be renewed, restored, reissued, or  
10 reinstated, deprive the board of its authority to institute or continue a disciplinary  
11 proceeding against the licensee upon any ground provided by law or to enter an order  
12 suspending or revoking the license or otherwise taking disciplinary action against the  
13 licensee on any such ground."

14 9. Section 125, subdivision (a), of the Code states:

15 "Except as otherwise provided by law, in any order issued in resolution of  
16 a disciplinary proceeding before the board within the department or before the  
17 Osteopathic Medical Board, upon request of the entity bringing the proceeding the  
18 administrative law judge may direct a licentiate found to have committed a violation or  
19 violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
20 investigation and enforcement of the case."

21  
22 **CAUSE FOR DISCIPLINE**

23 (Mental Illness Affecting Ability to Practice Safely)

24 10. Respondent is subject to disciplinary action under section 822 of the  
25 Code following a determination that her ability to practice psychology safely is impaired because  
26 of mental illness. The facts and circumstances are as follows:

27 A. On or about December 13, 2005, the Board, acting on information received  
28 from another psychologist and independently reviewed by a Board expert, issued an order

1 PRAYER

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

4 1. Revoking or suspending Psychologist License No. PSY 13478, issued to  
5 Cynthia Heard, Ph.D., Respondent;

6 2. Ordering Respondent to pay the reasonable costs of the investigation and  
7 enforcement of this case, and if placed on probation, to pay the costs of probation monitoring;  
8 and,

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: March 12, 2007

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13 ROBERT I. KAHANE  
14 Executive Officer  
15 Board of Psychology  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant  
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