



Board of Behavioral Sciences

Memo

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To: Board Members

Date: October 1, 2020

From: Rosanne Helms
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Subject: Legislative Update

BOARD-SPONSORED LEGISLATION

The Board pursued sponsorship of the following legislative proposals this year.

1. AB 2363 (Arambula) Practice Setting Definitions

This bill proposal sought to eliminate the confusion about where pre-licensees may work by providing specific definitions of private practice, professional corporation, and non-exempt settings. The Board approved this proposal at its November 22, 2019 meeting.

Due to the COVID-19 state of emergency, the Legislature had to prioritize and pare down its bill proposals to accommodate a shortened session. The author informed staff that they would be unable to move forward with this proposal this year.

Status: This bill is dead.

2. AB 3330 (Calderon) Department of Consumer Affairs: Boards: Licensees: Regulatory Fees

Note: This bill was previously AB 2142 (Medina): Board of Behavioral Sciences: Licensees: Licensing and Examination Fees.

This bill increases the licensing, registration, and examination fees charged by the Board. The Board has not increased its fees in over 20 years. The fee increase proposal was approved by the Board at its November 22, 2019 meeting.

The Board had originally secured its own author for this bill and it was running as AB 2142 (Medina) However, due to the COVID-19 state of emergency, the text portion of this bill that increases the Board's fees was consolidated into AB 3330, which also contained fee increases for several other DCA boards.

Status: This bill was signed by the Governor (Chapter TBD, Statutes of 2020).

3. **Board Omnibus Bill Proposal (Senate Business, Professions, and Economic Development Committee)**

The Board had approved several minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law for inclusion in the Senate Business, Professions, and Economic Development Committee's annual omnibus bill. These amendments were approved by the Board at its November 22, 2019 meeting. However, due to COVID-19, the Committee postponed including these items in the omnibus bill this year.

Status: This bill proposal did not move forward.

BOARD-SUPPORTED LEGISLATION

1. **AB 465 (Eggman) Mental Health Workers: Supervision**

This bill requires a licensed mental health professional to supervise any program where mental health professionals respond to emergency calls related to mental health crises in collaboration with, or in place of, law enforcement.

The Board had a "support" position on this bill.

Status: This bill was signed by the Governor (Chapter 137, Statutes of 2020).

2. **AB 613 (Low): Professions and Vocations: Regulatory Fees**

This is a two-year bill that would have allowed the Board to increase any of its authorized fees once every four years by an amount up to the Consumer Price Index (CPI) for the preceding four years.

At its May 10, 2019 meeting, the Board took a "support" position on the bill.

In June 2020, the bill was gut-and-amended to address an unrelated topic.

Status: This bill is dead.

3. **AB 769 (Smith): Federally Qualified Health Centers and Rural Health Clinics: Licensed Professional Clinical Counselor**

This was a two-year bill that would have allowed Medi-Cal reimbursement for covered mental health services provided by a licensed professional clinical counselor employed by a federally qualified health center or a rural health clinic.

At its May 10, 2019 meeting, the Board took a “support” position on this bill.

This bill was last located in the Senate Appropriations Committee suspense file. It is unknown if it will move.

Status: This bill is dead.

4. AB 1145 (Garcia): Child Abuse: Reportable Conduct

This is a two-year bill that would specify that voluntary acts of sodomy, oral copulation, and sexual penetration are not considered acts of sexual assault that must be reported by a mandated reporter as child abuse if there are no indicators of abuse, unless it is between a person age 21 or older and a minor under age 16.

At its March 6, 2020 meeting, the Board took a “support” position on this bill.

Status: This bill was signed by the Governor (Chapter 180, Statutes of 2020).

5. AB 2112 (Ramos): Suicide Prevention

This bill authorizes the establishment of the Office of Suicide Prevention within the State Department of Public Health.

At its August 14, 2020 meeting, the Board took a “support” position on a previous version of this bill.

Status: This bill was signed by the Governor (Chapter 142, Statutes of 2020).

6. AB 2113 (Low): Refugees, Asylees, and Immigrants: Professional Licensing

This bill would require the Board to expedite the initial licensure process for certain refugee, asylee, and immigrant applicants.

At its June 5, 2020 meeting, the Board took a “support” position on this bill.

Status: This bill was signed by the Governor (Chapter 186, Statutes of 2020).

7. AB 2253 (Low): Professional Licensure

Various mental health professionals working in certain state settings are allowed a waiver from licensure requirements for a specified period of time if they are working toward gaining “qualifying experience” toward licensure. This bill would clarify the definition of “qualifying experience” toward licensure so that it is consistent across state agencies.

At its June 5, 2020 meeting, the Board took a “support” position on this bill.

Status: This bill was signed by the Governor (Chapter TBD, Statutes of 2020).

8. SB 660 (Pan): Postsecondary Education: Mental Health Counselors

At the time the Board considered this bill, it proposed requiring California community colleges and schools in the California State University system to hire one full-time equivalent mental health counselor per 1,500 students enrolled at each of their campuses.

At its May 10, 2019 meeting, the Board took a “support” position on a previous version of the bill.

Status: This bill is dead.

9. SB 803 (Beall): Mental Health Services: Peer Support Specialist Certification

The version of this bill that the Board took a position on required the State Department of Health Care Services (DHCS) to establish a certification body for peer support specialists. At its August 14, 2020 meeting, the Board took a “support” position on that version of the bill. However, significant amendments have been made since that time.

On August 30, 2020, the bill was amended to instead require DHCS to establish statewide requirements for counties to use in developing certification programs for the certification of peer support specialists, by July 1, 2022. The bill would authorize a county, or an agency that represents a county, to develop a peer support specialist certification program and certification fee schedule, both of which would be subject to DHCS approval. The bill would require the department to seek any federal waivers it deems necessary to establish a demonstration or pilot project for the provision of peer support services in a county that agrees to participate in and fund the project. The demonstration or pilot project shall include peer support specialists as a Medi-Cal provider type.

Status: This bill was signed by the Governor (Chapter 150, Statutes of 2020).

10. SB 855 (Wiener): Health Coverage: Mental Health or Substance Use Disorders

This bill expands California’s 1999 Mental Health Parity Act. That act required health plans and insurers to provide coverage for the diagnosis and medically necessary treatment of severe mental illness (for persons of any age), and for serious emotional disturbances of a child under the same terms and conditions applied to other medical conditions. Instead, this bill requires health plans and insurers to cover all medically necessary treatment of mental health and substance use disorders under the same terms and conditions applied to other medical conditions.

At its August 14, 2020 meeting, the Board took a “support” position on a previous version of the bill. However, separate from its position, the Board decided to request that trainees either be removed from the bill’s definition of “health care provider”, or it be clarified that trainees are under the supervision of a licensed person.

Staff had negotiated some amendments with the author’s office, but due to the shortened nature of this year’s Legislative session, those amendments were ultimately unable to be made. The author’s office recommended that the Board instead pursue the change in an omnibus bill next year.

Some technical amendments were also made to this bill after the Board took its August 14th position.

Status: This bill was signed by the Governor (Chapter 151, Statutes of 2020).

11. SB 1474 (Senate Committee on Business, Professions, and Economic Development): Business and Professions

This bill would extend the Board’s sunset date for one year, until January 1, 2022. It also makes changes to other practice acts regulated by the state.

At its June 5, 2020 meeting, the Board took a “support” position on the provisions of the bill that would extend the Board’s sunset date.

Status: This bill was signed by the Governor (Chapter TBD, Statutes of 2020).

BOARD-MONITORED LEGISLATION

1. AB 8 (Chu and E. Garcia) Pupil Health: Mental Health Professionals

This bill would require schools to employ at least one mental health professional for every 600 pupils by December 31, 2024.

This is a two-year bill that is still alive. It is unknown whether it will be scheduled for a hearing date this legislative session.

The Board considered the most recent version of this bill at its June 5, 2020 meeting and took a “support if amended” position. Staff then reached out to the author’s office to discuss the Board’s suggested amendments.

Status: This bill is dead.

2. AB 1616 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

This bill would require DCA boards, upon a licensee's or former licensee's request and provision of a certified copy of expungement, to update their websites with notification of the expungement order (if the person is relicensed or reapplies for licensure) or to remove the posting of revocation and previously posted arrests, charges, and convictions, from the website (if the person's license was revoked, they are no longer licensed, and have not reapplied).

The Board considered a previous version of this bill at its March 6, 2020 meeting, and took a "support if amended" position. Staff has relayed the Board's concerns to the author's office.

Status: This bill is dead.

3. AB 2028 (Aguiar-Curry) State Agencies: Meetings

This bill proposes two changes to the Bagley-Keene Open Meeting Act:

- A change to require state bodies to post all meeting materials online at specified times in advance of the meeting (depending on the types of materials).
- A change to allow the public to comment on any agenda item of a state body's meeting, regardless of whether the item had already been considered, and public comment allowed, at a committee meeting of the state body.

The Board considered a previous version of this bill at its June 5, 2020 meeting and took a "neutral" position.

Status: This bill is dead.

4. AB 3045 (Gray) Department of Consumer Affairs: Boards: Veterans: Military Spouses: Licenses

This bill would require certain boards within the Department of Consumer Affairs (DCA) to issue a license to an honorably discharged military member or the spouse of an active duty military member if they meet specified requirements.

The Board considered this bill at its June 5, 2020 meeting and took an "oppose unless amended" position. Staff has relayed the Board's concerns to the author's office.

Status: This bill is dead.

5. **SB 878 (Jones) Department of Consumer Affairs: License: Application: Processing Timeframes**

This bill would require the Board to post average license application processing timeframes on its website at least quarterly.

The Board considered a previous version of this bill at its August 14, 2020 meeting and took a “support” position.

Status: This bill was signed by the Governor (Chapter 131, Statutes of 2020).

6. **SB 1168 (Morrell) State Agencies: Licensing Services**

This bill proposed two things:

- Requiring the Board to establish a process for a person to defer fees required to obtain a license, renew or activate a license, or replace a physical display license if the person is experiencing economic hardship as a result of a state or federal emergency caused by a virus.
- Requiring the Board to establish a process to expedite licensing services for a person who has been displaced by or is experiencing economic hardship directly due to a state or federal emergency.

The Board considered this bill at its June 5, 2020 meeting and took an “oppose unless amended” position.

Status: This bill is dead.

Updated: September 30, 2020

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