

1625 North Market Blvd., Suite S-200, Sacramento, CA 95834
(916) 574-7830, (800) 326-2297 TTY, (916) 574-8625 Fax
www.bbs.ca.gov

Governor Edmund G. Brown Jr.
State of California
Business, Consumer Services and Housing Agency
Department of Consumer Affairs

Board Meeting Minutes February 21-22, 2018

Department of Consumer Affairs
Hearing Room
1625 North Market Blvd., #S-102
Sacramento, CA 95834

Wednesday, February 21, 2018

Members Present

Deborah Brown, Chair, Public Member
Betty Connolly, Vice Chair, LEP Member
Dr. Leah Brew, LPCC Member
Dr. Peter Chiu, Public Member
Massimiliano "Max" Disposti, Public Member
Renee Lonner, LCSW Member
Jonathan Maddox, LMFT Member
Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Members Absent

Samara Ashley, Public Member
Sarita Kohli, LMFT Member

Staff Present

Kim Madsen, Executive Officer
Steve Sodergren, Assistant Executive Officer
Pearl Yu, Enforcement Manager
Christina Kitamura, Administrative Analyst
Anthony Pane, Legal Counsel
Kurt Heppler, Legal Counsel

I. Call to Order and Establishment of Quorum

Deborah Brown, Chair of the Board of the Behavioral Sciences (Board), called the meeting to order at 8:40 a.m. Christina Kitamura called roll, and a quorum was established.

II. Petition for Early Termination of Probation for Alejandro Barela, ASW 67503

Administrative Law Judge Karl Engeman opened the hearing at 8:42 a.m. Deputy Attorney General Summer Haro presented the facts of the case on behalf of the People of California. Alejandro Barela represented himself.

Ms. Haro presented the background of Mr. Barela's probation. Mr. Barela was sworn in. Mr. Barela presented his request for early termination of probation and information to support the request. He answered questions posed by Ms. Haro and Board Members.

Judge Engeman closed the record at 9:11 a.m.

III. Petition for Early Termination of Probation for Eric F. Ontiveros, LCSW 73802

Administrative Law Judge Karl Engeman opened the hearing at 9:14 a.m. Deputy Attorney General Summer Haro presented the facts of the case on behalf of the People of California. Eric Ontiveros represented himself.

The Board took an administrative break at 9:25 a.m. and resumed with the hearing at 9:33 a.m.

Ms. Haro presented the background of Mr. Ontiveros' probation. Mr. Ontiveros was sworn in. Mr. Ontiveros presented his request for early termination of probation and information to support the request. He answered questions posed by Ms. Haro and Board Members.

Judge Engeman closed the record at 10:09 a.m.

IV. Petition for Modification of Probation for Judy V. Brevaire, LMFT 32458

Administrative Law Judge Karl Engeman opened the hearing at 10:10 a.m. Deputy Attorney General Summer Haro presented the facts of the case on behalf of the People of California. Judy Brevaire represented herself.

Ms. Haro presented the background of Ms. Brevaire's probation. Ms. Brevaire was sworn in. Ms. Brevaire presented her request for modification of probation and information to support the request. She answered questions posed by Ms. Haro and Board Members.

Judge Engeman closed the record at 10:43 a.m.

The Board took a break at 10:44 a.m. and reconvened at 10:50 a.m. Ms. Brown took the next two agenda items out of order. Item VI was heard before item V.

V. Petition for Reinstatement of Registration for Keith M. Lederhaus, ASW 34492

Administrative Law Judge Karl Engeman opened the hearing at 11:56 a.m. Deputy Attorney General Summer Haro presented the facts of the case on behalf of the People of California. Keith Lederhaus represented himself.

Ms. Haro presented the background of Mr. Lederhaus' registration revocation. Mr. Lederhaus was sworn in. Mr. Lederhaus presented his request to reinstate his registration and information to support the request. He answered questions posed by Ms. Haro and Board Members.

Judge Engeman closed the record at 12:35 p.m.

VI. Petition for Reinstatement of Registration for Corey G. Nash, ASW 3480

Administrative Law Judge Karl Engeman opened the hearing at 10:58 a.m. Deputy Attorney General Summer Haro presented the facts of the case on behalf of the People of California. Corey Nash represented himself.

Ms. Haro presented the background of Mr. Nash's registration revocation. Mr. Nash was sworn in. Mr. Nash presented his request to reinstate his registration and information to support the request. He answered questions posed by Ms. Haro and Board Members.

Judge Engeman closed the record at 11:55 a.m.

The Board took a break at 12:46 p.m. and reconvened in closed session at 2:02 p.m. Agenda items VII and VIII were taken out of order, and heard after closed session.

VII. Public Comment for Items Not on the Agenda

No public comments were presented.

VIII. Suggestions for Future Agenda Items

No suggestions for future agenda items were presented.

CLOSED SESSION

IX. Pursuant to Section 11126(c)(3) of the Government Code, the Board Will Meet in Closed Session for Discussion and to Take Action on Disciplinary Matters, Including the Above Petitions

X. Pursuant to Section 11126(a)(1) of the Government Code, the Board Will Meet in Closed Session to Evaluate the Performance of the Executive Officer

RECONVENE IN OPEN SESSION

The Board reconvened in open session at 5:53 p.m. and heard agenda items VII and VIII.

XI. Recess Until 8:30 a.m. on Thursday, February 22, 2018

The Board recessed at 5:56 p.m.

Thursday, February 22, 2018

Members Present

Deborah Brown, Chair, Public Member
Betty Connolly, Vice Chair, LEP Member
Samara Ashley, Public Member
Dr. Leah Brew, LPCC Member
Dr. Peter Chiu, Public Member
Massimiliano “Max” Disposti, Public Member
Renee Lonner, LCSW Member
Jonathan Maddox, LMFT Member
Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Members Absent

Sarita Kohli, LMFT Member

Staff Present

Kim Madsen, Executive Officer
Steve Sodergren, Assistant Executive Officer
Rosanne Helms, Legislative Analyst
Christina Kitamura, Administrative Analyst
Anthony Pane, Legal Counsel

XII. Call to Order, Establishment of Quorum, and Introductions*

Deborah Brown called the meeting to order at 8:35 a.m. Christina Kitamura called roll. A quorum was established. Board members introduced themselves.

The Board moved into closed session at 8:40 a.m.

CLOSED SESSION

XIII. Pursuant to Section 11126 (c)(1) of the Government Code, the Board Will Meet in Closed Session for Discussion Regarding the Clinical Examination for Marriage and Family Therapists

RECONVENE IN OPEN SESSION

The Board reconvened in open session at 10:13 a.m.

Deborah Brown provided a statement regarding the closed session discussion:

“The Board of Behavioral Sciences has heard the concerns expressed by stakeholders and have had an opportunity to follow-up with staff from the Office of Professional Examination Services (OPES). After asking specific

examination-related questions in closed session, the Board finds that OPES follows accepted professional guidelines and technical standards; demonstrates a commitment to fair, valid, and legally defensible examinations; continues to monitor the Board's examinations, upholding the interests and the protections of the Board; and will keep the Board and staff apprised of ongoing developments. We, the Board, are confident that concerns about the passing rates have been addressed by OPES."

Agenda item XXIV was taken out-of-order, and heard before Item XIV.

XIV. Consent Calendar

- a. Approval of the August 18-19, 2016 Board Meeting Minutes**
- b. Approval of the October 19, 2017 Board Meeting Minutes**

Christina Wong moved to accept the Board meeting minutes on consent calendar. Max Disposti seconded. The Board voted unanimously to pass the motion.

Roll call vote:

Samara Ashely – yes
Dr. Christine Wietlisbach – yes
Renee Lonner – yes
Max Disposti – yes
Deborah Brown – yes
Betty Connolly – yes
Dr. Leah Brew – yes
Christina Wong – yes
Dr. Peter Chiu – yes
Jonathan Maddox – yes

XV. Board Chair Report

a. Board Member Activities

No activities were reported.

b. Recognition of Board of Behavioral Sciences' Staff Members' Years of Service

Board staff were recognized for their service to BBS: Trish Winkler (5 years), Cassandra Kearny (10 years) and Dawn Herrera (10 years).

XVI. Executive Officer's Report

a. Budget Report

2017/2018 Budget

- Over \$11 million
- 48% spent as of December 2017
- Due to new fiscal management system (FI\$CAL), some data is not available.

General Fund Loans

- \$3 million loan repayment this fiscal year (FY)
- Remaining \$3.3 million loan is scheduled for repayment in FY 2018/2019.

Fund Condition

Reflects a 5.4 month reserve.

Board Budget

The fund condition indicates a negative balance in FY 2020/2021. The budget is structurally imbalanced. Absent any corrective action, the Board will be operating at a deficit.

The Board will initiate the process to obtain an independent fee audit of the Board's fee structure to determine the costs to deliver services. The results of the audit will be reported at a future meeting.

b. Operations Report

Licensing Program: 2nd Quarter

- Application volumes decreased 38%, which is common during this time of the year.
- Processing times increased slightly.
- Issued over 1,600 new licenses
- 111,270 total licensees and registrants as of January 30th

Examination Program: 2nd Quarter

- Administered over 5,000 examinations
- Conducted 8 examination development workshops
- LPCC occupational analysis is underway.
- LMFT occupational analysis is scheduled to begin in November 2018.

A lodging contract has been secured for the Subject Matter Experts attending examination development workshops. The contract becomes effective July 1, 2018.

Ms. Madsen and the Board's Examination Manager met with PSI representatives and OPES staff to discuss concerns related to the administration of the Board's examinations. As a result, the Examination Manager and PSI representatives will communicate directly with each other. This affords the Board the opportunity to partner with PSI to develop consistency in the information provided to our examination candidates as well as resolve candidates concerns quickly.

PSI just entered a two-year extension in the contract. Meanwhile, Board staff is exploring other options to deliver the Board's examinations.

Administration Program: 2nd Quarter

- Over 7,600 applications received (27% decrease)
- Online renewals are 50%, with 2% renewals processed in-office
- New website launched in January 2018
- New telephone system deployed in February 2018

Enforcement Program: 2nd Quarter

- Received 281 consumer complaints
- Received 305 criminal convictions
- Closed 492 cases

- Referred 67 cases to the Attorney General's (AG) office
- Filed 28 Accusations and 9 Statement of Issues
- Final number for citations is 34
- Average time to complete formal discipline was 694 days
- Year-to-date average to complete formal discipline is 692 days
- Average time a case is with the AG's office was 456 days
- Average time to complete all Board investigations was 107 days
- Year-to-date average to complete all Board investigations is 137 days

Continuing Education (CE) Audits

- 1,013 licensees audited from July-December 2017
- 28% fail rate
- Top reasons for failing audit:
 1. Failure to complete the required coursework within the renewal period (e.g. law and ethics)
 2. First time renewals did not complete the HIV/AIDS course
 3. Completing CE courses from unapproved providers

Outreach Activity

Board staff participated in various events including MFT Consortium meetings and professional association meetings and conferences. Christina Wong and Kim Madsen attended the Association of Social Work Boards (ASWB) Delegate Meeting.

Board Office Move Update

The process to submit a bid proposal to remodel the Board's new office space is complete, and a contractor has been selected. Ms. Madsen and Steve Sodergren met with the contractor, Department of Consumer Affairs (DCA) and Department of General Services representatives to review the work order. A final work order with the identified changes will be received in the next two weeks. The Board has monies set aside specifically for this project. Staff is also looking at the current year budget to determine where more monies can be diverted into the project. Based on the time line to obtain the necessary permits and approvals, it appears that the move into the new suite will occur in the Fall.

c. Personnel Report

Positions filled:

- Associate Governmental Program Analyst (AGPA): Craig Zimmerman was promoted to a Probation Analyst in the Probation Unit.
- Management Services Technician: Robert Esquivel was hired as a Licensing Evaluator.
- Management Services Technician: Tanya Bordei was hired as a Licensing Evaluator.

Departures:

- Julie McAuliffe retired from State Service effective July 18, 2017.
- Amanda Ayala promoted to a Staff Services Analyst with the Bureau of Cannabis Control, and left the Board in December 2017.

- Guadalupe Baltazar promoted to an AGPA with the Board of Pharmacy and left the Board on January 31, 2018.

The Board currently has 6 vacancies. Recruitment for these vacancies is ongoing.

d. Strategic Plan Update

The Strategic Plan was developed in October 2017, and the final document was published. A progress report will be provided in future meetings. Ms. Madsen thanked stakeholders who responded to the surveys. Their responses helped drive the new Strategic Plan.

XVII. Exempt Committee Update

The fourth meeting of the Exempt Setting Committee (Committee) was held on November 30, 2017. Staff presented the results of the practicum coordinator survey, which was sent to all Licensed Marriage and Family Therapists (LMFT), Licensed Clinical Social Workers (LCSW), and Licensed Professional Clinical Counselors (LPCC) school programs in California. The survey's goal was to determine whether current laws related to students in practicum or fieldwork performing services at a work site need to be changed. The Committee discussed the survey results and determined that there were several areas that warranted staff research and further discussion at its next meeting.

The Committee was also provided with the preliminary results of a second survey, which was directed to Board licensees, Board registrants, and exempt setting agency directors. This survey's goal was to obtain information that will help determine whether consumers may be harmed by unlicensed staff performing clinical services in exempt settings, and, to assist the Board in defining different types of settings, including private practice.

Staff had become aware that the second survey had not reached many nonprofit agencies - agencies that would most likely be affected by any law changes. Staff was able to obtain contact information for nearly all nonprofit agencies that provide mental health counseling in California and provide the survey to those agencies. Therefore, the exempt setting survey results were not presented. The results will be presented to the Committee at its next meeting.

The next Committee meeting is scheduled for February 23, 2018.

XVIII. License Portability Committee Update

The License Portability Committee (Committee) held its first meeting on November 3, 2017. The purpose of the Committee is to review licensure requirements in California and other state agencies to identify barriers to licensure, and to develop recommendations to improve license portability.

The Committee and stakeholders reviewed current California licensure requirements for LMFT, LCSW, and LPCC.

The Committee and stakeholders also reviewed curriculum requirements set forth by the following accrediting entities: Commission on Accreditation for Marriage and Family

Therapists (COAMFTE), Council on Social Work Education Commission on Accreditation (CSWE) and the Council for Accreditation of Counseling and Related Education Programs (CACREP).

The Committee and stakeholders reviewed and compared current proposals to improve license portability from the following national associations: Association of Marriage and Family Regulatory Boards (AMFTRB), ASWB, the National Board of Certified Counselors (NBCC), American Association of State Counseling Boards (AASCB), and Association for Counselor Education and Supervision (ACES).

The Committee and stakeholders identified the barriers and discussed possible solutions to improve license portability without compromising consumer protection.

The Committee directed staff to draft proposed language for review at the next meeting, which is scheduled for February 23, 2018.

The Board took a break at 11:19 a.m. and reconvened at 11:34 a.m.

XIX. Presentation, Discussion, and Possible Action Regarding an Alternative Option to License Surrender in Disciplinary Cases Involving Neuro-Cognitive Degenerative Disorders – Dr. Steven Frankel

Dr. Steven Frankel was not present for this item; however, a letter was provided by Dr. Frankel and was included in the meeting materials. He also presented this during the earlier agenda item for Public Comments. The Board discussed the information provided in the letter.

Dr. Brew referred to two points in the letter:

1. Option for the licensee to retire his or her license,
2. Consider not posting accusations on the website and in the newsletter.

Ms. Madsen responded that the challenge is that once the Board files the action, the only option for the licensee is to surrender the license or go through the hearing process. One criteria to obtain a retired license is to not have any disciplinary actions pending against the license. The Board would be neglecting its consumer protection mandate by allowing a licensee to retire his or her license in lieu of disciplinary action.

Ms. Wong expressed that if the investigator was educated to look at the licensee's behavior and detect that the licensee may have a medical issue which explains certain erratic behavior, then perhaps that could be taken into consideration when determining the course of action to take.

Ms. Madsen responded that it is not the role of the investigator to evaluate a licensee's psyche. The Board's role is an independent fact-finder.

Mr. Maddox would like to know how other boards are addressing this.

Ms. Lonner stated that there are other medical conditions that drive inappropriate behavior, which opens the door to people looking for medical explanations as a reason for inappropriate behavior. Consumer protection needs to be the priority.

Mr. Disposti suggested that staff research the Board's legal options regarding this matter.

Ms. Madsen agreed to discuss this with the Deputy Attorney General, the Board's legal counsel, and other DCA boards.

XX. Policy and Advocacy Committee Recommendations

a. Discussion and Possible Action Regarding Revisions to Assembly Bill 93 (Medina) Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision

Ms. Helms noted that a letter of public comment was received on February 20th from California Council of Community Behavioral Health Agency. The letter was provided to the Board and made available to meeting attendees.

AB 93 is Board-sponsored and was introduced as proposed legislation in January 2017. The bill seeks to strengthen the quality of supervision by focusing on supervisor responsibilities, types of supervision that may be provided, and acceptable work settings for supervisees. The bill also strives to make the Board's supervision requirements more consistent across its licensed professions.

AB 93 passed through the Assembly last year and then moved to the Senate. However, it became a two-year bill in the Business & Professions (B&P) Committee. The B&P Committee expressed consumer protection concerns about the 90-day rule and requested other substantive changes.

Staff has worked extensively with the B&P Committee to develop amendments that strike a balance of preserving the original intent of the bill, while making changes that address the Committee's concerns.

Proposed Changes

➤ 90-Day Rule

Originally, the B&P Committee requested that the 90-day rule be removed from the law for AB 93 to move forward. However, just prior to the February Policy & Advocacy Committee (Committee) meeting, stakeholders, led by the California Association of Marriage and Family Therapists (CAMFT), were able to develop an alternative to deleting the 90-day rule that satisfied the B&P Committee's concerns. Due to this new development, two possibilities were discussed. The Senate B&P Committee indicated it would support either option:

- a. Allow 90-day rule if fingerprinted
- b. Phase-out of the 90-day rule for LMFT and LPCC Applicants

The Committee recommended that the Board consider adopting CAMFT's proposal allowing the 90-day rule if the applicant's worksite required Live Scan fingerprinting. The Committee requested additional language to require the applicant to submit the proof of Live Scan with their clinical licensure examination

application, in order to count the hours earned under the 90-day rule. This proposal would also need to be extended to LPCC and LCSW applicants.

➤ Other Substantive Amendments

The B&P Committee requested several additional amendments to AB 93. Although most of these amendments are technical in nature, they are substantive.

One noteworthy change is that the B&P Committee requested changes to the sections of law discussing corporations and private practice, citing concerns about clarity because an entity that is a corporation may also be a private practice.

The Board is currently working on a concise definition of the term “private practice” in its Exempt Setting Committee. However, the work of this committee is not complete, and its recommendations will be introduced in future legislation. In the meantime, the amendments in the draft of AB 93 seek to better delineate the requirements for private practices versus entities that are incorporated. One major change is the elimination of the cap on the number of supervisees a corporation may retain, which is currently set at 15 supervisees. The ratio of three supervisees allowed per supervisor remains for both private practices and corporations.

Status of AB 456 (90-Day Rule for LCSW Applicants)

AB 456 was a bill proposed in 2017 to extend the 90-day rule for LCSW applicants. It became a two-year bill along with AB 93, due to the B&P Committee’s concerns. At its meeting last May, the Board took a support position on AB 456 to promote parity across its license types.

The sponsors of AB 456 have indicated a desire for this bill to contain the provision extending the 90-day rule to LCSW applicants. Upon Board approval of CAMFT’s compromise language preserving the 90-day rule, it will be amended into AB 93 for LMFT and LPCC applicants. For LCSW applicants, it will be amended into AB 456. The Board would have the opportunity to provide feedback and take a position on the language in AB 456 at its April Policy and Advocacy Committee meeting and at the May Board meeting.

Sarah Huchel, Senate B&P Committee, stated that the Senator supports both versions of the 90-day rule as was presented.

Dr. Caldwell stated that AAMFT California supports the amended language.

Rachel Morris, Seneca Family of Agencies, expressed support for CAMFT’s alternative proposal to the 90-day rule.

The Board engaged in discussion clarifying the proposed language.

Leah moved to approve AB 93 and the proposed language allowing the 90-day rule with required fingerprinting, extend the 90-day rule to LCSWs in AB 456,

and make any non-substantive changes provided. Samara Ashley seconded. The Board voted unanimously to pass the motion.

Roll call vote:

Samara Ashely – yes
Dr. Christine Wietlisbach – yes
Renee Lonner – yes
Max Disposti – yes
Deborah Brown – yes
Betty Connolly – yes
Dr. Leah Brew – yes
Christina Wong – yes
Dr. Peter Chiu – yes
Jonathan Maddox – yes

The Board took a break at 12:37 p.m. and reconvened at 2:03 p.m.

b. Discussion and Possible Action Regarding Proposed Revisions to Business and Professions Code sections 337 and 728

This proposal makes changes to the general sections of the Business and Professions Code (BPC) relating to the requirement and criteria that Department of Consumer Affairs (Department) create a brochure to educate the public about the prohibition of sexual behaviors in therapy.

This effort is being led by the Board of Psychology (BOP). In an effort to modernize the statutory language and corresponding informational materials, the BOP invited representatives from BBS and the Medical Board to participate in stakeholder meetings to gain input. The BOP originally planned to sponsor the language in this year's omnibus bill. However, BOP has now decided to sponsor the language in a separate bill proposal.

Sections of the BPC have outdated language and are missing currently recognized forms of sexual exploitation.

Specific areas of concern include:

- Outdated terminology that does not include sexual behaviors that have arisen with advances in technology;
- A requirement to consult with the Sexual Assault Program of the Office of Criminal Justice Planning (which no longer exists) and the office of the Attorney General;
- A requirement to define civil and professional associations complaint procedures;
- Outdated license classifications under the Board of Behavioral Sciences;
- Other minor technical changes.

One major change to the proposed amendments is to include a definition of “sexual behavior.” The BPC currently defines “sexual contact” but does not define “sexual behavior.” Without this definition, the law fails to address modern modes of communication that lend themselves to various inappropriate sexualized behavior.

Proposed Amendments

BPC section 337 is amended as follows:

- Add “sexual behavior” as a descriptor for inappropriate sexual activities that do not fit the definition of sexual contact;
- Remove mandated consultation with third party entities;
- Remove reference to victims’ family histories;
- Change “options” to “instructions” to clarify necessary action steps;
- Remove language referring to civil authority and professional associations;
- Add the Board of Psychology to the list of boards required to disseminate the brochure.

BPC section 728 is amended as follows:

- Add a definition of “sexual behavior” for inappropriate sexual activities that do not fit the definition of sexual contact. Sexual behavior means inappropriate contact or communication of a sexual nature.
- Update the license categories under the Board of Behavioral Sciences to reflect current law; including adding licensed educational psychologists to the definition of a “psychotherapist” for purposes of recognizing sexual behavior between a Board licensee and a patient.

Additional Amendment Requested

Upon review of the proposed amendments, staff identified a reference error in BPC §728(c)(1). “Licensed Educational Psychologist” is being added to the definition of a psychotherapist in this subsection, for purposes of recognizing sexual contact and sexual behavior between a Board licensee and a patient. However, the placement of the term “Licensed Educational Psychologist” implies that it is located within the LPCC licensing law, which is incorrect.

Board members provided feedback and suggested amendments. The suggestions will be taken back to the work group.

c. Discussion and Possible Action Regarding Required Degree Program Content for Licensed Professional Clinical Counselors – Assessment and Diagnosis

In late 2015, the Board discussed the need to tighten licensing requirements for LPCCs to ensure applicants possess degrees designed to lead to licensure in clinical counseling. At that time, the law already required a degree to be “counseling or psychotherapy” in content and contain practicum and certain core content areas, a specified number of which could be remediated. However, there were concerns that Board was receiving applications, particularly from out-of-state candidates, with degrees that were not specifically designed to prepare the individual to be a clinical counselor.

The Board first considered designating specific degree titles as acceptable or not acceptable for licensure. However, after receiving stakeholder feedback and discussing the matter further, the Board concluded that a degree should be evaluated based on its content, and not by its title. Therefore, discussion shifted to

two required LPCC core content areas that the Board agreed are fundamental to a clinical counseling degree: Assessment and Diagnosis.

The Board recommended that these two core content areas be designated as not eligible for remediation, for both in-state and out-of-state degrees. The provision that the assessment and diagnosis core content areas could not be remediated was included in AB 1917, and the provision became law for anyone applying for a license or a registration after January 1, 2017.

AB 1917 has been in effect for approximately one year. During this time, the Board's licensing unit has encountered situations where in-state applicants were denied licensure, due to the degree not containing the full number of units for the assessment and/or diagnosis core content areas. In some cases, the applicants have argued they were not aware of the new requirement, and that more notice should have been given so that they had time to remediate. In other cases, schools have argued that their degree should qualify, because it falls under the provisions of BPC §4999.32 (which outlines degree requirements for degrees begun before August 1, 2012 and completed before December 31, 2018) and therefore, they believed that any requirements could be finished by the end of 2018.

Three courses of action were presented to the Policy & Advocacy Committee (Committee). The Committee recommended that the Board consider the following option:

To amend the law to allow in-state applicants more time to remediate the assessment and diagnosis coursework, until January 1, 2020. Under this proposal, the Board would offer a one-time grace period for in-state applicants who are missing the coursework, but who were intending to apply for licensure, to qualify. This grace period would also allow in-state applicants who were previously denied due to missing the coursework, to reapply.

The Board engaged in discussion clarifying the proposed options.

Ms. Helms presented a few legislative options:

- a. Seek legislation and run a bill next year,
- b. Attempt to include the amendment in AB 2117. or
- c. Include amendment in CALPCC's clean-up bill.

G.V. Ayers, California Association for Licensed Professional Clinical Counselors (CALPCC), indicated that they are willing to include it in their bill, AB 2296.

Ms. Madsen stated that staff will work with CALPCC and provide technical assistance.

XXI. Status on Board-Sponsored Legislation

a. Licensing Process Bill: Proposed Revisions to Business and Professions Code sections 4980.72, 4984.01, 4996.17, 4996.28, 4999.60, 4999.100

The Licensing Process Bill is now AB 2117. AB 2117 was introduced and will move forward this year.

- b. Omnibus Bill – Proposed Technical and Non-Substantive Amendments to Business and Professions Code sections 27, 650.4, 865, 2290.5, 4980.37, 4980.39, 4980.41, 4980.72, 4980.78, 4980.79, 4990.30, 4992, 4996.17, 4999.14, 4999.22, 4999.32, 4999.48, 4999.60, 4999.62, 4999.63, 4999.100, and Family Code section 6924**

The Omnibus Bill is now SB 1491. Most of the Board's proposals have been approved. Board staff will follow up on the remaining proposals that have not yet been approved and included in the bill.

- c. AB 93 (Medina): Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision**

After discussion earlier in the agenda, AB 93 should be moving forward soon.

XXII. Status of Board Rulemaking Proposals

- a. Enforcement Process: Amend Title 16, California Code of Regulations sections 1823, 1845, 1858, 1881, 1886.40, 1888 and Uniform Standards Related to Substance Abuse and Disciplinary Guidelines**

This proposal is still at DCA for initial review.

- b. Application Processing Times and Registrant Advertising: Amend Title 16, California Code of Regulations, sections 1805.1 and 1811**

This package was submitted to the Office of Administrative Law (OAL) in February for final consideration. OAL has 30 days to make a decision. Board staff has requested that this become effective immediately upon approval.

- c. Contact Information; Application Requirements; Incapacitated Supervisors: Amend Title 16, California Code of Regulations, sections 1804, 1805 and 1820.7; Add section 1815.8**

This proposal is at DCA for initial review.

Ms. Madsen reported that a regulation timeline chart will be provided at each Board meeting. She explained that the new regulation review process requires many "pre-approvals" before the Board can notice the rulemaking package for public hearing.

The previous process was much quicker and did not require pre-approvals before submitting the package to OAL.

The Board approved a package in November 2016. Currently, that package is still waiting for final approval. However, the statutory law went into effect January 1, 2018. Staff is fielding questions from registrants and licensees, asking how to advertise. Without the regulation to clarify it, staff can only provide suggestions.

There are several regulation packages that were approved nearly a year ago that are still awaiting approval. What used to take a year, will now take an additional 6 months or more.

DCA is aware of the concerns expressed by BBS and other boards.

XXIII. Suggestions for Future Agenda Items

Gordon Doughty, American Foundation for Suicide Prevention, requested an agenda item to discuss a bill proposal that would require additional coursework in suicide prevention.

Christina Wong would like an update on the ESL applicants, such as the number of applicants and approvals. She requested this information in the next Executive Officer's Report.

Deborah Brown requested update on OSHPD program and the fees collected from license renewals. Ms. Brown requested an update specifically addressing whether the program's goals are being met.

XXIV. Public Comment for Items Not on the Agenda

Catherine Campbell, California Protective Parents Association:

- Complaints are not analyzed in a timely manner;
- Valid complaints are dismissed;
- Children are living in abusive homes based on therapists' recommendations;
- Requests that licenses be "put on hold" when there are a "series of allegations."

Gordon Doughty, American Foundation for Suicide Prevention:

- Suicide rates have increased every year over the last decade;
- California represents nearly 10% of the nation's suicides (4,294);
- Requests to work with the Board to reduce the numbers;
- Requests the Board look into its licensure examination and determine how suicide prevention fits in.

Victor Ojakian:

- Agendize an item to approve legislation requiring all BBS licensees to have at least 6 hours of training in suicide assessment, treatment and management;
- AB 89 requires all California psychologists to have 6 hours of training;
- A bill has been written and is sponsored, but is being held up due to the Board's survey and awaiting those results;
- 10 states have adopted this type of training.

Angelique Barboa:

- Her son was taken from her based on a custody evaluator's recommendation to the court;
- Alleges that the same evaluator has a pattern of recommending children be placed in abuser's custody;
- Requests "stringent rules" for parent custody evaluators.

Steve Frankel:

- Professional mental health providers with dementia, which resulted in disciplinary actions by licensing boards;
- Requests that the Board, upon investigation of a complaint and determination that the licensee has dementia, revoke the license and not post the accusation on the Board's website.

Kathleen Russel, Center for Judicial Excellence:

- Committed to creating judicial accountability in California courts, and to protecting the rights and safety of children and other vulnerable populations in the family court system;
- Wants to educate the Board, and will continue to attend the Board meetings;
- Requests that the Board “eliminate the requirement for written consent forms from all parties in order to investigate a licensee” and agendaize this discussion at the next meeting.
- Accuses the Board of “failing to protect the public.”

XXV. Adjournment

The Board adjourned at 3:06 p.m.