



Board of Behavioral Sciences



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Gavin Newsom, Governor
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

POLICY AND ADVOCACY COMMITTEE MINUTES

DATE April 21, 2022

TIME 9:00 a.m.

ATTENDEES

Members Present: Max Disposti, Chair, Public Member
Wendy Strack, Public Member

Members Absent: John Sovec, LMFT Member

Staff Present: Steve Sodergren, Executive Officer
Rosanne Helms, Legislative Manager
Christina Kitamura, Administrative Analyst
Sabina Knight, Legal Counsel

Other Attendees: Public participation via WebEx video conference/phone
conference and in-person at Department of Consumer Affairs

I. Call to Order and Establishment of Quorum

Max Disposti, Chair of the Policy and Advocacy Committee (Committee) called the meeting to order at 9:03 a.m. Roll was called, and a quorum was established.

II. Introductions

Committee members introduced themselves.

III. Consent Calendar: Discussion and Possible Approval of January 21, 2022 Committee Meeting Minutes

Motion: Approve the January 21, 2022 Committee meeting minutes.

Wendy moved; Disposti seconded.

Public Comment: None

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

IV. Discussion and Possible Recommendation Regarding Assembly Bill 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

AB 646 would require Department of Consumer Affairs' (DCA) boards, within 90 days upon a licensee's or former licensee's provision of a certified copy of expungement, to update their online license search system with notification of the expungement order or to remove the posting of revocation and previously posted arrests, charges, and convictions.

AB 646 is a two-year bill, which is expected to move this year. Last year, the Board took a "support if amended" position on a previous version of this bill. The Board supported the intent of the bill but expressed concerns about the requirement to remove the revoked posting for an individual who is not currently licensed and does not reapply for licensure. The concerns were related to the individual practicing in exempt settings, in another state, or within a similar practice (i.e., life coaching).

The Board requested an amendment to Business and Professions Code (BPC) §493.5(a)(2). It believed public protection would be better served by requiring a

notification of the expungement order and the corresponding date be posted instead of requiring deletion of a license revocation from the website if there is an expungement and the person does not reapply for licensure.

Staff submitted the above position and concerns to the author's office; however, amendments to address the concerns have not been made.

Motion: Recommend the Board support AB 646 if amended, making suggested amendments to BPC §493.5(a)(2).

Disposti moved; Strack seconded.

Public Comment:

Ben Caldwell: Encouraged the Committee to recommend a position of support.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

V. Discussion and Possible Recommendation Regarding Assembly Bill 988 (Bauer-Kahan) Mental Health: 988 Crisis Hotline

AB 988 would implement a statewide 988 mental health crisis hotline system.

At its July 2021 meeting, the Board took a "support" position on this bill. It failed to move any further in 2021.

AB 988 is now a two-year bill and is eligible to move this year. The sponsor indicates that they are requesting funding in the Governor's budget. They will likely wait until the final budget is released in order to move the bill and make any further amendments.

Motion: Recommend the Board support AB 988.

Disposti moved; Strack seconded.

Public Comment:

Jennifer Alley, California Association of Marriage and Family Therapists (CAMFT): CAMFT supports AB 988.

Rebecca Gonzales, National Association of Social Workers - California Division (NASW-CA): NASW-CA supports AB 988.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

VI. Discussion and Possible Recommendation Regarding Assembly Bill 1635 (Nguyen) Suicide Prevention: Mental Health Provider Educational Loan Repayment

AB 1635 creates a new account in the Mental Health Practitioner Education Fund. The fund would provide grants to repay education loans for specified Board licensees and associates. These licensees/associates must commit to providing direct patient care for at least 24 months in an organization that provides mental health services to individuals who have been referred by a suicide prevention hotline.

County Behavioral Health Directors Association (CBHDA) opposed AB 1635. They expressed concern that the bill solely extends the loan repayment programs to private, for-profit facilities not located in a mental health shortage area. CBHDA expressed that this could make the shortage worse for public-funded agencies and nonprofit organizations.

Public Comment:

R. Gonzales: NASW-CA did not take a position on AB 1635. NASW-CA is watching it because the bill only refers to individuals who have been referred by a suicide prevention hotline. This bill appears problematic in its application.

Motion: Recommend the Board support AB 1635 if amended to include a budget application to avoid impacting existing programs, to broaden support to include nonprofit and public systems, and to not limit where the referrals are coming from if they are related to suicide prevention.

Strack moved; Disposti seconded.

Public Comment: No further public comment.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

VII. Discussion and Possible Recommendation Regarding Assembly Bill 1662 (Gipson) Licensing Boards: Disqualification from Licensure: Criminal Conviction

AB 1662 allows a prospective applicant with a criminal conviction to request a preapplication determination from a DCA licensing board to determine if they may be disqualified from licensure.

Staff Comments

- The bill appears to require a prospective applicant seeking a predetermination to self-report their criminal convictions. It does not indicate whether the Board would be able to verify the convictions. Doing so would likely result in additional costs to the Board.

There is the possibility that relevant information may be missing when an applicant reports their convictions. Incorrect or incomplete information would result in an inaccurate predetermination.

Other factors that could affect the accuracy of the predeterminations are rehabilitation efforts, the age of the conviction, and additional convictions taking place between the time of the predetermination and the application for licensure.

- AB 1662 does not permit the Board to charge a fee to make predeterminations. The Board would need two full-time positions to process these requests.
- The Board has developed an outreach document to help applications with a post condition or past disciplinary process, and to understand how it will affect the application process.

Public Comments:

J. Alley: CAMFT does not have a formal position. CAMFT has concerns regarding additional workload on Board staff and where funding for those positions would come from (Would licensure fees potentially be utilized to fund this?). Would BBS have authority to charge the potential applicant for this background check?

B. Caldwell: Does not have a recommendation on the bill. He shared his experience of students who have criminal convictions, ask if it is worth pursuing licensure and paying for the education to obtain a degree. Suggested addressing some of those concerns through very strong disclaimer language provided on a predetermination letter.

R. Gonzales: NASW-CA does not have a position on this bill. The bill is well intended, but it is flawed. NASW-CA is watching the bill and expecting amendments. NASW-CA is concerned about the unintended use of pre-application by schools and training programs requiring potential applicants to go through this predetermination process.

Staff will watch this bill and provide updates to the Board. No action taken.

VIII. Discussion and Possible Recommendation Regarding Assembly Bill 1733 (Quirk) State Bodies: Open Meetings

AB 1733 would modernize the Bagley-Keene Open Meeting Act requirements for state bodies conducting a meeting to include a teleconference component.

The author's office indicate that they were negotiating amendments and would provide updates. There have been no updates at this time.

Staff will watch this bill and bring any updates back to the Board. No action taken.

IX. Discussion and Possible Recommendation Regarding Assembly Bill 2123 (Villapudua) Bringing Health Care into Communities Act of 2023

AB 2123 creates the Bringing Health Care into Communities Act of 2023, which would provide housing grants to specified health professionals, to be used for mortgage payments for a permanent residence in a health professional shortage area for up to 5 years.

Motion: Recommend the Board support AB 2123 if amended to identify a new funding source and to better define "mental health providers" and "behavioral health providers".

Strack moved; Disposti seconded.

Public Comment:

R. Gonzales: NASW-CA supports AB 2123 and agrees with the proposed amendments.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

X. Discussion and Possible Recommendation Regarding Assembly Bill 2222 (Reyes) Student Financial Aid: Golden State Social Opportunities Program

AB 2222 creates the Golden State Social Opportunities Program, which would provide grants of up to \$20,000 per year for qualifying students enrolled in a postgraduate program. Qualifying students must commit to working in a California-based nonprofit setting for their required post-degree hours of supervised experience as an associate registered with this Board or the Board of Psychology.

Staff Comments

- AB 2222 states that the Board would be responsible for certifying that a grant recipient either failed to obtain an associate registration or failed to work at a California-based nonprofit setting.

It would be feasible for the California Student Aid Commission (CSAC) to verify that a grant recipient obtained his/her associate registration and maintained a current registration by utilizing the Board's online license verification feature. Any requirement that the Board must track and ensure maintenance of a registration for grant recipients would have a significant fiscal impact.

It would not be feasible for the Board to report on an associate's commitment to work in a California-based nonprofit setting, because the Board does not track associates' work settings. This information should be verified by CSAC.

- The language in AB 2222 is unclear if a student grant recipient can begin to fulfill their two-year commitment while still in school completing practicum, or if they must first graduate and be registered as an associate. Because trainees/interns in school are working under the jurisdiction of their school and are not yet registered, the Board would not be able to verify their student status. This information would need to be verified by the school directly to CSAC.

- The language regarding repayment exception is unclear. It states that a grant recipient does not have to repay their grant for failing to meet the program's requirements if "the Board of Behavioral Sciences deems the grant recipient to have fulfilled the grant recipient's licensing requirements." The statement implies that the grant recipient does not have to complete their two-year commitment in a nonprofit setting if they have not yet done so.

CSAC should verify a grant recipient's licensure using the Board's online license lookup feature. Requiring the Board to track grant recipients and their license/registration statuses would create a fiscal impact due to the need for additional staff and funding.

Public Comment:

Adrienne Shilton, California Alliance of Child and Family Services: Supports AB 2222.

R. Gonzales: NASW-CA supports AB 2222; however, she recommended a support if amended position to include Board staffs' suggested amendments.

Kim Lewis, California Coalition for Youth (AB 2222 sponsor). Will take the points raised back to the author's office and hopes to work with the Board on this.

Motion: Recommend the Board support AB 2222 if amended to include the comment items of the analysis, numbers 2, 3, 4 and direct staff to reach out to author's office to provide technical support.

Disposti moved; Stack seconded.

Public Comment: No further comment.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

XI. Discussion and Possible Recommendation Regarding Assembly Bill 2666 (Salas) Behavioral Health Internship Grant Program

AB 2666 would require the Department of Health Care Access and Information (HCAI) to establish and administer a grant program. This program would provide stipends to students in behavioral health fields of study and practice

who are interning or completing licensure hours at federally qualified health centers (FQHCs) and who are unpaid.

Staff Comments

- It may be helpful to further specify qualifying criteria for the stipends, including the type of registration or profession the student is working toward, the required length of service, and the number of years eligible for the stipend.
- AB 2666 is dependent on appropriation of funds by the Legislature; however, a funding source is not identified.

Public Comment:

J. Alley: CAMFT supports AB 2666

A. Shilton: The California Alliance of Child and Family Services supports AB 2666 but requested an amendment to expand placement to include community-based organizations.

R. Gonzales: NASW-CA supports AB 2666.

Motion: Recommend the Board support AB 2666 if amended and provide technical support to the author's office regarding inclusion of community-based organizations, identifying new funding sources, and specifying qualifying criteria.

Disposti moved; Strack seconded.

Public Comments:

A. Shilton: Expressed support for the motion.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

XII. Discussion and Possible Recommendation Regarding Senate Bill 964 (Wiener) Behavioral Health

SB 964 addresses the current behavioral health workforce shortage though the following:

- Tasks the University of California (UC) education system with conducting an analysis of the scope of practice laws for behavioral health workers, as well as license and training requirements and renewal requirements for an expired license, and an analysis of health plan hiring guidelines and practices for behavioral health certification and license types, and to provide recommendations.
- Tasks the state's public postsecondary education institutions with developing accelerated programs of study related to degrees in social work.
- Requires the Department of Health Care Access and Information to establish a stipend program for students pursuing a master's degree in social work with a specialized focus on public behavioral health.
- Requires the Department of Health Care Access to request the University of California to contract with them to provide a landscape analysis of the current behavioral health workforce and the state's workforce needs.
- Requires the Department of Health Care Services to establish a certifying body and provide for a statewide certification for peer support specialists. It must also amend its Medicaid state plan to include certified peer support specialists as a provider type.

Staff Comments

- SB 964 tasks the UC system to conduct an analysis and make recommendations regarding the scope of practice laws for "behavioral health care workers," as well as license and renewal requirements for "behavioral health professionals." SB 964 also defines "behavioral health" as including both mental health and substance use disorder. To obtain a complete analysis, it would be helpful to specify exactly which types of mental health professionals are intended to be included.
- SB 964 establishes a stipend program for students pursuing a master's degree in social work with a specialized focus on public behavioral health but does not include other behavioral health students.

Public Comment:

J. Alley: CAMFT does not have a formal position on SB 964. Anticipates some amendments and anticipates additional scholarship money (later in the bill) for licensed marriage and family therapists (LMFT), psychologists, licensed professional clinical counselors (LPCC) and other groups. The current draft only has money for social workers right now.

R. Gonzales: NASW-CA supports SB 964. She believes that the stipend is only for social workers, initially, because it is attempting to reinstitute a stipend

program that ended a few years back, which was administered by the California Social Work Education Center, utilizing Proposition 63 funds.

Motion: Recommend the Board support SB 964, and direct staff to provide technical support to the author's office to request a better definition of behavioral health care workers and professionals in Health and Safety Code §127815.

Disposti moved; Strack seconded.

Public Comment: None

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

XIII. Discussion and Possible Recommendation Regarding Senate Bill 966 (Limon) Federally Qualified Health Centers and Rural Health Clinics: Visits

SB 966 would allow Medi-Cal reimbursement for covered mental health services provided by an associate clinical social worker (ASW) or an associate marriage and family therapist (AMFT) employed by a federally qualified health center or a rural health clinic.

Public Comment:

J. Alley: CAMFT is one of the co-sponsors of SB 966.

A. Shilton: The California Alliance of Child and Family Services supports SB 966

R. Gonzales: NASW-CA supports 966.

Motion: Recommend the Board support SB 966.

Disposti moved, Strack seconded.

Public Comment: No further comments.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

XIV. Discussion and Possible Recommendation Regarding Senate Bill 1002 (Portantino) Workers' Compensation: Licensed Clinical Social Workers

SB 1002 adds licensed clinical social workers (LCSW) as direct providers in the workers' compensation system.

Staff Comment

LMFTs and LPCCs are not included.

Motion: Recommend the Board support SB 1002, and direct staff to provide technical assistance to the author's office to include LMFTs and LPCCs.

Disposti moved; Strack seconded.

Public Comment:

J. Alley: CAMFT does not have a formal position on SB 1002 and has concerns regarding inclusion of LMFTs and LPCCs. Author's office did not agree to that change and indicated that it is a big change in workers compensation.

R. Gonzales: NASW-CA supports SB 1002.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

XV. Discussion and Possible Recommendation Regarding Senate Bill 1229 (McGuire) Mental Health Workforce Grants

SB 1229 creates a grant program under California's Student Aid Commission to increase the number of mental health professionals serving children and youth. It proposes awarding grants of up to \$25,000 to post-graduate students enrolled in an accredited social work program, a program designed to lead to

licensure as a marriage and family therapist, professional clinical counselor, or educational psychologist, or designed to provide a services credential with a specialization in pupil personnel services. The student must meet specified criteria, including agreeing to work in an eligible California-based nonprofit entity or a local education agency when gaining their required postgraduate supervised experience hours.

Staff Comments

Staff recommends the following subsections be amended or clarified:

- Education Code (EC) §69540(c)(1) – This subparagraph states that the student needs to be enrolled in a school program meeting the requirements for licensure as an LMFT, licensed educational psychologist (LEP), or LPCC, and specifies the sections containing the education requirements. However, it appears the bill intends to also include clinical social workers. Therefore, staff believes BPC §4996.18, which specifies education requirements for LCSW licensure, should also be listed here. Additionally, it may not be necessary to reference BPC §4989.20 (LEP licensure requirements) since the subparagraph already references EC §44266, which are the minimum education requirements for a pupil personnel services credential.
- EC §69540(c)(2)(A) – This subparagraph references required supervised experience hours for LMFT, LEP, and LPCC licensure. However, it is referencing the incorrect sections for LMFT and LPCC experience requirements and does not reference LCSW experience hour requirements. The correct sections to reference are 4980.43 (LMFTs), 4996.23 (LCSWs), and 4999.46 (LPCCs).
- EC §69540(c)(2)(C) – This subparagraph states that one condition of the grant program is for the recipient to ultimately achieve registration as an ASW, associate professional clinical counselor (APCC), or AMFT. Since LEPs are also being included in the program, either receipt of the LEP license and/or receipt of a pupil personnel services credential should also be included here.
- EC §69540(h) and (m) require “the department” to certify nonperformance of an applicant’s commitment to work with an eligible California-based nonprofit or local education entity, and to also determine how to give priority in awarding grants to communities with the greatest need. However, the “department” being referred to in the context of this bill is unclear. It is likely that the Student Aid Commission should be performing both these tasks.

Motion: Recommend the Board support SB 1229, and direct staff to provide technical assistance to the author’s office regarding the suggested amendments.

Strack moved; Disposti seconded.

Public Comment:

J. Alley: CAMFT supports SB 1229.

A. Shilton: Will take the suggested amendments back to the author's office.

R. Gonzales: NASW-CA supports SB 1229.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec				x	
Wendy Strack	x				

Motion carried: yea - 2, nay - 0

XVI. Discussion and Possible Recommendation Regarding Senate Bill 1237 (Newman) Licenses: Military Service

SB 1237 would clarify the meaning of the term "called to active duty" with respect to the requirement in law that licensing boards under DCA waive renewal fees and continuing education requirements of a licensee or associate called to active duty as a member of the U.S. armed forces or California National Guard.

Staff will watch this bill. No action taken.

XVII. Discussion and Possible Recommendation Regarding Senate Bill 1365 (Jones) Licensing Boards: Procedures

SB 1365 requires boards under DCA to publicly post a list of criteria used to evaluate applicants with criminal convictions on its website. It also requires DCA to take steps to establish procedures for evaluating and assisting applicants with criminal convictions.

Staff Comments

- SB 1365 requires that DCA develop a process to include procedures to expedite the fee-waiver process for a low-income applicant requesting a background check.

Live Scan fingerprinting is required to complete a background check; however, the fee is collected by the Department of Justice at the site of the Live Scan – not DCA or its licensing boards.

- SB 1365 would require boards to post a list of criteria used to evaluate applicants with criminal convictions. The Board has already developed an outreach document to help applicants with a past condition or past disciplinary process understand how that will affect the application process.
- SB 1365 would require applicants to provide court certified documents related to their convictions, instead of listing convictions on application documents. This requirement conflicts with current law, which prohibits a board from requiring an applicant to disclose any information regarding their criminal history.
- SB 1365 requires DCA to develop a procedure for informal appeals, to occur in between an initial license denial and an administrative law hearing. The bill suggests examining the model for informal appeals used by DCA's Bureau of Security and Investigative Services (BSIS). BSIS handles informal appeals by Disciplinary Review Committee, consisting of appointed members.

Public Comment:

R. Gonzales: NASW-CA does not have an official position on SB 1365 and has concerns. States that the bill fails to consider the existing laws and variation in boards under DCA.

Staff will watch this bill. No action taken.

XVIII. Update on Board-Sponsored Legislation

AB 1758: Supervision via Video Conferencing (urgency legislation)

Status: The bill has passed the Assembly Business and Professions Committee and is currently in the Assembly Appropriations Committee.

AB 1759: CE Requirements and Telehealth

Status: The bill has passed the Assembly Business and Professions Committee and is currently in the Assembly Appropriations Committee.

SB 1495: Omnibus Bill

Staff has been informed that the following portion of the proposal will not be included in the Health Committee's Omnibus bill:

Amend Health and Safety Code Section 1374.72 and Insurance Code Section 10144.5 – Definition of a "Health Care Provider" in SB 855

XIX. Update on Board Rulemaking Proposals

Continuing Education and Additional Training Requirements

Status: Submitted to DCA for final review process

Examination Waiting Periods, Professional Corporations, Accrediting Agencies and Equivalent Degrees

Status: Submitted to DCA for pre-review process

Enforcement Process

Status: Preparation for Policy and Advocacy Committee review in July 2022

XX. Suggestions for Future Agenda Items

None

XXI. Public Comment for Items not on the Agenda

None

XXII. Adjournment

The Committee adjourned at 12:15 p.m.