

**BOARD MEETING MINUTES**1  
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Open sessions of this Board Meeting were webcasted. Records of the webcasts are available at the following links:

- June 5 (part 1): <https://www.youtube.com/watch?v=eXznB3Rt8tE&feature=youtu.be>
- June 5 (part 2): <https://www.youtube.com/watch?v=LcCmFSqyDk&feature=youtu.be>

**DATE** June 5, 2020

**MEETING PLATFORM** Zoom Video Conference and Phone Conference

*Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-25-20, dated March 12, 2020, neither a public location nor teleconference locations are provided.*

**TIME** 8:00 a.m.

**ATTENDEES**

- Members Present:** Betty Connolly, Chair, LEP Member  
Max Disposti, Vice Chair, Public Member  
Crystal Anthony, LCSW Member  
Dr. Leah Brew, LPCC Member  
Deborah Brown, Public Member  
John Sovec, LMFT Member  
Wendy Strack, Public Member  
Christina Wong, LCSW Member
- Members Absent:** Ross Erlich, Public Member  
Jonathan Maddox, LMFT Member
- Staff Present:** Kim Madsen, Executive Officer  
Steve Sodergren, Assistant Executive Officer  
Rosanne Helms, Legislative Manager  
Christy Berger, Regulatory Analyst  
Sabina Knight, Legal Counsel  
Christina Kitamura, Administrative Analyst

1 **Other Attendees:** Public participation via Zoom video conference and phone  
2 conference  
3

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4 **OPEN SESSION**

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6  
7 **I. Call to Order and Establishment of Quorum**

8  
9 Betty Connolly, Chair of the Board of Behavioral Sciences (Board), called the  
10 meeting to order at 8:05 a.m. Roll was called, and a quorum was established.  
11  
12

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13  
14 **CLOSED SESSION**

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16  
17 **II. Pursuant to Section 11126(c)(3) of the Government Code, the Board Will**  
18 **Meet in Closed Session for Discussion and to Take Action on Disciplinary**  
19 **Matters. The Board Will Also, Pursuant to Section 11126(a)(1) of the**  
20 **Government Code, Meet in Closed Session to Evaluate the Performance of**  
21 **the Executive Officer and to Discuss Possible Salary Level Change.**  
22

23 The Board met in closed session at 8:10 a.m.  
24  
25

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26  
27 **OPEN SESSION**

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28  
29  
30 The Board reconvened in open session at 10:35 a.m.  
31

32 **III. Call to Order, Establishment of Quorum, and Introductions**

33  
34 Meeting called to order at 10:35 a.m. Roll was called, and a quorum was  
35 established. Board staff and meeting attendees introduced themselves.  
36

37 Agenda items XI and XVI are removed from the agenda. The Board Chair  
38 Report (Item V) was taken before Consent Calendar (Item IV).  
39

40 **IV. Consent Calendar**

41 **a. Possible Approval of the March 5-6, 2020 Board Meeting Minutes**

42  
43 Wong: Noted a correction on page 5 of the May 2019 meeting minutes.  
44

1 **MOTION:** Approve the March 5-6, 2020 Board meeting minutes as amended.

2  
3 Wong moved. Brew seconded. The motion carried; 8 yea, 0 nay, 1 abstention.

4  
5 Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  |     |     | x       |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

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7  
8 **V. Board Chair Report**

9 **a. Introduction to New Board Members**

10  
11 Ms. Connolly introduced new Board Member, Susan Friedman.

12  
13 **b. Board Member Activities**

14  
15 Wong: Partnered with Steve Sodergren and Darlene York to present a  
16 licensing overview to Chico State MSW graduates.

17  
18 **c. Recognition of Board Staff for Years of Service**

19  
20 The following staff was recognized for their years of service to the BBS:

- 21
- 22 • 5 years: Kim Covington, Yee Lee, Marlon McManus, Carl Peralta,  
Margaret See
  - 23 • 10 years: Rosanne Helms
  - 24 • 20 years: Christina Kitamura

25  
26 Departing Board Members were presented with Resolutions: Dr. Leah Brew  
27 and Betty Connolly.  
28

1 **VI. Executive Officer Report**

2 **a. Budget Report**

3  
4 2019/2020 Budget

5 The Board's budget for fiscal year (FY) 2019/2020 is \$12,647,000. As of  
6 May 13, 2020, the Board has spent \$8,829,227 (70%) of its budget.

7  
8 Current projections indicate that the Board will end the year with nearly  
9 \$657,000 in unexpended funds.

10  
11 Fund Condition

12 The Board's Fund Condition for FY 2019/2020 reflects a 2.1-month reserve.

13  
14 Budget Fiscal Year 2020/2021

15 On May 14<sup>th</sup>, the Governor released a revised budget for fiscal year  
16 2020/2021. The impact of COVID-19 to state revenues, unemployment  
17 numbers, and cost to continue supporting Californians during the pandemic  
18 has significantly affected the State Budget.

19  
20 California is facing a deficit estimated at \$54 billion dollars before any  
21 revisions to the state budget are made. Significant program reductions,  
22 redirecting funds, utilizing the "Rainy Day" fund, and special fund loans are  
23 proposed to balance the state budget. Currently, there are no plans for the  
24 Board to loan money to the general fund.

25  
26 The revised budget will impact Board operations and Board staff. The  
27 Board will only consider essential expenditures that are critical to support its  
28 operations. All travel will be reduced by using video conferencing for  
29 meetings and trainings where possible.

30  
31 A 10% reduction to state employee salaries is proposed or the equivalent of  
32 2 furlough days. The reduction is effective July 1, 2020. The Board will be  
33 asked to reduce its fiscal year 2021/2022 budget by 5%.

34  
35 **b. Operations Report**

36  
37 On March 4<sup>th</sup>, the Governor declared a state of emergency that authorized  
38 additional resources and formalized the emergency activities to prepare the  
39 state for the increasing spread of COVID-19. In the days that followed, it  
40 became evident that COVID-19 would impact schools, businesses, and the  
41 lives of all Californians. The fluidity of COVID-19 required flexibility and  
42 agility to adapt and respond to the ongoing directions from state and local  
43 officials.

1 During the week of March 16<sup>th</sup>, the Board initiated activity to implement  
2 components of its Business Continuity Plan. The activities included the  
3 following:  
4

- 5 • Identify duties/tasks viable for telework
- 6 • Assess equipment needs for staff to telework
- 7 • Train staff to access BBS data remotely
- 8 • Execute new Telecommute Agreements for all staff
- 9 • Develop work guidelines for telework
- 10 • Establish a rotating schedule for staff to report to the BBS Office to drop  
11 off and pick up work including safety guidelines that aligned with CDC  
12 guidelines
- 13 • Establish a work schedule for employees whose duties/tasks are not  
14 viable for telework and align with CDC guidelines

15  
16 Effective March 23<sup>rd</sup>, the Board's building was closed to the public and  
17 nearly all Board staff began working remotely. To ensure that essential  
18 services continued, staff returned to the office on a rotating schedule that  
19 minimized the number of total staff members in the office on a single day.  
20

21 Prior to COVID-19 and the building closure, Board management initiated an  
22 agreement with the Department of Consumer Affairs (DCA) Call Center to  
23 respond to the Board's phone calls. The use of the DCA Call Center began  
24 in early March.  
25

26 Daily staff performs the essential services while in the office. Other staff  
27 members drop off completed work, prepare work to complete remotely, and  
28 perform tasks that cannot be completed remotely. Each day, the manager  
29 on duty disinfects the common areas and shared equipment in the office.  
30

31 During this unprecedented, The Board has experienced successful outcomes:

- 32 • Application processing times improved.
- 33 • Initiated process to move to paperless file system by scanning all  
34 applicant documentation
- 35 • Developed creative solutions – electronic submission of school  
36 transcripts and program certifications, utilize social media, telephonic  
37 conferences, and video conferencing to communicate and engage with  
38 stakeholders
- 39 • Initiated Microsoft Team for meetings with BBS units
- 40 • Partnered with DCA IT team to procure 10 additional laptop computers  
41 to assign to Board staff with the greatest need

- Created and initiated “Live Chats” with stakeholders to respond to concerns and convey information.
- Conducted outreach events to students and stakeholders via video conferencing platforms
- Identified areas of law that could be temporarily waived to assist licensees/ registrants that would not impact consumer protection.

## **BOARD OPERATIONS MOVING FORWARD**

Board staff will continue to work remotely with an ongoing rotating/staggered schedule for staff to work in the office with at least one Manager onsite each day. The schedule will be slightly modified after the office reopens to the public in order to resume public services during business hours. The schedule will maintain at least 75% of BBS staff working remotely daily.

New office guidelines were developed and include:

- Social/physical distancing guidance within the office and lobby area.
- Procedures for interacting with the public at the front counter.
- Shared equipment and common areas will be disinfected during the work day and after the office is closed.

## **BOARD STATISTICS**

Quarterly performance statistics for the 3<sup>rd</sup> quarter of FY 2019/2020 were provided.

### Licensing Program Applications

Overall licensing application volumes increased 2%.

### Licensing Population

- 1,314 initial licenses were issued.
- 120,220 licensees and registrants as of April 1, 2020

### Renewal Activity

Overall renewal activity increased by 3%.

### Administrative Applications

Overall administrative application volumes increased by 36%.

### Examination Program

- 4,387 examinations were administered.

- 1 • 9 examination development workshops were conducted.

2  
3 The Office of Professional Examination Services (OPES) completed the  
4 Licensed Marriage and Family Therapist (LMFT) Occupational Analysis.  
5 The Executive Summary detailing the process by which the Occupational  
6 Analysis was performed.

7  
8 Impact of COVID-19

9 Pearson Vue shut down exams in March, which impacted candidates  
10 scheduled to take the exam during that period. In mid-April, Pearson Vue  
11 began opening some of its sites to administer licensing exams that were  
12 deemed essential; however, those sites were operating at 50% reduction in  
13 seats.

14  
15 Board management and Pearson Vue discussed utilizing third-party testing  
16 sites that are located at colleges, technology schools, and adult education  
17 centers. All staff are trained and follow Pearson Vue's security protocols.  
18 Board management agreed to implement the use of the third-party testing  
19 sites.

20  
21 Enforcement Program

- 22 • 456 consumer complaints received  
23 • 298 criminal conviction notifications received  
24 • 677 cases closed  
25 • 37 cases referred to the Attorney General's (AG) office for formal  
26 discipline  
27 • 142 cases pending as of March 31, 2020  
28 • 33 Accusations and 13 Statement of Issues filed  
29 • 83 final citations  
30 • 31 final disciplinary orders  
31 • 35 decisions adopted  
32 • 485 average number of days to complete Formal Discipline.  
33 Performance measure is 540 days.  
34 • 365 average number of days a case is with the AG's Office  
35 • 30 average number of days to complete all Board investigations

36  
37 Continuing Education Audits

38 Audits are currently suspended.

39  
40 Outreach Activity

41 Board staff engaged in 7 outreach events via telephone or video  
42 conference: "Facebook Fridays" with BBS, MFT consortium meetings, and  
43 social work licensing presentations.  
44

1 **COMMUNICATION REPORT**

2  
3 Social Media

- 4 • Increasing reach to applicants and licensees via Twitter, Facebook and  
5 Instagram.  
6 • Opened a LinkedIn account.

7  
8 Facebook

- 9 • Since January 2020, number of “likes” increased 57%.  
10 • Wednesday morning processing date posts are most popular.  
11 • Facebook Fridays with BBS began on May 1<sup>st</sup>.

12  
13 Twitter

14 The number of views is increasing. The average number of views are: 453  
15 in January; 566 in February; 794 in March; 767 in April.

16  
17 DCA Call Center

- 18 • Average wait time is between 30 seconds and 1 minute  
19 • Highest number of calls received in one day was 151  
20 • Lowest number of calls received in one day was 58  
21 • Average number of calls received in one day is 75-100

22  
23 **c. Personnel Report**

24  
25 **New Employees/Promotions**

26 Associate Governmental Program Analyst (AGPA) – Administration Unit  
27 Christina Kitamura promoted to this position effective May 1, 2020.

28  
29 **Departures**

30 Consumer Complaints & Investigations Unit (Enforcement)  
31 Flora Lopes retired from state service effective February 26<sup>th</sup>.

32  
33 Licensing Unit

34 Jim Khang accepted a promotional position with CalPERS effective March  
35 13<sup>th</sup>.

36  
37 **Vacancies**

38 Currently, there are 8 vacancies:

- 39 • Staff Services Manager I – Licensing Unit  
40 • AGPA – Administration Unit  
41 • AGPA – Consumer Complaint & Investigations Unit (Enforcement)  
42 • Staff Services Analyst (SSA) – Consumer Complaint & Investigations  
43 Unit (Enforcement)  
44 • SSA – Licensing Unit



- Management Services Technician – Licensing Unit
- Office Technician (OT) – Criminal Conviction Unit (Enforcement)
- OT – Administration Unit

**d. Strategic Plan Update**

The Strategic Plan Update was provided for review.

**e. Update on 2019-2020 Sunset Review**

The Board submitted its final Sunset Review Report in December 2019 to the Assembly and Senate Business, Professions, and Economic Committees. As part of the Sunset Review process, public hearings are held to discuss comprehensive report and hear public testimony. The Board was scheduled for its public hearing on March 24, 2020. However, due to COVID-19, the hearing was postponed.

The Board was informed that the public hearing will not occur this year. Recognizing that the Board’s expiration date is at the end of 2020, a one-year extension for the Board will be included in Senate Bill 1474.

A public hearing will likely occur sometime in 2021.

**VII. Election of Board Officers**

**MOTION:** Brew moved to nominate Max Disposti as Chair and Christina Wong as Vice Chair.

Brown seconded. Disposti accepted the nomination. Wong accepted the nomination. The motion carried; 9 yea, 0 nay.

Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

1 **VIII. Discussion and Possible Action Regarding Assembly Bill 8 (Chu) Pupil**  
2 **Health: Mental Health Professionals**

3  
4 AB 8 would require schools to employ at least one mental health professional  
5 for every 600 pupils by December 31, 2024.  
6

7 Previous Position

8 At its May 2019 meeting, the Board took a support position. However, it also  
9 directed staff to reach out to the author’s office to request changes to be  
10 considered related to three technical issues. The bill was amended  
11 immediately following the Board meeting. AB 8 has not moved or been  
12 amended since.  
13

14 Since AB 8 was amended immediately after the Board took a position in May,  
15 the Board reconsidered the bill.  
16

17 Three technical issues:

- 18 1. **Use of “intern” title.** Staff requested that the author’s office amend the bill  
19 to correctly refer to marriage and family therapist registrants and  
20 professional clinical counselor registrants as “associates” instead of  
21 “interns.”  
22
- 23 2. **Inclusion of clinical social workers.** Previously, this bill did not include  
24 clinical social workers in the definition of a mental health professional.  
25 Social workers are now included, although staff believes the reference  
26 should be changed to “clinical social workers.” Additionally, associate  
27 clinical social workers (ASW) are now included; however, social worker  
28 interns are not included.  
29
- 30 3. **Trainees and the “Mental Health Professional” definition.** The bill  
31 includes marriage and family therapist trainees and clinical counselor  
32 trainees in its definition of mental health professionals. However last year,  
33 the Board had concerns that because trainees are individuals who are still  
34 in their master’s degree program and have not yet graduated, it may be  
35 premature to refer to them as mental health professionals. The Board  
36 expressed a preference to define them separately, but still allow them to  
37 count toward the bill’s required ratio.  
38

39 Rebecca Gonzales, National Association of Social Workers California Division  
40 (NASW-CA): Agrees that reference in the language should be “clinical social  
41 worker.” Agrees that trainees should be defined separately. NASW-CA wants  
42 to keep the legislature out of social work education; therefore, NASW-CA does  
43 not want to include social work interns in the bill. NASW-CA is concerned  
44 about 1:600 ratio and that it could have unintended consequences for schools  
45 that have a lower ratio. Concerned about the funding source. NASW-CA  
46 continues to watch AB 8.

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Janlee Wong, NASW-CA: AB 8 is flawed. There is a provision that by January 1, 2029, all mental health professionals must have a credential. If interns and trainees do not have their degrees, they cannot be credentialed.

Jennifer Alley, California Association of Marriage and Family Therapists (CAMFT): CAMFT supports AB 8.

Concerns were expressed regarding the requirement for all mental health professions to hold a Pupil Personnel Services (PPS) credential.

Concerns were expressed regarding definition of mental health professionals. The definition needs to be tightened-up and clarified.

Concerns were expressed about how the bill is written; the bill is confusing and not clear. However, there is a need for more mental health professionals in schools.

**MOTION:** Support AB 8 if amended with recommended changes: Use of “associate” title instead of “intern” title; inclusion of clinical social workers; mental health professional definition should not include trainees, instead the bill should state “mental health professionals and trainees”; trainees should not be required to have the credential as it will displace the trainee; and that there be at least one credentialed individual to meet the required staffing ratio instead of requiring each mental health professional to be credentialed.

Brew moved. Disposti seconded. The motion carried; 9 yea, 0 nay.

Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

29

1 **IX. Discussion and Possible Action Regarding Assembly Bill 1145 (Garcia)**  
2 **Child Abuse: Reportable Conduct**

3  
4 Update: AB 1145 was considered by the Board at its March 2020 meeting.  
5 The bill has not been amended since that meeting. No further action is needed.  
6

7  
8 **X. Discussion and Possible Action Regarding Assembly Bill 1616 (Low)**  
9 **Department of Consumer Affairs: Boards: Expunged Convictions**

10  
11 Update: AB 1616 was considered by the Board at its March 2020 meeting.  
12 The bill has not been amended since that meeting. No further action is needed.  
13

14  
15 **XI. Discussion and Possible Action Regarding Assembly Bill 1850 (Gonzalez)**  
16 **Worker Classification: Employees and Independent Contractors**

17  
18 This item was removed from the agenda.  
19

20  
21 **XII. Discussion and Possible Action Regarding Assembly Bill 2028 (Aguiar-**  
22 **Curry) State Agencies: Meetings**

23  
24 The Board took an “oppose unless amended” position on AB 2028 at its March  
25 2020 meeting. AB 2028 was amended Friday June 5<sup>th</sup>.  
26

27 Current law establishes the Bagley-Keene Open Meeting Act (Bagley-Keene  
28 Act), which specifies the requirements for all meetings of a state body. AB  
29 2028 proposes two changes to the Bagley-Keene Act:

- 30
- 31 • Require state bodies to post all meeting materials online at least 10 days in  
advance of a public meeting.
  - 32 • Allow the public to comment on any agenda item of a state body’s meeting,  
33 regardless of whether the item had already been considered, and public  
34 comment allowed at a committee meeting of the state body.  
35

36 In the Board’s letter of “oppose unless amended”, the Board requested the  
37 following considerations:

38 1. Exception to legislation

39 Board staff is concerned that AB 2028 could have a chilling effect on the  
40 Board’s ability to take positions on legislation. When the Legislature is in  
41 session, it is common for bills on the Board’s agenda to be amended during  
42 the 10-day timeframe between when the agenda is posted and when the  
43 Board meets. If meeting materials can no longer be updated after bills are  
44 amended, then the Board cannot discuss and consider the most recent  
45 available information, and its voice in the legislative process is silenced.

1           2. Materials and comments from stakeholders

2           After viewing the posted meeting notice and agenda, stakeholders submit  
3           written public comments when they cannot attend the meeting, and at times,  
4           their public comments include materials. Under the proposed bill, this would  
5           no longer be allowed.  
6

7           3. Presentation materials from experts/presenters

8           Occasionally, presentations are noticed on the agenda. The  
9           experts/presenters arrive with materials for their presentations or change  
10          their presentation materials, but do not submit the information prior to the  
11          meeting. Under the proposed bill, this would no longer be allowed.  
12

13          The proposed amendments in the most current version of AB 2028:

- 14          • Requires that the required meeting notice posted online 10 days in advance  
15          of a meeting must also include all writings or materials provided to members  
16          of the state body by its staff or another member.  
17
- 18          • Writings or materials must be made available online on the same day that  
19          the materials were provided to the members of the state body or within 48  
20          hours in advance, whichever occurs sooner.  
21
- 22          • States that if the writings/materials on an agenda for discussion are related  
23          to current legislation, the state body can post these writings/materials as  
24          they become available after the ordinarily prescribed time periods. The  
25          state body must make it clear what date the new or changed  
26          writings/materials were posted and what changes have been made.  
27

28          Board staff is concerned about posting all meeting materials at least 10 days in  
29          advance of a public meeting. The Board strives to post all materials as  
30          expeditiously as possible. However, there are circumstances outside of Board  
31          staff's control, in which it would not be possible to post materials 10 days prior  
32          to a meeting. One example of this is the requirement that all materials posted  
33          online must be ADA compliant.  
34

35          **MOTION:** Take a neutral position on AB 2028.

36  
37          Wong moved. Anthony seconded. The motion carried; 9 yea, 0 nay.  
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Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

**XIII. Discussion and Possible Action Regarding Assembly Bill 2112 (Ramos) Suicide Prevention**

The Board took a support position on AB 2112. AB 2112 was amended Friday, June 5<sup>th</sup>.

The previous version of AB 2112 established the Office of Suicide Prevention within the Department of Public Health. The amended version of AB 2112 states that it authorizes the Office of Suicide Prevention by the Department of Public Health.

The previous version of AB 2112 outlined the responsibilities of the Office of Suicide Prevention; however, the current version of the bill states that the responsibilities may include those responsibilities if the office is established.

The previous version of AB 2112 directed the Office of Suicide Prevention to focus resources on specified groups with the highest risk. The amended version states that the Office of Suicide Prevention may focus its efforts on those groups.

The amendments are permissive instead of prescribed.

Board members are not clear on the intent of the language on page 3, line 6: Medical professionals with mental health experience.

**MOTION:** Support AB 2112 and direct staff to work with the author’s office.

Brew moved. Disposti seconded. The motion carried; 9 yea, 0 nay.

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Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

**XIV. Discussion and Possible Action Regarding Assembly Bill 2113 (Low) Refugees, Asylees, and Immigrants: Professional Licensing**

AB 2113 would require the Board to expedite the initial licensure process for certain refugee, asylee, and immigrant applicants.

AB 2113 requires boards under DCA to expedite, and permits them to assist, the initial licensure process for an applicant who can meet specified criteria listed in the United States Code.

Intent

The author’s office notes that under federal law, refugees may be granted asylum if they are fleeing or unable to return to their home country because of war, violence, or persecution. The federal government also may issue a special immigrant visa to immigrants who have worked for or assisted the U.S. Armed Forces in conflict zones.

The author states that approximately 12,000 refugees were resettled in California in 2017. Of these, 5,000 were refugees from conflict zones, and almost 7,000 were special immigrant visa holders from Iraq and Afghanistan. They point out that finding economic opportunities and stability has become a difficult challenge for these families, and they struggle to find skilled employment.

Verification

Status as a refugee or asylee can be verified via an I-94 form issued by the United States Citizenship and Immigration Services. The Board may need to pursue regulations to specify the types of documents that will be accepted as verification.

**MOTION:** Support AB 2113.

1 Brew moved. Anthony seconded. The motion carried; 9 yea, 0 nay.  
2  
3

Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

4  
5  
6 **XV. Discussion and Possible Action Regarding Assembly Bill 2253 (Low)**  
7 **Professional Licensure**  
8

9 Various mental health professionals working in certain state settings are  
10 allowed a waiver from licensure requirements for a specified period of time if  
11 they are working toward gaining “qualifying experience” toward licensure. AB  
12 2253 would clarify the definition of “qualifying experience” toward licensure so  
13 that it is consistent across state agencies.  
14

15 AB 2253

- 16 1. Clarifies that to qualify for a waiver of licensure in state health facilities or  
17 the state correctional system, the position must include qualifying  
18 experience.  
19  
20 2. Defines “qualifying experience” (or “experience required for licensure”) as  
21 experience that satisfies the requirements of the specified licensing act  
22 regulating the profession.  
23

24 Intent

25 This bill seeks to clarify the definition of “qualifying experience” for licensure in  
26 the professions of psychology, marriage and family therapy, clinical social work,  
27 and professional clinical counseling.  
28

29 The law permits a waiver of licensure requirements for professionals in these  
30 fields working in state health facilities, the state correctional system, and local  
31 community mental health programs for a specified period of time if the  
32 individual is working toward qualifying experience for licensure.  
33



1 However, the author notes discrepancies in how the overseeing state agencies  
 2 define “qualifying experience” for licensure. The California Department of  
 3 Corrections and Rehabilitation (CDCR) recently interpreted existing statute  
 4 differently than many other state agencies and changed how they calculated  
 5 time for purposes of the licensure waiver. As a result, in 2019 CDCR issued  
 6 dozens of non-punitive terminations of employees who believed they still had  
 7 time to apply for licensure before losing their jobs.

8  
 9 AB 2253 will clarify and make consistent what constitutes “qualifying  
 10 experience” within applicable sections of the Health and Safety Code  
 11 (regulating state health facilities), the Penal Code (which regulates the state  
 12 correctional system), and the Welfare and Institutions Code (regulating local  
 13 community mental health programs).

14  
 15 **MOTION:** Support AB 2253.

16  
 17 Sovec moved. Wong seconded. The motion carried; 9 yea, 0 nay.

18  
 19 Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

20  
 21  
 22 **XVI. Discussion and Possible Action Regarding Assembly Bill 2257 (Gonzalez)**  
 23 **Worker Classification: Employees and Independent Contractors:**  
 24 **Occupations: Professional Services**

25  
 26 This item was removed from the agenda.

27  
 28  
 29 **XVII. Discussion and Possible Action Regarding Assembly Bill 3045 (Gray)**  
 30 **Department of Consumer Affairs: Boards: Veterans: Military Spouses:**  
 31 **Licenses**  
 32

1 AB 3045 would require certain boards within DCA to issue a license to an  
2 honorably discharged military member or the spouse of an active duty military  
3 member if they meet specified requirements.  
4

5 AB 3045

6 1. Requires a board within DCA to that is not required to issue temporary  
7 licenses pursuant to BPC §115.6, after appropriate investigation, issue a  
8 license to an applicant who meets all of the following:

- 9 • The applicant can provide evidence that they are an honorably  
10 discharged veteran of the Armed Forces or are married/in a domestic  
11 partnership with an active duty member of the Armed Forces who is  
12 assigned to duty in California.
- 13 • The applicant holds a current, active, and unrestricted license in another  
14 state for the same profession or vocation.
- 15 • The applicant submits an application to the board that includes a signed  
16 affidavit that he or she meets all requirements for the license.
- 17 • The applicant submits written verification from his or her licensing  
18 jurisdiction that the license is in good standing.
- 19 • The applicant has not committed an act in any jurisdiction that would be  
20 grounds for denial, suspension, or revocation of the license.
- 21 • The applicant has not been disciplined by a licensing entity.
- 22 • Upon request, the applicant submits a full set of fingerprints to the board.

23  
24 2. Allows a board to adopt regulations to administer these provisions of law.  
25

26 Intent

27 The author's office notes that military families are disproportionately affected by  
28 occupational licensing barriers related to license portability. They cite statistics  
29 stating that the military trains veterans in skills applicable to 962 civilian  
30 licensed occupations, and more than a third of military spouses are employed  
31 in a field that requires licensure. However, they state that 70% of veterans  
32 report difficulty transitioning back to civilian life, and that 22% of military  
33 spouses report their greatest challenge to employment is the inability to transfer  
34 their professional license to another location.  
35

36 The author states that past efforts to reform the licensure process for veterans  
37 and military spouses have stopped short of creating license portability, while  
38 many other states have licensing laws that are more veteran-friendly than  
39 California.  
40

1           License Portability and the BBS

2           The Board recently implemented license portability legislation for its Licensed  
3           Marriage and Family Therapist (LMFT), Licensed Clinical Social Worker  
4           (LCSW), and Licensed Professional Clinical Counselor (LPCC) applicants. SB  
5           679 became effective on January 1, 2020 and established “licensure by  
6           credential.”

7  
8           SB 679 was the result of a lengthy deliberation process by the Board’s special  
9           license portability committee on the best way to balance ease of licensure  
10          across state lines with public protection and the need for practitioners to be  
11          prepared to practice safely and effectively in California’s diverse environment.  
12          AB 3045, makes key omissions of requirements that were considered and  
13          placed in SB 679:

- 14          • It does not require the military applicant to have been licensed for at least  
15          the past 2 years.
- 16          • It does not specifically state that the out-of-state license must be at the  
17          highest level for independent clinical practice.
- 18          • It does not require any California-specific coursework.
- 19          • It does not contain a requirement for the applicant to take the California law  
20          and ethics exam.
- 21          • It does not specify that the applicant must pay the required application fees  
22          for licensure (this may have been an accidental omission).

23  
24          Effect on LEPs

25          AB 3045 would also require the Board to issue a licensed educational  
26          psychologist (LEP) license to a qualifying applicant who is licensed in another  
27          state.

28  
29          SB 679 did not establish a licensure by credential option for LEPs, because not  
30          many other states license educational psychologists. Massachusetts is the  
31          only other state found to have an LEP license.

32  
33          Past Military Applicants

34          The Board is currently required to expedite applications for honorably  
35          discharged military members and for spouses of active military who are  
36          currently licensed in another state.

37  
38          **MOTION:** Oppose AB 3045 unless amended to remove the Board of  
39          Behavioral Sciences from the bill.

40  
41          Brew moved. Wong seconded. The motion carried; 9 yea, 0 nay.

1

Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

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**XVIII. Discussion and Possible Action Regarding Senate Bill 803 (Beall) Mental Health Services: Peer Support Specialist Certification**

5

6

7

SB 803 requires the Department of Health Care Services (DHCS) to establish a certification body for peer support specialists. It also requires DHCS to amend the state’s Medicaid plan to include these providers as a provider type within the Medi-Cal program.

8

9

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12

**SB 803**

13

1. Requires DHCS to define responsibilities, practice guidelines, and supervision standards for peer support specialists using best practice materials, and to determine curriculum and core competencies.

14

15

16

17

2. Requires the DHCS to specify training requirements.

18

19

3. Requires DHCS to establish a code of ethics.

20

21

4. Provides minimum requirements for applicants for certification.

22

23

5. Provides that this Act does not imply that a certification-holder is qualified or authorized to diagnose an illness, prescribe medication, or provide clinical services. It also does not alter the scope of practice for a health care professional or authorize delivery of health care services in a setting or manner not authorized under the Business and Professions Code (BPC) or Health and Safety Code (HSC).

24

25

26

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28

29

30

6. Requires DHCS to adopt regulations specifying the credentialing process by January 1, 2022.

31

32

1 Intent

2 The author notes that California is behind the rest of the nation in implementing  
3 a peer support specialist certification program. The Department of Veteran's  
4 Affairs and 48 states either have or are developing such a program.  
5

6 Requirements in Other States

7 Several states recognize certified peer counselors. Board staff surveyed  
8 Washington, Tennessee and New Mexico and presented the findings.  
9

10 Scope of Practice and Scope of Practice Exclusions

11 SB 803 appears to outline a scope of practice for peer support specialists,  
12 somewhat indirectly, in Welfare and Institutions Code (WIC) §§14045.11, and  
13 14045.12(h).  
14

15 Identification of Supervisors

16 SB 803 requires DHCS to define supervision standards for peer support  
17 specialists.  
18

19 Fingerprinting Not Required for Certification

20 SB 803 does not specify fingerprinting as a requirement to obtain certification.  
21 In previous discussions, the author's office had indicated that the bill permits  
22 DHCS to include a fingerprinting requirement via regulations if it chooses.  
23

24 Previous Legislation

25 The Board has considered several similar bill proposals in recent years:

- 26 • SB 10 (2019)  
27 The Board took a position of support if amended. SB 10 was vetoed by  
28 Governor Newsom.  
29
- 30 • SB 906 (2018)  
31 The Board took a position of support if amended. SB 906 was vetoed by  
32 Governor Brown.  
33
- 34 • SB 614 (2015-2016)  
35 The Board took a position of support if amended. SB 614 was gut-and-  
36 amended.  
37

38 Rebecca Gonzales, NASW-CA: Supports SB 803.  
39

40 **MOTION:** Support SB 803.  
41

42 Wong moved. Anthony seconded. The motion carried; 9 yea, 0 nay.  
43

44 Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |

|                 |   |  |  |   |  |
|-----------------|---|--|--|---|--|
| Dr. Leah Brew   | x |  |  |   |  |
| Deborah Brown   | x |  |  |   |  |
| Betty Connolly  | x |  |  |   |  |
| Max Disposti    | x |  |  |   |  |
| Ross Erlich     |   |  |  | x |  |
| Susan Friedman  | x |  |  |   |  |
| Jonathan Maddox |   |  |  | x |  |
| John Sovec      | x |  |  |   |  |
| Wendy Strack    | x |  |  |   |  |
| Christina Wong  | x |  |  |   |  |

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**XIX. Discussion and Possible Action Regarding Senate Bill 855 (Wiener) Health Coverage: Mental Health or Substance Abuse Disorders**

SB 855 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.

SB 855

1. Requires every health care service plan contract or disability insurance policy issued, amended or renewed on or after January 1, 2021 to also provide coverage for medically necessary treatment of mental health and substance use disorders under the same terms and conditions applied to other medical conditions.
2. Defines mental health and substance use disorders.
3. Defines medically necessary treatment of a mental health or substance use disorder.
4. Defines a health care provider.
5. Requires health care service plans and disability insurers that that provide hospital, medical or surgical coverage, to base medical necessity determinations or utilization review criteria on current generally accepted standards of medical and behavioral health care practice. These are defined as evidence-based and must be generally accepted by health care providers practicing in relevant clinical specialties.
6. Defines generally accepted standards of medical and behavioral health care practice.

1 7. Current law defines severe mental illness and serious emotional  
2 disturbances of a child and is very specific. SB 855 broadens the  
3 definitions.  
4

5 Intent

6 The author's office states that the California Mental Health Parity Act must be  
7 updated to cover all mental health and substance use disorders. Currently,  
8 health plans are only required by law "to cover all medically necessary  
9 treatment for a limited number of mental health disorders"; however, it does not  
10 cover substance use disorders. The author's office also states that insurers  
11 "should be required to evaluate medical necessity using criteria that are fully  
12 consistent with generally accepted standards of mental health and addiction  
13 care."  
14

15 Definition of Health Care Provider

16 The HSC and the Insurance Code (IC) specifically include associate marriage  
17 and family therapists and marriage and family therapist trainees in the definition  
18 of a health care provider.  
19

20 Rebecca Gonzalez, NASW-CA: Requests that ASWs be included in the  
21 definition of health care provider.  
22

23 Concerns were expressed regarding trainees included in the definition of health  
24 care provider.  
25

26 **MOTION:** Support SB 855 and direct staff to work with the author's office to  
27 request amendments to exclude trainees and include associates of other BBS  
28 license types.  
29

30 Connolly moved. Wong seconded. The motion carried; 9 yea, 0 nay.  
31

32 Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

1 **XX. Discussion and Possible Action Regarding Senate Bill 878 (Jones)**  
2 **Department of Consumer Affairs Licensing: Applications: Wait Times**  
3

4 SB 878 would require boards under DCA to display current processing  
5 timeframes for processing initial and renewal licensing applications on its  
6 website and specify the average timeframe for each license category.  
7

8 Intent

9 The author states that it is crucial for DCA licensing entities to process license  
10 applications in a timely manner so that businesses can open. They note that  
11 some boards provide applicants with average processing timeframes, but not  
12 all do.  
13

14 Current Board Practice

15 The Board currently posts processing times by application type weekly on its  
16 Facebook and Twitter pages. The timeframes are not displayed by average  
17 timeframes. The Board processes applications based on date received;  
18 therefore, for each application type, the Board lists the range of receipt dates of  
19 applications currently in process.  
20

21 Suggested Amendments

- 22
- 23 • To allow for the posting on social media instead of the website, as social  
24 media can be updated more rapidly.
  - 25 • To allow the posting of applications currently being processed by receipt  
26 date rather than “average timeframes.”
  - 27 • Specification of how often processing timeframes must updated.
  - 28 • Clarification of “initial” application. The Board has several applications  
29 throughout its licensure process.

30 **MOTION:** Support SB 1168 if amended to include the first 3 staff  
31 recommended amendments as listed, and work with the author’s office  
32 regarding the 4<sup>th</sup> recommended amendment; and change language to “Posting  
33 on official board social media” (instead of “website”).  
34

35 Brew moved. Wong seconded. The motion carried; 9 yea, 0 nay.  
36



1

Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

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**XXI. Discussion and Possible Action Regarding Senate Bill 1168 (Morrell)  
State Agencies: Licensing Services**

5

6

7

SB 1168 would:

8

- Would require state agencies that issue any type of business license 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.

9

10

11

12

13

- Would require state agencies that issue any type of business license 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.

14

15

16

17

18

Intent

The author notes that in recent years, California has experienced several costly natural disasters. They state that these disasters affected an estimated 381,700 businesses, and many of these individuals had to replace licensing documents. The intent is to help relieve pressure on these individuals.

19

20

21

22

23

24

Previous Legislation

The law (SB 601) already allows state agencies that issue any type of business license to establish a process to reduce or waive licensure application, renewal, or replacement fees for a person or business that has been displaced by or who is experiencing economic hardship as a result of a state or federally declared emergency.

25

26

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31

Feasibility of Granting Fee Deferrals

The law already authorizes the Board to establish a procedure to reduce or reduce or waive fees for licensure, for individuals experiencing displacement or

32

33

1 economic hardship as a result of a state or federal emergency. This bill would  
2 require the Board to create a fee deferral process for cases of economic  
3 hardship when the emergency is due to a virus.  
4

#### 5 Feasibility of Expediting Licenses

6 For relatively small-scale declared emergencies, expediting licenses would be  
7 feasible to implement. The Board would need to develop a method to flag the  
8 applications eligible to be expedited.  
9

10 It is unknown how feasible the expedite process would be for larger scale,  
11 statewide emergencies. Unless the Board were able to hire additional staff due  
12 to a statewide declared emergency, it is unlikely to be able to expedite all  
13 applications. In addition, hiring new staff is unlikely to have much effect in the  
14 short-term when considering the time required to train new staff.  
15

#### 16 Need for Regulation

17 If this bill were to pass, the Board would need to run regulations to establish the  
18 fee-deferral process and the expedited licensing process. It would also need to  
19 establish criteria for identifying individuals displaced by or experiencing  
20 economic hardship directly from a declared emergency.  
21

22 Brew: The Board relies on revenues generated from application and renewal  
23 fees for its day-to-day operations and staffing.  
24

25 Madsen: Historically, the Board waived fees to receive replacement licenses  
26 during the fires in California. Some of the recent waivers allowed for inactive  
27 licensees and retired licensees to activate their licenses. This bill could  
28 potentially have a dramatic effect on the Board's funding source.  
29

30 Connolly: The Board wants to support individuals experiencing hardships;  
31 however, the Board is fully funded by the fees.  
32

33 Madsen: Without revenues to fully operate the Board, one of the items that  
34 would have to stop immediately is the Attorney General referrals, which affects  
35 the Board's public protection mandate. The budget for exam workshops would  
36 be cut.  
37

38 Strack: Suggested exploring ways to develop a process where the Board can  
39 help people through a crisis and move forward in a permissive way that does  
40 not cripple the Board's finances.  
41

42 Ben Caldwell suggested requesting amendments to the bill that requires strict  
43 criteria to be eligible for fee waivers and that places a limit on a specified  
44 percentage of the board's operating budget.  
45

1 **MOTION:** Oppose SB 1168 unless amended to remove the Board of  
2 Behavioral Sciences.

3  
4 Anthony moved. Brew seconded. The motion carried; 7 yea, 0 nay, 2  
5 abstentions.

6  
7 Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    |     |     | x       |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         | x      |         |
| John Sovec      | x   |     |         |        |         |
| Wendy Strack    |     |     | x       |        |         |
| Christina Wong  | x   |     |         |        |         |

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9  
10 **XXII. Discussion and Possible Action Regarding Senate Bill 1474 (Senate**  
11 **Committee on Business, Professions and Economic Development)**  
12 **Business and Professions**

13  
14 SB 1474 would extend the Board's sunset date for one year, until January 1,  
15 2022.

16  
17 The Board was scheduled to have its next sunset review hearing in March  
18 2020. However, due to the current state of emergency resulting from COVID-  
19 19, all sunset hearings had to be cancelled as the Legislature needed to shift its  
20 focus to the pandemic. Therefore, SB 1474 extends those programs for one  
21 year so that the sunset review process can occur next year.

22  
23 Recommended Action

24 It was recommended that the Board consider taking a position on BPC §§4990  
25 and 4990.04 in SB 1474 (sections proposing to extend the Board's sunset  
26 date).

27  
28 **MOTION:** Support the provision of SB 1474 to extend the sunset date.

29  
30 Wong moved. Brew seconded. The motion carried; 9 yea, 0 nay.  
31

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Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     | x       |        |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         |        |         |
| John Sovec      | x   |     | x       |        |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

**XXIII. Update on Board-Sponsored Legislation**

The Board was pursuing the following legislative proposals:

1. AB 2363: Practice Setting Definitions

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 has informed staff that they will be unable to move forward with this proposal this year.

2. AB 2142: Board of Behavioral Sciences: Licensees: Licensing and Examination Fees

Due to the COVID-19 state of emergency, the text of this bill will be moved into a budget trailer bill, which should be introduced soon.

3. SB 1474: Business and Professions

Several minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law were expected to be included in this bill. Staff has been informed that it's unlikely they will amend that into this year's omnibus bill and will likely be in next year's bill.

In addition, the Senate Committee on Business, Professions, and Economic Development has amended this bill to propose extending the Board's sunset date until January 1, 2022.

1 **XXIV. Discussion and Possible Action Regarding Comments Received**  
2 **Regarding Proposed Supervision Regulations**  
3

4 At its November 2019 meeting, the Board approved regulatory language that  
5 would change requirements pertaining to supervision of the experience hours  
6 required for licensure as a LMFT, LCSW or LPCC.  
7

8 Status of the Proposal

9 The regulation proposal was noticed to the public on February 7, 2020, and the  
10 45-day public comment period ended on March 23, 2020. A public hearing was  
11 conducted online on March 23, 2020.  
12

13 Summary of Comments Received and Proposed Responses  
14

15 1. **Sheila Addison, Maila Qureshi, Stacey Thacker and Amanda Michelle**  
16 **Jones**  
17

18 Summary: Each individual requested that the regulations be amended to  
19 allow for supervision via videoconferencing in a private practice setting.  
20

21 Proposed Response: The Board rejects the comment. Per BPC  
22 §§4980.43.2(d), 4996.23(f) and 4999.46.2(d) supervision via  
23 videoconferencing is only allowed in a governmental entity, school, college,  
24 university, or an institution that is nonprofit and charitable. Therefore, any  
25 change to this provision would need to be pursued via legislation and  
26 cannot be pursued via a regulation change.  
27

28 2. **May-Ci Xiong**  
29

30 Summary: Would like to see telephone conferencing allowed for group and  
31 individual supervision, in order to account for a potential lack of access to  
32 telehealth equipment.  
33

34 Proposed Response: The Board rejects the comment. Supervision is  
35 required by statute to be provided face-to-face. Therefore, any change to  
36 this provision would need to be pursued via legislation and cannot be  
37 pursued via a regulation change.  
38

39 3. **Curt Widhalm, LMFT**  
40

41 Summary: Would like to see directives included for the handling of  
42 supervisory documentation in a professional will in the event of a  
43 supervisor's death or incapacitation.  
44

45 Proposed Response: The Board rejects this comment. This concern would  
46 be better addressed in a larger discussion about professional wills for all

1 licensees (not just supervisors), and whether it is appropriate to require  
2 them by law.

3  
4 **4. Curt Widhalm, LMFT via Email**

5  
6 Summary: Requests that subsections (c)(4) & (5) of §§1821.3, 1834 and  
7 1871 be stricken from the proposal. These provisions would allow  
8 supervisors to count supervision-related mentorship or consultation, and  
9 attendance at supervisor peer discussion groups toward professional  
10 development hours.

11  
12 Proposed Response: The Board rejects this comment. Issues concerning  
13 the newly proposed continuing professional development (CPD) activities  
14 were discussed at length in the Board’s public Supervision Committee  
15 meetings and had broad support from stakeholders. Currently, only CE is  
16 permitted to meet the requirement, and CE may not meet a supervisor’s  
17 specific development needs. Quality may vary in any of the proposed CPD  
18 activities, including CE. If quality is a problem, the professional can find a  
19 new group, mentor, course, etc. In addition, all new supervisors would still  
20 need a one-time 15-hour CE course for supervisors, with 6 hours of CPD  
21 activities required every two years thereafter. In addition, every licensee  
22 must complete 36 hours of CE every two years, so it is likely that many  
23 supervisors will continue to meet the CPD requirement by completing CE  
24 since it counts toward the 36 hours.

25  
26 **5. Jerald Shapiro, Director and Professor, School of Social Work at San**  
27 **Francisco State University via Email**

28  
29 Summary: Add the term “employer” to §1820(a)(2): “The agreement shall  
30 contain a statement from the supervisor and employer agreeing to ensure  
31 that the extent, kind, and quality of counseling performed by the supervisee  
32 is consistent with the supervisee’s training, education, and experience, and  
33 is appropriate in extent, kind, and quality.”

34  
35 Proposed Response: The Board rejects this comment. While employers  
36 have a role to play here, it is the supervisor who has the direct knowledge of  
37 the specifics of the client-therapist relationship, and the therapeutic model  
38 and techniques being used by the supervisee. The primary purpose of the  
39 written oversight agreement, as specified in §1820(a)(3), is to ensure that  
40 the employer acts in a manner that ensures the supervisor is able to fulfill  
41 the responsibilities mandated in §1821.

42  
43 **6. Jerald Shapiro, Director and Professor, School of Social Work at San**  
44 **Francisco State University via Email**

1            Summary: Either delete §1820(a)(3) entirely, as it is repetitive of  
2            §1820(a)(2), or change the language of §1820(a)(3)(A),(B) and (C) so that  
3            the language from (a)(2) “the extent, kind, and quality of counseling....” is  
4            made consistent in all subsections of (3). The letter states, “Added  
5            consistency detail provides opportunity for tailoring supervisory process to  
6            wider range of settings. Additionally, avoids possible HIPAA complications.”  
7

8            Proposed Response: The Board rejects this comment. §1820(a)(2) does  
9            not appear to contain language that is repetitive of §1820(a)(3). §1820(a)(2)  
10            pertains to a supervisor’s responsibilities, and §1820(a)(3) pertains to an  
11            employer’s responsibilities and provides important protections for  
12            supervisors, supervisees and clients that are not contained elsewhere. The  
13            alternative option suggested by Mr. Shapiro is to make the language from  
14            §1820(a)(2) pertaining to “the extent, kind, and quality of counseling”  
15            consistent in §1820(a)(3)(A), (B) and (C). However, while employers have a  
16            role to play here, it is the supervisor who has the direct knowledge of the  
17            specifics of the client-therapist relationship, and the therapeutic model and  
18            techniques being used by the supervisee.  
19

20            **7. Melanee Cottrill, California Association of School Psychologists via**  
21            **Email**

22  
23            Summary: The email states that LEPs are missing from the “overview” of  
24            the regulation.  
25

26            Proposed Response: The Board accepts this comment. While LEPs were  
27            included throughout the text of the Initial Statement of Reasons (ISOR) and  
28            the Notice, their mention was erroneously omitted from the first paragraph  
29            under “Background and Identification of the Problem” in the ISOR, and in  
30            the first paragraph under “Informative Digest/Policy Statement Overview” in  
31            the Notice. Upon receiving this comment, staff immediately responded to  
32            Ms. Cottrill’s email and updated its website text in the Pending Regulations  
33            section to list all of the affected license types.  
34

35            **MOTION:** Direct staff to reject and accept the proposed comments as  
36            indicated and complete the regulatory process as previously authorized.  
37

38            Brew moved. Wong seconded. The motion carried; 9 yea, 0 nay.  
39

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Roll call vote:

| Member          | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x   |     |         |        |         |
| Dr. Leah Brew   | x   |     |         |        |         |
| Deborah Brown   | x   |     |         |        |         |
| Betty Connolly  | x   |     |         |        |         |
| Max Disposti    | x   |     |         |        |         |
| Ross Erlich     |     |     |         | x      |         |
| Susan Friedman  | x   |     |         |        |         |
| Jonathan Maddox |     |     |         |        |         |
| John Sovec      | x   |     |         | x      |         |
| Wendy Strack    | x   |     |         |        |         |
| Christina Wong  | x   |     |         |        |         |

**XXV. Update of Board Rulemaking Proposals**

1. Substantial Relationship & Rehabilitation Criteria (AB 2138 Regulations)

Staff has been working with Legal and Office of Administrative Law (OAL) to get a finalization of the language that is acceptable to OAL. OAL reviewed the language and provided feedback, and staff and Legal are currently working on this to satisfy OAL’s requests.

2. Enforcement Process

Status: On Hold

This regulation package was placed on hold due to the passage of AB 2138 and remains on hold pending passage of the AB 2138 regulations.

3. Examination Rescoring; Application Abandonment; APCC Subsequent Registration Fee

Status: Approved by OAL and takes effect July 1, 2020

4. Supervision-Related Requirements

Status: Public comments to Board for review at June 5, 2020 meeting

5. Continuing Education and Additional Training Requirements

Status: Preparation for Initial Review Process

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

Status: Preparation for Initial Review Process



1 **XXVI. Public Comment for Items Not on the Agenda**

2  
3 Rebecca Gonzales, NASW-CA: Commented on AB 1850, item XI that was  
4 pulled from agenda. AB 1850 is a follow-up to last year’s AB 5, which defines  
5 who can be an independent contractor. AB 1850 stopped individuals from  
6 being independent contractors. Their members are unhappy about this,  
7 because they want the choice. NASW-CA is working with the authors to  
8 exempt the professions from the provisions of that bill.

9  
10 Jennifer Alley, CAMFT: Commented on AB 1850. CAMFT members, in some  
11 cases, want to be able to work as independent contractors. The profession is a  
12 restricted class with “having higher degrees and license requirements, and not  
13 necessarily in the same class as the individuals the bill sought to protect.”

14  
15 Jennifer Alley, CAMFT: Concerned that Talk Space and similar companies  
16 have been attempting to recruit licensees to provide psychotherapy via  
17 telehealth, and sometimes the licensees are providing care to clients outside of  
18 California. CAMFT is drafting a letter to the legislature regarding this matter.

19  
20 Jennifer Alley: CAMFT is receiving feedback from associates working under  
21 option one and option two and how they can finalize their hours. Pre-licensed  
22 individuals are impacted on requirements going into effect in December.  
23 Requested that the Board put out an FAQ on this issue

24  
25  
26 **XXVII. Suggestions for Future Agenda Items**

27  
28 Brew: Add LEPs to the portability law.

29  
30 Brew: Require supervisors to have a will in the event of their death or  
31 incapacitation.

32  
33 Rebecca Gonzales, NASW-CA: Provision for temporary services for out-of-  
34 state therapists providing services to clients moving back to California  
35 temporarily.

36  
37 Janlee Wong, NASW-CA: A presentation on how to be an “anti-racist.”

38  
39 **XXVIII. Adjournment**

40  
41 The Board adjourned at 5:24 p.m.