



BOARD MEETING MINUTES

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
Susan Strack, Public 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

Other Attendees: Public participation via Zoom video conference and phone conference

OPEN SESSION

I. Call to Order and Establishment of Quorum

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

CLOSED SESSION

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

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

OPEN SESSION

The Board reconvened in open session at 10:35 a.m.

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

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

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

IV. Consent Calendar

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

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

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

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

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				

V. Board Chair Report

a. Introduction to New Board Members

Ms. Connolly introduced new Board Member, Susan Friedman.

b. Board Member Activities

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

c. Recognition of Board Staff for Years of Service

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

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

Departing Board Members were presented with Resolutions: Dr. Leah Brew and Betty Connolly.

VI. Executive Officer Report

a. Budget Report

2019/2020 Budget

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

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

Fund Condition

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

Budget Fiscal Year 2020/2021

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

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

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

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

b. Operations Report

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

During the week of March 16th, the Board initiated activity to implement components of its Business Continuity Plan. The activities included the following:

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

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

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

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

During this unprecedented, The Board has experienced successful outcomes:

- Application processing times improved.
- Initiated process to move to paperless file system by scanning all applicant documentation
- Developed creative solutions – electronic submission of school transcripts and program certifications, utilize social media, telephonic conferences, and video conferencing to communicate and engage with stakeholders
- Initiated Microsoft Team for meetings with BBS units
- Partnered with DCA IT team to procure 10 additional laptop computers 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 3rd 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.

- 9 examination development workshops were conducted.

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

Impact of COVID-19

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

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

Enforcement Program

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

Continuing Education Audits

Audits are currently suspended.

Outreach Activity

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

COMMUNICATION REPORT

Social Media

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

Facebook

- Since January 2020, number of “likes” increased 57%.
- Wednesday morning processing date posts are most popular.
- Facebook Fridays with BBS began on May 1st.

Twitter

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

DCA Call Center

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

c. Personnel Report

New Employees/Promotions

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

Departures

Consumer Complaints & Investigations Unit (Enforcement)
Flora Lopes retired from state service effective February 26th.

Licensing Unit

Jim Khang accepted a promotional position with CalPERS effective March 13th.

Vacancies

Currently, there are 8 vacancies:

- Staff Services Manager I – Licensing Unit
- AGPA – Administration Unit
- AGPA – Consumer Complaint & Investigations Unit (Enforcement)
- Staff Services Analyst (SSA) – Consumer Complaint & Investigations Unit (Enforcement)
- 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				

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

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

Previous Position

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

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

Three technical issues:

1. **Use of "intern" title.** Staff requested that the author's office amend the bill to correctly refer to marriage and family therapist registrants and professional clinical counselor registrants as "associates" instead of "interns."
2. **Inclusion of clinical social workers.** Previously, this bill did not include clinical social workers in the definition of a mental health professional. Social workers are now included, although staff believes the reference should be changed to "clinical social workers." Additionally, associate clinical social workers (ASW) are now included; however, social worker interns are not included.
3. **Trainees and the "Mental Health Professional" definition.** The bill includes marriage and family therapist trainees and clinical counselor trainees in its definition of mental health professionals. However last year, the Board had concerns that because trainees are individuals who are still in their master's degree program and have not yet graduated, it may be premature to refer to them as mental health professionals. The Board expressed a preference to define them separately, but still allow them to count toward the bill's required ratio.

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

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				

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

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

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

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

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

This item was removed from the agenda.

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

The Board took an “oppose unless amended” position on AB 2028 at its March 2020 meeting. AB 2028 was amended Friday June 5th.

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

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

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

1. Exception to legislation

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

2. Materials and comments from stakeholders

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

3. Presentation materials from experts/presenters

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

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

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

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

MOTION: Take a neutral position on AB 2028.

Wong moved. Anthony 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				

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 5th.

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.

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.

Brew moved. Anthony 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				

XV. Discussion and Possible Action Regarding Assembly Bill 2253 (Low Professional Licensure)

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

AB 2253

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

Intent

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

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

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

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

MOTION: Support AB 2253.

Sovec moved. Wong 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				

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

This item was removed from the agenda.

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

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

AB 3045

1. Requires a board within DCA to that is not required to issue temporary licenses pursuant to BPC §115.6, after appropriate investigation, issue a license to an applicant who meets all of the following:
 - The applicant can provide evidence that they are an honorably discharged veteran of the Armed Forces or are married/in a domestic partnership with an active duty member of the Armed Forces who is assigned to duty in California.
 - The applicant holds a current, active, and unrestricted license in another state for the same profession or vocation.
 - The applicant submits an application to the board that includes a signed affidavit that he or she meets all requirements for the license.
 - The applicant submits written verification from his or her licensing jurisdiction that the license is in good standing.
 - The applicant has not committed an act in any jurisdiction that would be grounds for denial, suspension, or revocation of the license.
 - The applicant has not been disciplined by a licensing entity.
 - Upon request, the applicant submits a full set of fingerprints to the board.
2. Allows a board to adopt regulations to administer these provisions of law.

Intent

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

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

License Portability and the BBS

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

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

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

Effect on LEPs

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

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

Past Military Applicants

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

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

Brew moved. Wong 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				

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

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.

SB 803

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.
2. Requires the DHCS to specify training requirements.
3. Requires DHCS to establish a code of ethics.
4. Provides minimum requirements for applicants for certification.
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).
6. Requires DHCS to adopt regulations specifying the credentialing process by January 1, 2022.

Intent

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

Requirements in Other States

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

Scope of Practice and Scope of Practice Exclusions

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

Identification of Supervisors

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

Fingerprinting Not Required for Certification

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

Previous Legislation

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

- SB 10 (2019)
The Board took a position of support if amended. SB 10 was vetoed by Governor Newsom.
- SB 906 (2018)
The Board took a position of support if amended. SB 906 was vetoed by Governor Brown.
- SB 614 (2015-2016)
The Board took a position of support if amended. SB 614 was gut-and-amended.

Rebecca Gonzales, NASW-CA: Supports SB 803.

MOTION: Support SB 803.

Wong moved. Anthony 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				

**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.

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

Intent

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

Definition of Health Care Provider

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

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

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

MOTION: Support SB 855 and direct staff to work with the author’s office to request amendments to exclude trainees and include associates of other BBS license types.

Connolly moved. Wong 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				

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

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

Intent

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

Current Board Practice

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

Suggested Amendments

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

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

Brew moved. Wong 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				

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

SB 1168 would:

- 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.
- 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.

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.

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.

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

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

Feasibility of Expediting Licenses

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

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

Need for Regulation

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

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

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

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

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

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

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

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

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

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				

XXII. Discussion and Possible Action Regarding Senate Bill 1474 (Senate Committee on Business, Professions and Economic Development) Business and Professions

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

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

Recommended Action

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

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

Wong moved. Brew 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					
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.

XXIV. Discussion and Possible Action Regarding Comments Received Regarding Proposed Supervision Regulations

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

Status of the Proposal

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

Summary of Comments Received and Proposed Responses

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

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

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

2. **May-Ci Xiong**

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

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

3. **Curt Widhalm, LMFT**

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

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

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

4. Curt Widhalm, LMFT via Email

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

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

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

Summary: Add the term "employer" to §1820(a)(2): "The agreement shall contain a statement from the supervisor and employer agreeing to ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality."

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

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

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

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

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

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

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

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

Brew moved. Wong 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					
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

XXVI. Public Comment for Items Not on the Agenda

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

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

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

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

XXVII. Suggestions for Future Agenda Items

Brew: Add LEPs to the portability law.

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

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

Janlee Wong, NASW-CA: A presentation on how to be an "anti-racist."

XXVIII. Adjournment

The Board adjourned at 5:24 p.m.