



Board of Behavioral Sciences



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Gavin Newsom, Governor
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

POLICY AND ADVOCACY COMMITTEE MINUTES

A recorded webcast of this meeting is available at
<https://www.youtube.com/watch?v=Rhsn5fFs9OA>

DATE August 6, 2021

MEETING PLATFORM WebEx Video/Phone Conference

Pursuant to the provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

TIME 9:00 a.m.

ATTENDEES

Members Present: Christina Wong, Chair, LCSW Member
Max Disposti, Public Member
John Sovec, LMFT Member
Wendy Strack, Public Member

Members Absent: *All members present*

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

Other Attendees: Public participation via WebEx video conference/phone conference

I. Call to Order and Establishment of Quorum

Christina Wong, Chair of the Policy and Advocacy Committee (Committee) called the meeting to order at 9:00 a.m. Roll was called, and a quorum was established.

II. Introductions

Committee members and Board staff introduced themselves.

III. Consent Calendar

a. Discussion and Possible Approval of April 16, 2021 Committee Meeting Minutes

Motion: Approve the April 16, 2021 Committee meeting minutes.

Wong moved; Strack seconded.

Roll call vote:

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

Vote: 3 yea, 0 nay, 1 abstention. Motion carried.

IV. Discussion and Possible Recommendation Regarding Three-Hour California Law and Ethics Continuing Education Course Requirement for all Associates Each Renewal Cycle (BPC §§4980.399, 4980.54, 4992.09, 4996.22, 4999.55, 4999.76, Title 16, California Code of Regulations (CCR) §§ 1822.51, 1822.52, 1829.2, 1829.3, 1877.2, 1877.3)

Currently, all BBS associates are required take the California Law and Ethics Examination (L&E exam) a minimum of once each renewal period, until passed. If the associate fails the L&E exam, they are permitted to renew their registration, but must complete a 12-hour California law and ethics course to participate in the L&E exam for the next renewal cycle.

After the fifth and final registration renewal, an associate may apply for a subsequent registration; however, the associate must have passed the L&E exam.

Since the examination restructure and the 12-hour course requirement became effective, completion of the course has been problematic for associates.

At its last meeting, the Licensing Committee directed staff to draft language deleting the 12-hour California law and ethics course requirement, and to instead require all registrants to complete a 3-hour California law and ethics course in each renewal cycle.

Issues with the 12-Hour Law and Ethics Course

The timing and requirement to take the 12-hour law and ethics course after renewing, if the L&E exam was failed in the prior renewal period, can be problematic for the following reasons:

- Some associates are confused about when they need to take the 12-hour course.
- Some associates do not realize they need to take the 12-hour course.
- Taking this required course results in an additional cost to registrants.

The Committee felt that public protection may be better served by requiring all associates to take a 3-hour continuing education course in California law and ethics. This would ensure that all registrants remain current on the latest information regarding law and ethics as it evolves over the time during which they are registered.

Proposed Language

Proposed language requiring a 3-hour continuing education course in California law and ethics each renewal period was presented. The Committee was also asked to consider whether this would require delayed implementation.

Discussion

Wong: Supports the language but does not agree with the delayed implementation.

John Sovec: Supports the language, stating it's clear and closes potential loopholes, and it serves as a reminder to practice lawfully and ethically.

Strack: Supports the language.

Max Disposti: Wants to ensure that implementation is adequately communicated to the associates.

Jennifer Alley, California Association of Marriage and Family Therapists (CAMFT): CAMFT has concerns for associates working as volunteers who have a financial hardship with the costs of the course while they're earning their hours. CAMFT is considering a continuing education course for associates.

Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA): NASW-CA has concerns regarding costs.

Wong: Pointed out that the current requirement (12-hour course) is a bigger expense.

Ben Caldwell: In support of this proposal. He is not aware of any vendors offering a 12-hour course at no cost. The 12-hour course is a significant cost. However, there are several companies that offer shorter ethics courses at no cost. The policy impact is meaningful and outweighs the cost consideration that would be alleviated by market pressures.

Sovec: In terms of public benefit, it is not a lot to require someone to spend \$30-\$50 every few years to keep themselves updated on this information. The benefit outweighs the cost risks.

Alley: Will the 3-hour course count towards workshop hours?

Caldwell: Under existing law, if somebody takes a workshop and the supervisor is willing to sign off on it, it can be counted in the non-clinical bucket towards licensure.

MOTION: Direct staff to make any non-substantive changes and bring to the Board for consideration as a legislative proposal.

Wong moved; Sovec seconded.

Roll call vote:

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

Vote: 4 yea, 0 nay. Motion carried.

V. Discussion and Possible Recommendation Regarding Assembly Bill 107 (Salas) Licensure: Veterans and Military Spouses

This item was removed from the agenda.

VI. Update on Board-Sponsored and Monitored Legislation

Board-Sponsored Legislation

1. AB 690: Practice Setting Definitions: AB 690 is on the second reading in the Senate.
2. SB 801: Board Sunset Bill/LMFT Scope of Practice/Omnibus Bill: SB 801 is in the Assembly Appropriations Committee.

Board-Supported Legislation

1. AB 462: Licensed Professional Clinical Counselor Act: This bill is on the second reading in the Senate.
2. AB 723: Marriage and Family Therapy: Scope of Practice: The content of AB 723 has been moved into SB 801.
3. AB 988: Mental Health: 988 Crisis Hotline: This bill is currently in the Senate Committee on Energy, Utilities and Communications.

Board-Monitored Legislation

1. AB 29: State Bodies: Meetings: This is a two-year bill.
2. AB 107: Licensure: Veterans and Military Spouses: AB 107 is in the Senate Appropriations Committee.
3. AB 468: Emotional Support Animals: AB 468 is in the Senate Appropriations Committee
4. AB 646: Department of Consumer Affairs: Boards: Expunged Convictions: This is a two-year bill.

VII. Update on Board Rulemaking Proposals

Enforcement Process

Status: Pending

This regulation package was placed on hold due to the passage of AB 2138. AB 2138 was approved in December 2020, so this proposal is able to move forward again. Staff will be re-evaluating the previously proposed language and determining if additional amendments are needed. The proposal will be brought to the Board for review later this year.

Supervision-Related Requirements

Status: Second 15-day public comment period ending July 29, 2021.

Continuing Education and Additional Training Requirements

Status: DCA Initial Review Process

This proposal was approved by the Board at its meeting in November 2019. This proposal is expected to be returned to the Board at its September 2021 meeting for additional language changes identified during the DCA initial review process.

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

Status: Preparation for Initial Review Process

This proposal was approved by the Board at its meeting in November 2019 and has been delayed due to competing workload priorities.

VIII. Public Comment for Items not on the Agenda

Jennifer Alley: Does BBS have an opinion on life coaches; specifically, are life coaches considered professional services as defined in section 13401(a) and 13405 of the court code? Can life coaches provide services as employees of a marriage and family corporation? Are there any guidelines for life coaches to determine when a client should be referred to a license professional? Are there any concerns that BBS may have with the employment of life coaches in MFT, LCSW, or LPCC corporation? Are there consumer risks with any of these arrangements? If so, is there any remedy for BBS? Are there any supervision or record requirements for these individuals? If BBS does not have any opinions, CAMFT is requesting that BBS develop some opinions and publish them.

IX. Suggestions for Future Agenda Items

None

X. Adjournment

The Committee adjourned at 10:00 a.m.