



Board of Behavioral Sciences



1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830
www.bbs.ca.gov

Gavin Newsom, Governor
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

POLICY AND ADVOCACY COMMITTEE MINUTES

DATE October 20, 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 12:00 p.m.

ATTENDEES

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

Members Absent: Max Disposti, Public Member

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 12:08 p.m. Roll was called, and a quorum was established.

II. Introductions

Committee members and Board staff introduced themselves.

III. Discussion and Possible Recommendation Regarding Proposed Technical Amendments to Business and Professions Code (BPC) §§4980.03, 4980.396, 4989.23, 4996.20, 4996.27, 4999.12, 4999.66, Health and Safety Code §1374.72, Insurance Code §10144.5

The Committee considered the following amendments for inclusion in the upcoming year's omnibus bill:

1. Amend BPC Sections 4980.396, 4989.23, 4996.27, 4999.66: Required Suicide Risk Assessment Coursework or Experience - Correct Numbering Error

Recommendation: Make the language in subdivision (c) a part of subdivision (b), so that it is clear that the self-certifying under penalty of perjury requirement is only applicable to existing licensees.

2. Amend BPC Sections 4980.03, 4996.20, and 4999.12 - Reference Error regarding Requirements for Licensed Educational Psychologists (LEPs) who Serve as Supervisors

Recommendation: Correct the errant reference in sections 4980.03, 4996.20, and 4999.12 to correctly reference section 4989.14(a)(5).

3. Amend Health and Safety Code Section 1374.72 and Insurance Code Section 10144.5 – Definition of a “Health Care Provider” in SB 855 (Chapter 151, Statutes of 2020)

Recommendation: Amend the definition of a “health care provider” as follows to address the following concerns:

- Delete professional clinical counselor trainees from the definition.
- Continue to include marriage and family therapist trainees in the definition but clarify that they are performing activities and services as part of their supervised course of study as set out in §4980.42 of the Business and Professions Code.

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

Wong moved; Strack seconded.

No public comment.

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. Motion carried.

IV. Discussion and Possible Recommendation Regarding Adding a Telehealth Coursework Requirement (BPC §§4980.395, 4989.23.1, 4996.27.1, 4999.67)

The Telehealth Committee is proposing to require training or coursework regarding delivery of mental health services to clients via telehealth to ensure licensees are competent in its delivery.

The Telehealth Committee directed staff to draft language requiring training or coursework related to the provision of mental health services via telehealth, using the recently added statute requiring coursework or applied experience in suicide risk assessment and intervention as a model.

The draft proposal was discussed at the October 1st Telehealth Committee meeting. Staff was directed to make recommended changes and bring the proposed language to the Policy & Advocacy Committee for discussion.

The Policy & Advocacy Committee considered the following:

1. Should the requirement be “training or coursework” or “coursework”?
2. Educational psychologists’ (LEPs) scope of practice varies somewhat from the scopes of practice of the other three professions that the Board regulates. Is it appropriate that the required coursework still be in “the provision of mental health services via telehealth,” for LEPs, or should different wording be used?

Sovec: Prefers consistency of language along all the requirements.

Strack and Wong: Agreed with Sovec.

Wong: For the 2nd question, the required coursework should be in “the provision of mental health services via telehealth.”

Sovec and Strack: Agreed with Wong.

Sovec: Expressed concerns about adding another layer of required work and the financial burden. Asked if required telehealth training is the appropriate step to take.

Sodergren: Sovec’s concerns will be discussed at the full board.

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

Sovec moved; Wong seconded.

Public Comment:

Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA): NASW-CA is concerned about the cost for taking additional coursework.

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. Motion carried.

V. Discussion and Possible Recommendation of Amendments to Clarify Telehealth Laws for Associates and Trainees (BPC §§2290.5, 4980.42, 4996.23.2, 4999.36, 4999.46.3)

The Committee considered the following proposed amendments:

Proposed Amendment Related to Associates:

Amend BPC sections 4996.23.2(k) (LCSW law) and 4999.46.3(j) (LPCC law) to correspond with the already existing clarification in 4980.43.3(i) of LMFT law that associates may perform services via telehealth.

Proposed Amendments Related to Trainees:

- Amend BPC section 2290.5 to specify that professional clinical counselor trainees may provide services via telehealth.

- Amend BPC section 4999.46.3(j) (LPCC law) to correspond with the already existing clarification in 4980.43.3(i) of LMFT law that trainees may perform services via telehealth.
- Amendments to BPC sections 4980.42(LMFT law) and 4999.36 (LPCC law) to state trainee experience via telehealth is at the discretion of the school and the site.

At its October 2021 meeting, the Telehealth Committee discussed the proposed amendments. It directed staff to bring the amendments to the Policy & Advocacy Committee for consideration.

Strack: Clarifications seem to be straight forward.

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

Wong moved; Strack seconded.

Public Comment:

Jennifer Alley, California Association of Marriage and Family Therapists (CAMFT): Concerns about language and wonders if additional clarification should be made articulate that the school should consider the originating site as a factor. Do we want them to be open to only evaluating the appropriateness without including a conversation about the site? How does the absence of the site language align with BBS' mission to ensure safety and competent mental health practice? And should the type of telehealth be clarified?

R. Gonzales, NASW-CA: NASW-CA requests that social work interns are excluded from the language because social work schools already have their own policies. Agrees that there needs to be clarification about health care providers.

Helms: CAMFT's request for additional clarification would be substantive, and staff would need to hammer that out. Suggests cutting §§4980.42 and 4999.36 regarding trainees and continue the discussion in the Telehealth Committee.

Wong rescinded her motion.

New Motion: Direct staff to strike amendments to §§4980.42 and 4999.36 and make any non-substantive amendments and bring to the Board for consideration as a legislative proposal.

Wong moved. Strack seconded.

Public Comment:

J. Alley, CAMFT: Expressed appreciation for the discussion and willingness to amend the motion.

Roll call vote:

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

Vote: 2 yea, 1 nay. Motion carried.

VI. Discussion and Possible Recommendation of Amendments Regarding Supervision via Videoconferencing (BPC §§4980.43.2, 4996.23.1, 4999.46.2)

The Committee considered proposed language regarding supervision via videoconferencing.

Proposed Language: Supervision Via Videoconference Allowed with First Meeting In-Person

- Clarifies that face-to-face direct supervisor contact means either in-person, or via two-way, real time videoconferencing.
- Requires that a supervisor must conduct an initial in-person meeting with a supervisee within 60 days of the commencement of any supervision with a new supervisee, in all settings.
- Requires that during the initial in-person meeting, the supervisor must assess the appropriateness of allowing the supervisee to gain experience hours via telehealth, and the appropriateness of the supervisee to receive supervision via videoconferencing. The results of the assessment must be documented.
- Includes a sunset date for the initial-in person meeting requirement of January 1, 2025. Unless the sunset date is deleted or extended, nonexempt settings will once again be required to have in-person supervision, as is currently the law.

Sovec: Supports moving forward on this.

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

Wong moved; Sovec seconded.

Public Comment:

R. Gonzales, NASW-CA: This legislation is very necessary post-pandemic. People with disabilities who struggle with traveling would benefit from this; those who are economically disadvantaged would benefit from the minimization of travel expenses; and those who live in rural communities would benefit from this.

J. Alley, CAMFT: CAMFT is concerned about individuals who began their supervision during the pandemic and only have a remote supervisory relationship. Without legislation, they would be impacted, and client care would be disrupted. Supports the Board moving forward with legislation as possibly an urgency bill.

Del Royer: Supports urgent legislation.

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. Motion carried.

VII. Update on Board-Sponsored and Monitored Legislation

This item was tabled.

VIII. Update on Board Rulemaking Proposals

This item was tabled.

IX. Public Comment for Items not on the Agenda

Emily Remba: Expressed concerns to not continue the waiver.

X. Suggestions for Future Agenda Items

J. Alley, CAMFT: Requests the Committee to resume a discussion regarding possible medical and military extensions for the 6-year rule for gaining hours. Also requests a discussion regarding professional corporations hiring coaches to provide services.

XI. Adjournment

The Committee adjourned at 1:32 p.m.