



BOARD MEETING MINUTES

Open sessions of this Board Meeting were webcasted. Records of the webcasts are available on the following links:

February 2 (Part 1 of 2): <https://www.youtube.com/watch?v=n1yym5iX0gc>

February 2 (Part 2 of 2): <https://www.youtube.com/watch?v=HlOabgjxl4>

February 3: <https://www.youtube.com/watch?v=x228ILfCBdA>

DATE February 2, 2023

TIME 9:00 a.m.

ATTENDEES

Members Present: Max Disposti, Chair, Public Member
Christopher Jones, Vice Chair, LEP Member
Ross Erlich, Public Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Wendy Strack, Public Member
Dr. Annette Walker, Public Member

Members Absent: Yvette Casares Willis, Public Member
Eleanor Uribe, LCSW Member

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Gena Beaver, Discipline and Probation Manager
Christina Kitamura, Administrative Analyst
Sabina Knight, Legal Counsel

Other Attendees: Ed Washington, Administrative Law Judge
Kevin Bell, Deputy Attorney General
Sylvia Soriano, Petitioner
Christina Johnson, Petitioner

OPEN SESSION

I. Call to Order and Establishment of Quorum

Max Disposti, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 9:20 a.m. Roll was called, and a quorum was established.

II. Suggestions for Future Agenda Items

Tanya: Develop a streamline process for license review.

Christine Rafael: Review individuals who move from another state to California, with out-of-state experience, education, and have passed the national exam.

III. Public Comment for Items Not on the Agenda

None

Administrative Law Judge Ed Washington presided over the following petition hearings. Deputy Attorney General Kevin Bell presented the facts of each case on behalf of the People of the State of California.

IV. Sylvia Soriano, LCSW 901970, Petition for Early Termination of Probation

The record was opened at 9:36 a.m. Sylvia Soriano was represented by counsel Jonathan Turner. Deputy Attorney General Kevin Bell presented the background of this case. Soriano was sworn-in and questioned by Turner. Soriano was cross-examined by Bell and Board members. Turner and Bell provided closing remarks. The record was closed at 10:43 p.m.

V. Christina Johnson, LMFT 118914, Petition for Early Termination of Probation

The record was opened at 11:04 a.m. Christina Johnson represented herself. Deputy Attorney General Kevin Bell presented the background of this case. Johnson was sworn-in and presented her request for early termination of probation and information to support the request. She was cross-examined by Bell and Board. Johnson and Bell provided closing remarks. The record was closed at 11:58 a.m.

VI. Tabitha Lopez, APCC 7873, Petition for Early Termination of Probation or Modification

The record was opened at 12:17 p.m. Tabitha Lopez represented herself. Deputy Attorney General Kevin Bell presented the background of this case. Lopez was sworn-in and presented her request for early termination of probation and information to support the request.

A break was called at 12:54 p.m. The hearing reconvened at 1:08 p.m.

Lopez was cross-examined by Bell and Board members. Bell provided closing remarks. The record was closed at 2:00 p.m.

A break was called at 2:01 p.m. The Board reconvened at 2:37 p.m.

VII. Hosson Hooper, LMFT 79118, Petition for Early Termination of Probation or Modification

The record was opened at 2:39 p.m. Hosson Hooper represented himself. Deputy Attorney General Kevin Bell presented the background of this case. Hooper was sworn-in and presented his request for early termination of probation and information to support the request. He was cross-examined by Bell and Board members. Bell gave a closing statement. The record was closed at 3:05 p.m.

CLOSED SESSION

The Board entered closed session at 3:15 p.m.

VIII. 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, Including the Above Petitions.

IX. Recess Until 9:00 a.m., Friday, February 3, 2023

The Board recessed at 4:41 p.m.

DATE February 3, 2023

TIME 9:00 a.m.

ATTENDEES

Members Present: Max Disposti, Chair, Public Member
Christopher Jones, Vice Chair, LEP Member
Ross Erlich, Public Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Wendy Strack, Public Member
Dr. Annette Walker, Public Member

Members Absent: Yvette Casares Willis, Public Member
Eleanor Uribe, LCSW Member

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

Other Attendees: Yvonne Dorantes, Department of Consumer Affairs
Public participation via WebEx platform and in-person

OPEN SESSION

X. Call to Order and Establishment of Quorum

Max Disposti, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 9:06 a.m. Roll was called, and a quorum was established.

XI. Introductions

Board members, staff and attendees introduced themselves.

XII. Consent Calendar: Possible Approval of the November 3-4, 2022 Board Meeting Minutes

Amend page 1: Eleanor Uribe was present on November 3rd.
Amend page 11, line 21: "NASW exam" corrected to "ASWB exam."

Motion: Approve the November 3-4, 2022 Board meeting minutes as amended.

Wendy moved. Erlich seconded.

Public Comment: None

Roll call vote

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
Ross Erlich	x				
Susan Friedman	x				
Justin Huft	x				
Christopher Jones	x				
Abigail Ortega	x				
Kelly Ranasinghe	x				
John Sovec	x				
Wendy Strack	x				
Eleanor Uribe				x	
Dr. Annette Walker	x				
Yvette Casares Willis				x	

Motion carried: 10 yea, 0 nay, 0 abstention

XIII. Board Chair Report

a. Board Member Attendance

Board member attendance reports for fiscal years 2021-2022 and 2022-2023 were presented.

b. Future Board Meetings

2023 Board and Committee meeting dates were provided.

c. Staff Recognitions

The following staff were recognized for their service:

- Arlisha Phillips: 5 years of state service
- Sasha Addison: 15 years of state service
- Pearl Yu: 31 years of state service

XIV. Department of Consumer Affairs Update

Yvonne Dorantes, Assistant Deputy Director of Board and Bureau Relations, Department of Consumer Affairs (DCA/department) presented the following updates:

- New DCA logo
- DCA's first Diversity, Equity, and Inclusion Steering Committee to guide the department in its equity strategy initiatives and action plans
- Board Member mandatory trainings
- Form 700 Conflict of Interest mandatory filing for Board members

XV. Executive Officer Report

a. Budget Report

- The Board's budget for fiscal year (FY) 2022-23 is \$13,593,000.
- Expenditures to date are \$4,821,434.
- Fund Condition reflects a reserve of 13.7 months.

b. Personnel

The Board's staffing activity is as follows:

- 2 new hires
- 3 retirements
- 10 vacancies

c. Licensing Report

2nd Quarter Statistics:

- 4,278 licenses/registrations issued

- Population of approximately 133,556 licensees/associates
- 1% gain in license/registration population since 1st quarter

d. Exam Report

2nd Quarter Statistics:

- 5,199 exams were administered.
- 10 exam development workshops were conducted.

Steve Sodergren provided the following updates:

- Association of Social Work Boards (ASWB)
 - 90-day Exam Waiting Period Waiver
 - Clinical Exam Pass Rates
 - ASWB Community Conversations
- National Board for Certified Counselors
- Association of Marriage and Family Therapy Regulatory Boards Clinical Exam

e. Enforcement Report

2nd Quarter Statistics:

- 464 consumer complaints received
- 317 criminal convictions
- 617 cases closed
- 31 cases referred to Attorney General's (AG) Office
- 68 cases pending at AG's Office
- Average time to complete formal discipline: 422 days
- Average time a case is at the AG's Office: 252 days
- Average time to complete board investigations: 38 days

f. Education and Outreach Report

2nd Quarter Statistics:

- Facebook followers increased to 23,769.
- Facebook page visits increased by 82.6%.
- Instagram page visits increased by 93.2%.
- Responded to BBS email accounts: 21,653

Sodergren reported on National School Counseling Week held on February 6th-10th and announced May's Mental Health Awareness Month, July's National Minority Mental Health Awareness Month, and National Psychotherapy Day on September 25th.

Outreach events for FY 22/23 were provided.

g. Organizational Development Report

The following progress updates were provided:

- BreEZe system updates
- Process Improvement Project
- Digitizing BBS records
- Diversity and equity training

h. Strategic Plan Update

Progress updates on Strategic Plan goals were provided.

Public Comment

Ben Caldwell: Asked questions regarding acceptance of e-signed documents.

Sodergren responded: The Board is accepting all signed documents, including scanned original documents and signed electronic documents.

Board Member Comment

Board members posed questions regarding specific strategic plan goals and requested clarifications.

Walker: Suggested adding a diversity statement.

Ortega: Stated that BreEZe is antiquated and asked if there are plans to use the reserve funds to update the technology?

Sodergren responded: Explained that BBS cannot spend the reserve; the Board must recommend a budget change proposal to utilize funds. The priority is to ensure that the Board has the resources and staffing it needs to complete processing of applications and reduce processing times. Explained that BreEZe continues to be updated often. Replacing BreEZe would cost DCA millions of dollars. Staff is currently looking at technology to use so that supervised hours can be submitted electronically and directly into the current system. However, this would be costly and would require a budget change proposal.

Public Comment

Rebecca Gonzales, National Association of Social Workers, California Chapter (NASW-CA): NASW-CA has continuing concerns regarding the ASWB exam. Hopes that the 90-day waiver issues could be worked out.

XVI. Presentation By Board Staff Regarding the Legislative Process

This item was tabled.

XVII. Discussion and Possible Recommendation Regarding Amendments to the Board's Temporary Practice Allowance Bill Proposal (AB 232, Aguiar-Curry): Add Business and Professions Code (BPC) §§4980.11, 4996.16.1, 4999.23, Amend BPC §§4980, 4980.30, 4991.2, and add Article 1 Under Chapter 14

At its November 2022 meeting, the Board approved statutory language and directed staff to pursue legislation to allow a 30-day temporary practice allowance to qualifying therapists licensed in another state whose client is visiting California or is in the process of moving to California. The bill proposal is introduced as AB 232.

The Legislative Counsel recommended some additional changes to the proposed language. The recommended changes were presented.

Board Member Comment

Jones: Asked if Licensed Educational Psychologists (LEP) can be added into this proposal?

Helms responded: That is a possibility in the future. Since there is only one other state (Massachusetts) that licenses LEPs, staff would need to investigate the differences between Massachusetts and California. It was decided not to do that at this time.

Motion: Direct staff to make any discussed changes and any non-substantive changes to the language in Attachments B and C and amend it into the Board's temporary practice allowance bill proposal (AB 232).

Disposti moved. Huft second.

Public Comment

Ann Tran-Lien, California Association of Marriage and Family Therapists (CAMFT): CAMFT supports the proposed changes. CAMFT anticipates possible implementation issues and asked how the associations can help resolve implementation issues.

Helms responded: The language is tightly written with a 2-year implementation. If adjustments are needed, the Board intends to work closely with the associations on those adjustments.

Roll call vote

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
Ross Erlich	x				
Susan Friedman	x				
Justin Huft	x				
Christopher Jones	x				
Abigail Ortega	x				
Kelly Ranasinghe	x				
John Sovec	x				
Wendy Strack	x				
Eleanor Uribe				x	
Dr. Annette Walker	x				
Yvette Casares Willis				x	

Motion carried: 10 yea, 0 nay

XVIII. Telehealth Committee Update

At its December 2022 meeting, the Telehealth Committee discussed the following:

- Online-only therapy platforms and alternative modes of therapy.
- Possible revisions to the Board’s statutes that require physical display of a license or registration for telehealth practice.
- Developing a telehealth best practice document

March 16th is the next scheduled meeting.

Public Comment: None

XIX. Licensing Committee Update

At its January 2023 meeting, the Licensing Committee discussed the following:

- Developing a workforce development action plan
- Pastoral counseling and life coaching
- Developing of a consumer outreach document that would explain the Board’s regulated professions.

April 14th is the next scheduled meeting.

Public Comment: None

XX. Update on Board-Sponsored and Monitored Legislation

The Board is pursuing the following legislative proposals this year:

- AB 232 Temporary Practice Allowances
- Omnibus Bill Proposal

Public Comment: None

XXI. Update on Board Rulemaking Proposal

Continuing Education and Additional Training Requirements

Status: Approved by the Office of Administrative Law and takes effect July 1, 2023

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

Status: Approved by the Office of Administrative Law and takes effect April 1, 2023

Enforcement Process

Status: Under review by the Board's Policy and Advocacy Committee

Public Comment: None

XXII. Suggestions for Future Agenda Items

Ortega: Prioritize barriers to licensure and create a plan to address the barriers by priority.

Friedman: The BBS should speak to schools and students to get more people to licensed.

Joseph Fisher: Address the issue of the 6-year rule for those individuals who have a chronic illness or are disabled, or who care for people with chronic illnesses.

XXIII. Public Comment for Items not on the Agenda

None

XXIV. Adjournment

The Board adjourned at 11:48 a.m.