



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

A recorded webcast of this meeting is available at:
https://www.youtube.com/watch?v=9Hfx_mB1X_c

DATE October 27, 2023

TIME 12:00 p.m.

ATTENDEES

Members Present: Christopher Jones, Chair, LEP Member
John Sovec, LMFT Member
Wendy Strack, Public Member

Members Absent: Abigail Ortega, 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
Kristy Schieldge, Legal Counsel

Other Attendees: Public participation via WebEx video conference/phone
conference and in-person at Department of Consumer Affairs

1. Call to Order and Establishment of Quorum

Wendy Strack, Chair of the Policy and Advocacy Committee (Committee) called the meeting to order at 12:02 p.m. Roll was called, and a quorum was established.

2. Introductions

Committee members introduced themselves during roll call, Board staff and public attendees introduced themselves.

3. Consent Calendar: Discussion and Possible Approval of July 21, 2023 Committee Meeting Minutes

Motion: Approve the July 21, 2023 Committee meeting minutes.

M/S: Strack/Sovec

Public Comment: None

Motion carried: yea - 2, nay - 0, abstention - 1

Member	Vote
Christopher Jones	Abstain
Abigail Ortega	Absent
John Sovec	Yes
Wendy Strack	Yes

4. Discussion and Possible Recommendation Regarding Required Display of License or Registration (Business and Professions Code (BPC) §§4980.31, 4980.32, 4989.17, 4989.48, 4996.7, 4996.75, 4996.8, 4999.70, and 4999.71)

At its July 2023 meeting, the Committee directed staff to look into a solution that would incorporate providing the license or registration number, type, and expiration date in the required written notice to clients that must be provided to a client prior to initiating psychotherapy services. The drafted proposal was presented to the Committee.

Discussion

The Committee members all agreed that the language is clear and concise.

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

M/S: Sovec/Jones

Public Comment: None

Motion carried: yea - 3, nay - 0

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Absent
John Sovec	Yes
Wendy Strack	Yes

5. Discussion and Possible Recommendation Regarding Advertising Statutes and Regulations (Title 16 of the California Code of Regulations (CCR) §1811; and BPC §§651, 4980.03, 4980.44, 4980.48, 4989.49, 4992.2, 4999.12)

The Committee discussed advertising at its October 2022 meeting. It directed staff to look further into modernizing the Board's advertising laws.

Staff conducted further review of the Board's advertising laws, as well as the advertising laws of other states and other DCA boards.

1. Review of Advertising Laws at Other DCA Boards and in Other States

The Board's advertising regulations appear in line with those at other DCA boards and other states, and in most cases, are more specific about what is required in an advertisement.

2. Advertising Regulations (16 CCR §1811):

Several minor technical amendments are proposed to the Board's advertising regulations.

- Delete references to MFT Referral Services, as the Board no longer licenses these services.
- Delete use of the title "Registered Associate CSW," as it is not a title that is typically used by the profession.
- Replace gendered pronouns with gender-neutral pronouns.
- Discuss the suggestion to clarify whether the use of a nickname (or pseudonym?) is allowed in advertisements. Staff proposes adding language stating use of a nickname is allowed, if the full name as filed with the Board is also included in the advertisement.

Discussion

Jones: Comfortable with the nickname or pseudonym if the registered name is also stated.

Sovec: Is comfortable with the use of a nickname in an advertisement if the full name is included but would consider removing the pseudonym and the alternate name in advertisement.

Kristy Schieldge: Suggested the committee consider allowing names that are current or former legal names.

3. Statutes for MFT Associates (BPC §4980.44)

§4980.44(a) Staff recommended that disclosure requirements should be consistent for all types of associates. Staff also recommends using the term “all applicants and registrants” (instead of “associates”) to account for 90-day rule applicants who are working, but who are not associates yet.

§4980.44(b) Staff recommended that BPC §4980.44(b) be struck in its entirety. Item for consideration: Whether it is necessary for associates to disclose that they are supervised by a licensed person. If it should be disclosed, it should be added to §1811 so that it applies to all registrants.

Discussion

Sovec: In advertising, it is important for an associate to indicate that they are supervised by a licensed person and to indicate this under §1811.

Jones: Important to have consistency across the different licenses and that an associate indicates they are supervised by a licensed person.

4. Statute for MFT Trainees (BPC §4980.48)

§4980.48(a): Staff recommended that the disclosure requirements should be consistent as possible for all types of trainees/interns.

BPC §4980.48(b) and (c): Staff believes that it is appropriate to have a section in statute for MFT trainees outlining some basic advertising requirements. Staff recommended that the requirements listed in subdivisions §4980.48(b) and (c) should be reviewed and determine if they should be streamlined.

Discussion §4980.48(a)

Helms recommended streamlining it and state “each trainee and intern need to inform each client prior to performing any services that they are unlicensed and under supervision.”

Discussion §4980.48(b) and §4980.48(c)

Helms will clean up the language and bring it to the next meeting.

5. Amendment of Advertising Definition for LPCCs (BPC §4999.12(j))

Staff recommended amending the definition of advertising in BPC §4999.12(g) to match the definition in the Board's other practice acts.

Motion: Direct staff to make any discussed changes to the language and bring back to the Policy and Advocacy Committee for further consideration and discussion.

M/S: Jones/Strack

Public Comment

Caldwell: 1) Using a link for online advertisements and short video advertising that would link to a page that contains all the required disclosures – this would be ok. 2) Would like to see a clause added in the language regarding nicknames: “so long as the nickname is not misleading.” 3) The requirement for specific supervisor information was removed awhile back because supervisors turn over a lot.

Cathy Atkins, California Association of Marriage and Family Therapists (CAMFT): Appreciates the philosophy of “less is more” to allow for flexibility in today’s advertising.

Response regarding Ben’s request to add clause:

Schildge: The term “misleading” can be interpreted in multiple ways, and therefore, would not be defensible to add to the language. Associating the nickname with the true legal name is the best way to address that. However, limiting the kind of nickname might get into a First Amendment issue. The Board must be careful about how regulatory they want to get on First Amendment issues.

Motion carried: yea - 3, nay – 0

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Absent
John Sovec	Yes
Wendy Strack	Yes

6. **Discussion and Possible Recommendation Regarding Clarifying the Term “Supervisee” (BPC §§4980.43.2, 4980.43.4, 4996.23.1, 4996.23.3, 4999.46.2, 4999.46.4)**

Definition of Direct Supervisor Contact (BPC §§4980.43.2(b), 4996.23.1(b), 4999.46.2(b)):

The proposed language limits the number of “persons receiving supervision for providing clinical mental health services” instead of limiting the number of supervisees. This would capture not only the Board’s associates and trainees, and 90-day rule applicants who are required by the Board to be under supervision, but also psychology pre-licensees and other types of individuals, such as those doing clinical work without a license or registration in an exempt setting, or licensees receiving supervision at the request of their employer.

Discussion

Jones: Approves of the language.

Limitation on Number of Supervisees per Supervisor (BPC §§4980.43.4(c), 4996.23.3(c), 4999.46.4(c))

The proposed language does the following:

- Clarifies that supervisors in non-exempt settings are limited to a total of six individual or triadic supervisees.
- Limits the supervisor to a total of six individuals who are receiving supervision for providing clinical mental health services in non-exempt settings.

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

M/S: Jones/Strack

Public Comment

Rebecca Gonzales, National Association of Social Workers - California Division (NASW-CA): NASW-CA is comfortable with the proposed language.

Caldwell: Expressed concerned with the limit of six individuals in non-exempt settings for those who are working in a certification process. Some of those processes are considered to be supervision, but to the Board it is considered consultation; and it appears to fall under the language presented. Requested to change the language as follows:

Limits the supervisor to a total of six *unlicensed* individuals who are receiving supervision for providing clinical mental health services in non-exempt settings.

Atkins, CAMFT: CAMFT is comfortable with the draft proposal presented.

Sovec: (In response to Caldwell's request) would like to leave the language as is.

Motion carried: yea - 3, nay – 0

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Absent
John Sovec	Yes
Wendy Strack	Yes

7. Discussion and Possible Recommendation Regarding Proposed Amendments to the Business and Professions Code: Amend BPC §4980.54 Acceptable Sources of Continuing Education for Licensed Marriage and Family Therapists

Staff has identified and presented an amendment to consider for inclusion in the upcoming year's omnibus bill: Amend BPC §4980.54(f): Acceptable Sources of Continuing Education for LMFTs.

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

M/S: Sovec/Jones

Public Comment: None

Motion carried: yea - 3 nay – 0

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Absent
John Sovec	Yes
Wendy Strack	Yes

8. Update on Board-Sponsored and Board-Monitored Legislation

Board-Sponsored Legislative Proposals

- AB 232 Temporary Practice Allowances: Signed by the Governor.

- SB 887 Consumer Affairs (Omnibus Bill Proposal): Signed by the Governor.

Board-Supported Legislation

- AB 665 Minors: Consent to Mental Health Services: Signed by the Governor.
- SB 11 California State University: Mental Health Counseling: Two-year bill.
- SB 372 Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes: Signed by the Governor.
- SB 373 Board of Behavioral Sciences, Board of Psychology, and Medical Board of California: Licensees' and Registrants' Addresses: Vetoed.

Board-Monitored Legislation

SB 143 State Government: Signed by the Governor.

SB 525 Minimum Wage: Health Care Workers

SB 544 Bagley-Keene Open Meeting Act: Signed by the Governor and is effective January 1, 2024.

9. Update on Board Rulemaking Proposals

Disciplinary Guidelines

Status: Preparation for DCA Initial Review Process

Unprofessional Conduct

Status: Preparation for DCA Initial Review Process

10. Suggestions for Future Agenda Items

None

11. Public Comment for Items not on the Agenda

None

12. Adjournment

The Committee adjourned at 1:44 p.m.