

BOARD MEETING MINUTES

Open sessions of this board meeting were webcasted. Webcasts recordings are available at the following links:

November 16 (part 1 of 2): <https://youtu.be/PCy7b87phu8>

November 16 (part 2 of 2): <https://youtu.be/SI1VCX8yrbY>

November 17 (Part 1 of 2): <https://youtu.be/GdsrjOL-Tq0>

November 17 (Part 2 of 2): <https://youtu.be/LbWJGljdiJw>

DATE November 16, 2023

LOCATION Department of Consumer Affairs
1625 North Market Blvd., #S-102
Sacramento CA 95834

TIME 9:00 a.m.

ATTENDEES

Members Present: Christopher Jones, Chair, LEP Member
Wendy Strack, Vice Chair, Public Member
Dr. Nicolas Boyd, LPCC Member
Yvette Casares Willis, Public Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
Eleanor Uribe, LCSW Member (present until 5:30 p.m.)
Dr. Annette Walker, Public Member

Members Absent: Aimee Eng, Public Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member (absent after 5:30 p.m.)

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Sabina Knight, Legal Counsel
Christina Kitamura, Administrative Analyst

1 **Other Attendees:** Matthew Block, Administrative Law Judge
2 Anahita Crawford, Deputy Attorney General
3 Heather Rogers, Petitioner
4 Sheldon Cohen, Petitioner
5 Christian Davalos, Petitioner
6 David Jordan, Petitioner
7 Brennan Meier, DCA Legal Counsel
8 Yuping Lin, DCA Legal Counsel
9 Public participation via Webex and in-person
10

12 OPEN SESSION

15 1. Call to Order and Establishment of Quorum

17 Christopher Jones, Chair of the Board of Behavioral Sciences (Board), called the
18 meeting to order at 9:01 a.m. Roll was called, and a quorum was established.

20 2. Suggestions for Future Agenda Items

22 Darren: Support and guidance for law and ethics Licensed Clinical Social
23 Worker (LCSW) exam. Pearson's study materials are not helping.

25 3. Public Comment for Items Not on the Agenda

27 None

29 ***Administrative Law Judge Matthew Block presided over the following petition
30 hearings. Deputy Attorney General Anahita Crawford presented the facts of each
31 case on behalf of the People of the State of California.***

33 4. Heather Lynne Rogers, LCSW 103296, Petition for Early Termination of 34 Probation

36 The record was opened at 9:08 a.m. Heather Rogers represented herself.
37 Deputy Attorney General Anahita Crawford presented the background of this
38 case. Rogers was sworn-in and presented her request for early termination of
39 probation and information to support the request. She was questioned by
40 Crawford and board members. The record was closed at 9:50 a.m.

42 5. Sheldon Samuel Cohen, LMFT 132609, Petition for Early Termination of 43 Probation

45 The record was opened at 10:01 a.m. Sheldon Cohen represented himself.
46 Deputy Attorney General Anahita Crawford presented the background of this

1 case. Cohen was sworn-in and presented his request for early termination of
2 probation and information to support the request. He was cross-examined by
3 Crawford and board members. The record was closed at 11:13 a.m.
4

5 **6. Christian Conrado Davalos, LMFT 52340, Petition for Early Termination of**
6 **Probation**
7

8 The record was opened at 11:26 a.m. Christian Davalos represented himself.
9 Deputy Attorney General Crawford presented the background of this case.
10 Davalos was sworn-in and presented his request for early termination of
11 probation and information to support the request. Davalos was cross-examined
12 by Crawford and board members. The record was closed at 12:52 p.m.
13

14 **7. David John Jordan, LMFT 132694, Petition for Early Termination of**
15 **Probation**
16

17 The record was opened at 2:05 p.m. David Jordan represented himself. Deputy
18 Attorney General Crawford presented the background of this case. Jordan was
19 sworn-in and presented his request for early termination of probation and
20 information to support the request. Davalos was cross-examined by Crawford
21 and board members. The record was closed at 3:18 p.m.
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23
24 **CLOSED SESSION**
25

26
27 *The Board entered closed session at 3:18 p.m.*
28

29 **8. Pursuant to Section 11126(c)(3) of the Government Code, the Board will**
30 **Meet in Closed Session for Discussion and to Take Action on Disciplinary**
31 **Matters, Including the Above Petitions.**
32

33 **9. Pursuant to Section 11126(a)(1) of the Government Code, the Board will**
34 **Meet in Closed Session to Evaluate the Performance of the Executive**
35 **Officer.**
36

37 **10. Recess Until 8:30 a.m., Friday, November 17, 2023**
38

39 The Board recessed at 6:10 p.m.
40

1 **DATE** November 17, 2023
2
3 **LOCATION** Department of Consumer Affairs
4 1625 North Market Blvd., #S-102
5 Sacramento, CA 95834
6
7 **TIME** 8:30 a.m.
8
9 **ATTENDEES**
10 **Members Present:** Christopher Jones, Vice Chair, LEP Member
11 Wendy Strack, Vice Chair, Public Member
12 Dr. Nicolas Boyd, LPCC Member
13 Yvette Casares Willis, Public Member
14 Susan Friedman, Public Member
15 Justin Huft, LMFT Member
16 Abigail Ortega, LCSW Member
17 Kelly Ranasinghe, Public Member
18 Eleanor Uribe, LCSW Member (present until 11:00 a.m.)
19 Dr. Annette Walker, Public Member
20
21 **Members Absent:** Aimee Eng, Public Member
22 John Sovec, LMFT Member
23 Eleanor Uribe, LCSW Member (absent after 11:00 a.m.)
24
25 **Staff Present:** Steve Sodergren, Executive Officer
26 Marlon McManus, Assistant Executive Officer
27 Sabina Knight, Legal Counsel
28 Rosanne Helms, Legislative Manage
29 Christy Berger, Regulation Analyst
30 Christina Kitamura, Administrative Analyst
31
32 **Other Attendees:** Christi Van Eycken, Department of Consumer Affairs (DCA)
33 Trisha St. Clair, DCA SOLID Planning Solutions
34 Dr. Chad Buckendahl, ACS Ventures, LLC
35 Public participation via Webex and in-person
36

OPEN SESSION

11. Call to Order and Establishment of Quorum

Christopher Jones, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 8:30 a.m. Roll was called, and a quorum was established.

12. Introductions

Board members, staff, and attendees introduced themselves.

13. Consent Calendar: Possible Approval of the August 17-18, 2023 Board Meeting Minutes

Correction noted on page 13-17, line 35.

Motion: Approve the August 17-18, 2023 board meeting minutes as amended.

M/S: Walker/Friedman

Public Comment: None

Vote: Yea 9; Nay 0, Abstain 1. Motion carried.

Member	Vote
Nick Boyd	Y
Yvette Casares Willis	Y
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	abstain
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	absent
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

14. Board Chair Report

a. Board Member Attendance

Dr. Nicholas Boyd is a new board member and was introduced.

1 Board member attendance reports for fiscal years 2022-2023 and 2023-2024
2 were presented.

3
4 **b. Future Board Meetings**

5 2023-2024 board and committee meeting dates were provided.

6
7 **c. Staff Recognitions**

8 The following staff were recognized for their service:

- 9 • Hayley Sutter: 5 years of state service
- 10 • Kaitlyn Martin: 10 years of state service
- 11 • Lisa Cigelske: 15 years of state service

12
13 **15. Department of Consumer Affairs Update**

14
15 Christi Van Eycken, Department of Consumer Affairs (DCA/department)
16 presented the following updates:

- 17
18 • Effective November 2nd, Secretary Lourdes Castro was appointed as Chief
19 of Housing and Homelessness in Los Angeles.
- 20 • Diversity, Equity and Inclusion (DEI)
- 21 • DEI Steering Committee
- 22 • Virtual meetings and the Bagley-Keene Open Meeting Act; SB 544
- 23 • Sexual Harassment Prevention training for board members
- 24 • SB 447 California out-of-state travel restrictions ended and replaced with
25 public awareness project.
- 26 • Giving at Work Campaign
- 27 • Board and Bureau Relations 2023 fall newsletter

28
29 **16. Strategic Plan: Diversity, Equity, and Inclusion (DEI) Supplemental**
30 **Overview and Update from SOLID**

31
32 Trisha St. Clair, SOLID, provided an overview on incorporating DEI in policies
33 and practice, as well as in the strategic planning process, as required by
34 Executive Order N-16-22.

35
36 **17. Presentation on Testing in Professions by Chad Buckendahl, Ph.D.,**
37 **Partner, ACS Ventures, LLC**

38
39 Dr. Chad Buckendahl presented on evaluating licensure exams and discussed
40 the following:

- 41 • Origins of licensing programs
- 42 • Overarching goals of licensing examination
- 43 • Characteristics of a licensing exam

1 **18. Executive Officer Report**

2 **a. Budget Report**

- 3
- 4 • The Board’s budget for fiscal year (FY) 2023-24 is \$13,707,000.
 - 5 • Expenditures to date are \$3,402,262.
 - 6 • Fund Condition reflects a reserve of 20.9 months.

7 **b. Personnel**

8 The Board’s staffing activity:

- 9
- 10 • 3 new hires/1 promotion
 - 11 • 1 departure
 - 12 • 4 vacancies

13 **c. Licensing Report**

14 1st Quarter Statistics:

- 15
- 16 • 3,749 licenses/registrations were issued.
 - 17 • Population of approximately 139,810 licensees/associates as of October 20, 2023
 - 18 • 1% gain in license/registration population since 4th quarter of FY 2022/23

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21 **d. Exam Report**

22 1st Quarter Statistics:

- 23
- 24 • 5,719 exams were administered (11.2% increase from previous quarter)
 - 25 • 6 exam development workshops were conducted.

26

27 Steve Sodergren provided the following updates:

- 28
- 29 • Association of Social Work Boards (ASWB) and its exam vendor change
 - 30 • Occupational analysis and examination outline for the Law & Ethics exams

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33 **e. Enforcement Report**

34 1st Quarter Statistics:

- 35
- 36 • 537 consumer complaints received
 - 37 • 202 criminal convictions
 - 38 • 474 cases closed
 - 39 • 32 cases referred to Attorney General’s (AG) Office
 - 40 • 97 cases pending at AG’s Office
 - 41 • Average time to complete formal discipline: 371 days
 - Average time a case is at the AG’s Office: 274 days

- Average time to complete board investigations: 55 days

f. Education and Outreach Report

1st Quarter Statistics:

- Facebook page reach decreased by 27.6%.
- Instagram page reach decreased by 10.5%.
- Facebook page and profile visits increased by 101.4%.
- Instagram page and profile visits increased by 69.6%.
- BBS email accounts volumes: 24,002

g. Organizational Development Report

The following progress updates were provided:

- BreEZe system updates
- Organizational development
- Diversity, Equity, and Inclusion

h. Strategic Plan Update

Progress updates on Strategic Plan goals were provided.

19. Discussion and Possible Action on the Board Member Manual Updates

This item was tabled.

20. Presentation By Board Staff Regarding the Legislative Process

Rosanne Helms, Legislative Manager, presented an overview of the Board's legislative process.

21. Discussion and Possible Action 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)

The Policy & Advocacy (P&A) Committee discussed this matter at its July 2023 and October 2023 meetings. The P&A Committee directed staff to draft language that would require the license/registration number, license/registration type, and expiration date to be provided in the required written notice to clients prior to initiating psychotherapy services; and directed staff to bring the proposal to the full board for consideration.

Proposed language was presented.

Motion: Direct staff to make any non-substantive changes to the language in Attachment A and pursue as a legislative proposal.

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M/S: Strack/Jones

Public Comment: None

Vote: Yea 9; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Yvette Casares Willis	Y
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	absent
Wendy Strack	Y
Eleanor Uribe	absent
Annette Walker	Y

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22. Discussion and Possible Action 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 Contact (BPC §§4980.43.2(b), 4996.23.1(b), 4999.46.2(b))

Group supervision is defined as consisting of one supervisor and no more than eight supervisees. However, the law does not address whether individuals receiving supervision who are not required by the Board to be under supervision, count as members of the group toward the eight-supervisee limit.

The proposed amendment, which was provided as Attachment A, limits the number of “persons receiving supervision for providing clinical mental health services” instead of limiting the number of supervisees.

Limitation on Number of Supervisees per Supervisor (BPC §§4980.43.4(c), 4996.23.3(c), 4999.6.4(c))

These subsections require that supervisors of supervisees in non-exempt settings have no more than six individual or triadic supervisees at any one time. The subsection states that supervisees may be associate marriage and family therapists, associate clinical social workers, or associate professional clinical counselors, or any combination of these.

1 These subsections exclude other potential types of supervisees, such as
2 trainees, those under the 90-day rule, or those seeking a license with the Board
3 of Psychology.
4

5 Staff believes the intent of the law is likely to limit all types of supervisees to six in
6 non-exempt settings to ensure quality supervision.
7

8 Proposed clarifying language, which was provided as Attachment B, does the
9 following:

- 10 • Clarifies that supervisors in non-exempt settings are limited to a total of six
11 individual or triadic supervisees.
- 12 • Limits the supervisor to a total of six individuals who are receiving supervision
13 for providing clinical mental health services in non-exempt settings.
14

15 Previous Discussions

16 The Board discussed this proposal at its August 2023 meeting and directed staff
17 to draft the option provided as Attachment B. The proposal would include all
18 individuals providing clinical mental health services in a non-exempt setting in the
19 limit of six per supervisor, rather than just including those who are gaining
20 supervised experience hours toward licensure. It also directed staff to draft the
21 proposed language for all three license types.
22

23 The P&A Committee reviewed the draft language and directed staff to bring it
24 back to the full board for consideration as a legislative proposal.
25

26 Motion: Direct staff to make any non-substantive changes to the proposed
27 amendment shown in Attachment A and B, and pursue as a legislative proposal.
28

29 M/S: Ranasinghe/Huft
30

31 Public Comment

32 Caldwell: During the P&A Committee meeting, a concern was raised regarding
33 licensees pursuing certification in a particular therapy model. The certification
34 process requires the licensee to get supervision within that model. During P&A
35 Committee discussion, it was determined that this type of supervision would not
36 be considered supervision for a licensure purpose, and this language is not
37 intended to capture that or count those individuals as supervisees. Caldwell is
38 not recommending changes to the proposed language but wanted this discussion
39 noted for the record.
40

41 Vote: Yea 9; Nay 0. Motion carried.
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Member	Vote
Nick Boyd	Y
Yvette Casares Willis	Y
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	absent
Wendy Strack	Y
Eleanor Uribe	absent
Annette Walker	Y

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

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Staff is proposing the following amendment to consider for inclusion in the upcoming omnibus bill:

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Amend BPC §4980.54(f): Acceptable Sources of Continuing Education for Licensed Marriage and Family Therapists (LMFTs)

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Recommendation: Amend BPC §4980.54 to clarify that continuing education obtained from a school, college, or university must be obtained from an entity that is properly accredited or approved, not that the entity must have a qualifying LMFT degree program.

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Motion: Direct staff to make any discussed changes and any non-substantive changes and pursue as a legislative proposal.

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M/S: Huft/Strack

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Public Comment: None

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27

Vote: Yea 9; Nay 0. Motion carried.

1

Member	Vote
Nick Boyd	Y
Yvette Casares Willis	Y
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	absent
Wendy Strack	Y
Eleanor Uribe	absent
Annette Walker	Y

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24. Telehealth Committee Update

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At its June 8, 2023 meeting, the Telehealth Committee discussed the following:

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- Results of a Board survey to gather information about licensee and registrant experiences working for online-only therapy platforms,
- Current efforts in other states to develop an interstate compact for social workers and counselors.

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25. Licensing Committee Update

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At its October 2023 meeting, the following items were discussed/presented:

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- A draft of a consumer outreach document designed to explain the Board’s regulated professions to the public,
- A presentation by DCA’s Office of Professional Examination Services on the purpose and validity of professional licensure examinations,
- A voluntary demographic survey for candidates taking Board-developed exams,
- A presentation on barriers to licensure and suggested solutions by the California Alliance of Child and Family Services,
- Renaming of the committee to Workforce Development Committee.

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The Workforce Development Committee will meet on January 19, 2024.

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

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Board-Sponsored Legislation

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AB 232 Temporary Practice Allowances

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Status: Signed by the Governor.

1 **SB 887 AB 232** Omnibus Bill

2 Status: Signed by the Governor.

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4 **Board-Supported Legislation**

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6 **AB 665** Minors: Consent to Mental Health Services

7 Status: Signed by the Governor

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9 **SB 372** Department of Consumer Affairs: Licensee and Registrant Records:
10 Name and Gender Changes

11 Status: Signed by the Governor

12
13 **SB 373** Board of Behavioral Sciences, Board of Psychology, and Veterinary
14 Medical Board: Licensees' and Registrants' Addresses

15 Status: Vetoed by the Governor

16
17 **Board-Monitored Legislation**

18
19 **SB 143** State Government

20 Status: Signed by the Governor

21
22 **SB 525** Minimum Wage: Health Care Workers

23 Status: Signed by the Governor

24
25 **SB 544** Bagley-Keene Open Meeting Act: Teleconferencing

26 Status: Signed by the Governor

27
28 **27. Update on Board Rulemaking Proposal**

29
30 **Disciplinary Guidelines**

31 Status: Preparation for DCA Initial Review Process

32
33 **Unprofessional Conduct**

34 Status: Submitted to DCA Legal to Begin DCA Initial Review Process

35
36 **28. Suggestions for Future Agenda Items**

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38 Boyd: Unlicensed student trainees (specifically social workers and counselors)
39 that are practicing clinically in the field, unregulated, and assuming to be under
40 supervision of an institution. Unlike MFTs that are required by law to be
41 supervised and tracked by the Board, there is no government oversight for these
42 student trainees.
43

1 Huft: Discussion regarding exploitation by supervisors (“diploma mills”). Look at
2 the scope of the Board’s oversight and look at best practices of other boards and
3 other states; including issues such as how much they are extracting for
4 supervision costs, insurance benefits, deductions from pay.
5

6 Ranasinghe: Requests a presentation on the intersection of licensing and racial
7 bias in test taking systems; identify a proper expert on this subject matter.
8 Requested a presentation regarding alternative pathways to licensure.
9

10 Caldwell: Requests a discussion and possible policy to specify how much
11 supervision/level of supervision is necessary for those gaining experience under
12 the 90-day rule.
13

14 **29. Public Comment for Items not on the Agenda**

15
16 None

17
18 **30. Adjournment**

19
20 The Board adjourned at 2:10 p.m.