

## POLICY AND ADVOCACY COMMITTEE MINUTES

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A recorded webcast of this meeting is available at  
<https://www.youtube.com/watch?v=LWrpKmZko0o>.

**DATE** October 14, 2022

**TIME** 9:00 a.m.

### ATTENDEES

**Members Present:** Max Disposti, Chair, Public Member  
Abigail Ortega, LCSW Member  
John Sovec, LMFT Member  
Wendy Strack, Public Member

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

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

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1 **I. Call to Order and Establishment of Quorum**

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3 Max Disposti, Chair of the Policy and Advocacy Committee (Committee) called  
4 the meeting to order at 9:02 a.m. Roll was called, and a quorum was  
5 established.

6  
7 **II. Introductions**

8  
9 Committee members, Board staff and some public attendees introduced  
10 themselves.

11  
12 **III. Consent Calendar: Discussion and Possible Approval of April 20, 2022**  
13 **and July 29, 2022 Committee Meeting Minutes**

14  
15 The July 29, 2022 Committee Meeting minutes were tabled.

16  
17 Motion: Approve the April 20, 2022 Committee Meeting minutes as amended.

18  
19 Strack moved; Disposti seconded.

20  
21 Public Comment: None

22  
23 Motion carried: yea 2, nay 0, abstention 2

24  
25 Roll call vote:

Member	Vote
Max Disposti	Yes
Abigail Ortega	Abstain
John Sovec	Abstain
Wendy Strack	Yes

26  
27  
28 **IV. Discussion and Possible Recommendation Regarding Draft Statutory**  
29 **Language for a Temporary Practice Allowance: Add Business and**  
30 **Professions Code (BPC) §§4980.011, 4996.16.1, 4999.23**

31  
32 The Telehealth Committee discussed this issue and the proposed language at  
33 its June 2022 meeting. The Committee directed staff to bring the proposed  
34 language to the Policy and Advocacy Committee for consideration as a  
35 legislative proposal.

36  
37 The Policy and Advocacy Committee (Committee) discussed this issue at its  
38 July 2022 meeting, where the Committee voiced its concerns.

39  
40 Board staff drafted potential language based on temporary practice allowances  
41 for several other states. The draft language and the text of other states' laws

1 were presented. Staff also addressed the Committee's concerns raised at its  
2 July 2022 meeting.

3  
4 Committee members suggested the following changes:

- 5 • Change the length of temporary practice allowance from 60 consecutive  
6 days to 30 consecutive days
- 7 • Therapist must provide the Board's contact information

8  
9 Motion: Direct staff to make discussed changes to change the length of the  
10 temporary practice allowance from 60 consecutive days to 30 consecutive days  
11 and include a requirement that while engaging in temporary practice, the  
12 therapist must provide the client with the board's contact information, and to  
13 make any non-substantive changes and bring to the November Board meeting  
14 for consideration as a legislative proposal.

15  
16 Disposti moved; Sovec seconded.

17  
18 Public Comment: None

19  
20 Motion carried: yea 4, nay 0

21  
22 Roll call vote:

Member	Vote
Max Disposti	Yes
Abigail Ortega	Yes
John Sovec	Yes
Wendy Strack	Yes

23  
24  
25 **V. Discussion and Possible Recommendations Regarding Advertising Laws**  
26 **and Regulations (Title 16 of the California Code of Regulations (CCR)**  
27 **§1811; and BPC §§651, 4980.03, 4980.44, 4980.48, 4989.49, 4992.2,**  
28 **4999.12)**

29  
30 The Committee was asked to review the advertising regulations, which have  
31 not been updated since 2013, and determine if any updates were necessary.

32  
33 Sovec: Suggested focusing on how people are marketing, especially the  
34 electronic/online marketing. Suggested providing a framework for therapists to  
35 work with as opposed to punitive language.

36  
37 Public Comment

38 Cathy Atkins, California Association of Marriage and Family Therapists  
39 (CAMFT): CAMFT feels that advertising, as it relates to change of names and  
40 "dead names," needs to be addressed by BBS and DCA.

1 Ben Caldwell: Referred to July 2011 Policy & Advocacy Committee meeting  
2 minutes, page 6, discussion regarding Tweets, Google Ads and related  
3 advertising digital formats but are limited in the terms of the length that's  
4 available and the disclosures. The discussion was that a Tweet or Google Ad  
5 does not contain a phone number or an email address or other means of direct  
6 contact, but instead simply links to a website that contains all of the required  
7 disclosures and information on it, that the Board would consider the Tweet,  
8 Google Ad and the website together as a single advertisement for the purposes  
9 of assessing compliance. Expressed that this is a good solution because it  
10 ensures that clients have been exposed to the required disclosures prior to  
11 making contact with the clinician.

12  
13 Committee Discussion

14 Strack: Suggested updating the guidelines in a manner where it moves with  
15 technology to avoid updating statutes each time technology and mechanisms  
16 change.

17  
18 Sovec: Suggested a listening session or some type of forum to include  
19 licensees, and build the framework based on the feedback. This could be  
20 accomplished via Facebook Fridays.

21  
22 Staff will continue to work on this and bring it back to a future Committee  
23 meeting.

24  
25 **VI. Discussion and Possible Recommendation Regarding Proposed**  
26 **Amendments to the Business and Professions Code: Add BPC §4990.11**  
27 **Regarding Online License Verification; and Amend BPC §4989.14**  
28 **Regarding Supervision of Trainees**

29  
30 Staff has identified two sets of amendments that the Board may wish to  
31 consider for inclusion in the upcoming year's omnibus bill.

- 32  
33 1. Add Business and Professions Code (BPC) §4990.11: Online License and  
34 Registration Verification

35  
36 Recommendation: Add BPC §4990.11 to the Board's statute to state that  
37 licensing information contained on the licensee lookup portion of the Board's  
38 website may be used for license verification purposes.

- 39  
40 2. Amend BPC §4989.14(b): Inclusion of MFT Trainees in list of LEP  
41 Supervisees

42  
43 Recommendation: Amend BPC §4989.14(b) to include MFT trainees in the  
44 list of professionals that LEPs supervise, consistent with what is indicated in  
45 BPC §4980.48.

46

1 Motion: Approve the recommended changes and bring to the Board for  
2 consideration as a legislative proposal.

3  
4 Strack moved; Disposti seconded.

5  
6 Public Comment: None

7  
8 Motion carried: yea 4, nay 0

9  
10 Roll call vote:

Member	Vote
Max Disposti	Yes
Abigail Ortega	Yes
John Sovec	Yes
Wendy Strack	Yes

11  
12  
13 **VII. Discussion and Possible Recommendation Regarding Changes to**  
14 **Enforcement Regulations: Unprofessional Conduct, Amount of Fines,**  
15 **Uniform Standards Related to Substance Abuse and Disciplinary**  
16 **Guidelines (Title 16, CCR §§1823, 1845, 1858, 1881, 1886.40 and 1888 and**  
17 **Uniform Standards Related to Substance Abuse and Disciplinary**  
18 **Guidelines (Rev. December 2020))**

19  
20 A number of revisions are proposed to the Board's Uniform Standards Related  
21 to Substance Abuse and Disciplinary Guidelines. In addition, there are  
22 changes proposed to several regulation sections related to the enforcement  
23 process.

24  
25 The Board had approved many of these changes back in 2015. However, due  
26 to legislation that affected some of the proposed changes, this package was  
27 held. During the time it was being held, additional changes have been  
28 identified and are included in the proposal.

29  
30 A list of proposed changes was provided, and the following was discussed:

31  
32 Minimum Years of Probation

33 The Committee discussed the categories with a minimum of 5-year  
34 probation and agreed to leave those categories at the 5-year minimum  
35 length of probation.

36  
37 Penalty Guidelines, Page 19: Chemical Dependency

38 Sovec suggested not striking the education penalty option because  
39 education, as it relates to a clinician's duties, is different than what it would  
40 be in the rehabilitation program.

1 This feedback will be taken back to staff for discussion.

2  
3 Penalty Guidelines, Page 28: Improper Supervision

4 The Committee confirmed moving the suspension language to the  
5 maximum penalty column.

6  
7 Add to Penalty Guidelines, Page 31: Engaging in Sexual Orientation  
8 Change Efforts with a Patient Under Age 18

9 The Committee suggested changing the penalty to automatic revocation.

10  
11 Add to Penalty Guidelines, Pages 32-33: Consumer Protection  
12 Enforcement Initiative Unprofessional Conduct Provisions Pertaining to  
13 Records, Reporting and Investigations

14 No feedback.

15  
16 Optional Term and Condition of Probation: Clinical Diagnostic Evaluation,  
17 Page 36

18 No feedback.

19  
20 Optional Term and Condition of Probation: Psychological/Psychiatric  
21 Evaluation, Page 37

22 No feedback.

23  
24 Optional Term and Condition of Probation: Psychotherapy, Page 38

25 Sovec: 1) This section should specify the type of therapy as individual  
26 therapy. Also stated that it should define a session within clinical standards.  
27 2) Associates are qualified to provide therapy/  
28

29 New Optional Term and Condition of Probation: Relapse Prevention Plan,  
30 Page 42

31 Staff will research the Board of Registered Nursing's relapse prevention  
32 plan.

33  
34 Staff will discuss suggestions and continue work on this document. Staff will  
35 bring updates to the next Committee meeting.

36  
37 **VIII. Update on Board-Sponsored and Monitored Legislation**

38  
39 The following Board-sponsored bills were signed by the Governor:

- 40
- 41 • AB 1758: Supervision via Video Conferencing
  - 42 • AB 1759: CE Requirements and Telehealth
  - 43 • SB 1495: Omnibus Bill (The Senate Health Committee rejected one set of amendments proposed by the Board.)

1 The following Board-supported bills were signed by the Governor:

- 2 • AB 988: 988 Crisis Hotline
- 3 • SB 923: Gender-Affirming Care
- 4 • SB 966: Federally Qualified Health Centers and Rural Health Clinics
- 5 (CAMFT's bill)
- 6

7 **IX. Update on Board Rulemaking Proposals**

8  
9 Continuing Education and Additional Training Requirements

10 Status: Approved by the Office of Administrative Law and takes effect July 1,  
11 2023

12  
13 Examination Waiting Periods, Professional Corporations, Accrediting Agencies  
14 and Equivalent Degrees

15 Status: Noticed to the public on September 16, 2022; comment period ends  
16 November 1, 2022

17  
18 Enforcement Process

19 Status: Reviewed by Policy and Advocacy Committee at its July 29, 2022  
20 meeting; Committee reviewed again today.

21  
22 **X. Suggestions for Future Agenda Items**

23  
24 Riva Orr: The 6-year window should be discussed as it is punitive and  
25 discriminatory towards people who are chronically ill or disabled.

26  
27 **XI. Public Comment for Items not on the Agenda**

28  
29 Riva Orr: Has the 6-year rule issue ever been raised, and has there been any  
30 decisions made on it?

31  
32 **XII. Adjournment**

33  
34 The Committee adjourned at 12:17 p.m.