

BOARD MEETING MINUTES March 2-4, 2016

Department of Consumer Affairs
Hearing Room
1625 North Market Blvd., 1st Floor
Sacramento, CA 95834

Wednesday, March 2nd

Members Present

Christina Wong, Chair, LCSW Member
Deborah Brown, Vice Chair, Public Member
Dr. Leah Brew, LPCC Member
Dr. Peter Chiu, Public Member
Betty Connolly, LEP Member
Sarita Kohli, LMFT Member
Patricia Lock-Dawson, Public Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member
Dr. Christine Wietlisbach, Public Member

Members Absent

Samara Ashley, Public Member
Dr. Scott Bowling, Public Member

Staff Present

Kim Madsen, Executive Officer
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative Analyst

Guests

See sign-in sheet

FULL BOARD OPEN SESSION

Christina Wong, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 10:05 a.m. Christina Kitamura called roll, and a quorum was established.

Administrative Law Judge Marcie Lawson presided over the hearings.

I. Petition for Early Termination of Probation for Scott Bobrow, LMFT 86952

Judge Lawson opened the hearing at 10:06 a.m. Deputy Attorney General Malissa Siemantal presented the facts of the case on behalf of the Board of Behavioral Sciences. Mr. Scott represented himself.

Ms. Siemantal presented the background of Mr. Bobrow's probation. Mr. Bobrow was sworn in. Mr. Bobrow presented his request for early termination of probation and information to support the request. Ms. Siemantal and Board Members posed questions to Mr. Bobrow, and closing statements were heard.

Judge Lawson closed the hearing at 10:40 a.m. The Board took a break at 10:41 a.m. and reconvened at 10:51 a.m.

II. Petition for Early Termination of Probation for Suzanne Chiu, ASW 37316

Judge Lawson opened the hearing at 10:51 a.m. Ms. Chiu represented herself. Sarita Kohli disclosed that she currently works for an organization that is contracted by the county agency that employs Suzanne Chiu. Ms. Kohli disclosed that she does not know Suzanne Chiu. Ms. Chiu did not have any objections to Ms. Kohli participating in the hearing and any decision-making.

Deputy Attorney General Malissa Siemantal presented the facts of the case on behalf of the Board of Behavioral Sciences.

Ms. Siemantal presented the background of Ms. Chiu's probation. Ms. Chiu was sworn in. She presented her request for early termination of probation and information to support the request. Ms. Siemantal and Board Members posed questions to Ms. Chiu; and closing statements were heard.

Judge Lawson closed the hearing at 11:29 a.m. The Board took a break at 11:29 a.m. and reconvened at 11:39 a.m.

III. Petition for Early Termination of Probation for Roberto Dominguez, LMFT 77649

Judge Lawson opened the hearing at 11:39 a.m. Deputy Attorney General Malissa Siemantal presented the facts of the case on behalf of the Board of Behavioral Sciences. Roberto Dominguez represented himself.

Ms. Siemantal presented the background of Mr. Dominguez's probation. Mr. Dominguez was sworn in. He presented his request for early termination of probation and information to support the request. Ms. Siemantal and Board Members posed questions to Mr. Dominguez; and closing statements were heard.

Judge Lawson closed the hearing at 12:08 p.m.

IV. Public Comment for Items not on the Agenda

There were no public comments.

V. Suggestions for Future Agenda Items

There were no suggestions.

The Board took a break at 12:10 p.m. and reconvened in closed session at 1:39 p.m.

FULL BOARD CLOSED SESSION

- VI. 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, and Any Other Matters. The Board will also, Pursuant to Section (a)(1) of the Government Code, meet in Closed Session to Evaluate the Performance of the Executive Officer.**

FULL BOARD OPEN SESSION

VII. Adjournment

The Board adjourned at 3:36 p.m.

Thursday, March 3rd

Members Present

Christina Wong, Chair, LCSW Member
Deborah Brown, Vice Chair, Public Member
Samara Ashley, Public Member (8:56 a.m.)
Dr. Leah Brew, LPCC Member
Dr. Peter Chiu, Public Member
Betty Connolly, LEP Member
Sarita Kohli, LMFT Member
Patricia Lock-Dawson, Public Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member
Dr. Christine Wietlisbach, Public Member

Staff Present

Kim Madsen, Executive Officer
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative Analyst

Members Absent

Dr. Scott Bowling, Public Member

Guests

See sign-in sheet

FULL BOARD OPEN SESSION

Christina Wong called the meeting to order at 8:40 a.m. Christina Kitamura called roll. A quorum was established.

Administrative Law Judge Wilbert Bennett presided over the hearings.

VIII. Petition for Early Termination of Probation for Megan Harris, ASW 35916

Judge Bennett opened the hearing at 8:44 a.m. Deputy Attorney General Malissa Siemantal presented the facts of the case on behalf of the Board of Behavioral Sciences. Ms. Harris represented herself.

Ms. Siemantal presented the background of Ms. Harris' probation. Ms. Harris was sworn in. Ms. Harris presented her request for early termination of probation and information to support the request. Ms. Siemantal and Board Members posed questions to Ms. Harris; and closing statements were heard.

Judge Bennett closed the hearing at 9:15 a.m.

Samara Ashley joined the meeting at 8:56 a.m., during the petition hearing of Megan Harris.

IX. Petition for Early Termination of Probation for Douglas Meyer, LMFT 84090

Judge Bennett opened the hearing at 9:16 a.m. Deputy Attorney General Malissa Siemantal presented the facts of the case on behalf of the Board of Behavioral Sciences. Mr. Meyer represented himself.

Ms. Siemantal presented the background of Mr. Meyer's probation. Mr. Meyer was sworn in. Mr. Meyer presented his request for early termination of probation and information to support the request. Ms. Siemantal and Board Members posed questions to Mr. Meyer; and closing statements were heard.

Judge Bennett closed the hearing at 10:35 a.m. The Board took a break at 10:35 a.m. and reconvened at 10:59 a.m.

X. Petition for Reinstatement of License for Mimi Shevitz, LMFT 25839

Judge Bennett opened the hearing at 10:59 a.m. Deputy Attorney General Malissa Siemantal presented the facts of the case on behalf of the Board of Behavioral Sciences. Ms. Shevitz represented herself.

Ms. Siemantal presented the background of Ms. Shevitz's license revocation. Ms. Shevitz was sworn in. Ms. Shevitz presented her request for reinstatement of license and information to support the request.

The Board took a break at 12:05 p.m. and reconvened at 12:29 p.m.

Ms. Shevitz continued presenting information regarding her petition. Ms. Siemantal and Board Members posed questions to Ms. Shevitz. Ms. Shevitz presented a closing statement.

Judge Bennett closed the hearing at 1:04 p.m.

XI. Public Comment for Items Not on the Agenda

There were no public comments.

XII. Suggestions for Future Agenda Items

There were no suggestions.

The Board took a break at 1:05 p.m. and reconvened in closed session at 1:20 p.m.

FULL BOARD CLOSED SESSION

XIII. 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 and Any Other Matters.

FULL BOARD OPEN SESSION

XIV. Adjournment

The meeting was adjourned at 2:08 p.m.

Friday, March 4th

Members Present

Christina Wong, Chair, LCSW Member
Deborah Brown, Vice Chair, Public Member
Samara Ashley, Public Member
Dr. Leah Brew, LPCC Member
Dr. Peter Chiu, Public Member
Betty Connolly, LEP Member
Sarita Kohli, LMFT Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member (9:05 a.m.)
Dr. Christine Wietlisbach, Public Member

Staff Present

Kim Madsen, Executive Officer
Steve Sodergren, Asst. Executive Officer
Dianne Dobbs, Legal Counsel
Rosanne Helms, Legislative Analyst
Christy Berger, Regulatory Analyst
Christina Kitamura, Administrative Analyst

Members Absent

Dr. Scott Bowling, Public Member
Patricia Lock-Dawson, Public Member

Guests

See sign-in sheet

FULL BOARD OPEN SESSION

Christina Wong called the meeting to order at 8:44 a.m. Christina Kitamura called roll. A quorum was established.

Ms. Wong announced that agenda item XXV has been removed from the agenda, and the Chair Report may be taken out of order.

XV. Introductions

Board Members, Board staff, and audience members introduced themselves.

XVI. Approval of November 19-20, 2015 Board Meeting Minutes

Correction on page 4: add Sarita Kohli to the "Members Present" column.
Corrections on page 5: delete lines 16-19.

Dr. Christine Wietlisbach moved to approve the November 19-20, 2015 Board Meeting minutes as amended. Renee Lonner seconded. The Board voted unanimously (9-0) to pass the motion.

Board vote:

Dr. Peter Chiu – aye
Dr. Leah Brew – aye
Dr. Christine Wietlisbach – aye
Renee Lonner – aye
Deborah Brown – aye
Christina Wong – aye
Betty Connolly – aye

Sarita Kohli – aye
Samara Ashley - aye

XVII. Approval of December 18, 2015 Board Meeting Minutes

Samara Ashley moved to approve the December 18, 2015 Board Meeting minutes. Renee Lonner seconded. The Board voted unanimously (9-0) to pass the motion.

Board vote:

Dr. Peter Chiu – aye
Dr. Leah Brew – aye
Dr. Christine Wietlisbach – aye
Renee Lonner – aye
Deborah Brown – aye
Christina Wong – aye
Betty Connolly – aye
Sarita Kohli – aye
Samara Ashley - aye

XVIII. Chair Report

Ms. Wong presented the following staff for reaching milestones of 5 years and 15 years of service to BBS: Pearl Yu, Michelle Eernisse-Villanueva, Terri Jauregui, Terri Malloy, and Rosanne Helms.

Deputy Director Tracy Rhine presented the following staff for reaching the milestone of 25 years of state service: Christy Berger, Mary Hanifen, and Julie McAuliffe.

Ms. Wong announced the appointment of new Board Member, Max Disposti. Mr. Disposti's appointment was effective March 3, 2016. Mr. Disposti is a public member from San Diego.

Karen Pines joined the meeting at 9:05 a.m.

XIX. Executive Officer's Report

a. Budget Report

- Fiscal year (FY) 2015/2016 budget is \$9,039,000. Expenditures as of December 31, 2015 total \$5,135,362, which is 57% of the Board's budget.
- As of December 31, 2015, \$4,805,999.40 in total revenue was collected.
- The Fund Condition report reflects 6.1 months in reserve. Projections for the FY 2016/2017 budget indicate a scheduled repayment of \$6.3 million dollars, which will provide the Board 11.7 months in reserve.

The Governor released his proposed budget for FY 2016/2017. The budget recognizes the Board's need for additional staff resources. The Board will receive an additional 8.5 staff positions effective July 1, 2016.

b. Operations Report

Licensing Program – 2nd Quarter of FY 2015/2016

- Application volumes for interns and associates decreased due to typical seasonal volumes and the implementation of the examination structure.
- All applications are processed within 60 days or less.
- A total of 1,569 initial licenses were issued.

Examination Program – 2nd Quarter

- 4,344 examinations were administered.
- Increase in examinations is attributed to the examination restructure.
- 12 examination development workshops were conducted.
- First quarter pass rates will be posted soon.

Administration Program – 2nd Quarter

- 5,651 applications were received.
- 33% of renewals were received online.

Enforcement Program – 2nd Quarter

- 251 consumer complaints and 224 criminal convictions were received.
- 578 cases were closed and 47 cases were referred to the Attorney General's office for formal discipline.
- 31 Accusations and 11 Statement of Issues were filed.

Outreach Activity

- Board staff participated in the following events:
 - October:
 - 2 NASW Conferences
 - 2 LMFT Educator's Forums
 - November:
 - ASWB Annual Meeting of the Delegate Assembly
 - CAMFT Symposium
 - MFT Consortium
 - December: 2 MFT Consortiums
- The 3rd newsletter was published in December 2015.
- The Board is making its presence on social media.

Jill Epstein, California Association of Marriage and Family Therapists (CAMFT), requested that the Board reconsider posting processing times online.

Ben Caldwell, American Association for Marriage and Family Therapy California Division (AAMFT-CA), mirrored Ms. Epstein's request. He also requested clarification on "status" terms posted on BreEZe.

Ms. Madsen explained that previously, there was only one staff person processing exam applications; therefore, posting the processing times online provided a timeframe to candidates. With the exam restructure change, timeframes have a different meaning. Staff is trying to find a way to quantify "timeframes" so that useful information is posted online.

Ms. Wong requested that exam passing rates be included in the Board meeting materials.

c. Personnel Report

New Employees

- Amber Apodaca accepted the Office Technician (OT) vacancy within the Licensing Unit effective January 12, 2016.
- Yee Her accepted the OT vacancy within the Cashiering Unit effective December 16, 2015.
- Jared Washington accepted the OT vacancy within the Cashiering Unit effective January 4, 2016.
- Antoinette Pannell accepted the OT vacancy within the Administration Unit effective January 4, 2016.

Departures

- Jason Glasspiegel, Enforcement Analyst
- Crystal Martinez, Office Technician

Vacancies

- Staff Services Analyst (SSA), Enforcement Unit, fill behind J. Glasspiegel
- Management Services Technician (MST), Examination Unit, new position
- Office Technician (OT), Enforcement Unit, fill behind C. Martinez

d. Sunset Report Update

The Board submitted its Sunset Review Report to the Senate Committee on Business, Professions, and Economic Development and the Assembly Committee on Business and Professions (Committee) on December 1, 2015.

Kim Madsen, Christina Wong, and Deborah Brown are to attend the Sunset Review Oversight Hearing on March 14th at the State Capitol. During the hearing the Board will respond to questions and/or issues from the Committee.

The Committee staff prepared the Background Paper, which provides a summary of the Board's report, information concerning the issues raised in past and/or current Sunset Review Reports, and Committee staff's recommendations. The Background Paper will be published on the Senate and Assembly Committees' websites two weeks prior to the hearing.

Upon conclusion of the hearing, the Board will have 30 days to submit a written response to all of the issues and recommendations raised by Committee staff in the Background Paper or during the hearing.

XX. Strategic Plan Update

Most goals have been completed. There are a few goals that staff continues to work on that may never have an end date; but staff will continue to address those goals.

Goal 4.5 exempt settings: The intention was to begin a committee in spring or summer of 2016 to address exempt settings. This committee has not started due to other priorities, such as the Supervision Committee, the exam restructure, and other legislative changes. Staff is not prepared to start up this committee until the conclusion of the Supervision Committee.

XXI. Supervision Committee Update

The majority of informal decisions made by the Committee to date have been incorporated into an initial draft of proposed language, which was reviewed at the February 2016 meeting. The language addresses the following:

- Initial supervisor training – 15 hours for all professions;
- Six hours ongoing supervisor training for all professions every two years;
- Require supervisors to notify the Board that they are supervising;
- Require supervisors to perform a self-assessment of qualifications and provide a copy to the Board and to supervisees;
- Auditing supervisors;
- Make the definition of supervision consistent among the professions;
- Require the supervisor to ensure that the amount of group supervision is appropriate to each supervisee's needs, considering eight are allowed in the group;
- Allow triadic supervision (two supervisees, one supervisor) in place of individual supervision;

- Allow one-half hour increments of supervision to be counted toward experience hours (beyond the minimum required);
- Require applicants who have completed their experience hours to continue receiving one hour of supervision per week, per work setting;
- Define parameters for acceptable documentation when a supervisor is deceased and an Experience Verification form had not yet been signed.

Topics remaining:

- Supervision via videoconferencing
- Methods of monitoring/evaluating the supervisee
- Addressing issues related to supervisee performance (plan for remediation)
- Supervisory Plan form
- Supervisors being reachable while supervisee is providing services
- Supervisor not signing for hours/one-week notice requirement
- Review BBS Unprofessional Conduct code sections pertaining to supervision
- More thorough requirements to become a supervisor for individuals on probation
- Offsite or Contract Supervisors

The next Committee meetings are scheduled on April 29th and June 9th.

XXII. Examination Restructure Update

The biggest challenge has been in working to ensure that the correct exam candidate eligibility data is captured and sent to the testing vendors. Before the exam restructure, the processes of transferring eligibility data was done automatically by the BreEZe system. Now, the transactions and rules that exist in the system do not match with the new exam process. Staff are having to use “workaround” procedures or different business processes in order to enable the use of the BreEZe system until permanent changes are made to the BreEZe system design.

This “workaround period” has made the business process a manual process. While this process is tedious, it has been effective. Before the implementation, the Board and BreEZe team had worked to develop reports and minor system changes that would allow a more seamless transition. This effort has appeared to work. The Board has transferred eligibility data for approximately 2,500 candidates. While there have been some delays, the Board has worked with candidates to ensure that they are not adversely affected.

Currently, the Board is working with the BreEZe team to prepare the User Acceptance Testing (UAT) that is tentatively scheduled for April. The UAT will determine if the proposed revisions to the BreEZe system work as designed. Once UAT is complete

the revisions will be incorporated into the BreEZe system through a scheduled release.

In January, the Board reached out to all LMFT, LCSW and LPCC registrants to notify the registrants of the exam restructure changes and to direct them to the resources on the BBS website. The notification was specifically informing them that the California Law & Ethics Examination is now a requirement for registration renewal.

During the month of January, there have been approximately 235 candidates that have taken the Law & Ethics exam and approximately 17 candidates that have taken the LMFT Clinical exam. The ASWB has administered approximately 2 LCSW Clinical exams. Based upon the volume of applications that have been received and the initial delay in sending eligibilities, these numbers are expected to increase in February.

XXIII. Discussion and Possible Action Regarding BBS Customer Survey

In April 2008, the Board began using a customer survey to learn about stakeholder's experiences with the Board. From 2008 to 2013, there was a decline in survey participants. Board members began to question the value of the data from the survey. In 2013, the Board was one of the first Boards to implement BreEZe. In October 2013, the Board discontinued using the customer survey.

The Board is now in a position to initiate a new customer survey. Board staff created a draft survey, developed through Survey Monkey. Survey Monkey also provides access to the results and allows for ease of tabulation.

A draft of the survey was provided to the Board Members. Board Members provided input and requested to shorten the survey by eliminating some questions. The following suggestions were provided by the Board Members:

- Eliminate questions 2, 3, 7, 8, 9, 13;
- Questions 4 and 10 are repetitive;
- Focus on customer service, interaction with staff, and the experience/satisfaction with staff;
- Keep the survey to approximately 2 minutes for completion time and 2 pages in length.

Ms. Epstein suggested adding the question: "Were you successful in getting the information you were seeking?"

Dr. Chiu requested that Board staff get input from DCA.

Dr. Leah Brew moved to direct staff to make the changes discussed and implement the survey. Renee Lonner seconded. The Board voted unanimously (10-0) to pass the motion.

Board vote:

Dr. Peter Chiu – aye
Dr. Leah Brew – aye
Dr. Christine Wietlisbach – aye
Renee Lonner – aye
Deborah Brown – aye
Christina Wong – aye
Betty Connolly – aye
Sarita Kohli – aye
Samara Ashley – aye
Karen Pines – aye

XXIV. Discussion and Possible Action for Proposed Additional Amendments to the Omnibus Bill. Amend Business and Professions Code Sections 4980.81 and 4996.3

The Board approved language for this year's omnibus bill at its November 2015 meeting. Since that time, staff has identified two additional amendments for the Board to consider for this year's omnibus bill.

Amend BPC §4996.3(a)(4) – Fee for LCSW Clinical Exam

This subsection sets the LCSW clinical exam fee at \$100. However, the Board recently, via regulations, adopted the ASWB Clinical Examination as the clinical exam. Because this is not a board-administered exam, the Board does not have control over the exam fee.

Recommendation: Amend to clarify that the \$100 fee refers to the Board's fee if the it were administering the clinical exam. This amendment is similar to current LPCC law. The LPCC law states that the Board has adopted a national exam as the clinical exam; however, language is in place that sets a fee should the Board ever choose to administer the clinical exam itself.

Amend BPC §4980.78, §4980.79, §4980.81(a)(1) – Coursework Requirements for Out-of-State LMFT Applicants

This section specifies additional coursework requirements for out-of-state LMFT applicants.

Recommendation: Amend §4980.81(a) to clarify that the one semester unit in psychological testing and the one semester unit in psychopharmacology are required in addition to the two semester units in diagnosis, assessment, prognosis, and treatment of mental disorders. Amend §4980.78 and §4980.79 to update subsection references due to this change.

Dr. Leah Brew moved to direct staff to make any discussed changes, and any non-substantive changes to the proposed language, and submit to the Legislature for inclusion in the 2016 omnibus bill or other bill, if necessary.

Dr. Peter Chiu seconded. The Board voted unanimously (10-0) to pass the motion.

Board vote:

Dr. Peter Chiu – aye
Dr. Leah Brew – aye
Dr. Christine Wietlisbach – aye
Renee Lonner – aye
Deborah Brown – aye
Christina Wong – aye
Betty Connolly – aye
Sarita Kohli – aye
Samara Ashley – aye
Karen Pines – aye

XXV. Discussion and Possible Action Regarding Assembly Bill 1001 Child Abuse: Reporting: Foster Family Agencies

This item was removed from the agenda.

XXVI. Presentation of Licensed Educational Psychologist Examination Validation Report

In April 2015, the Board requested that the Office of Professional Examination Services (OPES) conduct an occupational analysis of Licensed Educational Psychologist (LEP) practice. The purpose of the occupational analysis is to ensure that the content of the examinations meets the current practice.

OPES conducted interviews with group of nine LEPs. In April 2015, a focus group of licensees reviewed results of the interviews and identified changes and trends in LEP practice. In June 2015, a second focus group reviewed and refined the task and knowledge statements derived from the interviews and the first focus group. As a result of the work performed by both focus groups, new task and knowledge statements were created.

OPES then developed a three-part questionnaire to be completed by LEPs statewide. Development of the questionnaire included a pilot study which was conducted using a group of nine licensees. The feedback was used to refine the questionnaire. The final questionnaire was prepared for administration in July and August 2015.

In July 2015, the Board reached out to LEPs in California inviting them to complete the online questionnaire. A total of 245 (18%) LEPs responded by accessing the online survey. The final sample size included in the data analysis was 137, or 10% of the population that was invited to complete the questionnaire. This response rate reflects two adjustments: (1) data from respondents who indicated they were not currently licensed and were not currently practicing as LEPs in California were excluded from the analysis; and (2) data from respondents who failed to finish the survey were excluded from the analysis.

OPES then performed data analyses of the information obtained from survey respondents. OPES derived a criticality index for each task statement and a criticality index for each knowledge statement.

In August 2015, the final focus group was conducted to develop the new examination content outline. The examination outline provides a description of the scope of practice for LEPs in California. It also identifies the job tasks and knowledge critical to safe and effective LEP practice in California at the time of licensure. Additionally, the outline serves as a basis for developing a written examination for inclusion in the process of granting LEP licensure in California.

XXVII. Discussion Regarding the Comparison of the Association of Marital and Family Therapy Regulatory Board Examination for Licensure and the California Licensed Marriage and Family Therapist Clinical Examination.

During the February 2015 Board Meeting, an update regarding the Association of Marriage and Family Therapist Regulatory Examination (AMFTRB) was presented. The update summarized the assessment of the AMFTRB examination conducted by Applied Measurement Services (AMS) in 2011/2012. The assessment led to the Board decision in 2013 to not use the national examination for licensure in California.

During the February 2015 meeting, Board Members and stakeholders expressed an interest in exploring the possible use of the AMFTRB national examination for licensure in California.

Board staff contacted AMFTRB to inquire about the AMFTRB examination and its administration.

AMFTRB Examination

- Four-hour examination, offered one week each month;
- Administered via computer using testing sites throughout the country;
- Candidates receive results within 20 business days following the close of the testing period that month;
- Candidate may only attempt the examination three times per year.
- Annually, 4,000 to 5,000 candidates take the examination;
- Cost is \$350;
- Pass rate ranges from 60% to 64%.

AMFTRB is planning to conduct their next practice analysis in 2017.

BBS Clinical Written Examination (under the examination restructure)

- Four-hour examination, offered Monday through Saturday except on major holidays;

- Administered via computer allowing candidates to schedule their examination at testing sites throughout California or out-of-state;
- Cost is \$100;
- A candidate may retake the examination every 90 days;
- During FY 2014/2015 the Board administered over 4,000 LMFT Standard Written Examinations;
- Pass rate for exams administered July 1, 2014 to December 31, 2014 was 73%. The pass rate for exams administered January 1, 2015 to June 30, 2015 was 65%.

Candidates will typically receive their results upon the conclusion of their examination. However, with each new version of the examination, results are held until the Office of Professional Examination Services (OPES) has completed its analysis of the examination's performance. This analysis may take 4-6 weeks.

The Board's next Occupational Analysis is tentatively scheduled for 2017.

California is the only state that does not use the AMFTRB examination for licensure. Out-of-state applicants, who are licensed in other states, express their frustration after learning he or she is required to take and pass two examinations for licensure; despite passing a national examination for licensure in another state.

California LMFTs are equally frustrated when applying for licensure in another state that uses the AMFTRB examination for licensure. If that state determines that the California examination is not equivalent to the AMFTRB exam, the California LMFT must take that exam and any additional examination required by that state.

License portability is frequently a featured topic on the agenda of professional association meetings. The Little Hoover Commission recently held the first of a series of meetings to discuss barriers to occupational licensure.

The use of a national examination for licensure is one method to improve portability across state lines. Yet, the decision to use a national examination should not be based solely on license portability. The Board must determine if the national examination meets prevailing testing standards and will assess a candidate's competency for practice in California. In order to determine this, the services of a psychometrician will be required.

Dr. Brew expressed concern regarding the high cost of the AMFTRB exam, but understands the frustration experienced by California LMFTs and licensed MFTs from other states. She added that the MFT profession is different in California from other states, and the exam must match the practice in California. The Board should pursue this.

Dr. Chiu agreed that the practice in California is different. If the Board allows for the AMFTRB exam, an additional California-based exam may be necessary. He also requested that staff look at statistics to determine the percentage of out-of-state licensees who want to pursue California licensure.

Dr. Tracy Montez provided more details regarding the process of exam development and the process of assessing the national exam.

Dr. Caldwell responded to the concerns regarding differences between MFT practice in California and other states. He expressed that the AMFTRB practice analysis will reflect the differences. However, that is not a reason to reject or amend the national exam, which should address the areas of practice that MFTs do all over the country.

Dr. Leah Brew moved to direct staff to initiate the steps necessary to assess the AMFTRB examination as a licensure examination for California. Sarita Kohli seconded. The Board voted unanimously (10-0) to pass the motion.

Board vote:

Dr. Peter Chiu – aye
Dr. Leah Brew – aye
Dr. Christine Wietlisbach – aye
Renee Lonner – aye
Deborah Brown – aye
Christina Wong – aye
Betty Connolly – aye
Sarita Kohli – aye
Samara Ashley – aye
Karen Pines – aye

The Board took a break at 11:34 p.m. and reconvened 12:52 p.m.

XXVIII. Discussion and Possible Action Regarding Comments Submitted for the English as a Second Language Rulemaking Package

At its November 2015 meeting, the Board approved regulatory language that would allow additional examination time to be granted to applicants who speak English as a second language (ESL), if they meet certain specified criteria. The Board directed staff to start the process of pursuing the regulatory proposal.

The 45-day public comment period ended and the public hearing was conducted in February 2016. Ms. Helms briefly summarized three comments received and provided responses to 2 comments. Her responses provided clarification of the proposed language. The third comment received was a positive response in favor of the proposal.

Dr. Peter Chiu moved to direct staff to make any discussed changes, and any non-substantive changes, and to complete the regulatory process. Betty Connolly seconded. The Board voted unanimously (10-0) to pass the motion.

Board vote:

Dr. Peter Chiu – aye
Dr. Leah Brew – aye
Dr. Christine Wietlisbach – aye
Renee Lonner – aye
Deborah Brown – aye
Christina Wong – aye
Betty Connolly – aye
Sarita Kohli – aye
Samara Ashley – aye
Karen Pines – aye

XXIX. Discussion and Possible Action Regarding Uniform Requirements and Templates for Reports and Evaluations Submitted to the Board Related to Disciplinary Matters

The Board Members review a number of disciplinary cases that may include psychological evaluations. The preparation and content of the psychological evaluation reports vary between the mental health professionals conducting the evaluation. The Board Members expressed a desire for consistency in these evaluations. As a result, the Report Committee was established at the August 2015 Board meeting to review the Board's current process to develop uniform standards and/or templates for future psychological evaluations.

In January 2016, the Report Committee (Committee) met to discuss developing standards and templates for psychological evaluations submitted to the Board related to disciplinary matters. Board staff provided the Committee an overview of the Board's current process to request a psychological evaluation and selecting a mental health professional for the evaluation. Staff identified the relevant documentation provided to the mental health professional prior to the evaluation. The Committee also reviewed the Board of Psychology's Guidelines for a Psychological Evaluation.

The Committee directed staff to develop the following:

- Guidelines for Psychological Evaluation,
- Letter to the Mental Health Professional,
- Letter to the Probationer.

Ms. Lonner's suggestions on the Guidelines for Psychological Evaluation:

- Psychometrics. Test results and how they support and are integrated in the impressions, conclusions and recommendations are included here.

- Impression: This section often includes the presence or absence of denial as a defense mechanism.
- Additional Requirements, 2nd bullet: The presence or absence of remorse/responsibility for possible harm to other involved persons, i.e. his/her patients in an assessment of subject credibility.
- Eliminate the 4th bullet: Your opinion of his/her potential for rehabilitation.
- 5th bullet: Your opinion of whether or not this person will be compliant with all recommendations.
- Eliminate 6th bullet: Your opinion whether this person's conduct was an aberration, situational, or typical.
- Eliminate 9th bullet: Your opinion as to this person's impulse control.

Dr. Brew's suggestion on the Guidelines for Psychological Evaluation:

Introduction: How much time was spent with the person on each date, and a description of what was addressed/accomplished on each date.

Dr. Chiu's suggestion on the Guidelines for Psychological Evaluation:

Mental Status Examination should be placed immediately before Psychometrics.

Ms. Wong's suggestion on the Guidelines for Psychological Evaluation:

Medical and Mental Health Histories: Add past treatment history.

Ms. Dobb's suggestions on the Guidelines for Psychological Evaluation, Letter to Respondent and Letter to Psychologist:

- Title: Guidelines for Psychological/Psychiatric Evaluation; and use the term throughout documents.
- Release of Report: Indicate whether you recommend the release of the report to the licensee.
- Letter to Respondent and Letter to Psychologist: psychologist/psychiatrist where psychologist is indicated.

Renee Lonner directed staff to make the revisions to the Guidelines for Psychological Evaluation as discussed and directed the Records Committee to work on the psychological reports. Dr. Leah Brew seconded. The Board voted unanimously (10-0) to pass the motion.

Board vote:

- Dr. Peter Chiu – aye
- Dr. Leah Brew – aye
- Dr. Christine Wietlisbach – aye
- Renee Lonner – aye

Deborah Brown – aye
Christina Wong – aye
Betty Connolly – aye
Sarita Kohli – aye
Samara Ashley – aye
Karen Pines – aye

XXX. Status of Board-Sponsored Legislation and Other Legislation Affecting the Board

Board staff is pursuing the following legislative proposals:

AB 1917: Educational Requirements for Marriage and Family Therapists and Professional Clinical Counselor Applicants

This bill proposes modifications to the education required to become an LPCC or an LMFT.

Omnibus Legislation (No Bill Number Assigned at This Time)

The proposal to change the marriage and family therapist and professional clinical counselor “intern” title to “associate,” may be included in the omnibus bill. The Senate Business, Professions, and Economic Development Committee is in the process of considering this proposal.

Other Legislation:

- AB 1084: This is a “spot” bill that will be used as a vehicle in case any changes come out of the Sunset Hearing.
- AB 2191: This bill proposes to extend the Board’s sunset date to January 1, 2021.
- AB 2649: This bill was originally intended to change the marriage and family therapist and professional clinical counselor “intern” title to “associate.” Now that the proposal may run under the Omnibus Bill, AB 2649 will be amended as another proposal.

XXXI. Status of Board Rulemaking Proposals

Approved Regulations

- *Implementation of SB 704 (Examination Restructure)*: These regulations were approved by the Secretary of State on December 30, 2015 and took effect January 1, 2016.
- *Requirements for Licensed Professional Clinical Counselors to Treat Couples or Families*: These regulations were approved by the Secretary of State on November 30, 2015 and took effect January 1, 2016.

Current Regulatory Proposals

- *Standards of Practice for Telehealth*: This proposal is currently under review by the Department of Finance.
- *English as a Second Language: Additional Examination Time*: This proposal is currently under review by DCA.

XXXII. Discussion and Possible Action Regarding Changing the August Board Meeting Dates

Currently, the August Board meeting is scheduled for August 24-26, 2016 in Sacramento. Recently, some Board Members have requested to reschedule the August meeting to an alternate date.

This meeting is scheduled for three days with the first two days for disciplinary hearings. If the Board receives less than 5 petitioner requests, the first day of the meeting will be canceled.

The Board Members proposed August 17th-19th. Ms. Madsen will contact Board Members not currently present and confirm whether they can attend the Board meeting on those dates.

XXXIII. Suggestions for Future Agenda Items

Dr. Chiu: requested information on the process regarding selection of expert witnesses for disciplinary matters.

Ms. Pines requested to set a time frame for petitioners to present their testimonies during petition hearings. Ms. Dobbs responded that it may be possible, but it would have to go through the regulatory process. Ms. Pines requested that this be placed on a future agenda.

Ms. Pines requested to receive enforcement cases as a double-sided print so it makes the packets smaller. Ms. Madsen responded that electronic materials could be considered. Ms. Connolly expressed concern about the security of electronic materials.

Ms. Ashley requested to raise the threshold for holds from 2 to 3 votes (hold for discussion cases). Ms. Dobbs will look into this.

Ms. Kohli requested that when establishing a committee, that the board chair clearly define the purpose of the committee and determine parameters, such as the length of time the committee will remain in effect.

XXXIV. Public Comment for Items Not on the Agenda

Ron Berglas, Citrus Continuation School in Fontana and KVCR TV in San Bernardino, gave a brief presentation regarding parental alienation. He cited the work of J. J.

Harman, S. Leder-Elder, and Z. Biringen, as well as other psychologists and references. Mr. Berglas presented a handout titled “Diagnostic Indicators and Associated Clinical Signs – Parental Alienation”, which outlines excerpts from several references.

Mr. Berglas expressed that he is a victim of parental alienation, and requested that the Board place this issue on a future agenda to incorporate diagnostic indicators of parental alienation in the therapist curriculum.

XXXV. Adjournment

The meeting adjourned at 1:55 p.m.