



Board of Behavioral Sciences



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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=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

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

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

**II. Introductions**

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

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

The July 29, 2022 Committee Meeting minutes were tabled.

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

Strack moved; Disposti seconded.

Public Comment: None

Motion carried: yea 2, nay 0, abstention 2

Roll call vote:

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

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

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

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

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

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

Committee members suggested the following changes:

- Change the length of temporary practice allowance from 60 consecutive days to 30 consecutive days
- Therapist must provide the Board’s contact information

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

Disposti moved; Sovec seconded.

Public Comment: None

Motion carried: yea 4, nay 0

Roll call vote:

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

**V. Discussion and Possible Recommendations Regarding Advertising Laws 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 was asked to review the advertising regulations, which have not been updated since 2013, and determine if any updates were necessary.

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

Public Comment

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

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

#### Committee Discussion

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

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

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

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

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

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

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

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

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

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

Strack moved; Disposti seconded.

Public Comment: None

Motion carried: yea 4, nay 0

Roll call vote:

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

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

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

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

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

Minimum Years of Probation

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

Penalty Guidelines, Page 19: Chemical Dependency

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

This feedback will be taken back to staff for discussion.

Penalty Guidelines, Page 28: Improper Supervision

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

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

The Committee suggested changing the penalty to automatic revocation.

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

No feedback.

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

No feedback.

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

No feedback.

Optional Term and Condition of Probation: Psychotherapy, Page 38

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

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

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

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

## **VIII. Update on Board-Sponsored and Monitored Legislation**

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

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

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

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

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

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

### Enforcement Process

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

## **X. Suggestions for Future Agenda Items**

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

## **XI. Public Comment for Items not on the Agenda**

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

## **XII. Adjournment**

The Committee adjourned at 12:17 p.m.