



BOARD MEETING MINUTES

Open sessions of this Board Meeting were webcasted. Records of the webcasts are available on the following links:

August 17: https://youtu.be/a1EOi_IrC0A

August 18 (Part 1 of 2): <https://youtu.be/icuXQXnfhs>

August 18 (Part 2 of 2): <https://youtu.be/dLpr-8GzhcY>

DATE

August 17, 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
Max Disposti, Chair, Public Member
Susan Friedman, Public Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member
Dr. Annette Walker, Public Member

Members Absent:

Nick Boyd, LPCC Member
Aimee Eng, Public Member
Justin Huft, LMFT Member
Yvette Casares Willis, Public Member
Kelly Ranasinghe, Public Member (absent 1:28 p.m.)

Staff Present:

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

Other Attendees: Marcie Larson, Administrative Law Judge
Anahita Crawford, Deputy Attorney General
Stephen Guevara, Petitioner
Lisa Lipton, Petitioner
Chelsea Haakmeester-Sybrandt, Petitioner
Public participation via Webex and in-person

OPEN SESSION

1. Call to Order and Establishment of Quorum

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

2. Suggestions for Future Agenda Items

Erica Carol: Address the application process and discuss solutions to streamline the process and make it more efficient.

3. Public Comment for Items Not on the Agenda

None

Administrative Law Judge Marcie Larson presided over the following petition hearings. Deputy Attorney General Anahita Crawford presented the facts of each case on behalf of the People of the State of California.

4. Stephen Guevara, LCSW 113483, Petition for Early Termination of Probation

The record was opened at 9:09 a.m. Stephen Guevara represented himself. Deputy Attorney General Anahita Crawford presented the background of this case. Guevara was sworn-in and presented his request for early termination of his probation and information to support the request. He was cross-examined by Crawford and Board members.

After discussion regarding the correct status of Mr. Guevara's criminal probation, Mr. Guevara withdrew his petition.

The record was closed at 11:06 a.m.

5. Lisa Lipton, LMFT 135385, Petition for Early Termination of Probation

The record was opened at 12:14 p.m. Lisa Lipton represented herself. Deputy Attorney General Anahita Crawford presented the background of this case.

Lipton was sworn-in and presented her request for early termination of probation and information to support the request. She was cross-examined by Crawford and Board members. The record was closed at 1:26 p.m.

6. Chelsea Haakmeester-Sybrandt, LMFT 97091, Petition for Early Termination of Probation

The record was opened at 1:28 p.m. Chelsea Haakmeester-Sybrandt represented herself. Deputy Attorney General Crawford presented the background of this case. Haakmeester-Sybrandt was sworn-in and presented her request for early termination of probation and information to support the request. Haakmeester-Sybrandt was cross-examined by Crawford and Board members. The record was closed at 2:06 p.m.

CLOSED SESSION

The Board entered closed session at 2:17 p.m.

7. 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.

8. Recess Until 8:30 a.m., Friday, August 18, 2023

The Board recessed at 2:50 p.m.

DATE August 18, 2023

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

TIME 8:30 a.m.

ATTENDEES

Members Present: Christopher Jones, Vice Chair, LEP Member
Wendy Strack, Vice Chair, Public Member
Max Disposti, Chair, Public Member
Susan Friedman, Public Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member
Dr. Annette Walker, Public Member

Members Absent: Nick Boyd, LPCC Member
Aimee Eng, Public Member
Justin Huft, LMFT Member
Yvette Casares Willis, Public Member

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Sabina Knight, Legal Counsel
Kristy Schieldge, Legal Counsel
Rosanne Helms, Legislative Manage
Christy Berger, Regulation Analyst
Christina Kitamura, Administrative Analyst

Other Attendees: Melissa Gear, Department of Consumer Affairs
Lois Paff Bergen, AMFTRB (via Webex)
Public participation via Webex and in-person

OPEN SESSION

9. Call to Order and Establishment of Quorum

Christopher Jones, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 8:33 a.m. Roll was called, and a quorum was established.

10. Introductions

Board members, staff and attendees introduced themselves.

11. Consent Calendar

a. Possible Approval of the May 4-5, 2023 Board Meeting Minutes

b. Possible Approval of the June 8, 2023 Board Meeting Minutes

Correction noted on item 37, page 24, line 36 of the May 2023 minutes.

Motion: Approve the May 4-5, 2023 as amended and the June 8, 2023 board meeting minutes.

M/S: Disposti/Ranasinghe

Public Comment: None

Vote: Yea 9; Nay 0. Motion carried.

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

12. Board Chair Report

Introduced two new board members: Aimee Eng, public member, and Nick Boyd, LPCC member. Wendy Strack was congratulated on her reappointment to the Board.

a. Board Member Attendance

Board member attendance report for fiscal year 2022-2023 was presented.

b. Future Board Meetings

2023 board and committee meeting dates were provided. September 21st board meeting is cancelled.

c. Staff Recognitions

The following staff were recognized for their service:

- Sabrina Barrera-Ybarra: 10 years of state service
- Julie Weddle: 10 years of state service
- Valarie Enloe: 20 years of state service

Max Disposti and Ross Erlich were presented resolutions for their service to the Board. Erlich's term expired in June 2023. Disposti's term expired in June 2023 but will continue to serve his grace period for one year or until another member is appointment to his seat.

13. Department of Consumer Affairs Update

Melissa Gear, Deputy Director of Board and Bureau Relations, Department of Consumer Affairs (DCA/department) presented the following updates:

- Congratulated Aimee Eng and Nick Boyd on their appointments to the Board; congratulated Wendy Strack on her reappointment; expressed appreciation to Max Disposti and Ross Erlich for their service.
- DCA's first Diversity, Equity, and Inclusion Steering Committee held its quarterly meeting in May. The committee discussed training, strategic planning, and activities through the end of the year.
- DCA is requesting its boards and bureaus to translate all press releases in Spanish and strongly encouraged to evaluate additional languages for translation to expand its reach.
- Virtual meetings and the Bagley-Keene Open Meeting Act; SB 544 status
- AB 107 - temporary licensure to spouse or domestic partner of an active-duty military member stationed in California

- Enlightened Enforcement Project and Data Governance Project
- DCA's Annual Report
- Oath of Office and mandatory trainings for board members
- Travel arrangements and flight changes
- Board Member Orientation Training

14. Presentation By Lois Paff Bergen Regarding the Association of Marital & Family Therapy Boards (AMFTRB) National Examination

Dr. Lois Paff Bergen, LMFT Executive Director of the Association of Marital & Family Therapy Regulatory Boards (AMFTRB) gave a presentation of the AMFTRB National Examination. The information presented is intended to assist the Board in deciding whether to utilize the AMFTRB Clinical Examination for licensure.

The presentation focused on four topics:

- MFT National Examination development process
- Demographic data
- Diversity, equity, inclusion, accessibility
- Alternative pathways to licensure than multiple choice examinations.

15. Executive Officer Report

a. Budget Report

- The Board's budget for fiscal year (FY) 2022-23 is \$13,593,000.
- Expenditures to date are \$11,121,267.
- Fund Condition reflects a reserve of 14.5 months.

b. Personnel

The Board's staffing activity is as follows:

- 1 new hire
- 3 departures
- 6 vacancies

c. Licensing Report

4th Quarter Statistics:

- 3,286 licenses/registrations were issued.
- Population of approximately 137,480 licensees/associates
- 1.4% gain in license/registration population since 3rd quarter

d. Exam Report

4th Quarter Statistics:

- 2,196 exams were administered.
- 5 exam development workshops were conducted.

Steve Sodergren provided the following updates:

- Examination development
- BPC §139 report
- Association of Social Work Boards (ASWB)
- Stakeholder concerns regarding professional examinations
- Voluntary examination demographic survey

e. Enforcement Report

4th Quarter Statistics:

- 496 consumer complaints received
- 158 criminal convictions
- 531 cases closed
- 29 cases referred to Attorney General's (AG) Office
- 103 cases pending at AG's Office
- Average time to complete formal discipline: 369 days
- Average time a case is at the AG's Office: 244 days
- Average time to complete board investigations: 53 days

f. Education and Outreach Report

4th Quarter Statistics:

- Facebook followers increased to 28,129.
- Facebook page reach increased by 13.4%.
- Instagram page reach increased by 39.4%.
- Responded to BBS email accounts: 24,002

Steve Sodergren reported on the Pathway to Licensure videos, 10 Tips for a Smoother Licensing Process informational sheet, and 4th quarter outreach events.

g. Organizational Development Report

The following progress updates were provided:

- BreZE system updates
- Process Improvement Project
- Digitizing BBS records
- Diversity, Equity, and Inclusion
- Staff Training

h. Strategic Plan Update

Progress updates on Strategic Plan goals were provided.

Public comments were received by several individuals and associations addressing inequity in licensure examinations, claiming that licensure exams do not protect the public, and requesting that the Board not require licensure exams.

Rebecca Gonzales, National Association of Social Workers - California Division (NASW-CA): NASW-CA is still very concerned about the ASWB exam, and its members want to see it go away.

16. Presentation By Board Staff Regarding the Legislative Process

This item was cut from the agenda.

17. Discussion and Possible Action to Initiate a Rulemaking Regarding Proposed Changes to Enforcement Regulations: Unprofessional Conduct; Citation Factors; Amount of Fines (Title 16, California Code of Regulations (16 CCR) §§1845, 1858, 1881, 1886.30 and 1886.40)

Christy Berger presented the proposed changes to Title 16, California Code of Regulations (16 CCR) sections 1845, 1858, 1881, 1886.30 and 1886.40 related to Unprofessional Conduct, as well as the amount of fines that may be levied for a citation or order of abatement.

Motion: Approve the proposed regulatory text as presented in the meeting materials, and submit the approved text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations for Title 16, California Code of Regulations sections 1845, 1856, 1881, 1886.30 and 1886.40.

M/S: Sovec/Jones

Board Discussion: None

Public Comment: None

Vote: Yea 8; Nay 0. Motion carried.

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

18. Discussion and Possible Action to Initiate a Rulemaking Regarding Proposed Changes to Enforcement Regulations: Uniform Standards Related to Substance Abuse and Disciplinary Guidelines; Quarterly Report Form (16 CCR §1888; Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Rev. December 2020); and Quarterly Report Form (Rev. 01/12/2001))

Berger presented the proposed changes to Title 16, California Code of Regulations (16 CCR) section 1888, including changes to the Board’s “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” and “Quarterly Report Form”, both of which are incorporated by reference into section 1888.

The attachments of provided meeting materials contained the entirety of the proposed changes.

Motion: Approve the proposed regulatory text as presented in the meeting materials attachments A, B and C with the following changes: page 46 of the guidelines add the words “or three quarter” after *semester* and before *units*, so that it would read “respondent shall take and successfully complete the equivalency of 2 semester or 3 quarter units per in 30 hours of board-approved coursework in law and ethics.” In addition, submit the approved text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received and no public hearing is requested, authorize the Executive Officer to take all steps necessary to

complete the rulemaking, and adopt the proposed regulations for Title 16, California Code of Regulations section 1888 and the documents incorporated by reference as noticed.

M/S: Walker/Uribe

Public Comments

Dr. Leah Brew: Item 4 - Can hair analysis be used instead of urine analysis? Item 4 number 3 – “wrongdoing” that is not helpful or appropriate; should demonstrate that they take responsibility for the wrongdoing and have insight.

Ben Caldwell and Cathy Atkins: Expressed appreciation for Christy Berger and her work with stakeholders.

Vote: Yea 8; Nay 0. Motion carried.

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

19. Telehealth Committee Update

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

- 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;
- Developing a telehealth best practice document.

20. Licensing Committee Update

At its July 2023 meeting, the Licensing Committee:

- Discussed short-term and long-term goals for its workforce development action plan;
- Reviewed a draft of a consumer outreach document designed to explain the Board's regulated professions to the public.

21. Discussion and Possible Action Regarding AB 665 (Carrillo) Minors: Consent to Mental Health Services

AB 665 amends Family Code (FC) §6924 to make requirements for a minor to consent to mental health treatment equal for both Medi-Cal recipients and non-Medi-Cal recipients.

Motion: Support AB 665.

M/S: Disposti/Friedman

Public Comment: None

Vote: Yea 7; Nay 0, Abstain 1. Motion carried.

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

22. Discussion and Possible Action Regarding SB 11 (Menjivar) California State University: Mental Health Counseling

SB 11 was discussed at the May Board meeting. SB 11 has since been amended.

SB 11 would require the California State University (CSU) system to have a minimum of one full-time mental health counselor per 1,500 students at each of its campuses. The bill also establishes a noncompetitive grant program to provide qualifying CSU students with grants, if the student agrees to complete

the required supervised clinical training hours to obtain licensure in California with the Board of Behavioral Sciences or the Board of Psychology.

Previous Board feedback:

a) *Mental Health Counselor Definition.* *EC Section 89360(b) of the bill provides a definition of a “mental health counselor” which states that the mental health counselor needs to be licensed in California, but it does not specify which license types are acceptable. The Board suggested that the definition states the license types that are acceptable per the definition. The Board also suggested including its registered associates and trainees.*

b) *Funding to Increase Students in the Mental Health Counselor Pipeline.* *Section 89362(d) of the bill notes that funds to create incentives for students to become mental health counselors may be used to support recruitment efforts. The Board suggested utilizing funds towards the CSU mental health programs to accommodate additional students.*

The author did not revise the definition of a mental health counselor; instead, the author added a definition of “licensure” to clarify that those eligible for the grant program must be seeking licensure with this board or the Board of Psychology.

Motion: Support SB 11.

M/S: Jones/Strack

Public Comment: None

Vote: Yea 8; Nay 0. Motion carried.

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

23. Discussion and Possible Action Regarding SB 238 (Wiener) Health Care Coverage: Independent Medical Review

SB 238 was discussed at the May 2023 Board meeting. SB 238 has since been amended.

SB 238 seeks to reduce barriers to mental health care for children and young adults by making the independent medical review process automatic, rather than consumer-initiated, for mental health treatment and substance use disorder treatment denials for children and young adults up to age 26.

Motion: Support SB 238.

M/S: Ranasinghe/Disposti

Public Comment: None

Vote: Yea 8; Nay 0. Motion carried.

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

24. Discussion and Possible Action Regarding SB 372 (Menjivar) Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes

SB 372 was discussed at the May 2023 Board meeting. SB 372 has since been amended.

SB 372 would require a licensing board under DCA to update its records, including any records contained in its online license verification system, to include a licensee or registrant's updated legal name or gender, and make the former name and gender confidential, when that licensee or registrant provides

government-issued documentation that their legal name or gender has been changed.

The previous version of the bill would have required all name changes to be confidential. The current version of SB 372 only permits confidentiality for those with a deadname or for those in specified domestic abuse situations.

Motion: Support SB 372.

M/S: Sovec/Disposti

Public Comment

Rebecca Gonzales, NASW-CA: Stated that NASW-CA, CAMFT, and CALPCC are in support of AB 372.

Vote: Yea 7; Nay 0, Abstain 1. Motion carried.

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

25. Discussion and Possible Action Regarding SB 373 (Menjivar) Board of Behavioral Sciences, Board of Psychology, and Veterinary Medical Board: Licensees' and Registrants' Addresses

This item was cut from the agenda.

26. Discussion and Possible Action Regarding SB 525 (Durazo) Minimum Wage: Health Care Workers

This item was cut from the agenda.

27. Discussion and Possible Action Regarding SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing

SB 544 was discussed at the May 2023 Board meeting. SB 544 has since been amended.

SB 544 would modernize the Bagley-Keene Open Meeting Act requirements for state bodies conducting a meeting by teleconferencing.

The bill has been amended as follows:

- To require a majority of members of the state body be physically present at the same location for at least half of its meetings per year; and
- To include a sunset date of January 1, 2026, after which the law would revert back to the teleconferencing requirements for meetings that are currently in place today.

Motion: Support SB 544.

M/S: Ranasinghe/Jones

Public Comment

John Deline: Supports the intent of the bill.

Vote: Yea 7; Nay 1. Motion carried.

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

28. Discussion and Possible Action Regarding Clarifying the term “Supervisee” (Business and Professions Code (BPC) §§4980.43.2, 4980.43.4, 4996.23.1, 4996.23.3, 4999.46.2, 4999.46.4)

Helms presented proposed changes to Definition of Direct Supervisor Contact (BPC §§4980.43.2(b), 4996.23.1(b), 4999.46.2(b)) and Limitation on Number of Supervisees per Supervisor (BPC §§4980.43.4(c) 4996.23.3(c), 4999.46.4(c)).

After a brief discussion, the Board expressed to proceed with the following proposed language:

- Definition of Direct Supervisor Contact, as provided
- Limitation on Number of Supervisees per Supervisor: 2nd option
Individuals who are receiving supervision for providing clinical mental health services in a non-exempt setting.)

Public Comment:

Caldwell: Thanked Helms for her work on this.

Gonzales, NASW-CA: Finding supervisors is very challenging. NASW-CA has concerns about social work interns being counted in the group and taking those seats. If this law passes, NASW-CA will want to evaluate these changes and make sure that it's not exacerbating any problems.

Cathy Atkins, California Association of Marriage and Family Therapists (CAMFT): CAMFT does not have a position in how this should be written. Thanked the Board for working with CAMFT and stakeholders.

Staff will draft language and bring it back to the Board in November.

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

AB 232 Temporary Practice Allowances: In the Senate Appropriations Committee

AB 887 Omnibus Bill: In the Assembly Appropriations Committee

30. Update on Board Rulemaking Proposal

Nothing to report.

31. Suggestions for Future Agenda Items

Friedman: Discuss how to get more people to become therapists.

John Deline: 1) Suspend the licensing exam for a period of time to “flood the market” with mental health providers. 2) Integrating mental health professionals into public safety and public protection officers.

32. Public Comment for Items not on the Agenda

Deline: The Board is awesome.

33. Adjournment

The Board adjourned at 2:44 p.m.