State of California Department of Consumer Affairs

BOARD OF BEHAVIORAL SCIENCES
1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834
Telephone (916) 574-7830
TDD (916) 322-1700
Website Address: http://www.bbs.ca.gov

MEETING NOTICE

February 16, 2006

AYRES HOTEL & SUITES
325 Bristol Street
Costa Mesa, CA 92626

Thursday, February 16
9:00 a.m.

FULL BOARD OPEN SESSION - Call to Order & Establishment of a Quorum

I. Chairperson's Report

II. Executive Officer's Report
- A. Licensing Statistics
- B. Enforcement Statistics
- C. Budget Update
- D. Legislative Update
- E. Personnel Update
- F. Initial Results of Superivision Survey
- G. Miscellaneous Matters

III. Election of Officers

IV. Approval of November 17-18, 2005 Board Meeting Minutes

V. Presentation on and Discussion of Board's Licensing Examination Program
Linda Hooper, PhD, Acting Chief of the Office of Examination Resources

VI. Report of the Consumer Protection Committee

A. Sponsor Legislation Related to Fictitious Business Names for Licensed Clinical Social Workers

VII. Report of the Communications Committee

VIII. Report of the Policy and Advocacy Committee

A. Advocate for Implementation of AB 938 Loan Repayment/Scholarship Program Implementation
B. Possible Action to Conduct a Demographic Survey of Board Licensees

IX. Report of the Budget and Efficiency Committee

X. Public Comment for Items Not on the Agenda

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Items will be considered in the order listed. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

THIS AGENDA AS WELL AS BOARD MEETING MINUTES CAN BE FOUND ON THE BOARD OF BEHAVIORAL SCIENCES WEBSITE AT www.bbs.ca.gov

NOTICE: The meeting facilities are accessible to persons with disabilities. Please make requests for accommodations to the attention of Sal Reyes at the Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834, or by phone at (916) 574-7836, no later than one week prior to the meeting. If you have any questions please contact the Board at (916) 574-7830.

Item II

Executive Officer’s Report

Blank Page

Attachment A

Blank Page

State of California
Board of Behavioral Sciences

M e m o r a n d u m

To: Board Members **Date:** January 30, 2006

From: Paul Riches
Executive Officer **Telephone:** (916) 574-7840

Subject: **Licensing Statistics**

Background

Attached to this memo are the licensing statistics for the October – December 2005 quarter. These statistics are central to our efforts to improve productivity in the board's licensing programs. The volume of applications dropped significantly (37%) from the previous quarter largely due to the seasonality of workload in the two registration programs (associate clinical social worker, intern marriage and family therapist).

Average processing times (without deficiencies) were generally down with a slight increase in the ASW program. The progress seen in most programs is quite encouraging given the significant loss of productivity that resulted from the office move and the increase in vacation time around the winter holidays (25% increase in vacation taken in December).

However, total processing time (including time to resolve deficiencies) was up across the board. Deficiencies significantly delay the processing of applications (50% to 300% longer) and are quite prevalent in the applications for licensed clinical social workers (26% of applications are deficient) and marriage and family therapists (35% of applications are deficient). Staff is beginning a review of our applications and of the deficiency process to identify strategies for reducing these delays.

October – December 2005 Results

The statistics attached describe average processing times including time spent waiting to resolve deficiencies and average processing times without the time spent waiting to resolve deficiencies.

For the associate clinical social worker (ASW) program, average processing times (both with and without deficiencies) increased despite a reduction in application volume. These applications are shared by two evaluators who also handle LCSW applications. After handling the summer surge, these evaluators refocused on handling LCSW applications that had accumulated during the summer.

For the Licensed Clinical Social Worker (LCSW) program, average processing time decreased significantly both with and without deficiencies. This increase is largely attributable to the increased focus on the LCSW applications following the summer surge in ASW applications.

For the Marriage and Family Therapy Intern (IMF) program, average processing times decreased slightly and the board experienced a significant decrease in application volume.

For the Marriage and Family Therapist (MFT) program, average processing times increased while the average processing time without deficiencies decreased slightly. This is encouraging for the program because one of the two evaluators on this program has been on a jury trial since October. The licensing unit staff has worked hard to fill in for the lost staff time. The board will be training a new evaluator in this program effective February 1, 2006. Jamie Collins (our new hire from September) got a new job (and significant promotion) at the State Teachers Retirement System.

For the Licensed Educational Psychologist (LEP) program, average processing time was stable.

QUARTERLY LICENSING STATISTICS

(10/1/2005- 12/31/2005)

	Associate Social Worker	Marriage and Family Therapy Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	334	537	248	284	20	1,423
Applications Approved	339	621	194	298	14	1,466
Avg. Processing Time	39 days	34.4 days	26 days	64.1 days	50.6 days	42.8 days
Avg. Processing Time subtracting time for deficiencies	10.7 days	12.5 days	12.7 days	41.8 days	8.3 days	17.2 days

QUARTERLY LICENSING STATISTICS

(7/1/2005 - 9/30/2005)

	Associate Social Worker	Marriage and Family Therapy Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	561	1,062	270	390	28	2,311
Applications Approved	547	957	252	325	20	2,101
Avg. Processing Time	28.1 days	33.3 days	35.6 days	60.3 days	41.3 days	39.7 days
Avg. Processing Time subtracting time for deficiencies	9.4 days	13.8 days	18.4 days	44.9 days	8.8 days	19.2 days

QUARTERLY LICENSING STATISTICS

(4/1/2005-6/30/2005)

	Associate Social Worker	Marriage and Family Theapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	377	599	263	338	37	1,614
Applications Processed	346	460	301	298	33	1,438
Avg. Processing Time	25 days	37 days	27.6 days	55 days	7.4 days	30 days

Attachment B

Blank Page

BOARD OF BEHAVIORAL SCIENCES

Overview of Enforcement Activity

Fiscal Years	**01/02**	**02/03**	**03/04**	**04/05**	**05/06 ***
Complaints / Cases Opened					
Complaints Received	493	514	560	626	376
Criminal Convictions Received	397	384	383	384	235
Total Complaints Received	**890**	**898**	**943**	**1010**	**611**
Investigations Opened	42	25	11	25	28
Cases Sent to AG	31	41	17	25	19
Filings					
Citations Issued	30	24	19	63	75
Accusations Filed	27	17	22	17	10
Statement of Issues (SOI's) filed	7	4	4	2	0
Temporary Restraining Order	0	0	0	0	0
Interim Suspension Orders	0	0	1	0	1
Withdrawals/Dismissals					
Accusations Withdrawn or Dismissed	3	1	0	1	0
SOI's Withdrawn or Dismissed	1	1	0	0	0
Declined by the AG	0	7	3	1	0
Disciplinary Decision Outcomes					
Revoked	14	4	10	4	5
Revoked, Stayed, Susp & Probation	2	2	1	2	0
Revoked, Stayed, Probation	12	6	5	2	3
Surrender of License	6	7	7	7	4
Suspension	0	0	0	0	0
Susp., Stayed, Susp & Prob	0	0	0	0	0
Susp., Stayed Probation	0	1	0	0	0
Susp & Prob Only	0	0	0	0	0
License Probation Only	1	0	0	0	0
Reprimand / Reproval	0	1	0	0	0
Other Decisions	0	0	0	0	0
Total Decisions	**35**	**21**	**23**	**15**	**12**
Decisions (By Violation Type)					
Fraud	1	1	0	1	0
Health & Safety	0	0	0	1	1
Sexual Misconduct	13	5	5	5	5
Competence / Negligence	1	2	9	2	1
Personal Conduct	7	7	3	4	4
Unprofessional Conduct	8	4	4	2	1
Unlicensed Activity	0	0	0	0	0
Other	0	0	0	0	0
Violation of Probation	5	2	2	0	0

**** Fiscal Year Period: 7/1/05 through 12/31/05.***

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

1/26/2006

BOARD OF BEHAVIORAL SCIENCES
BREAKDOWN OF ENFORCEMENT COMPLAINT ACTIVITY BY LICENSEE POPULATION
2005 - 2006
FISCAL YEAR (1)

	OPENED	COMPLAINTS CLOSED	PENDING	Licenses In Effect (2)	% of Licenses to Pending Complaints
UNLICENSED	50	56	10	n/a	n/a
APPLICANTS	162	178	20	n/a	n/a
CE PROVIDERS	3	3	1	2234	0.04
DUAL LICENSEES (3)	9	7	2	n/a	n/a
DUAL W/BOP (3)	8	7	3	n/a	n/a
ASW	27	19	21	6510	0.32
LCSW	86	84	30	16301	0.18
IMF	63	51	49	9816	0.50
MFT	195	169	101	27733	0.36
LEP	8	6	2	1717	0.12
TOTAL	611	580	239	64311	0.37

Note:
(1) Activity is from July 1, 2005 through December 31, 2005. Pending as of December 31, 2005.
(2) Licenses in effect as of December 1, 2005. Does not include cancelled, revoked, or voluntary surrender of licenses.
(3) Dual licensees are those that hold dual licenses with BBSE. Dual w/BOP are licensed with BBSE and the Board of Psychology.

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

filename:123105A

1/26/2006

BOARD OF BEHAVIORAL SCIENCES
BREAKDOWN OF ENFORCEMENT COMPLAINT CLOSURES BY TYPE
2005 - 2006
FISCAL YEAR (1)

	Unactionable (2)	Mediated (3)	Citation (4)	Violation (5)	Inv. (6)	District Attorney (7)	Rfrd Disp. (8)	Other (9)	TOTAL
UNLICENSED	50	0	0	6	0	0	0	0	56
APPLICANTS	2	0	0	164	0	0	0	12	178
CE PROVIDER	2	0	0	0	0	0	0	1	3
DUAL LICENSEES (10)	2	0	5	0	0	0	0	0	7
DUAL W/BOP (10)	4	0	3	0	0	0	0	0	7
ASW	10	0	1	5	1	0	1	1	19
LCSW	46	0	24	4	2	0	4	4	84
IMF	21	0	1	18	2	0	1	8	51
MFT	105	3	40	6	5	0	4	6	169
LEP	3	0	0	1	0	0	0	2	6
TOTAL	245	3	74	204	10	0	10	34	580

42% Unactionable | **58% Actionable**

Note:

(1) Closure activity is from July 1, 2005 through December 31, 2005.
(2) Unactionable: Complaints which after review are closed no violation, insufficient evidence, no jurisdiction etc.
(3) Mediated: Complaints which have no violation, but where a resolution was reached between parties.
(4) Citation: Complaints in which after review, violations have been found and the complaint was closed upon the issuance of a citation.
(5) Violation: Complaints which after review, violations have been found and were closed upon the issuance of a cease and desist or warning letter.
(6) Inv.: Complaints which were closed after an investigation was conducted.
(7) District Attorney: Compaints which, after review, a determination is made that the matter should be referred to the DA's office.
(8) Rfrd Disp: Complaints which are referred directly to the Attorney General's office for disciplinary action (no investigation was required).
(9) Other: Complaints closed in any manner which does not fit within one of the other categories.
(10) Dual licensees are those that hold dual licenses with BBSE. Dual w/BOP are licensed with BBSE and the Board of Psychology.

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

filename:123105B

1/26/2006

BOARD OF BEHAVIORAL SCIENCES
CATEGORY OF PENDING COMPLAINTS
As of December 31, 2005

AGENCY CATEGORY	CE	UL	AP	DL	DP	AS	LC	IM	MF	LEP	TOTAL
Fraud	0	0	0	0	0	0	0	1	1	0	2
Fraudulent License	0	0	0	0	0	0	0	0	0	0	0
Insurance, Medi-Cal	0	0	0	0	0	0	1	0	1	0	2
Non-Jurisdictional	0	0	0	0	0	0	0	0	0	0	0
Custody	0	2	0	1	0	0	1	0	6	0	10
Fee Disputes	0	0	0	0	0	0	0	0	1	0	1
Exempt from licensure	0	0	0	0	0	0	0	0	0	0	0
Negligence	0	0	0	0	0	0	0	0	2	0	2
Beyond Scope	0	0	0	0	0	0	0	0	0	0	0
Dual Relationship	0	0	0	0	0	0	0	0	0	0	0
Abandonment	0	0	0	0	0	0	0	0	0	0	0
Improper Supervision	0	0	0	0	1	0	2	0	5	0	8
Misdiagnosis	0	0	0	0	0	0	0	1	0	0	1
Failure/Report Abuse	0	0	0	0	0	0	0	0	2	0	2
Aiding & Abetting	0	0	0	0	0	0	0	0	1	0	1
Other	0	0	0	0	0	0	0	0	1	0	1
Mental Ilness	0	0	0	0	0	0	0	0	0	0	0
Self Use Drugs/Alcohol	0	0	0	0	0	0	0	0	0	0	0
Conviction of Crime	0	0	1	0	0	18	5	27	11	1	63
Unprofessional Conduct	1	0	0	1	1	1	17	10	39	1	71
Sexual Misconduct	0	0	0	0	0	1	1	3	8	0	13
Breach of Confidentiality	0	0	0	0	0	0	1	0	5	0	6
Emotional/Phys. Harm	0	0	0	0	0	0	0	1	0	0	1
Advertising / Misrepresentation	0	0	0	0	0	0	0	1	3	0	4
Unlicensed Practice	0	8	0	0	0	0	0	3	0	0	11
Repressed Memory	0	0	0	0	0	0	0	0	0	0	0
Third Party Complaint	0	0	0	0	0	1	1	2	2	0	6
Unsafe/Sanitary Conditions	0	0	0	0	0	0	0	0	0	0	0
Discipline by Another State	0	0	0	0	0	0	0	0	0	0	0
Criminal Convictions - Renewal Reported	0	0	0	0	0	0	0	0	0	0	0
Non Compliance with CE Audit	0	0	0	0	1	0	1	0	13	0	15
Applicant Referral for Criminal Conviction	0	0	19	0	0		0	0	0	0	19
Subvert Licensing Exam	0	0	0	0	0	0	0	0	0	0	0
TOTAL	1	10	20	2	3	21	30	49	101	2	239

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

filename:123105C

1/26/2006

BOARD OF BEHAVIORAL SCIENCES
BREAKDOWN OF ENFORCEMENT ACTIVITY - CASES AT THE AG'S OFFICE
BY LICENSEE POPULATION
2005 - 2006 FISCAL YEAR (1)

	PENDING	Licenses In Effect (2)	% of Licenses to Pending Cases
UNLICENSED	0	n/a	n/a
APPLICANTS	1	n/a	n/a
SUSEQUENT DISP. (3)	3	n/a	n/a
DUAL LICENSEES (4)	1	n/a	n/a
DUAL W/BOP (4)	4	n/a	n/a
CE PROVIDERS	0	2234	0.00
ASW	3	6510	0.05
LCSW	5	16301	0.03
IMF	3	9816	0.03
MFT	16	27733	0.06
LEP	0	1717	0.00
TOTAL	36	64311	0.06

Note:
(1) Pending as of December 31, 2005.
(2) Licenses in effect as of December 1, 2005. Does not include cancelled, revoked, or voluntary surrender of licenses.
(3) Subsequent Discipine for violation of probation.
(4) Dual licensees are those that hold dual licenses with BBSE. Dual w/BOP are licensed with BBSE and the Board of Psychology.

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

filename:123105D

1/26/2006

BOARD OF BEHAVIORAL SCIENCES
CATEGORY TYPES OF DISCIPLINARY ACTION TAKEN
2005 - 2006
FISCAL YEAR *

		MFT IMF	LCSW AWS	LEP	APPLICANT
REVOC. STAYED: PROB ONLY					
Aiding and Abetting	1	1			
Sexual Misconduct	1	1			
Conviction of a Crime	1				**1**
Subtotal	**3**	**2**	**0**	**0**	**1**
REVOKED					
Conviction of a Crime	2	2			
Sexual Misconduct	2	2	1		
Subtotal	**5**	**4**	**1**	**0**	**0**
SURRENDER OF LICENSE					
Mental Illness	1	1			
Emotional / Physical Harm	1		1		
Sexual Misconduct	1	0	1		
Conviction of a Crime	1	1			
Subtotal	**4**	**2**	**2**	**0**	**0**
TOTAL	**12**	**8**	**3**	**0**	**1**

* Time frame: July 1, 2005 through December 31, 2005

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

filename:123105E

1/26/2006

BOARD OF BEHAVIORAL SCIENCES
CITATIONS ISSUED BY CATEGORY

Agency Category Types	01/02	02/03	03/04	04/05	05/06*
Improper Supervision		1	1	2	
Aiding & Abetting					1
Failure/Report Abuse		1	1		
Breach of Confidence	1	2	6	5	4
Advertising/Misrepresentation	1	1	1	1	
Unlicensed Practice	3	4	3	7	1
Failure Report Conviction on Renewal		2			
Non Compliance with CE Audit	24	12	6	44	66
Failure Report Conviction on Application		1		1	1
Subvert Licensing Exam			1		
Practicing Beyond Scope				1	
Client Abandonment					1
Unprofessional Conduct				2	1
TOTAL	29	24	19	63	75

* 05/06 Fiscal Year through: December 31, 2005

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

Filename: 123105F

1/26/2006

BOARD OF BEHAVIORAL SCIENCES
RECOVERY COSTS

	01/02	02/03	03/04	04/05	05/06*
# Cases Ordered	21	12	9	12	10
Total Amount Ordered	$130,772.00	$36,258.50	$25,497.50	$73,791.25	$54,281.50
Amount Collected **(1)**	$45,544.76	$57,867.25	$20,600.08	$23,791.89	$9,333.39

(1) In Stipulated Settlements resulting in revocation or voluntary surrender, payment of cost recovery may only be required if the respondent pursues reinstatement or reapplys for licensure.

* 05/06 Fiscal Year through: December 31, 2005

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

Filename: 123105G

1/26/2006

BOARD OF BEHAVIORAL SCIENCES
REIMBURSEMENT OF PROBATION PROGRAM

	01/02	02/03	03/04	04/05	05/06 *
# Cases Ordered			1	3	3
Amount Ordered Per Year ($1,200)			$6,000.00	$16,800.00	$14,400.00
Amount Collected			0	$1,900.00	$800.00

* 05/06 Fiscal Year through: December 31, 2005

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

Filename: 123105H

1/26/2006

BOARD OF BEHAVIORAL SCIENCES
ENFORCEMENT AGING DATA
2005 - 2006 FISCAL YEAR (1)

	0-3 mo	4-6 mo	7-9 mo	10-12 mo	1-2 years	2-3 years	Over 3 Years	Total
Pending Complaints (2)	137	45	14	7	4	0	0	207
Pending Investigations (3)	18	6	6	2	0	0	0	32
Total Pending Complaints (Includes Inv) (4)	**155**	**51**	**20**	**9**	**4**	**0**	**0**	**239**
Pending Cases at the AG - Pre Accusation (5)	11	3	2	0	1	0	0	17
Pending Cases at the AG - Post Accusation (6)	7	4	3	2	1	2	0	19
Total Pending Cases at the AG's Office	**18**	**7**	**5**	**2**	**2**	**2**	**0**	**36**

(1) Pending as of December 31, 2005.
(2) Pending Complaints are those complaints which are not currently being investigated by the Division of Investigation.
(3) Pending Investigations are those complaints which are being investigated by the Division of Investigation.
(4) Total Pending Complaints includes pending complaints and pending investigations.
(5) Pre Accusation are those pending cases at the AG's office where an accusation or statement of issues has not been filed yet.
(6) Post Accusation are those pending cases at the AG's office where a accusation or statement of issues has been filed.

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

Attachment C

Blank Page

BOARD OF BEHAVIORAL SCIENCES

EXPENDITURE REPORT FY 2005/2006

OBJECT DESCRIPTION	FY 2004/2005 ACTUAL EXPENDITURES	FY 2005/2006 BUDGET ALLOTMENT	CURRENT YEAR AS OF 12/31/05	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES					
Salary & Wages (Civ Svc Perm)	1,005,615	1,208,843	514,657	1,150,000	58,843
Salary & Wages (Stat Exempt)	82,863	81,724	41,388	82,863	(1,139)
Temp Help (907)(Seasonals)	27,338	14,105	14,795	30,000	(15,895)
Temp Help (915)(Proctors)	0	19,444	0	0	19,444
Board Memb (Per Diem)	9,800	12,900	1,900	10,000	2,900
Overtime	1,399	7,533	3,451	6,000	1,533
Totals Staff Benefits	490,027	515,716	232,657	510,000	5,716
Salary Savings	0	(54,514)			(54,514)
TOTALS, PERSONAL SERVICES	1,617,042	1,805,751	808,848	1,788,863	16,888
OPERATING EXP & EQUIP					
Fingerprint Reports	4,766	162,954	1,452	5,000	157,954
General Expense	40,542	32,319	32,852	45,000	(12,681)
Printing	45,078	85,377	34,464	50,000	35,377
Communication	9,232	24,460	3,817	12,000	12,460
Postage	71,831	97,944	55,062	85,000	12,944
Travel, In State	50,908	54,082	21,554	52,000	2,082
Travel, Out-of-State	0	1,567	0	0	1,567
Training	12,652	15,288	12,055	10,000	5,288
Facilities Operations	190,379	207,867	100,258	200,000	7,867
C&P Services - Interdept.	2,059	25,833	0	2,000	23,833
C&P Services-Ext (Hatton)	16,595	9,119	3,025	16,000	(6,881)
DEPARTMENTAL PRORATA					
DP Billing	284,922	252,320	126,397	252,320	0
Indirect Distribution Costs	291,069	280,805	140,441	280,805	0
Communication/Educ. Division	14,700	16,152	10,043	16,152	0
D of I Prorata	8,177	7,867	1,968	7,867	0
Interagency Services (OER IACs)	194,926	0	1,200	194,000	(194,000)
Consolidated Data Services	4,499	20,250	1,092	6,000	14,250
Data Processing (Maint,Supplies,Contract)	10,655	4,383	6,179	13,000	(8,617)
Central Admin. Svcs - Pro Rata	159,995	146,345	73,172	146,345	0
EXAM EXPENSES					
Exam Site Rental	80,028	192,079	23,681	100,000	92,079
Exam Contract (Thomson) (404.00)	332,191	277,744	113,123	375,000	(97,256)
Expert Examiners (404.03)	290,841	448,223	122,815	315,000	133,223
ENFORCEMENT					
Attorney General	257,656	517,625	129,402	400,000	117,625
Office of Admin. Hearing	45,395	149,421	5,830	80,000	69,421
Court Reporters	7,968	0	362	10,000	(10,000)
Evidence/Witness Fees	17,194	59,247	18,382	25,000	34,247
Division of Investigation	66,333	42,878	21,439	42,878	0
Minor Equipment (226)	82,704	37,100	20,042	80,000	(42,900)
Major Equipment (Phone Equip - Addit)	31,034	10,000	0	25,000	(15,000)
TOTAL, OE&E	2,621,479	3,179,249	1,080,106	2,846,367	332,882
TOTAL EXPENDITURES	**$4,238,521**	**$4,985,000**	**$1,888,954**	**$4,635,230**	**$349,770**
Fingerprints	(4,512)	(150,000)	1,962	(5,000)	(148,038)
Other Reimbursement	(22,772)	(26,000)	7,915	(26,000)	(18,085)
Unscheduled Reimbursements	(27,826)	0	10,207	(30,000)	10,207
Total Reimbursements	(55,110)	(176,000)	20,084	(61,000)	(155,916)
NET APPROPRIATION	**$4,183,411**	**$4,809,000**	**$1,909,038**	**$4,574,230**	**$193,854**

BOARD OF BEHAVIORAL SCIENCES
Analysis of Fund Condition

(Dollars in Thousands)
NOTE: $6.0 Million General Fund Repayment Outstanding

	ACTUAL 2004-05	2005-06	2006-07	Gov's Budget 2007-08	2008-09
BEGINNING BALANCE	$ 3,008	$ 4,090	$ 4,425	$ 4,724	$ 4,934
Prior Year Adjustment	$ 177	$ -	$ -	$ -	$ -
Adjusted Beginning Balance	$ 3,185	$ 4,090	$ 4,425	$ 4,724	$ 4,934
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	$ 52	$ 54	$ 56	$ 56	$ 56
125700 Other regulatory licenses and permits	$ 1,480	$ 1,503	$ 1,525	$ 1,525	$ 1,525
125800 Renewal fees	$ 3,395	$ 3,425	$ 3,430	$ 3,430	$ 3,430
125900 Delinquent fees	$ 57	$ 58	$ 60	$ 60	$ 60
141200 Sales of documents	$ -	$ -	$ -	$ -	$ -
142500 Miscellaneous services to the public	$ -	$ 1	$ 1	$ 1	$ 1
150300 Income from surplus money investments	$ 92	$ 87	$ 93	$ 97	$ 99
160400 Sale of fixed assets	$ -	$ -	$ -	$ -	$ -
161000 Escheat of unclaimed checks and warrants	$ 2	$ 2	$ 2	$ 2	$ 2
161400 Miscellaneous revenues	$ 4	$ 4	$ 4	$ 4	$ 4
Totals, Revenues	$ 5,082	$ 5,134	$ 5,171	$ 5,175	$ 5,177
Transfers from Other Funds					
F00683 Teale Data Center (CS 15.00, Bud Act of 2005)	$ 6	$ -	$ -	$ -	$ -
Transfers to Other Funds					
T00001 GF loan per Item 1170-011-0773, BA of 2002	$ -	$ -	$ -	$ -	$ -
Totals, Revenues and Transfers	$ 5,088	$ 5,134	$ 5,171	$ 5,175	$ 5,177
Totals, Resources	$ 8,273	$ 9,224	$ 9,595	$ 9,899	$ 10,111
EXPENDITURES					
Disbursements:					
0840 State Controller (State Operations)	$ -	$ -	$ 3	$ -	$ -
1110 Program Expenditures (State Operations)	$ 4,183	$ 4,799	$ 4,868	$ 4,965	$ 5,065
9670 Equity Claims / Board of Control (State Operations)				$ -	$ -
Total Disbursements	$ 4,183	$ 4,799	$ 4,871	$ 4,965	$ 5,065
FUND BALANCE					
Reserve for economic uncertainties	$ 4,090	$ 4,425	$ 4,724	$ 4,934	$ 5,046
Months in Reserve	10.2	10.9	11.4	11.7	11.7

NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED

B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING FY 2006-07

Attachment D

Blank Page

State of California

Memorandum

To:	Board Members	**Date:**	February 1, 2006
From:	Christy Berger Legislation Analyst	**Telephone:** **Extension:**	(916) 574-7847
Subject:	**Update on Legislation and Regulations**		

Legislation Update

Board-Sponsored Legislation

The Assembly Committee on Business and Professions has agreed to sponsor the Board's proposed reorganization of its statutes. We expect this proposal to be included in the committee's annual bill.

Legislation with a Board Position

Any legislation with a Board position from the 2005 legislative season has been resolved. Staff is monitoring current legislation and will present any that are potentially of interest to the Board in the future.

Regulation Update

Title 16, CCR Section 1886.40, Citations and Fines
These regulations would provide the board with the authority to issue a fine between $2,501 and $5,000 for specified violations. These regulations have been submitted to the Office of Administrative Law (OAL) for final approval.

Title 16, CCR Section 1803, Delegation of Authority to the Executive Officer
These regulations would allow the executive officer to sign orders to compel a psychiatric evaluation of a Board licensee or registrant as part of an investigation of a complaint. This regulation proposal has been submitted to OAL for public notice.

Title 16, CCR Sections 1833.1 and 1870, Supervisor Requirements
Supervisors are currently required to have practiced psychotherapy for two out of the five years preceding any supervision. These regulations would also allow direct supervision of those who perform psychotherapy in place of the practice of psychotherapy. This proposal is on hold until we have the results of the supervision survey.

Title 16, CCR Section 1886, Citation and Fine of Continuing Education Providers
These regulations would provide the board with the authority to issue a citation and fine to a continuing education provider. Staff is in the process of preparing this regulation proposal.

Blank Page

Attachment E

Blank Page

State of California

Memorandum

To: Board Members **Date:** February 1, 2006

From: Kim Madsen
Program Manager

Subject: **New Employees**

I am pleased to announce the appointment of two new staff members to the licensing unit, Tricia Soares and Victoria (Tori) Gaines. Both Ms. Soares and Ms. Gaines began their employment with the Board of Behavioral Sciences on February 1, 2006.

Tricia Soares is new to state service and holds a Bachelor of Arts degree in Communication from Sacramento State University. Tricia's past employers include E Trade and Sacramento Radiology Center, where she gained experience working with licensed professionals as well as the public. Tricia will be evaluating Marriage and Family Therapist applications.

Victoria (Tori) Gaines is also new to state service. As an Assistant Manager for Hollywood Video and a Sales Associate for Cost Plus, Tori has experience in providing customer service and working with the public. Tori will be evaluating Associate Social Workers and Licensed Clinical Social Workers' applications.

Blank Page

Attachment F

Blank Page

State of California
Board of Behavioral Sciences

Memorandum

To: Board Members **Date:** February 1, 2006

From: Paul Riches
Executive Officer **Telephone:** (916) 574-7840

Subject: Initial Results of the Supervision Survey

Attached to this memo are the initial results from the supervision survey. These results are preliminary. We continue to receive surveys from candidates and will include those surveys in the final survey results. The pages attached have basic statistics on the results and indicate that candidates have a generally high level of satisfaction with the supervision experience.

Two questions are omitted from these preliminary results (numbers 13 and 18) because of data entry issues that need to be corrected.

Board staff will continue to analyze the survey responses and present those results to the board in the coming months.

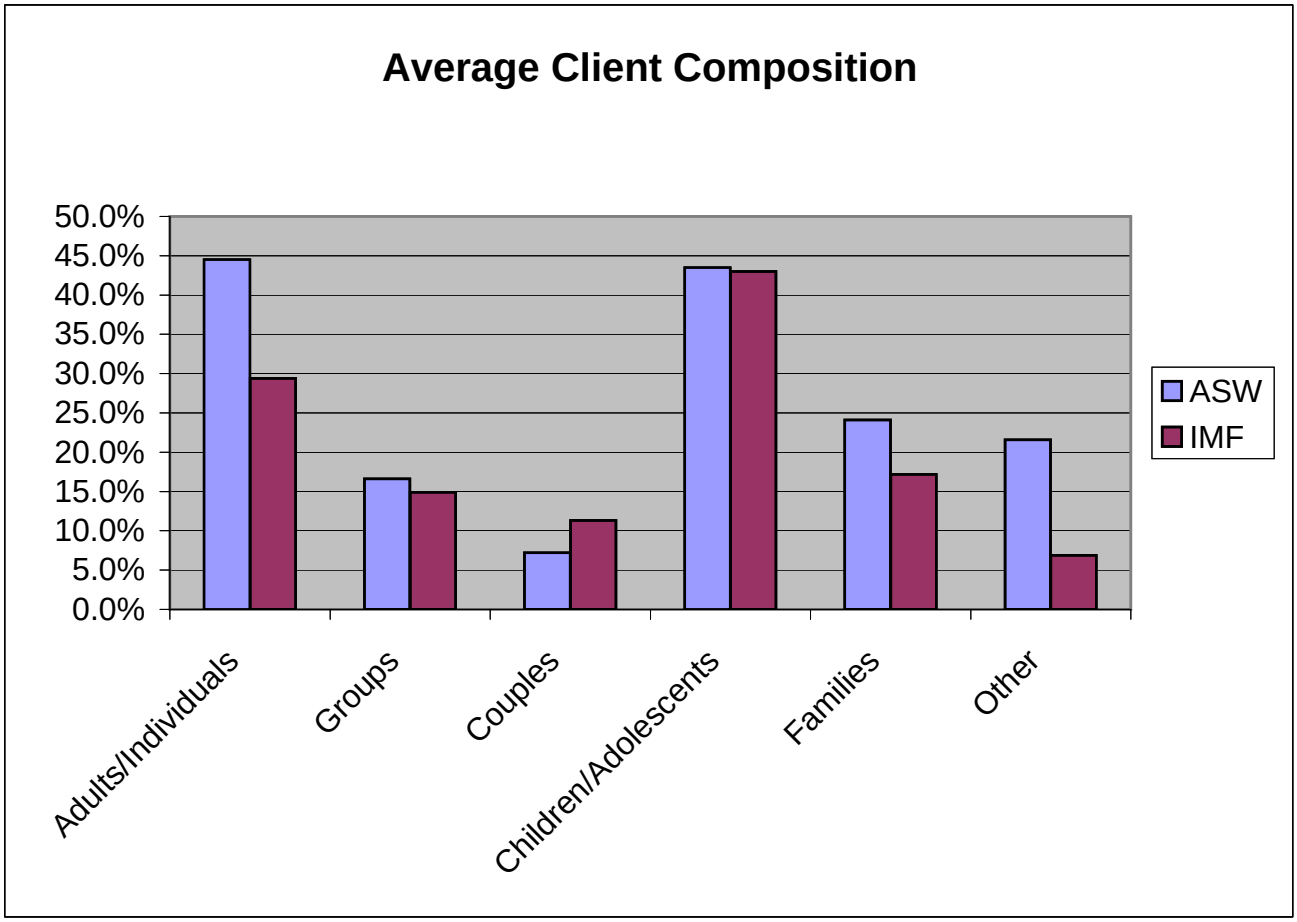
The initial results reflect 218 survey responses from associate clinical social workers and 304 responses from marriage and family therapy interns. Both groups have a response rate in the mid 40's.

Blank Page

Question #1

What has the client mix been for your post-master's supervised experience?

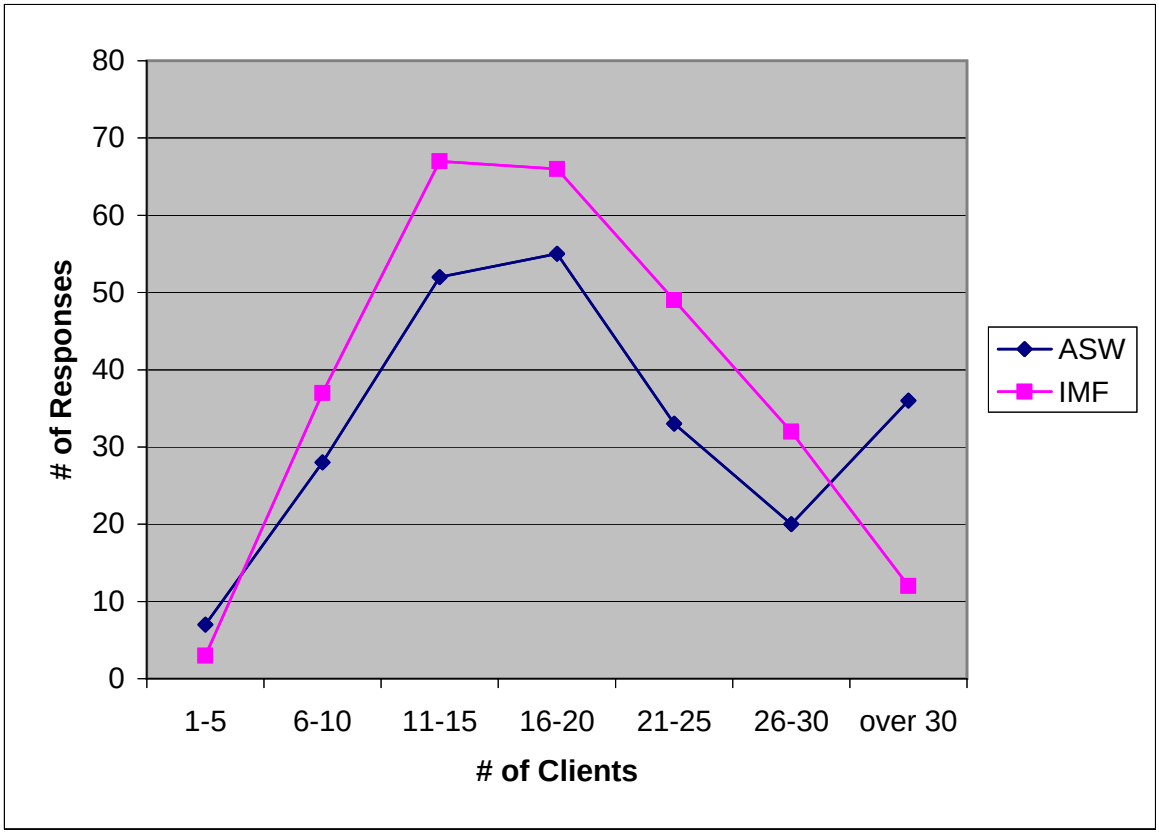
	ASW	IMF
Adults/Individuals	44.5%	29.4%
Groups	16.6%	14.9%
Couples	7.2%	11.3%
Children/Adolescents	43.5%	43.0%
Families	24.1%	17.2%
Other	21.6%	6.9%
n=	201	242



Question #2

During your post-master's experience, what has been your average weekly client case load?

Clients	ASW	IMF
1-5	7	3
6-10	28	37
11-15	52	67
16-20	55	66
21-25	33	49
26-30	20	32
over 30	36	12
n=	231	266



Question #3

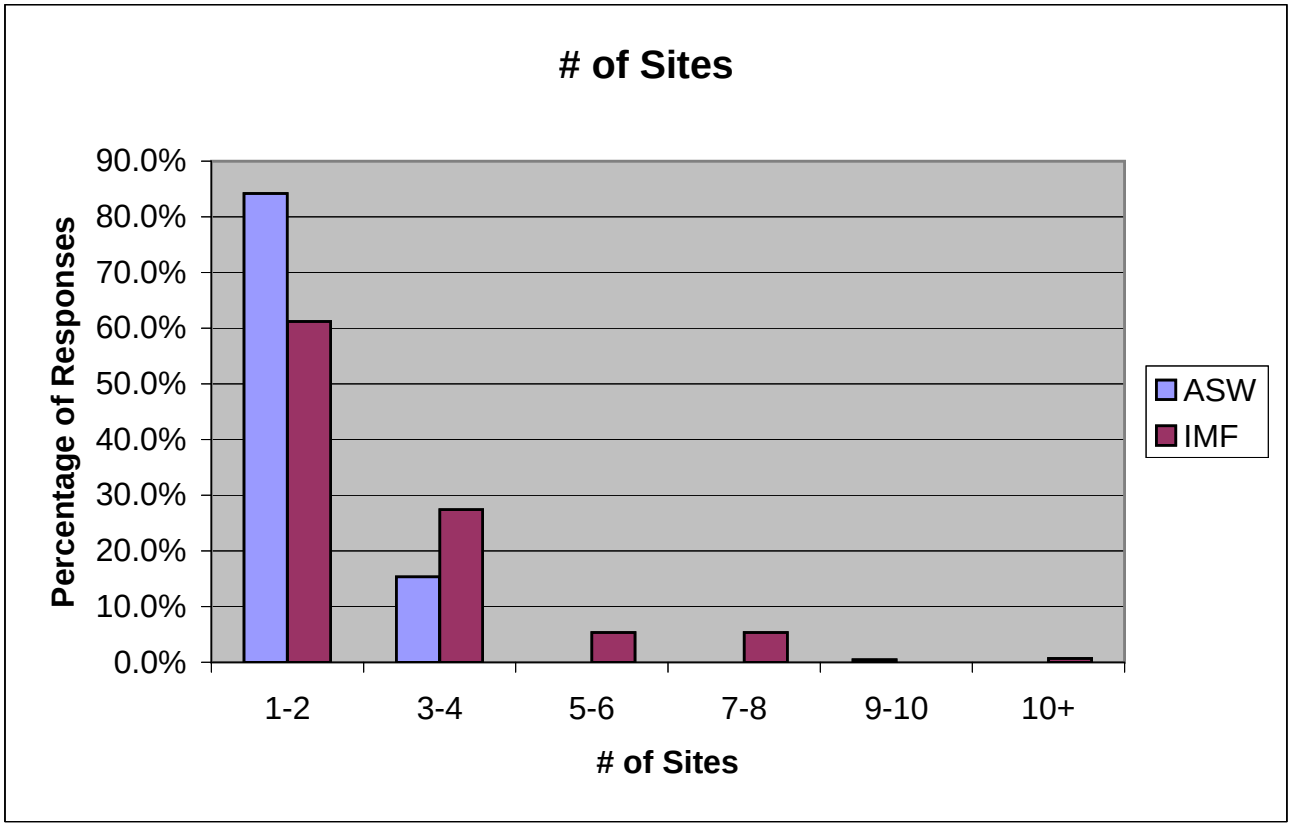
During this period of time, in how many sites or agencies did you gain hours?

Sites	ASW	%
1-2	192	84.2%
3-4	35	15.4%
5-6	0	0.0%
7-8	0	0.0%
9-10	1	0.4%
10+	0	0.0%

n= 228

Sites	IMF	%
1-2	172	61.2%
3-4	77	27.4%
5-6	15	5.3%
7-8	15	5.3%
9-10	0	0.0%
10+	2	0.7%

n= 281

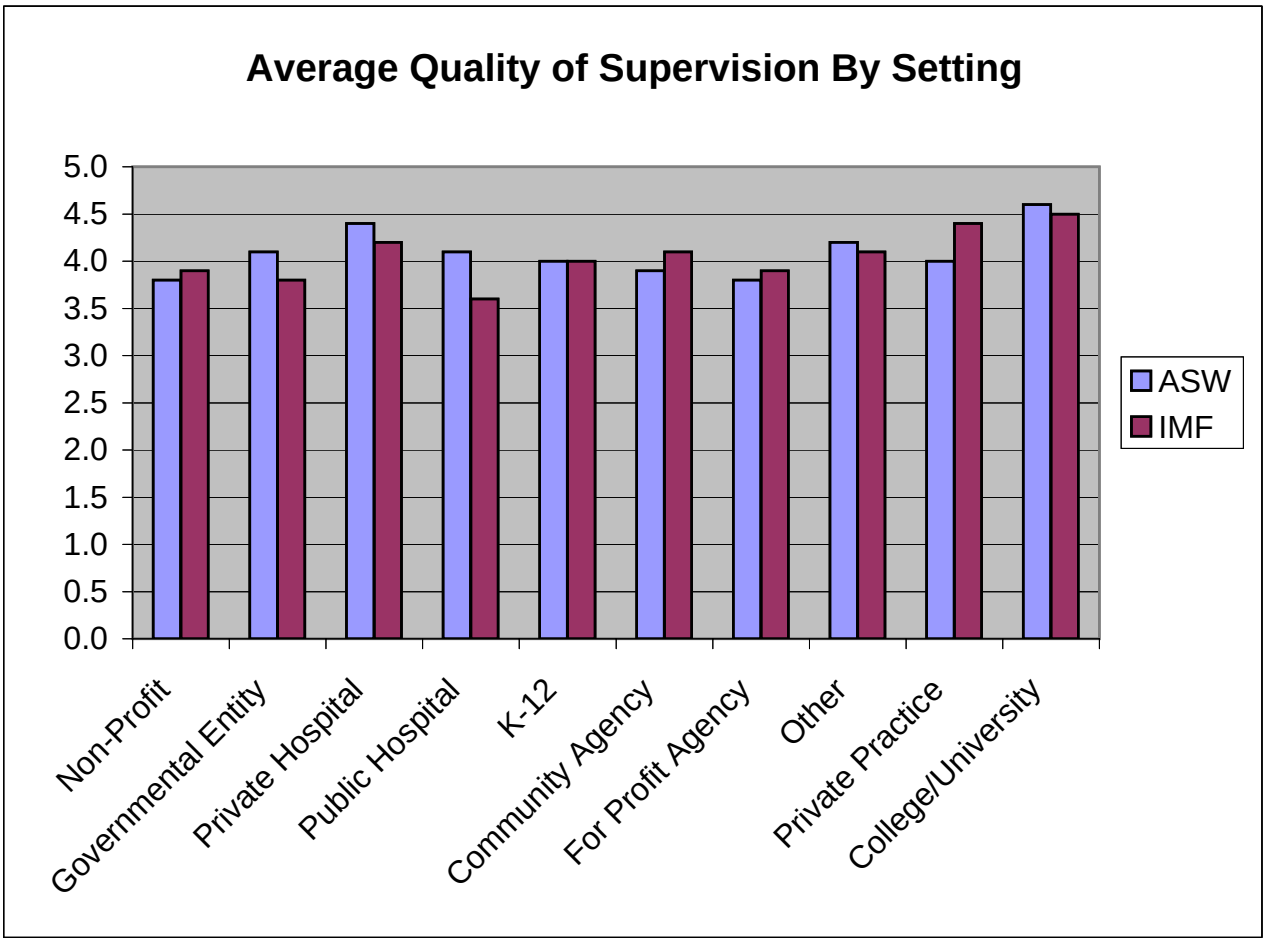


Question #4

Response Key
1 - Very Poor
2 - Poor
3 - Adequate
4 - Good
5 - Excellent

Average Quality of Supervision

	ASW	n	IMF	n
Non-Profit	3.8	102	3.9	182
Governmental Entity	4.1	72	3.8	37
Private Hospital	4.4	26	4.2	9
Public Hospital	4.1	25	3.6	10
K-12	4.0	22	4.0	49
Community Agency	3.9	22	4.1	33
For Profit Agency	3.8	17	3.9	14
Other	4.2	15	4.1	12
Private Practice	4.0	10	4.4	55
College/University	4.6	8	4.5	16

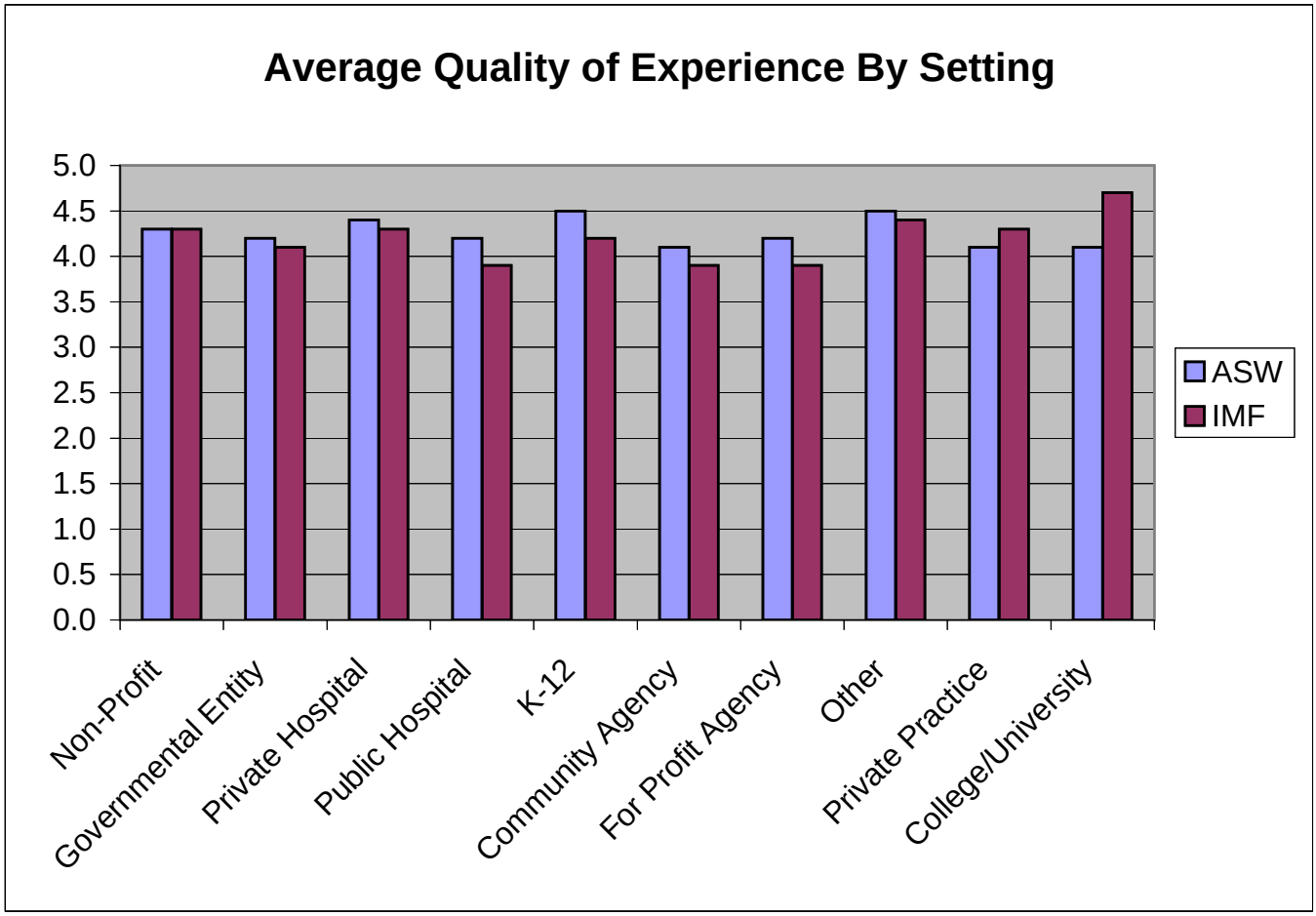


Question #4

Response Key
1 - Very Poor
2 - Poor
3 - Adequate
4 - Good
5 - Excellent

Average Quality of Experience

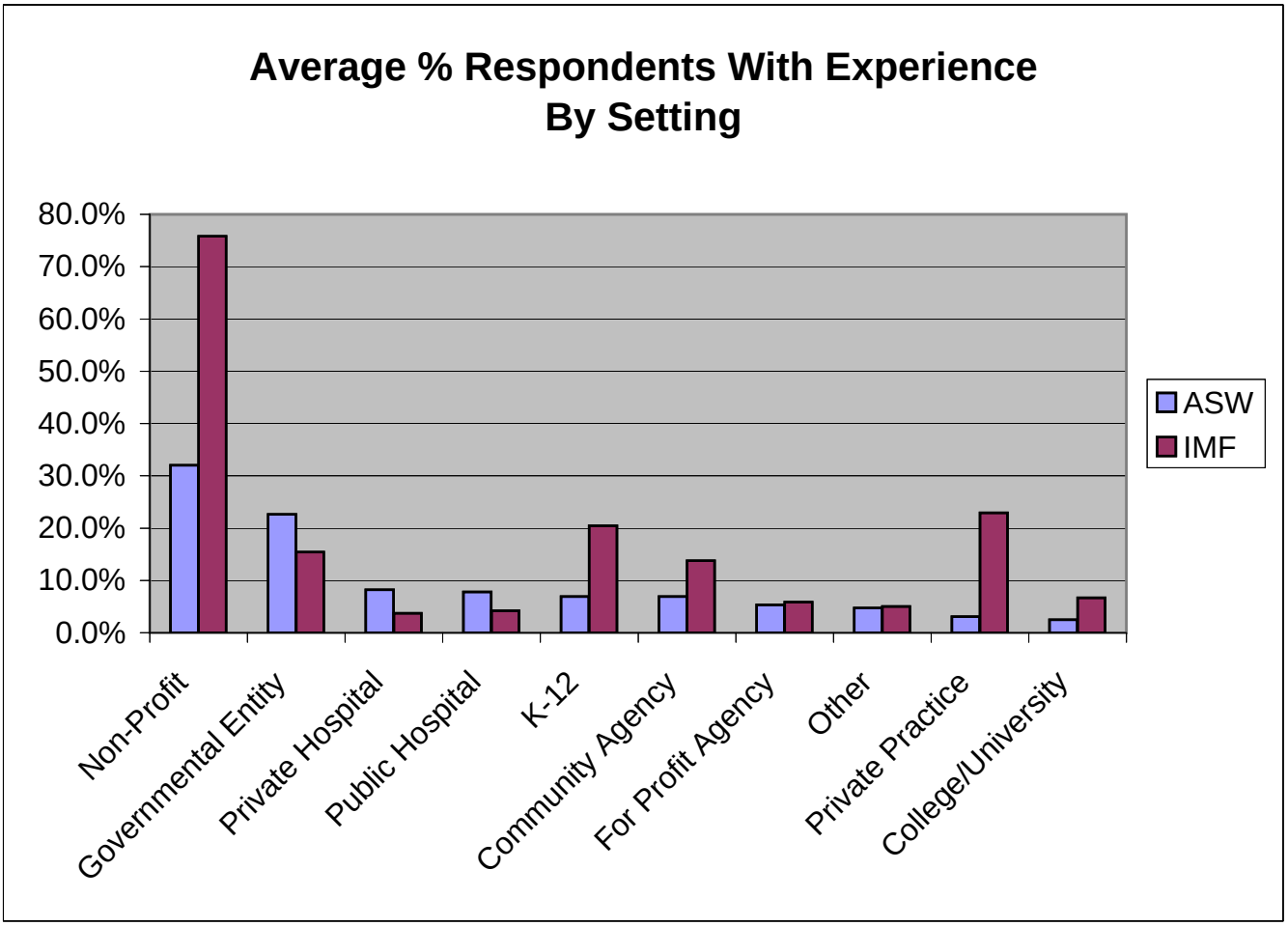
	ASW	n	IMF	n
Non-Profit	4.3	102	4.3	182
Governmental Entity	4.2	72	4.1	37
Private Hospital	4.4	26	4.3	9
Public Hospital	4.2	25	3.9	10
K-12	4.5	22	4.2	49
Community Agency	4.1	22	3.9	33
For Profit Agency	4.2	17	3.9	14
Other	4.5	15	4.4	12
Private Practice	4.1	10	4.3	55
College/University	4.1	8	4.7	16



Question #4

Average % of Respondents with Experience In Each Setting

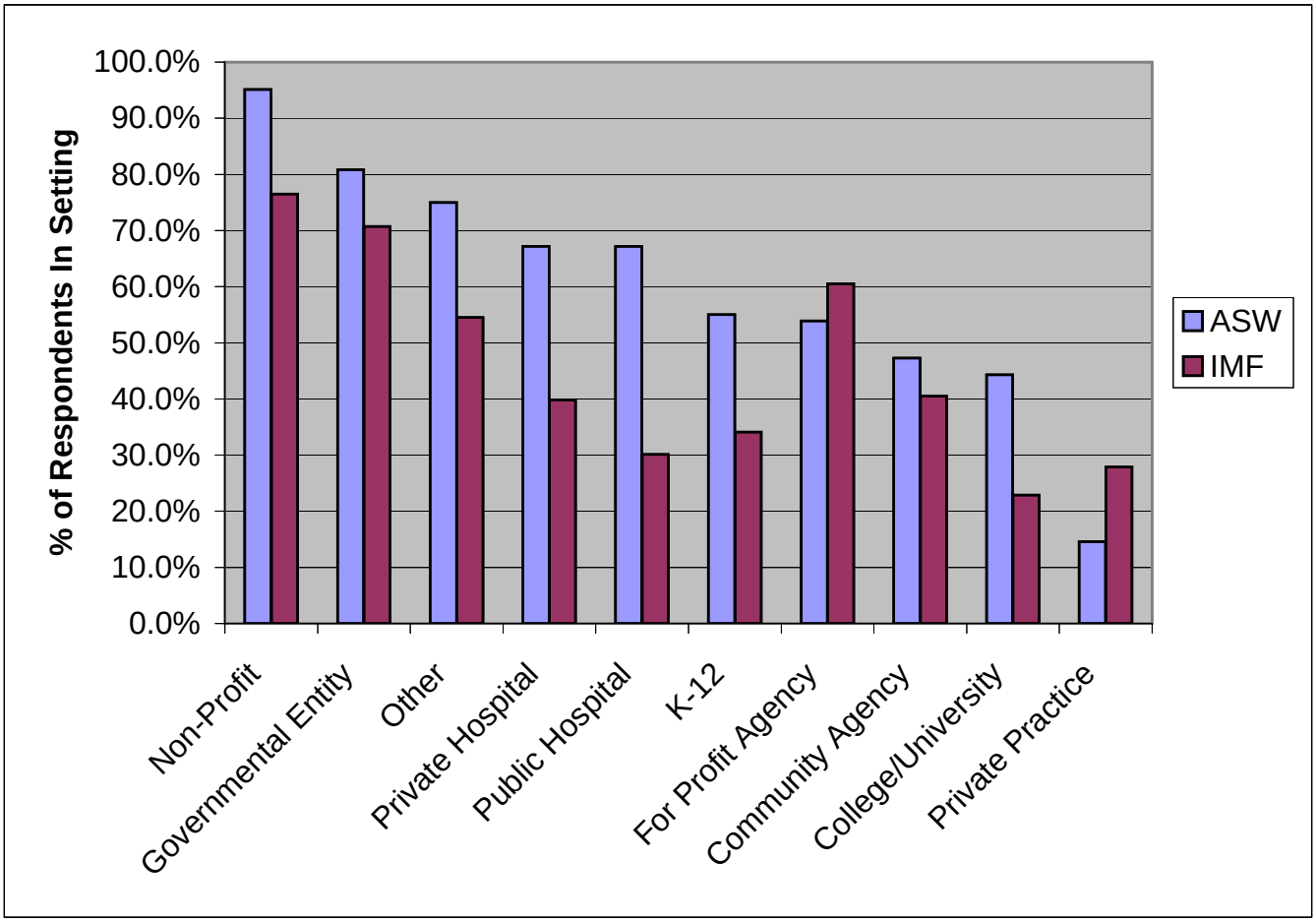
	ASW	n	IMF	n
Non-Profit	32.0%	102	75.8%	182
Governmental Entity	22.6%	72	15.4%	37
Private Hospital	8.2%	26	3.8%	9
Public Hospital	7.8%	25	4.2%	10
K-12	6.9%	22	20.4%	49
Community Agency	6.9%	22	13.8%	33
For Profit Agency	5.3%	17	5.8%	14
Other	4.7%	15	5.0%	12
Private Practice	3.1%	10	22.9%	55
College/University	2.5%	8	6.7%	16



Question #4

Average % of Experience Gained In Each Setting

	ASW	n	IMF	n
Non-Profit	95.1%	102	76.5%	182
Governmental Entity	80.8%	72	70.7%	37
Other	75.0%	15	54.5%	12
Private Hospital	67.2%	26	39.8%	9
Public Hospital	67.2%	25	30.1%	10
K-12	55.0%	22	34.1%	49
For Profit Agency	53.9%	17	60.5%	14
Community Agency	47.3%	22	40.5%	33
College/University	44.3%	8	22.9%	16
Private Practice	14.6%	10	27.9%	55



Question #5

How would you rate your graduate education in terms of preparing you for supervised post-master's experience?

Response Key

1 - Very Poor
2 - Poor
3 - Adequate
4 - Good
5 - Excellent

	ASW	IMF
Average	3.9	4.1
n=	230.0	266

Question #6

Overall, how would you rate your experience as an intern or associate?

Response Key

1 - Very Poor
2 - Poor
3 - Adequate
4 - Good
5 - Excellent

	ASW	IMF
Average	4.3	4.3
n=	229.0	269

Question #7

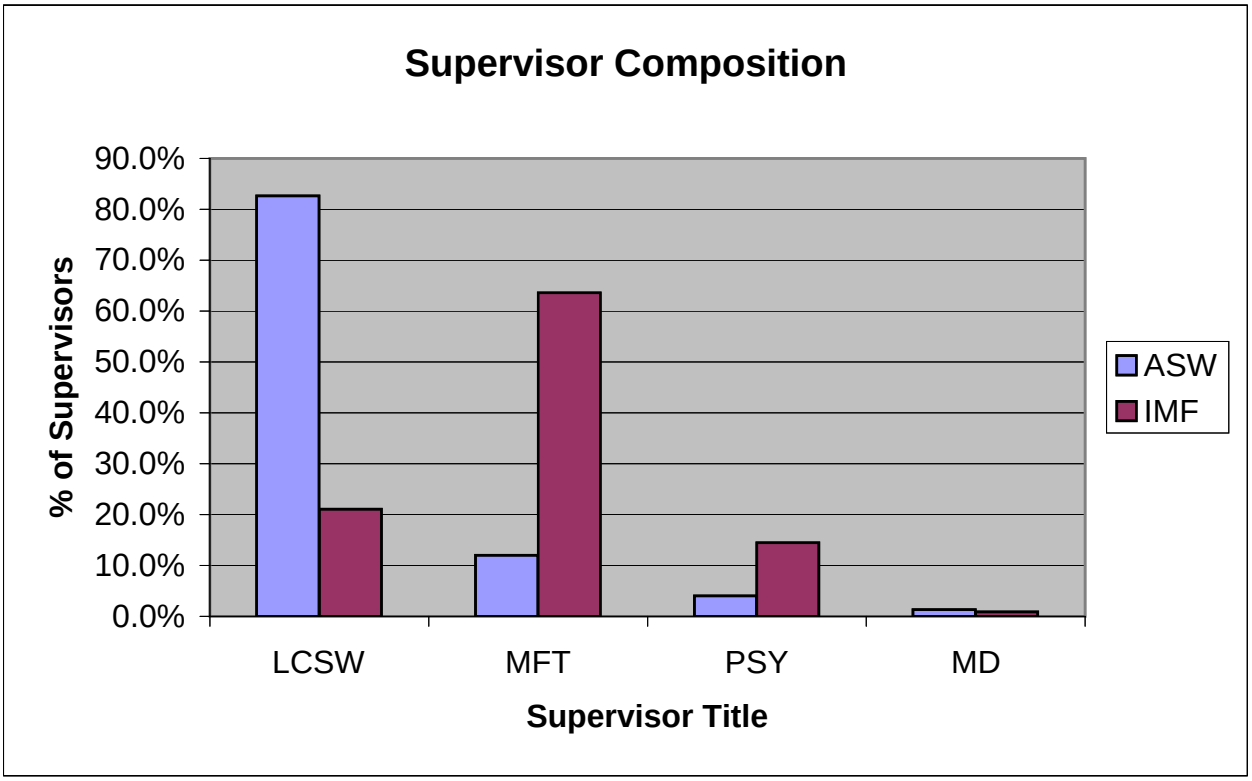
What was this supervisor's title?

	ASW	%
LCSW	248	82.7%
MFT	36	12.0%
PSY	12	4.0%
MD	4	1.3%

n= 300

	IMF	%
LCSW	121	21.1%
MFT	365	63.6%
PSY	83	14.5%
MD	5	0.9%

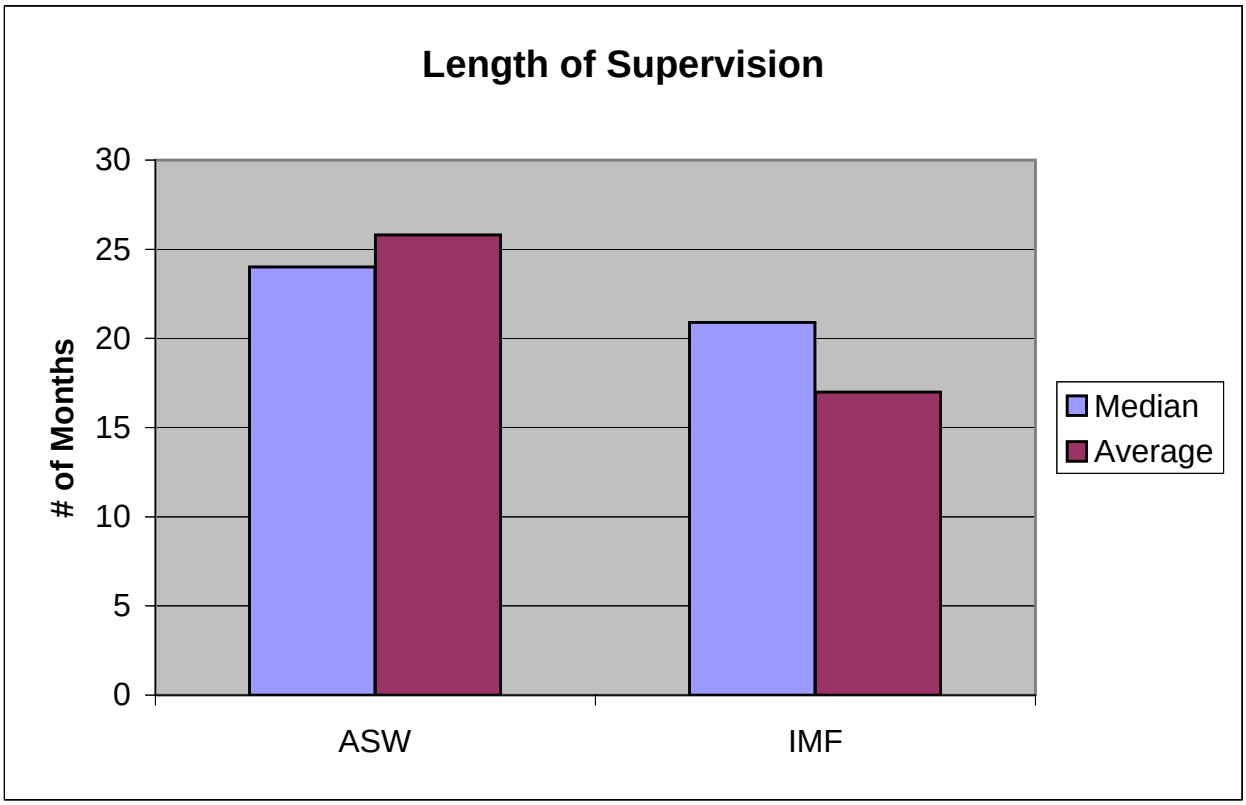
n= 574



Question #8

How long were you supervised by this supervisor? (Months)

	ASW	IMF
Median # of Months	24.0	20.9
Average # of Months	25.8	17.0
n=	293.0	563

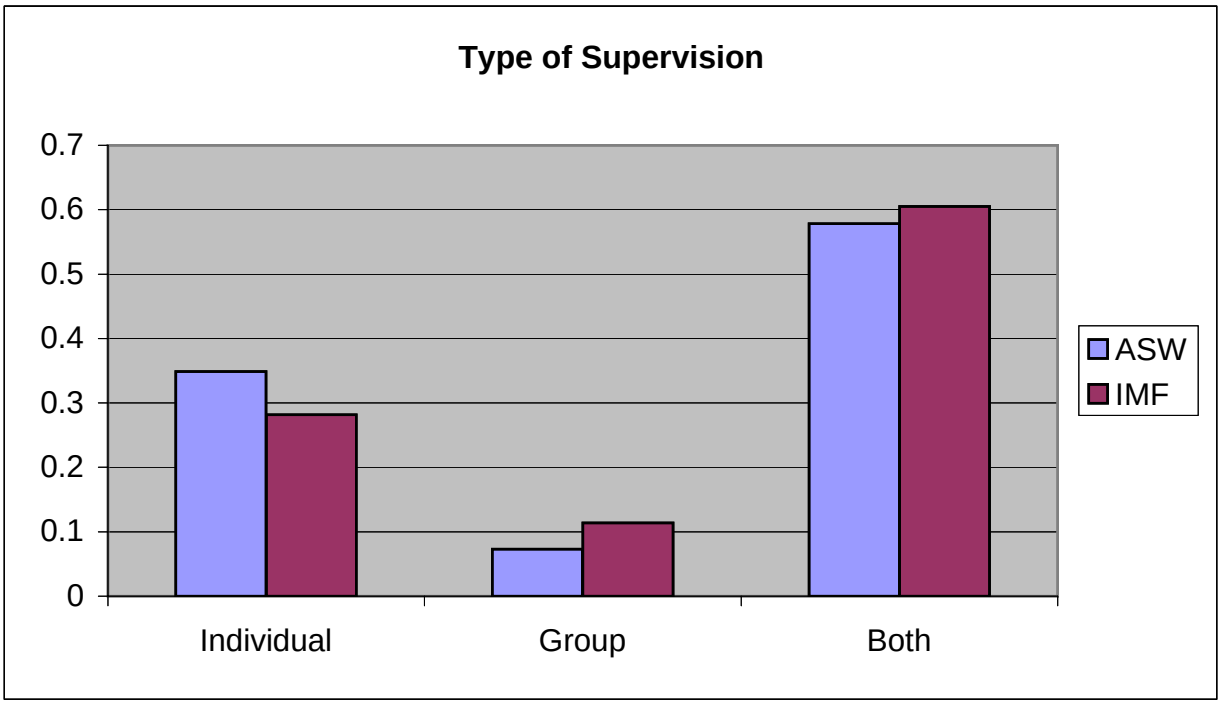


Question #9

What type of supervision was provided?

	ASW	%
Individual	105	34.9%
Group	22	7.3%
Both	174	57.8%
n=	301	

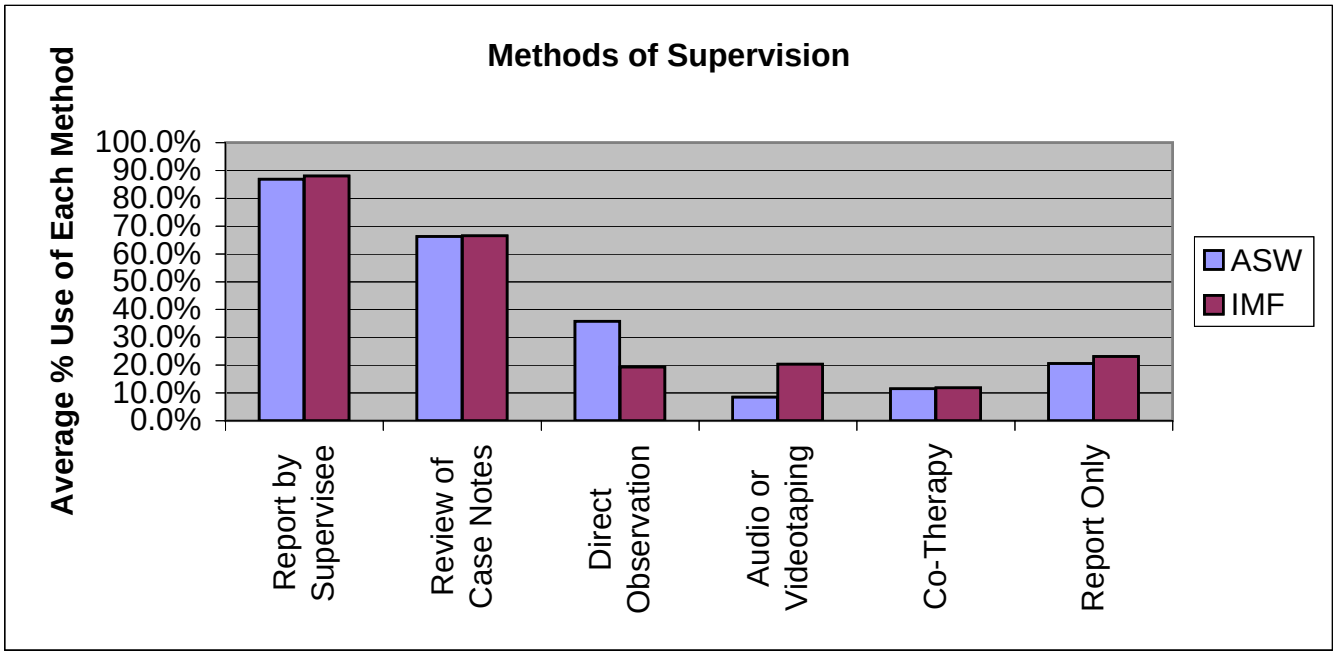
	IMF	%
Individual	161	28.1%
Group	65	11.4%
Both	346	60.5%
n=	572	



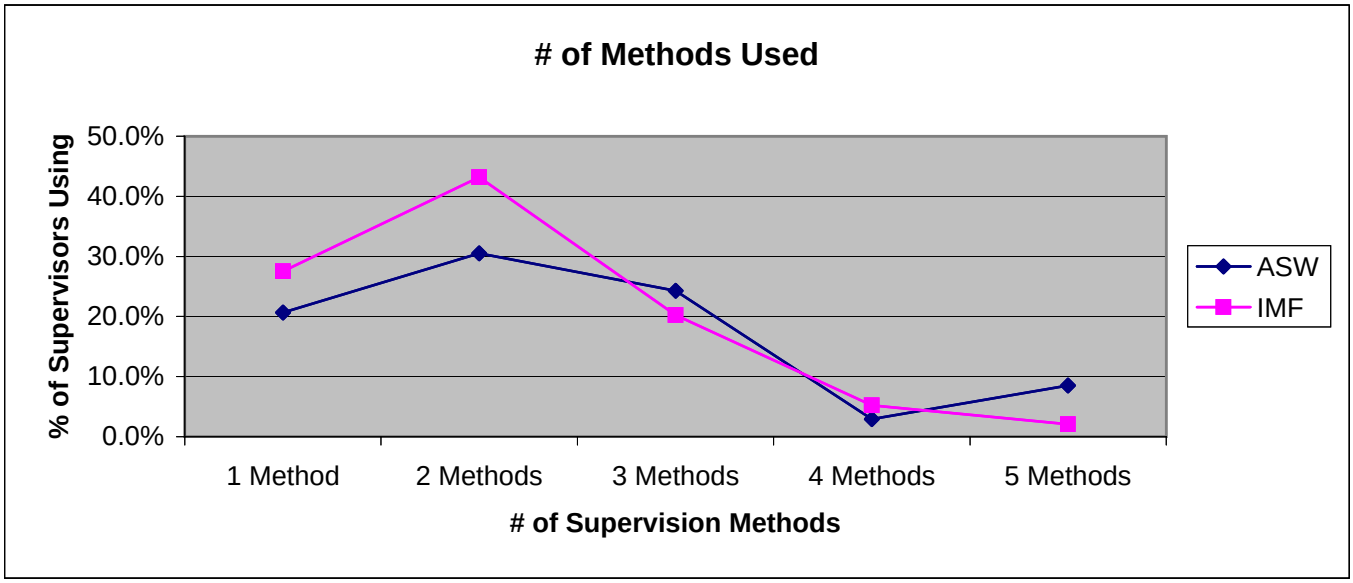
Question # 10

What methods did the supervisor use to provide supervision?

	ASW	%	IMF	%
n=	305		574	
Report by Supervisee	265	86.9%	505	88.0%
Review of Case Notes	202	66.2%	382	66.6%
Direct Observation	109	35.7%	111	19.3%
Audio or Videotaping	26	8.5%	117	20.4%
Co-Therapy	35	11.5%	68	11.8%
Report Only	63	20.7%	133	23.2%



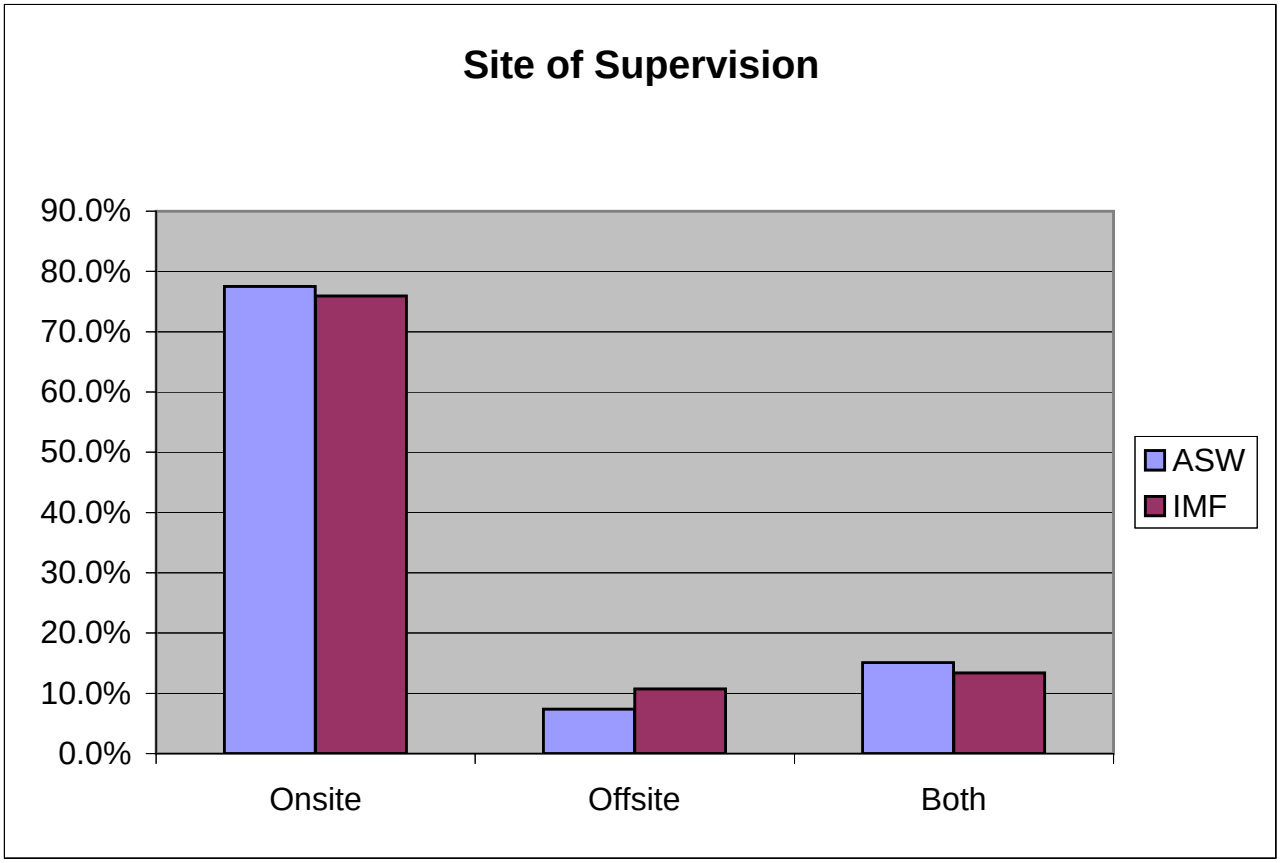
	ASW	%	IMF	%
1 Method	63	20.7%	158	27.5%
2 Methods	93	30.5%	248	43.2%
3 Methods	74	24.3%	116	20.2%
4 Methods	9	3.0%	30	5.2%
5 Methods	26	8.5%	12	2.1%



Question #11

Where did this supervision take place?

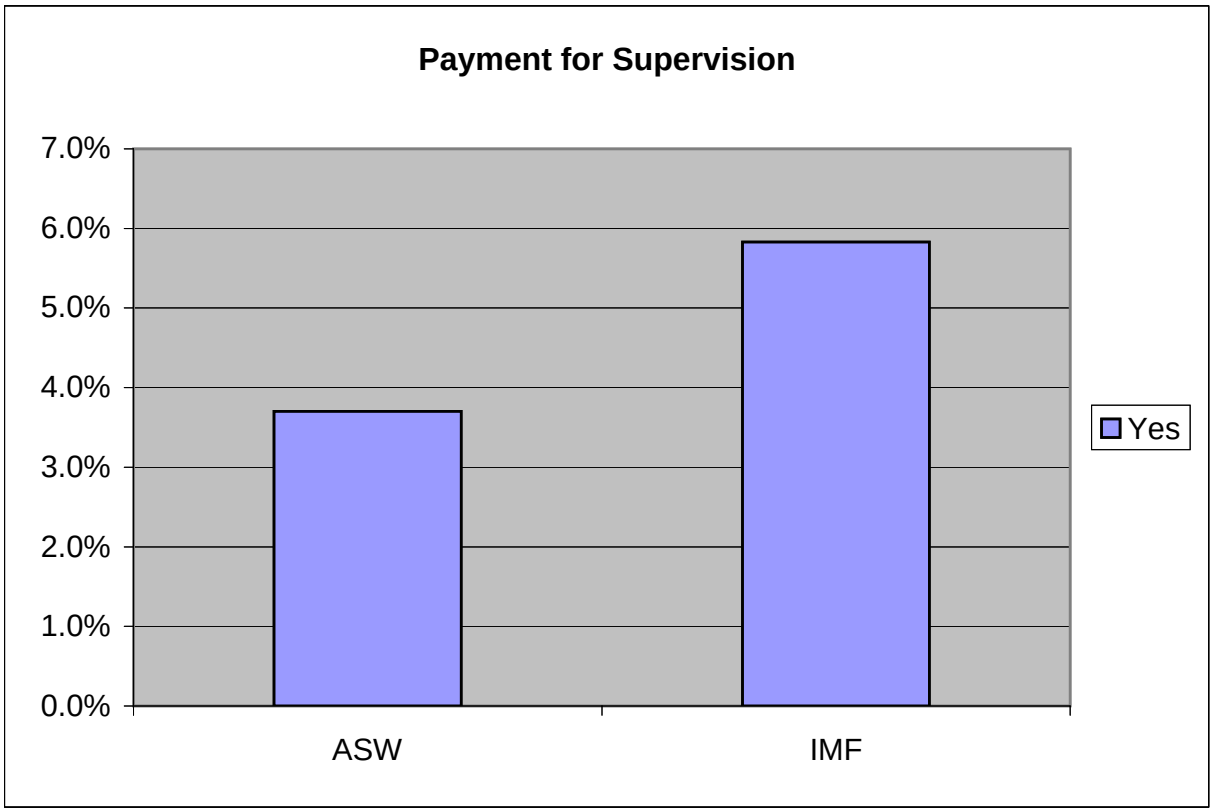
	ASW	%		IMF	%
Onsite	231	77.5%		432	75.9%
Offsite	22	7.4%		61	10.7%
Both	45	15.1%		76	13.4%
n=	298		n=	569	



Question #12

Did you pay your supervisor for supervision?

	ASW	%	IMF	%
Yes	11	3.7%	33	5.8%
	n=	297	n=	566



Question #14

How knowledgeable was this supervisor about the laws and regulations and ethics governing your profession?

Response Key

1- Not at all
2-Somewhat
3-Moderately
4-Very
5-Extremely

	ASW	IMF
Average	4.3	4.2
n=	301	568

Question #15

How knowledgeable was this supervisor about the process of supervision?

Response Key

1- Not at all
2-Somewhat
3-Moderately
4-Very
5-Extremely

	ASW	IMF
Average	4.1	4.1
n=	299	566

Question #16

How well did this supervisor provide you with the kind and quality of supervision you believed necessary for effective practice?

Response Key

1 - Very Poor
2 - Poor
3 - Adequate
4 - Good
5 - Excellent

	ASW	IMF
Average	4.0	3.9
n=	293	567

Question #17

Overall, how satisfied were you with this supervisor?

Response Key

1 - Very Poor
2 - Poor
3 - Adequate
4 - Good
5 - Excellent

	ASW	IMF
Average	4.1	3.9
n=	294	564

Blank Page

Supervision Survey for MFT Interns and Associate Clinical Social Workers

Please check your prelicensed status: ☐MFT Intern ☐Associate Clinical Social Worker

Date form completed: _____

1. What has the client mix been for your post-master's supervised experience? (fill in % based on hours gained)

Adult Individuals	_____%
Groups	_____%
Couples	_____%
Children/Adolescents	_____%
Families	_____%
Other:_____	_____%

2. During your post-master's experience, what has been your average weekly client caseload?

☐ 1 - 5 clients ☐ 6 - 10 ☐ 11 - 15 ☐ 16 -20 ☐ 21 - 25 ☐ 26 - 30 ☐ over 30

3. During this period of time, in how many sites or agencies did you gain hours?

☐ 1 - 2 sites ☐ 3 - 4 ☐ 5 - 6 ☐ 7 - 8 ☐ 9 - 10 ☐ over 10

4. For each of the following settings, please indicate the percentage of your hours that were gained in the setting (or n/a), rank the quality of the supervision, and the overall quality of the internship/traineeship experience. Use the scale below:

1	2	3	4	5
Very Poor	Poor	Adequate	Good	Excellent

Setting	**% of Total Hours Gained in Setting**	**Quality of Supervision**	**Overall Quality of Experience**
Private Practice	_____	_____	_____
Governmental Entity	_____	_____	_____
Public Non Profit Agency	_____	_____	_____
Other Community Agency	_____	_____	_____
For Profit Agency	_____	_____	_____
Public or public-contracted Hospital	_____	_____	_____
Private Hospital	_____	_____	_____
College or University	_____	_____	_____
Elementary, junior, or high school	_____	_____	_____
Other	_____	_____	_____

5. How would you rate your graduate education in terms of preparing you for supervised post-master's experience?

1	2	3	4	5
Very Poor	Poor	Adequate	Good	Excellent

Please comment:

.....

.....

.....

.....

6. Overall, how would you rate your experience as an intern or associate?

1	2	3	4	5
Very Negative	Negative	Adequate	Positive	Very positive

Please comment:

.....

.....

.....

.....

Most Positive Experience:

.....

.....

.....

.....

Least Positive Experience:

.....

.....

.....

.....

<u>INSTRUCTIONS</u>: PLEASE USE A SEPARATE PAGE FOR EACH POST-MASTER'S SUPERVISOR. (SEPARATE PAGES ENCLOSED)

7. What was this supervisor's title? (check all that apply):
   ☐ MFT ☐ LCSW ☐ Psychologist ☐ Board-certified Psychiatrist

8. How long were you supervised by this supervisor? _____ years _____ months

9. What type of supervision was provided? _____ Individual, _____Group, or _____Both

10. What methods did the supervisor use to provide supervision? _____ Report by supervisee
    _____ Review of case notes _____ Direct observation
    _____ Audio or Videotaping _____Co-therapy _____ Other (Please specify)
    _____

11. Where did this supervision take place?
    ☐ Onsite ☐ Offsite ☐ Both onsite and offsite

12. Did you pay your supervisor for supervision?
    ☐ Yes ☐ No

13. If yes, how much did you pay per supervision session? _____

14. How knowledgeable was this supervisor about the laws and regulations and ethics governing your profession?

1	2	3	4	5
Not at all	Somewhat	Moderately	Very	Extremely

Please comment:

.....

.....

.....

15. How knowledgeable was this supervisor about the process of supervision?

1	2	3	4	5
Not at all	Somewhat	Moderately	Very	Extremely

Please comment:

.....

.....

.....

16. How well did this supervisor provide you with the kind and quality of supervision you believed necessary for effective practice?

1	2	3	4	5
Not at all	Somewhat	Moderately	Very well	Extremely well

Please comment:

.....

.....

.....

17. Overall, how satisfied were you with this supervisor?

1	2	3	4	5
Not at all	Somewhat	Moderately	Very	Extremely

Please comment:

.....

.....

.....

.....

18. In terms of responsiveness, knowledge, and timeliness, how would you rate the BBS staff you've dealt with in your application process?

1	2	3	4	5
Very Poor	Poor	Adequate	Good	Excellent

Please comment:

.....

.....

.....

.....

For questions regarding this survey please contact the Licensing Analyst, Board of Behavioral Sciences, 400 R Street, Suite 3150, Sacramento, CA 95814 or at (916) 445-4933.

Thank you for your participation. Please return all pages in one envelope to the Board address above.

(03/05)

Item III

Election of Officers

Blank Page

State of California
Board of Behavioral Sciences

Memorandum

To: Board Members **Date:** January 25, 2006

From: Paul Riches
Executive Officer **Telephone:** (916) 574-7840

Subject: Election of Officers

Section 4990.6 of the Business and Professions Code requires the board to elect a Chair and Vice-Chair prior to March 1 of each year. Currently, Peter Manoleas is the Board Chair and Bob Gerst is the Vice-Chair. In 2005, the Board adopted a policy regard the succession of officers which is attached for your reference.

Also attached is a list of board members and the date on which their terms expire.

Blank Page

Attachment A

Blank Page

State of California Department of Consumer Affairs

BOARD OF BEHAVIORAL SCIENCES
400 R Street, Suite 3150, Sacramento, CA 95814-6240
Telephone (916) 445-4933
TDD (916) 322-1700
Website Address: http://www.bbs.ca.gov

SUBJECT: Succession of Officers	POLICY # B-05-1	DATE ADOPTED: February 17, 2005
	SUPERSEDES: N/A	PAGE: 1 OF 1
DISTRIBUTE TO: All Board Members	APPROVED BY:	**BOARD OF BEHAVIORAL SCIENCES**

The Board of Behavioral Sciences takes its mandate to protect the public with the utmost seriousness. Each member recognizes it is a privilege and an honor to serve as a member of the Board of Behavioral Sciences. It is the policy of the Board to adopt a policy that clearly states the appropriate succession of officers.

SUCCESSION OF OFFICERS:

If for any reason the Chairperson of the Board is unable to continue in his/her role as Chairperson, the Vice-Chairperson shall immediately assume the duties of Chairperson until the next election of officers.

Nominations to fill the position of Vice-Chairperson may be made and voted on at the next scheduled Board Meeting.

BACKGROUND: Business and Professions Code Section 4990.6 states “Not later than the first of March of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.” The law does not address a sudden or unexpected departure of the Chairperson and the Board requested a policy be in place to address the situation.

IMPLEMENTATION: Effective Immediately

Blank Page

Attachment B

Blank Page

Board Members	Type	Authority	Date Appointed	Term Expires	Grace Expires
Peter Manoleas - Chair	LCSW	Governor	6/2/2002	6/1/2006	8/1/2006
Joan Walmsley	LCSW	Governor	11/11/2005	6/1/2009	8/1/2009
Judy Johnson	LEP	Governor	8/24/2005	6/1/2008	8/1/2008
Karen Pines	MFT	Governor	7/24/2002	6/1/2006	8/1/2006
Ian Russ	MFT	Governor	9/19/2005	6/1/2009	8/1/2009
Robert Gerst	Public	Governor	3/11/2003	6/1/2006	8/1/2006
Donna DiGiorgio	Public	Governor	9/19/2005	6/1/2007	8/1/2007
Vacant	Public	Governor		6/1/2009	8/1/2009
Vacant	Public	Governor		6/1/2009	8/1/2009
Victor Law	Public	Assembly	11/1/2003	6/1/2007	6/1/2008
Howard Stein	Public	Senate	5/28/2003	6/1/2007	6/1/2008

Blank Page

Item IV

Approval Of Minutes

Blank Page

State of California Department of Consumer Affairs

BOARD OF BEHAVIORAL SCIENCES
400 R Street, Suite 3150, Sacramento, CA 95814-6240
Telephone (916) 445-4933
TDD (916) 322-1700
Website Address: http://www.bbs.ca.gov

BOARD OF BEHAVIORAL SCIENCES
FULL BOARD

MEETING MINUTES

NOVEMBER 17, 2005

HANDLERY UNION SQUARE HOTEL
UNION SQUARE ROOM
351 GEARY STREET
SAN FRANCISCO, CA 94102

MEMBERS PRESENT
Gordonna DiGiorgio, Public Member
Robert Gerst, Vice Chair, Public Member
Judy Johnson, LEP Member
Peter Manoleas, Chair, LCSW Member
Karen Pines, MFT Member
Dr. Ian Russ, MFT Member
Howard Stein, Public Member

MEMBERS ABSENT
Victor Law, Public Member

STAFF PRESENT
Paul Riches, Executive Officer
Kristy Schieldge, Legal Counsel
Melissa Meade, Administrative Technician

GUEST LIST ON FILE

The meeting was called to order at approximately 9:10 a.m.

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. Meade called the roll and a quorum was established.

2. CHAIRPERSON'S REPORT

A. Introduction of New Board Members

Mr. Manoleas introduced new appointments; Gordonna DiGiorgio, Dr. Ian Russ and Judy Johnson to the Board. He also introduced Joan Walmsley, who was not present but will be in attendance on Friday, November 18th.

B. New Committee Structure

Mr. Manoleas explained that a new committee structure has been created in alignment with the Board's strategic plan. This new structure will allow issues to be fully developed prior to coming to the full Board. Currently the Board's committees include Consumer Services/Consumer Protection, Education, Examination and Licensing. Committees have always met at the same time as the Board meetings. The committee meetings will now occur prior to the scheduled Board meetings at a different date and location.

Mr. Manoleas outlined the new four-committee structure. The first committee is Consumer Protection, focusing on licensing and enforcement; the second is Communications, concentrating on enhancing communication between the Board and the community; the third is Budget and Efficiency, focusing on a deeper understanding of the budget, and efficiency issues related to board operations; the fourth is Policy and Advocacy concentrating on policy development and advocacy including reviewing pending legislation and draft regulations.

All meetings will be noticed to the public and will be held in locations accessible to the public. Mr. Riches or Mona Maggio, the Board's new Assistant Executive Officer, will be present at all committee meetings. Mr. Riches added that the Board has adequate funds to budget the committee meetings.

C. Report on Southern California Master of Social Work Programs Meeting
Mr. Manoleas and Mr. Riches attended meetings this year at UC Berkeley and at USC. A number of important issues were discussed. One was diversity. Another was the types of activities performed by social workers that are more broad than clinical licensure. There are many non-clinical activities that social workers do that require competency and can do harm. Another large issue was streamlining licensure for those licensed in other states coming to California.

D. Discussion on Marriage and Family Therapy School Meetings in 2006
Meetings with the schools that offer degrees that qualify for Marriage and Family Therapy licensure are planned in 2006.

3. ELECTION OF VICE CHAIR

Mr. Manoleas requested nominations from Board members for a vice chair. Ms. Pines nominated Mr. Gerst.

KAREN PINES MOVED, IAN RUSS SECONDED, AND THE BOARD CONCURRED TO NOMINATE ROBERT GERST AS THE BOARD'S VICE CHAIR.

Ms. Pines gave a brief introduction of Mr. Gerst's background and what she believes qualifies him for the vice chair position.

4. EXECUTIVE OFFICER'S REPORT

A. Sunset Review

Mr. Riches informed the Board that the sunset review legislation was signed by the Governor on October 7, 2005. This bill extends the Board's sunset date to July 1, 2008. Mr. Riches stated that there were no issues with the sunset report and that there was not much to report. He then informed the Board that there is a short date for another sunset review, so the Board will be required to prepare another sunset report for submission to the Legislature in September 2006.

Mr. Gerst recommended that the current sunset report be distributed to the new Board members. He explained that the report outlines the great job Mr. Riches and the staff have done.

B. Licensing Statistics

Mr. Riches reminded members that were present at the August meeting that licensing statistics were distributed along with a brief summary of what was included for the members that were not present in August. These reports will be handed out at all future Board meetings. The reports show volumes and average processing times of applications for each licensing/registration program. Mr. Riches explained that the increase in processing times is related to the increase in volume of applications during summer months as well as a vacancy in the MFT program. Another issue that impacts processing time is that applicants have one year in which to resolve deficiencies. Mr. Riches stated that personnel and process changes have been made internally that will enable the Board to improve performance.

C. Enforcement Statistics

Mr. Riches reported that no significant changes have occurred within enforcement. The number of citations have increased due to the Board beginning to conduct random continuing education audits. These citations are typically issued because required course content was not taken as opposed to a shortage of overall hours.

Mr. Gerst asked about the number of complaints received last year compared to the number of convictions received because the statistics are not comparable to past years. Mr. Riches explained that the number of disciplinary actions do not correlate directly to the number of complaints received in the same year. Mr. Gerst asked if the Board was limited in resources for investigations, and whether our staff could investigate cases. Mr. Riches explained that staff investigates issues up to a certain point, but we have to rely on investigators from the Department's Division of Investigations.

Mr. Gerst recommended that new members be informed about the Board's enforcement process. Mr. Riches explained that he discusses the enforcement process with new members once they are appointed and added that the Board member procedure manual includes some of this information as well.

D. Budget Update

Mr. Riches announced that Ms. Paula Gershon would be at the meeting later in the afternoon to discuss the budget in detail.

E. Examination Update

The Department secured a one-year extension on the current examination administration contract with Thompson Prometric. The contract extension should provide sufficient time to complete the process for a new contract and the Department expects no interruption in service.

Mr. Riches discussed the clinical vignette examinations and how the Board has been engaged with the Office of Examination Resources (OER) in an ongoing review. The examinations will soon benefit from an increased number of items and from adding pre-test items. The OER has indicated that the examination will be increased from 30 to 36

items, and eventually to 50 items. 40 items will be scored and 10 will be pre-test items. There will be modifications to the length of time for the examination due to the increase.

Mr. Gerst said he was surprised to see that some decisions had been made about a recent group of examination candidates, and asked whether the Board should have been involved these decisions. He asked Mr. Riches to explain what had happened. Mr. Riches stated that Board members are not involved directly in this part of the process. What happened is that there were some questions that OER couldn't answer about the Spring 2005 LCSW clinical vignette examination. As a cautionary measure, affected candidates were granted a re-examination at no charge without the normal wait. There were also concerns about the Spring 2005 MFT clinical vignette examination. Two items were identified as not performing well. The exams of affected candidates were re-scored taking into account these items, resulting in 40 additional people passing. New examinations were implemented for both programs and are performing as expected.

Mr. Riches explained that there are two new versions of each examination implemented each year. The OER performs an ongoing analysis using a series of statistical measures to evaluate each item. Dr. Russ asked whether the prior problems were due to validity issues. Mr. Riches explained that we can be certain our examinations have validity because they are based on a current occupational analysis, and involve licensees in developing the examinations. The concerns were related to reliability.

Dr. Russ asked how licensees become involved in the occupational analysis. Mr. Riches stated that they apply to the Board. Dr. Russ asked whether the Board has evidence that people from different backgrounds participate. Mr. Riches explained that we gather information on their application and select people from diverse backgrounds. Mr. Manoleas asked whether the subject matter experts who develop the examination reflect the shift in the cultural diversity of the Board's licensees. Mr. Riches responded that we do not have that information. Mr. Riches offered to have the OER present at the February Board meeting to talk about the problems and what happened. This would partially be in closed session.

Mr. Manoleas asked whether this could be a permanent agenda item for the Consumer Protection committee.

Mary Riemersma with the California Association of Marriage and Family Therapists commented on her concerns with the clinical vignette exam. She has heard that when the exam is developed, resource materials are not used. She believes this could account for some of the problems, if true. She encouraged the Board to pay close attention to the outcomes of the exam and whether the exam is measuring what it should be measuring. She stated that MFTs are more and more working in agency settings. She stated her support of the occupational analysis, and the use of a state-developed exam.

Mr. Gerst asked Ms. Riemersma whether her concern was that the right people get in or that the wrong people don't get in. Ms. Riemersma stated that either could be happening. Based on anecdotal information from supervisors and letters received, it seems that some of the right people may not be getting in.

Geri Espositio with the Society for Clinical Social Work commented that she strongly advocates for the use of the occupational analysis. She stated that social workers have always gotten their experience in the public and non-profit sector. The oversight and diversity of experience they receive in these settings prepares them for licensure. She believes that Proposition 63 is going to produce a sea change in practice in California. Over a three-year period we will see changes in mental health practice that will be reflected in the public sector and in future occupational analyses.

Dr. Russ asked whether anybody knows what these changes will be. Ms. Esposito said it is very difficult to project as the counties are in the beginning stages of the implementation process. It is a three-year minimum before we will know for sure.

Heather Halperin, from the USC School of Social Work, wondered whether an effort was made to collect data from people of different cultures in the occupational analysis.

Janlee Wong with the California Chapter of the National Association of Social Workers commented that he had a discussion with a member prior to this meeting about the examination. He asked, when occupational analyses are conducted, is there any thought to whether the survey items represent evidence-based practice, or are we simply measuring everything in the field? Another issue that came up was the years of experience of subject matter experts. Does the amount of experience in practice of the exam developers (three years vs. 15 years) influence or bias the examination? Finally, if we have roughly the same people from the same pool constructing the exam and if they aren't as diverse as they should be, will that bias the exam? How do we ensure that people who meet minimum competence standards are competent to practice with diverse populations?

Ms. Pines addressed diversity within the exam developers. She stated that these professionals are often working with diverse populations, so they would bring that experience to the table.

Dr. Russ added that he realizes we can't make participation mandatory, but there should be a way that we create a more representative community to develop our examinations.

Mr. Gerst asked Mr. Riches if he thought the OER would have a response to this. Mr. Riches said yes, and that the OER would be able to assist us with this. We do have information regarding diversity of practice, so we use that. Where diversity is knowable, we make use of it. We do not know about some of the other dimensions of diversity.

Ms. Johnson responded from her experience with developing the LEP examination. She knows that group of exam developers have been very diverse. She assumes the same is true for MFT and LCSW. She has been very impressed especially over the last two years at the push to incorporate diversity.

Jerry Grossman from Jerry Grossman Seminars commented regarding the standard written exam. There was a 36% drop in the pass rate from July to December 2003. He believes the reason is not because of the candidate pool. He asks that there be a word count between the July and December exams. He believes the questions are longer and that could be a factor. Regarding the written clinical vignette examination, the vagueness of the language taps into the diversity discussion we are having. It creates an obstacle to the test-taker. It would be important to look closely at the language of the items and the appropriate use of jargon.

Mr. Gerst asked whether the Board had a document that showed current exam pass rates. Mr. Riches explained that pass rate data is released after each examination version/cycle has been completed. Results of past cycles will be included in future board packages.

F. Office Move

Mr. Riches explained that staff is as prepared as they can be for the Department's move to the Natomas area in December. There is going to be one day of functional down time

due to computers being down and the office essentially being in a box. Mr. Riches further explained that the office contact information would be mailed to all licensees and registrants and those on the public mailing list by way of post cards and the newsletter. We will also have a new telephone system. Mr. Gerst asked whether the move has created any problems with staff. Mr. Riches responded that the increased commute time has been part of the reason for some staff leaving.

G. Personnel Update

Mr. Riches stated that Denise Johnson, Assistant Executive Officer, had left for a promotion with the Board of Barbering and Cosmetology. Denise was replaced by Mona Maggio, who was not in attendance due to a previously planned vacation. Kim Madsen was hired as an additional manager to work with day-to-day operations and staff supervision. Sean O'Connor has been promoted and will be the Board's outreach coordinator. Sean will attend meetings with students and faculty so they are able to ask questions about licensing, registration and the examination process. Over time his work will improve the application process. He will be helping with the outreach part of the strategic plan, including the newsletter and website. The Department has reassigned the Board's Legal Counsel, Kristy Schieldge, and our new legal counsel will be George Ritter a very experienced attorney. Melissa Meade, the Board's Administrative Technician has accepted a promotion and will be leaving.

H. Miscellaneous Matters

The Board's new strategic plan will be published shortly. One of the objectives in the strategic plan will help the Board address diversity issues. Mr. Manoleas and Mr. Riches have been discussing putting together a Board meeting/conference regarding diversity and how it crosses paths with the Board's role.

Earlier this year, the Board issued a survey for applicants regarding their supervision experience. Approximately five hundred responses have been received. Staff has been compiling data and will have initial numbers in January. Mr. Riches concluded that the response rates are exceptional.

The Board recessed at approximately 11:00 a.m.

The Board reconvened at approximately 11:15 a.m.

5. REVIEW AND POSSIBLE ACTION ON THE BOARD'S PROPOSED STRATEGIC PLAN

A draft of the Board's strategic plan was presented to Board members at the August Board meeting. Mr. Riches wanted to adopt the plan at this meeting because there was not a quorum present in August to adopt the plan. Mr. Riches believes it is a very strong document that will help the board track priority and policy issues, and will allow staff to report back to the Board on progress in meeting strategic objectives. It is a living document where revisions can be made.

Dr. Russ explained that the strategic plan was essential for him as a new member looking to learn more about the Board. Ms. Pines asked if a final copy could be distributed because there had been some minor modifications to the document since they had last received it. Ms. Johnson commended the staff for doing a great job on the strategic plan. Mr. Manoleas commented that the plan was particularly important for continuity and stability when there are so many changes in Board members.

ROBERT GERST MOVED, KAREN PINES SECONDED, AND THE BOARD CONCURRED TO ADOPT THE STRATEGIC PLAN.

6. ACCEPTANCE OF PRIOR BOARD MEETING MINUTES

A. May 19-20, 2005 Board Meeting Minutes

HOWARD STEIN MOVED, ROBERT GERST SECONDED, AND THE BOARD CONCURRED TO ACCEPT THE MEETING MINUTES OF MAY 19-20, 2005.

B. July 28, 2005 Board Meeting Minutes

KAREN PINES MOVED, ROBERT GERST SECONDED, AND THE BOARD CONCURRED TO ACCEPT THE MEETING MINUTES OF JULY 28, 2005.

C. August 11, 2005 Board Meeting Minutes

ROBERT GERST MOVED, JUDY JOHNSON SECONDED, AND THE BOARD CONCURRED TO ACCEPT THE MEETING MINUTES OF AUGUST 11, 2005.

7. BOARD COMMITTEE MEETINGS

A. Education Committee

1. May 19, 2005 Education Committee Minutes

KAREN PINES MOVED, IAN RUSS SECONDED, AND THE BOARD CONCURRED TO ACCEPT THE EDUCATION COMMITTEE MINUTES OF MAY 19, 2005.

2. August 11, 2005 Education Committee Minutes

IAN RUSS MOVED, GORDONNA DIGIORGIO SECONDED, AND THE BOARD CONCURRED TO ACCEPT THE EDUCATION COMMITTEE MINUTES OF AUGUST 11, 2005.

B. Examination Committee

1. Acceptance of August 11, 2005 Examination Committee Minutes

ROBERT GERST MOVED, HOWRD STEIN SECONDED, AND THE BOARD CONCURRED TO ACCEPT THE EXAMINATION COMMITTEE MINUTES OF AUGUST 11, 2005.

C. Consumer Services / Consumer Protection Committee

1. Acceptance of August 11, 2005 Consumer Services/Consumer Protection Committee Minutes

JUDY JOHNSON MOVED, GORDONNA DIGIORGIO SECONDED, AND THE BOARD CONCURRED TO ACCEPT THE CONSUMER SERVICES / CONSUMER PROTECTION MINUTES OF AUGUST 11, 2005.

D. Licensing Committee

1. May 20, 2005 Licensing Committee Minutes

GORDONNA DIGIORGIO MOVED, ROBERT GERST SECONDED, AND THE BOARD CONCURRED TO ACCEPT THE LICENCING COMMITTEE MINUTES OF MAY 20, 2005.

2. August 11, 2005 Licensing Committee Minutes

KAREN PINES MOVED, IAN RUSS SECONDED, AND THE BOARD CONCURRED TO ACCEPT THE LICENSING COMMITTEE MINUTES OF AUGUST 11, 2005.

8. UPDATE ON 2005 LEGISLATIVE SESSION

Mr. Riches introduced Christy Berger, Legislation Analyst, who provided an update on the 2005 legislative session.

SB 229 was signed by the Governor on October 7, 2005. This bill extends the Board of Behavioral Sciences as a Board though July 1, 2008. It caps MFT pre-degree hours at 1,300. MFT experience provisions are reorganized and consolidated for clarity. It reinforces the Legislature's intent that revocation be required after finding of fact that a licensee or registrant had sexual contact with a patient, and prohibits the Board from staying the revocation. Finally, this bill defines "discovers" as the date the Board receives a complaint or the date the Board receives a release of patient information from the complainant, whichever is received later.

AB 446 passed the Senate on September 6, 2005, and passed the Assembly on September 7, 2005. It was vetoed by the Governor on September 29, 2005. The Board had supported this bill, which would have prohibited licensees from including any term in a civil settlement that prohibits the other party from filing a complaint with or otherwise cooperating with the Board.

AB1188 was signed by the Governor on September 2, 2005. The Board supported this bill, which creates consistency in the penalty structure for failing to make or for impeding a mandated report of child, elder or dependant adult abuse or neglect.

AB 1625 passed the Senate on August 29, 2005, and passed the Assembly on August 31, 2005. It was vetoed by the Governor on October 7, 2005. The Board previously took an oppose unless amended position, and removed its opposition when the author amended the bill. This bill would have required any report to a legislative or executive entity to be signed by the executive officer declaring accuracy subject to a misdemeanor penalty.

The regulation update included disciplinary guidelines that were adopted and became effective on August 21, 2005. Ms. Berger added that citations and fines are proposed regulations that would provide the Board with the authority to issue a fine between $2,501 and $5,000 for specified violations.

The Board recessed at approximately 11:45 a.m.

The Board reconvened at approximately 1:08 p.m.

9. CALL TO ORDER AND ESTABLISHMENT OF A QUORUM

Ms. Meade called the roll and a quorum was established.

10. REGULATION HEARING ON PROPOSED CHANGES TO TITLE 16, CALIFORNIA CODE OF REGULATIONS SECTION 1886.40 REGARDING CITATION AND FINE

The hearing began at 1:09 p.m.

The chairperson established that a quorum of the Board was present, described the proposed regulations, and asked whether any person in the audience wished to testify. No witnesses came forward.

The hearing closed at 1:11 p.m.

11. POSSIBLE ACTION TO ADOPT, MODIFY AND ADOPT, OR WITHDRAW PROPOSED CHANGES TO TITLE 16, CALIFORNIA CODE OF REGULATIONS SECTION 1886.40 REGARDING CITATION AND FINE

Ms. Schieldge asked Board members to look at proposed language. Mr. Riches stated that minor revisions have been proposed by staff in response to written comments from CAMFT, and that a 15-day notice will be published.

ROBERT GERST MOVED, IAN RUSS SECONDED AND THE BOARD CONCURRED TO DIRECT STAFF TO TAKE ALL STEPS NECESSARY TO COMPLETE THE RULEMAKING PROCESS INCLUDING MODIFYING THE TEXT FOR AN ADDITIONAL 15-DAY COMMENT PERIOD. IF AFTER THE 15-DAY PUBLIC COMMENT PERIOD NO ADVERSE COMMENTS ARE RECEIVED, THE EXECUTIVE OFFICER IS AUTHORIZED TO MAKE THE NONSUBSTANTIVE CHANGES BEFORE COMPLETING THE RULEMAKING PROCESS AND ADOPTING THE RECOMMENDATIONS AS AMENDED.

12. REVIEW AND POSSIBLE ACTION TO SPONSOR A REORGANIZATION OF THE STATUTES GOVERNING THE BOARD, MARRIAGE AND FAMILY THERAPISTS, AND LICENSED CLINICAL SOCIAL WORKERS

Mr. Riches addressed the Board about the proposal to reorganize the Board's statutes for clarification and readability. The Board's statutes govern multiple professions. The current structure has been challenging for staff and for anyone else to use. This issue was brought up repeatedly by staff through the strategic planning process. Another problem is that the statutes that house the Board's administration are housed in the LCSW statutes and the LEP is housed within MFT. All changes are nonsubstantive except for LEP.

Staff created a draft and sent it to stakeholders for comment. The Board received comment from CAMFT who had concerns about the speed with which this was happening and that the changes may have unforeseen consequences. To address those concerns, Mr. Riches suggested pursuing legislation for the Board's administrative and LEP statutes at this time, and to continue to work on MFT over the next year to give the community more time to process the changes.

Mr. Gerst stated that he felt it was best to go forward with the full package including MFT to help ensure organization and consistency, while working with those who have concerns. Mr. Riches explained that in his experience it is helpful to first have agreement about going forward. This establishes a positive dialogue, but it is a matter of style. Mr. Gerst reiterated his recommendation that we go forward with the proposal in its entirety since the changes to MFT are not substantive.

Ms. Riemersma questioned a statement in the memo from Board staff regarding CAMFT's comments which indicated that the Board does not accept hours of experience gained out of the country. Ms. Riemersma asked under what authority the Board would deny such hours. Mr. Riches responded that we would look into this.

ROBERT GERST MOVED, JUDY JOHNSON SECONDED AND THE BOARD CONCURRED TO PROPOSE THAT THE LEGISLATION BE INTRODUCED AND INCORPORATE THE PROVISIONS CONTAINED IN THE MATERIALS THEY HAVE BEEN GIVEN.

13. REVIEW OF AND POSSIBLE ACTION TO SPONSOR REVISIONS AND REORGANIZATION OF THE STATUTES GOVERNING LICENSED EDUCATIONAL PSYCHOLOGISTS

Mr. Riches explained that the Board has been working on this proposal for the past year with assistance from Mark Burdick and Judy Johnson. The draft has been circulated to stakeholders and received no opposition.

ROBERT GERST MOVED, KAREN PINES SECONDED AND THE BOARD CONCURRED TO DIRECT STAFF TO PURSUE LEGISLATION AND SEEK AN AUTHOR.

Ms. Pines thanked Mr. Riches, Mr. Burdick and Ms. Johnson for working on the proposed revisions to these statutes.

The Board recessed at approximately 1:50 p.m.

The Board reconvened at approximately 1:58 p.m.

14. PRESENTATION ON BOARD BUDGET ISSUES BY PAULA GERSHON, BBS BUDGET ANALYST

Ms. Gershon provided a detailed, informative presentation to the Board about how the budget works. Her presentation helped to provide an understanding of the budget to reduce the amount of questions and concerns that members may have had.

The meeting adjourned at approximately 2:30 p.m.

State of California Department of Consumer Affairs

BOARD OF BEHAVIORAL SCIENCES
400 R Street, Suite 3150, Sacramento, CA 95814-6240
Telephone (916) 445-4933
TDD (916) 322-1700
Website Address: http://www.bbs.ca.gov

BOARD OF BEHAVIORAL SCIENCES
FULL BOARD

MEETING MINUTES

NOVEMBER 18, 2005

HANDLERY UNION SQUARE HOTEL
UNION SQUARE ROOM
351 GEARY STREET
SAN FRANCISCO, CA 94102

MEMBERS PRESENT
Gordonna DiGiorgio, Public Member
Robert Gerst, Vice Chair, Public Member
Judy Johnson, LEP Member
Peter Manoleas, Chair, LCSW Member
Karen Pines, MFT Member
Dr. Ian Russ, MFT Member
Howard Stein, Public Member
Joan Walmsley, LCSW Member

MEMBERS ABSENT
Victor Law, Public Member

STAFF PRESENT
Paul Riches, Executive Officer
Kristy Schieldge, Legal Counsel
Melissa Meade, Administrative Technician

GUEST LIST ON FILE

The meeting was called to order at approximately 9:07 a.m.

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. Meade called the roll and a quorum was established.

2. REVIEW OF AND POSSIBLE ACTION TO TAKE A POSITION ON ASSEMBLY BILL 894 (LA SUER) REGARDING THE LICENSURE OF PROFESSIONAL COUNSELORS

Mr. Riches explained that the purpose of this bill is generally to create a new master's level psychotherapy license in California. It is now in the Sunrise process in the legislature. Staff has been working with the sponsor of the bill to eliminate lower level policy issues so that larger issues can be addressed. Those larger issues are:

1. Grandparenting: Because California already licenses master's level psychotherapists, the standards for licensure via grandparenting must be substantially the same as current licensure requirements in order to protect consumers. The bill does not meet those standards.

2. Examination: This appears to be a broad proposal that brings in a lot of professions. Staff feels strongly that whatever the professions, they all need to meet the same standard of competence, and take the same examination. The national exam would need to be audited to determine whether it meets California's strict standards. If it does not, we would develop a supplemental examination.

3. Administrative: There is a question about time frames for startup and how to fund startup of the program. There are several methods by which this could be done. A general fund loan was the historic method, though no longer viable given the condition of the state's general fund. Another method is essentially borrowing against the future, where applicants file an application and fee, and when enough resources are established, the program is then initiated. The final method would be borrowing from the Board's special fund reserve. A question is whether that is an appropriate use of those funds since those funds have been paid by licensees.

4. Scope of Practice: Our approach has been that this proposal is for a license to provide psychotherapy. Upon reading the Sunrise report, it has become less clear, as it appears to include career counseling, school counseling, and rehabilitation counseling. The Board has no experience regulating those types of services. Sweeping those services into the Board's jurisdiction would require a substantial expansion of our skills. It also raises the question of exclusions. Would persons be required to obtain a license in order to perform those services?

5. Need for the License: The Board's mandate is to protect the consumer. It is not clear that this licensing proposal would increase consumer protection related to the provision of psychotherapy.

Mr. Riches explained to the Board that we need to provide lower level policy guidance to the legislature today at a minimum. Staff recommends opposing the bill due to the significant issues involved.

Mr. Gerst would like to have the committee work with staff prior to the next meeting to discuss these issues. Mr. Riches explained the condensed legislative time frames that would make this difficult.

Mr. Gerst questioned the need for a new category of licensure given the lack of evidence that it would help to protect the public.

Ms. Johnson sees a disconnect between the proposed scope of practice, which seems similar to a pupil personnel services credential, and the population to be served as described in the Sunrise report.

Ms. Pines agreed there is a question about the need for an additional license. On the flip side, would others be kept from performing their work? Need to look at barriers from a consumer point of view.

Lorie Brant, a LPC from Texas and professor of counselor education of California State University Sacramento (CSUS), informed the board why she could not get licensed to perform psychotherapy in California but could in 47 other states. She got both her master's and Ph.D. in counseling. Neither of these degrees qualify for licensure in California. She teaches MFT students at CSUS.

Mr. Riches asked for clarification of what the purpose of the LPC license was and the scope of practice. Ms. Brant responded that the purpose was to perform psychotherapy.

Ms. Johnson asked Ms. Brant what she would have to do to get a license as an MFT. Ms. Brant stated that she was told by the Board that she would have to go back to school and obtain a new master's degree. Mr. Riches explained that this is the case because a single integrated degree is required in order to obtain a MFT license.

Dr. Russ asked whether Ms. Brant's objections were related more to the academic requirements for MFT licensure. She confirmed this was true. Dr. Russ asked whether there wasn't a lot easier way to fix that problem rather than create a new license type.

Bob Chope, Ph.D., MFT, spoke about his knowledge of the history of MFT and psychology licensure in California, and the requirement for specialization. He expressed his concerns about the lack of counselor licensure in California, and that certain types of counselors could practice without a license, such as hospice workers and school counselors. Mr. Riches responded that this is a central question, whether this bill is an intent to regulate currently unregulated activity, or is it an attempt to create another type of license to practice psychotherapy.

Ms. Walmsley stated that she has supervised those with out of state education who are trying to become licensed in California and they do not always have all of the training necessary to do psychotherapy.

Mr. Gerst asked whether there would be a way to start out fresh by integrating LPC licensure with MFT licensure in order to allow those from out of state who don't meet MFT requirements to qualify without creating an additional license type.

Mary Riemersma of the California Association of Marriage and Family Therapists (CAMFT) stated that CAMFT has not taken a position on this bill. She shared concerns about the proposed breadth of the LPC profession.

Geri Esposito of the Society for Clinical Social Work, commented that she felt the proposed educational and experience requirements are not comparable to clinical social work licensure. She also shared concerns about the proposed breadth of the LPC profession.

Mr. Manoleas presented possible motions that the board could take. Either support, oppose or no position. Ms. Pines would like to oppose the bill. She does not feel there is a need for another license, however, she would like to continue the discussion. Ms. Johnson believes that because of the complexity, the Board of Psychology should be involved in future discussion as well as the Commission on Teacher Credentialing. She believes this board is not in a position to make this decision alone. Mr. Gerst stated that this issue is complicated and the demonstration of need has not yet been made. Dr. Russ said there has not been enough justification of need, this would possibly regulate areas that have not yet been regulated, and would change educational standards for the purpose of psychotherapy. Ms. Walmsley was concerned that persons coming in from out of state that would qualify for licensure under this bill may not be qualified to practice psychotherapy due to the differences in requirements in other states.

IAN RUSS MOVED, ROBERT GERST SECONDED AND THE BOARD CONCURRED TO OPPOSE ASSEMBLY BILL 894.

The Board recessed at approximately 11:00 a.m.

The Board reconvened at approximately 11:15 a.m.

3. DISCUSSION REGARDING THE COLLECTION OF RACE AND ETHNICITY DATA BY THE BOARD

Mr. Manoleas informed the Board that we do not currently collect data based on race, ethnicity, or linguistic diversity. Mr. Manoleas asked whether we should we collect, how we would collect this data and when it would be appropriate. California is more diverse than ever and we need to understand the Board's role relating to workforce issues and mental health disparities. A number of boards are collecting diversity data. A letter from the Department of Mental Health was provided to members and the public encouraging the Board to do so as well. Mr. Manoleas proposed that we collect this information on a volunteer basis. Ms. Schieldge asked Mr. Manoleas to confirm specifically what he wants to do with the information. Mr. Manoleas responded that the main reason for collecting this information is to be able to understand our licensee workforce. Mr. Riches responded that it is difficult to know what specifically to do with the information until it is collected.

Mr. Riches explained that one way of protecting consumers is by being involved in issues of communication and outreach to the public. He stated that it is well established that access to culturally and linguistically appropriate services is a problem. From his perspective, the Board currently operates from a state of ignorance regarding diversity of its licensees. The Board will be better equipped to approach issues when we are more knowledgeable.

Ms. Schieldge informed the Board of what they needed to be aware of legally, and explained that the best way to handle this project is for the Board to obtain statutory authority to collect diversity information.

Rick Collins, Regency Coordinator for the National Association of Social Workers and the Vice President of the California Association of Black Social Workers, saluted the Board for being open to the idea of collecting information on a voluntary basis. He stated it would be helpful to know the breakdown of the ethnicities of the licensees, as well as who is getting through the supervision process, and who takes the exams.

Gene Chen, LCSW, works mostly with the Chinese population. He believes that his colleagues would not have any objection to the Board collecting diversity data. He discussed how there is often not enough diversity in clinicians to match the client need.

Olivia Loewy Executive Director of the American Association of Marriage and Family Therapists, California Chapter, stated that the Mental Health Services Act requires both culturally competent and linguistically appropriate services be provided. Eventually state level funding decisions will be made to promote a more diversified work force. It would be useful to have this data in order to be able to contribute to that process.

Selina Lau, a recent MSW graduate and ASW registrant, believes that the collection of such data is a good tool to help focus on consumer protection and is vital information about the diverse communities of California are being served with qualified and diverse clinicians of color. She explained that there are financial constraints that sometimes constrain people of color from practicing in their own communities.

Heather Halperin, USC School of Social Work, asked if the board's focus is on protecting the community from harm, when there is not enough people to service these communities, couldn't the board be looked on as doing harm?

The Board recessed at approximately 12:20 p.m.

The Board reconvened at approximately 1:07 p.m.

8. PETITION FOR MODIFICATION OF PENALTY

A. Marilyn Ruman LCS 3646

Administrative Law Judge, Ruth Astle, withdrew the petition, as Marilyn Ruman did not show for the petition for modification of penalty. Judge Astle recommended that the Board withdraw the petition and Ms. Ruman remain on probation for the term of her probation.

The petition was completed at 1:30 p.m.

Mr. Manoleas presented a resolution to Legal Counsel, Kristy Schieldge, for serving the Board since 2003.

4. DISCUSSION AND POSSIBLE ACTION ON A DRAFT PROPOSAL TO ADD CONTINUING EDUCATION PROVIDERS TO THE BOARD'S CITATION AND FINE AUTHORITY

Mr. Riches explained that the Board has had an ongoing discussion about complaints regarding providers of continuing education (CE), who are required to register with the Board. Staff has created a process to audit CE providers, and would like to have the authority to issue a citation. If staff were to find a CE provider out of compliance, our only current remedy is to revoke the registration, which is out of proportion to many of the violations. Mr. Gerst asked whether we have the authority to suspend a CE provider registration. Mr. Riches does not believe we have the authority to do so.

IAN RUSS MOVED HOWARD STEIN SECONDED AND THE BOARD CONCURRED TO PURSUE REGULATIONS TO ADD CONTINUING EDUCATION PROVIDERS TO THE BOARD'S CITATION AND FINE AUTHORITY. Ms. Pines abstained.

5. DISCUSSION AND POSSIBLE ACTION ON A DRAFT PROPOSAL TO AMEND TITLE 16, CALIFORNIA CODE OF REGULATIONS SECTION 1803 REGARDING THE DELEGATION OF FUNCTIONS TO THE EXECUTIVE OFFICER

Mr. Riches explained that there has been cause recently to look at the process by which an order to compel a psychiatric evaluation of a licensee or registrant is issued. It has been the Board's practice for the Board Chair to sign such orders. Counsel advised that it is not appropriate for a board member to sign such orders because it is more of an investigatory/prosecutory function. It would be more appropriate for the executive officer to sign such orders.

KAREN PINES MOVED, JOAN WALMSLEY SECONDED, AND THE BOARD CONCURRED TO PURSUE REGULATIONS TO DELEGATE AUTHORITY TO ISSUE ORDERS TO COMPEL PSYCHIATRIC EXAMINATION TO THE EXECUTIVE OFFICER.

6. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

There was no comment from the public.

9. FULL BOARD CLOSED SESSION

The closed session began at approximately 1:30 p.m. and concluded at approximately 1:45 p.m.

The meeting adjourned at approximately 1:46 p.m.

Blank Page

Item V

Discussion of Examination Program

Blank Page

Attachment A

Blank Page

BOARD OF BEHAVIORAL SCIENCES
LCSW WRITTEN EXAMINATION STATISTICS
6/1/05-11/30/05

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
718 Participated	414 Participated	170 Participated	57 Participated	77 Participated
402 Passed (56%)	274 Passed (66%)	100 Passed (59%)	15 Passed (26%)	13 Passed (17%)
316 Failed (44%)	140 Failed (34%)	70 Failed (41%)	42 Failed (74%)	64 Failed (83%)

BOARD OF BEHAVIORAL SCIENCES
LCSW WRITTEN CLINICAL VIGNETTE
6/1/05 – 11/30/05

UNIVERSITIES	Total Pass	Total Fail	% PASSED	1st Time Takers		% Passed 1st Time
				Pass	Fail	
CSU, Fresno	9	18	33%	3	1	75%
CSU, Long Beach	40	48	45%	14	6	70%
CSU, Los Angeles	3	6	33%	2	3	40%
CSU, Sacramento	21	39	35%	13	10	57%
CSU, San Bernardino	11	28	28%	2	4	33%
CSU, Stanislaus	3	3	50%	2	1	67%
San Diego State	37	39	49%	19	10	66%
San Francisco State	8	9	47%	4	3	57%
San Jose State	20	21	49%	11	4	73%
UC, Berkeley	10	9	53%	6	2	75%
UCLA	23	19	55%	12	4	75%
Loma Linda University	9	4	69%	5	2	71%
USC	68	69	50%	34	21	62%
Out-of-State	95	114	45%	47	26	64%
Out-of-Country	3	4	43%	1	1	50%

790 PARTICIPATED
360 PASSED (46%)
430FAILED (54%)

The Examination Statistics are for informational purposes only and should not be the sole source used to analyze a school program. A statistical analysis can only be derived when there are significant numbers of candidates. Please contact each school for specific information on their degree program.

BOARD OF BEHAVIORAL SCIENCES
LCSW WRITTEN EXAMINATION STATISTICS

EXAMINATION DATE	TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
2001	1,010 Participated 563 Passed (56%)	672 Participated 442 Passed (66%)	209 Participated 96 Passed (46%)	77 Participated 19 Passed (25%)	52 Participated 6 Passed (12%)
2002	1,061 Participated 699 Passed (66%)	680 Participated 524 Passed (77%)	186 Participated 108 Passed (58%)	99 Participated 41 Passed (41%)	96 Participated 26 Passed (27%)
2003	1,105 Participated 818 Passed (74%)	778 Participated 649 Passed (83%)	159 Participated 92 Passed (58%)	61 Participated 30 Passed (49%)	107 Participated 47 Passed (44%)
2004	1,029 Participated 462 Passed (45%)	742 Participated 418 Passed (56%)	128 Participated 24 Passed (19%)	70 Participated 14 Passed (20%)	89 Participated 6 Passed (7%)
2005	1,352 Participated 717 Passed (53%)	819 Participated 515 Passed (63%)	308 Participated 157 Passed (51%)	97 Participated 25 Passed (26%)	128 Participated 20 Passed (16%)

LCSW WRITTEN CLINICAL VIGNETTE
6/1/05 – 11/30/05

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
790 Participated	276 Participated	333 Participated	152 Participated	29 Participated
360 Passed (46%)	177 Passed (64%)	128 Passed (38%)	46 Passed (30%)	9 Passed (31%)
430 Failed (54%)	99 Failed (36%)	205 Failed (62%)	106 Failed (70%)	20 Failed (69%)

12/1/04 – 5/31/05

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
602 Participated	405 Participated	189 Participated	8 Participated	0 Participated
324 Passed (54%)	231 Passed (57%)	89 Passed (47%)	4 Passed (50%)	0 Passed (0%)
278 Failed (46%)	174 Failed (43%)	100 Failed (53%)	4 Failed (50%)	0 Failed (0%)

8/1/04 – 11/30/04

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
357 Participated	320 Participated	37 Participated	0 Participated	0 Participated
183 Passed (51%)	169 Passed (53%)	14 Passed (38%)	0 Passed (0%)	0 Passed (0%)
174 Failed (49%)	151 Failed (47%)	23 Failed (62%)	0 Failed (0%)	0 Failed (0%)

4/1/04 – 7/31/04

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
606 Participated	393 Participated	138 Participated	42 Participated	33 Participated
391 Passed (65%)	245 Passed (62%)	99 Passed (72%)	28 Passed (67%)	19 Passed (58%)
215 Failed (35%)	148 Failed (38%)	39 Failed (28%)	14 Failed (33%)	14 Failed (42%)

BOARD OF BEHAVIORAL SCIENCES
LCSW WRITTEN CLINICAL VIGNETTE
6/1/05 – 11/30/05

UNIVERSITIES	Total Pass	Total Fail	% PASSED	1st Time Takers		% Passed 1st Time
				Pass	Fail	
CSU, Fresno	9	18	33%	3	1	75%
CSU, Long Beach	40	48	45%	14	6	70%
CSU, Los Angeles	3	6	33%	2	3	40%
CSU, Sacramento	21	39	35%	13	10	57%
CSU, San Bernardino	11	28	28%	2	4	33%
CSU, Stanislaus	3	3	50%	2	1	67%
San Diego State	37	39	49%	19	10	66%
San Francisco State	8	9	47%	4	3	57%
San Jose State	20	21	49%	11	4	73%
UC, Berkeley	10	9	53%	6	2	75%
UCLA	23	19	55%	12	4	75%
Loma Linda University	9	4	69%	5	2	71%
USC	68	69	50%	34	21	62%
Out-of-State	95	114	45%	47	26	64%
Out-of-Country	3	4	43%	1	1	50%

790 PARTICIPATED
360 PASSED (46%)
430FAILED (54%)

The Examination Statistics are for informational purposes only and should not be the sole source used to analyze a school program. A statistical analysis can only be derived when there are significant numbers of candidates. Please contact each school for specific information on their degree program.

Blank Page

Attachment B

Blank Page

BOARD OF BEHAVIORAL SCIENCES
MFT WRITTEN EXAMINATION STATISTICS
7/1/05 – 12/31/05

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
947 Participated	604 Participated	178 Participated	52 Participated	113 Participated
580 Passed (61%)	446 Passed (74%)	104 Passed (58%)	17 Passed (33%)	13 Passed (12%)
367 Failed (39%)	158 Failed (26%)	74 Failed (42%)	35 Failed (67%)	100 Failed (88%)

MFT WRITTEN EXAMINATION STATISTICS
7/1/05-12/31/05

ACCREDITED UNIVERSITIES	PASS	FAIL	% PASSED	1ST TIME TAKERS PASS	1ST TIME TAKERS FAIL	% PASSED 1ST TIME
California Polytechnic State University	2	0	100%	2	0	100%
CSU, Bakersfield	1	2	33%	1	1	50%
CSU, Chico	5	1	83%	4	1	80%
CSU, Dominguez Hills	6	7	46%	3	1	75%
CSU, Fresno	7	8	47%	5	4	56%
CSU, Fullerton	16	7	70%	12	6	67%
CSU, Hayward	14	9	61%	12	5	71%
CSU, Long Beach	5	1	83%	4	1	80%
CSU, Los Angeles	2	4	33%	2	1	67%
CSU, Northridge	18	15	55%	13	5	72%
CSU, Sacramento	12	5	71%	9	2	82%
CSU, San Bernardino	2	1	67%	2	1	67%
CSU, Stanislaus	5	1	83%	4	0	100%
Humboldt State University	5	0	100%	4	0	100%
San Diego State University	8	4	67%	6	2	75%
San Francisco State University	14	9	61%	9	5	64%
San Jose State University	3	1	75%	2	0	100%
Sonoma State University	3	4	43%	3	3	50%
California State Polytechnic Univ.	4	0	100%	1	0	100%
Azusa Pacific University	6	8	43%	2	5	29%
California Baptist College	3	5	38%	1	3	25%
Phillips Graduate Institute	26	22	54%	21	7	75%
California Inst. of Integral Studies	17	2	89%	14	1	93%
California Lutheran University	5	1	83%	4	0	100%
Chapman University	20	10	67%	14	5	74%
Notre Dame de Namur University	10	11	48%	8	6	57%
Dominican University of California	4	1	80%	4	1	80%
Fuller Theological Seminary	5	2	71%	2	1	67%
Holy Names University	1	2	33%	1	0	100%
John F. Kennedy University	54	20	73%	44	10	81%
Loma Linda University	3	4	43%	3	1	75%
Loyola Marymount University	7	3	70%	6	0	100%
Mennonite Brethren Biblical Seminary	2	0	100%	1	0	100%
Mount St. Mary's College	2	2	50%	2	1	67%
National University	32	61	34%	23	18	56%
New College of California	14	7	67%	10	3	77%
Hope International University	6	6	50%	1	1	50%
Pacific Oaks College	9	8	53%	7	6	54%

Pepperdine University	26	22	54%	20	8	71%
St. Mary's College of California	1	1	50%	1	0	100%
Alliant International University	5	2	71%	4	1	80%
University of La Verne	2	1	67%	2	1	67%
University of San Diego	11	4	73%	10	1	91%
University of San Francisco	19	8	70%	15	3	83%
Santa Clara University	11	3	79%	10	1	91%
University of Southern California	3	6	33%	2	3	40%
University of the Pacific*	0	1	0%	0	0	0%
Golden Gate University	1	0	100%	0	0	0%
Bethel Theological Seminary	1	1	50%	1	1	50%
Pacifica Graduate Institute	16	3	84%	14	2	88%
Institute for Transpersonal Psych.	7	1	88%	5	1	83%
Vanguard University	5	1	83%	4	1	80%
APPROVED UNIVERSITIES	**PASS**	**FAIL**	**% PASSED**	**1ST TIME TAKERS PASS**	**FAIL**	**% PASSED 1ST TIME**
Trinity College of Graduate Studies	2	6	25%	1	3	25%
California Graduate Institute	3	1	75%	1	1	50%
Argosy University	3	0	100%	3	0	100%
International College*	0	1	0%	0	0	0%
Professional School of Psychology	1	3	25%	0	3	0%
Rosebridge Graduate School*	0	1	0%	0	0	0%
Ryokan College	5	0	100%	3	0	100%
Sierra University*	0	1	0%	0	0	0%
University for Humanistic Studies*	1	0	100%	1	0	100%
Western Graduate School of Psychology*	1	0	100%	0	0	0%
Western Institute for Social Research	2	0	100%	0	0	0%
Institute of Imaginal Studies	1	2	33%	1	2	33%
Western Seminary	2	3	40%	2	1	67%
American Behavioral Studies Institute	4	2	67%	3	2	60%
University of Phoenix, Sand Diego	2	5	29%	2	2	50%
Southern California Seminary	3	1	75%	3	1	75%
University of Phoenix, Sacramento	4	4	50%	2	1	67%
University of Santa Monica	2	1	67%	2	0	100%
Antioch University, Marina Del Rey	36	16	69%	29	7	81%
Antioch University, Santa Barbara	6	2	75%	6	0	100%
San Diego University for Integrative Studies	1	0	100%	1	0	100%
OUT-OF-STATE UNIVERSITIES	34	10	77%	31	5	86%
OUT-OF-COUNTRY UNIVERSITIES	1	0	100%	1	0	100%

947 PARTICIPATED
580 PASSED (61%)
367 FAILED (39%)

***No longer has MFT program**

The Examination Statistics are for informational purposes only and should not be the sole source used to analyze a school program. A statistical analysis can only be derived when there are significant numbers of candidates. Please contact each school for specific information on their degree program.

BOARD OF BEHAVIORAL SCIENCES
MFT WRITTEN EXAMINATION STATISTICS

EXAMINATION DATE	TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
2001	1,667 Participated 942 Passed (57%)	1,187 Participated 820 Passed (69%)	239 Participated 81 Passed (34%)	82 Participated 24 Passed (29%)	159 Participated 17 Passed (11%)
2002	1,890 Participated 1,126 Passed (60%)	1,186 Participated 844 Passed (71%)	355 Participated 197 Passed (55%)	154 Participated 55 Passed (36%)	195 Participated 30 Passed (15%)
2003	1,996 Participated 1,350 Passed (68%)	1,307 Participated 1,037 Passed (79%)	315 Participated 170 Passed (54%)	141 Participated 68 Passed (48%)	233 Participated 75 Passed (32%)
2004	1,674 Participated 1,055 Passed (63%)	1,115 Participated 848 Passed (76%)	229 Participated 121 Passed (53%)	121 Participated 36 Passed (30%)	209 Participated 50 Passed (24%)
2005	1,821 Participated 951 Passed (52%)	1,205 Participated 780 Passed (65%)	290 Participated 136 Passed (47%)	106 Participated 21 Passed (20%)	220 Participated 14 Passed (7%)

MFT WRITTEN CLINICAL VIGNETTE
7/1/05 – 12/31/05

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
932 Participated	544 Participated	263 Participated	115 Participated	10 Participated
553 Passed (59%)	355 Passed (65%)	130 Passed (49%)	61 Passed (53%)	7 Passed (70%)
379 Failed (41%)	189 Failed (35%)	133 Failed (51%)	54 Failed (47%)	3 Failed (30%)

1/1/05 – 6/30/05

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
1,289 Participated	781 Participated	487 Participated	21 Participated	0 Participated
678 Passed (53%)	409 Passed (52%)	260 Passed (53%)	9 Passed (43%)	0 Passed (0%)
611 Failed (47%)	372 Failed (48%)	227 Failed (47%)	12 Failed (57%)	0 Failed (0%)

9/1/04 – 12/31/04

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
682 Participated	503 Participated	179 Participated	0 Participated	0 Participated
483 Passed (71%)	360 Passed (72%)	123 Passed (69%)	0 Passed (0%)	0 Passed (0%)
199 Failed (29%)	143 Failed (28%)	56 Failed (31%)	0 Failed (0%)	0 Failed (0%)

4/1/04 – 8/31/04

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
1,258 Participated	868 Participated	210 Participated	77 Participated	103 Participated
535 Passed (43%)	350 Passed (40%)	111 Passed (53%)	38 Passed (49%)	36 Passed (35%)
723 Failed (57%)	518 Failed (60%)	99 Failed (47%)	39 Failed (51%)	67 Failed (65%)

MFT WRITTEN CLINICAL VIGNETTE
7/1/05-12/31/05

ACCREDITED UNIVERSITIES	PASS	FAIL	TOTAL % PASSED	1ST TIME TAKERS PASS	1ST TIME TAKERS FAIL	% PASSED 1ST TIME
California Polytechnic State University	6	1	86%	5	0	100%
CSU, Bakersfield	3	9	25%	2	3	40%
CSU, Chico	7	3	70%	5	1	83%
CSU, Dominguez Hills	9	5	64%	6	3	67%
CSU, Fresno	10	10	50%	5	5	50%
CSU, Fullerton	11	15	42%	7	7	50%
CSU, Hayward	6	17	26%	4	9	31%
CSU, Long Beach	3	6	33%	2	2	50%
CSU, Los Angeles	3	9	25%	2	2	50%
CSU, Northridge	14	9	61%	11	5	69%
CSU, Sacramento	20	11	65%	9	5	64%
CSU, San Bernardino	3	2	60%	3	0	100%
CSU, Stanislaus	4	1	80%	2	0	100%
Humboldt State University	4	3	57%	3	3	50%
San Diego State University	5	2	71%	3	2	60%
San Francisco State University	12	9	57%	10	6	63%
San Jose State University	4	0	100%	4	0	100%
Sonoma State University	3	2	60%	2	1	67%
California State Polytechnic University	1	2	33%	1	1	50%
Azusa Pacific University	7	11	39%	5	5	50%
Calif. Baptist University	4	5	44%	2	2	50%
Phillips Graduate Institute	23	15	61%	12	6	67%
Calif. Institute of Integral Studies	16	5	76%	12	3	80%
Calif. Lutheran University	6	4	60%	3	1	75%
Chapman University	18	12	60%	9	6	60%
Notre Dame de Namur University	7	11	39%	4	6	40%
Dominican University of California	5	3	63%	3	2	60%
Fuller Theological Seminary	12	5	71%	10	1	91%
Holy Names College	1	2	33%	1	2	33%
John F. Kennedy University	37	21	64%	25	12	68%
Loma Linda University	5	5	50%	2	3	40%
Loyola Marymount	6	4	60%	1	2	33%
Mennonite Brethren Biblical Seminary	0	1	0%	0	1	0%
National University	38	38	50%	19	12	61%
New College of California	12	5	71%	11	4	73%

Hope International University	2	2	50%	1	1	50%
Pacific Oaks College	6	4	60%	4	2	67%
Pepperdine University	35	13	73%	26	8	76%
St. Mary's College of California	2	2	50%	0	2	0%
Alliant International University	4	2	67%	0	2	0%
University of La Verne	1	2	33%	0	1	0%
University of San Diego	5	3	63%	5	1	83%
University of San Francisco	18	10	64%	11	4	73%
Santa Clara University	8	2	80%	5	1	83%
University of Southern California	5	1	83%	2	1	67%
Golden Gate University	1	0	100%	1	0	100%
Bethel Theological Seminary	2	0	100%	2	0	100%
Pacifica Graduate Institute	20	5	80%	14	2	88%
Institute of Transpersonal Psych.	3	1	75%	3	0	100%
Vanguard University of Southern California	2	2	50%	2	2	50%
APPROVED UNIVERSITIES	**PASS**	**FAIL**	**TOTAL % PASSED**	**1ST TIME TAKERS PASS**	**FAIL**	**% PASSED 1ST TIME**
Trinity College of Graduate Studies	0	4	0%	0	3	0%
California Graduate Institute	4	0	100%	4	0	100%
Argosy University	1	2	33%	1	1	50%
Professional School of Psychology	1	1	50%	0	0	0%
Ryokan College	5	5	50%	2	0	100%
Western Institute for Social Research	1	1	50%	1	1	50%
La Jolla University*	0	1	0%	0	1	0%
Institute for Imaginal Studies	0	1	0%	0	1	0%
Western Seminary	2	6	25%	2	2	50%
American Behavioral Studies Institute	2	2	50%	2	1	67%
University of Phoenix, San Diego	5	0	100%	1	0	100%
Southern California Seminary	1	1	50%	1	0	100%
University of Phoenix, Sacramento	5	1	83%	1	1	50%
University of Santa Monica	1	2	33%	1	2	33%
Antioch University, Marina Del Rey	35	18	66%	23	10	70%
Antioch University, Santa Barbara	6	5	55%	5	5	50%
OUT-OF-STATE UNIVERSITIES	44	17	72%	29	11	73%
OUT-OF-COUNTRY UNIVERISITIES	1	0	100%	1	0	100%

932 Participated
553 Passed (59%)
379 Failed (41%)

***No longer has MFT Program**

The Examination Statistics are for informational purposes only and should not be the sole source used to analyze a school program. A statistical analysis can only be derived when there are significant numbers of candidates. Please contact each school for specific information on their degree program.

Blank Page

Attachment C

Blank Page

BOARD OF BEHAVIORAL SCIENCES
LEP WRITTEN EXAMINATION STATISTICS
7/1/05 – 12/31/05

TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
55 Participated	41 Participated	10 Participated	2 Participated	2 Participated
34 Passed (62%)	28 Passed (68%)	4 Passed (40%)	1 Passed (50%)	1 Passed (50%)
21 Failed (38%)	13 Failed (32%)	6 Failed (60%)	1 Failed (50%)	1 Failed (50%)

BOARD OF BEHAVIORAL SCIENCES
LEP WRITTEN EXAM STATS
7/1/05-12/31/05

SCHOOL	PASS	FAIL	TOTAL % PASSED	1ST TIME TAKERS PASS	FAIL	% PASSED 1ST TIME
CSU, Chico	3	0	100%	3	0	100%
CSU, Dominguez Hills	1	2	33%	1	1	50%
CSU, Fullerton	1	0	100%	1	0	100%
CSU, Hayward	5	1	83%	5	1	83%
CSU, Long Beach	1	1	50%	1	1	50%
CSU, Los Angeles	2	0	100%	2	0	100%
CSU, Northridge	4	3	57%	2	2	50%
CSU. Sacramento	2	1	67%	2	0	100%
CSU, San Bernardino	0	1	0%	0	1	0%
Humboldt State University	2	0	100%	2	0	100%
San Diego State University	0	1	0%	0	0	0%
UC, Berkeley	1	0	100%	1	0	100%
UC, Santa Barbara	1	0	100%	0	0	0%
California Lutheran University	0	1	0%	0	1	0%
Alliant International University	0	1	0%	0	1	0%
Chapman University	2	1	67%	2	0	100%
John F. Kennedy	1	0	100%	1	0	100%
Loma Linda University	0	1	0%	0	0	0%
Loyola Marymount University	1	3	25%	0	1	0%
National University	0	1	0%	0	1	0%
University of San Diego	0	1	0%	0	1	0%
University of the Pacific	1	0	100%	1	0	100%
Fresno Pacific University	0	1	0%	0	1	0%
Out-of-State Universities	6	1	86%	4	1	80%

55 PARTICIPATED

34 PASSED (62%)

21 FAILED (38%)

BOARD OF BEHAVIORAL SCIENCES
LEP WRITTEN EXAMINATION STATISTICS

EXAMINATION DATE	TOTAL EXAMINEES	1ST TIME TAKERS	2ND TIME TAKERS	3RD TIME TAKERS	4TH + TIME TAKERS
2001	59 Participated 40 Passed (68%)	50 Participated 35 Passed (70%)	4 Participated 3 Passed (75%)	3 Participated 2 Passed (67%)	2 Participated 0 Passed (0%)
2002	64 Participated 42 Passed (66%)	50 Participated 34 Passed (68%)	12 Participated 8 Passed (67%)	0 Participated 0 Passed (0%)	2 Participated 0 Passed (0%)
2003	99 Participated 74 Passed (75%)	77 Participated 62 Passed (81%)	17 Participated 11 Passed (65%)	2 Participated 1 Passed (50%)	3 Participated 0 Passed (0%)
2004	91 Participated 64 Passed (70%)	78 Participated 61 Passed (78%)	9 Participated 3 Passed (33%)	1 Participated 0 Passed (0%)	3 Participated 0 Passed (0%)
2005	113 Participated 68 Passed (60%)	85 Participated 62 Passed (73%)	17 Participated 4 Passed (24%)	4 Participated 1 Passed (25%)	7 Participated 1 Passed (14%)

Blank Page

Item VI

Consumer Protection Committee Report

Blank Page

State of California
Board of Behavioral Sciences

Memorandum

To:	Board Members	**Date:**	January 31, 2006
From:	Consumer Protection Committee	**Telephone:**	(916) 574-7841
Subject:	Committee Report		

Action Items

The Committee made the following recommendations to the full board:

1. The Board sponsor legislation for fictitious business names for Licensed Clinical Social Workers with language that mirrors the language contained in Business and Professions Code section 4980.46, Fictitious Business Names. (Marriage and Family Therapists). [Attachment A]

Other Committee Activity

The Consumer Protection Committee met on Tuesday, January 17, 2006 in Los Angeles.

In addition to the action item above, the committee:

- Conducted a review of progress on achieving the strategic objectives under Goal #3. [Attachment B]
- Discussed the feasibility of tiered, multiple or specialty social work licensure as practiced in other states. *The Committee directed staff to conduct more research specifically on the child welfare and elder care areas with reference to other states activity and report back at a future meeting.*
- Received an update on Supervision Survey for Marriage and Family Therapists (MFT) Interns and Associate Clinical social Workers.
- Discussed allowing MFT supervision via video conferencing. *The Committee directed staff to bring back a specific proposal for limited use of video conferencing for remote locations, and specialty access and apply the proposal to both LCSWs and MFTs.*
- Reviewed a request for exception to the supervision requirements defined in Title 16, Division 18, California Code of Regulations section 1833.1. *The Committee moved 3 – 0 not to grant an exception to the supervision requirement.*
- Set meeting dates for the next four meetings of the committee.

For more detailed information on these items see the attached draft minutes from the committee meeting. [Attachment C]

The next meeting of the committee is scheduled for April 17, 2006.

Blank Page

Attachment A

Blank Page

State of California
Board of Behavioral Sciences

M e m o r a n d u m

To: Consumer Protection Committee **Date:** January 17, 2006

From: Mona C. Maggio
Assistant Executive Officer
Telephone: (916) 574-7841

Subject: **Discuss and Possibly Recommend BBS Sponsor Legislation for Fictitious Business Names for Licensed Clinical Social Workers**

Background

In October 2005, the Board received a consumer complaint against a licensed clinical social worker. Initially, the complaint was opened as "unlicensed"; however after further investigation, staff discovered that the licensee was not only licensed but has a fictitious business name with the city where she lives and uses the fictitious name with her clients.

As part of the investigation, staff contacted the licensee to inquire about the use of the fictitious business name. The licensee stated that she does not disclose her real name to her clients. Not only is this is misleading, but clients and the public are not able to verify the licensee's license status with this fictitious name.

Business and Professions Code (BPC) section 4980.46 addresses fictitious business names for Marriage and Family Therapists (MFTs) in private practice; however, BPC section 4998.2 in the Licensed Clinical Social Worker (LCSW) laws and regulations only addresses names for LCSW corporations.

Recommendation

Staff recommends that the Committee propose to the board to consider sponsoring legislation for fictitious business names for LCSWs to align the LCSW law with that of the MFT law.

Sample language that mirrors the marriage and family law:

Any licensed clinical social worker who conducts a private practice under a fictitious business name shall not use any name which is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner or owners of the practice.

Blank Page

Attachment B

Blank Page

State of California
Board of Behavioral Sciences

M e m o r a n d u m

To: Consumer Protection Committee **Date:** January 17, 2006

From: Mona C. Maggio
Assistant Executive Officer
Telephone: (916) 574-7841

Subject: Strategic Plan Goal #3 - Report on Progress

Goal #3 – Promote higher professional standards through rigorous enforcement and public policy changes.

Objective 3.1 -- Complete Revisions for Continuing Education Laws by December 31, 2006.

Background
The Board's strategic plan identifies the need to "Complete Revisions for Continuing Education Laws by December 31, 2006."

Update
The Board approved regulations that would allow the issuance of citations and fines to continuing education providers. Staff prepared and delivered the Notice, Initial Statement of Reasons, and Economic and Fiscal Impact Statement to the Office of Administrative Law. The regulations will be noticed on January 20, 2006. The public comment period will end on March 6, 2006.

Board staff will continue to monitor changes regarding the continuing education law and will bring any issues to the attention of the Policy and Advocacy Committee.

Objective 3.2 -- Establish a Standard to Measure Quality of Continuing Education by June 30, 2007.

Background
The Board's strategic plan identifies the need to ensure high professional standards for Marriage and Family Therapists (MFT) and Licensed Clinical Social Workers (LCSW). In an effort to meet this objective, the board must develop a way to measure the quality of continuing education (CE) courses and thereby establish a minimum standard that all CE courses must meet to be or continue to be approved as a Board of Behavioral Sciences (BBS) approved provider.

Update
Staff has identified the basic tasks to begin researching this objective. Staff will meet in the next 60 days to discuss the data collection from

other six identified entities (BAR Association, California Association of Marriage and Family Therapists (CAMFT), California Society for Clinical Social Work (CSCSW), National Association of Social Workers (NASW), UC Davis Continuing Medical Education, American Association of State Social work Boards (AASWB) and DCA boards and bureaus). Once the data is collected and analyzed, staff will determine recommendations for the Board to consider in determining uniform standards for CE.

Objective 3.3 -- Complete 12 Substantive Changes in Laws and Regulations by January 1, 2008.

Background
The Board's strategic plan identifies the need to "Complete 12 substantive changes in laws and regulations by January 1, 2008."

Update

The Board has recently approved a number of substantive changes to the Licensed Educational Psychologist law, including:

- Continuing education
- Scope of practice
- Licensing requirements
- Unprofessional conduct

An author has been found to introduce these changes in legislation. We expect the bill to be introduced in early 2006 and if passed, to take effect January 1, 2007.

The Board has also approved several substantive regulatory changes, currently in process and expected to be complete by mid-2006:

- Citation and fine – Increase maximum fine to $5,000 for specified violations
- Citation and fine of continuing education providers
- Delegation to Executive Officer ability to compel psychiatric evaluation

Objective 3.4 -- Advocate for Five Laws that Protect the Privacy of Client/Therapist Relationships by December 31, 2010.

Background
The Board's strategic plan identifies the need to "Advocate for five laws that protect the privacy of client/therapist relationships by December 2010."

Update
Board staff will monitor legislation and identify any that has the potential to protect the privacy of client/therapist relationships beginning with the 2006 legislative season. Any such legislation will be analyzed and brought before the Policy and Advocacy Committee who will make a recommendation to the Board whether to support the bill and when needed, suggest amendments.

Objective 3.5 -- **Provide Four Educational Opportunities for Division of Investigation (DOI) and The Office of the Attorney General (AG) Regarding the Board of Behavioral Sciences (BBS) and It's Licensees by June 30, 2008.**

Background
Team members identified the educational opportunities as training for DOI investigators and the Deputy Attorneys General regarding the Board's scope of authority, licensee scope of practice and the necessary requirements to conduct investigations and prosecute cases. The training will be conducted by the Executive Officer, representatives from the Department of Justice and the Board's Enforcement Unit.

Current Status:
All team members will be attending a portion of the Board of Registered Nursing investigator training at the end of January 2006, and two team members have been assigned to attend PowerPoint training on February 28, 2006. A team meeting is pending in February 2006, to re-evaluate task due dates and resources.

Additionally, the Executive Officer and Assistant Executive Officer met with Kathryn Door, Chief and Bill Holland, Deputy Chief of DOI in November and December 2005 to discuss the investigation process, timelines, and how Board staff can assist DOI in expediting cases.

Objective 3.6 -- **Reduce time in which BBS cases are investigated and processed by DOI and AG by 30% by June 30, 2010.**

Background
Cases sent to DOI for formal investigation take an average of 9 months to one year for completion. The Administrative Hearing process averages another year for a proposed decision to be rendered and come before the Board. It is the goal of this objective to shorten the processing time for investigation and prosecution of cases to meet the Board's mandate to protect the public health, safety and welfare.

Status
On December 20, 2005, the EO and AEO met with DOI and the DCA budget team to discuss DOI billing process and the difficulty DOI is having in the recruitment of investigators. DOI currently has 15 vacancies, which is hindering its ability to process investigations in a timely manner. The EO and AEO met with the Chief and Deputy Chief of DOI on December 27, 2005 to further discuss the processing time for BBS cases, DOI workload and the BBS training program for DOI and the AG.

Staff will continue to monitor the processing times of both agencies. Staff are in the process of creating a training manual and PowerPoint presentation for the training session to be held in late Fall 2006.

Objective 3.7 -- **Complete Annual Review of Examination Program and report the**

Results at a Public Meeting.

Background/Status

Staff met with the Office of Examination Resources (OER) on January 10, 2006 to discuss the Board's current examination program, pass rates, examination development workshops and the examination vendor Thompson/Prometric. A Board Meeting is scheduled for January 27, 2006 in Sacramento for the sole purpose of discussing the examination process.

Attachment C

Blank Page

State of California Department of Consumer Affairs

BOARD OF BEHAVIORAL SCIENCES
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone (916) 574-7830
TDD (916) 322-1700
Website Address: http://www.bbs.ca.gov

Draft

Meeting Minutes
Consumer Protection Committee
January 17, 2006

Junipero Serra State Building
320 W. Fourth Street
7th Floor Conference Room
Los Angeles, CA 90013

I. Introductions

Meeting called to order at 10:01 a.m., and a quorum was established.

Committee Members Present:

Howard Stein, Chair
Bob Gerst
Judy Johnson

Staff Present:

Paul Riches, Executive Officer
Mona Maggio, Assistant Executive Officer
Christy Berger, Legislation Analyst

Mr. Stein applauded the commencement of the new committee process.

II. Strategic Plan Goal #3 – Promote Higher Professional Standards Through Rigorous Enforcement and Public Policy Changes - Report on Progress

Ms. Maggio provided a summary of the strategic objectives and progress made for each objective.

A. Objective 3.1 -- Complete Revisions for Continuing Education Laws by December 31, 2006.

The Board of Behavioral Sciences (Board) approved regulations that would allow the issuance of citations and fines to continuing education providers. This matter is currently in process.

B. Objective 3.2 -- Establish a Standard to Measure Quality of Continuing Education by June 30, 2007.

The Board's strategic plan identifies the need to ensure high professional standards for Marriage and Family Therapists (MFT) and Licensed Clinical Social Workers (LCSW). To meet this objective, the Board must develop a way to measure the quality of continuing education (CE) courses and establish a minimum standard that all CE courses must meet to be or continue to be approved as a Board provider. Staff has identified the basic tasks to begin researching this objective and identified six entities (BAR Association, California

Association of Marriage and Family Therapists (CAMFT), California Society for Clinical Social Work (CSCSW), National Association of Social Workers (NASW), UC Davis Continuing Medical Education, American Association of State Social work Boards (AASWB) and DCA boards and bureaus) for CE data collection. Staff will bring draft CE recommendations to the Committee at a future meeting for its input before finalizing and presenting to the Board for consideration.

C. Objective 3.3 -- Complete 12 Substantive Changes in Laws and Regulations by January 1, 2008.

The Board has recently approved a number of substantive changes to the Licensed Education Psychologist (LEP) law, including: 1) continuing education; 2) scope of practice; 3) licensing requirements, and 4) unprofessional conduct. The Senate Business, Professions and Economic Interest Committee agreed to sponsor the bill. The Board expects the bill to be introduced in early 2006 and if passed, to take effect January 1, 2007.

The Board has also approved several substantive regulatory changes. These changes are currently in process and expected to be complete by mid-2006: 1) citation and fine – increase maximum fine to $5,000 for specified violations; 2) citation and fine of continuing education providers, and 3) delegation to the Executive Officer to compel psychiatric evaluations.

D. Objective 3.4 -- Advocate for Five Laws that Protect the Privacy of Client/Therapist Relationships by December 31, 2010.

Board staff will continue to monitor legislation and identify any that has the potential to protect the privacy of client/therapist relationships beginning with the 2006 legislative season. Any such legislation will be analyzed and brought before the Policy and Advocacy Committee for discussion and recommendation to the Board whether to support the bill and when needed, suggest amendments.

E. Objective 3.5 -- Provide Four Educational Opportunities for Division of Investigation (DOI) and the Office of the Attorney General (AG) Regarding the Board of Behavioral Sciences and its Licensees by June 30, 2008.

Paul Riches and Ms. Maggio met with Kathryn Door, Chief and Bill Holland, Deputy Chief of DOI in November and December 2005 to discuss the investigation process, timelines and how Board staff can assist DOI in expediting cases. Chief Door shared that the Board of Registered Nursing (BRN) held a training session for DOI Investigators and Deputy Attorneys General in Southern California in Fall 2005. An additional training will be held in Sacramento in January 2006. The Board's Enforcement Staff will attend the BRN training to gain insight in developing its training program.

Bob Gerst suggested training for the Board's Expert Witnesses in case review, report writing and testifying at administrative hearing. He suggested a private attorney might be helpful in assisting with the training. Staff agreed training for Expert Witnesses would be beneficial and will discuss this suggestion with the Enforcement staff.

Mr. Gerst asked staff to provide a summary of pending enforcement cases. Mr. Riches shared that the Board members are provided with enforcement statistics at each meeting; however, disclosure of the respondent's name and license number cannot be revealed until the case is adjudicated, as respondents have due process. Once the matter is final the decision is posted to the Board's website and is published in the Board's newsletter.

Mr. Gerst requested the statistical report include: 1) categorize the nature of the violations; 2) number of violations in each category; 3) number of cases at DOI; 4) number of cases pending at AG, and 5) status of cases after proposed decision, i.e., probation, revocation, writ of mandate.

Mr. Janlee Wong representing NASW and Mary Riemersma representing CAMFT advised of internal mediation and ethics processes used by the associations. The Committee asked if the associations report to the Board when a complaint has been filed against one of its members, or do associations try to resolve the complaint without referring to the Board for formal action. The Committee shared its concern that the associations might be protecting a member who violates state laws. Ms. Riemersma advised the Committee of the options used by CAMFT, (legal action, forward complaint to Board, or Ethics Committee resolution). CAMFT does not use mediation but ethics judgments.

Ms. Riemersma stated that 65% - 70% of MFTs are CAMFT members. CAMFT does not release the names of its members who are disciplined; however, if the licensee fails to adhere to the imposed CAMFT discipline, the Board is notified. Mr. Wong stated the names of members disciplined by NASW are published in its newsletter. Mr. Wong noted that when the complaint process is discussed with complainants, most choose to take action through the Board because the complainant often wants the licensee to lose his/her license.

Judy Johnson asked if the Board advises licensees to join CAMFT. Per Ms. Riemersma, Board staff does indirectly in that questions staff cannot answer are referred to CAMFT.

Ms. Johnson shared there is importance of membership in an association. Mr. Riches stated that because there is more than one organization; the Board will not steer licensees to a particular association though in a broad manner licensees are encouraged to join an association as they provide many services to licensees.

For the April 16, 2006 meeting, the Committee agreed to review Business and Professions Code (BPC) Section 4982, Unprofessional Conduct (MFT); BPC section 4998.1 Unprofessional Conduct (LCSW); and BPC section 4986.70, Refusal to Issue, or Suspension or Revocation of License; Unprofessional Conduct (LEP) to possibly recommend expanding the definition of unprofessional conduct. The Committee asked staff to provide information regarding other boards' actions on Rules of Professional Conduct; and provided a copy of NASW's Code of Ethics and CAMFT's Code of Ethical Standards for the Committee's consideration.

F. Objective 3.6 -- Reduce time in which BBS cases are investigated and processed by DOI and AG by 30% by June 30, 2010.

On December 20, 2005, Mr. Riches and Ms. Maggio met with DOI and the Department of Consumer Affairs (DCA's) budget team to discuss the DOI billing process and the difficulty DOI is having in recruiting investigators. DOI currently has 15 vacancies, which is hindering it ability to process investigations in a timely manner. Staff will continue to monitor this situation and report to the Committee.

G. Objective 3.7 -- Complete Annual Review of Examination Program and Report the Results at a Public Meeting.

Staff met with the Office of Examination Resources (OER) on January 10, 2006 to discuss the Board's current examination program, pass rates, examination development workshops

and the current examination vendor Thompson/Prometric. Tracy Montez, Ph.D., Chief of OER and Linda Hooper, Ph.D. will present an overview of the examination process for Board Members and staff during a closed session Board Meeting on January 27, 2006. Ms. Hooper will make a presentation and facilitate discussion of the Board's licensing examination program at the February 16, 2006 Board Meeting.

III. Discuss and Possibly Investigate Feasibility of Tiered, Multiple or Specialty Social Work Licensure as Practiced in Other States

Christy Berger provided an overview of models of licensure for social work in other states. She stated most have four levels of licensure (Licensed Baccalaureate Social Worker, Licensed Master Social Worker, Licensed Clinical Social Worker and Social Worker). Ms. Berger referred the Committee to the chart she prepared which identified the state, type of licenses issued, education and experience requirements for each license and the model law from the Association of Social Work Boards (ASWB).

Mr. Riches informed the Committee that this issue came up at the Social Work Forums held in Summer 2005. Because the LCSW is the only license issued in California, it's what social work candidates obtain even if they do not plan to work in independent practice. Mr. Riches stated this is recognition/credentialing issue, not a public harm issue.

Ms. Riemersma questioned why the Board is taking on an issue if no public harm has been identified. Why aren't schools or associations taking the lead and seeking legislation?

Charlene Gonzalez, representing the University of Southern California (USC) Social Work Program, identified two issues: 1) scope of practice is broader than the fifty-minute psychotherapy session, and 2) the central issue is title protection for social work practice, non-licensees using the title "social worker".

Mr. Wong said the issue is consumer protection. The LCSW was created to balance competing social work interests for and against licensure. Independent private practice is the highest risk category. Mr. Wong believes that there is substantial harm to the public by unlicensed social workers who mainly work in county entities. Counties do take disciplinary action against employees when complaints are filed but little prevention is ongoing. Additionally, though county facilities are exempt from the licensure requirement, most counties require employees to be license-ready or licensed. Discussion ensued on whether this requirement was for reimbursement of insurance funds or a child welfare issue.

Mr. Riches asked if licensing is the right remedy for this issue. Ms. Gonzalez stated employers need to set standards; this is not a licensing issue.

Mr. Wong said there are four areas that should be considered for possible multi-level licensure:

1. Child Welfare - adoptions/foster care/emergency services/abuse
2. Macro Level Social Work. Should profession consider credentialing program?
3. Aging - conservators/elder abuse/elder care
4. Alcohol/Drug Counselors - Department of Alcohol and Drug Programs (ADP) recently published requirements - counselors are seeking licensure.

The Committee directed staff to conduct more research specifically on the child welfare and elder care areas with reference to other states' activities and report back at a future meeting.

IV. Update on Supervision Survey for Marriage and Family Therapists (MFT) Interns and Associate Clinical Social Workers (ACSW)

Ms. Maggio stated that in 2005 the Board addressed concerns regarding the quality and nature of candidates' supervision experience. To gain a better understanding of supervised experience and preparedness for licensure, staff developed and distributed a survey to Marriage and Family Therapist Interns (IMF) and Social Work Associates (ASW) candidates to obtain this basic information. Staff began distributing the survey in May 2005 and as of December 20, 2005; the Board received a response rate of 44% from IMFs and a 45% response rate from ASWs.

An update on the Supervision Survey responses will be provided at the February 2006 Board Meeting.

V. Discuss and Possibly Consider Allowing MFT Supervision Via Video Conferencing

Ms. Maggio stated that CAMFT, on behalf of one of its members, asked the Board to explore the possibility of allowing supervisors to conduct required one-on-one supervision sessions with interns via video conferencing.

To facilitate this discussion staff provided a review of the development of MFT supervision laws and the reasons behind those laws, an overview of pertinent American Association for Marital and Family Therapy (AAMFT) and Board of Psychology supervision requirements.

Ms. Riemersma shared that this request comes from an MFT who provides a significant amount of supervision, and who is aware that appropriate placements for MFT interns and trainees are becoming more difficult to find, largely because many agencies are reluctant to provide the necessary quantity of supervision. Additionally, due to geographical limitations, most supervisees do not have access to a choice of supervision types, theoretical orientations, or experiences.

Mr. Gerst stated this might be useful in a very narrow application. Ms. Johnson voiced this is a valuable tool for good supervisors but should not be the main mode of supervision.

Ms. Riemersma indicated that this should not apply to private practice, but only to public practice or agency settings. Video conferencing would be appropriate for remote/rural settings, intermittent use only (10%), and limited to post degree hours. The Board would need to define regulations to outline acceptable practice.

Mr. Wong voiced the following issues:

1. Confidentiality issues as a client's file is reviewed during supervision session.
2. Personal relationship issues - nonverbal communication is impaired.
3. Remote supervision allows supervision to ignore or be ignorant of the social circumstances for the particular community at hand. Supervisors in large cities (Los Angeles) may not understand the circumstances of supervisees in rural areas.
4. Precludes joint sessions between client, supervisee and supervisor.

Carla Cross stated that video conferencing would provide access to a supervisor who has a particular specialty that is not available at the locale or agency.

The Committee directed staff to bring back a specific proposal for limited use of video conferencing for remote locations, and specialty access. The proposal would apply to both LCSWs and MFTs.

VI. Discuss and Possibly Recommend BBS Sponsor Legislation for Fictitious Business Names for Licensed Clinical Social Workers

Ms. Maggio reported that in October 2005 the Board received a consumer complaint that was initially opened as "unlicensed activity"; however after further investigation staff discovered the individual is a LCSW but uses a fictitious business name when seeing clients.

BPC section 4980.46, Fictitious Business Names, addresses fictitious business names for MFTs in private practice; however, there is not a similar law for LCSWs in private practice. BPC section 4998.2, Name, only addresses fictitious business names for LCSW corporations.

Staff recommended the Committee propose to the Board to consider sponsoring legislation for fictitious business names for LCSWs, mirroring the language used in BPC section 4980.46.

Mr. Wong shared his support for this recommendation and suggested licensees not only post their license but also should be required to actually show their license to patients at the commencement of the relationship.

The Committee moved 3 – 0 to recommend the Board to sponsor legislation for Fictitious Business Names for Licensed Clinical Social Workers.

This matter will be discussed at the February 16, 2006 Board Meeting.

VII. Discuss Title 16, Division 18, California Code of Regulations (CCR) Section 1833.1, Requirements for Supervisors

Ms. Maggio stated that in November 2005 staff denied a portion of a MFT applicant's supervised clinical hours as the supervisor did not meet the requirement to be licensed in California for two years as stated in BPC section 4980.40 (f), Qualifications, and CCR section 1833.1, Requirements for Supervisors.

Though California law does not provide for the Board to grant an exception to the supervisor requirements, this issue was brought before the Committee per the specific request of the supervisor.

Ms. Riemersma and Ms Cross both strongly opposed any exceptions to be granted.

The Committee moved 3 – 0 not to grant an exception to the supervisor requirements.

VIII. Select Dates for Future Committee Meetings

The Committee established the following dates for future meetings:

April 17, 2006
June 21. 2006
September 20, 2006
January 10, 2007

The meeting adjourned at 1:32 p.m.

Blank Page

Item VII

Communications Committee Report

Blank Page

State of California
Board of Behavioral Sciences

Memorandum

To: Board Members **Date:** January 31, 2006

From: Communications **Telephone:** (916) 574-7841

Subject: Committee Report

Committee Activity

The Communications Committee met on Friday, January 20, 2006 in Los Angeles.

- Conducted a review of progress on achieving the strategic objectives under Goal #1. [Attachment A]
- Discussed the Board's Outreach Program and met Sean O' Conner, Outreach Coordinator.
- Discussed 2006 Marriage and Family Therapist Regional Meetings.
- Set meeting dates for the next four meetings of the committee.

For more detailed information on these items see the attached draft minutes from the committee meeting. [Attachment B]

The next meeting of the committee is scheduled for March 29, 2006.

Blank Page

Attachment A

Blank Page

State of California
Board of Behavioral Sciences

M e m o r a n d u m

To: Communications Committee **Date:** January 20, 2006

From: Mona C. Maggio
Assistant Executive Officer **Telephone:** (916) 574-7841

Subject: Strategic Plan Goal #1 - Report on Progress

Goal #1 - Communicate Effectively With the Public and Mental Health Professionals.

Objective 1.1 -- Provide Six Educational Opportunities for Stakeholders and Staff on BBS Budget by July 30, 2006.

Background
In an effort to demystify the state budget process, staff will present updates as part of its educational opportunities to its stakeholders.

Update
At the November 2005, Budget Analyst Paula Gershon presented a budget overview to the Board. Ms. Gershon will prepare an article *Understanding the Board's Budget* for the Spring 2006 newsletter.

Additional updates will be presented as needed.

Objective 1.2 -- Distribute a Handbook Outlining Licensing Requirements by December 31, 2006 to 100% of California Schools Offering Qualifying Degrees.

Background
The Board identified a need to provide students and educators with an outline of examination and licensing requirements to assist students in their education and career development.

Update
Staff is currently reviewing the formerly used "Frequently Asked Questions" information, which will serve as a basis for the handbook.

Objective 1.3 -- Distribute Consumer Publication Regarding Professions Licensed by the Board by June 30, 2007.

Background
The Board identified a need to provide information to its stakeholders regarding various services, i.e., complaint process, licensing process, examinations, how to select a therapist, etc.
Update

Agenda Item III will provide an overview of the Board's Outreach Program. As part of its development, the Board will contract with a public relations firm to assist in the development of brochures, handouts, PowerPoint presentations as well as identify the Board's primary constituency groups and their needs. This objective will be discussed more thoroughly once the Board has secured a public relations firm and the representative has an opportunity to evaluate the Board's current materials and the needs of the constituents.

Objective 1.4 -- Achieve 60% On Customer Service Satisfaction Surveys by June 30, 2008.

Background

At the Strategic Planning meetings, it was determined that good customer service is essential in meeting goal #1: to Communicate Effectively With the Public and Mental Health Professionals. This objective was created to measure the level of customer satisfaction with Board activities.

Update

The team members met to explore ways to accomplish this objective. Currently the Board does not have a mechanism in place to measure the quality of service provided to the Board's constituents. It was determined that a customer satisfaction survey would establish a baseline for the current level of customer satisfaction and may possibly provide suggestions for improvement in customer service. The team considered available options for conducting the survey to achieve a high response from the types of constituents served by the Board. Possible options discussed were to have the survey on-line (Website) and/or via the Board's telephone system.

Staff discovered that the new telephone system does not have the capability to perform the survey function and a survey conducted solely on-line will not adequately reach a cross section of our constituent base.

Staff will contact other DCA boards to identify other ways to distribute the survey as well as collect sample surveys to assist in the development of the BBS Customer Satisfaction Survey. It is most likely staff will use multiple ways to distribute the survey.

Objective 1.5 -- Participate Four Times Each year in Mental Health Public Outreach Events Through June 30, 2010.

Background

In an effort to expand its outreach and provide effective communication to the public and mental health professionals, the Board determined that it should participate in mental health public outreach events four or more times per year.

Current Status

Board staff has identified two possible outreach events supported and attend by Department of Consumer Affairs (DCA) boards and bureaus.

- February 4, 2006 - Consumer Protection Day. This event focuses on how consumers can protect themselves from fraud and scams. It will provide an opportunity for Board staff to offer information regarding the scope of practice for the marriage and family therapist, licensed clinical social worker, and licensed educational psychologist professions. Additionally, participation will assist staff in determining the types of informational brochures/handouts that would be helpful for future events of this type.

- May 12, 2006 - Senior Summit 2006. DCA will convene a first ever California summit on senior consumer protection. This event will consist of workshops and panel discussions focusing on California's senior citizen community.

In an effort to identify outreach events specific to mental health, Board staff contacted the Board of Psychology (BOP) to identify the mental health outreach events BOP participates in and to discuss collaboration at these events. Staff was told that at this time, the BOP does not participate in mental health outreach events; however, developing an outreach program is part of BOP's strategic plan and BOP staff is willing to work with Board staff on this mutual goal.

Board staff has also contacted the Department of Mental Health (DMH) to discuss the outreach events sponsored by DMH and the audiences that would most benefit by having Board representation.

Agenda Item III will provide an overview of the Board's Outreach Program. As part of its development, the Board will contract with a public relations firm to assist in the development of brochures, handouts, PowerPoint presentations as well as identify the Board's primary constituency groups and their needs. Once this is established, the Board will be able to develop a Communications Plan to support its strategic planning goals and objectives. This plan will present key messages, existing communication channels, and preliminary strategies for improving external communications.

The Board's Communication Plan will seek to achieve the following:

- ✓ Protect consumers and the public by providing education regarding the Board's role
- ✓ Provide information to licensees regarding standards of practice and their legal and regulatory responsibilities
- ✓ Disseminate factual information in a timely manner
- ✓ Seek feedback to improve and measure overall operations
- ✓ Enhance consumer understanding of the three professions under the Board's charge
- ✓ Maintain consistent and quality outreach services
- ✓ Evaluate the success and effectiveness of the Communication Plan and Outreach Coordinator

<u>Action</u>

Staff requests from the Committee recommendations for mental health outreach events and suggestions as to the events staff should focus on for

2006/07.

Review and Revise Website Content Four Times Per Year.

Objective 1.6 --

Background

One of the goals of the 2005 Strategic Plan is to communicate effectively with the public and mental health professionals. The BBS Website provides valuable information regarding various Board services, regulatory functions, examinations, enforcement, licensing, licensee status, etc.

Status

In an effort to ensure that the information posted to the Website is current and accurate, staff has developed a quarterly schedule to review content and make edits/additions accordingly. This is an ongoing objective. The most recent review was conducted for the quarter September 30th through December 31st and was completed on December 19, 2005.

Lynne' Stiles Associate IT Analyst is lead of this project. She created a tool for identifying the pages requiring Website review and staff responsible to review this information.

Additionally, the Board is seeking to contract with a public relations (PR) firm to identify the Board's constituencies and their needs. From this contract Board staff hopes to identify the appropriate materials to reach our audience base. The Board will also ask the PR firm to review our current Website and make suggestions as to a more "user friendly" layout, site map, and appropriate placement of information to assist our audiences in locating the pertinent information they need.

Attachment B

Blank Page

State of California Department of Consumer Affairs

BOARD OF BEHAVIORAL SCIENCES
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone (916) 574-7830
TDD (916) 322-1700
Website Address: http://www.bbs.ca.gov

Draft

Meeting Minutes
Communications Committee
January 20, 2006

Junipero Serra State Building
320 W. Fourth Street
Pacific Ocean Conference Room
Los Angeles, CA 90013

I. Introductions

Meeting called to order at 11:00 a.m., and a quorum was established.

Committee Members Present:

Karen Pines, Chair
Peter Manoleas
Joan Walmsley

Staff Present:

Paul Riches, Executive Officer
Mona Maggio, Assistant Executive Officer
Sean O'Connor, Outreach Coordinator

Paul Riches stated that the charge of the Communications Committee is to provide direct oversight to the Board of Behavioral Sciences' (Board) Strategic Plan Goal #1 and to expand the Board's presence at public and professional outreach events. Mr. Riches said that utilizing the "committee approach" is the best way to identify the needs of the Board's stakeholders and to track the achievement of meeting the Board's outreach and communication objectives.
Mr. Riches sees the committees as the "gate keepers," providing the initial review and working through issues prior to going before the Board.

Mr. Riches noted that he and Mona Maggio would share the principle responsibilities of the four committees. Mr. Riches' oversight will be to the Policy and Advocacy Committee and Budget and Efficiency Committee and Ms. Maggio will have oversight to the Consumer Protection Committee and Communication Committee.

Karen Pines offered that Committee members may suggest items/issues for the Committee agenda. Peter Manoleas added that the public may also suggest agenda items for the Committee's consideration.

Mr. Riches informed the Committee that the committees' meeting agendas and meeting materials (packets) for January 2006 were placed on the Board's website. He added that all future Board and committee meeting agendas and meeting materials will be available on the Board's website.

II. Strategic Plan Goal #1 – Communicate Effectively With the Public and Mental Health Professionals - Report on Progress

Ms. Pines provided a summary of the strategic objectives and progress made for each objective.

A. Objective 1.1 -- Provide Six Educational Opportunities for Stakeholders and Staff on BBS Budget by July 30, 2006

At the November 2005 Board Meeting, Budget Analyst Paula Gershon presented a budget overview to the Board. Additionally, Ms. Gershon will prepare an article *Understanding the Board's Budget* for the Spring 2006 newsletter. Ms. Pines added that budget updates would be included in presentations to schools, associations and other venues. Ms. Pines underscored that our goal is to expand our outreach to our stakeholders.

A discussion ensued regarding other outreach opportunities for the Board to consider. Mr. Manoleas requested the Board include ethnic focused professional groups to our outreach efforts. He identified the Association of Black Social Workers (ABSW), Latino Social Workers and Latino Behavioral Health as venues for the Board to consider.

Mr. Janlee Wong, representing the National Association of Social Workers (NASW) offered to provide contact information for social work councils focused on ethnic populations. Additionally, he offered to include Board articles in the NASW newsletter. Mary Riemersma representing the California Association of Marriage and Family Therapists (CAMFT) suggested Board staff create "blurbs" for web linking from the associations' websites.

B. Objective 1.2 -- Distribute a Handbook Outlining Licensing Requirements by December 31, 2006 to 100% of California Schools Offering Qualifying Degrees

Mrs. Pines stated that the Board had identified a need to provide students and educators with an outline of examination and licensing requirements to assist students in their education and career development. Staff is currently reviewing the Candidate Handbook and making revisions. Mr. Wong encouraged the Board to include suggestions on how candidates can reduce test anxiety. He also suggested the Board tell candidates where to obtain their experience (hours) to assist them in passing the licensing examination. Mr. Riches responded that staff encourages candidates to seek out broad based experience, with good, quality supervision in a variety of work settings. Joan Walmsley said she tells the interns she supervises to respond to examination questions as they would when providing psychotherapy, not how they think they should answer the question, but to respond with "what would you actually do in this setting, with this client." Ms. Maggio stated she would talk to the Board's legal counsel as to what we can include in the handbook regarding managing test anxiety and supervision recommendations.

Ms. Pines voiced that she believes Board members should make themselves available to visit schools. Mr. Riches responded that the purpose of school visits is to educate students and educators on the licensure process. With 70+ MFT programs and 15 Social Work programs, the Board plans to visit a number of programs each year, but cannot visit each program every year.

Ms. Riemersma said the students need a staff person who they can identify with and who can answer their questions immediately. Board members and educators may be able to answer some questions but it's really a Board staff person they need. Ms. Riemersma

encouraged Board members to attend the Southern California Consortium which is another setting for providing and sharing information with educators.

The Committee requested staff bring a draft of the revised Candidate Handbook to the June 2006 meeting.

C. Objective 1.3 -- Distribute Consumer Publication Regarding Professions Licensed by the Board by June 30, 2007

Mr. Riches reported that the Board will contract with a public relations (PR) firm to assist in the development of brochures, handouts, and PowerPoint presentations as well as identify the Board's primary constituency groups and their needs. This objective will be discussed more thoroughly once the Board has secured a public relations firm and the representative has an opportunity to evaluate the Board's current materials and the needs of the constituents. Ms. Gershon is currently developing a scope of work for the bidding process to secure a PR firm. Mr. Riches hopes to have a contract secured for the 2006/07 fiscal year. Mr. Riches confirmed that publications would be available in multiple languages.

Ms. Walmsley asked if the Board can include payment advice in the client/consumer brochure as clients are confused about co-pays, insurance billing – who's responsible to bill the insurance companies and reimbursements. She said that essentially, clients need to consult their insurance provider because each provider and insurance plans are different.

Mr. Wong said outreach materials should include a client's Bill of Rights which provides information on what to expect from a therapist, what therapy does and does not include, a confidentiality statement, and how to contact the Board (telephone number, website address, and mailing address) should the client have questions or wants to file a complaint.

D. Objective 1.4 -- Achieve 60% on Customer Service Satisfactions Surveys by June 30, 2008

Ms. Pines reported that the Board does not have a mechanism in place to measure the quality of service provided to the Board's constituents. Staff determined that a customer satisfaction survey would establish a baseline for the current level of customer satisfaction and may provide suggestions for improvement in customer service. Staff is drafting a survey to measure customer service. The team considered available options for conducting the survey to achieve a high response rate from the types of constituents served by the Board. Possible options discussed were to have the survey online (website) and/or via the Board's telephone system. Staff realized that in order to reach a broad base of the Board's stakeholders the survey would need to be distributed in written format, possibly a postcard. Ms. Pines suggested the satisfaction survey be made available at outreach events.

E. Objective 1.5 – Participate Four Times Each Year in Mental Health Public Outreach Events Through June 30, 2010

Ms. Maggio reported that staff has identified two possible outreach events supported and attended by Department of Consumer Affairs (DCA) boards and bureaus. Though these events are not specific to mental health, it is a positive outreach event for the Board and should consider participation.

February 4, 2006 is Consumer Protection Day. This event, held in San Diego, focuses on how consumers can protect themselves from fraud and scams. The Board has participated in this event in the past. May 12, 2006 is Senior Summit 2006. DCA will convene a first-ever California summit on senior consumer protection. This event will consist of workshops and

panel discussions focusing on California's senior citizen community. Ms. Maggio stated that in an effort to identify outreach events specific to mental health, Board staff contacted the Board of Psychology (BOP) to identify the mental health outreach events BOP participates in and to discuss collaboration at these events. Staff was told that at this time, the BOP does not participate in mental health outreach events; however, developing an outreach program is part of BOP's strategic plan and BOP staff is willing to work with Board staff on this mutual goal.

She also contacted the Department of Mental Health (DMH) to discuss the outreach events sponsored by DMH and the audiences that would most benefit by having Board representation.

Ms. Maggio asked the Committee for input on events the Board should consider attending. Mr. Riches added that we would like to build an inventory of events for future visitation. He also commented that we would focus more on outreach once we have the PR contract in place, have identified the needs of our stakeholders, and have materials available to take to these events.

Ms. Riemersma stated that the CAMFT Conference is in May 2006 and Mr. Wong noted that the NASW Conference is April 23, 2006 in Los Angeles, and both offered to provide information to the Board and suggested exposure at these events would be beneficial.

F. Objective 1.6 – Review and Revise Website Content Four Times Per Year

Ms. Maggio reported that in an effort to ensure that the information posted to the website is current and accurate, staff has developed a quarterly schedule to review content and make edits/additions accordingly. This is an ongoing objective. The most recent review was conducted for the quarter September 30th through December 31st and was completed on December 19, 2005.

Additionally, the Board will also ask the PR firm to review our current website and make suggestions for a more "user friendly" layout, site map, and appropriate placement of information to assist our audiences in locating the information they need.

II. Overview of the Board of Behavioral Sciences (BBS) Outreach Program

Ms. Pines introduced the Board's Outreach Coordinator, Sean O'Connor. Mr. O'Connor gave a brief background of his work history with the Board, starting in 2000 as a youth aid. Most recently he has been serving as a LCSW evaluator.

Mr. O'Connor has given two student presentations to date, one at USC and the other at Antioch. He provides the students with information regarding the application process, timelines, supervision requirements and examination scheduling. He said most of the 45-minute presentation is spent fielding questions from the students. Feedback has been extremely positive.

In addition to school visits, Mr. O'Connor will be the primary contributor to the Board's newsletter, he will develop a tracking mechanism for outreach events and will create an evaluation form for attendees to complete. His duties may expand once the PR firm is hired and our stakeholders' needs are identified.

III. Discuss 2006 Marriage and Family Therapist Regional Meetings

Ms. Maggio reported that the MFT Consortia are comprised of educators throughout California. In an effort to provide an opportunity for dialogue between the Board and educators, the Consortia have offered to host Regional Meetings as a forum to discuss and ask questions related to the education of MFT students. The meeting with the Southern California Consortium is tentatively scheduled for June 9, 2006. Possible discussion topics: diversity issues, supervision, Proposition 63 workforce developments, and curriculum.

Ms. Pines encouraged the Board members to attend the meeting.

IV. Select Dates for Future Committee Meetings

The Committee established the following dates for future meetings:

March 29, 2006
June 28, 2006
September 27, 2006
January 17, 2007

The meeting adjourned at 12:35 p.m.

Blank Page

Item VIII

Policy and Advocacy Committee Report

Blank Page

State of California
Board of Behavioral Sciences

Memorandum

To:	Board Members	**Date:**	January 26, 2006
From:	Policy and Advocacy Committee	**Telephone:**	(916) 574-7840
Subject:	Committee Report		

Action Items

The Committee made the following recommendations to the full board:

> *1. That the board direct staff to draft a letter to the appropriate authority requesting implementation of the AB 938 scholarship/loan forgiveness program at the earliest possible date. [Attachment A]*
>
> *2. That the Board direct staff to conduct a demographic survey of the Board's licensees and that the information gathered will be strictly voluntary and not individually identifiable. [Attachment B]*

Other Committee Activity

The Policy and Advocacy Committee met on Friday, January 20, 2006 in Los Angeles.

In addition to the two action items above, the committee:

- Conducted a review of progress on achieving the strategic objectives under Goal #4. [Attachment C]
- Reviewed and took additional public comment on pending regulation proposals related to psychiatric evaluations, citation and fine for continuing education providers, and qualifciations of supervisors.
- Received an update on current legislative activity.
- Set meeting dates for the next four meetings of the committee.

For more detailed information on these items see the attached draft minutes from the committee meeting. [Attachment D]

The committee will be reviewing 2006 legislation at its next meeting.

The next meeting of the committee is scheduled for April 19, 2006.

Blank Page

Attachment A

Blank Page

State of California

M e m o r a n d u m

To : Board of Behavioral Sciences **Date:** January 5, 2006

From : Paula Gershon, Budget Analyst **Telephone:** (916)574-7838

Subject : Licensed Mental Health Service Provider Education Program

---

Background

The Licensed Mental Health Service Provider Education Program is a scholarship and loan program run by the Health Professions Education Foundation, a nonprofit public benefit corporation established by the Office of Statewide Health Planning and Development. The mission of the Foundation is to increase the supply of health care providers who are willing to practice in underserved areas of California. The Foundation accomplishes its mission by awarding scholarships and educational loan repayment grants to health professional students and recent graduates who are committed to practicing in rural and urban underserved areas.

The Board of Behavioral Sciences (as mandated by Assembly Bill 938 (Yee)) collects an additional $10.00 from Licensed Clinical Social Workers and Marriage and Family Therapists upon the renewal of these licensees. These funds are transferred to the Mental Health Practitioner Education Fund for purposes of funding this Program. A total of $183,030 was collected in 2004, the amount collected for 2005 is not yet available.

Status of Program

Board staff has made several attempts to contact the Foundation in an effort to find out the status of this Program, which was purported to be rolled out in December 2005. In addition, a check of the Foundation's website does not give any indication that this program is operational.

The Board had asked to be notified once a Notice of Proposed Regulations was published, as of yet, the Board has not received such a notification.

_____

To the Members of the California Legislature:

I am signing Assembly Bill 938. This bill establishes the Licensed Mental Health Provider Education Program (Program) and the Mental Health Practitioner Education Fund. The Program would provide scholarships and loan forgiveness to mental health professionals, who agree to serve in certain medically underserved areas upon graduation. The Program would be funded through a $10 fee added to the fees paid by licensed clinical social workers, psychologists and marriage and family therapists at the time of license renewal.

The shortage of mental health providers is one of the most urgent issues facing the mental health system. I am signing this bill with the understanding that the Office of Statewide Health Planning and Development (OSHPD) will implement it within existing resources. I will support legislation that gives OSHPD an additional year for implementation beyond the 1/1/05 start date currently in the bill.

Sincerely,

GRAY DAVIS

Assembly Bill No. 938

CHAPTER 437

An act to add Sections 2987.2, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions.

[Approved by Governor September 20, 2003. Filed with Secretary of State September 22, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 938, Yee. Mental health professions: educational loan reimbursement: funding.

Existing law requires the Office of Statewide Health Planning and Development to establish a nonprofit public benefit corporation known as the Health Professions Education Foundation to perform various duties with respect to implementing health professions scholarship and loan programs.

Existing law provides for the Registered Nurse Education Program within the foundation under which persons who agree in writing prior to graduation to serve in an eligible county health facility, an eligible state-operated health facility, or a health manpower shortage area are eligible for scholarship and loan repayment. Existing law establishes in the State Treasury the Registered Nurse Education Fund and provides for the appropriation of money in the fund annually in the Budget Act for purposes of the Registered Nurse Education Program.

This bill would similarly establish the Licensed Mental Health Service Provider Education Program. The bill would require the foundation to develop the program, as prescribed, to provide grants to licensed mental health service providers, as defined, who provide direct patient care in a publicly funded facility or a mental health professional shortage area, as defined.

Existing law provides for the licensure and regulation of psychologists by the Board of Psychology and marriage and family therapists and licensed clinical social workers by the Board of Behavioral Sciences. Existing law requires these regulatory boards to charge license renewal fees.

This bill would require these boards to charge these licensees, at the time of license renewal, an additional specified assessment fee. It would require the boards to transfer the fee amounts to the Controller for deposit in the Mental Health Practitioner Education Fund established

under the bill. Moneys in the fund would be available, upon appropriation by the Legislature, for expenditure by the office for the purposes of the Licensed Mental Health Provider Education Program.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) An adequate supply of licensed mental health service providers is critical to ensuring the health and well-being of the citizens of California, particularly those who live in multicultural, linguistically diverse, and medically underserved areas.

(b) The California Mental Health Planning Council has identified the shortage of human resources at all levels as one of the most urgent issues facing the mental health system. The shortage is most acute for child psychiatrists, licensed clinical social workers, and especially for multilingual and multicultural staff in all mental health occupations.

(c) In an effort to address the crisis facing the mental health system, the California Mental Health Planning Council developed the Human Resources Project that is directed by its Human Resources Committee. Beginning in 2001, the project convened focus groups targeting social workers from three of the most prevalent ethnic communities: Latino, Asian/Pacific Islander, and African-American. The focus groups were conducted in collaboration with the California Institute for Mental Health and funded by the State Department of Mental Health and the Zellerbach Family Fund.

(d) The Human Resources Project's September 2002 report entitled ''Human Resources Pilot Ethnic Focus Group Project: Summary of Recommendations'' found that financial barriers to practice was the primary reason cited by the participants. All participant groups indicated that they had encountered serious difficulty in meeting the expenses of graduate school while struggling with living and child care expenses. All groups advocated for additional forms of financial assistance, like the loan forgiveness programs currently available to doctors and nurses.

SEC. 2. Section 2987.2 is added to the Business and Professions Code, to read:

2987.2. In addition to the fees charged pursuant to Section 2987 for the biennial renewal of a license, the board shall collect an additional fee of ten dollars ($10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 3. Section 4984.75 is added to the Business and Professions Code, to read:

4984.75. In addition to the fees charged pursuant to Section 4984.7 for the biennial renewal of a license pursuant to Section 4984, the board shall collect an additional fee of ten dollars ($10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 4. Section 4996.65 is added to the Business and Professions Code, to read:

4996.65. In addition to the fees charged pursuant to Section 4996.6 for the biennial renewal of a license, the board shall collect an additional fee of ten dollars ($10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 5. Article 4 (commencing with Section 128454) is added to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, to read:

Article 4. Licensed Mental Health Service Provider Education Program

128454. (a) There is hereby created the Licensed Mental Health Service Provider Education Program within the Health Professions Education Foundation.

(b) For purposes of this article, the following definitions shall apply:

(1) ''Licensed mental health service provider'' means a psychologist, marriage and family therapist, and licensed clinical social worker.

(2) ''Mental health professional shortage area'' means an area designated as such by the Health Resources and Services Administration (HRSA) of the United States Department of Health and Human Services.

(c) Commencing January 1, 2005, any licensed mental health service provider who provides direct patient care in a publicly funded facility or a mental health professional shortage area may apply for grants under the program to reimburse his or her educational loans related to a career as a licensed mental health service provider.

(d) The Health Professions Education Foundation shall make recommendations to the director of the office concerning all of the following:

(1) A standard contractual agreement to be signed by the director and any licensed mental health service provider who is serving in a publicly funded facility or a mental health professional shortage area that would require the licensed mental health service provider who receives a grant under the program to work in the publicly funded facility or a mental health professional shortage area for at least one year.

(2) The maximum allowable total grant amount per individual licensed mental health service provider.

(3) The maximum allowable annual grant amount per individual licensed mental health service provider.

(e) The Health Professions Education Foundation shall develop the program, which shall comply with all of the following requirements:

(1) The total amount of grants under the program per individual licensed mental health service provider shall not exceed the amount of educational loans related to a career as a licensed mental health service provider incurred by that provider.

(2) The program shall keep the fees from the different licensed providers separate to ensure that all grants are funded by those fees collected from the corresponding licensed provider groups.

(3) A loan forgiveness grant may be provided in installments proportionate to the amount of the service obligation that has been completed.

(4) The number of persons who may be considered for the program shall be limited by the funds made available pursuant to Section 128458.

128456. In developing the program established pursuant to this article, the Health Professions Education Foundation shall solicit the advice of representatives of the Board of Behavioral Science Examiners, the Board of Psychology, the State Department of Mental Health, the California Mental Health Directors Association, the California Mental Health Planning Council, professional mental health care organizations, the California Healthcare Association, the Chancellor of the California Community Colleges, and the Chancellor of the California State University. The foundation shall solicit the advice of representatives who reflect the demographic, cultural, and linguistic diversity of the state.

128458. There is hereby established in the State Treasury the Mental Health Practitioner Education Fund. The moneys in the fund, upon appropriation by the Legislature, shall be available for expenditure by the Office of Statewide Health Planning and Development for purposes of this article.

O

Attachment B

Blank Page

STATE OF CALIFORNIA

Memorandum

TO: **Paul Riches**
Executive Officer
Board of Behavioral Sciences

Date: Jan. 11, 2006

Tel.: (916) 574 8243
FAX: (916) 574 8623

FROM: **Department of Consumer Affairs**
Legal Office

SUBJ: **Collection of Licensee Demographic Data**

A. BACKGROUND

The Board of Behavioral Sciences (Board) wishes to conduct a survey of its licensees by collecting data consisting of age, gender and ethnic background. Submission of any such data would only be done on an optional or voluntarily basis. The data would be submitted anonymously. The Board would also not employ any devices such as secret identification codes which could subsequently be used to link the data to individuals. Finally, the data would be maintained in a purely statistical format. Thus, it would be impossible to connect any of the data to specific individuals at any stage of the survey process.

The purpose of the survey would be to provide the Board with general demographic data concerning its licensing population. This data would then be used for general policy deliberations. Recent studies have identified the importance of patient care which is delivered in an optimum cultural and linguistic setting. These studies have also indicated that these cultural and linguistic factors can have a significant impact on quality of care. Thus, the information would be extremely helpful to the Board in assessing the degree of cultural and linguistic compatibility between its licensing population and the general population of patients.

B. ISSUE

Is it legally permissible for the Board collect this information from licensees on a voluntary basis?

C. CONCLUSION

Nothing in either the Information Practices Act or fair employment legislation appears to prohibit such voluntary data collection. Indeed, the Board would appear to have an obligation under the law to inform itself in order to insure its practices and procedures do not have an adverse impact on any class or groups that compose its licensing population.

D. DISCUSSION

At first impression, collection by a State agency of ethnic, age and gender data even on an optional or voluntary basis would appear to be illegal, discriminatory and constitute an invasion of personal privacy. But further analysis is need particularly in light of the factual circumstances presented.

1. The Information Practices Act

Characteristics person's identity including his or her ethnic origin, gender and age are matters covered by the Information Practices Act. Civil Code Section 1798.3(a) defines "personal information" to include "any information that is maintained by an agency that identifies or describes an individual." In addition, Section 1798.14 provides that:

> Each agency shall maintain in its records only personal or confidential information which is relevant and necessary to accomplish a purpose of the agency required or authorized by the California Constitution or state or mandated by the federal government.

Arguably, there is an issue under Section 1798.14 about whether the information would be "relevant and necessary" for Board operations. But this is a moot issue under the Board's factual situation. The key element in both Sections 1798.3(a) and 1798.14 is the word "***maintain***." In order for either section to apply, the agency must maintain personal information. Under the facts given, the Board will not do this. The only thing it will "maintain" will be statistical summaries based on aggregate numbers which will not be tied to any individuals. Thus, the data collection plan proposed by the Board would not appear to be covered by the Information Practices Act nor would it violate Section 1798.14.

2. Information Gathered as Part of an Application Process

A number of statutes prohibit State agencies from gathering gender, age and racial data as part of either the employment or licensing application process. Each is analyzed below.

a. Government Code Section 8310

This section prohibits the "inclusion of any question relative to an applicant's race, sex, marital status, or religion in any application blank or form required to be filled in and submitted by an applicant to any department, board, [or] commission."

Two elements are necessary to come within this prohibition.

1) The information must be "required to be filled in"; and
2) It is supplied by applicants.

Neither element is satisfied by the Board's voluntary use of data submitted by those who have already been licensed.

b. Government Code Section 19705

Govt. Code § 19705 permits the State Personnel Board to ask state civil service applicants to voluntarily provide ethnic data about themselves so that this Board can determine the fairness of the job selection process. One might argue that a similar statute would be necessary before the Board of Behavioral Sciences could collect ethnic and gender data. But this would be to ignore the setting in which the questions are asked. In the case of the State Personnel Board, the questions are asked as part of the application process. With respect to the Board of Behavioral Sciences, they are not. Since there is a general prohibition on asking for this type of data as part of an application process (i.e. Govt. Code § 8310), a special statutory exception would be necessary.

c. Government Code Section 12944

This section expressly applies to licensing boards. It provides in part that:

> (a) It shall be unlawful for a licensing board to ***require any examination*** or establish any other qualification for licensing ***that has an adverse impact on any class by virtue of its race, creed, color, national origin or ancestry, sex, age, medical condition, physical disability, mental disability, or sexual orientation***, unless the practice can be demonstrated to be job related.
> * * * *
> (c) It shall be unlawful for any licensing board, unless specifically acting in accordance with federal equal employment opportunity guidelines or regulations approved by the commission, to print or circulate . . . any publication, or to make any non-job-related inquiry, either verbal or through use of an application form, ***which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, sex, age, or sexual orientation or any intent to make any such limitation, specification, or discrimination***. [Emphasis added.]

Subdivision (c) of Section 12944 is clearly inapplicable. The Board's proposed data gather process would in no way "express . . . any limitation or discrimination" based on race, gender or age. Nor would its intent be discriminatory. In fact just the opposite would be the case. The Board has a statutory mandate in subdivision (a) of Section 12944 to insure that its licensing examination does not have an adverse impact on any class "by virtue of its race, . . . national origin, . . . sex [or]age." One of the primary ways it can do this is to gather demographic data regarding its licensing population.

There is nothing discriminatory about such practices as a matter of law. In *New Jersey Builders, Owners and Managers Ass'n. v. Blair*, 60 N.J. 330, 288 A.2d 855 (1972), a rule requiring owners of multiple occupancy dwellings to file annual reports supplying information on the racial designation of their tenants. In finding this practice to be nondiscriminatory, the Supreme Court of New Jersey held that:

> [I]t was the hope and the expectation that the statistical data derived from the reports of property owners would serve to identify particular instances of housing discrimination and that where pronounced patters of racial imbalance emerged these might offer appropriate targets for investigation and such action as might then be indicated.

> So viewed, there is certainly nothing unreasonable about the Rule we are considering or the requirements it lays down. Assembling and evaluating these pertinent data may obviously be a rational approach toward fulfilling the responsibility with which the agency has been changed. Is this endeavor forbidden by the literal prohibitions embodied in the statute quoted above? We have no doubt that it is not.
>
> It is now generally accepted that despite earlier statements describing the Constitution as being color blind, . . . those who seek to end racial discrimination must often be acutely color conscious. (288 A.2d at 858.)

A similar result was reached in *Montgomery County v. Fields Road Corp.*, 282 Md. 575, 386 A.2d 344 (1978). An almost identical tenant reporting rule was challenged on constitutional grounds. The Maryland Court of Appeals rejected this challenge. It noted that:

> Although classification along racial lines may not be constitutionally tolerated where the effect is to impose a burden upon a particular race or to segregate on a racial basis, ***this is to be distinguished from the collection of data identifying the racial composition of a certain group in an effort to prevent discrimination***. (386 A.2d at 350 [Emphasis added].)

For all of the above reasons, the Board's practice of collecting data involving ethnic origin, gender and age from those who are already licensees on a voluntary basis and then maintaining it in a purely statistical form does not appear to offend constitutional or statutory law.

DOREATHEA JOHNSON
Deputy Director
Legal Affairs

By George P. Ritter
Senior Staff Counsel

Blank Page

Attachment C

Blank Page

State of California
Board of Behavioral Sciences

Memorandum

To: **Policy and Advocacy Committee** **Date:** **January 11, 2006**

From: **Paul Riches**
Executive Officer
Telephone: **(916) 574-7840**

Subject: **Strategic Plan Update**

Background

The board formally adopted the new strategic plan at its November 2005 meeting. As part of the implementation of the strategic plan, each committee will receive a progress update on the strategic objectives under its jurisdiction. This regular exchange of information provided will provide mutual accountability between staff and board members in accomplishing our shared objectives.

Update on Objectives

Objective 4.1 -- Participate in 15 public policy forums throughout the State addressing access to mental health services by June 30, 2010.

No action to report.

Objective 4.2 -- Develop 4 proposals related to behavioral science licensing law that address delivery of services to consumers in light of demographic changes in both the general and licensee populations by December 31, 2007.

Early planning of a conference on diversity and mental health in April 2006. The conference will help draw on existing knowledge of the issue and develop areas of inquiry for possible future board action.
Identification of speakers and agenda development in progress.

Objective 4.3 -- Advocate for 5 laws that expand access to mental health services by June 30, 2010.

No action to report. It is early in the 2006 legislative session and few bills have been introduced at this date.

Blank Page

Attachment D

Blank Page

State of California Department of Consumer Affairs

BOARD OF BEHAVIORAL SCIENCES
1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834
Telephone (916) 574-7830
TDD (916) 322-1700
Website Address: http://www.bbs.ca.gov

Meeting Minutes
Policy and Advocacy Committee
January 20, 2006

Junipero Serra State Building
320 W. Fourth Street, Pacific Ocean Conference Room
Los Angeles, CA 90013

I. Introductions

Meeting called to order at 1:30 p.m., and a quorum was established.

Committee Members Present:

Robert Gerst
Ian Russ
Karen Pines
Peter Manoleas

Staff Present:

Paul Riches, Executive Officer
Mona Maggio, Assistant Executive Officer

II. Strategic Plan Goal #4 – Report on Progress

A. Objective 4.1 -- Participate in 15 public policy forums throughout the State addressing access to mental health services by June 30, 2010.

The committee reviewed the objective and inquired regarding the distinctions between events under this objective and other events under Goal #2. Staff responded that events for this objective will be focused on policy making rather than building public and professional awareness of the Board. An example of possible subject matter includes Proposition 63 related meetings.

Dr. Russ requested that staff send a list of examples of events we have identified or might consider attending.

B. Objective 4.2 -- Develop 4 proposals related to behavioral science licensing law that address delivery of services to consumers in light of demographic changes in both the general and licensee populations by December 31, 2007.

Staff reported on a board sponsored conference on the connection of diversity and professoinal licensing issues. The conference is tentatively scheduled for April 28, 2006 in Sacramento. Staff has commitments from two presenters [Joe Hayes, a demographer with the Public Policy Institute of California, Rachel Guerrero of the Department of Mental Health] and is seeking an academic to address the research supporting a connection between cultural competence and

quality of care. Mr. Manoleas and staff are developing an initial list of invitees and welcome suggestions from board members or the public. Mr. Janlee Wong (representing NASW) informed the Committee of a possible conflict on the target date because of a planned meeting of CALSWEC.

The conference will be a combination of presentations and breakout sessions designed to develop the board's perspective on cultural competence and professional practice.

The board will notify other mental health agencies, consumer boards, and the BBS interested parties list.

C. Objective 4.3 -- Advocate for 5 laws that expand access to mental health services by June 30, 2010.

III. Review and Possible Action Regarding Loan Repayment/Scholarship Program Implementation

Staff indicated that the board has received no response to inquiries regarding the status of the program. Mary Riemersma (representing CAMFT) stated she served on a committee that developed draft regulations for the loan repayment and is unaware of any other activity to date. The program has not been placed on any future agenda for future meetings of the foundation. Mr. Gerst suggested the EO draft a letter on behalf of the Board as to the status of the regulations.

Motion: Recommend that the board direct staff to draft a letter to the appropriate authority requesting implementation of the program at the earliest possible date.

Motion Passed: 4-0.

IV. Informational Hearing on Proposed Changes to Title 16, Section 1803 Regarding the Delegation of Authority to the Executive Officer

Staff indicated that the Board directed staff to move forward with the proposed regulation at its November 2005 meeting. However, staff brought the proposal back for additional comment because a number of parties were unable to participate in that portion of the November meeting.

Dr. Russ stated that there is conflict with a member of the Board giving the authority for a psychiatric evaluation because the board is a quasi-judicial entity. Mary Riemersma (CAMFT) questioned whether the board has the authority to take this action and give broad authority to the executive officer. Mr. Riches reported he discussed this issue with legal counsel who recommends the proposal because a psychiatric evaluation is part of the investigative process. Accordingly, a Board member who signs the petition to compel a psychiatric evaluation would have to recuse himself/herself from the deliberation/decision were the subject to be disciplined.

Staff discussed the circumstances in which the Board typically seeks to compel a psychiatric evaluation. The EO discussed the confidentiality of the investigative process and indicated that individuals who are subject to a psychiatric evaluation that reveals substantial impairment usually surrender their license.

The committee indicated continuing support for the proposed change in regulation.

V. Informational Hearing on Proposed Changes to Title 16, Section 1886 Regarding the Issuance of Citations to Continuing Education Providers

Mr. Gerst provided a brief overview of this issue. The EO stated that at the November 2005 Board meeting, the Board moved for this proposal to move forward; however, it was discussed late in the day and some interested parties did not have the opportunity to provide comment.

Ms. Pines shared her experience with a self-study continuing education (CE) course and is appalled that a provider can give a day's worth of CE credit based on "skimpy" material. She supports allowing the issuance of citations against CE providers. Mr. Gerst clarified that currently the Board can only revoke a provider's license. Peter asked if it would be appropriate/legal for a peer review of coursework developed and used by providers. Staff indicated that the Consumer Protection Committee is working on developing a quality standard for CE. Violations involving CE provider compliance with administrative issues (advertising, accounting procedures, recordkeeping, etc.) would not likely be appropriate for a revocation proceeding and would be best addressed by an intermediate sanction such as a citation and fine.

Ms. Riemersma questioned what the Board would do about an entity that is not required to become a provider, such as a school, how would we take enforcement action if the school is in violation?

Ms. Riemersma suggested that mere contact from the Board, such as a letter saying it has come to our attention that your are not keeping accurate records, would be sufficient to bring the entity into compliance.

Mr. Janlee Wong indicated support for the proposed regulation.

The Committee engaged in a discussion of self study CE and the appropriateness of evaluating course content. This discussion raised the issue of how to determine appropriate credit hours for self-study courses.

Ms. Riemersma questioned whether the Board has the authority to issue a citation to a CE provider. CE providers are not "licensed" in the traditional sense. Staff indicated that counsel has determined that the Board's approval of a provider is a "license" within the meaning in the Business and Professions Code.

Mr. Manoleas suggested that for quality improvement, the Board should set criteria for what constitutes a violation under which a citation would be appropriate and criteria for revocation of a license.

Mr. Gerst recommended that the Board solicit issues relating to CE's from licensees.

The Committee indicated its support for proceeding with the proposed regulation.

VI. Informational Hearing on Proposed Changes to Title 16, Sections 1833.1 and 1870 Regarding Supervisor Qualifications

In February 2003, the Board approved going forward with these regulations. The Governor put a hold on regulations in 2004. Staff identified this matter had not gone forward, and the matter in now back before the Committee for discussion.

The committee discussed the proposed language from 2003 and the revisions to the proposed language prepared in 2006.

The committee discussed that there are good supervisors who have two or three supervisor who do not provide 5 hours of supervision and would not meet the criteria. Mary shared the same concern about educators who provide supervision but do not have time to have a practice. Audience members prefer the 2003 version vs the 2006 version.

Mr. Manoleas requested no action be taken until such time as the Committee has received the results of the supervision survey and had an opportunity to review the results and analysis of its findings. The committee supports going forward with the 2003 version of the proposed regulations, and eliminate 5 hour requirement. This matter will be revisited at the next Committee meeting.

VII. Review and Possible Action on Pending Legislation

Staff provided an update on Assembly Bill 894 (LaSuer). This legislation would license professional counselors in California. The bill was held on the Suspense File by the Assembly Appropriations Committee on February 18, 2006.

Ms. Krista Scholton stated there is a grassroots movement to seek licensure for macro social workers. Staff referred her to the Consumer Protection Committee which is evaluating broader social work licensure.

VIII. Review and Possible Action to Sponsor Legislation to Allow Demographic Survey of Board Licensees

Mr. Gerst summarized the legal opinion provided by Board counsel which indicates that the board may request licensees to provide demographic information and asked the Committee if it supported a survey of Board licensees to obtain such information.

Mr. Wong thanked Mr. Manoleas and staff for supporting this and moving forward with the survey. The social work community has desired this information for a number of years.

Mr. Manoleas asked if we could obtain information from applicants on a voluntary basis, similar to how the state asks this information on employment applications. Staff indicated that the Board could not include such an item on a license application without additional statutory authority.

Motion: Recommend that the Board direct staff to conduct a demographic survey of the Board's licensees and that the information gathered will be strictly voluntary and not individually identifiable.

Motion Passed: 4-0

IX. Discuss Proposal to Reorganize the Statutes Governing Marriage and Family Therapy

Staff indicated that the proposal has been submitted for inclusion in the Senate Business and Professions Committee's annual committee bill. As part of the submission, the Board has has requested that Legislative Counsel conduct a search of the Codes to provide those sections that need to be amended to conform with the reorganization.

X. Dates for Future Committee Meetings

The Committee established the following dates for future meetings:

April 19, 2006
June 28, 2006
September 27, 2006
January 3, 2007

Meeting Adjourned at 3:35 p.m.

Blank Page

Item IX

Budget and Efficiency Committee Report

Blank Page

State of California
Board of Behavioral Sciences

Memorandum

To:	Board Members	**Date:**	January 31, 2006
From:	Budget and Efficiency Committee	**Telephone:**	(916) 574-7840
Subject:	Committee Report		

Action Items

None

Other Committee Activity

The Budget and Efficiency Committee met on Friday, January 27, 2006 in Sacramento.

The committee conducted a review of progress on achieving the strategic objectives under Goals 2, 5, and 6. [Attachment A]

The committee also established a meeting schedule for 2006.

For more detailed information on these items see the attached draft minutes from the committee meeting. [Attachment B]

The next meeting of the committee is scheduled for April 17, 2006.

Blank Page

Attachment A

Blank Page

State of California

M e m o r a n d u m

To:	Budget and Efficiency Committee	**Date:**	January 19, 2006
From:	Department of Consumer Affairs Board of Behavioral Sciences	**Telephone:** **Extension:**	(916) 445-4933
Subject:	**Strategic Plan Update**		

Background

The board formally adopted the new strategic plan at its November 2005 meeting. As part of the implementation of the strategic plan, each committee will receive a progress update on the strategic objectives under its jurisdiction. This regular exchange of information provided will provide mutual accountability between staff and board members in accomplishing our shared objectives.

Goal 2: Build an excellent organization through effective leadership and professional staff.

Objective 2.1 -- Meet 80% of training goals identified in IDPs by June 30, 2006.

Staff has been working to complete a backlog of individual development plans (IDP). These plans constitute the annual review for state employees. We expect to be current by the end of January. IDPs should be completed annually for each employee. The recent addition of a manager to the BBS staff will enable us to comply with this expectation. A portion of each IDP is an evaluation by both the employee and the supervisor of future training that can either improve job performance or facilitate career development. Now that we are current on IDPs we can begin to provide performance data related to this objective in future reports.

Objective 2.2 -- Reduce average application processing time by 33% by December 30, 2006.

Baseline processing time (number of days from receipt of the application until the application was evaluated) was established in the period from April – June 2005. In this period the average processing time for all applications was 30.4 days.

A number of steps were taken to reduce processing times including personnel changes, establishing a desk sharing program between the two social work licensing programs, changes to the process of obtaining fingerprints from applicants, and desk reviews for each of the board's five licensing programs [intern marriage and family therapist (IMF), marriage and family therapist (MFT), associate clinical social worker (ASW), licensed clinical social worker (LEP), and licensed educational psychologist (LEP)]. The desk reviews identified a number of process improvements that have been are expected to reduce processing times.

Management has also implemented a program to gather performance statistics for each licensing program on a monthly basis. These data are used for continuing program improvement and are shared with our license evaluators to provide them feedback on their performance.

For October through December 2005 (the most recent quarter for which data is available) the average processing time was 16.4 days (a 46% decrease from the baseline period). This notable improvement in performance will more than satisfy the objective if sustained over time. However, there is considerable seasonality in the workload for the IMF and ASW programs that isn't reflected in this time frame. Assuming that this level of performance continues through the summer months, the objective will need to be revisited in the future to increase the level of performance improvement.

There are still significant delays in the application process unrelated to evaluating applications that need to be addressed and could be included in a revision of this objective. Also there is considerable variation in performance between the programs that should be narrowed or eliminated as part of a revised objective.

Objective 2.3 -- Increase staff training hours by 15% by June 30, 2010.

Board staff is compiling information for the staff training hours in the two prior fiscal years to establish a baseline for evaluating future performance. Staff is also developing a standard training series for all employees to complete that is appropriate to their current classification or promotional goals.

Objective 2.4 -- Joint participation by executive staff and board members in 20 external events (non-board meeting) by June 30, 2010.

No action taken. Staff is identifying potential events. The outreach program being developed to fulfill objectives of Goal #1 by the Communications Committee will likely provide numerous opportunities for joint participation by executive staff and board members.

Goal 5: Utilize technology to improve and expand services.

The status update for this goal is addressed in a separate attached memo.

Objective 5.1 -- Provide the ability to accept electronic payments by June 30, 2008.

Objective 5.2 -- Process 70% of all renewal applications on-line by June 30, 2009.

Objective 5.3 -- Process 33% of all new applications on-line by June 30, 2010

Objective 5.4 -- Provide the ability to check the status of all applications online by June 30, 2010.

Goal 6: Maximize the efficiency and effectiveness of the Board's resources.

The productivity targets in each of these objectives were established by projecting future workload based on an evaluation of the trends established in the past five years. These productivity increases are required if the new workload is to be absorbed without either an increase in staffing or reduction in processing times. Budget requests for additional staff are

extremely difficult to obtain and we cannot plan on staff growth to accommodate program growth in the near future.

Objective 6.1 -- Increase licensing staff productivity 13% by June 30, 2010

There is considerable overlap with objective 2.2. No additional activity has been completed for this objective at this time.

Objective 6.2 -- Increase enforcement staff productivity in processing consumer complaints 29% by June 30, 2010.

Staff is developing the data need to establish baseline for productivity in the 2004-05 Fiscal Year. Staff is also reviewing existing internal performance goals to determine if they are consistent with the productivity increase in this objective.

Objective 6.3 -- Increase examination staff productivity 15% by June 30, 2010.

Staff is developing workload performance measures to serve as a baseline for this objective. This process includes updating procedure manuals and devleoping monthly statistics to measure unit performance.

Exam staff recently completed updates to the board's telephone tree and website to make it easier for candidates to contact board staff and access information.

State of California

Memorandum

To: Budget and Efficiency Committee
Paul Riches, Executive Officer

Date: January 19, 2006

From: Lynné Stiles
Associate Information Systems Analyst
Board of Behavioral Sciences

Telephone (916) 574-7830

Subject **Strategic Plan Update on Goal 5:**
Utilize technology to improve and expand services (i.e., i-Licensing)

OVERVIEW AND BACKGROUND

This serves as an overview regarding the status of Goal 5 of the Board's Strategic Plan. The goal calls for the Board to utilize technology to improve and expand services, most notably through the implementation of online services that would enable constituents to perform tasks such as renewing their license and checking the status of an application on our website.

Our current process is paper based where information is received either by mail or fax and staff processes the various materials within our office. Processing a renewal can take 6-8 weeks if all the information is included, and longer if documentation is missing. Processing applications for registration or licensure averages approximately 5 weeks. By implementing online services, we anticipate it will reduce the processing time frames dramatically.

TYPES OF SERVICES

Within this goal are four objectives which when implemented will provide the "online" ability for the following types of services:

- *Accept electronic payments*
- *Renew a license or registration*
- *Submit an application for registration or licensure, and*
- *Check the status of an application.*

OBJECTIVES

The specific objectives and defined terms for implementing this goal are:

- ***Objective 5.1 - Provide the ability to accept electronic payments by June 30, 2008.***

  The defined term for "electronic payments" includes the credit card use with minor processing fee for:
  - Renewals and delinquent renewals for MFT, LCS, LEP, IMF, ASW
  - Applications for Registration and Licensure, Re-examinations
  - ASW Extension applications

- ***Objective 5.2 – Process 70% of all renewal applications online by June 30, 2009***

  The defined term for "renewal applications" relates to:
  - Monies for renewals and delinquent renewals for MFT, LCS, LEP, IMF, ASW and CE Provider, and
  - Must satisfy renewal requirements for CE and criminal conviction.

- ***Objective 5.3 – Process 33% of all new applications online by June 30, 2010***

  The defined term for "new applications" relates to:
  - Applications for registration and licensure (IMF, ASW, MFT, LCSW, LEP), and
  - Applications for CE provider.

- ***Objective 5.4 – Provide the ability to check the status of an application online by June 30, 2010***

  The defined term for "status of applications" relates to:
  - New applications for registration and licensure
  - Examination applicants, and
  - Renewals.

CHALLENGES

Significant challenges will be encountered in order to fully implement these various objectives. Some of these are our requirement to obtain original documents, original transcripts, and original signatures through an online process. Digital signatures to ensure the property identity of the individual going through the online processes will need to be determined and hopefully resolved. If digital signatures are not included in the online feature, individuals using our online feature will need to follow up through the mail with the remaining required documentation in order for that specific process to be completed.

Some Board's in DCA currently have online features through their website to process renewals and new applications. However it does not include digital signatures, the ability to submit original documents, or transcripts or verify the accuracy of these documents. Individuals are able to pay for their renewal fee, or begin the application process.

DCA i-LICENSING PROJECT

The Department of Consumer Affairs (DCA) is currently pursuing an i-Licensing project. Once implemented, the DCA's i-Licensing project will provide many of the services outlined in our Strategic Plan. Therefore, the Board's participation in the i-Licensing project is important in meeting the goal outlined in our Strategic Plan. At the present time, the Board's pursuit of online services remains coupled with the DCA's i-Licensing venture.

In September and October, DCA conducted an informal market study, whereby a handful of vendors demonstrated software, which would enable the implementation of the i-Licensing feature. Board staff participated in the demonstrations and provided feedback to the DCA i-Licensing team.

In December, the DCA's Feasibility Study Report (FSR) was approved by the Department of Finance. This process formally confirms and provides the ability for the DCA to proceed with the i-Licensing IT project.

TIMELINES

DCA is in the process of preparing a Request for Proposal (RFP) to obtain a vendor / contractor to assist with the i-Licensing project. An RFP is part of the contracting acquisition process for securing an outside vendor/contractor to work with the Department in implementing this project.

At this time funding sources have not been identified for the overall project and a budget change proposal (BCP) may be necessary if the Board is unable to fund its portion of the project from monies within our budget.

Currently there are no specific dates as to when the contract will be begin and this process may take several months. Once the contract is executed, DCA will be developing a timeline that will define the various project implementation dates. It is anticipated to take approximately 18 – 24 months to complete the overall i-Licensing project with various Boards being brought on at different intervals. As specific timelines become available, we will provide them to the Committee.

Attachment B

Blank Page

State of California Department of Consumer Affairs

BOARD OF BEHAVIORAL SCIENCES
1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834
Telephone (916) 574-7843
TDD (916) 322-1700
Website Address: http://www.bbs.ca.gov

DRAFT Meeting Minutes
Budget and Efficiency Committee
January 27, 2006

California Department of Education
1430 N Street, Room 2102
Sacramento, CA 95814

Meeting called to order at 9:00 a.m. and quorum was established.

Committee members present:

Victor Law, Chair
Donna DiGiorgio

Staff members present:

Paul Riches, Executive Officer
Mona Maggio, Assistant Executive Officer
Kim Madsen, Program Manager
Lynne Stiles, Information Technology Analyst

I. Introductions

Mr. Law welcomed everyone to the meeting.

II. Strategic Plan Goals 2, 5 & 6 – Report on Progress

Goal 2: Build an excellent organization through effective leadership and professional staff.

Objective 2.1 -- Meet 80% of training goals identified in IDPs by June 30, 2006.

The committee reviewed the objective and questioned whether the June 30, 2006 date is realistic. Staff indicated that the date is realistic. Staff explained that the Individual Development Plan (IDP) is the annual review process for state employees. IDPs should be completed in each employee's anniversary month, but the board had been unable to be current with IDPs. With the addition of Ms. Madsen as a manager, the board will have provided each employee an IDP by the end of January. With all the IDPs complete in a short time, employees will have the opportunity to complete substantial training by June 30, 2006. Any training not completed by then will at least be scheduled by that date.

Objective 2.2 -- Reduce average application processing time by 33% by December 30, 2006.

The committee reviewed the objective and commented on the importance of providing timely service to the board's applicants. Staff reported that the objective has already been met and exceeded. Application processing time in the prior quarter

was down 46% from the baseline quarter of April – June 2005. Staff noted that this measure only applies to the time required for staff to evaluate the application and that there are other factors that require improvement that will need to be included in a future revision of this objective.

Objective 2.3 -- Increase staff training hours by 15% by June 30, 2010.

The committee reviewed the objective and inquired as to the availability of board funds to pay for the added training. Staff indicated that the board had not fully expended its line item for training in recent years and funding should not be an issue. Staff added that ongoing training for staff is an investment that will allow the board to continue to increase its productivity which will be required to accommodate future workload increases without additional staff or service reductions.

Objective 2.4 -- Joint participation by executive staff and board members in 20 external events (non-board meeting) by June 30, 2010.

The committee reviewed the objective and observed that the biannual meetings with educators from marriage and family therapy and clinical social work programs will satisfy one-half of the 20 meetings in the objective. Staff agreed and indicated that the Communications Committee is already planning participation at annual meetings for the principal licensee associations.

Goal 5: Utilize technology to improve and expand services.

The committee reviewed the objectives and received an extensive update by Ms. Stiles regarding the objectives and the board's participation in the Department of Consumer Affairs iLicensing project. The feasibility study report (FSR) for the iLicensing project has been approved by the Department of Finance but a funding source has not been identified. It is expected that each participating board/bureau in the department will bear a pro-rata share of the cost but neither the cost nor the allocation of the costs have been detailed at this point in time. A number of challenges exist for launching online services including how to establish and verify identity online, how to accept electronic documents to establish qualifications for licensure, and how to accommodate the service charges for accepting credit card payments.

The committee recognized the significant productivity and service enhancements that could be realized from online transactions.

Objective 5.1 -- Provide the ability to accept electronic payments by June 30, 2008.

Objective 5.2 -- Process 70% of all renewal applications online by June 30, 2009.

Objective 5.3 -- Process 33% of all new applications online by June 30, 2010

Objective 5.4 -- Provide the ability to check the status of all applications online by June 30, 2010.

Goal 6: Maximize the efficiency and effectiveness of the Board's resources.

The committee reviewed the objectives and staff indicated that the productivity growth targets were established based on anticipated program growth through 2010. These growth projections were established by extrapolating from the prior five-year period.

Objective 6.1 -- Increase licensing staff productivity 13% by June 30, 2010.

Objective 6.2 -- Increase enforcement staff productivity in processing consumer complaints 29% by June 30, 2010.

Objective 6.3 -- Increase examination staff productivity 15% by June 30, 2010.

III. Dates for Future Committee Meetings

The committee set the following dates for future meetings.

Monday, April 17, 2006
Wednesday, June 21, 2006
Wednesday, September 20, 2006
Wednesday, January 10, 2007

The committee adjourned at 9:45 a.m.