

**BOARD OF BEHAVIORAL SCIENCES
FULL BOARD
MEETING MINUTES**

JANUARY 12, 2001
(approved April 20, 2001)

**HOLIDAY INN ON THE BAY
1355 N. HARBOR DRIVE
SAN DIEGO, CA**

MEMBERS PRESENT

Selma Fields, MFT Member, Board Chair
Mark Burdick, LEP Member
Christina Chen, Public Member
Virginia Laurence, LCSW Member
Karen Pines, MFT Member
Howard Stein, Public Member

MEMBERS ABSENT

STAFF PRESENT

Sherry Mehl, Executive Officer
LaVonne Powell, Legal Counsel
Julie McAuliffe, Administrative Analyst

GUEST LIST ON FILE

The meeting was called to order at approximately 9:05 a.m.

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

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

**2. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 11126(C)(3) TO
DELIBERATE ON DISCIPLINARY DECISIONS**

The Board went into closed session at 9:07 a.m.

The Board reconvened to open session at approximately 9:45 a.m.

3. APPROVAL OF NOVEMBER 10, 2000 MINUTES

CHRISTINA CHEN MOVED, KAREN PINES SECONDED, AND THE BOARD APPROVED THE MINUTES OF NOVEMBER 10, 2000.

4. APPROVAL OF AUGUST 24-25, 2000 MINUTES

CHRISTINA CHEN MOVED, VIRGINIA LAURENCE SECONDED, AND THE BOARD APPROVED THE MINUTES OF AUGUST 24-25, 2000.

5. CHAIRPERSON'S REPORT

Ms. Fields reported that Dr. Mark Burdick was appointed to the Board by the Governor to fill the Licensed Educational Psychologist position. Dr. Burdick stated that he works as a program manager in the Bay Area, served on the boards of the California Association of School Psychologists and the California Association of Licensed Educational Psychologists.

6. EXECUTIVE OFFICER'S REPORT

a. Budget Update

Ms. Mehl stated that the most current budget and fund balance figures are included in the Board meeting materials. There may be extra funds this year to purchase additional equipment that is needed in the office. Ms. Pines mentioned that there are commissions that are so poorly funded and are in great need of used computers. Ms. Mehl explained the process of surveying out used equipment and suggested that Ms. Pines inform these commissions of the process.

b. Audit Report

The Department of Consumer Affairs (DCA) was one department that was selected to be audited. Ms. Mehl stated that an article in the Sacramento Bee reported on the audit. Within the DCA two boards and two bureaus were audited. These audits then triggered individual Board audits. The Department of Finance audited our Board office in December. The preliminary report was very positive and included a few minor changes that have already been implemented within the office.

1. Enforcement Timelines

Enforcement timelines became an issue within the audit of the DCA. Our enforcement staff revised our timelines to reflect the most current timelines for processing complaints. Staff also performs a monthly internal audit to keep accurate track of enforcement case timelines.

2. General Findings

These general audit findings within our Board were very minor and have been corrected.

c. Miscellaneous Matters

The Board office is functioning quite well. Gwen Carkhuff, who had been with the Board for 21 years, retired in January. She was an asset to the Board and will be greatly missed. Her workload has been dispersed to five other staff people in the office.

1. Website Statistics

The statistics continue to increase. Staff receives an enormous amount of e-mails daily. All of the applications should be on our website by June or July. The DCA is researching renewals on –line so we may have license renewals through e-mail in the near future. Ms. Mehl is also researching using other software that would allow us to do surveys on-line. This would be a tremendous cost savings to the Board when surveying for the occupational analysis.

Ms. Pines asked why a complaint would come into the office years after an offense had occurred. Ms. Mehl stated there are several ways we receive a complaint. She explained that a person may not complain until they have seen another therapist who indicates that there has been a violation by a previous therapist, Board staff receives call backs from the Department of Justice (DOJ) regarding subsequent convictions and we may not receive these for a year after the conviction, or we are notified by the media after a licensee has been arrested. Another issue is that we did not require fingerprinting for registration or licensure prior to 1992 and we do not receive call back information from the DOJ on these people.

Ms. Mehl then stated that legislation became effective January 1, 2001, requiring all licensees to notify the Board of any convictions subsequent to their last renewal.

7. ELECTION OF 2001 BOARD OFFICERS

CHRISTINA CHEN MOVED, KAREN PINES SECONDED, AND THE BOARD CONCURRED TO ELECT SELMA FIELDS AS CHAIR.

CHRISTINA CHEN MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO ELECT KAREN PINES AS VICE CHAIR.

8. 2001 LEGISLATION PROPOSALS

The draft 2001 legislation proposals were included in the meeting materials. The proposals were separated into categories. These categories included legislation that is in need of an author and legislation that was submitted to the Department for possible inclusion in their 2001 Omnibus bill. The majority of the proposals are clean up legislation and are non substantive. The Department has indicated that they will help if we are in need of an author.

After thorough review, the Board elected to adopt all of the 2001 Legislation Proposals.

KAREN PINES MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO ADOPT THE 2001 LEGISLATION PROPOSALS.

9. APPROVAL OF RECORD RETENTION POLICY

This draft policy had been reviewed at the May meeting but, due to lack of a quorum of the Board, the policy had yet to be adopted by the full Board.

CHRISTINA CHEN MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO ADOPT THE RECORD RETENTION POLICY.

10. DISCUSSION AND POSSIBLE ACTION REGARDING LIMITING THE NUMBER OF TIMES TO PARTICIPATE IN AN EXAMINATION

Ms. Mehl explained that at the November meeting the Board had requested that staff survey schools to determine if the Board requires a candidate to obtain additional coursework obtained within a degree program, would the schools allow them to take these courses without matriculating into a degree program. Of the ten schools surveyed, all would allow a person to take a course without having to matriculate into a degree program. Also, at the last meeting, Dr. Stein had asked that, of the 112 candidates who failed the oral examination five or more times, how many of those had answered unqualified or very unqualified in three or more categories. This information was also provided and indicated that 52 of the 112 candidates had answered unqualified or very unqualified in three or more categories.

Ms. Mehl stated that the issues that have been discussed at prior meetings include requiring a candidate, after a certain amount of times failing the oral examination, to obtain additional education and/or additional supervised experience, and limit them from continuing to take the examination. She thought that it was important to keep in mind that some of these people do eventually pass the oral examination. Another very important issue relates to exempt settings and the fact that people can continue to treat clients in these settings without a registration or a license.

Ms. Pines intent regarding this issue is to not allow people who continue failing our examination continue to provide clinical services to the public. Ms. Mehl explained that the law requires all people under the jurisdiction of the Board, whether they are registered or in the examination process, to continue to receive one hour of supervision per week until they are licensed. The only difference in whether they are registered or not relate to the ratio of client contact in relation to the amount of supervision needed.

Dr. Burdick suggested that the Board survey these 112 candidates and ask what type of setting they gained their experience in and where are they employed now. Ms. Mehl stated that this would have to be a voluntary survey and the candidates would not be required to provide this information.

Dr. Stein asked that the discussion of exempt settings be included on the April 2001 agenda.

The Board briefly discussed the issues surrounding people employed in exempt settings who provide clinical services to the public and expressed their concerns. Dr. Laurence stated that agency settings provide a great deal of supervision to their staff and perform staff evaluations frequently.

Ms. Fields asked that this issue be referred back to the Licensing/Education/Legislation Committee.

Ms. Powell stated that another board had an issue regarding exempt settings and instead of somewhat regulating the exempt settings the board now has the authority to accept non licensed or non registered complaints. Ms. Mehl stated that she would research this possibility and report back to the Licensing/Education/Legislation Committee in April.

Dr. Stein thought that a determination still needed to be made whether there is a problem with the examination before the Committee and Board continue to spend time on these issues.

Ms. Pines suggested that the issue of applicants in the examination process who do not pass the examinations and the issue of exempt settings be separated and discussed separately.

Ms. Mehl suggested that staff draft language to require that a candidate who has failed the examination a certain number of times take additional coursework relevant to the areas that they have failed and require they have additional supervision.

Mary Riemersma, Executive Director of the California Association of Marriage and Family Therapists, commented that the Association is opposed to limiting the number of times one can participate in an examination. She thought the real issue is the exempt work setting situation and this issue needs to be dealt with and tightened down.

After discussion, the Board asked that these issues be discussed at the Licensing/Education/Legislation Committee in April.

11. DISCUSSION AND POSSIBLE ACTION REGARDING PSYCHOTHERAPY OVER THE INTERNET

At the November meeting the Board reviewed a draft disclosure that is to be posted on our website. The Board asked that revisions be made to the draft and reviewed at this meeting. The California Association for Marriage and Family Therapists provided the Board with suggested changes to the draft and these changes were incorporated into the draft.

After review, the Board agreed to make the following change:

Bullet 4 - take out "have been sufficiently informed" and replace with "are aware".

The Board and audience agreed that this draft was a good document to inform the public of things they should be aware of prior to commencing therapy.

HOWARD STEIN MOVED, CHRISTINA CHEN SECONDED, AND THE BOARD CONCURRED TO ADOPT THE DRAFT WITH THE SUGGESTED CHANGE.

12. APPROVE / NOT APPROVE COMMITTEE RECOMMENDATIONS

a. Licensing/Education/ Legislation Committee

Ms. Pines provided the Board with an overview of the Committee meeting. The Committee approved their minutes, adopted the Proposed Amendments to Business and Professions Code Section 4996.23, and received a report from Ms. Mehl on the implementation of the Continuing Education Audit Program.

CHRISTINA CHEN MOVED, MARK BURDICK SECONDED AND THE BOARD CONCURRED TO ADOPT THE COMMITTEE RECOMMENDATIONS.

b. Examination Committee

Ms. Fields provided the Board with an overview of the Committee meeting. The Committee approved their minutes and reviewed the current Examination Statistics. They then asked that they be provided with cumulative examination statistics for a five-year period at the next meeting.

c. Consumer Services / Consumer Protection Committee

Ms. Fields provided the Board with an overview of the Committee meeting. The Committee adopted their minutes then adopted the Proposed Amendments to Section 1811, the Proposed Amendments to the Disciplinary Guidelines, and the Proposed Amendments to Section 1887.3. They then reviewed the enforcement statistics.

SELMA FIELDS MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO ADOPT THE PROPOSED AMENDMENTS TO SECTION 1811.

KAREN PINES MOVED, SELMA FIELDS SECONDED, AND THE BOARD CONCURRED TO ADOPT THE DISCIPLINARY GUIDELINES DOCUMENT AS AMENDED.

SELMA FIELDS MOVED, CHRISTINA CHEN SECONDED, AND THE BOARD CONCURRED TO ADOPT THE PROPOSED AMENDMENTS TO SECTION 1887.3.

13. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

The Board did not receive any public comments.

SELMA FIELDS MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO ADJOURN THE MEETING.

The meeting adjourned at 11:40 a.m.