

(approved November 9, 2001)

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

APRIL 20, 2001

**DEPARTMENT OF CONSUMER AFFAIRS
400 R STREET, SUITE 1030
SACRAMENTO, CA**

MEMBERS PRESENT

Selma Fields, MFT Member, Board Chair
Karen Pines, MFT Member, Vice Chair
Mark Burdick, LEP Member
Christina Chen, Public Member
Roberto Quiroz, Public Member
Howard Stein, Public Member

MEMBERS ABSENT

Virginia Laurence, LCSW Member

STAFF PRESENT

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

GUEST LIST ON FILE

The meeting was called to order at approximately 11:00 a.m.

1. APPROVAL OF JANUARY 12, 2001

CHRISTINA CHEN MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO ADOPT THE MINUTES OF JANUARY 12, 2001.

2. CHAIRPERSON'S REPORT

Ms. Fields introduced Roberto Quiroz and stated that he is the newest public member appointment to the Board.

Mr. Quiroz provided the Board with a brief background. He has received extensive information about the Board and indicated that Ms. Mehl and her staff have been very gracious and helpful as he begins this transition as a Board member.

3. EXECUTIVE OFFICER'S REPORT

a. Budget Update

Ms. Mehl stated that we are still in line with our budget. Budget Hearings are currently being held and she has been attending them and monitoring their progress.

b. Miscellaneous Matters

1. Report on Compliance of Criminal Conviction Reporting with Renewal Applications

Ms. Mehl stated that on January 1, 2001, the law went into effect that now requires licensees to notify the Board of any criminal convictions subsequent to their last renewal. The renewal notice has been modified to require this notification. Thus far, we have received notification of twenty-four convictions. The majority of the convictions are for driving under the influence of alcohol. Although they have reported this conviction, we continue to process their renewal and this does not delay the renewal of the license. Our Cashiering Unit provides the notification of conviction information to the Enforcement Unit and they then request subsequent information from the licensee if necessary. If the conviction significantly relates to the practice, the Enforcement Unit pursues it further.

1. Website Statistics

The current statistics were included in the meeting binder. People are now able to fill out their applications on line, download the application, and mail it to the Board with the fee. This feature has reduced the amount of applications that are copied and mailed from the Board office. The Board of Registered Nursing is currently testing a pilot project to receive license renewal fees online. We may be able to receive these renewals on line in the near future.

Ms. Mehl stated that she currently sits on five different task forces. These task forces include the Executive Officer's Council Legislative Committee, which she chairs, the Advisory Group on the Human Services Workforce Shortage, The California Mental Health Planning Council, The California Council of Community Mental Health Agencies, and the California Department of Mental Health Taskforce. She also stated that she has been visiting several schools and presenting information on the licensing process.

4. ENFORCEMENT OPTIONS REGARDING NONCOMPLIANCE OF CONTINUING EDUCATION AUDIT

Ms. Mehl explained that since the inception of the auditing program, Board staff has received two out of one hundred auditees who have not completed any of the required thirty-six hours of continuing education. Another two out of the one hundred audited only completed thirty and thirty-two hours of continuing education. Ms. Mehl stated that the Board has not given her

direction on how to address these deficiencies and asked if this non compliance should constitute a citation and fine, disciplinary action, or simply a letter asking them to comply.

LaVonne Powell, Legal Counsel for the Board, stated that these licensees have certified under penalty of perjury that they have in fact completed the required continuing education when they have not. Several situations need to be addressed. Some of these may include outright fraud, forged continuing education certificates, and perjury.

Ms. Mehl explained that part of the renewal of a license process includes licensees certifying that they have completed their continuing education. If the box on the renewal relating to continuing education is checked yes, and all of the other requirements have been met, the license is renewed. Subsequently, people who have not completed their continuing education and have lied on the renewal notice still have received a current valid license. Those who have been honest and checked no have been penalized for being honest by not receiving a current valid license until they complete their continuing education and in some cases, must pay a delinquency fee.

Ms. Mehl stated that she would report back to the Board regarding the level of compliance based on the letter at the July meeting.

Mr. Quiroz stated that each licensee is very aware of their responsibilities regarding continuing education and should be able to comply. He thought that each case should be reviewed carefully, judicially, and appropriate actions should be taken. He did not think that one blanket answer was adequate. He then stated that Ms. Mehl was the person most familiar with this situation and was in the best position to come up with appropriate solutions.

David Fox, Marriage and Family Therapist, thought that those who perjure themselves should be punished. He then suggested that those who have been audited, not completed their continuing education, and are allowed to make up the deficient continuing education, should be audited the next renewal cycle to ensure that they are not using the continuing education they gained to fulfill their deficiency toward their next renewal continuing education requirement. He then suggested that an article about the implementation of the continuing education audit be included in the next newsletter. Ms. Mehl indicated that an article had already been prepared and will be included.

5. APPROVE / NOT APPROVE COMMITTEE RECOMMENDATIONS

a. Licensing/Education/ Legislation Committee

Ms. Pines provided the Committee with an overview of the Committee meeting. The Committee adopted their minutes, reviewed and adopted their strategic plan performance measures, discussed employment in exempt settings, and reviewed 2001 legislation of interest to the Board. She indicated that Assembly bill 269 was discussed and would take the hiring of an executive officer away from the Board and have them be hired by the Director of the Department of Consumer Affairs, the Governor's Appointment Secretary, and one board

member. This bill would also create a division of enforcement oversight within the Department.

SELMA FIELDS MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO NOT SUPPORT THE PART OF ASSEMBLY BILL 269 THAT RELATES TO THE HIRING OF EXECUTIVE OFFICERS.

b. Examination Committee

Ms. Fields provided the Board with an overview of the Committee meeting. The Committee adopted their meeting minutes, reviewed their strategic plan performance measures, and reviewed the current examination statistics.

c. Consumer Services / Consumer Protection Committee

Dr. Stein provided the Board with an overview of the Committee meeting. The Committee adopted their meeting minutes, reviewed their strategic plan performance measures, and adopted changes to the Board Public Disclosure Policy.

HOWARD STEIN MOVED, CHRISTINA CHEN SECONDED, AND THE BOARD CONCURRED TO ADOPT THE CHANGES TO THE BOARD PUBLIC DISCLOSURE POLICY.

KAREN PINES MOVED, CHRISTINA CHEN SECONDED, AND THE BOARD CONCURRED TO ADOPT THE STRATEGIC PLAN AS AMENDED.

6. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

David Fox asked that copies of public comments regarding proposed regulatory changes be provided to the public at regulation hearings.

The meeting adjourned at 11:45 a.m.