

(approved November 9, 2001)

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

JULY 27, 2001

**EMBASSY SUITES
7762 BEACH BLVD
BUENA PARK, CA**

MEMBERS PRESENT

Selma Fields, MFT Member, Board Chair
Karen Pines, MFT Member, Vice Chair
Virginia Laurence, LCSW Member
Roberto Quiroz, Public Member
Howard Stein, Public Member

MEMBERS ABSENT

Mark Burdick, LEP Member
Christina Chen, Public Member

STAFF PRESENT

Sherry Mehl, Executive Officer
Denise Johnson, Assistant Executive Officer
Julie McAuliffe, Administrative Analyst

GUEST LIST ON FILE

The meeting was called to order at approximately 10:50 a.m.

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. McAuliffe called the role and a quorum was not established.

2. CLOSED SESSION

Due to lack of a quorum, the Board did not meet in closed session.

3. APPROVAL OF APRIL 20, 2001 MINUTES

Due to lack of a quorum, the minutes were deferred to the next meeting.

4. APPROVAL OF APRIL 20, 2001 CONTINUING EDUCATION COURSE REQUIREMENTS REGULATION HEARING MINUTES

Due to lack of a quorum, the minutes were deferred to the next meeting.

5. CHAIRPERSON'S REPORT

Ms. Fields stated that this was her last meeting. She thanked the Board, the staff, and the stakeholders who have attended the meetings for many years and indicated she would miss everyone. Ms. Pines and Ms. Mehl presented Ms. Fields with a certificate for her years of service on the Board.

6. EXECUTIVE OFFICER'S REPORT

a. Budget Update

The budget materials were included in the meeting packet. Ms. Mehl stated that the Board completed the fiscal year just under budget. She indicated that the examination costs have skyrocketed and continue to do so. These costs are monitored very closely.

Mr. Fox asked why the interest accrued was different for the revenue and fees. Ms. Mehl explained that the adjusted reserves are in a reduction. The Board is in the process of reducing our fund balance. We have lowered license renewal fees to \$25.00 and will review this reduction again in the future to determine if further reductions are necessary. Ms. Mehl stated that the targeted reserve is twelve months.

Ms. Pines asked if it was appropriate to allocate funds from our fund balance to cover the costs of an occupational analysis should the Board become responsible for the licensure of Drug and Alcohol Abuse Counselors. Ms. Mehl stated that we cannot use any of the reserve funds for this analysis.

Dr. Stein asked about the fees for the applicant fingerprint processing. Ms. Mehl stated that applicants now pay for the Livescan fingerprinting process directly to the fingerprinting entity, so those fees are no longer submitted to the Board. This line projection on the Expenditure Report will eventually be reduced.

b. Miscellaneous Matters

Ms. Mehl reported on the new requirement of criminal convictions with license renewal. This requirement was part of our legislation proposals last year and requires that licensees notify the Board of any subsequent convictions since their last renewal. Since the requirement became effective January 1, 2001, 35 licensees have reported convictions. Of those, ten checked the wrong box, two are pending a response from the licensee, and two have been transmitted to the Attorney General's Office for disciplinary action. The majority of the convictions relate to driving under the influence. Other convictions relate to driving infractions, resisting arrest,

trespassing, and possession of narcotics. This legislation has proven to be an extremely effective mechanism to expedite the process of receiving this conviction information.

1. Website Statistics

The Board has been mandated to redesign our website in accordance with the Governor's executive order which requires that all state agency websites have the same appearance. We are in the process of redesigning and it should be complete by the fall.

We currently average about 80,000 website hits a month. The website will eventually allow people who are sight impaired to download our website information in Braille if their computers have than translation feature. Also, we will be providing a translation link so people who speak languages other than English will be able to access that link and translate all of our information and forms.

7. REPORT ON LEVEL OF COMPLIANCE SINCE THE IMPLEMENTATION OF CONTINUING EDUCATION AUDIT

Ms. Mehl provided the Board with a report of compliance since the implementation of the continuing education audit. She explained that licensees were sent a letter asking to provide proof of completion of their continuing education within thirty days. Licensees who responded, but were deficient, were sent a follow up letter requesting that they correct their deficiencies within sixty days. Licensees with no response to the initial audit letter were sent a follow up letter for compliance within sixty days. So far, 128 audits have been conducted. Of those, 108 have complied within the requested thirty days. Thirteen have responded within a sixty-date period. As of July 9, 2001, seven licensees have not responded to the audit. Ms. Mehl asked the Board for direction on what to do with those licensees who have not responded at all. Dr. Stein suggested that, instead of referring licensees to the Attorney General's Office, the Board should sanction them with a citation and fine.

Ms. Mehl explained that if a licensee indicates on their renewal that they have completed their continuing education, they receive a renewed license that is valid for two years. Now, within the audit process, we have seven people who in fact did not complete their continuing education and currently hold a valid license.

Ms. Mehl stated that the general consensus of the Board was to initiate the citation and fine process for those who have not complied with the continuing education audit. She stated that she would discuss with Legal Counsel the appropriate fee for this type of infraction. Dr. Stein stated that he thought a substantial fine was in order.

Ms. Fields asked that disciplinary options for non-compliance of the continuing education audit come back to the Board.

8. LEGISLATION OF INTEREST TO THE BOARD

a. AB 269 – Ms. Mehl stated that this legislation would amend the hiring of executive officers. This bill is inactive for this year. Ms. Mehl then mentioned that the Legislature may hold hearings on this issue later in the year.

b. AB 1616 – Ms. Mehl stated that the Medical Board originally introduced this legislation to extend the statute of limitations timeframe to ten years for disciplinary cases where material evidence necessary to determine if a disciplinary action would be appropriate is unavailable because on an ongoing criminal investigation, and for those cases that include sexual misconduct. Our Board and the Board of Psychology have been added in order to maintain consistency among the statute of limitation timeframes for similar disciplinary cases.

c. SB 349 – This legislation includes some of the clean up legislation proposals that were previously adopted by the Board.

d. SB 537 – Ms. Mehl stated that this legislation was introduced by Senator Vasconcellos and would have placed a new Board within the Department of Consumer Affairs (DCA) to license Alcohol and Drug Abuse Counselors. Ms. Mehl indicated that she, Ms. Pines, and Ms. Fields have attended several meetings with the author's senior staff and representative of the DCA to discuss this legislation. The discussions have indicated that the licensure may eventually be placed under our Board. The bill was recently amended to require that the DCA perform an occupational analysis to determine the necessity of licensure. The legislation also directs the Board to work closely with the Department of Alcohol and Drug Programs to determine the range of skills, tasks, and work settings for counselors in current substance abuse treatment programs and in private practice, and examine the scope of practice limitations for substance abuse counselors. It also directs the Board to conduct hearings throughout the state to solicit public comment to determine and develop common standards for licensing counselors in this field.

Dr. Norman Hertz from the Office of Examination Resources has prepared an initial projection on the costs associated with the occupation analysis. His initial projections indicate a cost of \$988,000. The massive costs associated with performing an occupational analysis of this type could possibly eliminate this bill from this year's legislation through the Appropriations Committee or through a veto by the Governor.

At this time Ms. Mehl has recommended that Dr. Hertz perform the first part of the occupational analysis. This would consist of determining the necessity for licensure. The costs of this would be about \$160,000. She then indicated that the results of this determination would then be reported to the Legislature in March 2002 and thought that legislation could then be introduced in 2002 to perform the occupational analysis. Other suggestions included looking at alternatives to the traditional occupational analysis and asking people in the profession to volunteer in workshops.

At this time, Ms. Mehl does not know what the outcome of this legislation will be. She will continue to attend meetings with various entities and stakeholders and will report back to the

Board in November. She then indicated that the impetus for this legislation was the overwhelming passage of Proposition 36. This proposition now allows people convicted of non-violent, drug related crimes to enter rehabilitation instead of incarceration. There is an overwhelming need for competent people to work in the field of drug and alcohol counseling and there is a responsibility of ensuring that these people have the necessary education and training.

Dr. Laurence asked about restrictions of performing substance abuse counseling for licensed mental health practitioners. Ms. Mehl indicated that the current scope of practice allows licensed mental health practitioners to perform those services and this legislation would not place any restrictions on those licensees.

Ms. Pines stated that the process of licensure might not begin until 2004. It is not the intent of this legislation to impede licensees from performing these services, nor is it to restrict people in the profession from performing these necessary services, but we do want to give the community qualified people. She indicated that she is a certified Drug and Alcohol Abuse Counselor and is familiar with the fundamentals of this profession. She indicated that this is a behavioral science, even though alcohol addiction is considered a disease, because the medical model is not the most operative model offered in this state. She indicated that, obviously when a new industry is brought under an existing Board, there are going to be numerous fears, apprehensions, and misunderstandings. She stated that she and Ms. Mehl will continue to attend the hearings and make recommendations because, if the licensure does eventually fall under the Board's jurisdiction, she wants to make sure that it is not something that will require a lot of clean up. This is why she and Ms. Mehl have been involved from the beginning.

Ms. Mehl stated that it has taken a lot of work to get this legislation to the proper study. This legislation was rapidly moving through the Legislature and she and Ms. Pines have been involved with this from the beginning in case it does turn out to be placed under the Board's jurisdiction.

Ms. Fields suggested that all stakeholders be involved with the Board and attend the public hearings.

Dr. Stein asked that this issue be included on the November agenda for Board vote as to whether the Board wants the charge of licensing this profession.

Mr. Quiroz provided his comments on this issue. He indicated that the term "behavioral health" is being used more as opposed to the term "mental health". Historically, there have been a lot of issues between addiction services and mental health that have taken place at the state levels and there are now separate divisions within several entities. He thought that the Board should keep a close working relationship with all entities involved in this licensing process.

e. SB 724 – This legislation includes the majority of the Board's clean up legislation. The Senate Business and Professions Committee has indicated that they will eventually include the massive name change to marriage and family therapist throughout all of the laws in California that reference a marriage, family, and child counselor.

9. 2002 BOARD MEETING CALENDAR

The draft 2002 Board Meeting Calendar was included in the meeting materials. The tentative dates are:

January 24-25, 2002	San Diego
April 25-26, 2002	Sacramento
July 25-26, 2002	Los Angeles
November 14-15, 2002	Ontario Area

Ms. Mehl asked that the Board member to send their unavailable dates for 2002 to her within one month.

10. APPROVE / NOT APPROVE COMMITTEE RECOMMENDATIONS

Due to lack of a quorum, the Committees did not bring any recommendations forward to the Board.

11. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Kathleene Derrig-Pumbo, Licensed Marriage and Family Therapist and Chief Executive Officer of MyTherapyNet.com, provided the Board with an overview of the benefits of online therapy since the implementation of her website. She stated that one study reflected that 15 million people have sought out mental health services in the last year. Another study indicated that over 1 million people sought out mental health services over the Internet in the last year. She indicated that she is on an advisory committee with the University of LaVerne. This University now provides their graduate students with curriculum that covers on line therapy. She indicated that she has received many inquiries from trainees and interns requesting more information on providing on line therapy. She then offered to provide a demonstration on online therapy to the Board. Ms. Fields asked Ms. Derrig-Pumbo to mail all of her website information to the Board for the benefit of the new Board members.

Steven Gibson, Clinical Coordinator for the Los Angeles County Department of Children and Family Services, and a Licensed Clinical Social Worker, stated that this would be the last meeting he would be attending on behalf of the above mentioned Department. He thanked the Board, the Executive Officer, and Board staff on behalf of 2,600 county social workers he worked with and the thousands of clients over the years. He stated that the Board had made him a better person, clinician, and teacher.

The meeting adjourned at 11:45 a.m.