

(approved April 26, 2002)

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

NOVEMBER 9, 2001

**MISSION INN
3649 MISSION INN AVENUE
RIVERSIDE, CA**

MEMBERS PRESENT

Karen Pines, MFT Member, Board Chair
Mark Burdick, LEP Member
Virginia Laurence, LCSW Member
Glynis Morrow, Public Member
Roberto Quiroz, Public Member
Howard Stein, Public Member
Susan Ulevitch, LCSW Member

MEMBERS ABSENT

STAFF PRESENT

Sherry Mehl, Executive Officer
LaVonne Powell, Legal Counsel
Mary-Alice Coleman, Legal Counsel
Julie McAuliffe, Administrative Analyst

GUEST LIST ON FILE

The meeting was called to order at approximately 10:15 a.m.

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

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

2. APPROVAL OF APRIL 20, 2001 MINUTES

GLYNIS MORROW MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF APRIL 20, 2001.

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

MARK BURDICK MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO APPROVE THE CONTINUING EDUCATION COURSE REQUIREMENTS REGULATION HEARING MINUTES OF APRIL 20, 2001.

4. APPROVAL OF JULY 26, 2001 MINUTES

VIRGINIA LAURENCE MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF JULY 26, 2001.

5. APPROVAL OF JULY 26, 2001 DISCIPLINARY GUIDELINES REGULATION HEARING MINUTES

HOWARD STEIN MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO APPROVE THE DISCIPLINARY GUIDELINES REGULATION HEARING MINUTES OF JULY 26, 2001.

6. APPROVAL OF JULY 27, 2001 MINUTES

HOWARD STEIN MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF JULY 27, 2001.

7. CHAIRPERSON'S REPORT

Ms. Pines stated that she had attended the American Association of Marriage and Family Therapist Regulatory Boards Annual Conference in Nashville, Tennessee. She stated that it was very interesting to attend this conference. California is the leader in most issues and has become a resource for other states. Ms. Pines provided other state representatives with the most current information regarding enforcement, counseling on the Internet, and licensing.

Ms. Pines then asked that all Board members provide committee assignment preferences for 2002 to Ms. Mehl. Ms. Mehl explained that elections of Board chair and vice chair are held at the first meeting of each year. The new chair will then indicate committee assignments.

8. EXECUTIVE OFFICER'S REPORT

a. Budget Update

The budget materials were included in the meeting packet. Ms. Mehl indicated that the Governor has executed a hiring freeze, which means that state agencies cannot hire any staff to fill vacant positions. Also, there is an executive order that states a vacant position must be filled within six months or the agency loses the position. The Department of Consumer Affairs is currently waiting for the Department of Finance memo on these issues. Once the actual ramifications of these executive orders are identified, Ms. Mehl will evaluate the office functions

and determine the most critical that must be maintained. Non-essential Board functions may be placed on hold until the executive order is lifted.

- b. Miscellaneous Matters
 - 1. Website Statistics

The most current statistics were included in the meeting binder. Ms. Mehl stated that she continues to be amazed at the large number of hits each month. The Board is also able to track which locations on the website receive the most hits. The website is updated on a weekly basis to ensure that the most current information is disseminated.

- 2. Taskforces

Ms. Mehl then stated that she has been asked to be a part of several taskforces. These include the Business Continuity Plan Taskforce, the Building Security Taskforce, and a taskforce to create a single database of all boards.

9. DISCUSSION AND POSSIBLE ACTION TO ELIMINATE THE ORAL EXAMINATION

Ms. Pines stated that the Board would be taking public comment on this issue. Ms. Mehl then stated that the Board would meet in closed session on December 6, 2001 to review current and proposed confidential examination information and materials. Ms. Pines then indicated that this discussion would be included on the agenda for the January meeting in San Diego.

The Board then received the following public comments on this issue:

Susan Fusaro indicated that she thought there were problems with the oral examination. She indicated those problems included lack of communication between the examiners, barriers among the examiners, lack of active listening among the examiners, and misunderstanding among the examiners as to what one would find correct and the other would not find correct. She then asked how the Board measures listening of the examiners.

Kathleen Wenger, Marriage and Family Therapist, encouraged the Board to follow the Office of Examination Resources recommendation on July 26, 2001 to replace the oral examination with an examination that is consistent and fair to all candidates. She stated that the oral examination prerequisite was implemented over twenty years ago and there have been significant advancements in the education and supervisorial requirements that were not in place twenty years ago. In closing, she asked the Board to keep in mind that candidates must still complete numerous hours of supervised experience and successfully pass a comprehensive written examination.

Mary Riemersma, Executive Director of the California Association of Marriage and Family Therapists, expressed concern about elimination of the oral examination. The association thinks there should be some other measure in addition to the written examination to test minimal competency. She indicated that clinicians she has spoken with have indicated that they have become better clinicians as a result of completing the oral examination process.

Warren Beacom, Licensed Clinical Social Worker, indicated that he was concerned about the integrity of the profession. He said that he was unsuccessful in passing his first oral examination and learned so much from the process that made him a better clinician. The ultimate goal of the Board is to protect the consumer and communication skills and presentation are essential for these professions. He stated that if the Board were not to see the way candidates present themselves in a therapeutic situation, it would be a disservice to the consumer and an extra level of protection is needed. School training is so different and the Board provides a consistent way of testing. He then stated that the Board should disseminate this change in the requirements to all consumers.

Jose Luis Flores from the Phillip Graduate Institute indicated that he was in favor of maintaining the oral examination. He stated that expressing oneself orally is a very important component of the profession and should be maintained.

Nancy Wisnia, MSW, asked that the Board consider eliminating the oral examination requirement. She has taken the oral several times and thought that it is very difficult for two examiners to agree. She stated that she has obtained a master's degree in social work, completed over 3,300 hours of supervised experience, and successfully completed the written examination. She questioned how she would be able to complete this if she was incompetent to practice. She then indicated that she is licensed in Florida and Nevada and did not have difficulties obtaining licensure in those states. She then went on to mention that there is a serious shortage of social workers in California.

Julie Hubbs, representing Yolo County Mental Health, stated that she has taken the oral examination and felt that the examination did not allow her to present the real person and clinician. She also spent excessive amounts of money on study materials after being unsuccessful with her first oral examination and then failed the second examination. She continues to work in the mental health field and feels confident in her competence as a therapist. She did think that there should be some type of finalization to the lengthy process of pursuing licensure but did not think that the oral examination fulfilled this necessary finality.

David Lim from the University of Southern California School of Social Work suggested that there be options like video role playing as part of the examination process and that this type of examination lends itself to the credibility of California standards.

David Fox, Marriage and Family Therapist, stated that he has attended the Board meeting for ten years and has a lot of familiarity with its examination process. He asked the Board to remember some very important considerations when meeting on December 6, 2001. These included the fact that the current oral examination has been understood to be a necessary part of protecting the consumer and was successfully defended in the Legislature in 1997. He then reviewed the current examination statistics and stated that the written examination pass rates are going down. He then indicated that he thought the main problem was not the examination itself but the way the examination is administered and the examiners themselves.

Phyllis Rattely, Licensed Clinical Social Worker, indicated that she works with people who are preparing for licensure. She mentioned reasons why she thinks people do not pass. These included anxiety, not being prepared, and not receiving appropriate supervision.

Burt Winer from Trinity College indicated that he supported Kathleen Wenger's suggestion to eliminate the oral examination.

Enrique Monteagudo, representing the Center for Public Interest Law, stated that his concerns are for the protection of the public and not the candidates. He did not think that a shortage of social workers should constitute a lack of testing for minimal competency. He suggested that there might be tiered licenses for those who have taken the oral examination and for those who have not. He thought that these are very high level professions and there should be high level testing in place to ensure qualified professionals in these fields.

A representative from Loma Linda University believed that it is very important for people to articulate themselves professionally in a short period of time and that in fact is what the oral examination tests.

Ms. Pines thanked the audience for their public comments.

The meeting recessed at 11:45 a.m.

The meeting reconvened at 12:05 p.m.

10. DISCUSSION AND POSSIBLE ACTION REGARDING BOARD COMPLAINT DISCLOSURE POLICY

Ms. Mehl stated that current Board policy had been amended to include the citation and fine process. She then indicated that the Department of Consumer Affairs is in the process of creating a department policy that would require boards to disclose at the point of complaint. They have been holding hearings throughout the state to receive public comment on this issue. She has attended two meetings and has expressed great concern about the idea of releasing this information at the point of complaint. Ms. Mehl then stated that the Board currently does disclose at the point of accusation.

Ms. Pines stated that she thought the Board should be proactive on this issue and voice their feelings and felt that the Board should not have something mandated without their input beforehand.

MARK BURDICK MOVED, GLYNIS MORROW SECONDED, AND THE BOARD MOVED TO ADOPT THE POLICY.

11. DISCUSSION AND POSSIBLE ACTION REGARDING AMENDMENTS TO THE DISCIPLINARY GUIDELINES

Ms. Mehl explained that at the July regulation hearing the Board had asked staff to research the intent of language regarding requiring probationers to notify employers of their probation. After research, staff re-wrote the language to clarify that probationers must notify employers when providing services that fall within the scope of practice of Marriage and Family Therapy, Licensed Clinical Social Work, or Licensed Educational Psychology.

ROBERTO QUIROZ MOVED, GLYNIS MORROW SECONDED, AND THE BOARD CONCURRED TO ADOPT THE DISCIPLINARY GUIDELINES AS AMENDED.

Ms. Ulevitch abstained from the vote.

12. 2001 APPROVED LEGISLATION OF INTEREST TO THE BOARD

- a. SB 349 – This bill included four technical changes to our law.
- b. SB 724 – This bill included several technical changes to our law.
- c. Other Legislation – AB 1616 was signed into law and extended the Board’s statute of limitations period in special circumstances.

13. APPROVE/ NOT APPROVE COMMITTEE RECOMMENDATIONS

- a. Licensing / Education Committee

HOWARD STEIN MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO APPROVE THE JULY COMMITTEE MINUTES.

- b. Examination Committee

ROBERTO QUIROZ MOVED, KAREN PINES SECONDED, AND THE BOARD CONCURRED TO APPROVE THE JULY COMMITTEE MINUTES.

- c. Consumer Services / Consumer Protection Committee

Ms. Powell clarified that Committee minutes did not need to be approved by the full Board.

14. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

John Ryan, representing the California Mental Health Association, addressed the Board regarding the critical shortage of mental health workers in California and asked that the Board review the issue of possibly allowing acceptance of a national written examination for out of state candidates. Mr. Quiroz thanked Mr. Ryan for providing the Board with information on this issue.

David Fox, Licensed Marriage and Family Therapists, shared his opinion of the Board with the new Board members. He indicated that Ms. Mehl was outstanding and the Board staff was

exceptional. He then asked the Board to review the current written examination and determine if there are issues that need to be addressed.

HOWARD STEIN MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO ADJOURN THE MEETING.

The meeting adjourned at approximately 12:30 p.m.