

(approved November 9, 2001)

**BOARD OF BEHAVIORAL SCIENCES
FULL BOARD
REGULATION HEARING MINUTES
JULY 26, 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

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

SECTION 1888 – DISCIPLINARY GUIDELINES

Ms. Fields opened the Hearing at 2:20 p.m. and provided the Board and the public with a brief description of the proposed regulatory action and an overview of the regulation hearing process.

No one in the audience wished to testify on the proposed amendments. Ms. Fields stated that the Board had received one written comment from Carl Totton. In his comments, he had questioned the proposed probationary term that would require all probationers to provide their employer with a copy of the Decision and the Statement of Issues or Accusation before commencing employment. Mr. Totton commented that it would be fairer and more in line with the Board's jurisdiction if the following language was used: "Probationers must notify all employers for whom licensure is a condition of employment of their probation". He also commented "a copy of the Decision should have to be provided to those employers for whom a license is required to practice".

Ms. Fields asked that legal counsel provide language to the effect that probationers would need to notify any employer where the work is related to the licensing jurisdiction of the Board. She thought that this may be a nonsubstantive change. Ms. Mehl stated that is the intent of the language and agreed that legal counsel should review it to ensure that the correct intent is clearly spelled out to the probationer.

After discussion, the Board agreed to have staff ask legal to review the language and determine if it meets the intent of the Board. If it does not, they asked that legal counsel draft appropriate language.

Ms. Mehl stated that these are guidelines and terms and conditions of probation are decided based upon the violation. The Board, Administrative Law Judges, and the Attorney General's Office use these guidelines when they are preparing stipulated agreements and decisions and select the appropriate terms and conditions depending upon the violation committed.

Ms. Pines asked for clarification on the proposed language regarding probationers instructing qualifying continuing education. Ms. Mehl explained that within a stipulated agreement, an Administrative Law Judge or the Attorney General has the ability to focus the terms and conditions on the actual violation.

Ms. McAuliffe suggested a non-substantive change to the Sexual Misconduct With Client violation penalty. The words "as outlined in condition" needed to be taken out before the proposed strikeout to #16.

The Hearing was closed at approximately at 2:40 p.m.