

(approved July 26, 2002)

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

APRIL 26, 2002

**HAWTHORN SUITES
321 BERECUT DRIVE
SACRAMENTO, CA**

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF PRESENT

Sherry Mehl, Executive Officer
Mary-Alice Coleman, 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 role and a quorum was established.

2. PETITION FOR REINSTATEMENT OF LICENSE AND MODIFICATION OF PROBATION

- a. Herman Gill, MFC 7682, Reinstatement of License
- b. Jenny England, MFC 21062, Modification of Probation

Pursuant to Government Code Section 11126 (c) (3), the Board met in closed session to deliberate its decision on these matters.

The meeting adjourned at approximately 11:25 a.m.

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

The Board went into closed session at approximately 11:30 a.m.

The Board reconvened to open session at approximately 1:05 p.m.

4. APPROVAL OF NOVEMBER 8, 2001 LICENSURE OF ALCOHOL AND DRUG COUNSELORS PUBLIC HEARING MINUTES

ROBERTO QUIROZ MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF NOVEMBER 8, 2001.

5. APPROVAL OF NOVEMBER 9, 2001 MINUTES

ROBERTO QUIROZ MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF NOVEMBER 9, 2001.

6. APPROVAL OF JANUARY 24, 2002 MINUTES

ROBERTO QUIROZ MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF JANUARY 24, 2002.

7. APPROVAL OF JANUARY 25, 2002 MINUTES

ROBERTO QUIROZ MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF JANUARY 25, 2002.

8. CHAIRPERSON'S REPORT

Ms. Pines stated that she, because of membership on both bodies, has been able to link the California Commission on Aging with the Board in respect to Senate Bill 953, which addresses aging and the increase in mental health services to this population. She indicated that the schools may be required to include training in gerontology and the bill may require continuing education for our licensees.

9. EXECUTIVE OFFICER'S REPORT

a. Budget Update

The most current Expenditure Report and Analysis of Fund Condition were included in the meeting materials.

b. Miscellaneous Matters

1. Website Statistics

The most current website statistics were included in the meeting materials.

Ms. Mehl provided the Board with a draft copy of the *Professional Therapy Never Includes Sex* booklet. Ms. Mehl, Thomas O'Connor, Executive Officer of the Board of Psychology, Ron Joseph, Executive Director of the Medical Board, and the Communications Division within the Department of Consumer Affairs, have recently updated this booklet. We, in addition to the boards listed above, are mandated pursuant to the Legislature to provide this booklet to all registrants and licensees. This booklet is currently being printed and should be available on our website and in the office in the near future.

10. PROPOSED LEGISLATION THAT MAY AFFECT THE BOARD

Assembly Bill 2634 – This legislation addresses Governor appointments to Boards within the Department of Consumer affairs and would allow the Senate Rules Committee to make appointments within 60 days if the Governor has not make an appointment within 180 days of a vacancy. Ms. Mehl will continue to track this legislation and inform the Board of any changes.

Senate Bill 953 – This legislation addresses the issue of mental health services to the aging. Although not in the bill language, there is a possibility that language could be added to require education within a degree program and continuing education on aging issues. Ms. Mehl will continue to track this legislation and inform the Board of any changes.

Senate Bill 1244 – This legislation also addresses Governor appointments to Boards within the Department of Consumer affairs and would require that the Governor make an appointment within 30 days of a vacancy or the Senate Rules Committee may do so. Ms. Mehl will continue to track this legislation and inform the Board of any changes.

Senate Bill 1716 – This legislation would require the Board to license alcohol and drug abuse counselors. Within the hearing held on April 22, 2002, the author of the bill, Senator John Vasconcellos, accepted amendments, which included allowing one of our existing licensee Board members to also be licensed as an alcohol and drug abuse counselor instead of taking away some of our current board composition and replacing it with a licensee majority. Ms. Pines thought that it might be difficult to find a person who was dually licensed. Another accepted amendment was to direct the Board to come back in the 2003-2004 legislative session with licensing language.

The Governor vetoed similar legislation last year and legislators are aware that any legislation that includes appropriations will likely be vetoed this year. Consequently, the Board will not be given any funds to perform an occupational analysis nor will any money be allotted to implement a new licensing program.

Mr. Quiroz questioned if it would be helpful for the Board to take a position on the bill. He thought that it would be an enormous responsibility to take on a new licensing program without the appropriate funding.

Ms. Mehl then indicated that there are several exemptions in the bill language and if passed, would exempt all employees who are employed by facilities that are licensed by the California Department of Alcohol and Drug Programs. Since the majority of the currently certified alcohol and drug abuse counselors are employed in these types of settings, the reality is that this could be construed to be a voluntary license.

KAREN PINES MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO NOT SUPPORT SENATE BILL 1716 IN ITS CURRENT FORMAT AND SUGGEST THAT THE BILL BE AMENDED TO ADD FINANCIAL SUPPORT TO CARRY OUT THE NECESSARY FUNCTIONS AND ADD THAT THE BOARD HAVE A ROLE IN DEVELOPING THE PROTOCOLS FOR LICENSURE.

Another issue that Ms. Mehl mentioned was that even if the Legislature allotted funds for the licensing program, there is still a hiring freeze within state agencies and she would not be able to hire anyone to administer the licensing program.

Ms. Mehl stated that she would prepare a letter of “Opposed Unless Amended” on behalf of the Board and deliver it to the author. She will continue to keep the Board updated on any changes.

Ms. Riemersma asked that the Board thoroughly review this bill since this is a behavioral science profession licensing board and alcohol and drug abuse counselors are minimally trained to perform a small part of the services that our licensees perform. Unfortunately, if the Board were to be required to license this population, it would raise the alcohol and drug abuse counselors profession up to a higher level and give the consumer a false impression that alcohol and drug abuse counselors are a behavioral sciences profession.

Senate Bill 2059 - The Director of the Department of Consumer Affairs has encouraged boards within the Department to change their complaint disclosure policies and has drafted a revised policy. This bill would require that the Board develop a policy and regulations regarding disclosure of information about its licensees to the public. Ms. Mehl stated that this issue would be included in the July agenda for discussion. Ms. Pines indicated that she has a real concern about releasing complaint information prior to an actual accusation being filed.

11. APPROVE/ NOT APPROVE COMMITTEE RECOMMENDATIONS

a. Education Committee

Dr. Burdick notified the Board that the Committee approved their minutes, reviewed and adopted draft language to expand the continuing education course definitions, and discussed, directed and adopted staff’s developments of additions to their strategic plan.

KAREN PINES MOVED, GLYNIS MORROW SECONDED, AND THE BOARD CONCURRED TO APPROVE THE COMMITTEE RECOMMENDATIONS.

b. Licensing / Examination Committee

Ms. Pines informed the Board that the Committee approved their minutes, reviewed the current Examinations Statistics, and approved their 2002 Strategic Plan.

SUSAN ULEVITCH MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO APPROVE THE COMMITTEE RECOMMENDATIONS.

c. Consumer Services/ Consumer Protection Committee

Dr. Stein informed the Board that the Committee approved their minutes, reviewed the current Enforcement Statistics, and approved their 2002 Strategic Plan.

SUSAN ULEVITCH MOVED, GLYNIS MORROW SECONDED, AND THE BOARD CONCURRED TO APPROVE THE COMMITTEE RECOMMENDATIONS.

12. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Mr. Quiroz complimented Ms. McAuliffe on her compilation of the minutes and suggested that the Board create a process for acknowledging and responding to all of the oral and written comments that have been received regarding the oral examinations. He indicated that he would request that this issue be discussed at a future meeting.

ROBERTO QUIROZ MOVED, MARK BURDICK SECONDED, AND THE BOARD CONCURRED TO CLOSE THE MEETING.

The meeting adjourned at approximately 1:50 p.m.