

(Approved November 15, 2002)

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

JULY 25, 2002

**HILTON SAN PEDRO
2800 VIA CABRILLO MARINA
SAN PEDRO, CA**

MEMBERS PRESENT

Karen Pines, MFT Member, Board Chair
Catherine Kay, Public Member
Peter Manoleas, LCSW Member
Glynis Morrow, Public Member
Jane Nathanson, MFT Member
Roberto Quiroz, Public Member
Susan Ulevitch, LCSW Member

MEMBERS ABSENT

Mark Burdick, LEP Member, Vice Chair
Howard Stein, Public Member

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 1:15 p.m.

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

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

**2. PRESENTATION FROM THE ATTORNEY GENERAL'S OFFICE REGARDING
THE ENFORCEMENT PROCESS AND BOARD MEMBER RESPONSIBILITIES**

Ms. Mehl introduced Earl Plowman, Deputy Attorney General and liaison for the Board. Mr. Plowman has been with the Attorney General's office for almost 30 years and has been the Board liaison for about 15 years. He has provided training to staff and has been very diligent in ensuring that the Board follows the necessary protocol in the disciplinary process.

Mr. Plowman indicated that Board staff is very knowledgeable in reviewing complaints to determine if the alleged violation, if substantiated, would warrant initiation of disciplinary action.

He then discussed the overview of the administrative disciplinary process. He briefly addressed all of the participants in a disciplinary process including the Board, the respondent, the Office of the Attorney General, and the Office of Administrative Hearings, and the role of each participant. He went further in detail regarding expert witnesses and indicated that the Board has been proactive in recruiting experts to assist with the enforcement findings.

Mr. Plowman then articulated on the process of a case from the receipt of a complaint to the investigation, the filing of an accusation, the administrative hearing, and the options for voting.

Ms. Mehl explained the Mail Ballot process. This process is used to adopt non-controversial decisions. Each member votes independently whether to adopt, non-adopt, or hold for discussion and submits their vote back to Board staff. An Attorney General memo accompanies the decision explaining the facts of the case and the reason for the decision.

Mr. Quiroz indicated that he thought the reasons why a case is held for the discussion is a question of if the penalty fits the crime. Ms. Mehl explained that there are many factors that could weaken a case and the decisions are generally the best that can be obtained.

Board members asked that a policy statement be drafted that clearly indicates that mail ballots are to be voted on independently and no member should contact another on any case. If communication is necessary, a member should contact the legal office.

Ms. Mehl thanked Mr. Plowman for his time and presentation.

The meeting adjourned at approximately 2:55 p.m.

(Approved November 15, 2002)

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

JULY 26, 2002

**HILTON SAN PEDRO
2800 VIA CABRILLO MARINA
SAN PEDRO, CA**

MEMBERS PRESENT

Karen Pines, MFT Member, Board Chair
Catherine Kay, Public Member
Peter Manoleas, LCSW Member
Glynis Morrow, Public Member
Jane Nathanson, MFT Member
Howard Stein, Public Member
Susan Ulevitch, LCSW Member

MEMBERS ABSENT

Mark Burdick, LEP Member, Vice Chair
Roberto Quiroz, Public Member

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 9:10 a.m.

1. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

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

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

The Board went into closed session at approximately 9:10 a.m.

The Board reconvened to open session at approximately 10:20 a.m.

3. APPROVAL OF APRIL 25, 2002 MINUTES

HOWARD STEIN MOVED, SUSAN ULEVITCH SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF APRIL 25, 2002 AS AMENDED.

Peter Manoleas, Catherine Kay, and Jane Nathanson abstained.

4. APPROVAL OF APRIL 26, 2002 MINUTES

SUSAN ULEVITCH MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO APPROVE THE MINUTES OF APRIL 26, 2002.

Peter Manoleas, Catherine Kay, and Jane Nathanson abstained.

5. CHAIRPERSON'S REPORT

Ms. Pines stated that the Board has a full compliment of professional members and two public member positions are available.

6. EXECUTIVE OFFICER'S REPORT

a. Budget Update

The most current Expenditure Report and Analysis of Fund Condition were included in the meeting materials. The Budget reflects that the Legislature has borrowed 6 million dollars from our Fund Balance and we may be in a deficit after the 2002/2003 fiscal year. The Legislature should be providing us with a repayment schedule. The Budget legislative language indicates that the loan will not result in loss of service or increase of fees. Ms. Mehl stated that she is watching this very closely and will notify the Board of any changes. Another issue is that the State of California is currently functioning without a budget and this has caused a hold on purchasing anything, including processing of travel claims. These claims can be paid when the Governor signs the Budget.

b. Miscellaneous Matters

1. Website Statistics

The most current website statistics were included in the meeting materials. The numbers of hits so far this year have surpassed last year's totals. Staff is able to track which pages of our website are visited the most and the statistics included those breakdowns. Due to budget constraints, the Summer 2002 Newsletter was not mailed and was available via the website. The statistics reflect an enormous amount of visits to the Newsletter.

Ms. Mehl indicated that she will attempt to mail out at least one Newsletter a year and the others will be accessible on the website.

7. REVIEW AND APPROVAL OF 2003 BOARD MEETING CALENDAR

The Board reviewed the draft 2003 calendar. The tentative meeting dates are:

| | |
|----------------------|------------------|
| February 20-21, 2003 | San Diego |
| May 22-23, 2003 | Sacramento |
| July 24-25, 2003 | Los Angeles Area |
| November 13-14, 2003 | Bay Area |

A Board member indicated a conflict with the May meeting and asked that it be changed to April. Ms. Mehl asked that Board members submit their unavailable dates to Ms. McAuliffe. The Calendar will then be finalized and mailed to all members and our public mailing list.

8. REVIEW AND APPROVAL OF REVISED BOARD MEMBER ATTENDANCE AND REIMBURSEMENT POLICY

Ms. Mehl stated that an issue has arisen regarding out of state travel for Board members who are out of state on business or vacation and there is a Board meeting during that time. The issue is whether the Board would reimburse travel from out of state. The policy has been amended to indicate that the only time the Board would reimburse for such travel is if there was lack of a quorum or the Board were to schedule an urgent non-scheduled meeting.

Ms. Pines also mentioned the rental car policy and reiterated that members should use shuttle services whenever possible.

SUSAN ULEVITCH MOVED, PETER MANOLEAS SECONDED, AND THE BOARD CONCURRED TO APPROVE THE REVISED POLICY.

Ms. Pines then asked that staff incorporate the draft Mail Ballot and Executive Session procedures into a policy format and submit to the Board for review and approval in November.

9. DISCUSSION AND UPDATE ON THE ORAL EXAMINATION

Ms. Mehl indicated that staff has been working on the scheduling of the examinations for 2003 and has drafted a calendar to offer the oral examination three times a year. Staff did attempt to schedule the examinations to allow a candidate to take each examination if necessary, but due to scheduling conflicts and costs, it was not possible. Board staff has been experiencing difficulties obtaining examiners and has been extremely busy with ending one examination and beginning another so close together so offering it three times a year seems to be the best solution for these issues.

Ms. Pines encouraged the Board members to attend a training and an oral examination. She has attended both and gained an understanding of both the examiners and the candidates perspectives.

Ms. Mehl then indicated that the Marriage and Family Therapist written examination that includes the clinical simulations has been administered to 148 candidates so far and the pass rate is averaging 71% overall. She will be providing a detailed statistical analysis of the success of the clinical simulations at the November Board meeting.

David Fox, Marriage and Family Therapist, commented on his concerns about the current written examination. He talked about the fluctuation of the pass rate. Ms. Mehl explained that every examination has a passing score workshop that determines where the passing score should be set. These workshops adhere to the Psychological Testing Standards.

Ms. Pines stated that the Office of Examination Resources has validated the Board's examinations and if Mr. Fox felt otherwise, he needed to address them with his issues.

Mr. Fox then asked questions regarding changes in the offering of the oral examination. Ms. Mehl explained that staff needs time to schedule all candidates, administer the examinations, mail out failure and pass letters, schedule and hold appeals, and then schedule for the next examination. The examinations are a very time consuming process and staff needs adequate time to perform all duties required.

Ms. Ulevitch stated that office staff is there to implement Board policies, set schedules, and manage the licensing examinations and the Board understands the rationale why things are the way they are. She really objects to having to defend the implementation of Board policies.

Ms. Nathanson stated that she found the licensing examinations to be hard but extremely fair.

Christine Prosser asked questions regarding the questions that are included on the written examination. Ms. Mehl indicated that she could not answer the questions because it could compromise the confidentiality of the examination.

10. DISCUSSION ON THE VALIDITY OF THE ORAL EXAMINATION

Ms. Mehl stated that a letter from the Office of Examination Resources validating the examinations was included in the meeting binder. The Occupational Analysis for the Marriage and Family Therapists examinations is almost complete and the analysis for the Licensed Clinical Social Worker examinations will begin in the fall.

11. DISCUSSION AND POSSIBLE ACTION REGARDING LEGISLATION THAT MAY IMPACT THE BOARD

A summary of the legislation that staff is tracking was included in the meeting materials. Ms. Mehl notified the Board of Senate Constitution Amendment 7. This legislation could have a substantial effect on release of information to the public regarding Board closed sessions, enforcement actions, and investigative reports. She indicated that this legislation is very popular and the media is supporting it. If the Governor signs it, it will then go to the California ballot for vote in November. The Department of Consumer Affairs is very concerned about this bill and would be the entity to send a letter of opposition in representation of all Boards.

Ms. Riemersma explained the implications of Assembly Bill 2772, legislation that would define a scope of practice for those employed by Employee Assistance Programs.

12. APPROVE/ NOT APPROVE COMMITTEE RECOMMENDATIONS

a. Consumer Services/ Consumer Protection Committee

Dr. Stein indicated that the Committee reviewed and approved the April meeting minutes and discussed the Enforcement Statistics.

GLYNIS MORROW MOVED, JANE NATHANSON SECONDED, AND THE BOARD CONCURRED TO ADOPT THE COMMITTEE MINUTES.

b. Licensing / Examination Committee

The Committee approved the minutes of April 25, 2002, reviewed the Examination Statistics, discussed the issues of amending the law to concentrate more on the experience gained by Interns and Associates rather than the experience is gained, and discussed amendments to the regulations that relate to clinical experience as a prerequisite to be a qualified supervisor. The Committee then reviewed and adopted amendments to the regulations for pre-licensed training or coursework in alcoholism and other chemical dependencies and child abuse assessment training.

CATHERINE KAY MOVED, HOWARD STEIN SECONDED, AND THE BOARD CONCURRED TO ADOPT THE AMENDMENTS TO THE CALIFORNIA CODE OF REGULATIONS SECTIONS 1807.2 AND 1810.

Peter Manoleas abstained.

SUSAN ULEVITCH MOVED, GLYNIS MORROW MOVED, AND THE BOARD CONCURRED TO ADOPT THE COMMITTEE MINUTES.

c. Education Committee

The Committee approved the minutes from April 25, 2002 and June 6, 2002, and then reviewed changes to the Program Identification Form and a preface for the Examination Statistics. They then reviewed their goal and objectives and suggested changes that will be submitted to the Committee at the November meeting.

KAREN PINES MOVED, GLYNIS MORROW SECONDED, AND THE BOARD CONCURRED TO ADOPT THE MINUTES OF APRIL 25, 2002.

CATHERINE KAY MOVED, KAREN PINES SECONDED, AND THE BOARD CONCURRED TO ADOPT THE MINUTES OF JUNE 6, 2002.

13. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board did not receive any public comments.

The meeting adjourned at approximately 12:40 p.m.