

(approved February 20, 2003)

**BOARD OF BEHAVIORAL SCIENCES  
CONSUMER SERVICES/CONSUMER PROTECTION COMMITTEE  
MEETING MINUTES**

**NOVEMBER 14, 2002**

**COUNTRY SUITES BY AYRES  
1945 EAST HOLT BOULEVARD  
ONTARIO, CA**

**MEMBERS PRESENT**

Howard Stein, Public Member, Committee Chair  
Catherine Kay, Public Member  
Glynis Morrow, Public Member  
Roberto Quiroz, Public 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 11:15 a.m.

**1. APPROVAL OF MINUTES**

GLYNIS MORROW MOVED, CATHERINE KAY SECONDED, AND THE COMMITTEE CONCURRED TO APPROVE THE JULY 25, 2002 MINUTES.

**2. ENFORCEMENT STATISTICS**

Dr. Stein stated that there weren't any significant changes to these statistics.

**3. DISCUSSION AND POSSIBLE ACTION TO AMEND CALIFORNIA CODE OF REGULATIONS SECTIONS 1845, 1858, AND 1881 – UNPROFESSIONAL CONDUCT**

The Committee reviewed the proposed regulation changes. Ms. Kay suggested that the language be amended to read "Failing to comply with the elder abuse and dependent adult abuse reporting requirements of Welfare and Institutions Code Section 15630 et. seq."

David Fox, Marriage and Family Therapist, commented on the issue of the sexual relations with a client and indicated that it is mentioned in the Licensed Clinical Social Worker and Licensed Education Psychologist Unprofessional Conduct sections of regulation but not in the Marriage and Family Therapist section. Ms. McAuliffe clarified that this violation is included in the Marriage and Family Therapist Unprofessional Conduct statute.

The Committee discussed the issue regarding the Tarasoff reporting requirements and Ms. Kay stated that she thought it would be very difficult to draft regulatory language that explains it. She would not be comfortable trying to implement this in regulation.

Ms. Riemersma suggested that the few violations included in regulation could be added to the statute.

#### **4. ALTERNATIVES TO DISCIPLINE**

Dr. Stein mentioned that a letter was included in the meeting materials that addressed alternative discipline for lesser violations, such as advertising errors. He then indicated that since he has been on the Board for three years there have been several cases that have called for discussion because all members could not come to a consensus on a decision. Issues that he has noticed include the costs incurred by the Attorney General's office for examining a case and if the penalty fits the crime. He suggested that the Committee recommend an Ad Hoc Committee be formed to examine the penalty guidelines to determine if changes are needed.

Ms. Kay stated that she had recently attended a New Board Member Orientation sponsored by the Department of Consumer Affairs. An administrative Law Judge was present and indicated that the guidelines are just guidelines and sometimes there are decisions from the Attorney General's office that includes decisions that are outside the guidelines and the Board has the discretion to go outside of them.

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