

(approved August 19, 2004)

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

MAY 20, 2004

**HYATT REGENCY ISLANDIA
1441 QUIVIRA ROAD
SAN DIEGO, CA**

MEMBERS PRESENT

Robert Gerst, Public Member, Committee Chair
Catherine Kay, Public Member
Glynis Morrow, Public Member
Howard Stein, Public Member

MEMBERS ABSENT

Karen Pines, MFT Member

STAFF PRESENT

Sherry Mehl, Executive Officer
Denise Johnson, Assistant Executive Officer
Kristy Schieldge, Legal Counsel
Julie McAuliffe, Administrative Analyst
Meuy Saepfan, Administrative Technician

GUEST LIST ON FILE

The meeting was called to order at approximately 8:45 a.m.

Ms. McAuliffe called the roll and a Committee was established.

1. REVIEW AND APPROVAL OF 2004 STRATEGIC PLAN

Mr. Gerst stated that the Committee goals and objectives were included in the meeting materials. The Committee reviewed each goal and Mr. Gerst asked if the Committee was satisfied with the data that they currently receive and if there was anything else they would like to see in the enforcement statistics. He mentioned that he and Ms. Mehl had discussed the aging of a complaint and data related to this.

Ms. Mehl stated that there are established timeframe guidelines that staff follows. Ms. Mehl receives a monthly report from staff that provides information on the status of all complaints. This report includes incoming complaints, outgoing complaints, closed complaints, and those that have been assigned to the Attorney General. There is a tracking system in place and the staff inputs all contact regarding the

investigation into this system. It is difficult in terms of timeframes since there are many deadlines and timeframes that must be met within the disciplinary process.

Ms. Morrow asked about objective number 8, “encouraging public participation at public hearing and workshops as needed to facilitate input on specific issues”. She asked the audience if they had any ideas on encouraging increased public participation.

Comments received included putting cards or forms at back of room, with a box, to assist the public in submitting comments to a committee or Board.

Ms. Mehl stated that when she speaks at schools she encourages students to attend the Board meetings. Also, due to some individual’s schedules, it may be easier for them to attend if the Board meeting were held on a Friday and Saturday. In addition, the Board may want to consider meeting in other locations, such as the central valley. All agendas are mailed to recipients on our public mailing list as well as posted on the website. She also suggested that we include additional information about specific items on the agenda when the meeting notice is mailed.

Mr. Gerst mentioned objective number 2, “continue to evaluate alternative forms of discipline”, and asked Ms. Mehl to elaborate some on the word “discipline” and the reason the Board does not consider a citation as discipline. Ms. Mehl indicated that this would be discussed in the full Board meeting.

The Committee briefly discussed the selection of expert witnesses. Ms. Mehl indicated that the Board has begun the process for selection of new experts. This selection process is done in conjunction with the Attorney General’s (AG) office. The applications are available on our website, and the AG’s office creates a detailed outline of the tasks performed and what is expected of an expert witness, as well as training sessions with the AG’s office. The Board office initiates the selection process, staff conducts the prescreening of potential witnesses, and the AG’s office interviews prospective witnesses. Most of the enforcement cases are reviewed by an expert witness due to the standard of care issue. Expert witnesses prepare an expert opinion regarding the case and present testimony at hearings. The pool of expert witnesses is refreshed every few years.

Mr. Gerst then asked, in relation to objective eleven, “continue to identify and investigate avenues that exist to improve ethical standards in practice” if our publications could include a vignette that would focus specifically on some of the concerns seen by the Board. Ms. Mehl stated that the Board is very fortunate to have three professional associations that include in depth articles on these issues on a regular basis. Mr. Gerst asked if Board members could receive copies of their publications.

CATHERINE KAY MOVED, GLYNIS MORROW SECONDED, AND THE COMMITTEE CONCURRED TO RECOMMEND ADOPTION OF THE STRATEGIC PLAN TO THE FULL BOARD.

2. ENFORCEMENT STATISTICS

Ms. Kay indicated that she does not have a sense of completion or status of a case in a year’s time since our statistics are prepared in a fiscal year layout and not a calendar year layout. Ms. Mehl stated that the numbers would never match because cases may take multiple years to complete. Unfortunately, the Board has access to a computer tracking system that was developed in the 1980s and, due to this, most of our statistics are hand tracked.

The Department of Consumer Affairs is discussing the possibility of upgrading the system to capture more detailed, pertinent information.

The monthly report that is provided by staff to Ms. Mehl ensures that staff is responding in the appropriate amount of time on cases.

The Committee requested that the issue of aging of a complaint be included on the next agenda. In addition, Mr. Gerst asked that the Committee receive more in depth information regarding citations and fines and that the information be broken down by category.

The meeting was adjourned at approximately 9: 17 a.m.