

## BOARD MEETING MINUTES

August 30-31, 2007

Embassy Suites Hotel  
601 Pacific Highway  
Monterey Ballroom  
San Diego, CA 92101

### ***Thursday, August 30*** ***FULL BOARD OPEN SESSION***

#### Members Present

Dr. Ian Russ, Chair, MFT Member  
Joan Walmsley, Vice Chair, LCSW Member  
Gordonna DiGiorgio, Public Member  
Elise Froistad, MFT Member  
Judy Johnson, LEP Member  
D'Karla Leach, Public Member  
Renee Lonner, LCSW Member  
Victor Perez, Public Member  
Karen Roye, Public Member  
Howard Stein, Public Member

#### Staff Present

Paul Riches, Executive Officer  
Mona Maggio, Asst. Executive Officer  
Steve Sodergren, Program Manager  
Kristy Schieldge, Legal Counsel  
Christy Berger, Legislation Analyst  
Cassandra Kearney, Regulation Analyst  
Christina Kitamura, Administrative Assistant  
Doreathea Johnson, Deputy Director, Legal Affairs  
Don Chang, Supervising Counsel  
Antonette Sorrick, Deputy Director, Board Relations

#### Members Absent

Victor Law, Public Member

#### Guest List

On file

Dr. Ian Russ, Board Chair, called the meeting to order at 9:00 a.m. Guests in the audience introduced themselves. Christina Kitamura called roll, and a quorum was established.

### **I. Discussion and Proposed Action to Clarify Board Action Relating to the Following Rulemaking Proposals:**

Christy Berger explained that staff has been made aware that the Office of Administrative Law (OAL) has become more strict regarding Board motions that are intended to authorize staff to proceed with approved regulatory changes. Staff has reviewed motions for all rulemaking proposals in process, and found that the motions for three proposals approved by the Board just over a year ago were likely too general, not containing all necessary components. These

regulation packages are at risk of being rejected by OAL. Out of caution, staff is bringing these proposals back to the Board. The Board is being asked to make a motion that contains all of the components under the requested action.

Kristy Schieldge stated that the Board must be clear when making motions on what text it is adopting, and what direction is given to staff and how staff should implement the objectives. When making amendments, indicate clearly what is being amended and what the amendment is. Many boards have been getting their regulation packets rejected because the motions were not clear and specific.

**A. Amend 16 CCR Sections 1805, 1806, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1816.7, 1854, 1855, 1856, 1857 and 1858 - Abandonment of Application Files, Fees and Licensed Educational Psychologists**

DR. RUSS PROVIDED THE SUGGESTED MOTION: DIRECT STAFF TO TAKE ALL STEPS NECESSARY TO COMPLETE THE RULEMAKING PROCESS, INCLUDING THE FILING OF THE FINAL RULEMAKING PACKAGE WITH THE OFFICE OF ADMINISTRATIVE LAW, AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE PROPOSED REGULATIONS, AND ADOPT THE PROPOSED REGULATIONS AT 16 CCR SECTIONS 1805, 1806, 1833.3, 1826, 1816.1, 1816.2, 1816.4, 1816.6, 1854, 1855, 1856, 1957, AND 1858 AS MODIFIED AND NOTICED ON DECEMBER 20, 2006.

HOWARD STEIN MOVED, AND RENEE LONNER SECONDED. NO PUBLIC COMMENTS WERE MADE. NO FURTHER BOARD DISCUSSION. THE BOARD VOTED UNANIMOUSLY (10-0) TO PASS THE MOTION.

**B. Amend 16 CCR Sections 1816.7, 1887.7, 1887.75 and 1887.77 - Delinquency Process for Continuing Education Providers**

DR. RUSS PROVIDED THE SUGGESTED MOTION: DIRECT STAFF TO TAKE ALL STEPS NECESSARY TO COMPLETE THE RULEMAKING PROCESS, INCLUDING THE FILING OF THE FINAL RULEMAKING PACKAGE WITH THE OFFICE OF ADMINISTRATIVE LAW, AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE PROPOSED REGULATIONS, AND ADOPT THE PROPOSED REGULATIONS AT 16 CCR SECTIONS 1816.7, 1887.7, 1887.75, AND 1887.77 AS MODIFIED AND NOTICED ON DECEMBER 20, 2006.

RENEE LONNER MOVED, AND D'KARLA LEACH SECONDED. NO PUBLIC COMMENTS WERE MADE. NO FURTHER BOARD DISCUSSION. THE BOARD VOTED UNANIMOUSLY (10-0) TO PASS THE MOTION.

**C. Amend 16 CCR Sections 1887.2 and 1887.3 - Continuing Education Self-Study**

DR. RUSS PROVIDED THE SUGGESTED MOTION: DIRECT STAFF TO TAKE ALL STEPS NECESSARY TO COMPLETE THE RULEMAKING PROCESS, INCLUDING THE FILING OF THE FINAL RULEMAKING PACKAGE WITH THE OFFICE OF ADMINISTRATIVE LAW, AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE PROPOSED REGULATIONS, AND ADOPT THE PROPOSED REGULATIONS AT 16 CCR SECTIONS 1887.2 AND 1887.3 AS ORIGINALLY NOTICED.

JOAN WALMSLEY MOVED, AND JUDY JOHNSON SECONDED. NO PUBLIC COMMENTS WERE MADE. NO FURTHER BOARD DISCUSSION. THE BOARD VOTED UNANIMOUSLY (10-0) TO PASS THE MOTION.

**II. Discussion and Possible Action to Modify Text and Add Documents to the Rulemaking File for Proposed Amendments to 16 CCR Sections 1833.1 and 1870 Relating to Supervisory Requirements for Marriage and Family Therapist Trainees and Interns and Associate Clinical Social Workers**

Dr. Russ reported that staff has also become aware that OAL has become more strict regarding any forms mentioned in regulation. Staff has been told that OAL requires the form title, number, and revision date to be stated in the regulation. They also require any revisions to forms mentioned in regulation to be approved by the Board and submitted to OAL for approval.

This proposal has two forms associated with it, both of which are mentioned in the regulations. Changes have been made to the forms to ensure compliance with this proposal and with current law. Additionally, a number of editorial and technical changes have been made. All required components regarding the form's mention in regulation have also been made. Once approved, staff will publish a 15-Day Notice of Modified Regulations along with the revised forms to ensure the public has had a chance to review and comment on the modifications.

Ms. Schieldge explained that originally this package was brought to the Board with text language and referred to two forms in the package. However, those forms were not provided to the Board for review. It was decided to bring it back to the Board along with the forms for approval. If the Board approves the forms, it will be sent out for a 15-day public comment period. If comments are received, it will come back to the Board. If no comments are received, it will be submitted to OAL for final approval.

DR. RUSS PROVIDED THE SUGGESTED MOTION: DIRECT STAFF TO TAKE ALL STEPS NECESSARY TO COMPLETE THE RULEMAKING PROCESS, INCLUDING SENDING OUT THE MODIFIED TEXT AND ADDED FORMS FOR AN ADDITIONAL 15-DAY COMMENT PERIOD. IF AFTER THE 15-DAY PUBLIC COMMENT PERIOD, NO ADVERSE COMMENTS ARE RECEIVED, AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE PROPOSED REGULATIONS, AND ADOPT 16 CCR SECTIONS 1833.1 AND 1870 OF THE PROPOSED REGULATIONS AS DESCRIBED IN THE MODIFIED TEXT NOTICE.

DONNA DIGIORGIO MOVED, AND D'KARLA LEACH SECONDED. NO PUBLIC COMMENTS WERE MADE. NO FURTHER BOARD DISCUSSION. THE BOARD VOTED UNANIMOUSLY (10-0) TO PASS THE MOTION.

**III. Review and Possible Action Regarding Proposed Amendments to:**

- **16 CCR Section 1870 – Supervisor Qualifications**
- **16 CCR Sections 1887, 1887.3, and 1887.7 – Cleanup of Continuing Education Regulations**

DR. RUSS PROVIDED THE SUGGESTED MOTION: DIRECT STAFF TO TAKE ALL STEPS NECESSARY TO INITIATE THE FORMAL RULEMAKING PROCESS TO ADOPT PROPOSED AMENDMENTS TO 16 CCR SECTIONS 1870, 1874, 1887, 1887.3, AND 1887.7 WITH THE AMENDMENT THAT THE FORM REVISION DATE AT SECTION 1887.7 BE CHANGED TO "8/07," AUTHORIZE THE EXECUTIVE OFFICER TO MAKE ANY NON-SUBSTANTIVE CHANGES TO THE RULEMAKING PACKAGE, AND SET THE PROPOSED REGULATIONS FOR A HEARING.

Ms. Schieldge clarified that the Board has never approved this package and has not been filed yet. There has been one change on Section 1887.7 which refers to a form dated December 2005. The correct text should be August 2007.

Ms. Berger added these are two regulation packages that were approved at the May 2007 meeting. There was a third package regarding a licensee's ability to get an exception from the CE requirement that is going back to committee due to counsel's concern regarding the language.

JUDY JOHNSON MOVED, AND JOAN WALMSLEY SECONDED. NO PUBLIC COMMENTS WERE MADE. NO FURTHER BOARD DISCUSSION. THE BOARD VOTED UNANIMOUSLY (10-0) TO PASS THE MOTION.

#### **IV. Chairperson's Report**

##### **A. Discussion and Possible Action Regarding Proposed Strategic Objective 1.7 – Increasing Board Member Effectiveness**

Dr. Russ reported that staff is requesting guidance to the Strategic Planning Committee (SPC), specifically in the area of Board effectiveness. Issues that the Board needs to look at are the quality of participation, preparation, purpose, and who should make that judgment. Dr. Russ asked the Board what evaluation should it provide to the SPC, for its performance both in content and in process.

Karen Roye stated that that Board needs identifiable, measurable units of performance. The Board needs to figure out what determines the Board's effectiveness and what makes a strong board member.

Ms. Johnson asked if any historical models from other board members or boards are available. She also asked if this has come up on any other boards that other board members may have served. Dr. Russ responded that this Board is on the cutting edge as far as public boards are concerned.

Paul Riches responded that most of literature he found was related to non-profit boards; they were operational models such as attendance, beginning meetings on time, etc. For governmental boards, Mr. Riches found literature providing a range of prohibitions regarding board member roles.

Dr. Russ stated that this is a two-fold issue: 1) content of the assessment, and 2) the process.

Mr. Riches stated that if the Board can establish what is an "effective" board and a "non-effective" board, that would be a big step towards establishing measurement and coming up with a measurement tool.

Ms. Walmsley stated that when assessing viability of the Board, it is important to look at conflict resolution, interaction, level of commitment and commitment to processes, reasons for becoming a board member, and passion for specific issues.

Mr. Riches added that the Board decided at its May 2007 meeting that it would like this to be a collective assessment, not an individual assessment.

Ms. Lonner would like to get some feedback from staff since they have seen evolutions of boards over the years.

After some brief discussion, Mr. Riches summarized the themes of the discussion: 1) an assessment of the board's collective work, i.e., teamwork, respect of values, conflict resolution, 2) the sense of purpose and passion.

Ms. Johnson requested to hear from each member what they're passion is, and what drives each person to be a board member. Maintaining that integrity and fidelity is important for team effectiveness. Any information that can be gathered will assist the Planning Committee in determining the next step.

Elise Froistad noted some questions to consider when assessing Board effectiveness: 1) Do we effectively take into account those who attend the meetings? 2) Are we accountable to the constituents and to the public? 3) How effectively do we listen to the people we serve, and how do we act on that?

Victor Perez shared his reasons for his involvement on the Board: 1) interest in outreach in rural communities, 2) diversity of services available, and 3) the diverse population and their input into the system. Mr. Perez stated that there is a method by which Board members can quantify for Board effectiveness. It involves attendance, starting meetings on time, and ensuring that we receive input from the public. He expressed that accountability is very important. The Board receives materials and packets often, and Board needs to be responsive to staff in a timely fashion. How the Board does its jobs affects the staff's ability to do their jobs. Furthermore, a process should be in place to participate in meetings if Board members cannot physically attend a meeting, such as teleconference.

Ms. Walmsley suggested having more meetings in rural communities. This is a measurable objective.

Mr. Riches stated that the November Board meeting will be held at California State University (CSU), Fresno. Normal public business will take place on Thursday, November 8<sup>th</sup>. CSU Fresno has a MSW and a MFT program, and a number of students are expected to attend. A former Board member who teaches a law and ethics course for the social work program at CSU Stanislaus is requiring his students to attend, which is approximately 50-60 students. On Friday, November 9<sup>th</sup>, business will be at Kingsview Behavioral Health in Tulare County. It is an MHSA funded program. The Board and staff will speak with clients and practitioners. The goal is to make the meetings accessible, and to find areas of the state that the Board normally does not visit. He also added another goal to have an educational component at every Board meeting.

Mary Riemersma, California Association of Marriage and Family Therapists (CAMFT), and Janlee Wong, National Association of Social Workers (NASW), offered to share samples of their evaluative forms.

Mr. Wong suggested getting more people to participate in the meetings by getting the information out by means other than the Internet and mailing notices. He suggested using Web cam so that those who cannot attend the meetings can still observe.

Dr. Russ expressed frustration that after attending a number of coalition meetings, sharing his email address at all meetings, directing staff to post to the website any correspondence addressed to him so that the public can respond and provide feedback, that only 2 people in the last year have contacted him to address their concerns. There are over 70 schools that receive public notifications and letters informing them of the MFT Education Committee meetings. There is about 30% participation.

Ms. Roye stated that her passion is diversity. Many people do not have computers, but there are local papers, churches, and local community leaders who can get the word out. The Board could invite these people and coalitions to the meetings, such as coalitions for the homeless, re-entry and ex-offender programs, domestic violence shelters, and public housing. People in public housing will tell the Board that it is extremely difficult to raise children in a

cycle of poverty, and have access to services. Many of these people do not have the means to attend these meetings, but there are ways to bring them to the table.

Ms. Johnson stated that her passion is to bring mental health services into the schools. She works in a middle class society and deals with students who witness violence. Those families want help but will not go to the mental health centers. They want it on campus because it's a safe zone. She is trying to get the LEPs to work more in the community with the LCSWs and MFTs, and to bring them on the campuses.

Olivia Loewy, American Association for Marriage and Family Therapy (AAMFT), stated that it is confusing to determine what kind of evaluation or measures of effectiveness belong to the strategic plan and what belongs to the manner in which the Board functions. It is admirable to continue to improve the way the Board functions, improve services, and develop inclusiveness of the public. Traditionally, when measurements are determined, they come from underlying values; it then turns into goals. Once goals are established, then measures of effectiveness can be determined. Once the Board identifies how it wants to function, it can then identify behaviors.

Mr. Riches summarized some ideas presented in the discussion: 1) broadening Board participation, 2) continuing learning component, 3) an external evaluation of the Board, 4) responsiveness to board staff and operational needs, 5) and Board members' passions and progress in those areas.

Carol Bender, California Society for Clinical Social Work (CSCSW) and University of California Los Angeles, suggested contacting universities that may have some expertise in the area of evaluation. She was impressed with the level of conversation and exploration of getting people to attend. She suggested utilizing teleconference and live links on the Web so that the public can observe the meetings. CSCSW can provide the Board with information on the community-based agencies for different areas in order to get the public to attend meetings and provide input.

Ms. Johnson urged the audience to be patient with the process and explained that it takes time to change; many professionals, consumers, and the public still do not know that the Board is friendly. She shared her email address: [juliamj-lep@sbcglobal.net](mailto:juliamj-lep@sbcglobal.net) and informed the audience that the Planning Committee is scheduled to meet in October.

## **B. Licensed Mental Health Service Provider Education Program Advisory Committee**

Dr. Russ announced that he was appointed to the Licensed Mental Health Service Provider Education Program Advisory Committee. This committee will distribute funds to repay student loans. At the last meeting, there were no social work organizations represented to discuss the distribution of the funds. The committee met once in Sacramento. There is approximately \$800,000 in the fund overall. Twenty-five percent belongs to the psychology board; however, they did not have representation at the meeting. BBS will have collected as of next year about \$600,000 less what the committee begins to distribute. The committee is in line to distribute about \$150,000. Next year, the committee will be in line to distribute about \$300,000. BBS is collecting about \$200,000 a year towards this fund. Dr. Russ originally feared that the funds would be diminished in 2 years. The committee is searching for other ways of increasing this fund. The committee will make its first recommendation in November for distribution in January. It will either be 10 people at \$15K reimbursements or 15 people at \$10K reimbursements. The candidates must make a 2-year commitment to serve in the community. The application just received approval and has been distributed. BBS and CAMFT will also make this application available.

*The board convened for a short break at 10:30 a.m. and reconvened at 10:44 a.m.*

## **V. Review and Possible Action on the Board's Draft Strategic Plan**

Mona Maggio reported on the draft strategic plan. In order to process the strategic plan goals, staff developed the Strategic Planning Council (SPC) which is made up of seven staff and 3 executive staff. The role of the SPC is to serve as a staff-driven internal board of directors who will shepherd the Strategic Plan; serve as an accountability mechanism; act as a stepping stone for building a visionary organization; provide guidance and leadership to staff; and, model the BBS Way. After selection of the SPC, 16 staff members were recruited to serve as "champions" for each objective identified as needing a champion. The champion serves as a team leader, spearheading the coordination for achieving an objective and has direct responsibility for implementing and achieving an objective. The champions sought out their staff team members and are in the process of formulating the work action plans (WAP) for their objectives. In addition, staff has an ongoing working relationship with Dr. Hatton. Staff will have another training session with Dr. Hatton to review their draft WAP and assist in finalizing the WAP.

Staff took feedback from the Board and made edits. Staff is requesting the Board to review the Mission, Vision, and Values Statements. No changes were made to the Values Statement. Staff also developed three new objectives based on recommendations. Those recommendations were: 1) Objective 1.8 - Implement a plan that enables the Board and its professions to assist Californians during an emergency. 2) Objective 2.2 – Implement four strategies to improve the quality of clinical supervision. 3) Objective 2.4 – Implement six strategies to improve the quality of treatment for co-occurring disorders. Staff discussed the two separate objectives regarding co-occurring disorders. The two teams met with Ms. Maggio and agreed to make this one objective.

Staff is requesting the Board to review and approve the Board's Mission, Vision, and Values Statements and the Strategic Plan Goals and Objectives.

Dr. Russ asked if the group has enough background on co-occurring disorders? Ms. Maggio responded that the team will be contacting Board members, and outreach to specialists on co-occurring disorders, Department of Mental Health, Department of Alcohol and Drug Programs, and other agencies. Each team will determine where they need expertise and outreach to those individuals.

JUDY JOHNSON MOVED TO ADOPT THE MISSION, VISION, AND VALUES STATEMENTS AND THE STRATEGIC PLAN GOALS AND OBJECTIVES. RENEE LONNER SECONDED. NO PUBLIC COMMENTS WERE MADE. NO FURTHER BOARD DISCUSSION. THE BOARD VOTED UNANIMOUSLY (10-0) TO APPROVE THE MOTION.

## **VI. Executive Officer's Report**

### **A. Personnel Update**

Steve Sodergren reported on personnel changes. Gordon Redoble, lead cashier, will be leaving the Board and joining the Committee on Dental Auxiliaries. Mr. Redoble has been with the Board for 16 years.

Cassandra Kearney is a new employee at the Board, working in the administrative unit. Two analysts were hired for enforcement unit: 1) Susan Burrows is a reinstatement to state service and will join the Board on September 10<sup>th</sup>. She was previously a Senior Investigator at the Department of Motor Vehicles. She was also an employee at the Division of Investigation. 2)

Marlon McManus will join the Board on September 10<sup>th</sup>. He comes from the Workers Compensation Board.

In the exam unit, Sandra Wright has been promoted to an Associate Governmental Program Analyst and taking over lead responsibilities.

Staff is currently working with the department's personnel office and the Department of Personnel Administration to approve and fill the Mental Health Services Act (MHSA) Staff Services Manager Specialist position that will be solely dedicated to MHSA project.

## **B. Examination Update**

Mr. Sodergren reported that Psychological Services, LLC (PSI) is doing a good job. There have been some complications in the system, but staff is working with them on a daily basis. Since PSI did not have a lot of time to test and review their systems, issues are expected to come up. One concern is that candidate handbooks were being mailed out with the wrong expiration date. Staff is required to go through Office of Examination Resources (OER) to address these problems; and working with a third party can be difficult in getting problems resolved in a timely manner. Mr. Sodergren is trying to find a way to link directly with PSI to address issues.

Mr. Riches added that PSI has been more responsiveness than previous vendors. There is an improvement, and staff is satisfied with PSI.

Ms. Riemersma asked how the incorrect expiration date is being resolved? Mr. Sodergren responded that staff put out a web notification. Staff has been working with candidates who are closer to the expiration date than was printed on the handbooks, extending testing dates, and trying not to penalize the candidates. Mr. Riches added that the accommodations are considered on a case-by-case basis.

Ms. DiGiorgio wants to ensure that the candidates are not penalized. Mr. Riches responded that the candidates will not be penalized.

Ms. Roye requested to see a side-by-side comparison of the August 7th exam candidate survey and the results of the next set of surveys.

## **C. Quarterly Licensing Statistics**

Mr. Riches reported that the numbers are improving. Program wide average is about 13 days to process an application without deficiency. The current numbers are closer to the numbers from last year before BBS experienced some vacancies. Mr. Riches expects that the next quarter will improve.

## **D. Strategic Plan Update**

Mr. Riches reported on prior Strategic Plan's objectives. The prior plan was productive and what was learned from the prior report is going into the new process. The strategic plan update was provided for reference.

## **E. Update on the Bureau for Private Postsecondary and Vocational Education**

Mr. Riches reported that legislation was passed and signed that extended the BBS' ability to accept degrees from approved schools through July 1, 2008. Senator Perata announced that his reform package, Senate Bill 823, is now a two-year bill. There are two initiatives pending:

1) Senator Perata is going to amend SB 45 to create an "interim bureau." 2) The administration has released a proposal in legislative form, not a bill at this point, to create another interim entity. That has been rejected by Senator Perata's office.

Mr. Riches stated that staff will look at this at the close of session, and will have something before the committees in October and before the Board at the November meeting regarding what needs to be done to move forward starting July 1, 2008. It does not appear at this time that there is any more agreement on this issue than there has been previously.

Mr. Wong, NASW, asked if the Board has communicated with the schools affected by this, and if the students know what the situation is and the legislation that is being proposed.

Mr. Riches has been in contact with the schools and programs affected by this. Many of them have taken steps to notify their students of the situation. He stated that enrollments are down. The schools have acted honorably in conveying the information. Some schools are taking action to get them out of this bind. For example, one school received accreditation. Another school merged with an accredited school.

Dr. Russ stated that some schools are now applying for and receiving accreditation from Western Association of Schools and Colleges (WASC), which is a higher level of accountability in accreditation.

#### **F. Miscellaneous Matters**

Mr. Riches stated that there are no miscellaneous matters to report.

#### **VII. Approval of April 20, 2007 Board Meeting Minutes**

Dr Russ requested the approval of minutes to take place at the beginning of the meetings.

JOAN WALMSLEY MOVED TO ACCEPT THE APRIL 20, 2007 BOARD MEETING MINUTES. DONNA DIGIORGIO SECONDED. NO PUBLIC COMMENTS WERE MADE. NO FURTHER BOARD DISCUSSION. THE BOARD VOTED UNANIMOUSLY (10-0) TO APPROVE THE MOTION.

#### **VIII. Approval of May 30 – June 1, 2007 Board Meeting Minutes**

Dr. Russ commented that he appreciated the thoroughness of the minutes.

DONNA DIGIORGIO MOVED TO ACCEPT THE MAY 30-JUNE 1, 2007 BOARD MEETING MINUTES. HOWARD STEIN SECONDED. NO PUBLIC COMMENTS WERE MADE. NO FURTHER BOARD DISCUSSION. THE BOARD VOTED UNANIMOUSLY (10-0) TO APPROVE THE MOTION.

#### **IX. Presentation by Dr. Norman Hertz on Board Examination Program**

Mr. Riches stated that Board and staff have made it a normal policy to allow an open discussion on an annual basis regarding the examination program. Historically, individuals from OER have been asked to make a presentation and answer questions. Since OER is in the process of hiring a director, staff has invited Dr. Norman Hertz, who was the former director of OER and is currently contracted as a psychometrician to assess the exam analysis.

Dr. Hertz explained that examinations are a work in progress. There are three types of exams: academic, employment, and credentialing. The credentialing exams have the greatest consequence to individuals. Two major issues concern the credentialing exam: 1) the fairness to the candidate, and 2) the safety to the public. With most licensing programs, exams are spaced 6 months to a year apart.

Dr. Hertz explained the overview of exam validation process. All exam validation processes begin the same way for credentialing exams. There is a practice analysis, which is a study defining content of the job. A questionnaire is constructed and sent out to all the practitioners. Based upon their responses, a data analysis is performed and the test specifications or the exam blueprint is developed. The next step is acquiring subject matter experts (SME) to write questions and develop the exam. The next step is test publishing which is a formal process where the SMEs to select the items that should appear on the exam. In credentialing field, the cut score is established, and it is established before the exam is administered. Once the exam is administered, it is followed up by a statistical analysis to see how the questions performed and how the exam performed.

Dr. Hertz explained the types of statistical analysis tools. One is classical test theory analysis (CTT), which is performed on a population of those who sit for the exam and determines how difficult an item is and if the item discriminates among those who perform well on the exam versus those who do not perform well. This cannot be performed for the LEP exam because the candidate population is too small. The second statistical analysis tool is the item response theory (IRT). There are advantages to using this theory is that it is not population dependent and is more powerful in determining how items perform. It takes consideration the difficulty of items across all individuals.

Ms. Walmsley added that items could either be thrown out or sent back for a rewrite. There is a long checklist that is very long and rigid when looking at the validity and reliability of each item. The SMEs look at whether or not the exam is testing what the handbooks state is being tested, and if the questions are asked in the correct manner.

Ms. Johnson added that there is one group developing the question, and a separate group reviewing the items, and another group setting the cut score. There are about 8-10 groups reviewing the exam. The exam is very objective – it represents the entire state; it is going to work in a rural setting and in an urban setting.

Dr. Hertz explained the statistical perspective, which is more particularized to the BBS. The consequential validity rates who passes and who fails. To determine whether the consequences are justified, it goes back to the validation process. The test level analysis looks at overall how the test performed. The item level analysis (CTT and IRT) gives information on each item. Item construction is important to ensure that the SMEs are representative to the state, the different practice settings, gender, and ethnicity.

VP asked what if there is a statistical anomaly that a particular test question is significantly harder or easier than anticipated? Dr. Hertz responded that there is normally no action taken because that is one of 175 questions. If the item is flawed, the item can be replaced with another item. There are options to handle the flawed items.

Ms. Walmsley explained process of SMEs. They take the exam and go through every question, rate the question and determine a score. The SMEs must always keep in mind that the questions must be minimally competent, not a question that the candidate “should know” or “could know.” If it is extremely difficult, and the SMEs cannot pass the question, the item is thrown out. Then another group comes in and performs the same process. This is an ongoing, continuous review

process. She added that when developing questions, it must be backed and referenced. The questions are not pulled randomly.

Ms. Roye asked if the exam accommodates candidates who are bilingual and speak English as a second language. Mr. Riches responded that Board policy is to accommodate those candidates.

There was some brief discussion regarding the diversity of the SME pool. Mr. Riches stated that the SME pool is representative of the profession, and the pool is becoming more diverse. Ms. Walmsley requested the associations to announce to its members that BBS is looking for SMEs.

Ms. Walmsley stated that agencies cannot afford to let their employees off to attend SME training and workshops, and asked what incentives are offered to the SMEs. Dr. Russ asked if SMEs could receive continuing education (CE). Mr. Riches responded that SMEs receive CE, per diem rate, and reimbursed travel expenses.

Ms. Bender, CSCSW, suggested that the Board go to the professional associations of diverse cultures, such as the National Association of Black Social Workers and the Latino Social Workers Organization.

Dr. Russ stated that the course requisites for MFTs are going to change in the next 5 years. One thing that is going to come into the curriculum is the recovery model. How is that going to enter the exam? Mr. Riches responded that will happen through osmosis as a result of the occupational analysis and the changes of the scope of practice and education through the statutory mandates.

Mr. Wong, NASW, stated that he was alarmed that few Board members were concerned about the statistics of the pass/fail rates. Usually the test taker is to blame, or the schools or instructors receive the blame. He presented three ideas: 1) teach to the exam, 2) teach the practice, or 3) teach to the profession.

Mr. Riches response to Mr. Wong's comment is that the BBS is under a legal constraint, and by law must demonstrate job relatedness in the exams. As for pass rates, it is a piece of information not to be used to judge the effectiveness of an examination. BBS pass rates vary from cycle to cycle. BBS does the best it can to construct the best exam that assesses minimal competence for entry-level practice – for private practice.

Ms. Riemersma, CAMFT, wants to see the fluctuations that occur between one exam and the next exam. She asked why the fluctuations in pass/fail rates happen and why is it so diverse?

Dr. Hertz responded that some of the analysis that he spoke to would assist in selecting the items for the exam that would be more equal and difficult, by using the results may be the best way to approach it. The statistics should be used to assist and not for any other purpose. He added that the process of reviewing the exam program and if the validity is not where you want it to be, then you can look at the manner in which the tests are constructed and new testing technology.

Mr. Riches stated that Dr. Hertz is conducting an exam analysis and feeding this information back into the examination development process. It's going to improve on how the exam is constructed.

Ms. Roye asked if the issue regarding the diversity of SMEs can be addressed in the strategic plan. Mr. Riches stated that it can be worked into a strategy on the objective that addresses disparities.

*The Board convened for lunch at 12:20 p.m. and reconvened at 1:53 p.m.*

Dr. Russ presented a Resolution to Howard Stein for his outstanding service to the BBS for 8 years as a Board member and thanked him for his service to BBS and to the Department of Consumer Affairs. The November meeting was Mr. Stein's last meeting as a Board member.

**X. Report of the Policy and Advocacy Committee**

**A. Recommendation #1 – Sponsor legislation to authorize collection of documents verifying employment status of marriage and family therapist interns.**

Ms. DiGiorgio reported that MFT Interns are required to complete a minimum 1700 hours of post-degree experience. However, the requirement does not state that the MFT Intern can be an independent contractor. Questions have come up regarding proof that can be obtained from the interns showing that they are working under supervised conditions. Submission of W-2s and verification of volunteer employment have been a requirement for associate clinical social workers. Due to the confidential and sensitive nature of W-2 forms, the Board has procedures in place to ensure these documents are securely destroyed once verified by the licensing evaluator. The Committee recommended that the Board pursue collecting W-2's and verification of volunteer employment from MFT Interns upon application for licensure; however, this would require a legislative change.

MOTION: Ms. DiGiorgio moved that the Board pursue legislation to require MFT Interns to submit W-2's and verification of volunteer employment from MFT interns upon application for licensure. Ms. Johnson seconded the motion.

PUBLIC COMMENT AND DISCUSSION: Ms. Riemersma, CAMFT, expressed support for the recommendation. CAMFT believes this is necessary because it is clear in the law that interns are not to be independent contractors. She suggested that there be some other verification of employment for those applying for licensure during the middle of the year, when they do not receive a W-2 until the end of the year.

Mr. Riches suggested a letter from the employer confirming employment and a copy of a pay stub when a W-2 cannot be obtained.

DR. RUSS SUGGESTED AN AMENDED MOTION: THE BOARD PURSUE LEGISLATION TO REQUIRE MFT INTERNS TO SUBMIT W-2'S AND VERIFICATION OF VOLUNTEER EMPLOYMENT, OR A LETTER FROM THE APPLICANT'S PLACE OF EMPLOYMENT AND PAY STUB FROM MFT INTERNS UPON APPLICATION FOR LICENSURE.

MS. DIGIORGIO AND MS. JOHNSON AGREED WITH THE AMENDED MOTION. NO FURTHER PUBLIC COMMENTS WERE MADE. NO FURTHER BOARD DISCUSSION. THE BOARD VOTED UNANIMOUSLY (10-0) TO APPROVE THE AMENDED MOTION.

**B. Recommendation #2 – Support Assembly Bill 64 (Berg) relating to disaster response if amended.**

Ms. DiGiorgio reported that Assembly Bill 64 (Berg), known as the "Uniform Emergency Volunteer Health Practitioners Act" was presented to the Board at its May 2007 meeting. However, staff had discovered the legislation just prior to that meeting, so a full consideration of the issues was not possible. Staff prepared a revised analysis for review by the Policy and Advocacy Committee at its July 2007 meeting. The Committee identified a number of concerns with the proposed language, but also established their support for this bill in concept. The Committee recommended that the Board take a position of support if amended on AB 64, with the following amendments:

1. Require registration systems to perform criminal background checks of volunteers.
2. Clarify who has the greater authority to regulate the profession during a declared emergency (EMSA or the Board) or delegate all or some of that authority to a Board member or the Executive Officer.
3. Provide more specificity that would permit the Board to take administrative action against a person's license in another state for conduct in California.
4. Make it explicit that § 8599.57(e) only applies to Volunteer Health Practitioners (VHP) licensed in another state.
5. Require one central registry or multiple linked registries for VHPs.
6. Require at least minimal training in disaster response, and for Board licensees, in trauma and PTSD to become a registered volunteer health practitioner.
7. The following two technical amendments:
  - § 8599.55(b): This subdivision only applies to a person who is licensed in more than one state. This language should also apply to persons licensed in only one state, otherwise it could be interpreted to provide protections to someone whose license has been suspended, revoked, etc. just because they are licensed in more than one state. The following change would clarify this:
 

“A volunteer health practitioner qualified under subdivision (a) is not entitled to the protections of this article if ~~the practitioner is licensed in more than one state and~~ any license of the practitioner is suspended, revoked, or subject to an order limiting or restricting practice privileges, or has been voluntarily terminated under threat of sanction.”
  - § 8599.57(f): “In addition to the authority granted by the laws of this state, other than this article, to regulate the conduct of voluntary health practitioners, a licensing board or other disciplinary authority in this state has the following powers and duties:”

MS. DIGIORGIO MOVED THAT THE BOARD TAKE A POSITION OF SUPPORT IF THE ABOVE AMENDMENTS ARE MADE TO AB 64 AND TO RATIFY THE LETTER SENT TO THE HONORABLE DON PERATA BY THE POLICY AND ADVOCACY COMMITTEE DATED JULY 16, 2007. MS. LONNER SECONDED. NO PUBLIC COMMENTS WERE MADE.

BOARD COMMENTS: Dr. Russ commented that this is important. It is important to have disaster plans in place and that it is implemented responsibly, providing as much protection as possible. Ms. Johnson commented that this is timely in the professional community because the American Psychological Association has just adopted something similar to this as amendment to their code of ethics.

NO FURTHER BOARD DISCUSSION. THE BOARD VOTED UNANIMOUSLY (10-0) TO APPROVE THE AMENDED MOTION.

### **C. Regulation Update**

Mr. Riches reported that the regulation update was provided as informational material for reference. There was no discussion or public comment.

### **D. Legislation Update**

Mr. Riches reported that the legislation update was provided as informational material for reference. There was no discussion or public comment.

## **E. Budget Update**

Mr. Riches reported that the budget update was provided as informational material for reference. There was no further discussion or public comment.

## **XI. Report of the Consumer Protection Committee**

### **A. Recommendation #1 – Sponsor legislation to establish rules governing the supervision of associate clinical social workers in private practice settings.**

Ms. Johnson reported that that the Consumer Protection Committee recommended that the Board pursue legislation to establish rules governing the supervision of ASWs in private practice settings. She explained that the MFT Intern supervision requirements differed from the supervision requirements for ASWs. The Committee felt it was necessary to establish consistency. This proposal would permit a supervisor in a practice setting to have two MFT Interns and two ASWs.

MS. JOHNSON MOVED THAT THE BOARD PURSUE LEGISLATION TO ENACT THE PROPOSED CHANGES REGARDING SUPERVISION REQUIREMENTS FOR ASW'S. MS. LONNER SECONDED.

PUBLIC COMMENT AND DISCUSSION: Mr. Wong, NASW, expressed opposition to the changes, stating that there is no strong reason for the MFT and LCSW regulation to be identical. The purpose of the BBS is not to make the two professions identical. This is over regulation. The proposal allows for supervision of two ASWs and two MFT interns, but does not allow supervision for four ASWs. He asked if there is evidence for abuse in this area.

Ms. Walmsley commented that the proposal does not make sense.

Ms. Bender, CSCSW, raised similar issues: 1) What is the rational of allowing supervision for two ASWs and two MFT Interns? 2) During a time of shortage of supervisors, how do we enable people to get their clinical hours? What is the evidence of abuse in this area?

Mr. Riches responded to the assertion that the proposal does not make sense stating that currently there are no restrictions, and is not sure that two and two is necessarily demonstrably less logical than the status quo. When evaluating the numbers, consideration was given to status quo. In response to the genesis of the proposal, this came from long standing feedback from supervisors who are confused regarding the disparate supervision rules for MFT Interns and ASWs in increasingly mixed supervision environments. Staff has been identifying the rules creating the confusion and how to normalize those rules. The professions are not defined by regulation, but are defined by larger issues other than supervision ratios. In response to the issue of availability of supervision, similar rules have been in place for MFT Interns. There has been no feedback that this has been a restriction on the availability of supervision for MFT Interns, who gain more of their supervised experience in private practice settings as opposed to ASWs. The majority of supervision is obtained in county and agency settings. This information is based on the BBS survey.

Ms. Riemersma, CAMFT, commented that standardizing the supervision in each of the professions does not make a statement that the professions are the same. Because supervisors are supervising across the professions, it is very confusing when the standards

are disparate. Where these things can be done similarly, it benefits the supervisors and supervisees. She provided history on the limit of two MFT Interns in private practice settings. People in private practice were creating "intern farms" working in for profit settings in private practice where interns were being exploited. The limitation is necessary to curtail exploitation and protect interns.

Ms. Lonner stated that the proposal was not clear that the supervision would be allowed for two ASWs and two MFT Interns.

Ms. Johnson suggested amending the language to allow a total of four supervisees instead of two and two. Plenty of people need supervision, and the intent is to remove barriers and not to create more.

Marci Siegel, San Diego State University School of Social Work, expressed support for Mr. Wong and Ms. Bender's comments. As to exploitation of MFT Interns and ASWs, these are post MSWs, and they are looking for employment. Supervisors know what number of supervisees they can support; therefore, the numbers should be left up to the supervisors.

Ms. Walmsley stated that as a supervisor, the requirements between the two fields are confusing. The differences in the expectations of both fields needs to be addressed, and should go back to Committee.

Ms. Siegel expressed support to Ms. Walmsley's comment. She suggested continued work on this issue.

MS. JOHNSON WITHDREW THE MOTION, AND MS. LONNER WITHDREW THE SECOND TO THE MOTION.

MR. PEREZ MOVED TO TABLE THIS ITEM, ALLOW THE COMMITTEE TO WORK ON THIS FURTHER, ALLOW THE PROFESSIONS AFFECTED BY THIS LANGUAGE TO HAVE INPUT, AND CONTINUE THIS AT THE NEXT NOTICED MEETING. MS. ROYE SECONDED.

ADDITIONAL PUBLIC COMMENTS: Mr. Wong, NASW, expressed support for the motion and encouraged data to be brought to the meeting regarding complaints received and the nature of the complaints.

ADDITIONAL BOARD COMMENTS: Dr. Russ suggested looking at the history of abuse.

THE BOARD VOTED UNANIMOUSLY (10-0) TO APPROVE THE AMENDED MOTION.

## **B. Enforcement Statistics**

Ms. Johnson reported that the enforcement statistics were provided as informational material for reference.

Dr. Russ commented that the Board and staff are trying to learn and understand the issues of custody evaluation and complaints and ethics regarding custody evaluation.

## **C. Examination Statistics**

Ms. Johnson reported that the examination statistics were provided as informational material for reference.

Gerry Grossman, Gerry Grossman Seminars, stated that there has been a vast fluctuation in exam results. The passing rate for the MFT exam from January through June was 82%. The passing rate from July through December was 51%. He requested that the Board consider that there is a different factor contributing to the fluctuation, rather than the candidate pool. In terms of administration of test site, Thompson Prometric gave 3 or 4 sheets of paper for notes. PSI gives only one sheet. He suggested that the Board consider creating specific regulations that PSI has in terms of the time a candidate has to complete the tutorial and the amount of paper allowed for notes. In terms of perception of candidates who are taking the exam with the fluctuation of the scores, it breeds cynicism. Candidates feel that the time they take the exam is crucial as to whether they will become licensed or not, and is perceived as random and capricious. Additionally, there are certain theories that the Board articulates that is required knowledge for the exam. However, the language of the exam does not call on specific language from those theories. The language is described as vague. What skill is being tested for?

Mr. Riches responded that study guides are under development and will include advice on test taking and preparation. It will also include key core references among the three professions in preparing for the exam. SMEs are constructing the reference lists. It has been under development for several months.

Dr. Russ stated that when looking at that pass/fail rate, that we look at the first time test takers. The BBS has the best procedures possible. If there are people in the field who can administer the testing better than the current exam administrators, Dr. Russ invited them to come forward and present to the Board.

Ms. Johnson stated that there is confusion regarding preparatory courses that are not endorsed by the Board. However, some of those people who are paying for these courses are not passing. The Board cannot do anything about that. The Board needs to communicate that the Board does not endorse those private preparatory courses.

Mr. Riches stated that the content outlines are included in the candidate handbooks and is provided to every candidate.

Ms. Froistad asked if the Board should be concerned about pass/fail statistics among the different schools. Dr. Russ responded that the Board does not need to address that issue; the schools need to be concerned about that.

Mr. Riches stated that there is an enormous intervening variable and that is at the supervisory level. There are other variables that take place after graduation to consider.

Mr. Wong, NASW, agreed that there is an intervening variable. Field placement can make a difference. Why publish these pass/fail rates by school when there are so many variables? The perception is that a school with low pass rate is not a good school when that is not the case.

Dr. Russ requested that the Policy and Advocacy Committee investigate this, and determine if the Board is giving out information that is drawing incorrect conclusions.

Ms. Johnson suggested breaking it down more, such as looking at when the people graduate from the schools and when they took the test.

## **XII. Report of the Marriage and Family Therapist Education Committee**

Dr. Russ reported that the Committee requires two more sessions in September and December. The Committee needs to determine the timeline to implement the changes on the school level. The big hurdles were 1) Are there new needs in MFT education? 2) Are MFTs employed in settings where their education did not prepare them adequately? The Committee reached the conclusion that was true. MFTs do not have enough training and knowledge in community mental health, the community mental health systems, the models on intervention, and the recovery model. The next hurdle was how to cover this information within the 48-unit requirement. The Committee determined that in order to work in these places, more education is needed. The next hurdle was proposing that the MFT program be a 60-unit program. The schools that attended the meetings understood the need. The proposed requirement allows the committee to maintain the integrity of the institutions. With this change, the Committee is not going to dictate the number of units required for specific areas. There is a balance that maintains the integrity of colleges and universities.

Dr. Russ added that the Committee invited consumers of mental health in this process in a confidential setting, which gave the Committee a different understanding of the whole process. Family consumers were invited to participate in this process, and shared their experiences.

During Spring 2008, the Committee will bring forth to the Board on proceeding with the legislative procedure.

## **XIII. Public Comment for Items Not on the Agenda**

Mr. Wong, NASW, commended the Board for its positive change, for listening and being open, and for taking action on a disaster plan.

## **XIV. Suggestions for Future Agenda Items**

Mr. Grossman, Gerry Grossman Seminars, stated that there is an anomaly in the laws of child abuse and consenting active minors. Currently, the law provides that intercourse between two consenting minors is not a reportable event. However, oral or anal sex between two consenting minors is a reportable event. Mr. Grossman requested that the Board consider legislation that will make more sense because this is a homophobic-based law.

Dr. Russ requested from Mr. Grossman to submit his concerns in writing, and suggested that the Policy and Advocacy Committee address this.

*Public session closed at 3:24 p.m. Board convened for a short break at 3:26 and reconvened for closed session.*

## **FULL BOARD CLOSED SESSION**

## **XV. Pursuant to Government Code Section 11126(a) to deliberate on personnel matters.**

The Board met in closed session to deliberate on personnel matters.

*The meeting adjourned at 4:30 p.m.*

**Friday, August 31**  
**FULL BOARD CLOSED SESSION**

Members Present

Dr. Ian Russ, Chair, MFT Member  
Joan Walmsley, Vice Chair, LCSW Member  
Gordonna DiGiorgio, Public Member  
Elise Froistad, MFT Member  
Judy Johnson, LEP Member  
D'Karla Leach, Public Member  
Renee Lonner, LCSW Member  
Victor Perez, Public Member  
Karen Roye, Public Member  
Howard Stein, Public Member

Staff Present

Kristy Schiedge, Legal Counsel  
Don Chang, Supervising Counsel  
Christina Kitamura, Administrative Assistant

Members Absent

Victor Law, Public Member

Dr. Ian Russ called the meeting to order at 8:40 a.m. Ms. Kitamura called roll, and quorum was established.

**XVI. Pursuant to Government Code Section 11126(c)(3) to Deliberate on Disciplinary Decisions:**

**A. Regarding the Decision After Non-Adoption of the Proposed Decision for James Thomas Hicks (MFT 11764)**

The Board met in closed session to deliberate on disciplinary decisions regarding the decision after non-adoption of the proposed decision for James Thomas Hicks.

*The meeting adjourned at 10:36 a.m.*