

MEETING MINUTES

February 26, 2009

Department of General Services
Ziggurat Auditorium
707 Third Street
West Sacramento, CA 95605

Members Present

Ian Russ, Chair, MFT Member
Joan Walmsley, Vice Chair, LCSW Member
Gordonna (Donna) DiGiorgio, Public Member
Elise Froistad, MFT Member
Renee Lonner, LCSW Member
Karen Roye, Public Member

Members Absent

D'Karla Leach, Public Member
Judy Johnson, LEP Member
Victor Perez, Public Member
Rita Cameron Wedding, Public Member

Guest List

On file

Staff Present

Paul Riches, Executive Officer
Kim Madsen, Assistant Executive Officer
Tracy Rhine, Legislation Analyst
Sean O'Connor, Outreach Coordinator
Christina Kitamura, Administrative Analyst
Kristy Schieldge, Legal Counsel
Ann Glassmoyer, Investigative Analyst
Kim DeLong, Investigative Analyst
Raquel Pena, Enforcement Analyst
Angie Ramos, Enforcement Technician
Cynthi Burnett, Enforcement Analyst
Darlene York, Social Work Evaluator
Gena Beaver, LEP Evaluator
Laurie Williams, Personnel Analyst
Kari O'Connor, Cashier
Karrmyne Williams, Cashier

FULL BOARD OPEN SESSION

Dr. Ian Russ, Board Chair, called the meeting to order at 8:32 a.m. Christina Kitamura called roll, and a quorum was established.

I. Introductions

Audience members and Board staff introduced themselves. Dr. Russ welcomed the new Board staff members to BBS.

II. Approval of November 18, 2008 Board Meeting Minutes

Donna DiGiorgio moved to approve the November 18, 2009 Board meeting minutes. Renee Lonner seconded. The Board voted unanimously (6-0) to pass the motion.

III. Approval of December 19, 2008 Board Meeting Minutes

Ms. Kitamura noted a correction to page one under the heading Staff Present, omitting Sean O'Connor, Outreach Coordinator, as he did not attend the meeting.

Renee Lonner moved to approve the December 19, 2009 Board meeting minutes as amended. Donna DiGiorgio seconded. The Board voted unanimously (6-0) to pass the motion.

IV. Chairperson's Report

A. Upcoming Board and Committee Meetings

Dr. Russ presented the upcoming Board meeting dates, and spoke about the need to rearrange the scheduled meetings that were impacted by the State's closure of offices on the first and third Fridays of the month. Dr. Russ indicated that the next Board Meeting will now be held May 21-22, 2009 in Riverside. Subsequent meetings will be held Saturday, August 29, 2009, and November 12-13, 2009 at locations to be announced.

Dr. Russ explained that the one-day meeting proposed to be held on Saturday, August 29th will focus primarily on the Board's efforts to begin reviewing the current codes of professional ethics and the common understanding of those codes in light of the Mental Health Services Act (MHSA) and a rapidly changing population. Dr. Russ indicated it has been the Board's desire for some time to begin including such discussions in regular Board meetings, but for several reasons this has not yet been possible. The Saturday scheduling is intended to make it easier for practitioners to participate in the meeting, and will also help the Board determine if occasional Saturday meetings might increase public participation.

Mr. Riches indicated that the August meeting was tentatively planned for Northern California, although no location has been finalized at the present time.

Dr. Russ indicated that the last Board meeting for the year is scheduled on November 12-13, 2009, and also referred Board members to the current schedule of upcoming committee meetings.

B. Discussion of Licensed Mental Health Service Provider Loan Repayment Program

Judy Melson, Program Officer, Health Professions Education Foundation, provided an overview of the services provided by the foundation. She indicated that the group's mission is to improve health care in underserved areas by providing scholarships, loan repayments, and programs to students and graduates willing to provide direct patient care in such areas. She reported that since 1990, more than \$17,000,000 has been awarded to more than 2,400 qualified applicants. Ms. Melson stated that the foundation administers a total of six scholarship programs and seven loan repayment programs. Two of the loan repayment programs are specifically geared toward mental health professionals.

Ms. Melson noted that the program which is probably most familiar to the Board is the Licensed Mental Health Services Provider Education Program, which was implemented in 2007. This particular program is funded entirely by surcharge licensure renewal fees from the Board of Behavioral Sciences and the Board of Psychology. She provided a list of professions, including clinical social workers and marriage and family therapists (MFT),

which are eligible for participation in the program. Ms. Melson stated that applicants are eligible for up to \$15,000 in exchange for a commitment to serve two years in a qualifying facility, those facilities being located in a mental health professional shortage area or being a publicly funded facility; publicly funded mental health facility; or a non-profit, private mental health facility.

Ms. Melson then went on to provide statistical data from the program's last three cycles, describing the program as very competitive. The foundation has awarded a total of \$361,000 to thirty-seven (37) applicants, or slightly over \$9,000 per individual.

Ms. Melson presented data on the status of the licensed mental health budget, program funding, reserves and expenditures, revenue, and interest earned. She indicated that the majority of the expenditures involve loan repayments, with a small amount spent on foundation support costs. She noted that the program's fund balance is expected to decrease over the next four years, and indicated that if that occurs, a budget change proposal will likely be submitted to lower the budget authority.

Ms. Melson announced that there is a new, second source of funding for this program. In collaboration with the Department of Mental Health, the foundation secured \$2.5 million from the MHSA, through the workforce education and training component. The new program is called the Mental Health Loan Assumption Program. The first award cycle will be in Spring 2009. The program is similar to the Licensed Mental Health Services Provider Education Program in that it serves many of the same professionals; the difference is that in addition to serving MFTs, licensed clinical social workers (LCSW) and psychologists it also provides opportunities for psychiatric mental health nurse practitioners and psychiatrists. Similar review and analytical processes will be used in determining which applicants will be awarded funds by the program. She also noted differences between the two programs.

It was announced that the foundation is currently in the recruitment phase of developing an advisory committee for the Mental Health Loan Assumption Program. Ms. Melson indicated that individuals are being sought from mental health organizations, licensure boards or bureaus, consumers and family members, or other individuals who have a stake in the process, to represent the community at-large. She noted that applications for the advisory committee would be reviewed within the next few days, and stated that anyone interested in applying could contact the foundation. Ms. Melson then invited questions and comments from the Board and audience.

Dr. Russ spoke about his experience with the program. He stated it will be a better program if participants are available from the profession.

Geri Esposito, California Society for Clinical Social Work (CSCSW), requested something in writing that she can distribute to secure interest in getting people involved.

Janlee Wong, National Association of Social Workers (NASW), stated that the program gave six awards to associate social workers, not licensed social workers.

Dr. Russ explained the scoring which is based on factors such as cultural and socioeconomic origins, community service, and whether the individual is committed to continue working in underserved areas for at least two years. The awards were granted based on the described scoring system.

Mr. Wong asked about the apparent awarding of funds based in part on ethnic data, which public agencies cannot collect. Dr. Russ explained that the awards have to do with underserved communities, language spoken or understood, and similar type issues.

Mr. Wong then stated that although the program is intended to serve or assist underserved communities, his interpretation of the information presented is that only three (3) awards have been made to rural counties.

Ms. Melson stated that at the present time the program tries to spread it out and look for well-rounded individuals who show a commitment to serving underserved populations across the state, not just rural areas.

Dr. Russ added that Mr. Wong has expressed ideas that need to be included in the processing being discussed. He suggested that a representative from NASW join the committee so that such points of view are presented. Dr. Russ then explained how the determination was made regarding how the awards would be presented, based on the applications received.

Mr. Wong continued by noting that at the beginning of the program, Mary Riemersma, California Association of Marriage and Family Therapists, expressed the hope that the awards would be distributed based on where the funds came from, in terms of license fees. He asked if, given that there is a majority of marriage and family therapists, the majority of the awards should be made to marriage and family therapists versus licensed clinical social workers. Mr. Wong asked if that was a criteria used in scoring the applications. Ms. Riemersma responded that it is not a criteria used in the scoring process, but it is in the law the monies have to be distributed to those who contributed those monies. The intent is to divide the monies equitably to meet the requirement of the law.

V. Executive Officer's Report

A. Budget Report/Strategic Plan Update

Mr. Riches provided the budget report. One of the things the Board has been struggling for quite awhile is to find a mechanism to give Board members the information they receive about the budget and budget situation. This helps the Board members to make the decision they need to make. In the budget update, much credit is given to the Budget Analyst, Dawn LaFranco, who worked long and hard to put the document together. Mr. Riches noted the report takes a different approach in an attempt to give the Board members the context which is more relevant to the decisions they will make in that process. Mr. Riches walked through the pieces of the report and the changes that will be made as appropriate.

Board members and meeting participants discussed various aspects of the status of the budget and related issues, and how Board operations could or would be impacted. A significant portion of this discussion centered on the impact to the Board's enforcement program.

Kim Madsen, Assistant Executive Officer, provided an update regarding the Strategic Plan. She noted that the Board's efforts to adjust to the impact of the state's financial challenges have resulted in a review of the Strategic Plan with an eye toward reprioritizing the goals set out in that plan. Objectives were identified toward which significant progress has been made, and that could realistically be accomplished either within the time frame established

in the plan or by the end of the fiscal year. Ms. Madsen reviewed the objectives which met that criteria, and outlined steps that have been taken toward meeting those goals.

Ms. Madsen then spoke about objectives that could possibly be suspended or set aside but still reasonably accomplished within the established time line. She indicated that several of the objectives in the Strategic Plan met this criterion, and the report provided to the Board members listed those objectives as “active” with notation made regarding the work completed to date for each.

Next, objectives were identified for which the Board is awaiting receipt of additional information or research from an outside source, or action by the Department of Consumer Affairs. Those objectives were given a designation of “inactive.”

Last, three objectives were identified that remain viable but for which an adjustment to the time lines appeared appropriate, given the circumstances.

Ms. Madsen summarized her report by stating that significant progress has been made toward meeting the goals and objectives contained in the Strategic Plan. She indicated that the recommendation is for the Board members to approve the staff suggestions regarding the plan as noted. Ms. Madsen stated that similar updates will continue to be provided at future Board meetings. Another comprehensive review will be conducted at the end of 2009, with a full report scheduled for presentation to the Board at its February 2010 meeting.

Dr. Russ opened the matter for questions and/or comments. A brief discussion followed during which Ms. Madsen answered questions and provided clarification to Board members. Karen Roye suggested that a note be added to the status report regarding Goal 1.3 to clarify that a tool is being developed to assist in the accomplishment of this goal.

Karen Roye moved to accept the staff recommendations as to the goals and objectives of the Strategic Plan, including changes to Goal 1.3 to clarify that a tool is being developed to measure the goal . Joan Walmsley seconded. The Board voted unanimously (6-0) to pass the motion.

B. Operations Report

Mr. Riches provided the operations report. He reported that the cashiering unit was struggling with its backlog. After great efforts to address its workload, the cashiering unit is now current. Mr. Riches and the Board gave kudos to cashiers Kari O'Connor and Karrmyne Williams.

The social work program struggled during the period there was a social work evaluator vacancy, which began last year. Staff is now in place and finished with training. The social work desk is reflected in the report as forty-eight (48) days out (to process the application). The evaluation process currently is about two weeks out; however, the furlough days and holidays during the month of February have affected this desk. Mr. Riches anticipates that the backlog will improve once we get past February.

Mr. Riches briefly touched on the performance of the various units within the Board. He also spoke about the customer satisfaction survey and the results received by the Board. He described the tool as invaluable. Mr. Riches further noted that usually the comments received on such surveys are negative; the comments received by the Board tend to be

equally divided between compliments and kudos for the Board, and areas the individual completing the survey believe could be improved upon by the Board. Mr. Riches then invited questions and comments.

Dr. Russ commended staff on their great work and customer service. The Board applauded staff.

The Board adjourned for a break at 10:00 a.m. and reconvened at 10:15 a.m.

B. Personnel Update

Mr. Riches reported that the personnel update was provided for reference. Ms. Madsen applauded Laurie Williams on her work on all the personnel duties. No comments or questions were made.

D. Examination Statistics

Mr. Riches reported that the examination statistics were provided for reference. No comments or questions were made.

VI. Report of the Policy and Advocacy Committee

A. Recommendation # 1 – Sponsor Legislation to Allow Video Supervision of Associate Clinical Social Workers and Marriage and Family Therapist Interns

Ms. DiGiorgio reported that at the last Committee meeting the issue of video supervision was revisited. She spoke briefly about the current supervision requirements and the originally proposed change, which would have allowed a portion of the required supervision (up to 30 hours) to be provided by live video conferencing. Ms. DiGiorgio noted that in December 2008 the Board received a request from the California Mental Health Directors Association, the Mental Health Association of California, the California Council of Community Mental Health Agencies, and the Association of Community Human Service Agencies to increase the allowable number of hours for video supervision to 160. The Committee considered this request at its January 2009 meeting, and is recommending that there be no limit on the amount of supervision that can be obtained by videoconferencing.

Ms. DiGiorgio invited comment on the subject. A short exchange of information occurred.

Dr. Russ stated that this is an opportunity for Board members to step up in leadership, both within the Department of Consumer Affairs as well as the mental health profession. He spoke about how video conferencing is used in other states to provide psychiatric services from major universities, thereby making such services available to individuals in rural areas.

Mr. Riches clarified that the proposal would allow for unlimited video supervision in exempt settings; i.e., government agencies, non-profit agencies, schools, colleges, etc. In those venues there would not be a limit on the amount of video supervision. The proposed change would not apply to hours of experience gained in a private practice setting where face-to-face supervision would be required. Mr. Riches indicated that a large majority of applicants gain experience in private practice settings, and would continue to have the benefit of the one-on-one, face-to-face interaction with the supervisor.

Renee Lonner moved to sponsor legislation that would allow all supervision in specified settings to be performed by live videoconferencing. Joan Walmsley seconded. The Board voted unanimously (6-0) to pass the motion.

B. Recommendation # 2 – Sponsor Legislation To Update Unprofessional Conduct Statutes

Tracy Rhine noted that activities considered unprofessional conduct by Board licensees and registrants are outlined in six different sections of statute and regulation -- three Business and Professions Code sections and three California Code of Regulations sections. Some of the provisions contain similar language and address similar issues, while some speak about issues not otherwise outlined or addressed. This can cause confusion for consumers, licensees, and other individuals attempting to familiarize themselves with all provisions in the area of unprofessional conduct pertaining to Board licensees and registrants. The Committee discussed this subject at its last meeting.

Ms. Rhine presented Board members with proposed statutory language that would incorporate provisions currently in regulation, in an effort to create consistency and reduce confusion. Ms. Rhine outlined the proposed changes, which would impact Business and Professions Code sections 4989.54 and 4992.3 pertaining to Licensed Educational Psychologists (LEP) and Licensed Clinical Social Workers (LCSW), respectively.

Ms. Rhine stated that a point of discussion among the Committee members was the difference between incompetence and gross negligence. She noted the differences, and then offered two options to incorporate existing regulatory language related to gross negligence into statute.

Kristy Schieldge clarified that incompetence means the individual does not have the capacity to understand the standard, while gross negligence means the individual knows the standard but is not reaching that benchmark. She then reiterated that the information presented by Ms. Rhine was to provide Board members with two options for incorporating into statute the existing regulatory language pertaining to gross negligence, either in conjunction with language pertaining to incompetence or as a separate provision.

Donna DiGiorgio stated that she preferred option A, to incorporate regulatory language related to gross negligence as a separate provision under the unprofessional conduct statute, which she described as succinct in separating out what is gross negligence and what is incompetence.

Elise Froistad directed a question to Ms. Schieldge regarding any benefits to either of the two options. Ms. Schieldge responded that because incompetence and gross negligence are separate basis for charging misconduct, it might be preferable to keep them separate. She noted the importance of highlighting the differences.

Ms. Roye indicated she was supportive of option A.

Ms. Walmsley asked Ms. Schieldge why the proposal did not include a definition of "incompetence." Ms. Schieldge responded that a definition could be added, but it would limit the interpretation going forward. She indicated that incompetence is a legal concept that should be self-explanatory, but acknowledged there has been confusion in the past about incompetence versus gross negligence.

Mr. Riches spoke about the hazards versus the benefits of including a definition of this issue in statute.

Janlee Wong, NASW, stated that it was important to understand that there is a difference between being incompetent and proceeding despite the incompetence, versus being incompetent and not proceeding. He noted that the NASW Code of Ethics contains a section on competency. In summary, that section indicates that when a social worker encounters a client or clients who the clinician does not have the education or training to assist, the social worker should not proceed. No harm has been done to the client. An incompetent act would be for the clinician to know he or she lacks the proper education or training to capably assist the client and proceeds with treatment nonetheless.

Mr. Riches added that the key language is “competence or incompetence in the performance of clinical social work,” with knowing when to make a referral being a competent act.

Karen Roye moved direct staff to initiate Board sponsored legislation to incorporate regulatory language related to gross negligence as a separate provision under the unprofessional conduct statute (Option A). Donna DiGiorgio seconded. The Board voted unanimously (6-0) to pass the motion.

Joan Walmsley moved to direct staff to initial Board sponsored legislation to clean up the unprofessional conduct statute and regulations with the choice of Option A. Elise Froistad seconded. The Board voted unanimously (6-0) to pass the motion.

C. Recommendation # 3 – Initiate a Rulemaking Process to Implement Continuing Education Requirements for Licensed Educational Psychologists

Ms. Rhine presented information regarding the background of this issue, as well as previous actions taken by the Board toward the initiation of the requirement. She indicated that the information currently before the Board is the proposed regulatory language which would allow for a staggered implementation of the continuing education requirement for Licensed Educational Psychologists (LEP). Ms. Rhine reviewed the proposal with the Board.

Dr. Russ opened the matter for discussion and/or public comment.

Ms. Riemersma, CAMFT, asked for clarification regarding proposed changes to California Code of Regulations section 1887.2, Exceptions from Continuing Education Requirements; specifically, the provision that a licensee requesting exception from the continuing education requirement submit that request at least sixty (60) days prior to the expiration date of the license. Ms. Riemersma asked if the proposed language means that any request not submitted within the designated time frame will result in a denial of the request.

Mr. Riches responded that the changes under review were a compilation of several different proposed changes approved by the Board relating to continuing education, and did not pertain specifically to the Licensed Educational Psychologist component of the current package. No history was readily available to answer Ms. Riemersma’s question, but Ms. Rhine indicated she would research the question and get back with a response.

Ms. Schieldge added clarification that this is a change in Board procedure. Typically, the motion is to set for hearing and once completed, the matter returns before the Board. The

new motion would permit staff to proceed with filing of the rulemaking if no comments are received at the hearing. She emphasized this would be a change from current Board practice.

Dr. Russ took steps to ensure all Board members understood Ms. Schieldge's comments, and that the motion to allow staff to move forward with the rulemaking process absent adverse comment at hearing would be a departure from typical Board procedure.

Renee Lonner moved to direct staff to take all steps necessary to initiate the formal rulemaking process to adopt proposed amendments to 16 CCR sections 1807, 1807.2, 1810, 1819.1, 1887-1887.14; authorize the Executive Officer to make any non-substantive changes to the rulemaking package; and set the proposed regulations for a hearing. If no adverse comments are received during the 45-day comment period or at the hearing, direct staff to take all steps necessary to complete the rulemaking process and authorize the Executive Officer to adopt the proposed regulatory changes to Sections 1807, 1807.2, 1810, 1819.1, 1887-1887.14, as noticed. Donna DiGiorgio seconded. The Board voted unanimously (6-0) to pass motion.

D. Legislation Update

Ms. Rhine stated that the legislation update was provided for reference. She offered a few brief explanations. No public comments were made.

E. Regulation Update

Ms. Rhine stated that the regulation update was provided for reference. No public comments were made.

VII. Discussion and Possible Action to Adopt Title 16, Section 1815 of the California Code of Regulations and to Amend Title 16, Section 1886.40 of the California Code of Regulations Regarding the Submission of Fingerprints

Ms. Rhine presented the final rulemaking package proposing changes to California Code of Regulations Title 16, Sections 1815 and 1886.40 related to mandatory fingerprint submission for Board licensees. At its November 18, 2008 meeting, the Board passed a motion to direct staff to initiate the rulemaking process. Staff recommends that the Board adopt the final rulemaking package.

Dr. Russ emphasized the importance of fingerprinting for BBS licensees. Discussion ensued among Board members regarding implementation of this requirement, the number of individuals who will be impacted by the new regulation, and how those individuals will be notified by the Board of the need to submit fingerprints. He indicated there should be no ambiguity as to whether or not an individual is required to provide information in compliance with the new regulation.

Mr. Riches added that a budget change proposal was approved to allow for four additional staff to implement this program, as well as a significant additional pool of funds for the Attorney General and the Office of Administrative Hearings to handle the disciplinary actions that may result. He noted that this will be a huge endeavor for the Board, and Board members agreed it was an appropriate undertaking.

Mr. Riches added clarification that the requirement will be to submit the fingerprints prior to the date of renewal. He emphasized that this will not be a condition of renewal, and that the Board will renew a license even if the licensee does not submit fingerprints as required.

However, individuals who fail to comply with the new regulation will be subject to citation and fine by the Board. He went on to provide additional information regarding why the task of obtaining fingerprints from licensees not previously fingerprinted was being handled this way.

Elise Froistad moved to 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 1815 and 1886.40 as noticed on January 2, 2009. Renee Lonner seconded. The Board voted unanimously (6-0) to pass the motion.

VIII. Discussion and Possible Action to Amend Title 16, Section 1888 of the California Code of Regulations Regarding Disciplinary Guidelines

Ms. Rhine presented the final rulemaking package proposing changes to California Code of Regulations Title 16, Section 1888 related to Board disciplinary guidelines. At its November 18, 2008 meeting, the Board passed a motion to direct staff to initiate the rulemaking process. Staff recommends that the Board adopt the final rulemaking package.

Joan Walmsley moved to 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 Section 1888 as noticed on January 2, 2009. Donna DiGiorgio seconded. The Board voted unanimously (6-0) to pass the motion.

IX. Report of the LCSW Education Committee

Ms. Lonner reported that the LCSW Education Committee was formed in February 2008 and consists of Board members Renee Lonner, Donna DiGiorgio and Joan Walmsley. The group met last on December 8, 2008. At that time, a presentation was made by Council on Social Work Education (CSWE) via teleconference during which it was explained how accreditation standards flow from policy, and that a new curriculum policy statement is due in 2010. Ms. Lonner touched briefly on the contents of the previous similar statement, which was issued in 2001.

Ms. Lonner indicated that the next part of the meeting involved discussion with representatives from all branches of the military. The participants talked about their workplaces, and the basic difference between those settings and the standard clinical social work, mental health type of setting. Other topics of discussion included domestic violence, post-traumatic stress disorder (PTSD), and chemical dependency.

Ms. Lonner stated that the information presented at the December meeting was geared toward helping the Committee understand the type of core competencies that are needed in the various work places currently available.

The next meeting is scheduled in June 2009 in the San Bernardino/Riverside area.

X. Report of the Examination Program Review Committee

Ms. Froistad reported that the Examination Program Review Committee has met twice; first in December 2008 and again in February 2009. During the initial meeting the purpose and structure of the Committee was outlined. Dr. Tracy Montez of Applied Measurement Services

LLC, was introduced, and provided an overview of the examination development and validation process.

At the February meeting, the Committee and participants focused on the first step of the examination development process with Dr. Montez giving a presentation on the occupational analysis. Ms. Froistad then briefly reviewed the various facets of an occupational analysis, including its purpose and time frames for completion.

Ms. Froistad noted that following the presentation by Dr. Montez, the committee and meeting participants engaged in an exercise during which they were required to develop a task and identify the knowledge required for completion of that task. Ms. Froistad stated she found the exercise helpful in understanding the challenges behind the development of an examination.

The next meeting is March 23, 2009 at the Hilton Irvine. Dr. Russ encouraged schools to send students to these meetings so they may have a better insight into the development of examinations and how questions end up on a test.

XI. Election of Officers

Dr. Russ reported that he will remain the Board Chair until May 31, 2009. He opened nominations for Chair and Vice Chair.

Ms. Walmsley nominated Renee Lonner for Chair. Ms. Lonner accepted the nomination. No other nominations were made.

Elise Froistad moved to close nominations. Donna DiGiorgio seconded. The Board voted unanimously (6-0) to pass the motion.

Joan Walmsley moved to elect Renee Lonner as Board Chair effective June 1, 2009. Elise Froistad seconded. The Board voted unanimously (6-0) to pass motion.

Ms. Lonner nominated Elise Froistad for Vice Chair. Ms. Froistad accepted the nomination. No other nominations were made.

Joan Walmsley moved to close nominations. Donna DiGiorgio seconded. The Board voted unanimously (6-0) to pass the motion.

Renee Lonner moved to elect Elise Froistad as Board Chair effective June 1, 2009. Donna DiGiorgio seconded. The Board voted unanimously (6-0) to pass the motion.

XII. Public Comment for Items Not on the Agenda

No public comments were made.

XIII. Suggestions for Future Agenda Items

No suggestions for future agenda items were made.

Dr. Russ closed the open session at 11:11 a.m.

FULL BOARD CLOSED SESSION

XIV. Pursuant to Section 11126(a) of the Government Code to Evaluate the Performance of the Board's Executive Officer.

The Board met in closed session at 11:15 a.m. and adjourned for lunch at 12:30 p.m.

XV. Pursuant to Government Code section 11126(c)(3) the Board will convene in closed session to deliberate on disciplinary matters, including a decision after remand (Gary Vincent Ventimiglia, MFC 21132); and, pursuant to Government Code section 11126(e), the Board will convene in closed session to confer with and receive legal advice from counsel (Mary Kay Oliveri v. Board of Behavioral Sciences, Sacramento Superior Court, Case No. 07CS01477).

The Board reconvened at 1:12 p.m. in closed session and adjourned at approximately 2:30 p.m.

February 27, 2009
Department of General Services
Ziggurat, Executive Dining Room
707 Third Street
West Sacramento, CA 95605

Members Present

Ian Russ, Chair, MFT Member
Joan Walmsley, Vice Chair, LCSW Member
Gordonna (Donna) DiGiorgio, Public Member
Elise Froistad, MFT Member
Renee Lonner, LCSW Member
Karen Roye, Public Member

Members Absent

D'Karla Leach, Public Member
Judy Johnson, LEP Member
Victor Perez, Public Member
Rita Cameron Wedding, Public Member

Guest List

On file

Staff Present

Paul Riches, Executive Officer
Kim Madsen, Assistant Executive Officer
Christina Kitamura, Administrative Analyst
Kristy Schieldge, Legal Counsel
Cassandra Kearney, Enforcement Analyst
Kim DeLong, Investigative Analyst
Mary Hanifen, Enforcement Analyst
Raquel Pena, Enforcement Analyst
Marilyn Schilling, Receptionist
Nikki Coto, Continuing Education Technician
Paula Gershon, Program Manager
Gena Beaver, LEP Evaluator
Michelle Eernisse, MFT Evaluator
Angie Ramos, Enforcement Technician
Cynthi Burnett, Enforcement Analyst
Ann Glassmoyer, Investigative Analyst

Administrative Law Judge and Deputy Attorney General

Catherine Frank, Administrative Law Judge
Janice K. Lachman, Deputy Attorney General
Anahita Crawford, Deputy Attorney General

FULL BOARD OPEN SESSION

Dr. Ian Russ, Board Chair, called the meeting to order at 9:03 a.m. Christina Kitamura called roll, and a quorum was established.

XVI. Petition for Reinstatement of Registration, Heather Peterman (IMF 49645)

The Honorable Judge Catherine Frank opened the hearing at approximately 9:03 a.m. A court reporter was present.

Judge Frank introduced herself, asked the Board members to state their names and indicate if they are professional or public members. Judge Frank gave an overview of the hearing process.

Deputy Attorney General Janice Lachman gave an opening statement. Heather Peterman, Petitioner, gave her opening statement. Questions were presented by Deputy Attorney General Anahita Crawford and Board members.

Ms. Crawford gave a closing statement. Ms. Peterman gave her closing statement. Judge Frank closed the hearing at 10:15 a.m.

The Board adjourned for break at 10:15 a.m. and reconvened at approximately 10:25 a.m.

XVII. Petition for Early Termination of Probation, Jason Esswein (MFC 41644)

The Honorable Judge Frank opened the hearing at approximately 10:25 a.m. A court reporter was present.

Deputy Attorney General Anahita Crawford gave an opening statement. Jason Esswein, Petitioner, gave his opening statement. Questions were presented by Deputy Attorney General Anahita Crawford and Board members.

Ms. Crawford gave a closing argument. Mr. Esswein gave his closing statement. Judge Frank closed the hearing at 11:23 a.m.

The Board adjourned for a break at 11:23 a.m. and reconvened in closed session at 11:34 a.m.

FULL BOARD CLOSED SESSION

XVIII. Pursuant to Government Code section 11126(c)(3) the Board will convene in closed session to deliberate on disciplinary matters, including a decision after remand (Gary Vincent Ventimiglia, MFC 21132), the petition for reinstatement (Heather Peterman, IMF 49645), and the petition for early termination of probation (Jason Esswein, MFC 41644).

Deliberation on disciplinary matters regarding Gary Vincent Ventimiglia was discussed during full board closed session on Thursday, February 26, 2009. No further discussion took place.

The Board deliberated on disciplinary matters regarding Jason Esswein and Heather Peterman.

The Board adjourned at 12:21 p.m.