

Policy and Advocacy Committee Minutes April 18, 2013

Department of Consumer Affairs
1625 N. Market Blvd., #N-220
El Dorado Room
Sacramento, CA 95834

Members Present

Renee Lonner, Chair, LCSW Member
Dr. Christine Wietlisbach, Public Member
Christina Wong, LCSW Member

Staff Present

Kim Madsen, Executive Officer
Steve Sodergren, Asst. Executive Officer
Christina Kitamura, Administrative Analyst

Members Absent

None

Guest List

On file

FULL BOARD OPEN SESSION

I. Introductions

Renee Lonner, Policy and Advocacy Committee (Committee) Chair, called the meeting to order at 9:36 a.m. Christina Kitamura took roll, and a quorum was established. The Committee, Board staff, and meeting attendees introduced themselves.

II. Review and Approval of the January 31, 2013 Policy and Advocacy Committee Meeting Minutes

The following corrections were suggested:

- Page 4, 4th paragraph: "...if the Board finds that one of these examinations meets the prevailing standards for validation and use for the licensing and certification tests in California."
- Page 5, 6th paragraph: "...they have 7 years from the date that they pass their first exam to pass the clinical exam."
- Page 7, 4th paragraph: "...if there were any LMFT CE courses that some of these approval agencies would offer."
- Page 8, last paragraph: "...this type of learning is not considered to be good because it is not live or in person."

Renee Lonner moved to approve the Policy and Advocacy Committee minutes as amended. Christina Wong seconded. The Committee voted unanimously (3-0) to pass the motion.

III. Discussion and Recommendations for Possible Action Regarding Pending Legislation

a. Assembly Bill 186 – Military Spouses: Temporary License

Rosanne Helms presented AB 186. This bill would require a board within the Department of Consumer Affairs (DCA) to issue a temporary, provisional license to an applicant who is eligible for an expedited license and is a spouse of an active member of the military. The applicant must hold a current license in the same profession in another state.

This bill creates a provisional license that is valid for an 18-month period. After this time, the provisional license will expire. If the applicant has not passed the required Board licensing exams at that time, or if the Board determines the applicant does not meet licensing requirements, then the applicant would no longer be able to see his or her patients.

The Board does not currently have a provisional license status. An applicant who has an out-of-state license can submit an application for examination eligibility. The Board evaluates the application to ensure the applicant meets the Board's education and experience requirements. Upon passage of the Board-required examinations, the Board will issue a license.

Ms. Helms noted that this bill does not require the board to verify that the out-of-state licensing requirements are equivalent to the board's requirements. It also does not require the applicant to pass the board's licensing examinations.

Ms. Helms also noted that there is a concern regarding continuity of care. The provisional license is valid for 18 months. If the applicant cannot pass the exams and obtain a license within the 18-month period, the provisional license would expire, leading to a continuity of care issue.

Ms. Helms added that with the transition to the BreEZe database system, a delayed implementation would be required to accommodate this new license type.

After a brief discussion, the Committee members agreed that a delayed implementation would be required.

Ben Caldwell, American Association for Marriage and Family Therapy, California Division (AAMFT-CA), expressed concerns regarding public safety.

The Committee recommended the following amendments:

- Require verification of licensure,
- Require transcripts,
- Require passage of the Law and Ethics exam,
- Require fingerprints, and
- Require delayed implementation.

Renee Lonner moved to recommend to the Board to support AB 186 if amended. Dr. Christine Wietlisbach seconded. The Committee voted unanimously (3-0) to pass the motion.

b. Assembly Bill 213 – Licensure/Certification: Military Experience

Ms. Helms presented AB 213. This bill would require a board that accredits/approves schools offering course credits toward licensure to require a school seeking accreditation/approval to submit proof of its procedures to evaluate an applicant's military education, training and experience toward completion of a program to qualify a person for

licensure. This would take effect on July 1, 2015. This bill would also require the Department of Veterans Affairs to provide technical assistance to boards in determining equivalency of education, training, and practical experience.

Currently, the Board has very specific requirements for education and experience in its licensing laws. Currently, if an applicant for licensure or registration had military education and experience, the Board would conduct a review to determine whether or not it was substantially equivalent to current licensing requirements. The Board does not receive many applications with military education and experience, nor has the Board tracked this information.

The Board does not accredit or approve schools offering education course credit. Instead, it relies on the accreditations and approvals of other specified entities. However, the Board does review a school's curriculum and determines whether or not that curriculum meets all of the Board's requirements for licensure.

Christina Wong and Renee Lonner agreed that this does not apply to the Board because the Board does not approve schools.

Mr. Caldwell expressed that AAMFT-CA is not taking a position on this bill. Rebecca Gonzales, National Association of Social Workers, California Chapter (NASW-CA) also stated that NASW-CA is not taking a position.

Dr. Christine Wietlisbach moved to suggest to the Board to not take a position on AB 213. Christina Wong seconded. The Committee voted unanimously (3-0) to pass the motion.

c. Assembly Bill 252 – Social Workers

Ms. Helms presented AB 252. Under current law, the term “accredited school of social work” is defined as a school that is accredited by the Commission on Accreditation of the Council on Social Work Education.

This bill:

- Would allow the title “social worker” to be used only by a person who has a degree from an accredited school of social work.
- States this title restriction would not apply to a person who held a “social worker” job classification prior to January 1, 2014.
- States that a social worker shall not use the titles “Licensed Clinical Social Worker” or “Associate Clinical Social Worker” unless they hold the appropriate license or registration with the Board.
- Applies this protection of the “social worker” title to all individuals, including those who work in exempt settings.
- Restricts an employer from representing employees as social workers unless the workers have degrees from an accredited school of social work.
- States that use of the title “social worker” without the appropriate degree is considered an unfair business practice and is a misdemeanor punishable by imprisonment in county jail for up to six months and/or a fine of up to \$1,000.

According to the author's office, many public agencies, such as child welfare and adult protective services, refer to and classify their caseworkers as social workers even if the employee does not have a degree in social work from a school accredited by the Council on Social Work Education (CSWE). Hiring individuals as caseworkers who do not have an

accredited degree in social work allows the agencies to cope with their large workloads and limited resources. However, they note that giving these caseworkers a “social worker” title is misleading to consumers, because it implies that the individual has completed the extensive education and experience that an accredited degree in social work requires.

This bill contains a provision that allows a person who held a “social worker” title or job classification prior to January 1, 2014, to continue to use that title, even if they do not hold a degree from an accredited school of social work.

This bill would give the Board the authority to enforce title protection for social workers because it is written under a code that is within the Board’s jurisdiction. However, the language is permissive; it states that the Board may apply for an injunction with superior court. As written, the bill does not require any enforcement of the social work title by the Board.

Dr. Wietlisbach expressed concerns regarding the grandfather clause. Ms. Lonner agreed, stating that it defeats the purpose of this bill.

Ms. Gonzales did not disagree with the concerns regarding the grandfather clause. In speaking with the counties, they stated that they would use a generic title because they do not want multiple titles for jobs sharing the same duties. The grandfather clause is included for political reasons.

Ms. Wong expressed support for the bill.

Ms. Lonner expressed that the language needs to be tightened up and should not include a huge loophole.

Mr. Caldwell agreed that there is confusion with job titles and educational credentials, and is not sure that title protection is the answer. If this bill moves forward, the same should be considered for the term “family therapist.”

Jill Epstein, California Association of Marriage and Family Therapists (CAMFT), expressed that CAMFT opposes this bill unless amended. CAMFT has requested delayed implementation of 5 years. CAMFT is also concerned about the enforcement remedy and its severe penalties. She suggested an amendment to allow for corrective action before the penalties are imposed.

Ms. Gonzales stated that NASW-CA is open to making changes to the enforcement mechanism. NASW-CA is not a sponsor of this bill; NASW-CA is a supporter. Ms. Gonzales agreed with a delayed implementation, but 5 years is too long.

Marc Mason expressed concern regarding the ambiguity with the enforcement mechanism. Since this is an exempt setting and it does give the Board permission, consumers can be confused as to where to go to with a complaint. It’s unclear what the Board’s responsibilities are, which can do more harm to the consumer than good.

Dean Porter, California Association for Licensed Professional Clinical Counselors (CALPCC), expressed that CALPCC opposes this bill. CALPCC’s concern is that unless county agencies change their job titles, PCC interns will not be able to apply for these jobs.

Ms. Gonzales stated the intent of the bill is not to exclude anyone out of jobs.

Dianne Dobbs stated in regards to the enforcement piece, it is very likely that enforcement will not take place considering the lack of Board resources.

Ms. Gonzales responded that the bill needs to include some type of enforcement piece; NASW-CA is hopeful that this will act as a deterrent.

Ms. Epstein stated that it is very punitive to discipline an individual due to a title that their employer gave them and does not see any value of involving the Board.

Ms. Madsen stated that even though this is permissive, the Board will receive complaints. The public will not be able to distinguish between a counselor and a therapist; the titles are used interchangeably. Board staff will have to review the complaint, decide how to proceed, and provide a response.

Dianne Dobbs explained that if the Board is removed from this bill, there would need to be language to clarify that those with a social work degree are not required to be licensed with the Board.

The Committee suggested the following amendments:

- Delayed implementation,
- Include language indicating that the bill is not intended to exclude other qualified licensees from employment,
- Clarification that the employer is responsible for issuing the job title,
- Remove the grandfather clause,
- Removing the Board from the enforcement mechanism,
- Include clarifying language to state that individuals with a social work degree are not required to be licensed with the Board.

Christina Wong moved to recommend to the Board to support AB 252 if amended. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

d. Assembly Bill 376 – Regulations: Notice

Ms. Helms presented AB 376. This bill would require a state agency enforcing a regulation that is promulgated on or after January 1, 2014 to notify a business that is required to comply, thirty days before its effective date.

Current law requires a state entity proposing a regulation to provide a 45-day public comment period, before which notice of the proposed regulation must be mailed to specified individuals, groups and entities, and posted on the state agency's website.

Current law requires that once a proposed regulation has been approved by OAL, a state entity must post the regulation on its website in an easily marked and identifiable location within 15 days of it being filed with the Secretary of State.

Current law requires the newly adopted regulation to remain posted on the state entity's web site for at least six months.

This bill would also require the state agency to send notice via email, or if that is not possible, via U.S. Mail. The bill would require the state agency to cooperate with the Secretary of State to access business records to obtain the business contact information needed to provide the notice.

The author notes that a number of businesses are leaving this state, and California is ranked as having one of the worst business climates in the country. This bill is an attempt to ease the regulatory burden on businesses by notifying affected businesses of any new regulations ahead of time, thus giving them time to comply.

The Board puts considerable effort into ensuring that affected licensees are notified of pending regulations that affect them. All regulatory proposals currently go before the Board and the Board's Policy and Advocacy Committee before they are approved, which allows feedback from the Board's professional associations and any interested parties.

Once a regulatory proposal is approved by the Board, a 45-day public comment period is held. The Board mails a notice to interested parties who have notified the Board they want to be on the mailing list for these proposals, as well as the professional associations and the educational institutions within California. The notice is also posted on the Board's website, and an email notification is sent to those who subscribe to the Board's website.

Once a regulation is adopted and is to become effective, the Board posts information regarding the changes on the website and sends an email alert to everyone who subscribes to the Board's website.

Staff is concerned that this bill would affect the Board's ability to run regulations when they are needed because the bill requires a notification email be sent to all affected parties. First, it would require a significant amount of staff resources to collect and maintain current email addresses for all licensees. Second, a letter must be mailed if an email address was no longer valid. Tracking this effort would require a significant amount of staff time.

Staff also has concerns regarding cost of production of materials and mailing materials to over 80,000 licensed/registered individuals, as well as the cost of staff time.

Ms. Lonner suggested opposing this bill.

Renee Lonner moved to recommend to the Board to oppose AB 376. Christina Wong seconded. The Committee voted unanimously (3-0) to pass the motion.

The Committee took a break at 10:53 a.m. and reconvened at 11:08 a.m.

e. Assembly Bill 512 – Healing Arts: Licensure Exemption

Ms. Helms presented AB 512. This bill extends the current provisions (AB 2699) in law until January 1, 2018.

Existing law allows a health care provider who is not licensed in this state to participate in a health care-sponsored event in this state without a California license if specified conditions are met. The event must also meet specified conditions. These provisions remain in effect until January 1, 2014.

As part of AB 2699, healing arts boards were required to promulgate regulations in order to implement this program. As of August 2012, the medical board's regulations were not yet in effect, and therefore, out-of-state physicians were not able to volunteer at last fall's event. As the provisions of AB 2699 are set to expire before many boards have had a chance to promulgate regulations, the author's office is seeking to extend its provisions to allow more time to demonstrate the potential for the program's success.

Due to the immediate staffing needs related to the Board's new LPCC license, the examination restructure, and the implementation of BreEZe, staff has not been able to complete the AB 2699 regulations. However, the Board anticipates submitting the regulations to the Office of Administrative Law (OAL) in April 2013.

The Board has not had any requests from out-of-state practitioners for permission to participate in any non-profit health care events. A representative from the sponsor of the bill noted that on occasion, prior events have utilized the services of the Los Angeles County Department of Mental Health.

Dr. Wietlisbach recalled that the Board opposed AB 2699 unless amended to not include the Board in the bill.

Dr. Christine Wietlisbach moved to recommend to the Board to oppose AB 512 unless amended to remove the Board of Behavioral Sciences from the bill. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

f. Assembly Bill 790 – Child Abuse: Reporting

Ms. Helms presented AB 790. This bill deletes the provision that allows a team of mandated reporters to designate one member to make a single mandated report. Therefore, all mandated reporters who obtain knowledge of suspected child abuse or neglect would be required to make their own report.

The author's office reports that allowing a team of mandated reporters to make a single report about a case of suspected child abuse creates an opportunity for such abuse to go unreported. They note that this reporting exemption also delays immediate reporting by implying that the team of mandated reporters may first meet to discuss the situation and decide who is to report it. This would be harmful to the child who is potentially being abused.

The author also indicates that agencies benefit from receiving multiple reports because it allows agencies to compile a list of all witnesses. Furthermore, multiple reports provide different perspectives from the various reporters, which can be helpful in an investigation.

Finally, there is a concern that designating a single reporter may provide an opportunity for the reporter to conceal or cover up any involvement if he/she is involved in the abuse or has a personal relationship with the abuser.

Ms. Wong and Ms. Lonner expressed that this is a good bill.

Mr. Caldwell stated that AAMFT-CA has concerns regarding this bill, citing reasons of duplicative reporting and a potential increase in incidents that do not get reported.

Ms. Epstein stated that CAMFT opposes this bill. The agencies that take these reports are overwhelmed, and this will add to the agencies' workload with multiple reports. Ms. Gonzales commented that NASW-CA is not taking a position on this bill.

Ms. Lonner moved to recommend to the Board to take no position on AB 790. Christina Wong seconded. The Committee voted unanimously (3-0) to pass the motion.

g. Assembly Bill 809 (Logue) – Healing Arts: Telehealth

This item was removed from the agenda.

h. Assembly Bill 1057(Medina) – Licenses: Military Service

Ms. Helms presented AB 1057. This bill would require boards within DCA to ask on all licensing applications if the applicant is serving in or had previously served in the military.

While licensing boards under DCA are required to have a process for methods of evaluating education, training, and experience obtained in the military, applicants are not asked on the licensing application if he/she is or has been in the military. The intent of this bill is to make it easier for boards to identify applicants who may have applicable military training or experience.

The new BreEZe database will accommodate this new information, allowing the Board to keep data on the number of applicants that are veterans or serving in the military. The bill has an implementation date of January 1, 2015 to accommodate the implementation of BreEZe.

Dr. Christine Wietlisbach moved to recommend to the Board to support AB 1057. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

i. Assembly Bill 1372 (Bonilla) – Health Insurance: PDD or Autism

AB 1372 has been withdrawn.

j. Senate Bill 22 (Beall) – Health Care Coverage: Mental Health Parity

Ms. Helms presented SB 22. This bill would require every health care service plan, contractor of a health care service plan, and health insurer to submit an annual report to the Department of Managed Health Care or Department of Insurance. The report must certify that the plan is compliant with applicable state law and the Mental Health Parity and Addiction Equity Act (MHPAEA).

Currently, the law requires health care service plan contracts and disability insurance policies that provide hospital, medical or surgical coverage to provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses as defined in law.

Current law requires the benefits provided to include outpatient services, inpatient hospital services, partial hospital services, and prescription drugs.

Current law also requires that maximum lifetime benefits, copayments, and individual and family deductibles that apply to these benefits have the same terms and conditions as they do for any other benefits under the plan contract.

This bill requires the report to contain an analysis of the plan's compliance with state law and the MHPAEA regarding mental health parity, as well as the plan's compliance with specified standards set forth in the American Accreditation HealthCare Commission's Health Plan Accreditation Guide.

The author's office notes that state and federal parity laws are not being enforced sufficiently in California because enforcement of the laws is based on complaints. If mental health providers and patients don't complain, there is no way to ensure compliance. The purpose of this bill is to require health plans and insurers to submit annual reports to regulators. These reports will demonstrate the plan's compliance with parity laws.

Position of support was expressed by CAMFT, NASW-CA, and AAMFT-CA.

Dr. Christine Wietlisbach moved to recommend to the Board to support SB 22. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

k. Senate Bill 126 – Health Care Coverage: PDD or Autism

Ms. Helms presented SB 126. This bill would extend the operation of the provisions in current law until July 1, 2019 and would repeal these provisions on January 1, 2020.

Current law requires health care service plan contracts and health insurance policies to provide benefits, including coverage for behavioral health treatment, as defined, for pervasive developmental disorder or autism, except as specified.

Christina Wong moved to recommend to the Board to support SB 126. Renee Lonner seconded. The Committee voted unanimously (3-0) to pass the motion.

l. Senate Bill 282 (Yee) – Confidential Medical Information

Ms. Helms presented SB 282. Current law requires a settlement or compromise offer against a physician or surgeon to be accompanied by authorization to disclose medical information to the organizations insuring or defending the physician or surgeon. The bill proposes an amendment to also apply this requirement to settlement or compromise offers against a licensed marriage and family therapist (LMFT).

According to the author's office, this bill seeks to protect LMFTs from claims of breaching confidentiality under the Confidentiality of Medical Information Act when they provide patient medical information to their medical malpractice insurer in order to defend themselves in a demand for settlement or offer of compromise.

The author's office further notes that requiring the patient's authorization to release these records to the insurer will allow the insurer to evaluate and respond to claims in a timely manner.

Ms. Wong recommended including all BBS license types in this bill.

Mr. Caldwell expressed AAMFT-CA's support of SB 282.

Ms. Gonzales informed the Committee that she will take this back to NASW-CA before agreeing to include LCSWs in the bill.

Luisa Mardones, California Society for Clinical Social Work (CSCSW), also expressed that she will take this back to her committee.

Renee Lonner moved to recommend to the Board to support SB 282 if amended to include all BBS license types. Christina Wong seconded. The Committee voted unanimously (3-0) to pass the motion.

m. Senate Bill 322 (Price) – Applied Behavioral Analysts

SB 322 has been withdrawn.

n. Senate Bill 578 (Wyland) – LMFTs Unprofessional Conduct

Ms. Helms presented SB 578. This bill adds engaging in certain types of dual relationships with a patient to the list of provisions that may be considered unprofessional conduct for a marriage and family therapist licensee or registrant.

Current law does not define an inappropriate dual relationship; instead, the Board typically cites the unprofessional conduct section regarding gross negligence or incompetence and/or the unprofessional conduct section regarding intentionally or recklessly causing physical/emotional harm to the client. If the dual relationship involved sexual conduct, the Board would cite the section regarding sexual relations with a client or former client within two years of terminating therapy.

The author's office notes that since the Board takes disciplinary action against licensees for inappropriate dual relationships, the law should state specifically that certain types of dual relationships are unprofessional conduct, and should also clarify which types of dual relationships are considered inappropriate.

This bill clarifies inappropriate dual relationships in the unprofessional conduct provisions of marriage and family therapist licensing law, but it does not add this provision to licensing laws for the Board's other three license types. If the Board decides to support this proposed amendment, it may wish to consider including the other license categories.

Ms. Lonner pointed out that according to the Mental Health Services Act, dual relationships in community mental health centers with serious mentally ill clients and in rural areas are normal. These relationships are not inappropriate, but they are indeed dual relationships.

Ms. Wong agreed and further added that in a rural county, a dual relationship is very difficult to avoid.

Ms. Epstein stated that there is confusion over what is an unethical dual relationship. She agreed that some dual relationships are clinically appropriate. However, it is not clearly defined which dual relationships are inappropriate.

Ms. Lonner responded that the Board cannot define each dual relationship situation.

Ms. Dobbs was asked for her opinion. She responded that it would help if there was a definition. Any confusion over interpretation would be alleviated if a definition for "dual relationship" is added, and it would not hamper the Board in its enforcement actions.

Mr. Caldwell expressed that there should be some language defining dual relationship.

Ms. Wong agreed that clarification is needed, but doesn't believe that it belongs in the Business and Professions Code (BPC). She suggested adding the clarification in the Code of Ethics.

Ms. Epstein disagreed, stating that if the Board is taking disciplinary action on dual relationships, then the clarification belongs in the BPC.

Dr. Wietlisbach expressed that the proposed language does not clarify a dual relationship. Ms. Lonner agreed.

Renee Lonner moved to recommend to the Board to oppose SB 578. Christina Wong seconded. The Committee voted unanimously (3-0) to pass the motion.

The Committee took a lunch break at 12:15 p.m. and reconvened at 12:51 p.m.

IV. Discussion and Recommendations for Possible Legislative Change Regarding Implementation of Senate Bill 704, Statutes of 2011, Chapter 387 - Examination Restructure

This item was taken out of order. It was heard after item V.

Ms. Madsen presented an update. She was recently informed that the BreEZe system will not go live in May 2013 as expected. This impacts the Board's ability to implement the examination restructure. Staff will go to the full Board in May to request legislation for a 2-year extension to implement the examination restructure. It is the Board's intent to utilize the ASWB national exam; however, it cannot be utilized until the infrastructure is in place.

V. Discussion and Recommendations for Possible Action Regarding Other Legislation Affecting the Board

Ms. Helms presented AB 555. This bill would require a board under DCA to consider any relevant training an applicant received in the military toward licensing requirements. It would allow a board to consult with the Department of Veterans Affairs and the Military Department when evaluating whether training received in the military is applicable to that board's licensing requirements.

The Board has very specific requirements for education and experience in its licensing laws. Currently, if an applicant for licensure or registration had military education and experience, the Board would conduct a review to determine whether or not it was substantially equivalent to current licensing requirements.

The Board is not aware of specific circumstances in which an individual had military education or experience. If this bill was implemented, it would be essential that the Board be provided with a direct contact person at the Department of Veteran's Affairs and the Military Department who would be able to assist its evaluators with questions about military education and experience on an as-needed basis.

A speaker in the audience informed the Committee that AB 555 was recently gutted and amended with new language.

No action was taken.

VI. Discussion and Recommendations for Possible Action Regarding Therapist Mandated Reporting of Sexual Activity of Minors – Dr. Benjamin Caldwell

Ms. Helms presented the background for discussion. Currently, the California Child Abuse and Neglect Reporting Act (CANRA) specifies types of sexual contact that must be reported as child abuse to law enforcement by mandated reporters.

At the February 2013 Board meeting, Ben Caldwell, AAMFT-CA, gave a presentation on therapist mandated reporting of sexual activity of minors. He reported that there are specific guidelines in law outlining circumstances when consensual, heterosexual intercourse is not reportable. For example, a therapist would not be required to report a case of two 14-year old minors engaging in consensual, heterosexual sexual activity unless there is evidence of exploitation.

Mr. Caldwell believes that the law does not treat other types of sexual activity, including oral copulation and anal sex, in the same manner. He is requesting the Board's support to sponsor legislation to correct this.

The Board directed staff to prepare a legal opinion on current law, and to research past efforts to reform CANRA.

Dianne Dobbs presented DCA's legal opinion. Ms. Madsen agreed to release the legal opinion to the public. DCA found that CANRA does not require a mandated reporter to report incidents of consensual sex between minors of a similar age for any actions described in Penal Code Section 11165.1, unless there is reasonable suspicion of force, exploitation, or other abuse.

Based on past court cases, courts have found that the legislative intent of the reporting law is to leave the distinction between abusive and non-abusive sexual relations to the judgment of professionals who deal with children.

Review of other legal cases has found that the law does not require reporting of consensual sexual activities between similarly-aged minors for any sexual acts unless there is evidence of abuse.

It is the opinion of DCA Legal Affairs that it is not necessary to amend the statute to remove sodomy and oral copulation, as those acts are not treated differently from other acts outlined in the code.

VII. Legislative Update

Ms. Helms presented the legislative update.

AB 404 regarding retired licenses and AB 451 regarding LMFT and LPCC out-of-state applicant requirements both passed Assembly Committee on Business, Professions, and Consumer Protection and have been referred to the Assembly Appropriations Committee.

AB 428 regarding LMFT and LCSW applicant remediation of coursework has passed the Assembly Committee on Business, Professions, and Consumer Protection.

AB 958 regarding child custody evaluators and SB 821 regarding the omnibus legislation are both awaiting hearings.

VIII. Rulemaking Update

Ms. Helms presented the rulemaking update. Regulations on advertising revisions, supervision of ASWs, and HIV/AIDS continuing education for LPCCs were approved and became effective on April 1, 2013.

The enforcement regulation and disciplinary guidelines regulation were approved and become effective on July 1, 2013.

IX. Public Comment for Items Not on the Agenda

There were no public comments.

X. Suggestions for Future Agenda Items

Ms. Epstein suggested a discussion on the recent regulation allowing LCSWs to gain supervision by out-of-state licensees. For consistency, CAMFT would like LMFTs to be considered for the same reason.

Dr. Wietlisbach suggested a discussion on unlicensed practice based on issues that were raised during the hearing of SB 1172 on sexual orientation therapy. If licensed practitioners cannot

provide this type of treatment, then there is potential for unlicensed people to provide “coaching” for sexual orientation therapy.

XI. Adjournment

The meeting was adjourned at 1:26 p.m.