

BOARD MEETING MINUTES November 19-20, 2014

The Mission Inn
3649 Mission Inn Avenue
The Galleria Room
Riverside, CA 92501
(951) 784-0300

Wednesday, November 19th

Members Present

Christina Wong, Chair, LCSW Member
Deborah Brown, Vice Chair, Public Member
Officer
Dr. Leah Brew, LPCC Member
Dr. Scott Bowling, Public Member
Analyst
Betty Connolly, LEP Member
Patricia Lock-Dawson, Public Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member
Dr. Christine Wietlisbach, Public Member

Members Absent

Samara Ashley, Public Member
Dr. Peter Chiu, Public Member
Sarita Kohli, LMFT Member

Staff Present

Kim Madsen, Executive Officer
Steve Sodergren, Asst. Executive
Officer
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative

Guests

On file

FULL BOARD OPEN SESSION

Christina Wong, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 8:40 a.m. Christina Kitamura called roll, and a quorum was established.

Ms. Wong introduced Dr. Scott Bowling as the newest member of the Board. Ms. Wong announced that agenda item I regarding Ethical Decision Making will be presented after the petition hearings.

Administrative Law Judge Hewitt explained the hearing procedures.

Item II. Petition for Modification of Probation for Theresa Fenander, LCSW 25391

Judge Hewitt opened the hearing at 8:46 a.m. Deputy Attorney General Antoinette Cincotta presented the facts of the case on behalf of the Board of Behavioral Sciences. Theresa Fenander was not represented by an attorney.

Ms. Cincotta presented the background of Ms. Fenander's probation. Ms. Fenander was sworn in. Ms. Fenander presented her request for modification of probation and information to support the request. Ms. Fenander was questioned by Ms. Cincotta and Board Members. Ms. Cincotta presented a closing argument. Judge Hewitt closed the hearing at approximately 9:17 a.m.

Item III. Petition for Modification of Probation for Jason Hatakeyama, ASW 30811

Judge Hewitt opened the hearing at 9:18 a.m. Deputy Attorney General Cincotta presented the facts of the case on behalf of the Board of Behavioral Sciences. Jason Hatakeyama was not represented by an attorney.

Ms. Cincotta presented the background of Mr. Hatakeyama's probation. Mr. Hatakeyama was sworn in. Mr. Hatakeyama presented his request for modification of probation and information to support the request. Mr. Hatakeyama was questioned by Ms. Cincotta and Board Members. Ms. Cincotta gave a closing argument. Judge Hewitt closed the hearing at approximately 9:38 a.m.

The Board took a break at 9:38 a.m. and reconvened at 9:55 a.m.

Item IV. Petition for Early Termination of Probation for Kalie McCormack, IMF 71076

Judge Hewitt opened the hearing at 9:55 a.m. Deputy Attorney General Cincotta presented the facts of the case on behalf of the Board of Behavioral Sciences. Kalie McCormack was not represented by an attorney.

Ms. Cincotta presented the background of Ms. McCormack's probation. Ms. McCormack was sworn in. Ms. McCormack presented her request for early termination of probation and information to support the request. She was questioned by Ms. Cincotta and Board Members. Ms. McCormack gave a closing argument. Judge Hewitt closed the hearing at approximately 10:15 a.m.

Item V. Petition for Reinstatement of License for Mary White, MFC 37753

Judge Hewitt opened the hearing at 10:19 a.m. Deputy Attorney General (DAG) Cincotta presented the facts of the case on behalf of the Board of Behavioral Sciences. Mary White was represented by her attorney, Stacie Patterson.

Ms. Cincotti presented an opening statement. Ms. White was sworn in. Ms. Patterson provided an opening statement. Ms. White presented her request for reinstatement of license and information to support the request. Ms. White was questioned by Ms. Cincotta and Board Members. Ms. Cincotta gave a closing argument. Ms. Patterson also presented a closing argument. Judge Hewitt closed the hearing at approximately 11:43 a.m.

The Board took a break at 11:43 a.m. and reconvened in closed session at 11:56 a.m.

FULL BOARD CLOSED SESSION - CONFIDENTIAL

Item VIII. Pursuant to Section 11126(c)(3) of the Government Code, the Board Will Meet in Closed Session for Discussion and to Take Action on Disciplinary Matters

FULL BOARD OPEN SESSION

The Board reconvened in open session at 2:20 p.m. Items I, VI, VII, and IX were heard.

Item I. Ethical Decision Making - Dianne Dobbs, DCA Senior Legal Counsel

Dianne Dobbs, DCA Legal Counsel, presented the Bagley-Keene Open Meeting Act and answered questions presented by Board Members.

Item VI. Suggestions for Future Agenda Items

Karen Pines requested a discussion regarding Skype.

Item VII. Public Comment for Items not on the Agenda

No public comments were presented.

Item IX. Adjournment

The Board adjourned at 3:11 p.m.

Thursday, November 20th

Members Present

Christina Wong, Chair, LCSW Member
Deborah Brown, Vice Chair, Public Member
Samara Ashley, Public Member
Dr. Scott Bowling, Public Member
Dr. Leah Brew, LPCC Member
Dr. Peter Chiu, Public Member
Betty Connolly, LEP Member
Patricia Lock-Dawson, Public Member
Renee Lonner, LCSW Member
Karen Pines, LMFT Member
Dr. Christine Wietlisbach, Public Member

Staff Present

Kim Madsen, Executive Officer
Steve Sodergren, Asst. Executive Officer
Rosanne Helms, Legislative Analyst
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative Analyst

Members Absent

Sarita Kohli, LMFT Member

Guests

On file

FULL BOARD OPEN SESSION

Christina Wong called the meeting to order at 8:43 a.m. Christina Kitamura called roll. A quorum was established.

X. Introductions

Board Members, Board staff and attendees introduced themselves.

Ms. Wong announced that the Governor reappointed Renee Lonner to the Board for another term.

Ms. Wong presented a Resolution to Dr. Harry Douglas, who has resigned from the Board.

XI. Approval of the Board Meeting Minutes

a. July 11, 2014

Patricia Lock-Dawson moved to approve the July 11, 2014 Board meeting minutes. Deborah Brown seconded. The Board voted unanimously (11-0) to pass the motion.

b. August 6, 2014

The following corrections were made:

Page 2 of the minutes, line 15: "a new" corrected to "an".

Patricia Lock-Dawson moved to approve the August 6, 2014 Board meeting minutes as amended. Renee Lonner seconded. The Board voted (8 yea, 3 abstentions) to pass the motion.

c. August 13, 2014

Dr. Peter Chiu moved to approve the August 13, 2014 Board meeting minutes. Karen Pines seconded. The Board voted (7 yea, 4 abstentions) to pass the motion.

d. August 27-28, 2014

The following corrections were made:

Page 1, line 37: "LCS 268434" corrected to "LCS 26843".

Dr. Peter Chiu moved to approve the August 27-28, 2014 Board meeting minutes as amended. Renee Lonner seconded. The Board voted (7 yea, 4 abstentions) to pass the motion.

e. October 7, 2014

The following corrections were made:

Page 1, line 19: "Clinical" corrected to "Clinic".

Dr. Peter Chiu moved to approve the October 7, 2014 Board meeting minutes as amended. Samara Ashley seconded. The Board voted (8 yea, 3 abstentions) to pass the motion.

XII. Chairperson's Report

Ms. Wong introduced the newest member of the Board, Dr. Scott Bowling. Dr. Bowling presented a summary of his background.

Ms. Wong and Kim Madsen met in September with Department of Consumer Affairs (DCA) Director Awet Kidane and Deputy Director Tracy Rhine to discuss Board operations and concerns with internal departmental support.

Ms. Wong and Ms. Madsen attended the DCA Executive Staff, Executive Officer, and Board Chair Meeting in October. During this meeting, the Boards were advised that all reappointed members are required to attend Board Member Orientation Training. This direction is a revision to prior direction. Additionally, all Board members must complete Defensive Driver Training. Information regarding these requirements was sent to the Board members.

Ms. Wong attended the third annual BBS Chili Cook-Off in October.

XIII. Executive Officer's Report

a. Budget Report

The 2014/2015 budget is \$9,139,000. As of September 30th, the Board spent \$2,108,156 reflecting 23% of the total budget.

As of September 30th, the Board collected \$2,593,940.20 in revenue.

The Board's fund condition reflects 3.6 months in reserve.

The Board's loan balance to the General Fund is \$10.9 million dollars. This figure reflects the \$1.4 million dollar repayment received in fiscal year 2013/2014. The current fund condition also reflects a scheduled \$1 million dollar loan repayment in fiscal year 2014-2015. Once this repayment is received, the outstanding loan balance to the General Fund will be \$9.9 million dollars.

b. Operations Report

Statistics: Processing times are still unavailable at this time; however, operational statistics were provided.

Licensing Program: Receipt of Board applications increased as compared to the same period in 2013. The 33% decrease in Continuing Education Provider (PCE) applications can be attributed to the upcoming revision to the Board's Continuing Education Program.

The additional staff in the Licensing Unit is making a significant difference in the efforts to reduce the Board's backlog for Licensed Marriage Family Therapist (LMFT) and Licensed Clinical Social Worker (LCSW) examination applications. For most of 2013, these applicants experienced delays ranging from 6-9 months to evaluate their applications.

The LMFT unit reduced its backlog from nearly 9 months to 4.5 months since May 2014. The LCSW unit has two full-time members and lost an experienced evaluator in early summer. This vacancy has slowed the LCSW progress in reducing its backlog. However, this position was recently filled. In the next several months, the Board anticipates significant progress to reduce the backlog.

Examination Program: A total of 2,401 examinations were administered in the first quarter. Thirteen examination development workshops were conducted from July through September.

Administration Program: During the first quarter, 19,916 renewal applications were received and processed. The Board's cashier unit completed 2,751 renewal applications. The remaining renewals were processed by DCA's central cashiering unit.

Enforcement Program: The Enforcement Unit received 291 consumer complaints and 297 criminal convictions in the first quarter. This quarter, 489 cases were closed and 30 cases were referred to the Office of Attorney General (AG) for formal discipline.

Enforcement staff continues to meet or exceed the established performance measures (PM) with the exception of PM 4, Formal Discipline. DCA established the performance target for PM 4 at 540 days. The Board's current quarterly average is 710 days. It is important to note that this performance measure relies on the efficiency of outside state agencies such as the AG's office and the Office of Administrative Hearings (OAH).

Outreach: Board members and staff participated in the following events:

- California Association of Licensed Professional Clinical Counselors (CALPCC) meeting in San Francisco;
- National Association of Social Workers (NASW) Annual Conference in Los Angeles; and
- LMFT Stipend Award Review.

Board staff provided information regarding the change to the Board's continuing education program and copies of the Strategic Plan to distribute at the California Association of School Psychologists (CASP) Annual Conference.

Board staff developed and released its first licensure video tutorial. *How to Become Registered as an Associate Social Worker* is available on the Board's website.

2013-2014 Year End Summary:

- The Board has approximately 102,069 licensees/registrants;
- Over 40,000 renewals were received;
- Over 20,000 applications were received;
- Over 9,000 examinations were administered;
- 38 examination workshops were conducted;
- Nearly 2,000 complaints were received;
- Nearly 2,000 cases were closed;
- 115 cases were referred to the AG's office;
- 87 final orders were adopted;
- 35 final citations were issued;
- 49 probationers were added;
- 13 petitions to modify or terminate probation were received;
- The Board sponsored 3 bills and identified 10 bills that affected Board licensees;
- 4 regulation packages were approved by the Office of Administrative Law (OAL);
- Board members and staff attended several association events and two association chapter meetings.

c. Personnel Update

Hiring requests were submitted to DCA to fill the remaining positions received through the Budget Change Proposal for Fiscal Year 2014-2015:

- *Associate Governmental Program Analyst – Enforcement Program*
Sandra Wright, an AGPA in the Exam Unit, was appointed to this position.
- *Office Technician – Enforcement Program*
Craig Zimmerman has been appointed to the Office Technician vacancy in the Enforcement Unit's Consumer Complaint & Investigations.

- *Associate Governmental Program Analyst – Enforcement Program*
An individual has been selected to fill this position, and the Board is in the final steps of the hiring process.
- *Management Services Technician – Licensing Program*
Interviews for this position are completed, and the required paperwork has been submitted to OHR.

Guillermo Tapia Romero accepted a promotional position with the Department of Motor Vehicles. Mr. Romero served as the Board’s Enforcement Technician.

Andrea Flores accepted a promotional position with the Bureau of Private Postsecondary Education under DCA. Ms. Flores served as an LMFT Evaluator.

There are currently 3 vacancies:

- Associate Governmental Program Analyst – Administration
- Office Technician – Enforcement
- Management Services Technician – Licensing

d. BreEZe Update

Since Breeze went live, Lynne Stiles has been coordinating the effort in working with the Breeze team to make refinements to the system as it relates to the Board’s business processes. This has required her to coordinate the submittal, tracking, and prioritizing of all the Board’s System Investigation Reports (SIRs). Currently, the Board has approximately one hundred SIRs that need to be addressed. Ms. Stiles has been reviewing the SIRs to determine whether a SIR is still relevant. System changes that have occurred since then have made some of the Board SIRs obsolete.

Release 1.2 went into production. This release addressed various SIRs that the Board had submitted. With the release of 1.2, the Breeze functionality for the Board has increased by:

- Allowing registrants and licenses to renew online;
- Creating a report that lists the pass and fail information broken down by license type, exam and school within a time period;
- Creating two enforcement letters that the system will now be able to generate; and
- Creating an exam accommodations report that will be utilized in-house when coordinating exams for special accommodation candidates.

Ms. Wong suggested updating the renewal notice to inform licensees/registrants about the option to renew online.

Ben Caldwell, American Association for Marriage and Family Therapy California Division (AAMFT-CA), explained that BreEZe shows “license number” and “license type,” which is causing confusion for registrants because they have been informed that they cannot hold themselves out as “licensed.” Steve Sodergren agreed that this needs to be addressed.

Ms. Madsen stated that staff is looking into placing a computer in the BBS office lobby so that licensees/registrants can renew their licenses/registrations in-house.

Deborah Brown suggested adding a link from the renewal page on the website to the tutorials.

XIV. Strategic Plan Update

Management and staff continue to address the strategic goals and objectives.

Objective 1.1: Paula Gershon worked with the lead evaluator to create a more comprehensive training process for new evaluators. Ms. Gershon created an Excel spreadsheet tool to automate calculations of experience hours. The evaluation sheet has been simplified and improved; applications have been improved.

Objective 1.6: License portability will be improved through the acceptance of a national licensing exam, which will occur in 2016 with the exam restructure for LCSWs.

Objective 1.7: Staff has been reviewing and improving applications to make instruction more uniform where appropriate.

Objective 2.2: Board management met with Office of Professional Examination Services (OPES) in November 2014 to discuss Subject Matter Expert (SME) requirements.

Objective 3.1: A proposed recruitment process has been formulated.

Objective 3.2: The Expert Reviewer Training Manual is undergoing revisions and updates.

Objective 3.3: An enforcement analyst has been reassigned to perform the duties of the Board's AG liaison, and training has begun.

Objective 3.6: Gina Bayless is participating in a Report Users Group to develop breeze reports. Reports will be utilized as a tool to identify processing issues and focus on process improvement. The complaint intake process has been streamlined to reduce the number of cases assigned to the analysts allowing them time to focus on the more complex cases and reduce the overall processing time.

Objective 6.1: An Associate Social Worker (ASW) video tutorial was completed to assist applicants in navigating through the process of becoming licensed. The "Frequently Asked Questions" page for ASWs was updated and expanded.

Objective 6.2: Review has begun of the board website and phone tree system in order to ensure efficient communication and better access to licensing information. The LCSW "applicant" section of the website was given an overhaul.

Jill Epstein, California Association of Marriage and Family Therapists (CAMFT), expressed that CAMFT would like to be a part of the expert recruitment process. Kim

Madsen responded that Board staff will forward information to Ms. Epstein on upcoming recruiting.

The Board took a break at 10:25 a.m. and reconvened at 10:44 a.m.

XV. Supervision Committee Update

a. Update of October 24, 2015 Meeting

Staff was directed to present draft language to the Board, which includes changes to the supervised work experience for the LMFTs and LPCCs. The language proposes to remove most of the “buckets” for LMFT and LPCC, and instead requires a minimum of 1,750 hours of direct counseling, and a maximum of 1,250 hours of non-clinical experience.

Other topics discussed were:

- *Possible recognition of triadic supervision*

The Supervision Committee (Committee) and stakeholders were open to the concept of triadic supervision, and it was determined that type of supervision should be further discussed at a future meeting.

- *Supervision ratios*

It was determined that this should be revisited when related supervision requirements are reviewed by the Committee.

- *Supervision of LMFT applicants by a LMFT*

The Committee and stakeholders discussed this as a possibility, but would like to further discuss to ensure it is not too restrictive.

- *Six-year limit on age of experience hours and Intern/ASW registrations*

The Committee expressed a support for limits for public protection purposes, but also would like to discuss circumstances outside of a person’s control that may impact gaining hours within the six-year time frame.

b. Discussion and Possible Action Regarding Changes to Current Supervised Work Experience Requirements for LCSW, LMFT and LPCC

Staff provided a breakdown of the specific hours of experience currently required for each license type. The requirements that are common between the professions include:

- Two years of supervised experience consisting of at least 3,000 hours,
- Some direct counseling hours,
- Limits on non-clinical and other types of hours.

Staff provided a comparison of supervised experience requirements in 10 other states.

Staff provided the proposed changes to the current requirements, which would result in a streamlined approach that retains some of the differences in requirements between the different license types.

Changes for LMFT and LPCC applicants only

Removes all categories (“buckets”) except for the following:

- Minimum of 1,750 hours of Direct Counseling with Individuals, Groups, Couples or Families (58% of the total 3,000 hours)
- Maximum of 1,250 hours of Non-Clinical Experience (42% of the total hours). May be gained performing any combination of the following activities:
 - Direct Supervisor Contact
 - Administering and Evaluating Psychological Tests
 - Writing Clinical Reports
 - Writing Progress or Process Notes
 - Client-Centered Advocacy
 - Workshops, Seminars, Training, Conferences
- Provides a one-year transition/grace period.

Changes for LMFT applicants only:

- Keeps the limitation on Trainees obtaining a maximum of 750 hours of “Direct Counseling and Direct Supervisor Contact.”
- Removes the incentive for double-counting hours performed providing conjoint treatment of couples or families toward the total hours required in the category of “Diagnosing and Treating Couples, Families or Children.”
- No longer allows personal psychotherapy obtained by the applicant to count toward supervised experience.

Changes for Licensed Professional Clinical Counselor (LPCC) applicants only:

Removes the requirement to gain 150 hours in a community mental health setting.

Changes for LCSW applicants only:

- Permits hours of direct supervisor contact to count toward the 3,200 hours.
- Permits workshops, seminars, training sessions or conferences directly related to clinical social work that have been approved by the applicant’s supervisor to count toward the 3,200 hours.

This proposal would take effect January 1, 2016 and would change how experience is evaluated immediately. Although the requirements are not changing in a way that would impact most applicants’ ability to qualify, a phase-in period is necessary. The language includes a grace period that would ensure that no applicant is disenfranchised by the change in requirements by needing to earn additional hours of experience.

If the proposed amendments were accepted, the LCSW program would differ from the LMFT and LPCC requirements as follows:

- Technically requires 1,000 fewer hours of “direct counseling” than LMFT and LPCC would. However, LCSW applicants must have a total of 2,000 “clinical” hours that include diagnosis, assessment and treatment.
- The allowed categories for non-clinical experience would be different.

Possible Benefits of the Proposed Changes to LMFT and LPCC Requirements:

- Supervisors would have more flexibility when determining the type of experience needed by a particular supervisee.
- Less complexity would facilitate a better understanding of experience and supervision requirements.
- Less complexity would facilitate applicants to more easily obtain and track hours of experience.
- Streamlining the “buckets” would remove the restriction on the number of hours gained via telehealth counseling. This may help alleviate problems with access to care by clients in areas where there are provider shortages, and for homebound clients, etc.
- The three professions would have closer parity in their requirements.

Possible Drawbacks to the Proposed Changes to LMFT and LPCC Requirements:

- Some individuals may not be compelled to obtain the range of experience that they would have under current requirements. This could impact skill development and lead to difficulty passing the licensing exams. Applicants would have to be more diligent in finding opportunities to gain different types of experience.
- It may initially be a challenge for some LMFT applicants to obtain more hours of direct counseling than are needed under current requirements.
- Removing the restriction on hours gained performing telehealth counseling may be concerning to some. If the restriction were kept, applicants could still provide counseling via telehealth above the maximum hours permitted - they cannot count the extra hours toward licensure.

Dean Porter, California Association for Licensed Professional Clinical Counselors (CALPCC), requested that the requirement for 150 hours in a hospital or community mental health setting remain in the LPCC requirements. Ms. Porter explained that when CALPCC was trying to get its bill through the Legislature to create a license for LPCCs, the California Psychiatric Association requested the 150-hour requirement. CALPCC agreed to include the requirement in the bill. Ms. Porter also noted that the “team setting” experience within a hospital or community mental health setting is valuable to LPCCs.

Dr. Brew added that other license types do not require hours in a hospital or community mental health setting, and the psychiatrists felt that it was a consumer protection issue.

Dr. Chiu expressed that it is crucial to require LPCCs to obtain 150 hours in a hospital or community mental health setting.

Dr. Leah Brew suggested requiring the same for the other license types.

Mr. Caldwell responded at least 150 hours of client contact, not in private practice, is required in LMFT practicum. Therefore, it ends up taking place in a hospital or a community mental health setting.

Rosanne Helms summarized the suggested changes to the proposed language:

- To keep the requirement of 150 hours in a hospital or community mental health setting, and
- Apply a two-year phase in period for all three license types.

Dr. Leah Brew moved to direct staff to make changes discussed and pursue as a legislative proposal. Karen Pines seconded. The Board voted unanimously (11-0) to pass the motion.

The Board took a break at 11:33 a.m. and reconvened at 11:39 a.m.

XVI. Discussion and Possible Action Regarding Legislation Affecting the Board

a. Discussion and Recommendations for Possible Action Regarding Proposed 2015 Omnibus Bill Amending Business and Professions Code §4980.43, §4984.01, §4996.2, §4996.28, §4999.45, §4999.46, and §4999.100

Staff is suggesting amendments to the following sections of the Business and Professions Code (BPC):

1. Amend BPC §4984.01, §4996.28, §4999.45, and §4999.100 – Prohibited Work Settings for a Subsequent Registration Number

Staff has relayed that sometimes registrants with a subsequent registration number are confused about the section in the law that prohibits them from working in a private practice.

Staff's recommendation is to clarify these sections by stating the prohibition more directly.

2. Amend BPC §4996.2 – Qualifications for a License

§4996.2 lists the requirements for an applicant, including being at least 21 years old, having earned a master's degree from an accredited school of social work, and having 2 years of supervised post-master's degree experience. However, the section does not specifically state whether these requirements are for an applicant for licensure, or if they are for an applicant for registration.

One of the requirements listed in this section is having 2 years of supervised post-master's degree experience. Therefore, it is clear that these requirements are intended for applicants for a license. Therefore, staff recommends that the section be amended to state that the requirements are for licensure applicants.

3. Amend BPC §4980.43 and §4999.46 – 90-Day Rule for Intern Applicants

§4999.46(d) allows an applicant for a PCI Intern registration to credit post-degree hours of experience toward licensure experience requirements, as long as the applicant applies for the intern registration within 90 days of the granting of the qualifying degree.

A stakeholder has pointed out that the current language is confusing. Currently, the language allows counting the hours as long as the applicant applies for intern registration “within 90 days of the granting of the qualifying degree and is registered as an intern by the board.”

By definition, an applicant applying within 90 days of his or her degree being granted is not yet going to be registered as an intern by the Board. Staff recommends clarifying this language so that it is similar to the language for MFT Interns in §4980.43(g).

§4980.43(g) has also been amended to make it clearer that applicants who do not yet have an intern registration are not permitted to work in a private practice.

Staff recommends making clarifying amendments to §4980.43(g), §4999.46(d), and §4999.46(d).

Renee Lonner moved to direct staff to make any discussed changes, as well as any non-substantive changes to the proposed language and submit to the Legislature as a legislative proposal. Dr. Christine Wietlisbach seconded. The Board voted unanimously (11-0) to pass the motion.

b. Discussion and Recommendation for Possible Action Regarding Amendments to Support the Board's Continuing Education Program

The Continuing Education (CE) regulations were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on September 16, 2014. Effective January 1, 2015, the new regulations become part of the regulations outlining the Board's authority. Effective July 1, 2015, all Board-approved CE providers will no longer be renewed.

The Board's licensing law contains several references to the Board “approving” CE providers. Since the Board will no longer be approving CE providers, this language is obsolete.

Staff is proposing the following amendments to update the Board's licensing law so it is consistent with the CE regulations. As these amendments are technical in nature, they can likely be made in the 2015 omnibus bill:

1. Amend BPC §28: Training for Child and Elder and Dependent Adult Abuse Assessment

This section discusses a need for the BBS and the Board of Psychology (BOP) to establish training in child and elder and dependent adult abuse assessment. The section states a course is acceptable if it is from a CE provider approved by the BBS or BOP.

Both BBS and BOP no longer approve CE providers, and therefore, staff suggests the language be amended for consistency. Staff is in the process of confirming that BOP finds these amendments acceptable.

2. Amend BPC §4980.399, §4980.54, §4989.34, §4992.09, §4996.22, §4999.55, and §4999.76: Miscellaneous References to Approving CE Providers

These sections make several references to the Board approving CE providers.

Staff recommends changing the references to state that CE providers specified by the Board in regulation are acceptable. Staff also recommends amending the requirement that the Board must establish a procedure for approving CE providers, to instead require the Board to establish a procedure to identify acceptable CE providers.

Dr. Christine Wietlisbach moved to direct staff to make any discussed changes and any non-substantive changes, and submit to the Legislature as a legislative proposal. Dr. Leah Brew seconded. The Board voted unanimously (11-0) to pass the motion.

c. Discussion and Recommendation for Possible Action to Sponsor Legislation to Support the Board's Enforcement Process

Staff is recommending consideration of two legislative amendments related to the Board's enforcement process.

1. Requirements to Petition for Reinstatement or Modification of Penalty

As the Board's licensing population increases, the Board's Enforcement Unit is receiving an increasing number of requests to petition for termination of probation or modify penalty from licensees and registrants who are not in compliance with the terms of their probation. These requests utilize the valuable time and resources of staff, attorneys, and Board members, even though they will ultimately be rejected for noncompliance.

Staff proposes to add BPC §4990.31, which outlines criteria under which the Board may deny a request to petition to terminate probation or modify penalty. These include the following:

- The petitioner has failed to comply with the terms/conditions of the disciplinary order;
- There is an ongoing investigation of the petitioner;

- The petitioner has a subsequent arrest or conviction while on probation; and/or
- The petitioner's probation is currently tolled.

This section is in the Board's general provision statutes, and therefore would apply to the Board's Licensed Educational Psychologists (LEP), LMFT, LCSW, and LPCC licensees and registrants

2. License or Registration Status Change

A new section is proposed to clarify that the Board has jurisdiction to investigate and/or take disciplinary action even if the status of a license or registration changes or the license or registration expires. This is being proposed for two reasons:

- a) **Medical Board Case Ruling:** The California Medical Board lost a court of appeal case where it was attempting to take disciplinary action against a licensee who held a retired license. The court ruled that a retired license status is not considered a licensee under the Medical Board's jurisdiction, and that the disciplinary authority is valid "only if and when the retired licensee seeks to return to the practice of medicine and files an application" with the Medical Board.

Because of this ruling, in 2012 the Medical Board sought an amendment to one of its statutes related to enforcement via the omnibus bill. The amendment added retired and inactive license statuses within that board's authority to investigate and take disciplinary action.

- b) **Deficiencies in BPC §118:** BPC §118 is the statute that provides the Board with authority to continue a disciplinary proceeding or take disciplinary action even if a license is expired, suspended, or forfeited. However, there is a loophole in §118 that only allows this authority during the period of time during which the license is able to be renewed, restored, reissued, or reinstated.

The Board's enforcement unit is experiencing a problem with taking disciplinary action on registrants with an expired or expiring registration number. Under the law, a registration number is only valid for six years. After six years the registration expires and cannot be renewed, so the applicant must obtain a new registration number. Technically, the registrant is continuing their registration, but since they must do this by getting a new registration number, instead of renewing the old one, §118 does not apply.

This is creating a situation where the Board cannot proceed with any disciplinary action once a registrant needs a new registration number. The registrant can then wait for the statute of limitations to run out on his or her violation, and then apply for a new number.

Staff proposes to add §4990.33 so that the Board may take disciplinary action on its licensees and registrants regardless of the status of a license or registration.

This section is in the Board's general provision statutes, and therefore would apply to the Board's LMFT, LEP, LCSW, and LPCC licensees and registrants.

In November 2013, the Board approved this provision for inclusion in the 2014 omnibus bill. However, there was an objection to this amendment, forcing its removal from that bill.

Dr. Leah Brew moved to direct staff to make any discussed changes, as well as any non-substantive changes to the proposed language and submit to the Legislature as a legislative proposal. Dr. Peter Chiu seconded. The Board voted unanimously (11-0) to pass the motion.

d. Update Regarding AB 1629: Crime Victims: Compensation: Reimbursement of Violence Peer Counseling Expenses

This bill makes costs incurred for certain services provided by violence peer counselors reimbursable to crime victims through the California Victim Compensation Board. It was signed into law by the Governor in late September and becomes effective on January 1, 2015.

This bill was amended late in the legislative session to require a violence peer counselor eligible for reimbursable services to be supervised by a Board licensee. The Board had several concerns about this language. One concern was that the bill does not make it clear that a violence peer counselor may not practice psychotherapy in a private practice unless licensed. At its August 2014 meeting, the Board took an "oppose unless amended" position on this bill.

The author's office has committed to making clarifying amendments in the next legislative session. Currently, they are working with Legislative Counsel to draft language that would clarify that any services falling under the scope of practice of the Board's licensing acts must be performed by a licensee or registrant of the Board. Staff is planning to bring this draft language to the January 2015 Policy and Advocacy Committee meeting for further discussion.

The Board took a lunch break at 12:09 p.m. and reconvened at 1:23 p.m.

XVII. Legislative Update

Three bills were signed into law:

- AB 1843: Child Custody Evaluations
- AB 2213: LMFT and LPCC Out-of-State Applicant Requirements
- SB 1466: Omnibus Legislation
- SB 578: Behavioral Sciences: Records Retention
- SB 1012: Marriage and Family Therapists: Trainees

Other bills of interest:

- AB 186: Military Spouses: Temporary Licenses - the Board was removed from the bill.

- AB 2396: Expungement: Licenses – The Governor signed this bill into law.

XVIII. Rulemaking Update

The Continuing Education regulations were approved by OAL and filed with the Secretary of State on September 16, 2014. The effective dates are January 1, 2015 and July 1, 2015.

The public comment period has ended for the Uniform Standards for Substance Abuse regulations. The proposal has been submitted to DCA and the State and Consumer Services Agency for review. Once approved by these entities, staff will submit it to OAL for final approval.

The public hearing for the Examination Restructure regulations will be held on December 29, 2014.

XIX. Consideration of Requests for Recognition as an Approval Agency

The new regulations recognize the following entities as approval agencies:

1. National Association of Social Workers (NASW)
2. Association of Social Work Boards (ASWB)
3. National Board of Certified Counselors (NBCC)
4. National Association of School Psychologists (NASP)
5. American Psychological Association (APA)

The regulations allow the Board to recognize another entity as an approval agency if it can demonstrate that it meets specified criteria.

a. California Marriage and Family Therapist Association (CAMFT)

CAMFT is seeking approval as a Board-recognized approval agency. Jill Epstein and Miriam Toscano presented an overview of CAMFT's CE approval program. Board members were provided the opportunity to pose questions regarding CAMFT's CE approval program.

Dr. Peter Chiu moved to approve CAMFT as an additional Board-recognized approval agency to commence approving CE providers and with the approval effective July 1, 2015. Dr. Christine Wietlisbach seconded. The Board voted unanimously (11-0) to pass the motion.

b. California Psychological Association

The California Psychological Association (CPA) is seeking approval as a Board-recognized approval agency. CPA could not attend the meeting to present information regarding its CE approval program. However, they expressed that a representative from CPA could attend the February 2015 Board Meeting.

CPA provided written information regarding their program; however, staff and Board members have questions that could not be adequately answered by the information provided.

Patricia Lock-Dawson moved to table this item until CPA appears before the Board. Dr. Peter Chiu seconded. The Board voted unanimously (11-0) to pass the motion.

XX. Discussion and Recommendations for Establishing Standing Board Committees

The past several years the Board has used Ad-Hoc committees to address specific topic areas. Ad Hoc committees were utilized at a time when several Board member vacancies existed as well as Board staff vacancies. Although these committees are very effective, during the development of the Board's Strategic Plan, a desire to establish standing committees was expressed.

Now that the Board has only one Board member vacancy, establishing standing committees for the remaining strategic goals is viable. As topics for discussion are suggested to the Board, a standing committee provides an efficient method to assign the topic and begin the discussion with our stakeholders.

The Board's Strategic Plan Organizational Effectiveness Goal 5.5 is to establish standing Board committees that align with the Board's strategic goals. The strategic goal areas of the Board are as follows:

- a. Licensing
- b. Examinations
- c. Enforcement
- d. Legislation and Regulation
- e. Organizational Effectiveness

Currently, the Board has one standing committee – the Policy and Advocacy Committee. This committee meets on a quarterly basis to discuss all proposed legislation and regulation that affects Board licensees and registrants. Considering the work of this committee, it seems appropriate to align this committee to the legislation and regulation goal area.

The Board also has one Ad-Hoc committee – the Supervision Committee. This committee is currently discussing the requirements for supervision as well as the required number of supervised hours. Some recommendations have been presented to the Board; however, there are some outstanding topics to discuss. These topics will be addressed at future committee meetings. Therefore, the Board may or may not wish to align this committee with the licensing goal area.

The work of these additional standing committees may not require a quarterly meeting schedule similar to the Policy and Advocacy Committee. Therefore, the Board may wish to consider the following items as they establish the standing committees:

- Does the Board want to require all standing committees to meet a specific number of times a year?

- Does the Board want to allow standing committees to determine meeting schedules based upon the work assigned to the committee?
- Does the Board want to specify the number of members for each committee? If so, how many members should be assigned to each committee?
- Should the Policy and Advocacy Committee be aligned to the legislation and regulation goal area?
- Should the Supervision Committee be aligned to the licensing goal area?

Ms. Ashley expressed that she would like to serve on a Committee.

Dr. Chiu expressed that it would be a good idea to have standing committees. Ms. Pines agreed.

Dr. Brew agreed that a standing committee is a good idea, as needed. However, she is concerned about the number of meetings during a year and the travel involved for board members, staff and stakeholders to attend each of these meetings. Dr. Brew also stated that a Board member should not serve on more than one committee.

Ms. Madsen feels that the standing committees do not necessarily need to meet quarterly; they can meet as needed. All of the committees can meet on the same day to make it easy for stakeholders to attend.

Ms. Pines suggested that the committees meet the day before a board meeting.

Ms. Ashley recommended that Board members communicate which committee they would like to serve. She also recommended teleconference for the meetings.

Dr. Brew recommended using Skype or webinar technology.

Dr. Wietlisbach suggested aligning the Policy and Advocacy Committee to the Organizational Effectiveness goal because this committee meets in Sacramento and has access to staff.

Ms. Brown expressed that the standing committee should be in place to address ongoing, long-term issues. Ad Hoc committees should be in place to address issues that will be resolved within few meetings.

Ms. Lock-Dawson suggested that staff determine the priorities from the Strategic Plan, and then determine the committees based on priorities.

Dr. Bowling offered his opinion:

- Committees should consist of 2-3 members;
- Committees should meet prior to the Board meetings;
- The Board should make use of technology to conduct the meetings;
- The Board should be sensitive to the use of staff time, and improve the efficiency of staff;
- The Board should consider the financial impact; and
- Each committee should establish a purpose and stay focused on that purpose.

Ms. Madsen expressed that staff will return to the Board with a list of priorities for 2015. She will work with Ms. Wong, determine potential committees and purposes, and survey the Board members on their opinions/preferences.

XXI. Suggestions for Future Agenda Items

Ms. Lonner: Requested information regarding citations and fines that are on the website for 5 years.

Mr. Caldwell: What information about exams can be shared and cannot be shared? There's concern regarding this area, particularly sharing exam information over social media. He suggested that the Board define the lines of inappropriate sharing of exam content.

Ms. Madsen: The Enforcement Unit is requesting a closed session meeting in Sacramento to discuss a case. The Board and Legal Counsel Dianne Dobbs agreed to schedule the meeting on January 9th at noon.

The Board will transition its meetings from Wednesday/Thursday to Thursday/Friday beginning with the August Board meeting. The August Board meeting date is changed to August 27th-28th. The November Board meeting date is changed to November 19th-20th.

The October Board meeting will be held in Sacramento; the date will remain on October 22nd.

XXII. Public Comment for Items not on the Agenda

Mr. Caldwell announced that this is his last Board meeting in the capacity of his role on the AAMFT's Advocacy Committee. He expressed his gratitude to the Board and staff.

On behalf of the Board and staff, Ms. Madsen expressed appreciation for his contributions to BBS.

XXIII. Adjournment

The Board adjourned at 2:50 p.m.