



Board of Behavioral Sciences

Memo

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

To: Committee Members

Date: October 13, 2021

From: Rosanne Helms
Legislative Manager

Telephone: (916) 574-7897

Subject: Legislative Update

BOARD-SPONSORED LEGISLATION

The Board is pursuing of the following legislative proposals this year.

1. AB 690 (Arambula) Practice Setting Definitions

This bill proposal seeks to eliminate the confusion about where pre-licensees may work by providing specific definitions of private practice, professional corporation, and non-exempt settings.

Status: This bill was signed by the Governor (Chapter 747, Statutes of 2021).

2. SB 801 (Archuleta) Board Sunset Bill/LMFT Scope of Practice/Omnibus Bill

This bill proposes to extend the Board's sunset date to January 1, 2026. It also modernizes and clarifies the scope of practice for marriage and family therapists (LMFTs). The Board has a "support" position on those two provisions of the bill.

Additionally, the Board is also sponsoring the portion of the bill that makes several minor, technical, and non-substantive amendments to add clarity and consistency to its current licensing law.

Status: This was signed by the Governor (Chapter 647, Statutes of 2021).

BOARD-SUPPORTED LEGISLATION

1. AB 462 (Carrillo) Licensed Professional Clinical Counselor Act

This bill removes the following requirements for professional clinical counselor (LPCC) licensure:

- The requirement to gain at least 150 hours of clinical experience in a hospital or community mental health setting; and
- The requirement that LPCCs must complete additional education, supervised experience, and continuing education related to marriage and family therapy in order to treat couples or families.

The Board has a “support” position on this bill.

Status: This bill was signed by the Governor (Chapter 440, Statutes of 2021)

2. AB 468 (Friedman) Emotional Support Animals

This bill requires a health care practitioner who provides documentation about an individual’s need for an emotional support dog to comply with certain specified criteria.

At its September 2021 meeting, the Board took a “support” position on this bill.

Status: This bill was signed by the Governor (Chapter 168, Statutes of 2021).

3. AB 723 (Low) Marriage and Family Therapy: Scope of Practice

This bill would modernize and clarify the scope of practice for marriage and family therapists.

At its March 2021 meeting, the Board took a “support” position on this bill.

In an effort to consolidate the number of bills running this year, the Legislature has moved the provisions of this bill into SB 801.

Status: The content of this bill was moved into SB 801.

4. AB 988 (Bauer-Kahan) Mental Health: 988 Crisis Hotline

This bill takes steps to implement a statewide 988 mental health crisis hotline.

At its July 2021 meeting, the Board took a “support” position on this bill.

Status: This bill is a two-year bill. The sponsor has noted that they were able to secure startup funds for the 988 program, and that they will likely run a new bill next January.

BOARD-MONITORED LEGISLATION

1. **AB 29 (Cooper) State Bodies: Meetings**

This bill proposes a change to the Bagley-Keene Open Meeting Act to require that state bodies provide meeting writings or materials to the public on the same day they are provided to the state body's members, or at least 72 hours before the meeting, whichever is earlier.

At its May 2021 meeting, the Board took an "oppose unless amended" position on this bill. The Board requested an amendment that would permit revision of board materials related to current legislation to reflect the most recent information available. In addition, the Board requested an amendment specifying that closed session materials would remain confidential.

Status: This is a 2-year bill.

2. **AB 107 (Salas) Licensure: Veterans and Military Spouses**

This bill would require all boards under DCA, including this Board, to issue a temporary license to the spouse of an active duty military member if they meet specified requirements.

The Board took an "oppose unless amended" position on this bill, and asked to be removed from its provisions, due to the Board already having an established process to promote license portability.

Status: This bill was signed by the Governor (Chapter 693, Statutes of 2021).

3. **AB 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions**

This bill would require boards within DCA to update their required website postings for a person whose license was revoked because they were convicted of a crime, within 90 days upon receiving a certified copy of an expungement order for that offense pursuant to Penal Code section 1203.4. If the person reappplies for licensure or has been relicensed, the board must post notification of the expungement order and the date on the website. If the person is not currently licensed and does not reapply for a license, the board must remove the initial website posting that the person's license was revoked, and information previously posted regarding arrests, charges, and convictions.

At its May 2021 meeting, the Board took a "support if amended" position on this bill. The Board requested an amendment BPC section 493.5(a)(2) in the bill.

Status: This is a 2-year bill.

4. AB 133 (Committee on Budget) Health

This bill requires healing arts boards to request specified workforce demographic data from their licensees and registrants at the time of electronic license or registration renewal.

The Board did not take a position on this bill.

Status: This bill was signed by the Governor (Chapter 143, Statutes of 2021).

5. SB 14 (Portantino) Pupil Health: School Employee and Pupil Training: Excused Absences: Youth Mental and Behavioral Health

This bill adds an absence for the benefit of the pupil's mental or behavioral health to the list of school absences that must be excused. It also requires the Department of Education to recommend best practices and identify evidence-based and evidence-informed training programs for schools to address youth behavioral health, including staff and pupil training.

The Board did not take a position on this bill.

Status: This bill was signed by the Governor (Chapter 672, Statutes of 2021).

6. SB 221 (Wiener) Health Care Coverage: Timely Access to Care

This bill would require both a health care service plan and a health insurer, including a Medi-Cal Managed Care Plan, to ensure that appointments with nonphysician mental health and substance use disorder providers are subject to specified timely access requirements. The bill would additionally require, commencing July 1, 2022, a health care service plan and a health insurer, including a Medi-Cal Managed Care Plan, to ensure that an enrollee or insured that is undergoing a course of treatment for an ongoing mental health or substance use disorder condition is able to get a follow-up appointment with a nonphysician mental health care or substance use disorder provider within 10 business days of the prior appointment.

The Board did not take a position on this bill.

Status: This bill was signed by the Governor (Chapter 724, Statutes of 2021).

7. SB 607 (Min) Business and Professions

This bill requires DCA licensing boards to waive the licensure application fee and initial license fee for an applicant with a current license in the same profession in another state who is a military spouse.

The Board did not take a position on this bill.

Status: This bill was signed by the Governor (Chapter 367, Statutes of 2021).

Updated: October 13, 2021