



BOARD MEETING MINUTES

Open sessions of this Board Meeting were webcasted. Records of the webcasts are available on the following links:

February 10: <https://www.youtube.com/watch?v=nNC5FVedKYc>

February 11: <https://www.youtube.com/watch?v=dgqalJjTh3g>

DATE February 10, 2022

MEETING PLATFORM WebEx Video Conference and Phone Conference

TIME 9:00 a.m.

ATTENDEES

Members Present: Max Disposti, Chair, Public Member
Crystal Anthony, LCSW Member
Ross Erlich, Public Member
Susan Friedman, Public Member
Dr. Diana Herweck, LPCC Member
Justin Huft, LMFT Member
Christopher Jones, LEP Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Wendy Strack, Public Member
Dr. Annette Walker, Public Member

Members Absent: Yvette Casares Willis, Public Member
Dr. Diana Herweck, LPCC Member: 9:00 a.m.-11:07 a.m.

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Gena Beaver, Enforcement Manager
Christina Kitamura, Administrative Analyst
Sabina Knight, Legal Counsel
Jason Hurtado, Legal Counsel

Other Attendees: Dr. Johanna Olson-Kennedy, Center for Transyouth Health and Development, Children’s Hospital Los Angeles
Public participation via WebEx video conference/phone conference

OPEN SESSION

I. Call to Order and Establishment of Quorum

Max Disposti, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 9:03 a.m. Roll was called, and a quorum was established.

New Board members were introduced: Abigail Ortega, LCSW member and Dr. Annette Walker, public member.

II. Presentation Regarding Treatment and Needs of Transyouth – Dr. Johanna Olson-Kennedy, MD, The Center for Transyouth Health and Development at Children’s Hospital in Los Angeles

Dr. Johanna Olson-Kennedy is the medical director of the Center for Transyouth Health and Development at Children’s Hospital in Los Angeles and is known for her work on trans-affirming care for youth. Dr. Olson-Kennedy gave a presentation titled “Transgender and Non-Binary Children and Youth.”

III. Presentation on the Board’s Licensee Complaint Process – Board Staff

Marlon McManus, Assistant Executive Officer, presented the Enforcement Complaint Process, which included information on the following points:

- Enforcement process overview
- Consumer complaint intake
- Statistics
- Investigation
- Citation and fine
- Attorney General
- Uniform standard related to substance abuse and disciplinary guidelines
- Board vote
- Administrative hearing

IV. Update, Discussion and Possible Action on Board Petition Backlog and Referral of Petitions to Office of Administrative Hearings

Steve Sodergren, Executive Officer, gave an overview of the petition process.

The Board experienced a backlog in petitioner hearings last year and decided to assign petitions to be heard by an Administrative Law Judge (ALJ) pursuant to Government Code 11512. The ALJ presides over the hearing, and a Deputy Attorney General represents the Board and presents the case. Upon the conclusion of the petition hearing, the ALJ will consider all the testimony and evidence and will prepare a Proposed Decision for the Board’s review and vote. If adopted, it becomes the final decision in the matter.

The Board discussed whether to resume hearing petitioners at Board meetings or to continue assigning the petitions to an ALJ.

Motion: Grant the executive officer discretion to refer up to 10 petitions to the Office of Administrative Hearings over the next six months.

Ranasinghe moved, Anthony seconded.

Public Comment: None

Roll call vote:

| Member | Yea | Nay | Abstain | Absent | Recusal |
|-----------------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x | | | | |
| Max Disposti | x | | | | |
| Ross Erlich | x | | | | |
| Susan Friedman | x | | | | |
| Dr. Diana Herweck | x | | | | |
| Justin Huft | x | | | | |
| Christopher Jones | x | | | | |
| Abigail Ortega | x | | | | |
| Kelly Ranasinghe | x | | | | |
| John Sovec | x | | | | |
| Wendy Strack | x | | | | |
| Dr. Annette Walker | x | | | | |
| Yvette Casares Willis | | | | x | |

Motion carried: yea - 12, nay - 0.

V. Public Comment for Items Not on the Agenda

None

VI. Suggestions for Future Agenda Items

Ranasinghe: 1. Resolution for mental health month in May. 2. Resolution for domestic violence month in October.

Friedman: 1. Discuss the ability to for more bilingual therapists of Hispanic and Asian descent. 2. Discuss the ability to attract more people to the profession.

CLOSED SESSION

VII. 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.

The Board met in closed session at 11:55 a.m.

VIII. Recess Until 9:00 a.m., Friday, February 11, 2021

The Board recessed following the conclusion of the Closed Session at 1:25 p.m.

DATE February 11, 2022
MEETING PLATFORM WebEx Video Conference and Phone Conference
TIME 9:00 a.m.

ATTENDEES

Members Present: Max Disposti, Chair, Public Member
Crystal Anthony, Vice Chair, LCSW Member
Ross Erlich, Public Member
Susan Friedman, Public Member
Dr. Diana Herweck, LPCC Member
Justin Huft, LMFT Member
Christopher Jones, LEP Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Wendy Strack, Public Member
Dr. Annette Walker, Public Member

Members Absent: Yvette Casares Willis, Public Member
Dr. Diana Herweck, LPCC Member: 9:00 a.m. – 11:12 a.m.
Ross Erlich, Public Member: 12:35 p.m. – end of meeting

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Rosanne Helms, Legislative Manager
Christy Berger, Regulatory Analyst
Christina Kitamura, Administrative Analyst
Jason Hurtado, Legal Counsel

Other Attendees: Carrie Holmes, DCA Office of Board and Bureau Services
Gina Tomaselli, DCA Legal Affairs Division, Regulation Unit
Heather Hoganson, DCA Legal Affairs Division
Public participation via WebEx video conference/phone conference

OPEN SESSION

IX. Call to Order, Establishment of Quorum, and Introductions

Meeting called to order at 9:02 a.m. Roll was called, and a quorum was established.

New Board members were introduced: Abigail Ortega, LCSW member and Dr. Annette Walker, public member.

X. Consent Calendar

a. Possible Approval of the November 4-5, 2021 Board Meeting Minutes

An error was noted on page 3, line 7.

Motion: Approve the November 4-5, 2021 Board meeting minutes as amended.

Strack moved. Jones seconded.

Public Comment: None

Roll call vote:

| Member | Yea | Nay | Abstain | Absent | Recusal |
|-----------------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x | | | | |
| Max Disposti | x | | | | |
| Ross Erlich | x | | | | |
| Susan Friedman | x | | | | |
| Dr. Diana Herweck | | | | x | |
| Justin Huft | x | | | | |
| Christopher Jones | x | | | | |
| Abigail Ortega | x | | | | |
| Kelly Ranasinghe | x | | | | |
| John Sovec | x | | | | |
| Wendy Strack | x | | | | |
| Dr. Annette Walker | | | x | | |
| Yvette Casares Willis | | | | x | |

Motion carried: yea - 10, nay – 0, abstention - 1.

XI. Board Chair Report

Board Member Activities:

Sovec: Will speak next week with California School Nurses Association, training on LGBTQ, adolescent care and specialization on transcare.

Ranasinghe: Imperial County developed its first Mental Health Diversion Program. Also, the county is dealing with the Family First Prevention and Services Act.

Jones: Presenting next month at the California Association of School Psychologists Spring Institute on how to become an LEP, prepping for the exam, private practice.

XII. Department of Consumer Affairs Update

Carrie Holmes, Office of Board and Bureau Services, provided the department update.

COVID-19 Safety Measures and Telework

California state employees must provide proof of vaccination or be subject to regular COVID-19 testing while working on-site. Masking for vaccinated individuals were lifted effective February 6th.

The Governor signed an executive order allowing boards to meet remotely through March 31st. AB 1733 was introduced which would permanently allow state bodies to meet remotely while referring both virtual and physical locations.

Members must verify full vaccination with DCA before attending any in-person meetings.

Reappointment

Board members who are nearing the end of their terms and have not served two full terms, should reach out to DCA if they are interested in reappointment.

Reporting Requirements

Conflict of Interest (Form 700) is due right away. Penalties assessed for non-filings/late filings.

Board Member Orientation Training (BMOT)

Members recently appointed must complete the BMOT within a year of appointment. Upcoming BMOT dates are March 9th, June 15th, and October 12th.

XIII. Election of Board Vice Chairperson

An election was held due to the Vice Chair seat vacated by former Board member, Christina Wong. The member elected will serve as Vice Chairperson until the next election in May 2022.

Disposti: Nominated Chris Jones.

Ranasinghe: Nominate John Sovec.

Anthony: Nominate Kelly Ranasinghe.

Jones and Ranasinghe: Accepted the nomination.

Sovec: Declined the nomination. Nominated Crystal Anthony.

Anthony: Accepted the nomination.

Motion: Accept the nomination on the floor

Disposti moved. Walker seconded.

Roll call vote:

| Member | Vote |
|-----------------------|-----------------|
| Crystal Anthony | Ranasinghe |
| Max Disposti | Jones |
| Ross Erlich | Ranasinghe |
| Susan Friedman | Anthony |
| Dr. Diana Herweck | <i>(absent)</i> |
| Justin Huft | Anthony |
| Christopher Jones | Anthony |
| Abigail Ortega | Anthony |
| Kelly Ranasinghe | Anthony |
| John Sovec | Anthony |
| Wendy Strack | Anthony |
| Dr. Annette Walker | Anthony |
| Yvette Casares Willis | <i>(absent)</i> |

Vote: Anthony - 8; Jones - 1; Ranasinghe - 2

XIV. Executive Officer Report

a. Budget Report

2021/2022 Budget

The budget for fiscal year (FY) 2021-22 is \$13,127,000. Expenditures to date are \$4,640,523 (35%).

Fund Condition

The fund condition reflects a reserve of 8.9 months.

Board staff are awaiting fiscal year expenditure information from DCA's Accounting office.

b. Licensing Report

Licensing Population: 2nd Quarter FY 2021-22

- 4,006 initial licenses were issued
- 128,464 licensees and registrants as of January 4th; 1% gain from the previous quarter

Licensing Program Applications Received

Received 12% less applications

Licensing Program Processing Times

- Processing times increased due to increased volumes of registration applications received in previous quarter.
- LMFT Examination application processing timeframe has been reduced.
- Increase in processing times for LCSW Examination applications due to loss of staff in the LCSW unit.

Renewal Activity

Renewal activity decreased by 13%.

Administration Applications

Application volumes decreased by 16%.

c. Exam Report

Exam Pass Rates 2nd Quarter of FY 2021-22

4,588 examinations were administered, a 1% decrease from the previous quarter.

Examination Development

Nine exam development workshops were conducted from October 1, 2021 to December 31, 2021.

Board staff is posting a recruitment statement on the Board's social media pages to solicit interest from licensees who are interested in contributing to the exam-writing process.

d. Enforcement Report

Enforcement statistics were presented.

e. Communication Report

Social media statistics and Consumer Information Center statistics were presented.

f. Personnel Report

New Employees/Promotions

Discipline & Probation Unit: Lisa Santolin promoted to Associate Governmental Program Analyst (AGPA) to January 12th.

Registration, Examination & Cashiering Unit: Paul Drabkin promoted to Management Service Technician (MST) on February 7th.

Licensing Unit: Lisa Cigelske promoted to Staff Services Manager I (SSMI) on January 10th.

Vacancies

Currently, there are 11 vacancies:

XV. Strategic Plan Update

The final version of the Board of Behavioral Sciences Strategic Plan for 2022-2026 was presented.

Motion: Approve the final version of the BBS Strategic Plan for 2022-2026 and direct staff to publish.

Disposti moved. Strack seconded.

Public Comment:

Jennifer Alley, California Association of Marriage and Family Therapists (CAMFT): Supports the motion.

Roll call vote:

| Member | Yea | Nay | Abstain | Absent | Recusal |
|-----------------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x | | | | |
| Max Disposti | x | | | | |
| Ross Erlich | x | | | | |
| Susan Friedman | x | | | | |
| Dr. Diana Herweck | | | | x | |
| Justin Huft | x | | | | |
| Christopher Jones | x | | | | |
| Abigail Ortega | x | | | | |
| Kelly Ranasinghe | x | | | | |
| John Sovec | x | | | | |
| Wendy Strack | x | | | | |
| Dr. Annette Walker | | | x | | |
| Yvette Casares Willis | | | | x | |

Motion carried: yea – 10, nay - 0, abstention - 1

XVI. Telehealth Committee Update

The Telehealth Committee (Committee) met on January 28th. The Committee directed staff to begin drafting a guidance document regarding acceptable telehealth settings for pre-licensees. It also directed staff to draft specified clarifications in statute and regulations. The Committee will review both at its next meeting on March 4th.

The following amendments are now moving forward as proposed legislation:

- Amendments to permit supervision via videoconferencing in all settings.
- Amendments requiring applicants for licensure and current licensees to complete 3 hours of training or coursework in the provision of mental health services via telehealth, including law and ethics related to telehealth, as a one-time requirement.
- Clarifications that certain pre-licensees may provide services with clients via telehealth.

XVII. Licensing Committee Update

The Licensing Committee (Committee) met on November 19th and discussed the current six-year limit on the age of experience hours, as well as the six-year length of an associate registration number. The Committee directed staff to do further research and to resume the discussion at the next meeting.

The next meeting date is to be determined.

XVIII. Discussion and Consideration of Comments Received During 45-Day Public Comment Period on Proposed Continuing Education and Additional Training Regulations; Potential Action, including Adoption: Amendments to Title 16 of the California Code of Regulations, §§1807, 1807.2, 1810, 1887, 1887.1, 1887.2, 1887.3, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, and 1887.11.0; Addition of §1810.5; and Repeal of §§1810.1, 1810.2, 1887.4, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11 and 1887.15

At its November 2019 meeting, the Board approved regulatory changes pertaining to both continuing education (CE) and additional training requirements. The Board approved additional changes to this proposal at its meeting in September 2021.

The regulation proposal was noticed to the public on November 12, 2021, and the public comment period ended on January 3, 2022. Several comments were received and were presented by Christy Berger.

Comments received from CAMFT, National Association of Social Workers – California Chapter (NASW-CA), Center for Nutritional Psychology, Triad, CEU Love, and Niroga Institute: These commenters all requested that “self-study” be added to the definition of a CE “course” in section 1887 for clarity and to ensure self-study continues to be allowed as an option.

Board staff reviewed these comments and recommended amendments to §1887(a). In addition to the above amendment, several non-substantive clarifying changes were proposed in several sections.

Motion: Approve the proposed responses to public comments received, and direct staff to make any Board-approved changes including the changes detailed by staff regarding §§1887(a) and 1810.5(b) and any technical or non-substantive changes needed to complete the rulemaking process. If no relevant adverse comments are received, to adopt the sections as noticed and proceed to the Office of Administrative Law.

Disposti moved. Sovec seconded.

Public Comment: None

Roll call vote:

| Member | Yea | Nay | Abstain | Absent | Recusal |
|-----------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x | | | | |
| Max Disposti | x | | | | |
| Ross Erlich | x | | | | |
| Susan Friedman | x | | | | |

| | | | | | |
|-----------------------|---|--|---|---|--|
| Dr. Diana Herweck | x | | | | |
| Justin Huft | x | | | | |
| Christopher Jones | x | | | | |
| Abigail Ortega | | | x | | |
| Kelly Ranasinghe | x | | | | |
| John Sovec | x | | | | |
| Wendy Strack | x | | | | |
| Dr. Annette Walker | x | | | | |
| Yvette Casares Willis | | | | x | |

Motion carried: yea – 11, nay – 0, abstention – 1

XIX. Review of Legislative Counsel Amendments to the Board’s Supervision via Videoconferencing Bill Proposal, and Discussion and Possible Action on Additional Amendments to the Proposal (BPC §§4980.43.2, 4996.23.1, 4999.46.2)

The Board has an author for the Supervision via Videoconferencing bill proposal. The author agreed to run the proposal as urgency legislation. However, the author’s office, the Assembly Business and Professions’ committee consultant, and the Legislative Counsel have reviewed the language and suggested the Board consider three amendments.

Amendment 1: Consider clarifying the term “appropriateness.”

Option 1: Defines what “appropriateness” entails for each activity.

Option 2: Deletes the requirement that within 60 days, the supervisor shall assess the appropriateness of allowing the supervisee to gain experience hours via telehealth.

Amendment 2: Consider stating what happens if the supervisor’s assessment determines that telehealth and/or supervision via videoconferencing is not appropriate.

(2) The supervisor shall document the results of the assessment made pursuant to paragraph (1), and shall not utilize supervision via two-way, real-time videoconferencing if their assessment finds it is not appropriate.

Amendment 3: Consider extending the January 1, 2025 expiration date by one year to coincide with the Board’s sunset date.

Discussion

Sovec: Supports Option 2 for Amendment 1.

Walker: Supports Amendment 3.

Public Comment

J. Alley, CAMFT: CAMFT supports Option 2 of Amendment 1.

Ben Caldwell: Prefers Option 2 for Amendment 1. If, however, Option 1 is chosen, suggests striking “the preferences of the client” from paragraph (A) because it would be impossible for the supervisor to assess that.

Motion: Approve the language in Attachment A as drafted; approve and direct staff to pursue the following amendments: Pursue Option 2 for Amendment 1, pursue the language as drafted for Amendment 2, and extend the sunset date to January 1, 2026 for Amendment 3; and to direct staff to make any non-substantive amendments and pursue the amendments with the author.

Sovec moved. Herweck seconded.

Public Comment: None

Roll call vote:

| Member | Yea | Nay | Abstain | Absent | Recusal |
|-----------------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x | | | | |
| Max Disposti | x | | | | |
| Ross Erlich | x | | | | |
| Susan Friedman | x | | | | |
| Dr. Diana Herweck | x | | | | |
| Justin Huft | x | | | | |
| Christopher Jones | x | | | | |
| Abigail Ortega | x | | | | |
| Kelly Ranasinghe | x | | | | |
| John Sovec | x | | | | |
| Wendy Strack | x | | | | |
| Dr. Annette Walker | x | | | | |
| Yvette Casares Willis | | | | x | |

Motion carried: yea - 12, nay - 0.

XX. Review of Legislative Counsel Amendments to the Board’s Continuing Education Bill Proposal, and Discussion and Possible Action on Additional Amendments to the Proposal (BPC §§2290.5, 4980.399, 4980.54, 4984.01, 4992.09, 4996.22, 4996.23.2, 4996.28, 4999.46.3, 4999.55, 4999.76, 4999.100, 4980.395, 4989.23.1, 4996.27.1, and 4999.67)

Legislative Counsel has prepared a draft of the Continuing Education Bill for introduction with some technical amendments and a substantive amendment.

The substantive amendment pertains to the proposed requirement that registrants complete at least 3 hours of continuing education in California law and ethics each renewal period. The Board’s draft language stated that the registrant needs to certify completion of this requirement each renewal period. Legislative Counsel added that a registrant needs to certify completion of this requirement under penalty of perjury. This was added into BPC §§4980.54(c)(2), 4984.01(b)(5), 4996.22(a)(3), 4996.28(a)(5), 4999.76(a)(2), and 4999.100(b)(5).

Motion: Approve language shown in Attachment A as drafted by the Legislative Counsel, and direct staff to make any non-substantive changes and pursue as a legislative proposal.

Disposti moved. Anthony seconded.

Public Comment: None

Roll call vote:

| Member | Yea | Nay | Abstain | Absent | Recusal |
|-----------------------|-----|-----|---------|--------|---------|
| Crystal Anthony | x | | | | |
| Max Disposti | x | | | | |
| Ross Erlich | | | | x | |
| Susan Friedman | x | | | | |
| Dr. Diana Herweck | x | | | | |
| Justin Huft | x | | | | |
| Christopher Jones | x | | | | |
| Abigail Ortega | x | | | | |
| Kelly Ranasinghe | x | | | | |
| John Sovec | x | | | | |
| Wendy Strack | x | | | | |
| Dr. Annette Walker | x | | | | |
| Yvette Casares Willis | | | | x | |

Motion carried: yea - 11, nay - 0.

XXI. Update on Board-Sponsored and Monitored Legislation

Board-Sponsored Legislation

Supervision via Videoconferencing Bill Proposal

This proposal has been introduced as AB 1758.

Continuing Education Bill Proposal

This proposal has been introduced as AB 1769.

Omnibus Bill Proposal

Staff expects this bill proposal to be introduced in March.

Board-Supported Legislation

AB 988 Mental Health: 988 Crisis Hotline

The Board took a “support” position at its July 2021 meeting. Status: This bill is a two-year bill. Staff is monitoring this proposal to see if it moves this year.

Board-Monitored Legislation

AB 29 (Cooper) State Bodies: Meetings

The Board took an “oppose unless amended” position on this bill. Status: This bill is dead.

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

The Board took a “support if amended” position on this bill. Status: This bill is on its third reading in the Assembly.

XXII. Update on Board Rulemaking Proposals

Continuing Education and Additional Training Requirements

Status: Notice Published November 12, 2021; Comments Received

Enforcement Process

Status: Preparation for Policy and Advocacy Committee Review in July 2022

Examination Waiting Periods, Professional Corporations, Accrediting Agencies and Equivalent Degrees

Status: Preparation for Initial Review Process

XXIII. Public Comment for Items Not on the Agenda

Renee Jeffrey: Expressed her experience after a debilitating diagnosis. The law doesn't allow for flexibility for registration renewals and taking the exam.

XXIV. Suggestions for Future Agenda Item

Adrienne Shilton, California Alliance of Child and Family Services: Requested an agenda item regarding the workforce crisis in children's mental health, strategies to address this crisis, and strategies that BBS could employ to expedite the processing times of applications.

Rebecca Gonzales, NASW: Agenda item to discuss new solutions to addressing backlogs.

Sovec: 1. Proposing to lead a consortium with the Board of Psychology (BOP) and the Medical Board of California to explore the influence and effects of corporate telehealth on California consumers. 2. Proposing a consortium with DCA and BOP to discuss how to address the encroachment of coaching on the mental health professions.

Ranasinghe: Suggested an agenda item regarding deficiency of workforce in clinical children services, particularly related to the rise and short-term residential treatment programs in California, and not enough people to work in those programs.

Friedman: How to increase the number of bilingual therapists of Hispanic and Asian descent.

Caldwell: Suggested a future agenda item to look holistically at the data surrounding the Board's disciplinary process.

Alley, CAMFT: Improving the applicant process, streamline it and make it more efficient so backlog doesn't happen.

Ranasinghe: Resolution for National Social Workers month.

Ortega: Explore ways to get more participation from consumers and therapists in the meetings.

XXV. Adjournment

The Board adjourned at 1:29 p.m.