Board of Behavioral Sciences

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Governor Edmund G. Brown Jr.
State of California
Business, Consumer Services and Housing Agency
Department of Consumer Affairs

BOARD MEETING MINUTES - *DRAFT*
February 25-26, 2015

Department of Consumer Affairs
Hearing Room
1625 North Market Blvd., 1st Floor
Sacramento, CA 95834

Wednesday, February 25th

Members Present
Christina Wong, Chair, LCSW Member
Deborah Brown, Vice Chair, Public Member
Samara Ashley, 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
Dianne Dobbs, Legal Counsel
Christina Kitamura, Administrative Analyst

Members Absent
Dr. Scott Bowling, Public Member
Sarita Kohli, LMFT Member

Guests
See sign-in sheet

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.

Administrative Law Judge Ann Elizabeth Sarli, presiding over the hearigs, explained the hearing procedures.

I. Petition for Modification of Probation for Suzanne Chiu, ASW 37316

Judge Sarli opened the hearing at 8:46 a.m. Deputy Attorney General Kristina Jarvis presented the facts of the case on behalf of the Board of Behavioral Sciences. Suzanne Chiu was not represented by an attorney.
Ms. Jarvis presented the background of Ms. Chiu's probation. Ms. Chiu was sworn in. Ms. Chiu presented her request for modification of probation and information to support the request. Ms. Chiu was questioned by Ms. Jarvis and Board Members. Ms. Jarvis presented a closing argument. Judge Sarli closed the hearing at approximately 9:33 a.m.

II. Petition for Early Termination of Probation for Scott Bobrow, IMF 73916

Judge Sarli opened the hearing at 9:35 a.m. Deputy Attorney General Kristina Jarvis presented the facts of the case on behalf of the Board of Behavioral Sciences. Scott Bobrow was not represented by an attorney.

Ms. Jarvis presented the background of Mr. Bobrow's probation. Mr. Bobrow was sworn in. Mr. Bobrow presented his request for early termination of probation and information to support the request. Mr. Bobrow was questioned by Ms. Jarvis and Board Members. Ms. Jarvis gave a closing argument. Judge Sarli closed the hearing at approximately 10:03 a.m.

Samara Ashley excused herself from the hearings at the conclusion of Scott Bobrow's petition hearing.

The Board took a break at 10:03 a.m. and reconvened at 10:18 a.m.

III. Petition for Early Termination of Probation for Lyle Keller, LCSW 21795

Judge Sarli opened the hearing at 10:18 a.m. Deputy Attorney General Kristina Jarvis presented the facts of the case on behalf of the Board of Behavioral Sciences. Lyle Keller was not represented by an attorney.

Ms. Jarvis presented the background of Mr. Keller's probation. Mr. Keller was sworn in. Mr. Keller presented his request for early termination of probation and information to support the request. Mr. Keller was questioned by Ms. Jarvis and Board Members. Mr. Keller gave a closing argument. Judge Sarli closed the hearing at approximately 10:54 a.m.

IV. Petition for Early Termination of Probation for Douglas Meyer, LMFT 84089

Judge Sarli opened the hearing at 10:55 a.m. Deputy Attorney General Kristina Jarvis presented the facts of the case on behalf of the Board of Behavioral Sciences. Douglas Meyer was not represented by an attorney.

Ms. Jarvis presented an opening statement. Mr. Meyer was sworn in. Mr. Meyer provided an opening statement. Mr. Meyer presented his request for early termination of probation and information to support the request. Mr. Meyer was questioned by Ms. Jarvis and Board Members.

The Board took a break at 11:30 a.m. and reconvened at 11:40 a.m.

Mr. Meyer called on a witness to testify on his behalf. The witness was questioned by Mr. Meyer. After the questioning, Ms. Jarvis gave a closing argument. Judge Sarli closed the hearing at approximately 11:49 a.m.

V. Petition for Early Termination of Probation for Jennifer Weeks, LMFT 47271

Judge Sarli opened the hearing at 11:50 a.m. Deputy Attorney General Kristina Jarvis presented the facts of the case on behalf of the Board of Behavioral Sciences. Jennifer Weeks was not represented by an attorney.

Ms. Jarvis presented an opening statement. Ms. Weeks was sworn in. Ms. Weeks provided an opening statement. Ms. Weeks presented her request for early termination of probation and information to support the request. Ms. Weeks was questioned by Ms. Jarvis and Board Members. Ms. Jarvis gave a closing argument. Judge Sarli closed the hearing at approximately 12:18 p.m.

VI. Public Comments

There were no public comments.

VII. Suggestions for Future Agenda Items

There were no suggestions.

The Board took a break at 12:18 p.m. and reconvened in closed session at 1:37 p.m. Samara Ashley returned to the meeting at the beginning of the closed session.

<u>FULL BOARD CLOSED SESSION</u>

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

IX. Pursuant to Section 11126(a) of the Government Code, the Board Will Meet in Closed Session to Discuss the Method to Evaluate the Performance of the Board's Executive Officer.

FULL BOARD OPEN SESSION

X. Adjournment

The Board adjourned at approximately 4:25 p.m.

Thursday, February 26th

Members Present	**Staff Present**
Christina Wong, Chair, LCSW Member	Kim Madsen, Executive Officer
Deborah Brown, Vice Chair, Public Member	Steve Sodergren, Asst. Executive Officer
Samara Ashley, Public Member	Rosanne Helms, Legislative Analyst
Dr. Leah Brew, LPCC Member	Dianne Dobbs, Legal Counsel
Dr. Peter Chiu, Public Member	Christina Kitamura, Administrative Analyst
Betty Connolly, LEP Member	
Patricia Lock-Dawson, Public Member	
Renee Lonner, LCSW Member	
Karen Pines, LMFT Member *(arrived at 9:37 a.m.)*	
Dr. Christine Wietlisbach, Public Member	

Members Absent	**Guests**
Dr. Scott Bowling, Public Member	See sign-in sheet
Sarita Kohli, LMFT Member	

FULL BOARD OPEN SESSION

Christina Wong called the meeting to order at 8:40 a.m. Christina Kitamura called roll. A quorum was established.

XI. Introductions

Board Members, Board staff and attendees introduced themselves.

XII. Chair Report

This item was taken out of order. Ms. Wong presented the Chair Report after agenda item XIV.

Christina Wong gave a presentation in recognition of BBS staff. The Board awarded certificates to the BBS staff for "outstand service to the BBS." The Board also awarded certificates to staff who devoted over 20 years of service to the BBS.

Break at 9:45 a.m. and reconvened at approximately 10:17 a.m.

XIII. Approval of the November 19-20, 2015 Board Meeting Minutes

Patricia Lock-Dawson moved to accept the November 19-20, 2015 Board Meeting Minutes. Renee Lonner seconded. The Board voted unanimously to pass the motion.

The Board voted as follows:

Samara Ashley – yea
Dr. Leah Brew – yea
Deborah Brown – yea
Dr. Peter Chiu – yea
Betty Connolly – yea
Patricia Lock-Dawson – yea
Renee Lonner – yea
Dr. Christine Wietlisbach – yea
Christina Wong – yea
Karen Pines – not present

XIV. Executive Officer's Report

a. Budget Report

Kim Madsen presented the 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

Ms. Madsen provided the operations report.

<u>Statistics</u>
Processing times were unavailable; however, operational statistics were provided.

<u>Licensing Program</u>
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 (CE) 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; 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 CE 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 on the Board's website: *How to Become Registered as an Associate Social Worker.*

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

Ms. Madsen provided the personnel update.

New Employees

Effective November 4, 2014, Andrea Bertram-Mueller transferred to the Board as an Associate Governmental Program Analyst in the Enforcement Program. She will serve as a part-time Probation Case Analyst in the Criminal Conviction & Probation Unit.

Effective December 2, 2014, Valarie Enloe transferred to the Board as a Management Services Technician in the Licensing Unit. She will process applications for the examination eligibility applications.

Portia Hillman has been appointed to the Board as an Office Assistant in the Administration Unit. She will provide front office clerical support.

Effective January 19, 2015, Michael Mina was appointed to the Board as an Office Technician in the Enforcement Program. He will provide support to the Criminal Conviction & Probation Unit.

Departures

Effective December 31, 2014, Patricia Fay retired after her 25-year career in state service. She served as the Board's CE Audit Analyst and PCE Evaluation Analyst.

Marina O'Connor transferred to the Department of Consumer Affairs (DCA) Executive Office as a Research Analyst effective January 1, 2015. Marina has

served as the Board's Policy and Statistical Analyst and a Performance Measurement Specialist.

Vacancies

Board staff has initiated the recruitment process for the following positions:

- Staff Services Analyst (SSA), Administration
  This recruitment is to fill the position in the Examination Unit vacated by Sandra Wright.
- Management Services Technician (MST), Licensing
  This recruitment is to fill the position vacated by Andrea Flores. The Licensing Manager is requesting to re-class this MST vacancy to an SSA to function as a Lead Analyst. This position will also plan and coordinate webinars and outreach activities related to the licensing process.
- Staff Services Analyst, Licensing
  This recruitment is to fill the position vacated by Patricia Fay. The Licensing Manager is revising the duties of this vacancy to align with the Board's current operational needs and revisions to the Board's CE program.
- Associate Governmental Program Analyst, Administration
  This recruitment is to fill the position vacated by Marina O'Connor.

XV. Office of Professional Examinations Services Presentation

Amy Welch Gandy from DCA's Office of Professional Examinations Services (OPES) presented an overview of examination development.

Ms. Welch Gandy also presented information regarding exam information sharing, specifically:

What is OK to share?

- How the testing process went;
- Information about the testing facility (room temperature, location, amenities);
- Length of time spent at the testing site.

What is not OK to share?

- Specific content of test questions (names of vignette items, types of diagnoses, theories covered);
- How the candidate answered the test questions;
- Questions that may possibly be pretest questions.

Board Members and stakeholders asked questions that were answered by Ms. Welch Gandy and Heidi Lincer-Hill, Chief of OPES.

XVI. Discussion and Possible Action Regarding English as a Second Language Accommodation for Examination Candidates

Marc Mason presented the background and information regarding accommodations for examinees who speak English as a second language (ESL). The Board does not currently offer ESL accommodations. A small number of Board licensees have approached the Board and requested some sort of ESL accommodation.

Board records indicate that from at least 2000 up to July 1, 2011, candidates who requested an ESL accommodation were granted extra time to take the board examinations. However, ESL is not identified as a disability under the Americans with Disabilities Act (ADA).

Prior to making the decision to end the ESL accommodation, OPES indicated that they reviewed the readability of the Board's examination as well as other ESL issues. OPES considered that prior to entering a bachelor's program or master's program, ESL candidates take the Test of English as a Foreign Language (TOEFL). Further, the candidate receives the master's degree in English. Based on this information, it is reasonable to conclude that a candidate should be proficient enough to take the examination in English.

There are two possible accommodations that the Board could make. The first accommodation that could be made is to translate the Board's exams into languages other than English. According to OPES when a licensing board, bureau, or committee under DCA is faced with the decision whether or not to adapt an examination, the following must be taken into consideration:

- If a language survey has been conducted and a target language group has been identified to have a substantial number (5%) of non- or limited English-speaking candidates, an examination may be adapted.
- If English is an essential aspect of a profession, an examination will not be adapted.

A translated examination must adhere to the current standards and guidelines for testing. Further, the cost to translate an examination ranges from $25,000 up to $75,000 per exam, per language. The Board currently develops 6 examinations; two different versions of each examination. The option to translate an examination would require a language survey.

The second option for an ESL accommodation is giving candidates extra time to take the exam. This is the option the Board has used in the past. If the Board did choose this option a criteria for how to decide who would be granted an ESL accommodation would need to be developed and likely placed in regulations. The Board of Psychology has proposed regulations that require the following for an ESL accommodation of extra time:

- The candidate submits a signed request for an ESL accommodation of extra time under penalty of perjury that English is his or her second language.

- A TOEFL IBT certification score of 85 or below must be sent by Educational Testing Service directly to the Board. The TOEFL must have been taken within the two years directly prior to the application.

Their TOEFL IBT is composed of four parts that measure an individual's reading, listening, speaking, and writing skills in English. The fee for taking the test is $185.

Dr. Peter Chiu expressed that he would like to move away from an accommodation process, and instead, extend the time-limit to all examinees.

Ms. Madsen stated that the standard written exam is currently 4 hours, which allows for testing in the morning and in the afternoon. The testing vendor would have to extend its hours to accommodate the extended time-limit. It could also increase costs for the Board.

Dr. Brew stated that the NBCC exam for LPCCs is offered in multiple languages, and it would not cost the Board anything. She requested that the Board consider this as an option for LPCCs.

Ms. Lonner expressed concern for the non-ESL examinees who are slow readers who cannot complete the exam. However, a downfall to allowing extra time is that it allows cheaters more time to memorize the questions.

Deborah Brown expressed that as a consumer, she feels that it is more important to answer the questions correctly versus answering the questions quickly. The questions require intensive thought to arrive to the correct answer, especially for ESL examinees.

Dean Porter, California Association for Licensed Professional Clinical Counselors (CALPCC), stated that she has received comments regarding the testing experience. For example, the testing environment is noisy and distracting, which may have caused some examinees to "time out" and not complete the examination.

Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA), stated that NASW-CA agrees with allowing extra time for everyone to take the exam. The cost of the TOEFL exam is expensive and problematic. NASW-CA wants to be sure all communities are served by therapists. There are racial disparities, and there are not enough ethnic practitioners, which some people may prefer. Allowing more time to take the exam could encourage the licensing of a broader range of therapists.

Dr. Chiu asked how many of the examinees are ESL examinees.

Dr. Christine Wietlisbach requested staff to conduct more research and report back to the Board.

XVII. Update Regarding the Possible Use of the AMFTRB National Examination for Licensure in California

Kim Madsen presented the update regarding the Association of Marriage and Family Therapy Regulatory Board (AMFTRB) national examination.

In 2011-2012, the Board engaged the services of Applied Measurement Services, LLC (AMS) to assess the AMFTRB national examination. AMS was charged with determining whether the AMFTRB national examination met prevailing standards for fair, valid, and legally defensible licensure examinations. AMS also evaluated the similarity between the AMFTRB national examination plan and the Board's examination plan.

Additionally, in 2012, two Board Subject Matter Experts (SMEs) participated in AMFTRB's Practice Analysis Task Force. This task force developed the first draft of practice analysis outlining the domains, tasks, and/or activities performed in practice and the required knowledge and skill base appropriate for practice. This outline is comparable to the Board's Occupational Analysis that is conducted every 5 to 7 years. Both analyses serve as the foundation for the respective licensure examination.

The involvement of California licensed SMEs in AMFTRB's national practice analysis represents the first time California has had an active role in the development of the national examination. One observation as to the differences between the Licensed Marriage and Family Therapist (LMFT) practice in California and the LMFT practice nationally is that California LMFT practice is much broader.

During the August 2013 Board meeting, AMS presented their findings regarding the AMFTRB examination. AMS determined that the AMFTRB national examination met professional and technical guidelines for examination validation, but noted some technical issues. Due to the confidentiality agreement, AMS was not permitted to share some of these issues publicly. However, these issues were discussed with the Board Members during the closed session of the February 2013 Board meeting.

AMS also noted the current ratio of LMFTs in California versus the nation. At that time, California had approximately 35,000 LMFTs versus a total of 20,000 nationally. Further, at the time of AMS' assessment of the AMFTRB examination, the administration of this examination was a paper and pencil test. AMS stated that AMFTRB was exploring the possibility of transitioning to a computer-based test format. Considering the Board's current acceptable examination performance and the delay in implementing the examination restructure, AMS suggested that the Board continue to have discussions with AMFTRB to resolve the technical issues.

Board Members discussed the information presented by AMS. Considering the factors presented by AMS, Board Members were not inclined to use the national examination in California at that time.

Since 2013, Board staff has not engaged in any further conversations with AMFTRB due to the implementation of BreEZe and other Board priorities.

A review of the AMFTRB's examination website reveals that the administration of the national examination is now computer-based. The 200-item examination is offered one week each month, and examination results are provided 20 business days after the test period closes. The fee for the national examination is $350. AMFTRB now provides the examination plan on its website.

Effective January 1, 2016, the Board will implement its examination restructure. Both the Licensed Professional Clinical Counselors (LPCCs) and Licensed Clinical Social Workers (LCSWs) will be taking a national examination as one of two required examinations for licensure in California. LMFTs will continue to take two Board-developed examinations for licensure in California. A Licensed Educational Psychologist (LEP) national examination does not exist. Therefore, the examination structure for LEPs will not change.

National examinations frequently offer reduced waiting periods between examinations. California LCSW and LPCC examination candidates will be permitted to test more frequently according to the national examination procedure. This will allow candidates the opportunity to become licensed in California much sooner than under the Board's current examination structure. Currently, examination candidates must wait 180 days between examinations. This waiting period coincides with the release of the two different versions of the Board-developed examinations.

Board Members expressed an interest in exploring the AMFTRB national examination for licensure in California. Staff will perform another evaluation of the national examination if there is an interest in considering the national examination.

Angela Kahn, American Association for Marriage and Family Therapy California Division (AAMFT-CA), requested that AAMFT-CA take part in exploring the pros and cons of the AMFTRB national examination.

Jill Epstein, California Association of Marriage and Family Therapists (CAMFT), expressed interest in exploring the AMFTRB national examination.

The Board directed staff to conduct an evaluation of the national exam.

XVIII. Discussion and Possible Action Regarding LMFT Trainees and Telehealth

Rosanne Helms presented a proposal that would correct a potential loophole in Business and Professions Code (BPC) §2290.5 which does not specify that MFT Trainees may practice telehealth.

The Board's licensing law defines marriage and family therapist (MFT) and professional clinical counselor (PCC) trainees as individuals who are currently enrolled in a qualifying master's degree program and have completed at least 12 semester or 18 quarter units in that program.

The law specifies that trainees may not provide services in a private practice. It is the responsibility of the trainee's school to coordinate the trainee's services with the site at which he or she is providing services. The school must approve the site and have a written agreement with the site detailing each party's responsibilities and outlining supervision methods.

Licensing law for clinical social workers does not specifically define trainees or specify any requirements of them. It does recognize them as being exempt from licensure. Because trainees are practicing in exempt settings, the Board does not have authority to regulate their practice. This includes their use of telehealth.

However, applicants for licensure as an LMFT are allowed to count some pre-degree hours of trainee experience. Because the Board accepts some of those hours as experience toward licensure, the Board may specify the conditions under which those hours are gained.

BPC §2290.5 is the statute that defines telehealth and sets provisions for the practice of telehealth for all healing arts licensees.

A stakeholder has raised concern that BPC §2290.5 is written only for licensed individuals (a definition which includes interns/associates, but not trainees, who are not yet under the jurisdiction of the Board.)

However, at the same time, BPC §4980.43 allows MFT trainees count some of their experience gained as an MFT trainee toward licensure and allows some of this experience to be via telehealth. This is causing concern that MFT trainees and their supervisors may be vulnerable to liability for providing telehealth services, as §2290.5 does not include trainees.

To address this concern, staff worked with DCA Legal to propose a solution via amendment to the LMFT statute BPC §4980.43, clarifying that MFT trainees are permitted to perform telehealth.

At its January 2015 meeting, the Policy and Advocacy Committee (Committee) discussed the proposed language as part of a broader discussion regarding telehealth. The Committee approved of the language staff proposed.

However, at the meeting, the Committee learned that CAMFT was also pursuing a proposal to address this issue. The CAMFT amendments would amend BPC §2290.5 directly.

CAMFT indicated that they may be willing to consider the amendments proposed by Board staff in lieu of their own, possibly with some minor adjustments. The Committee directed staff to work with CAMFT and to bring both proposals to the May Board meeting for further discussion.

The Board directed staff to work with CAMFT.

Break for lunch at 12:03 p.m. and reconvened at 1:30 p.m.

XIX. Discussion and Possible Action Regarding Proposed Changes to Business and Professions Code Section 146

Ms. Wong moved this agenda item. This item was heard after agenda item XX.

The Board approved language for this year's omnibus bill at its November 2014 meeting. Since that time, the need for an additional amendment has been identified.

BPC §146 requires licensure to practice several professions and outlines the penalties for unlicensed practice. LEPs and LPCCs are not included in this section of professions requiring a license to practice. Staff is recommending an amendment to BPC §146 to include LEPs and LPCCs.

Patricia Lock-Dawson moved to make any discussed changes and any non-substantive changes to the proposed language, and submit to the Legislature for inclusion in the 2015 omnibus bill. Samara Ashley seconded. The Board voted unanimously to pass the motion.

The Board voted as follows:

Samara Ashley – yea
Dr. Leah Brew – yea
Deborah Brown – yea
Dr. Peter Chiu – yea
Betty Connolly – yea
Patricia Lock-Dawson – yea
Renee Lonner – yea
Karen Pines – yea
Dr. Christine Wietlisbach – yea
Christina Wong – yea

XX. Legislative Update

Ms. Helms outlined the legislative proposals that the Board is pursuing:

1. Supervised Work Experience Requirements

There is no bill number assigned at this time. This bill proposal was approved by the Board at its November 2014 meeting.

Ms. Epstein stated that CAMFT supports this bill. She also requested that the Board consider extending the grace period from 2 years to a 3-year or 5-year grace period.

Ms. Kahn stated that AAMFT-CA supports extending the grace period. She requested that the Board reconsider placing the 100 hours of personal psychotherapy back in because those hours are valuable to its members.

Dr. Brew strongly supports extending the period to 5 years. In regards to personal psychotherapy, it was discussed at the Supervision Committee meetings that those hours are hindering reciprocity. Furthermore, evaluating those hours will slow the evaluation process. California is the only state that allowed those hours. She agrees that it is very valuable, but is not sure that it fits as a licensure requirement.

Dr. Leah Brew moved to extend the grace period to 5 years. Dr. Peter Chiu seconded. The Board voted unanimously to pass the motion.

The Board voted as follows:

Samara Ashley – yea
Dr. Leah Brew – yea
Deborah Brown – yea
Dr. Peter Chiu – yea
Betty Connolly – yea
Patricia Lock-Dawson – yea
Renee Lonner – yea
Karen Pines – yea
Dr. Christine Wietlisbach – yea
Christina Wong – yea

2. Enforcement Process

This bill makes two separate amendments to the law governing the enforcement process.

3. Omnibus Legislation

XXI. Regulation Update

Christy Berger provided the rulemaking update:

The Continuing Education proposal was approved. Effective January 1, 2015, the Board will cease accepting applications for Board-approved CE providers. Effective July 2, 2015, all Board-approved CE providers will no longer be renewed.

The Disciplinary Guidelines and SB 1441 proposal is at the State and Consumer Services Agency for review.

The Examination Restructure proposal is currently under review by DCA.

Requirements for LPCCs to Treat Couples or Families proposal has been submitted to OAL, which begins the public comment period.

XXII. Strategic Plan Update

Steve Sodergren reported that most of the information has been presented in previous agenda items:

1. Licensing
   - Current processing times are decreasing.
   - Supervision standards are being addressed by the Supervision Committee.
   - License portability is being addressed by the Supervision Committee.
2. Examinations
   - Exam restructure is currently underway as reported in the Regulation Update.
   - Staff is establishing a recruitment process for Subject Matter Experts (SME).
3. Enforcement
   - Staff is establishing a recruitment process for SMEs, as well as a training program for SMEs.
4. Legislation and Regulation
   - Updates were provided under items XX. and XXI.
5. Organizational Effectiveness
   - Staff continues to work on filling vacancies.
   - Staff is evaluating procedures to identify areas for improvement to ensure prompt and efficient work processes.
   - Standing Board committees will be discussed in item XXV.
6. Outreach and Education
   - Staff has been coordinating and conducting outreach for the new Continuing Education and Exam Restructure requirements. Frequently Asked Questions have been developed and staff is working with DCA staff to develop an informative video concerning Exam Restructure.
   - A Winter newsletter has been produced and is awaiting final editing.

XXIII. Supervision Committee Update

Mr. Sodergren gave an update on the Supervision Committee's work.

Staff is in the process of obtaining an author for the legislative proposal that would reduce the number of "buckets" for LMFT and LPCC. This legislative proposal reflects the language approved by the Board in November 2014.

The Committee reviewed prior informal decisions that were agreed on by the committee and the stakeholders. The following decisions were discussed:

- Time licensed in another state should be able to count towards 2 years of licensure for all supervisor/license types.
- Supervisor training requirements should be consistent across license types.
- Allow Triadic supervision in place of individual supervision.
- Offsite supervision laws should be consistent across license types.
- Offsite supervision laws should encompass offsite supervisors who are employed or contracted by the employer (as opposed to only addressing volunteers).

There was also a discussion about the remaining areas that the Committee needs to address: supervision requirements, supervisor responsibilities, and employment/employers.

The discussion regarding supervisor qualifications included a review of the current supervisor requirements in California, a summary of ten other states' supervisor qualifications and a review of the "model" laws recommended by several professional associations.

Staff presented the current draft of the Supervisor and Supervisee Surveys and noted the recommended changes.

The next meeting is scheduled on April 10th.

XXIV. Enforcement Process Presentation

Gina Bayless, Enforcement Program Manager, gave a presentation of the enforcement process and provided a flow chart of the process.

XXV. Discussion and Possible Action Regarding Establishing Standing Committees

Ms. Madsen reported that during the November 2014 Board meeting, Board Members discussed establishing standing committees, a Strategic Plan Goal.

Several Board Members expressed concern that the additional committees may be an increased burden to staff and lead to increased travel expenses. Other Board Members wondered if there was a need for all of the standing committees. Further, some Board Members expressed a desire for information regarding the upcoming year's priorities and goals to determine if standing committees were needed.

Board staff is focusing on the following projects for 2015:

- Implementation of the examination restructure;
- Implementation of the revision to out-of- state education requirements;
- Completing the implementation to the Board's continuing education program.

Successful completion of these projects involves revising the BreEZe data system to incorporate the new functionality; testing the BreEZe data system to ensure functionality performs as designed; revising all board forms to align with law changes; developing information for stakeholders specific to the changes; determining the best strategies to convey the information to stakeholders; and coordinating the changes with related DCA entities such as the Office of Professional Examination Services and PSI, the Board's testing vendor.

Additionally, Board staff will begin preparing its Sunset Report to submit to the legislature. Preparation of the report typically begins late spring and the report is submitted to the legislature in November. The Sunset Report is a comprehensive review of Board operations since its last Sunset Review (2011/2012). The report will respond to specific questions from the legislature regarding areas of concern and/or current issues and will incorporate data relevant to all Board programs.

Board staff will continue to focus on all goals in the Strategic Plan with a 2015 completion date. Some of these goals include the work of the Supervision Committee; Subject Matter Expert recruitment, training, and evaluation; evaluate and improve board processes; and enhancing the Board's outreach program.

Staff resources are a strong consideration in the discussion of establishing standing committees. The projects noted will be time consuming for Board staff and will be in addition to their current daily tasks. Yet, these projects represent the near completion of the Board's comprehensive review of all Board programs that began with the initial discussion to revise the educational requirements for licensure in 2006/2007. The Board is currently performing a comprehensive review of its requirements for supervision. It is anticipated that this review will be complete at the end of 2015.

If the Board were to establish the standing committees this year, there is a strong concern that Board staff will be "stretched too thin". Ultimately, committee work, the 2015 projects, and daily tasks may be affected.

However, an argument can be made to establish at least one additional committee this year to work with Board staff to prepare the Sunset Report. Ideally, this comprehensive report should be developed in consultation with the Board Members.

Over the last five years, the Board has spent an average $88,000 a year on travel. This figure is attributed to 10 to 12 board and committee meetings a year for Board Members and staff. Additional meetings will result in increased expenses. However, in the past five years, the Board has reverted funds (unexpended monies) from its

budget. So it is likely that the Board could absorb the additional costs by achieving savings in other operational areas.

The success of the Board's current Ad-Hoc committee approach is well documented. A primary reason for discussing the establishment of standing committees is to address the desire to immediately refer a topic to a specific committee instead of waiting to create an Ad-Hoc committee.

Committee membership ranges from 3-4 members. Committee members are appointed by the Board Chair. With only one established committee, the absence of a policy or direction as to how long a member may serve on a committee, and relatively little turnover in the committee membership, the opportunity for participation is somewhat limited. Therefore, the only remaining opportunity for Board Members interested in serving on a committee is the creation of an Ad-Hoc committee.

Balancing the current 2015 projects, goals, and creation of the Sunset Report with the desire for standing committees, as well as considering Board resources may be achieved through the following options:

- Postpone the discussion of establishing standing committees until 2017. This timeline will be after all major revisions to board programs are implemented and will allow the Board to reassess its current goals and resources at that time.
- Continue using the Ad-Hoc Committee approach to specific topic areas.
- Establish a 2-person committee to work with staff to develop the Sunset Report. Re-evaluate the need for this committee for future Board projects after the completion of the Board's Sunset Review in the spring/summer of 2016.
- Consider developing a Board policy that specifies the number of years a Board member may serve on the Policy and Advocacy Committee or any other future standing committee. Within that policy determine committee composition and consider the rotation of members that will ensure continuity and avoid knowledge gaps.

Dr. Brew agreed with the options outlined. A brief discussion took place. No action was taken.

XXVI. Consideration of Request for Recognition as Board-Recognized Continuing Education Approval Agency: California Psychological Association

The California Psychological Association (CPA) requested approval as a Board-recognized continuing education (CE) approval agency. Patricia VanWoerkom, Director of Office of Development, presented information to support consideration of approving CPA as a Board-recognized CE approval agency.

The Board reviewed the information and asked questions of CPA.

Ms. Connolly expressed concerns regarding CPA's complaint process.

Dr. Leah Brew left at 3:00 p.m. A quorum remained.
After discussion, Dianne Dobbs reminded the Board Members that the Board has the authority to revoke an agency's recognition if the agency does not follow the Board's laws and regulations. She further stated that if the Board cannot articulate the failure of the agency to meet the Board's requirements, the Board must consider approving the agency.

Ms. Kahn expressed concerns regarding CPA's criteria to become a CE provider.

Ms. Madsen stated that the Board must determine if CPA has a process that is rigorous enough and meets the Board's criteria.

Dr. Peter Chiu moved to end the discussion. Dr. Christine Wietlisbach seconded. The Board voted unanimously to pass the motion.

The Board voted as follows:

Samara Ashley – yea
Deborah Brown – yea
Dr. Peter Chiu – yea
Betty Connolly – yea
Patricia Lock-Dawson – yea
Renee Lonner – yea
Karen Pines – yea
Dr. Christine Wietlisbach – yea
Christina Wong – yea
Dr. Leah Brew – not present

Dr. Peter Chiu moved to recognize the California Psychological Association as a Board-recognized continuing education approval agency. Dr. Christine Wietlisbach seconded. The Board voted to pass the motion.

The Board voted as follows:

Samara Ashley – yea
Deborah Brown – yea
Dr. Peter Chiu – yea
Betty Connolly – nay
Patricia Lock-Dawson – yea
Renee Lonner – yea
Karen Pines – yea
Dr. Christine Wietlisbach – yea
Christina Wong – yea
Dr. Leah Brew – not present

XXVII. Public Comment for Items not on the Agenda

Craig Lomax commented on suicide prevention legislation, AB 2198, which was vetoed by the Governor. He expressed that the Board, not politicians, should be making decisions regarding curriculum. Mr. Lomax also explained that he lost a loved one to suicide and described the events that led to her death. Mr. Lomax expressed concerns regarding mental health providers who are not properly educated and trained in suicide prevention.

Vic Ojakian commented on suicide prevention, asking the Board what it is doing about suicide prevention. Mr. Ojakian presented data regarding suicide. He requested that the Board take action.

XXVIII. Suggestions for Future Agenda Items

Dr. Chiu suggested a discussion considering suicide prevention legislation.

Ms. Wong announced the future meeting date changes:

- Cancellation of the April 23rd Disciplinary Hearing
- Policy and Advocacy Committee meeting date change from April 24th to April 23rd.

XXIX. Adjournment

The meeting was adjourned at 3:27 p.m.