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Gavin Newsom, Governor State of California

Business, Consumer Services and Housing Agency Department of Consumer Affairs

| <b>BOARD MEETING</b> | MINUTES |
|----------------------|---------|
|----------------------|---------|

| 2<br>3<br>4  | Open sessions of this Board Meeting were webcasted. Records of the webcasts are available on the following links: |   |  |  |  |
|--|---|---|--|--|--|
| 5<br>6<br>7<br>8   | November 3: <u>https://y</u><br>November 4 (part 1 of   |   |  |  |  |
| 9<br>10<br>11  | DATE  | November 3, 2022  |  |  |  |
| 12<br>13   | ТІМЕ  | 9:00 a.m.   |  |  |  |
| 14<br>15   | ATTENDEES   |   |  |  |  |
| 16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25 | Members Present:  | Max Disposti, Chair, Public Member<br>Christopher Jones, Vice Chair, LEP Member<br>Susan Friedman, Public Member<br>Justin Huft, LMFT Member<br>Abigail Ortega, LCSW Member<br>Kelly Ranasinghe, Public Member<br>John Sovec, LMFT Member<br>Wendy Strack, Public Member<br>Dr. Annette Walker, Public Member |  |  |  |
| 26<br>27   | Members Absent:   | Ross Erlich, Public Member<br>Yvette Casares Willis, Public Member  |  |  |  |
| 28<br>29<br>30<br>31<br>32<br>33<br>34                   | Staff Present:  | Steve Sodergren, Executive Officer<br>Marlon McManus, Assistant Executive Officer<br>Gena Beaver, Discipline and Probation Manager<br>Christina Kitamura, Administrative Analyst<br>Sabina Knight, Legal Counsel  |  |  |  |
| 35<br>36<br>37<br>38<br>39                               | Other Attendees:  | Jessica Wall, Administrative Law Judge<br>Anahita Crawford, Deputy Attorney General<br>Chris Pirrone, Legal Counsel<br>Karen Okicich, DCA Office of Professional Examination Services<br>(OPES)   |  |  |  |

| 1 |              | Heidi Lincer, OPES                                    |
|---|--------------|---|
| 2 |              | Olivia Trejo, DCA Office of Human Resources           |
| 3 |              | Christine Guerrero, Petitioner                        |
| 4 |              | Gregory Pospisil, Petitioner                          |
| 5 |              | Mini Fanega, Petitioner                               |
| 6 |              | Public participation via WebEx platform and in-person |
| 7 |              |   |
| 1 |              |   |
| 8 | 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 9:22 a.m. Roll was called, and a quorum was established.

16 II. Suggestions for Future Agenda Items

Hector Ramirez: Suggested a future topic to look at accessibility to care and "the idea of what a stakeholder is."

#### 21 III. Public Comment for Items Not on the Agenda

None

Administrative Law Judge Jessica Wall presided over the following petition hearings.
 Deputy Attorney General Anahita Crawford presented the facts of each case on behalf
 of the People of the State of California.

## IV. Christine S. Guerrero, LCSW 80840, Petition for Early Termination of Probation

Christine Guerrero represented herself. After she was sworn-in, Ms. Guerrero presented her request for early termination of probation and information to support the request. She was cross-examined by Ms. Crawford and Board members. Witnesses testified on behalf of Ms. Guerrero: Christian Alzubi, LMFT; Jeanine Arellano Davis; Roxanne Romell. The record was closed after witnesses testified.

# 39 V. Gregory A. Pospisil, LMFT 51293, Petition for Early Termination of 40 Probation

42 Gregory Pospisil represented himself. After he was sworn-in, Mr. Pospisil 43 presented his request for early termination of probation and information to 44 support the request. He was cross-examined by Ms. Crawford and Board 45 members. The record was closed after cross-examination.

| 1<br>2<br>3                | VI.   | Mini Fanega, LMFT 50567, Petition for Early Termination of Probation or Modification   |
|----------------------------|-------|--|
| 4<br>5<br>7<br>8           |       | Mini Fanega represented herself. After she was sworn-in, Ms. Fanega presented<br>her request for early termination of probation or modification and information to<br>support the request. She was cross-examined by Ms. Crawford and Board<br>members. The record was closed after cross-examination. |
| 9<br>10<br>11              | CLC   | SED SESSION  |
| 12<br>13<br>14             | The   | Board entered closed session immediately following the hearings.   |
| 15<br>16<br>17<br>18       | VII.  | Pursuant to Section 11126(c)(3) of the Government Code, the Board will<br>Meet in Closed Session for Discussion and to Take Action on Disciplinary<br>Matters, Including the Above Petitions.  |
| 19<br>20<br>21<br>22       | VIII. | Pursuant to Section 11126(a)(1) of the Government Code, the Board will<br>Meet in Closed Session to Evaluate the Performance of the Executive<br>Officer.  |
| 23<br>24<br>25<br>26<br>27 | IX.   | Pursuant to Section 11126(c)(1) of the Government Code, the Board will<br>Meet in Closed Session for a Presentation by the Office of Professional<br>Examination Services regarding the evaluation of the Association of<br>Marriage and Family Therapist Regulatory Boards Clinical Examination.      |
| 28<br>29                   | Χ.    | Recess Until 9:00 a.m., Friday, November 4, 2022   |
| 30<br>31                   |       | The Board recessed at 5:15 p.m.  |

| 1  | DATE                          | November 4, 2022  |
|--|-------------------------------|---|
| 2<br>3   | TIME                          | 9:00 a.m.   |
| $\begin{array}{c} 4 \\ 5 \\ 6 \\ 7 \\ 8 \\ 9 \\ 10 \\ 11 \\ 12 \\ 13 \\ 14 \\ 15 \\ 16 \\ 17 \\ 18 \\ 19 \\ 20 \\ 21 \\ 23 \\ 24 \\ 25 \\ 26 \\ 27 \\ 28 \\ 9 \\ 30 \\ 31 \\ 33 \\ 34 \\ 5 \\ 36 \\ 37 \\ 38 \\ 9 \\ 40 \end{array}$ | ATTENDEES<br>Members Present: | Max Disposti, Chair, Public Member<br>Christopher Jones, Vice Chair, LEP Member<br>Susan Friedman, Public Member<br>Justin Huft, LMFT Member<br>Abigail Ortega, LCSW Member<br>Kelly Ranasinghe, Public Member<br>John Sovec, LMFT Member<br>Wendy Strack, Public Member (9:00 a.m. – 1:30 p.m.)<br>Eleanor Uribe, LCSW Member<br>Dr. Annette Walker, Public Member (9:00 a.m 12:15 p.m.)   |
|  | Members Absent:               | Ross Erlich, Public Member<br>Yvette Casares Willis, Public Member  |
|  | Staff Present:                | Steve Sodergren, Executive Officer<br>Marlon McManus, Assistant Executive Officer<br>Rosanne Helms, Legislative Manager<br>Christy Berger, Regulatory Analyst<br>Christina Kitamura, Administrative Analyst<br>Sabina Knight, Legal Counsel   |
|  | Other Attendees:              | MaryKathryn Jones, Department of Consumer Affairs' (DCA)<br>Executive Office<br>Karen Okicich, DCA Office of Professional Examination Services<br>(OPES)<br>Dr. Heidi Lincer, OPES<br>Dr. Robert Calvert, OPES<br>Dr. Tracy Montez, DCA<br>Stacey Hardy-Chandler, Association of Social Workers Board<br>(ASWB)<br>Dale Atkinson, ASWB Counsel<br>Bob Blackwood, Pearson VUE<br>Ross Lallian, Department of Health Care Access and Information<br>Public participation via WebEx platform and in-person |

| XI.   | 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. |  |  |  |  |  |
|       | The following items were taken out of order: XV was heard after XVI, ar was heard after XXIII.  | ıd XΣ  |  |  |  |  |  |
| XII.  | Introductions   |  |  |  |  |  |  |
|       | Board members, staff and attendees introduced themselves.   |  |  |  |  |  |  |
| XIII. | (III. Consent Calendar  |  |  |  |  |  |  |
|       | <ul> <li>a. Possible Approval of the May 5-6, 2022, Board Meeting Minutes</li> <li>b. Possible Approval of the August 11-12, 2022, Board Meeting Minutes</li> </ul> |  |  |  |  |  |  |
|       | Public Comment: None  |  |  |  |  |  |  |
|       | <u>Motion</u> : Approve the May 5-6, 2022 and August 11-12, 2022 Board Meeting minutes.   |  |  |  |  |  |  |
|       | Disposti moved. Walker seconded.  |  |  |  |  |  |  |
|       | Public Comment: None  |  |  |  |  |  |  |
|       | Roll call vote  |  |  |  |  |  |  |
|       | Member Yea Nay Abstain Absent Recusa  | al   |  |  |  |  |  |
|       | Max Disposti x  |  |  |  |  |  |  |
|       | Ross Erlich x   |  |  |  |  |  |  |

| Susan Friedman        |   | Х |   |  |
|-----------------------|---|---|---|--|
| Justin Huft           | Х |   |   |  |
| Christopher Jones     | Х |   |   |  |
| Abigail Ortega        | Х |   |   |  |
| Kelly Ranasinghe      | Х |   |   |  |
| John Sovec            | Х |   |   |  |
| Wendy Strack          | Х |   |   |  |
| Eleanor Uribe         | Х |   |   |  |
| Dr. Annette Walker    | Х |   |   |  |
| Yvette Casares Willis |   |   | Х |  |

| 1<br>2               |      | Motion carried: 9 yea, 0 nay, 1 abstention   |
|----------------------|------|--|
| 2<br>3               | XIV. | Board Chair Report   |
| 4                    |      | a. Board Member Attendance   |
| 5<br>6<br>7          |      | Eleanor Uribe has been appointed to the Board as a licensed clinical social worker (LCSW) member.  |
| 8<br>9<br>10         |      | Board member attendance reports for fiscal years 2021-2022 and 2022-2023 were presented.   |
| 11                   |      | b. Future Board Meetings   |
| 12<br>13<br>14       |      | Proposed 2023 meeting dates were announced: February 2-3, May 4-5, August 17-18, and November 16-17.   |
| 15                   |      | c. Future Agenda Items   |
| 16<br>17             |      | A list was provided outlining suggested agenda items from previous meetings.   |
| 18                   |      | d. Staff Recognitions  |
| 19                   |      | The following staff were recognized for their service:   |
| 20<br>21<br>22<br>23 |      | <ul> <li>Chris Catalano: 5 years of state service (2 years at BBS)</li> <li>Alex Juarez: 10 years of state service (1 year at BBS)</li> <li>Dawn Herrera: 25 years of state service (14 years at BBS)</li> </ul> |
| 23<br>24<br>25       | XV.  | Department of Consumer Affairs Update  |
| 26<br>27             |      | MaryKathryn Jones from the Department of Consumer Affairs' (DCA/department) Executive Office, provided the update:   |
| 28<br>29             |      | <ul> <li>Announced new Deputy Director of Board and Bureau Relations, Melissa<br/>Gear</li> </ul>  |
| 30<br>31             |      | DCA's first Diversity, Equity, and Inclusion Committee to guide the department in its equity strategy initiatives and action plans   |
| 32<br>33             |      | <ul> <li>Strategic Plan development and/or updates to advance equity and drive<br/>outcomes</li> </ul>   |
| 34<br>25             |      | COVID-19 safety measures and practices for public meetings   |
| 35<br>36<br>37<br>38 |      | <ul> <li>Board member guidelines for travel arrangements and flight changes</li> <li>DCA's partnership with the Department of General Services for unclaimed property program</li> </ul>                         |
| 39<br>40<br>41       | XVI. | Discussion and Possible Action Regarding the Acceptance of the<br>Association of Marriage and Family Therapist Regulatory Boards Clinical<br>Examination for California Licensure                                |
| 42<br>43             |      | The Board requested that DCA's Office of Professional Examination Services   |

| 1<br>2<br>3<br>4<br>5<br>6<br>7              | (OPES) review the Association of Marital and Family Therapy Regulatory Boards'<br>(AMFTRB) Marital and Family Therapy National Examination (MFT National<br>Examination). OPES performed this review to evaluate the suitability of the MFT<br>National Examination for use in California licensure of marriage and family<br>therapists.<br>The findings were discussed during the Board's November 3, 2022 closed   |
|--|---|
| 8<br>9                                       | session. The Review of the MFT National Examination was provided.   |
| 10   | Board Member Comments   |
| 11<br>12<br>13                               | <ul> <li>The Board must consider the disparate impact that could occur from<br/>integration of a national exam. The Board cannot make an informed decision<br/>without that data.</li> </ul>  |
| 14<br>15<br>16                               | <ul> <li>It is not clear whether an exam is the best thing to address racial disparities in<br/>receiving mental health care or who's providing mental health care and wants<br/>to consider whether the Board wants to have a clinical exam in this state.</li> </ul>  |
| 17<br>18                                     | <ul> <li>The Board needs to look at the gaps in the information provided to the Board;<br/>it cannot make an informed decision without having relevant information.</li> </ul>  |
| 19<br>20<br>21<br>22<br>23                   | <ul> <li>We're not measuring objective pieces; we're measuring proximity to<br/>whiteness and the ability for therapists to use traditionally white approaches<br/>to therapy. What the exam looks like right now is not what therapy looks like<br/>in the real world.</li> </ul>  |
| 24   | Public comment  |
| 25<br>26<br>27<br>28<br>29<br>30<br>31<br>32 | Ben Caldwell: There is no disparity data on the national exam and on the California clinical exam. AMFTRB does not publish it and OPES does not gather it. A research team has been looking into this using a survey of examinees and found patterns of racial disparity in outcomes on both exams. White examinees have a pass rate above 80%. Black examinees have about a 50% pass rate. Requested that the Board makes its decision regarding the exam, with equity and fairness. |
| 33<br>34<br>35                               | Rebecca Gonzales, National Association of Social Workers, California Chapter (NASW-CA): NASW-CA has concerns regarding racial disparities.  |
| 36<br>37<br>38<br>39<br>40                   | Cathy Atkins, California Association of Marriage and Family Therapists (CAMFT):<br>CAMFT has concerns regarding racial disparities in the exams. CAMFT<br>advocates for the move to the national exam, but that it be done with an<br>assessment and review and discussion of concerns related to racial disparities.   |
| 41<br>42                                     | Comments were received in regards to obtaining demographic data.  |

Jon Deline: Suggests that the Board look into other means to test for
 competency. Supports changing over to the national licensing exam because it
 could bring in more therapists.

- Dr. Tracy Montez: Former Division Chief of Programs and Policy Review. Before her appointment as Executive Officer to the California Dental Board, she was part of the national exam review. California exam follows professional standards, one of which is fairness. OPES works to ensure that the exam is valid and reliable and fair. OPES is not permitted by government code to collect demographic information upon licensure. OPES must take steps to address any disparity or inequity through the development of the exam, which starts with the occupational analysis, ensuring that they have a substantive sample. OPES utilizes a diverse group of subject matter experts and has an editor review. OPES is happy to explore how to collect that data in a manner that is appropriate given government codes and separate from licensing decisions, which is why that government code exists. Also warned of other associations that collect the data, especially on a voluntary basis, that sometimes the data can be skewed.
  - Additional Board Member Comments
    - Concerns regarding racial disparities in the national exam and the California exam
    - More data is needed.
    - There is not enough information and data to make a decision.
    - Questioning about the utilizing exams altogether
    - To not make a decision regarding the national exam, and address government code prohibiting the collection of demographic information for licensure
    - Opposition to using the AMFTRB exam. AMFTRB has not been transparent.

<u>Motion</u>: Decline use of AMFTRB clinical exam for California licensure and direct staff to continue working with OPES to address all concerns brought up in closed session and additional concerns in today's discussion.

- 34 Sovec motioned. Ranasinghe seconded.
- 36 Public Comment
- Montez: The Board has a strong licensing exam. The department is aware of
  the conflicting code and the ability to collect data and how to be responsive.
  DCA is working on how it can collect this data in a fair manner that does not
  impact licensing decisions but being responsive in exam development.
  Atkins, CAMFT: Urged the Board to not end the discussion regardless of what
  exam is pursued. Also urged the Board to be open-minded if and when AMFTRB
  returns with responses to questions raised by the Board.
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1 Karen Okicich, OPES: Not certain that the guestions posed to AMFTRB is due to 2 non-transparency or because the data was not available. OPES is willing to work 3 with the Board and with AMFTRB to get the guestions answered. 4

5 Roll call vote

| Member                | Yea | Nay | Abstain | Absent | Recusal |
|-----------------------|-----|-----|---------|--------|---------|
| Max Disposti          | х   |     |         |        |         |
| Ross Erlich           |     |     |         | Х      |         |
| Susan Friedman        | Х   |     |         |        |         |
| Justin Huft           | Х   |     |         |        |         |
| Christopher Jones     | Х   |     |         |        |         |
| Abigail Ortega        | Х   |     |         |        |         |
| Kelly Ranasinghe      | Х   |     |         |        |         |
| John Sovec            | Х   |     |         |        |         |
| Wendy Strack          | Х   |     |         |        |         |
| Eleanor Uribe         | Х   |     |         |        |         |
| Dr. Annette Walker    | Х   |     |         |        |         |
| Yvette Casares Willis |     |     |         | Х      |         |

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Motion carried: 10 yea, 0 nay

#### XVII. Presentation By the Department of Consumer Affair's Office of **Professional Examination Services Regarding Remote Proctoring of Examinations**

Remote Proctoring and Licensure Examinations: Mitigating the Risks presented by Dr. Robert Calvert, OPES Research Data Specialist and Dr. Heidi Lincer, OPES Chief.

#### XVIII. Presentation By Ross Lallian Regarding the Department of Health Care 17 18 Access and Information 19

Ross Lallian, Health Workforce Development Research and Evaluation Chief, Department of Health Care Access and Information (HCAI) gave a presentation centered around healthcare workforce data collection.

24 AB 133 created the California Health Workforce Research Data Center. HCAI reports on the following to the Legislature each year:

- Education and employment trends
- Supply and demand, and gaps in the educational pipeline
- Inform state policy to address workforce issues
- Workforce program outcomes and effectiveness •
- 29 30 31

Data is collected from various sources and includes:

| 1<br>2<br>3<br>4<br>5<br>6                                     |      | <ul> <li>Supply and demand for workers</li> <li>Geographical distribution of workers</li> <li>Diversity of workforce</li> <li>Educational capacity to produce workers</li> </ul> HCAI partnered with DCA to implement a workforce data tool integrated into the  |
|--|------|--|
| 7<br>8<br>9  |      | license renewal process. The data collection tool went live in July 2022, and the data is voluntary.   |
| 10<br>11<br>12   | XIX. | Presentation By Board Staff Regarding the Legislative Process<br>This item was tabled.   |
| 13<br>14   | XX.  | Executive Officer Report   |
| 15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25 |      | <ul> <li>a. Budget Report</li> <li>b. Personnel</li> <li>c. Licensing Report</li> <li>d. Exam Report</li> <li>e. Enforcement Report</li> <li>f. Education and Outreach Report</li> <li>g. Organizational Development Report</li> <li>The Executive Officer's report was provided for review.</li> </ul> Public Comment: None   |
| 26<br>27<br>28<br>29<br>30<br>31<br>32                         | XXI. | Discussion and Possible Action Regarding the Association of Social Work<br>Boards (ASWB) 2022 Release of Exam Data<br>ASWB released demographic data related to their exams. The data showed<br>major disparities in the pass rates.   |
| 33<br>34<br>35<br>36<br>37                                     |      | Stacey Hardy-Chandler, CEO of ASWB and Dale Atkinson, counsel to ASWB presented ASWB's exam development process and addressed the report concerning its pass rates.  |
| 38<br>39<br>40<br>41<br>42<br>43<br>44<br>45                   |      | Gonzales, NASW-CA: NASW-CA is very concerned regarding the ASWB report<br>findings. NASW-CA urged the Board to consider increasing evidence concerning<br>the ineffectiveness of standardized testing in clinical exams and begin a<br>conversation about equity and equitable pathways toward licensure. The data<br>does not show a correlation between passage of clinical exams and safe<br>practice. The exams do not protect the public; the exams hold up structural<br>racism. |

| 1<br>2<br>3<br>4<br>5<br>6  | Caldwell: Suggested that perhaps the steps that ASWB and other developers<br>are taking to reduce bias might be inadequate or that the exam structure (not just<br>its specific content) may be flawed. There is a failure to identify bias, which<br>raises concerns about the adequacy of processes and the moral defensibility of<br>the exams. |  |  |  |  |  |  |
|---|--|--|--|--|--|--|--|
| 7   | Board Member Discussion Points   |  |  |  |  |  |  |
| 8<br>9<br>10<br>11  | <ul> <li>Serious concerns regarding racial disparities in the exam</li> <li>Exams do not reflect what social work looks like</li> <li>Alternative options to standardized testing</li> </ul>   |  |  |  |  |  |  |
| 12  | Additional Public Comment  |  |  |  |  |  |  |
| <ul> <li>Frustration regarding difficulties in passing the exam expressed to associates</li> <li>Concerns regarding disparities and implications that these results developing and sustaining a diverse workforce</li> <li>Whether the exam is flawed, rather than the individual test items process of evaluating the test items</li> <li><u>Motion</u>: Direct staff to conduct research and an investigation on the dis</li> </ul> |  |  |  |  |  |  |  |
| 21<br>22<br>23  | impact of administering the NASW exam to California applicants and research other mechanisms of investigating demographic data in line with the existing law.  |  |  |  |  |  |  |
| 23<br>24<br>25  | Ranasinghe moved. Disposti second.   |  |  |  |  |  |  |
| 26  | Public Comment   |  |  |  |  |  |  |
| 27<br>28  | No public comments relevant to the motion were offered.  |  |  |  |  |  |  |
| 29  | Roll call vote   |  |  |  |  |  |  |
|   | Member Yea Nay Abstain Absent Recusal  |  |  |  |  |  |  |
|   | Max Disposti x   |  |  |  |  |  |  |
|   | Ross Frlich  |  |  |  |  |  |  |

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

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## Motion carried: 8 yea, 0 nay

| 1<br>2<br>3<br>4           | XXII. | Discussion and Possible<br>Temporary Practice Allov<br>§§4980.011, 4996.16.1, 49  | wance: A               |                          |             |             |               |        |
|----------------------------|-------|---|------------------------|--------------------------|-------------|-------------|---------------|--------|
| 5<br>6<br>7<br>8           |       | The Telehealth Committee<br>June 2022 meeting. That (<br>language to the Policy and                                     | Committ                | ee directe               | ed staff to | bring the   | proposed      | it its |
| 9<br>10<br>11<br>12        |       | The Policy and Advocacy (<br>meeting. Two concerns we<br>state licensees' self-attesta<br>could potentially exploit the | ere discu<br>ation cou | ussed: 1.<br>Ild lead to | The draft   | proposal r  | egarding out- | of-    |
| 13<br>14<br>15<br>16<br>17 |       | Staff amended the propose<br>Committee meeting in Octo<br>proposal to the full Board fo                                 | ober 202               | 2. Staff v               | was directe | ed to bring | g the draft   | ý      |
| 18<br>19                   |       | The proposed language was provided and discussed by the Board.  |                        |                          |             |             |               |        |
| 20<br>21<br>22<br>23       |       | <u>Motion</u> : Direct staff to mak<br>changes, to the language p<br>legislative proposal.                              |                        |                          |             |             |               | e      |
| 24<br>25                   |       | Ranasinghe moved. Jones   | s secono               | ded.                     |             |             |               |        |
| 26                         |       | Public Comment  |                        |                          |             |             |               |        |
| 27<br>28                   |       | Atkins, CAMFT: CAMFT supports   |                        |                          |             |             |               |        |
| 29                         |       | Roll call vote  |                        |                          |             |             |               |        |
|                            |       | Member  | Yea                    | Nay                      | Abstain     | Absent      | Recusal       |        |

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

30 31 32

Motion carried: 8 yea, 0 nay.

- XXIII. Discussion and Possible Action Regarding Proposed Amendments to the Business and Professions Code: Add BPC §4990.11 Regarding Online License Verification; and Amend BPC §4989.14 Regarding Supervision of Trainees
   Staff identified two sets of amendments to consider for inclusion in the upcoming omnibus bill.
  - 1. Add BPC §4990.11: Online License and Registration Verification
    - 2. Amend BPC §4989.14(b): Inclusion of MFT Trainees in list of LEP Supervisees

<u>Motion</u>: Direct staff to make any discussed changes, and any non-substantive changes, and to pursue as a legislative proposal.

- 15 Sovec moved. Disposti seconded.
- 17 <u>Public Comment:</u> None

#### Roll call vote

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

- 21 Motion carried: 8 yea, 0 nay.
- XXIV. Discussion of any Comments Received During 45-Day Public Comment Period on Proposed Revisions to Examination Waiting Periods; Corporations; and Accreditation Rulemaking Proposal to Amend Title 16, California Code of Regulations §§1805.05, 1850.6, 1850.7 and 1854; and Repeal §1832; and Possible Adoption of Amended Text
- No comments were received during the 45-day public comment period; therefore, this item was cut from the agenda.
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| 1<br>2           | XXV.   | Telehealth Committee Update   |
|------------------|--------|---|
| 3                |        | At its June 2022 meeting, the Telehealth Committee discussed the following:   |
| 4                |        | Developing a telehealth best practice document  |
| 5<br>6<br>7<br>8 |        | <ul> <li>Temporary practice allowance in law for out-of-state licensees whose clients<br/>are visiting in California or whose clients are transitioning to reside in<br/>California.</li> </ul> |
| 9<br>10          |        | December 9 <sup>th</sup> is the next scheduled meeting.   |
| 10<br>11<br>12   | XXVI.  | Licensing Committee Update  |
| 13<br>14<br>15   |        | The Licensing Committee (Committee) will be revived in 2023. It last met in November 2021.  |
| 16<br>17<br>18   |        | The Committee will meet on January 13, 2023. Topics to be discussed include workforce development, pastoral counseling, and life coaching.  |
| 19<br>20         | XXVII. | Update on Board-Sponsored and Monitored Legislation   |
| 21<br>22         |        | AB 1758 Board of Behavioral Sciences: Marriage and Family Therapists:<br>Clinical Social Workers: Professional Clinical Counselors: Supervision of  |
| 23               |        | Applicants for Licensure via Videoconferencing  |
| 24<br>25         |        | Status: Signed by the Governor and became effective on August 29, 2022  |
| 26<br>27<br>28   |        | AB 1759 Board of Behavioral Sciences: Licensees and Registrants: Marriage<br>and Family Therapy, Educational Psychology, Clinical Social Work, and<br>Professional Clinical Counseling          |
| 29<br>30         |        | Status: Signed by the Governor.   |
| 31               |        | SB 1495 Professions and Vocations   |
| 32<br>33         |        | Status: Signed by the Governor.   |
| 34               |        | AB 988 (Bauer-Kahan) Mental Health: 988 Crisis Hotline  |
| 35<br>36         |        | Status: Signed by the Governor.   |
| 37               |        | AB 2222 Student Financial Aid: Golden State Social Opportunities Program  |
| 38<br>39         |        | Status: Vetoed  |
| 40               |        | AB 2666 Behavioral Health Internship Grant Program  |
| 41<br>42         |        | Status: Vetoed  |

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| 2                                      |         | SB 923 Gender-Affirming Care  |
| 3                                      |         | Status: Signed by the Governor  |
| 4<br>5                                 |         | SB 966 Federally Qualified Health Centers and Rural Health Clinics: Visits  |
| 6                                      |         | Status: Signed by the Governor  |
| 7<br>8                                 |         | SP 1002 Workers' Componention: Licensed Clinical Social Workers   |
| 9                                      |         | SB 1002 Workers' Compensation: Licensed Clinical Social Workers<br>Status: Signed by the Governor   |
| 10                                     |         |   |
| 11<br>12                               | XXVIII. | Update on Board Rulemaking Proposal   |
| 13                                     |         | Continuing Education and Additional Training Requirements   |
| 14<br>15                               |         | Status: Approved by the Office of Administrative Law and takes effect July 1, 2023  |
| 16                                     |         | 2020  |
| 17<br>19                               | XXIX.   | Suggestions for Future Agenda Items   |
| 18<br>19<br>20<br>21<br>22             |         | Ortega: 1) Protection of client confidentiality on social media, therapists talking about clients (not using identifying information but discussing case details); 2) implication of having a DUI (licensees) – preventative measures, education.   |
| 22<br>23<br>24<br>25<br>26             |         | Ranasinghe: Present a plan for mental health month for May, National Minority Mental Health Awareness in June, National Therapist Day on September 25 <sup>th</sup> and National Suicide Awareness in September.  |
| 20<br>27<br>28                         | XXX.    | Public Comment for Items not on the Agenda  |
| 29<br>30<br>31<br>32                   |         | Atkins, CAMFT: 1.) CAMFT will bring concerns regarding processing delays for associate registrations and licensing. 2.) CAMFT will reach out to DCA with concerns/suggestions of funding additional positions for BBS for researching exams, reduction in processing times, etc.  |
| 33<br>34<br>25                         |         | Joseph Fisher: Expressed frustration regarding the 6-year rule.   |
| 35<br>36<br>37<br>38<br>39<br>40<br>41 |         | Paige Clark, California Alliance of Child and Family Services: 1.) Concerned that recently graduated staff are experiencing delays in processing times of their registrations. 2.) Would like to explore alternate pathways to licensure or an equivalency process for applicants who may be deficient by a single course in their application and if applicants can demonstrate equivalent experience. |
| 41<br>42<br>43<br>44<br>45<br>46       |         | Alexandra Lewis: Addressed concerns regarding the associate application process and the length of time it takes to process applications. Suggests that the Board extend the 90-day post-graduation period for those who have submitted applications.  |

### XXXI. Adjournment

1 2 3 The Board adjourned at 3:24 p.m.