



BOARD MEETING MINUTES

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

May 5: <https://www.youtube.com/watch?v=JlILFDir1ak>

May 6: <https://www.youtube.com/watch?v=VBMW4Go6K3U>

DATE May 5, 2022

TIME 9:00 a.m.

ATTENDEES

Members Present: Max Disposti, Chair, Public Member
Yvette Casares Willis, Public Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Christopher Jones, LEP Member
Abigail Ortega, LCSW Member
John Sovec, LMFT Member
Wendy Strack, Public Member
Dr. Annette Walker, Public Member

Members Absent: Crystal Anthony, Vice Chair, LCSW Member
Ross Erlich, Public Member
Dr. Diana Herweck, LPCC Member
Kelly Ranasinghe, Public Member

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

Other Attendees: Carrie Holmes, DCA Office of Board and Bureau Services
Dr. Tracy Montez, Office of Professional Examination Services

Public participation via WebEx video conference/phone conference and in-person on location.

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 9:02 a.m. Roll was called, and a quorum was established.

II. Consent Calendar

Possible Approval of the February 10-11, 2022 Board Meeting Minutes

Motion: Approve the February 10-11, 2022 Board meeting minutes.

Disposti moved. Strack seconded.

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 - 9, nay - 0.

III. Board Chair Report

a. Board Member Attendance

Board member attendance report was provided in the meeting materials. Huft noted an error on the report.

b. Future Board Meetings

Telehealth Committee meeting: June 3

Policy & Advocacy Committee meeting: July 29 and October 14

Board meetings: August 11-12 and November 3-4

IV. Department of Consumer Affairs Update

Carrie Holmes reported on:

- The new board member newsletter,
- Policy discussions regarding open public meetings,
- The role of the board chair,
- New members of the Department of Consumer Affairs' (DCA) executive team,
- The enlightened licensing project.

Holmes announced her last day with DCA is May 13th.

V. Office of Professional Examination Services Presentation on the Examination Development Process

Dr. Tracey Montez, Division of Programs and Policy Review, provided an overview on the exam development and validation process.

VI. Presentation of CE Broker Resource by Donald Oliva; Discussion and Possible Recommendation Regarding Board Approval to Utilize CE Broker Resources to Track Continuing Education Hours for Licensees

This item was cut from the agenda.

VII. Discussion and Possible Action Regarding Proposed Revisions to Examination Waiting Periods; Corporations; Accreditation Rulemaking Proposal to Amend Title 16, California Code of Regulations, sections 1805.05, 1850.6, 1850.7 and 1854; and Repeal section 1832

This proposal was initially brought before the Board in November 2019 but was held due to higher priority workload. This item is coming back to the Board for approval because most of the current members were appointed after November 2019 and have not seen this proposal, and because the Board's regulation counsel has recommended two minor text changes.

Examination Waiting Periods (Section 1805.05)

- Subsection (b): Reduce the waiting period for a retake of a board-developed clinical examination from 180 days to 120 days.
- Subsection 1805.05(c): Specify a 180-day waiting period for a retake of the LEP examination.

Name of Professional Corporations (Section 1850.6): Add a Licensed Professional Clinical Counselor (LPCC) code section to the reference citations.

Shares of Professional Corporations (Section 1850.7)

- Make technical and non-substantive changes.
- Add LPCCs to subsection (a) pertaining to ownership and transfer of shares.
- Add codes to the reference citations for the Licensed Marriage and Family Therapist (LMFT) and Licensed Clinical Social Worker (LCSW) professions due to being newly identified as pertinent, and strike Business and Professions Code (BPC) §4998.5 as it is unnecessary.

LMFT Accrediting Agencies (Section 1832): Repeal this section as it is outdated and no longer necessary.

LEP Equivalent Degrees (Section 1854)

Specify the accrediting agencies acceptable for Licensed Educational Psychologist (LEP) applicant degree programs, and allow any organization that is a member of National Association of Credential Evaluation Services to serve as the evaluator of a degree earned by an applicant from a school located outside of the U.S.

Motion: Approve the proposed regulatory text for §§1805.05, 1850.6, 1850.7, 1832 and 1854; direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review; and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no relevant, adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at §§1805.05, 1850.6, 1850.7, 1832 and 1854 as noticed.

Sovec 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 - 9, nay - 0

VIII. Election of Board Chairperson and Vice-Chairperson

Chairperson

Friedman nominated Max Disposti. Disposti accepted nomination.

Motion: Nominate Max Disposti as Chairperson.

Friedman moved. Walker 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				

Vote: Motion carried: yea - 9, nay – 0

Vice Chairperson

Motion: Nominate Christopher Jones as Vice Chair.

Jones moved. Huft 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				

Vote: Motion carried: yea - 9, nay – 0

IX. Executive Officer’s Report

a. Budget Report

- Budget for the current fiscal year is \$13,127,000.
- Expenditures to date are \$8,290,087 (63%).
- Fund Condition reflects a reserve of 9.2 months.

b. Personnel

The Board’s staffing activity is as follows:

- 4 staff promotions
- 2 new hires (transfers)
- 2 pending retirements
- 10 vacancies.

c. Licensing Population

3rd Quarter Statistics:

- 1,895 registrations issued
- 928 licenses issued
- Population of approximately 129,000 licensees/associates
- 1%-5% growth rate in licensee/associate population each quarter

d. Organizational Development

BreEZe System Updates: Staff is working with the DCA's Office of Information Services (OIS) to complete 12 updates to the BreEZe system, which will include changes to automated letters and creating a new function that will allow supervisors to complete the Supervisor Self-Assessment form online.

Listening Session: Staff will be distributing a survey to stakeholders to capture general information and concerns regarding telehealth and barriers to licensure. Following the results of the survey, staff will conduct listening sessions, which will be comprised of stakeholder presentations focusing on those topics.

Process Improvement Project: Staff continues to work with DCA's Organizational Improvement Office (OIO) in mapping out the workflow of all Board processes and evaluating current processes to identify improvements.

Digitizing Records: Staff will be working with DCA's Business Services Office, Records Imaging Services Unit in the conversion and imaging of licensing records.

Organizational Effectiveness: Executive staff has been meeting with management to review and assess staff duty statements for consistency and to determine the current and future needs of the Board.

e. Exam Report

3rd Quarter Statistics:

- 4,551 exams were administered.
- Six exam development workshops were conducted.
- Two virtual workshops were rescheduled due to lack of subject matter expert participation.

f. Licensing Report

3rd Quarter Statistics:

- Applications received exceeded 2nd quarter volume by 16%.
- Application processing times decreased for the registrations.

- Processing times increased for LCSW Examination applications.

g. Enforcement Report

3rd Quarter Statistics:

- 511 consumer complaints received
- 255 criminal convictions
- 536 cases closed
- Average time to complete formal discipline: 560 days
- Average time a case is at the Attorney General's Office: 372 days
- Average time to complete board investigations: 33 days

h. Education and Outreach Report

3rd Quarter Statistics:

- Facebook followers increased to 20,628.
- Facebook page visits increased by 62.2%.
- Instagram page visits decreased by 12.7%.

Staff is working with DCA's Office of Public Affairs to develop videos that will explain the steps towards licensure. There are 12 proposed videos to be developed.

Staff will create scheduled social media posts and material that will support various outreach efforts sponsored by other agencies.

Staff attended various outreach events: Marriage and Family Therapists (MFT) consortiums, American Association of State Counseling Boards (AASCB) virtual conferences, and AASCB Member Hangout.

Jennifer Alley, California Association of Marriage and Family Therapists (CAMFT): Requested that future licensing reports include the number of supervisors.

Ben Caldwell: Requested an updated exam pass rate report – expressed that it contained some errors.

X. Telehealth Committee Update

During the last meeting, the Committee members and stakeholders discussed creating a telehealth best practice document and discussed making further telehealth clarifications in law. These discussions will be continued at the next meeting on June 3rd.

Some of the proposed amendments that were previously developed by the Telehealth Committee are now moving forward as proposed legislation:

- AB 1758: Amendments to permit supervision via videoconferencing in all settings.
- AB 1759:
 - 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.

XI. Licensing Committee Update

The Licensing Committee had worked to develop a proposal to delete the requirement that renewing associates with a failing California law and ethics exam score must complete a 12-hour California law and ethics course. Instead, this would be replaced with a 3-hour California law and ethics course requirement, which was approved by the Board. This proposal is pursued as a legislative proposal (AB 1759).

At its November 2021 meeting, the Committee discussed the 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 consideration at the next meeting.

The Licensing Committee has been discontinued. These topics will now be discussed by the Policy and Advocacy Committee.

XII. Suggestions for Future Agenda Items

Walker: Explore the exam passage rates and how the Board can support equitable exam prep and education, respecting the Board's jurisdiction. Also, expressed the need for Board members to have a better understanding of the Board's limitations/jurisdictions.

Sovec: Provide status of suggestions for future agenda items.

Strack: Suggested providing a status of suggestions for future agenda items as an attachment to the Board Chair's report.

Jones: Allowing LEPs to open a professional corporation.

J. Alley, CAMFT: 1) Discuss the matter of individuals who are in the process of transitioning and the ability to use their new names. 2) ADA accommodations at

Pearson Vue, and the ability to accommodate a variety of individuals, especially when there is medical documentation.

Caldwell: Discussion regarding disciplinary outcomes, why those who are put on probation do not complete their probationary process and discuss whether there may be potential equity issues involved.

XIII. Public Comment for Items not on the Agenda

Friedman: There is a crisis in mental health, and it is the Board's responsibility to fix it.

XIV. 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

This item was cut from the agenda.

XV. Recess Until 9:00 a.m., Friday, May 6, 2022

The meeting recessed at 12:59 p.m.

DATE May 6, 2022

TIME 9:00 a.m.

ATTENDEES

Members Present: Max Disposti, Chair, Public Member
Yvette Casares Willis, Public Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Christopher Jones, LEP Member
Abigail Ortega, LCSW Member
John Sovec, LMFT Member
Wendy Strack, Public Member
Dr. Annette Walker, Public Member

Members Absent: Crystal Anthony, Vice Chair, LCSW Member
Ross Erlich, Public Member
Dr. Diana Herweck, LPCC Member
Kelly Ranasinghe, Public Member

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Rosanne Helms, Legislative Manager
Christina Kitamura, Administrative Analyst
Sabina Knight, Legal Counsel

Other Attendees: Public participation via WebEx video conference/phone conference and in-person on location

OPEN SESSION

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

Meeting called to order at 9:01 a.m. Roll was called, and a quorum was established.

XVII. Discussion and Possible Actions Regarding the Policy and Advocacy Committee Recommendations:

a. Recommendation #1: Support if Amended on Assembly Bill 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

AB 646 would require DCA boards to update their online license search system posting for a person whose license was revoked because they were convicted of a crime, upon receiving from them a certified copy of an expungement order for the underlying offense, as follows:

- If the person reapplies for licensure or has been relicensed, the Board must post notification of the expungement order and its date.
- If the person is not currently licensed and does not reapply for licensure, the Board must remove the initial posting that the individual's license was revoked, and information previously posted regarding arrests, charges and convictions.

Staff Comments

AB 646 is a two-year bill. Last year, the Board took a "support if amended" position on a previous version of this bill. The Board supported the intent of the bill but expressed concerns about the requirement to remove the revoked posting for an individual who is not currently licensed and does not reapply for licensure. The concerns were related to the individual practicing in exempt settings, in another state, or within a similar practice (i.e., life coaching).

The Board requested an amendment to BPC §493.5(a)(2). It believed public protection would be better served by requiring a notification of the expungement order and the corresponding date be posted instead of requiring deletion of a license revocation from the website if there is an expungement and the individual does not reapply for licensure.

Staff submitted the above position and concerns to the author's office; however, amendments to address the concerns have not been made.

Motion: Support AB 646 if amended to BPC §493.5(a)(2) to address concerns outlined in the comments section of the bill analysis, number 3. a., b., and c.

Sovec 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 – 9, nay – 0.

b. Recommendation #2: Support Assembly Bill 988 (Bauer-Kahan) Mental Health: 988 Crisis Hotline

AB 988 would implement a statewide 988 mental health crisis hotline system.

Motion: Support AB 988.

Walker moved. Strack seconded.

Public Comment

Alley: CAMFT supports AB 988.
 Gonzales: NASW-CA supports AB 988.
 Caldwell: Expressed support for AB 988.

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 – 9, nay – 0.

c. Recommendation #3: Support if Amended on Assembly Bill 1635 (Nguyen) Suicide Prevention: Mental Health Provider Educational Loan Repayment

AB 1635 creates a new account in the Mental Health Practitioner Education Fund. The fund would provide grants to repay education loans for specified Board licensees and associates. These licensees/associates must commit to providing direct patient care for at least 24 months in an organization that provides mental health services to individuals who have been referred by a suicide prevention hotline.

Staff Comment

This bill does not identify a funding source for the loan repayment grants.

The author’s office has indicated that amendments will be made based on feedback from the County Behavioral Health Directors Association. The pending amendment will be to strike “private facility” from the requirement to commit to providing direct patient care for at least 24 months.

Public Comment

Gonzales: NASW-CA does not have position on this bill because it specifies individuals referred by suicide hotline. NASW-CA questions how that can be tracked and whether it should instead specify agencies that provide mental health services.

Caldwell: Questions how eligible facilities would be identified and how it would be implemented; shares concerns regarding funding. Encouraged a support if amended position.

Motion: Support AB 1635 if amended to include the following amendments:

- An amendment to identify a new funding source
- An amendment to broaden work setting eligible for the grant to also include nonprofit settings, public systems settings, and other agencies that provide suicide prevention referrals

Strack moved. Disposti seconded.

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 – 7, nay – 1, abstention – 1.

d. Recommendation #4: Consider Assembly Bill 1662 (Gipson) Licensing Boards: Disqualification from Licensure: Criminal Conviction

Requires DCA boards to establish a process for prospective applicants to request a preapplication determination regarding whether their criminal history could be cause for denial of licensure.

Staff Comments

- AB 1662 would require pre-applicants to submit fingerprints, which will help to ensure that the Board receives accurate information about past criminal convictions. However, there are certain factors not entirely addressed that could affect the accuracy of the predeterminations, such as future rehabilitation efforts, age of the conviction, and additional

convictions taking place between the time of the predetermination and the actual application.

- The Board would require two additional full-time positions to process these requests.
- The Board would likely need to run regulations to implement this bill to establish a fee for preapplication determinations and to define a formal process.
- The Board has developed an outreach document to help applicants with a post condition or past disciplinary process, and to understand how it will affect the application process.

Board Discussion

Huft: It would be more transparent of the Board by informing the individual of its concerns at the time of the predetermination request.

Strack: If the Board were to send a letter stating that it could deny an individual, and that there may be some discussion about probationary terms - by the time the fine print and explanations are included in that letter, the individual would have a confusing, 4–5-page letter, which may be unhelpful.

Huft: Prefers a 4-page letter than 4 years of grad school. Pointed out that the predetermination is evaluating the criminal conviction status, not degree work or hours.

Sodergren: The Board has a very low number for total denials. Last year, the Board had 47 denials out of 7,000-8,000 applications that were received. Out of those 47, most of them were placed on a probationary status.

Sovec: Problem with prequalification letters is that it could change year to year. A documented letter could do more damage than it has helped those who are requesting it.

Walker: Recommended that the Board not take a position on AB 1662 and continue to watch the bill.

Public Comment

Gonzales: NASW-CA does not have a position on AB 1662.

Caldwell: Likes the concept of AB 1662, but it would require a lot of caveats attached. The concept of the Board stating that one could theoretically still get licensed even with a conviction on one's record, is a good concept.

Suggested addressing some of those concerns through very strong disclaimer language provided on a predetermination letter.

David Bouilly: Expressed support for creating a letter explaining, for example, that of the 47 denials, many were placed on probationary status.

Motion: Huft moved to support AB 1662. No second. Motion did not move.

Recommendation to not take a position on AB 1662 stands.

e. Recommendation #5: Consider Assembly Bill 1733 (Quirk) State Bodies: Open Meetings

This item was cut from the agenda.

f. Recommendation #6: Support if Amended on Assembly Bill 2123 (Villapudua) Bringing Health Care into Communities Act of 2023

This item was cut from the agenda.

g. Recommendation #7: Support if Amended on Assembly Bill 2222 (Reyes) Student Financial Aid: Golden State Social Opportunities Program

AB 2222 creates the Golden State Social Opportunities Program, which would provide grants of up to \$20,000 per year for qualifying students enrolled in a postgraduate program. Qualifying students must commit to working in a California-based nonprofit setting for their required post-degree hours of supervised experience as an associate registered with the Board or the Board of Psychology.

Staff Comments

- AB 2222 states that the Board would be responsible for certifying that a grant recipient either failed to obtain an associate registration or failed to work at a California-based nonprofit setting.

It would be feasible for the California Student Aid Commission (CSAC) to verify that a grant recipient obtained his/her associate registration and maintained a current registration by utilizing the Board's online license verification feature. Any requirement that the Board must track and ensure maintenance of a registration for grant recipients would have a significant fiscal impact.

It would not be feasible for the Board to report on an associate's commitment to work in a California-based nonprofit setting, because the

Board does not track associates' work settings. This information should be verified by CSAC.

- The language in AB 2222 is unclear if a student grant recipient can begin to fulfill their two-year commitment while still in school completing practicum, or if they must first graduate and be registered as an associate. Because trainees/interns in school are working under the jurisdiction of their school and are not registered, the Board would not be able to verify their student status. This information would need to be verified by the school directly to CSAC.
- The language regarding repayment exception is unclear. It states that a grant recipient does not have to repay their grant for failing to meet the program's requirements if "the Board of Behavioral Sciences deems the grant recipient to have fulfilled the grant recipient's licensing requirements." The statement implies that the grant recipient does not have to complete their two-year commitment in a nonprofit setting if they have not yet done so.

CSAC should verify a grant recipient's licensure using the Board's online license lookup feature. Requiring the Board to track grant recipients and their license/registration statuses would create a fiscal impact due to the need for additional staff and funding.

Public Comment

Gonzales: NASW-CA supports AB 2222.

Motion: Support if amended and recommend amendments to address concerns outlined in the comments section of the bill analysis, numbers 2-4.

Disposti moved. Walker 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 – 9, nay – 0.

h. Recommendation #8: Support if Amended on Assembly Bill 2666 (Salas) Behavioral Health Internship Grant Program

AB 2666 would require the Department of Health Care Access and Information (HCAI) to establish and administer a grant program. This program would provide stipends to students in behavioral health fields of study and practice who are interning or completing licensure hours at federally qualified health centers (FQHCs) and who are unpaid.

Staff Comments

Staff recommends the following amendments:

- An amendment to identify a new funding source.
- An amendment to include community-based organizations as a work setting that is eligible for the grants.
- An amendment to further specify the areas of study encompassed in “behavioral health fields of study.”

Public Comment

Alley: CAMFT supports AB 2666.

Gonzales: NASW-CA supports AB 2666. The Board’s suggested amendments are reasonable.

Motion: Support if amended to include the following amendments: 1) Amendments requested by the Committee on April 20th; 2) Health and Safety code (HSC) §127840(b) and (c) to include a more expansive definition of underrepresented communities and to include sexual orientation and gender identity; and 3) HSC §127840(c) for data collection to include sexual orientation and gender identity, making it consistent with the list of underrepresented groups.

Sovec moved. Huft seconded.

Public Comment

Leah Brew: Recommended that PCC trainees are also able to receive this because they are not under the purview of the Board.

Helms: PCC trainees are not authorized to receive MediCal reimbursement when working in those facilities. Does not believe the author will add language pertaining to trainees; it must be worked out with MediCal. Suggested defining “behavioral health fields of study” to include all Board licensees and pre-licensees.

New Motion: Support if amended to include the following amendments: 1) Amendments requested by the Committee on April 20th; 2) Health and Safety code (HSC) §127840(b) and (c) to include a more expansive definition of underrepresented communities and to include sexual orientation and gender identity; and 3) HSC §127840(c) for data collection to include sexual orientation and gender identity, making it consistent with the list of underrepresented groups; and 4) define “behavioral health fields of study” to include all Board licensees and pre-licensees.”

Sovec moved. Huft seconded.

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 – 9, nay – 0.

i. Recommendation #9: Support Senate Bill 964 (Wiener) Behavioral Health

SB 964 addresses the current behavioral health workforce shortage though the following:

- Tasks the University of California (UC) education system with conducting an analysis of the scope of practice laws for behavioral health workers, as well as license and training requirements and renewal requirements for an expired license, and an analysis of health plan hiring guidelines and

practices for behavioral health certification and license types, and to provide recommendations.

- Tasks the state’s public postsecondary education institutions with developing accelerated programs of study related to degrees in social work.
- Requires the Department of Health Care Access and Information to establish a stipend program for students pursuing a master’s degree in social work with a specialized focus on public behavioral health.
- Requires the Department of Health Care Access to request the UC to contract with them to provide a landscape analysis of the current behavioral health workforce and the state’s workforce needs.
- Requires the Department of Health Care Services to establish a certifying body and provide for a statewide certification for peer support specialists. It must also amend its Medicaid state plan to include certified peer support specialists as a provider type.

Staff Comments

- SB 964 tasks the UC system to conduct an analysis and make recommendations regarding the scope of practice laws for “behavioral health care workers,” as well as license and renewal requirements for “behavioral health professionals.” SB 964 also defines “behavioral health” as including both mental health and substance use disorder. To obtain a complete analysis, it would be helpful to specify exactly which types of mental health professionals are intended to be included.
- SB 964 establishes a stipend program for students pursuing a master’s degree in social work with a specialized focus on public behavioral health but does not include other behavioral health students.

Motion: Support SB 964 and directed staff to reach out to the author’s office to suggest further defining of “behavioral health care workers” and behavioral health professionals” for purposes of the UC studies and analyses in HSC §127815.

Disposti moved. Strack seconded.

Public Comment:

Gonzales: NASW-CA supports SB 964. However, NASW-CA has concerns and may reconsider after meeting with the author. SB 964 has unintended consequences by creating accelerated degree programs that may not be accredited.

Alley: CAMFT does not have a formal position on SB 964. Has concerns regarding the UC conducting an analysis of the scope of practice laws.

Caldwell: Urged the Board to take a support position. SB 964 would take action on some of the urgent problems in mental health workforce.

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 – 9, nay – 0.

j. Recommendation #10: Support Senate Bill 966 (Limon) Federally Qualified Health Centers and Rural Health Clinics: Visits

SB 966 would allow Medi-Cal reimbursement for covered mental health services provided by an associate clinical social worker (ASW) or an associate marriage and family therapist (AMFT) employed by a federally qualified health center or a rural health clinic.

Motion: Support SB 966.

Disposti moved. Friedman seconded.

Public Comment

Alley: CAMFT is co-sponsoring SB 966.

Gonzales: NASW-CA supports SB 966.

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 – 9, nay – 0.

k. Recommendation #11: Support Senate Bill 1002 (Portantino) Workers' Compensation: Licensed Clinical Social Workers

SB 1002 adds licensed clinical social workers (LCSW) as direct providers in the workers' compensation system.

Staff Comment

LMFTs and LPCCs are not included.

Public Comment:

Gonzales: NASW-CA supports SB 1022.

Motion: Support SB 1002.

Disposti moved. Casares Willis 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 – 9, nay – 0.

I. Recommendation #12: Support Senate Bill 1229 (McGuire) Mental Health Workforce Grant Program

SB 1229 creates a grant program under California’s Student Aid Commission to increase the number of mental health professionals serving children and youth. It proposes awarding grants of up to \$25,000 to post-graduate students enrolled in an accredited social work program, a program designed to lead to licensure as an LMFT, LPCC, or LEP, or designed to provide a services credential with a specialization in pupil personnel services. The student must meet specified criteria, including agreeing to work in an eligible California-based nonprofit entity or a local education agency when gaining their required postgraduate supervised experience hours.

Staff Comments

Staff recommends the following subsections be amended or clarified:

- Education Code (EC) §69540(c)(1) –States that the student needs to be enrolled in a school program meeting the requirements for licensure as an LMFT, LEP, or LPCC, and specifies the sections containing the education requirements. However, it appears the bill intends to also include clinical social workers. Therefore, staff believes BPC §4996.18, which specifies education requirements for LCSW licensure, should also be listed here. Additionally, it may not be necessary to reference BPC §4989.20 (LEP licensure requirements) since the subparagraph already references EC §44266, which are the minimum education requirements for a pupil personnel services credential.

- EC §69540(c)(2)(A) – References required supervised experience hours for LMFT, LEP, and LPCC licensure. However, it is referencing the incorrect sections for LMFT and LPCC experience requirements and does not reference LCSW experience hour requirements. The correct sections to reference are 4980.43 (LMFTs), 4996.23 (LCSWs), and 4999.46 (LPCCs).
- EC §69540(h) and (m) require “the department” to certify nonperformance of an applicant’s commitment to work with an eligible California-based nonprofit or local education entity, and to also determine how to give priority in awarding grants to communities with the greatest need. However, the “department” being referred to in the context of this bill is unclear. It is likely that the Student Aid Commission should be performing both these tasks.

Motion: Support SB 1229, and direct staff to reach out to the author and sponsor regarding suggested technical amendments; and to reach out to California Association of School Psychologists (CASP) to ask if the language would impact credentialed school psychologists choosing to not pursue licensure.

Disposti moved. Sovec seconded.

Public Comment

Gonzales: NASW-CA supports SB 1229.

Alley: CAMFT supports SB 1229.

Caldwell: Encouraged the Board to support SB 1229.

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 – 9, nay – 0.

m. Recommendation #13: Consider Senate Bill 1237 (Newman) Licenses: Military Service

SB 1237 would clarify the meaning of the term “called to active duty” with respect to the requirement in law that licensing boards under DCA waive renewal fees and continuing education requirements of a licensee/associate called to active duty as a member of the U.S. armed forces or California National Guard.

Board Discussion

Disposti: Recommended to not take a position and continue to watch the bill.

Public Comment: None

No action taken.

n. Recommendation #14: Consider Senate Bill 1365 (Jones) Licensing Boards: Procedures

SB 1365 requires DCA boards to publicly post a list of criteria used to evaluate applicants with criminal convictions on its website. It requires DCA to take steps to establish procedures for evaluating and assisting applicants with criminal convictions.

Staff Comments

- SB 1365 requires that DCA develop a process to include procedures to expedite the fee-waiver process for a low-income applicant requesting a background check.

Live Scan fingerprinting is required to complete a background check; however, the fee is collected by the Department of Justice at the site of the Live Scan – not DCA or its licensing boards.
- SB 1365 would require boards to post a list of criteria used to evaluate applicants with criminal convictions. The Board has already developed an outreach document to help applicants with a past condition or past disciplinary process understand how that will affect the application process.
- SB 1365 would require applicants to provide court certified documents related to their convictions, instead of listing convictions on application documents. This requirement conflicts with current law, which prohibits a board from requiring an applicant to disclose any information regarding their criminal history.

- SB 1365 requires DCA to develop a procedure for informal appeals, to occur in between an initial license denial and an administrative law hearing. The bill suggests examining the model for informal appeals used by DCA's Bureau of Security and Investigative Services (BSIS). BSIS handles informal appeals by Disciplinary Review Committee, consisting of appointed members.

Disposti: Recommended to not take a position and continue to watch the bill.

Public Comment

Gonzales: NASW-CA is watching SB 1365 for amendments, but no amendments have been implemented. The bill is problematic.

XVIII. Discussion and Possible Action on Assembly Bill 1636 (Weber) Physician's and Surgeon's Certificate: Registered Sex Offenders

This item was cut from the agenda.

XIX. Discussion and Possible Action on Senate Bill 1238 (Eggman) Behavioral Health Services: Existing and Projected Needs

This bill requires the Department of Health Care Services to conduct a review of and report on the current and projected behavioral health care infrastructure and service needs in each region of the state, beginning January 1, 2024, and every 5 years thereafter.

Public Comment

Gonzales: NASW-CA supports SB 1238.

Motion: Support SB 1238

Disposti moved. Huft seconded.

Public Comment: No further comments.

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 – 9, nay – 0.

XX. Update on Board-Sponsored Legislation

AB 1758: Supervision via Video Conferencing

Status: Passed the Assembly and going through the Senate.

AB 1759: CE Requirements and Telehealth

Status: Passed the Assembly and going through the Senate.

SB 1495: Omnibus Bill

Staff has been informed that the following portion of the proposal will not be included in the Health Committee’s Omnibus bill:

Amend Health and Safety Code Section 1374.72 and Insurance Code Section 10144.5 – Definition of a “Health Care Provider” in SB 855

XXI. Update on Board Rulemaking Proposals

Continuing Education and Additional Training Requirements

Status: Submitted to DCA for final review process

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

Status: Submitted to DCA for pre-review process/returned to Board for review and possible approval

Enforcement Process

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

XXII. Suggestions for Future Agenda Items

None

XXIII. Public Comment for Items not on the Agenda

None

XXIV. Adjournment

The Board adjourned at 12:25 p.m.