



Board of Behavioral Sciences



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Gavin Newsom, Governor
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

BOARD MEETING MINUTES

Open sessions of this board meeting were webcasted. Webcast recordings are available on the following links:

May 16 (part 1 of 2): <https://www.youtube.com/watch?v=0x-NaQrgFFU>
May 16 (part 2 of 2): <https://www.youtube.com/watch?v=r5JOOOjKWjA>
May 17 (part 1 of 2): <https://www.youtube.com/watch?v=vsnPt8zw98I>
May 17 (part 2 of 2): <https://www.youtube.com/watch?v=Dg1QlfHlmpQ>

DATE May 16, 2024

LOCATION Department of Consumer Affairs
1625 North Market Blvd., #S-102
Sacramento CA 95834

TIME 8:30 a.m.

ATTENDEES

Members Present: Christopher (Chris) Jones, Chair, LEP Member
Wendy Strack, Vice Chair, Public Member
Dr. Nicholas (Nick) Boyd, LPCC Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member
Dr. Annette Walker, Public Member

Members Absent: *All members present*

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Sabina Knight, Department of Consumer Affairs (DCA) Legal Counsel
Christina Kitamura, Administration Analyst

Other Attendees: Matthew Block, Administrative Law Judge
Anahita Crawford, Deputy Attorney General
Christine Derr, Petitioner
Renita Yvette Gant-Shaffer, Petitioner
Vanessa Lee Perocier, Petitioner
Carolyn Park, Counsel for Vanessa Lee Perocier
Public participation via Webex and in-person

OPEN SESSION

1. Call to Order and Establishment of Quorum

Christopher Jones, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 8:38 a.m. Roll was called, and a quorum was established.

(Agenda items were taken out of order: 1-3, 8, 10, 4, 6, 5, 7, 9, 11)

2. Suggestions for Future Agenda Items

None

3. Public Comment for Items Not on the Agenda

None

Administrative Law Judge Matthew Block 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.

4. Christine Derr, LMFT 36168, Petition for Early Termination of Probation [\(Link to Video\)](#)

The record was opened at 9:43 a.m. Christine Derr represented herself. Deputy Attorney General Anahita Crawford presented the background of this case. Derr was sworn-in and presented her request for early termination of probation and information to support the request. She was questioned by Crawford and board members. The record was closed at 10:48 a.m.

5. Renita Yvette Gant-Shaffer, Petition for Early Termination of Probation [\(Link to Video\)](#)

The record was opened at 2:35 p.m. Renita Gant-Shaffer represented herself. Deputy Attorney General Anahita Crawford presented the background of this case. Gant-Shaffer was sworn-in and presented her request for early termination

of probation and information to support the request. She was questioned by Crawford and board members. The record was closed at 3:38 p.m.

6. Vanessa Lee Perocier, LMFT 127088, Petition for Modification of Probation ([Link to Video](#))

The record was opened at 11:16 a.m. Vanessa Perocier represented by her counsel, Carolyn Park. Deputy Attorney General Anahita Crawford presented the background of this case. Perocier was sworn-in and presented her request for modification of probation and information to support the request. She was questioned by Crawford and board members. The record was closed at 1:31 p.m.

CLOSED SESSION

The Board entered closed session at 3:39 p.m.

7. 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, Including the Above Petitions.

The Board reconvened in open session at 4:31 p.m.

OPEN SESSION

8. Consent Calendar

a. Possible Approval of the February 29, 2024 and March 1, 2024 Board Meeting Minutes ([Link to Video](#))

Corrections were noted on page 8-2, line 45 and page 8-5, line 20.

Motion: Approve the May 16-17, 2024, Board meeting minutes as amended.

M/S: Strack/Friedman

Discussion/Public Comment: None

Vote: Yea 9; Nay 0, Abstain 1. Motion carried.

Member	Vote
Dr. Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	abstain
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

9. Executive Officer Report ([Link to Video](#))

a. Budget Report

- The Board's budget for fiscal year (FY) 2023-24 is \$14,148,000.
- Fund Condition reflects a reserve of 12 months.

b. Personnel

The Board's staffing activity is as follows:

- 2 new hires/1 promotion
- 1 employee transferred from the Criminal Conviction Unit to the Complaint & Investigations Unit
- 1 departure
- 3 vacancies

c. Licensing Report

3rd Quarter Statistics:

- 4,165 licenses/registrations were issued.
- Population of approximately 143,890 licensees/associates as of April 26, 2024
- 0.9% gain in license/registration population from previous quarter
- 17% more applications received from previous quarter.

Information provided as attachments in the meeting materials:

- BBS Population Report
- Licensing Applications Received/Processing Times
- Administration Applications Received
- Renewal Applications Received

d. Exam Report

3rd Quarter Statistics:

- 5,599 exams were administered (0.6% decrease from previous quarter)
- 8 exam development workshops were conducted.

Information provided as attachments in the meeting materials:

- Exam Pass Rate Report
- Exam School Report 3rd Quarter FY 2023-2024

Sodergren provided the following updates:

- Effective September 1, 2024, the Licensed Marriage and Family Therapist (LMFT) clinical exam will be reduced from 170 questions to 150 questions. The exam time will remain at 240 minutes.
- Pearson Vue: exam candidate handbook updates
- Study material references for the Licensed Educational Psychologist (LEP) written and LMFT clinical exams.

Information provided as attachments in the meeting materials:

- Exam Pass Rate Report
- Exam School Report 2nd Quarter FY 2023-2024

e. Enforcement Report

3rd Quarter Statistics:

- 520 consumer complaints received.
- 201 criminal convictions
- 576 cases closed.
- 27 cases referred to Attorney General's (AG) Office
- Average time to complete formal discipline: 373 days.
- Average time a case is at the AG's Office: 279 days.
- Average time to complete board investigations: 77 days.
- 2 petitions for modification or early termination of probation received.

Information provided as an attachment in the meeting materials: Consumer Complaint and Criminal Conviction Report

f. Education and Outreach Report

3rd Quarter Statistics:

- Facebook and Instagram visits have decreased, but the pages increase in followers.
- Instagram followers have increased by 21.9%.
- 9 outreach events conducted.

Information provided as attachments in the meeting materials: Outreach Event Report

g. Organizational Development Report

The following progress updates were provided:

- BreEZe system update on the online application project.
- Correspondence enhancement to add email notifications to applicants/registrants with information to guide them through the licensure process.
- Consumer Information Center handled 3,920 BBS calls during the 3rd quarter.
- Staff received 29,357 emails during the 3rd quarter.
- Organizational structure
- DEI

Information provided as attachments in the meeting materials:

- Calls Received/Handled by CIC
- BBS Emails Received

h. Strategic Plan Update

Progress updates on Strategic Plan goals were provided.

10. Election of Board Chairperson and Vice Chairperson ([Link to Video](#))

Chairperson

Motion: Chris Jones nominated for board chairperson.

M/S: Jones/Strack

Public Comment: None

Vote: Yea 10; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

Vice Chairperson

Motion: Wendy Strack nominated as board vice chairperson.

M/S: Strack/Jones

Public Comment: None

Vote: Yea 10; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

11. Recess Until 8:30 a.m., Friday, May 17, 2024.

The Board recessed at 4:57 p.m.

DATE May 17, 2024

LOCATION Department of Consumer Affairs
1625 North Market Blvd., #S-102
Sacramento, CA 95834

TIME 8:30 a.m.

ATTENDEES

Members Present: Christopher Jones, Chair, LEP Member
Wendy Strack, Vice Chair, Public Member
Dr. Nicholas (Nick) Boyd, LPCC Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member
Dr. Annette Walker, Public Member

Members Absent: *All members present*

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

Other Attendees: Yvonne Dorantes, Assistant Deputy Director, DCA Board and
Bureau Relations
Public participation via Webex and in-person

OPEN SESSION

12. Call to Order and Establishment of Quorum

Christopher Jones, Chair of the Board, called the meeting to order at 8:37 a.m. Roll was called, and a quorum was established.

13. Introductions

Board members, staff, and attendees introduced themselves.

14. Board Chair Report ([Link to Video](#))

a. Board Member Attendance

Current fiscal year attendance report was provided.

b. Future Board Meetings

The 2024 board meetings and committee meetings were provided.

c. Staff Recognitions

Yvette Casares Willis was presented a resolution for her time served on the Board.

The State of California awards employees with 25 years of state service with an award of their choice and a certificate signed by the Governor. The following BBS employees received this award:

- Cynthi Burnett
- Dawn Herrera
- Christina Kitamura
- Raquel Pena
- Steve Sodergren

Lydia Va'a was recognized for 10 years of state service.

15. Department of Consumer Affairs Update ([Link to Video](#))

Yvonne Dorantes, Assistant Deputy Director, Department of Consumer Affairs (DCA) Board and Bureau Relations presented the following updates:

- Public Service Recognition week
- DCA hosted a meeting with Business, Consumer Services, and Housing Agency's Secretary, Tomiquia Moss.

- New scam alert targeting licensees. Scammers are representing themselves as board employees.
- Diversity, Equity, and Inclusion (DEI) update: 1) The DEI Steering Committee discussed the member application process, established subcommittees, and solicited input on how to expand language access, workforce development and advanced DEI. 2) DEI-related training available.
- Outreach: 1) Office of Public Affairs participated in events hosted by the Consulate of Mexico for the Sacramento, Fresno, and San Bernardino offices. 2) DCA will be developing workforce development outreach opportunities for boards/bureaus to participate.
- Travel Expense Claims due no later than June 7th.
- Board Member Orientation Meeting training is scheduled on June 18th and will be held virtually. The next training will be scheduled in October.
- Form 700

16. Workforce Development Committee Update [\(Link to Video\)](#)

The Workforce Development Committee (Committee) met in April 2024. During its meeting, the Committee discussed the following:

- Permitting applicants for licensure to take the required clinical examination after completing 1,500 hours of postgraduate supervised experience.
- The “additional coursework” requirements for all the Board’s regulated license types for applicants who hold an in-state degree.
- The human sexuality coursework requirement for all the Board’s regulated license types for applicants who hold an in-state degree.
- Proposed amendments to the Board’s additional examination time: English as a second language regulations
- Update on licensure pathway survey.
- Update on implementation of voluntary demographic survey for candidates taking board-developed exams.

The next Committee meeting will be held on August 9, 2024.

17. Presentation on Making Policy Decisions [\(Link to Video\)](#)

A presentation was made to the Board as a guide on making policy decisions and how the decisions influence motions.

18. Discussion and Possible Action Regarding the Acceptance of the Association of Marital and Family Therapist Regulatory Board's Clinical Examination for California Licensure ([Link to Video](#))

Discussions regarding adopting the Association of Marital and Family Therapist Regulatory Board (AMFTRB) national exam for LMFT licensure have been a consistent topic since 2009. Sodergren gave a brief history of previous discussions and concerns regarding the AMFTRB exam.

This discussion was brought back to the Board in 2022. OPES completed its review of the AMFTRB clinical examination and presented their findings during the November 2022 Board meeting closed session. This review aimed to assess the exam's compliance with professional guidelines and technical standards for licensure examinations. The review concluded that the procedures generally met the required standards but noted differences between the AMFTRB national examination and California's LMFT written clinical examination mainly involving measurement scope and administration.

AMFTRB and Board staff continue to have conversations. AMFTRB is open to exploring ways to include the California content. Currently, the AMFTRB exam is given once a week. AMFTRB is also open to considering more frequent scheduling. AMFTRB is also addressing concerns regarding standardized testing and possible bias. AMFTRB currently collects demographic information, and they are considering alternative methods for taking the exam.

Motion: Accept the AMFTRB national examination for licensure in California and direct staff to complete all the steps before requesting final Board approval to run regulatory and/or legislative amendments to formally accept the AMFTRB national examination by the Board.

M/S: Huft/Ranasinghe

[Discussion](#)

[Public Comments](#)

Shanti Ezrine, California Association of Marriage and Family Therapist (CAMFT): Supports adoption of the AMFTRB exam.

Dr. Ben Caldwell: Supports adoption of the AMFTRB exam. Expressed that the ideal solution in support of equity and public safety would be to remove the clinical exam requirement entirely.

Dr. Leah Brew: Supports adoption of the AMFTRB exam.

Roger Smith, American Association for Marriage and Family Therapy (AAMFT): Supports adoption of the AMFTRB exam.

Cathy Atkins, CAMFT: No consumer protection value for having a separate exam from 49 other states.

Vote: Yea 10; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

19. Discussion and Possible Action Regarding Amendments to Board Sponsored Legislation: Senate Bill 1024 (Ochoa Bogh) Healing Arts: Board of Behavioral Sciences: Licensees and Registrants (BPC §§ 4980.31, 4980.32, 4980.43.2, 4980.43.4, 4989.17, 4989.48, 4996.7, 4996.8, 4996.23.1, 4996.23.3, 4996.75, 4999.46.2, 4999.46.4, 4999.70, and 4999.71) ([Link to Video](#))

The Board approved amendments in SB 1024 at its meetings on November 1, 2023, and March 1, 2024.

The Board received feedback suggesting two amendments to further clarify the bill. Staff recommended the Board consider the following amendments:

1. Number of Persons Supervised Per Supervisor in Non-Exempt Settings.
Sections Affected: BPC §§4980.43.4, 4996.23.3, 4999.46.4.

Staff recommends that the limit of 6 persons receiving supervision for providing clinical mental health services per individual or triadic supervisor only apply to non-licensees, as the level of supervision provided for this population is generally different from organizational supervision provided to a licensed person.

2. Change “Seeing Clients” to “Rendering Professional Clinical Services.”
Sections Affected: BPC §§ 4980.31, 4989.48, 4996.7, 4999.70

Staff proposes an amendment replacing the term “seeing clients” with the term “rendering professional clinical services” in the proposed statute setting requirements for the display of a license. This suggestion is based on a

recommendation from Legislative Counsel and was further refined based on discussion at the April 2024 Policy and Advocacy Committee meeting.

Proposed amendments were provided in meeting materials as [Item 19, Attachment A.](#)

Motion: Direct staff to make any discussed changes and any non-substantive changes, and to proceed with amending the proposed language into SB 1024.

M/S: Jones/Huft

Discussion

Public Comments: None

Vote: Yea 10; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

20. Discussion and Possible Action Regarding Assembly Bill 941 (Waldron) Controlled Substances: Psychedelic-Assisted Therapy ([Link to Video](#))

AB 941 would create a workgroup to study and make recommendations to establish a framework for the therapeutic use of certain psychedelic plants and fungi. Once this framework is enacted via the Legislature, it permits the use of specified substances to be used for psychedelic-assisted therapy.

Legal Counsel Comment:

Schioldge: Referred to a bullet point in the bill analysis stating what this bill would do. “Provides that upon the legislative enactment of a framework governing psychedelic-assisted therapy that includes the list of substances to be used, the populations to be served, and the education, training, and licensure (if appropriate) required for administering the substance, the use of hallucinogenic or psychedelic substances for psychedelic-assisted therapy shall be lawful. (HSC §11260)” Schioldge expressed concern that this is not accurate and that

practitioners might be led into believing that they will have immunity if this law is enacted. The Committee analysis (3rd reading) discusses that state authorization does not nullify federal drug laws and the substances included in this bill remain illegal under federal law.

Schildge explained the Compassionate Use Act litigation. She recommended, if the Board in supporting this bill, revising the proposed language consistent with Health and Safety Code section 11362.5, which was the Compassionate Use Act.

Motion: Oppose AB 941 unless amended to revise the language mentioned in section 3 of the bill to remove references to the use being lawful, and instead make revisions consistent with precedent at Health and Safety Code section 11362.5.

M/S: Walker/Ranasinghe

Discussion

Public Comment

Brew: Research is clear that this is effective. Suggested a support if amended position.

Caldwell: This is a workforce bill, not a legislative action to legalize. The scope is to create a workgroup.

Atkins, CAMFT: No position.

Vote: Yea 3; Nay 6, abstain 2. ***Motion did not carry.***

Member	Vote
Nick Boyd	N
Susan Friedman	N
Justin Huft	N
Christopher Jones	N
Abigail Ortega	recused
Kelly Ranasinghe	Y
John Sovec	N
Wendy Strack	N
Eleanor Uribe	abstain
Annette Walker	Y

New Motion: Support if amended, requesting amendments to revise or remove references in the bill regarding the use of hallucinogenic or psychedelic substances for psychedelic assisted therapy being lawful.

M/S: Huft/Jones

[Board Member Comments:](#) Walker

No further public comments.

Vote: Yea 7; Nay 1, abstain 1, recusal 1. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	recused
Kelly Ranasinghe	N
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	abstain
Annette Walker	Y

21. Discussion and Possible Action Regarding Assembly Bill 1991 (Bonta) Licensee and Registrant Records ([Link to Video](#))

AB 1991 would require healing arts boards under the Department of Consumer Affairs (DCA) to collect specified data from licensees and registrants at renewal:

- Anticipated year of retirement
- Practice area or specialty
- City, county, and zip code of practice
- Birth date
- Educational background/highest level attained
- Gender or gender identity
- Hours spent in direct patient care, including telehealth, training, research, and administration
- Languages spoken
- National provider identifier
- Race or ethnicity
- Type of employer or classification of primary practice site including clinic, hospital, managed care organization, or private practice
- Work hours
- Sexual orientation
- Disability status

Motion: Support AB 1991.

M/S: Walker/Jones

Discussion

Public Comments: None

Vote: Yea 8; Nay 2. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	N
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	N
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

22. Discussion and Possible Action Regarding Assembly Bill 2142 (Haney) Prisons: Mental Health

AB 2142 died in Senate and Assembly Appropriations.

23. Discussion and Possible Action Regarding Assembly Bill 2270 (Maienschein) Healing Arts: Continuing Education: Menopausal Mental and Physical Health [\(Link to Video\)](#)

AB 2270 would require the Board to consider including a course in menopausal mental or physical health in its continuing education (CE) requirements.

Staff Comments

Course Content Already Permitted. The Board's licensing laws already permit continuing education coursework that is in or relevant to the practice of that profession. The Board would currently accept a course in menopausal mental health toward continuing education requirements.

Relevance of Menopausal Physical Health. This bill specifies the Board must consider including a course in menopausal mental or physical health in its CE requirements. While mental and physical health can be interrelated, it is debatable whether a course that solely covered menopausal physical health, with no inclusion of mental health, would be relevant to the practice of the professions the Board regulates.

Motion: Oppose AB 2270.

M/S: Boyd/Uribe

Discussion

Boyd: Withdrew his motion.

Public Comments

Brew: Requested an oppose position.

Caldwell: Requested an oppose position.

G.V. Ayers, California Association of Licensed Professional Clinical Counselors (CALPCC): No position.

Atkins, CAMFT: No position; however, CAMFT typically opposes bills requiring additional CEs.

The Board did not take a position on AB 2270.

24. **Discussion and Possible Action Regarding Assembly Bill 2581 (Maienschein) Healing Arts: Continuing Education: Maternal Mental Health** **(Link to Video)**

AB 2581 would require the Board to consider including a course in maternal mental health in its continuing education (CE) requirements.

Staff Comment

Course Content Already Permitted. The Board's licensing laws already permit any continuing education coursework that is in or relevant to the practice of that profession. The Board would accept a course in maternal mental health toward continuing education requirements.

Board Member Comment: Ortega

Motion: Support AB 2581.

M/S: Ortega/ no second. ***Motion did not move forward.***

Discussion

Public Comments

Daniella Bermudes, Postpartum Support International, California Chapter: Urged the Board to consider requiring this CE.

Ezrine, CAMFT: CAMFT opposes additional CEs.

Brew: Urged the Postpartum Support International to move this forward to require it through the education programs.

Ayres, CALPCC: Does not support bills that require specific CEs.

Atkins, CAMFT: CAMFT opposes additional CEs. This coursework should be reviewed by the schools.

The Board will continue to watch AB 2581.

25. Discussion and Possible Action Regarding Assembly Bill 2566 (Wilson) Healing Arts: Counseling [\(Link to Video\)](#)

AB 2566 would establish California as a member state in the Interstate Counseling Compact, which permits a licensed professional counselor in a member state to practice in other member states, if specified conditions are met.

Staff Comments

Who Qualifies as an LPC? There is a title disparity between the bill (licensed professional counselors) and the Board's license type (licensed professional clinical counselors).

Section 4999.133(p) defines an LPC as a counselor licensed by a member state, regardless of title, to independently assess, diagnose, and treat behavioral health conditions.

The broadness of 4999.133(p) raises the question of whether individuals who are not equivalent in scope and experience to LPCCs would be able to practice under the terms of the compact.

Potential Education Discrepancies. Section 4999.140(a)(3) appears to permit 60 semester or 90 quarter units of graduate course work that is not necessarily gained in a completed master's degree in counseling.

California-Specific Coursework Requirements for Out-of-State Applicants.

Under the Board's current license portability pathway to licensure, an out-of-state licensee who has been equivalently licensed for at least 2 years in another state is eligible for a streamlined process to obtain a California license if they meet certain requirements, including passing the California law and ethics exam, and taking certain specific coursework: California law and ethics (12 hours), California cultures (15 hours), and child abuse reporting (7 hours, which must include content on California's mandated reporting requirements).

This bill permits jurisdictions to require applicants for a privilege to practice under the compact to meet jurisprudence requirements. However, under the Compact, the Board would not be permitted to require these applicants to take any California-specific coursework.

Fiscal Impact Unclear. The estimated number of LPC licensees nationwide, and what percent of them may want to seek a privilege to practice in California, is unknown.

Delegation of Board's Authority. The bill requires that member states comply with the Compact Commission's rules and actions, which are binding. Each member board gets one delegate on the commission, who has one vote regarding adoption of rules, regardless of a state's market share or number of licensees. This could potentially affect the Board's ability to act autonomously to accomplish its public protection mission.

It is also unclear whether the Board could deny or place restrictions on a privilege to practice of an applicant with past disciplinary action who qualifies via their home state. BPC §4999.140(b)(3) states that member states must have procedures for considering the criminal history records of applicants for an initial privilege to practice. However, it is unclear if this is applicable to the home state only or all places where the applicant seeks a privilege to practice. Additionally, (b)(6) of that section requires a member state to grant a privilege to practice to a licensee in accordance with the Compact's terms and rules. As not all rules of the Compact have been established yet, the implications of this are unclear.

Supervision of Associates. It is unclear whether licensees holding a privilege to practice would be permitted to supervise associates.

DCA Legal pointed out that it is unclear if the compact language grants the Board the authority to run regulations related to the Compact. Although the Board may wish to restrict supervisors to California licensees only, BPC §4999.133(t) states that a privilege to practice is equivalent to a license. Therefore, it is unclear if the Board could restrict or place conditions on privilege to practice holders supervising California-registered associates.

Motion: Oppose AB 2566 and reach out to the California Commission on Uniform Laws.

M/S: Ranasinghe/Walker

[Discussion](#)

[Public Comments, Questions, and Further Discussion](#)

G. V. Ayers, California Association of Licensed Professional Clinical Counselors (CALPCC): Sponsors of the bill. This bill would put more feet on the ground to provide mental health services, provide greater continuity of care, provide greater access to mental health care in California, removes barriers to practice without sacrificing public protection, addresses health care workforce shortages, and provides ability for military personnel and spouses to practice.

Brew: A path to come to California already exists. Concerns 1) Competence of licensees trained in other states; 2) BBS increased workload and fiscal impact; 3) identity confusion based on different license types, and 4) harm to California LPCCs. Suggests waiting until this program is off the ground for 2-3 years.

Ayers: Urged the board to not take a position on this bill.

Vote: Yea 8; Nay 1, Abstain 1. Motion carried.

Member	Vote
Nick Boyd	N
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Abstain
Annette Walker	Y

26. Discussion and Possible Action Regarding Assembly Bill 2651 (Bains) Alcohol Drug Counselors

AB 2651 died in Senate and Assembly Appropriations.

27. Discussion and Possible Action Regarding Assembly Bill 2862 (Gipson) Licenses: African American Applicants [\(Link to Video\)](#)

AB 2862 would require boards within the DCA to prioritize applications for African American applicants, especially those who are descended from a person enslaved in the United States.

Staff Comment

Board Impact. It is unclear how the Board would verify whether an applicant is African American and how it would determine whether an applicant is descended from a person who was enslaved.

It is unknown how many individuals would apply for an expedited license under this allowance; however, without clearly defined criteria, the workload associated with verifying race and a descendant from enslaved persons could be costly and increase processing times for all applicants.

[Schieldge: Addressed a constitutional issue of the Equal Protection Clause.](#)

Motion: Support AB 2651 if amended to add declaratory policy statements or determinations to address the governmental interest and the government's use of the race-based criteria narrowly tailored to achieve that interest.

M/S: Huft/Walker

Discussion

Public Comment

Ayers, CAMFT: CAMFT has not taken a position on this bill. What impact do these types of bills have on licensure processing? What is the harm to those in line to get their application processed?

Vote: Yea 9; Nay 1. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	N
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

28. **Discussion and Possible Action Regarding Senate Bill 26 (Umberg) Mental Health Professions: CARE Scholarship Program** [\(Link to Video\)](#)

SB 26 would create a scholarship program to incentivize those seeking licensure as a marriage and family therapist, clinical social worker, professional clinical counselor, or psychologist to work in a county behavioral health agency in support of the CARE Act.

Staff Comment

Funding Source Not Identified. This bill is dependent on appropriation of funds by the Legislature. However, a funding source is not identified.

Motion: Support SB 26. M/S: Strack/Sovec

Discussion

Strack rescinded her motion and offered a new motion: Support SB 26 and provide technical support to express concerns that not all counties include LPCCs. Seconded: Sovec

Further Discussion

Public Comment

Caldwell: Requested that the Board take an opposed unless amended position with amendments.

Ayers, CALPCC: CALPCC supports the concept of this bill.

Brew: Responded to Caldwell's comment.

Vote: Yea 10; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

29. Discussion and Possible Recommendation Regarding Senate Bill 294 (Wiener) Health Care Coverage: Independent Medical Review [\(Link to Video\)](#)

SB 294 seeks to reduce barriers to mental health care by addressing treatment denials based on lack of medical necessity for children and young adults up to age 26. The bill does the following:

- Makes the grievance process for nonlife-threatening conditions automatic, rather than consumer-initiated; and if a grievance is upheld or is still pending or unresolved after a specified timeframe, it must automatically be submitted to the Independent Medical Review System within 24 hours.
- States that the grievance process is not required for life-threatening conditions, and the case must automatically and immediately be submitted to the Independent Medical Review System.

Motion: Support SB 294.

M/S: Sovec/Huft

Discussion

Public Comment: None

Vote: Yea 10; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

**30. Discussion and Possible Action Regarding Senate Bill 402 (Wahab)
Involuntary Commitment ([Link to Video](#))**

SB 402 would include licensed mental health professionals, including mental health professionals who are not county providers, in the types of professionals who may be designated by a county to take someone into 72-hour custody if there is probable cause that they are a danger to themselves or others, or are gravely disabled as a result of a mental health disorder.

Staff Comments

Definition of a “Licensed Mental Health Professional.” The bill defines a “licensed mental health professional” as a psychiatrist, psychologist, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor who has completed all required supervised clinical experience and who is designated by the county.

It is unclear if the requirement to have “completed all required supervised experience” is referring to supervised experience that may be required by a county or if it refers to the hours of supervised experience required by a board for licensure.

Arguments in Support and Opposition. This bill has numerous supporters and opponents that cite a variety of valid arguments for support and opposition.

[Board Member Comments](#)

Motion: Support SB 402 if amended to include LEPs.

M/S: Ranasinghe/Huft

[Additional Board Member Comments and Public Comment offered by Dr. Brew.](#)

Vote: Yea 9; Nay 1. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	N
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

31. Discussion and Possible Action Regarding Policy and Advocacy Committee Recommendation: Support Senate Bill 1012 (Wiener) The Regulated Psychedelic-Assisted Therapy Act and the Regulated Psychedelic Substances Control Act

SB 1012 died in Senate and Assembly Appropriations.

32. Discussion and Possible Action Regarding Senate Bill 1067 (Smallwood-Cuevas) Healing Arts: Expedited Licensure Process: Medically Underserved Area or Population ([Link to Video](#))

SB 1067 would require healing arts licensing boards within the DCA to expedite the licensure process to give priority review status to an applicant for a license who intends to practice in a medically underserved area or serve a medically underserved population.

Staff Comments

Acceptable Settings Unclear. The bill relies on the definitions of “medically underserved area” and “medically underserved population” in HSC §128552 to determine who qualifies for an expedited license:

HSC §128552

(d) “Medically underserved area” means an area defined as a health professional shortage area in Part 5 of Subchapter A of Chapter 1 of Title 42 of the Code of Federal Regulations or an area of the state where unmet priority needs for physicians exist as determined by the department.

(e) “Medically underserved population” means the Medi-Cal program and uninsured populations.

HSC §128552 defines these terms for purposes of the California Physician Corps Program, which consists of a loan repayment program and a volunteer program for physicians in the state.

Medically Underserved Area

The section's definition of a "medically underserved area" references Federal Regulations, 42 CFR Part 5, Appendix A. However, this definition appears heavily focused on primary care physicians, and it is unclear if it is appropriate to use to define underserved areas of other healing arts practitioners. Furthermore, it is unclear if underserved areas for physicians will always match underserved areas for other healing arts practitioners.

Medically Underserved Population

The definition of a "medically underserved population" is broad, and it is unclear what threshold the Board should use to determine if an applicant qualifies.

Board Impact. Depending on the volume of applications received, this bill could have a detrimental impact on Board processing times if the Board's evaluators must spend a large amount of time determining whether someone's intended work setting qualifies for expedited licensure instead of evaluating applications. Additionally, staff has concerns that success of this bill could lead to numerous other proposals to expedite licensure for valid reasons, which could end up increasing processing times overall as staff spends increasing amounts of time determining expedite eligibility and fielding applicant questions regarding eligibility.

Proposed Amendments. Staff contacted the bill's sponsor to ask for further clarification regarding who they intend to qualify for the expedite. The sponsor responded that qualifying sites will be in the database. Amendments provided as [Attachment A](#), page 32-9.

After consulting with DCA Legal on the sponsor's suggested amendments, there are concerns that regulations would be needed to specify the use of a specific database if the Board would make its decision to expedite solely on a database. Staff and legal counsel drafted amendments that would accomplish this, shown on Attachment A, page 32-9 through 32-10.

Discussion

Motion: Support SB 1067 if amended. The suggested amendments are those suggested by staff and legal counsel in Attachment A. Additionally, that language would need to specifically name any and all databases the sponsor intends boards to use to determine expedite eligibility.

M/S: Sovec/Walker

Public Comment

Caldwell: Requests the Board to oppose SB 1067.

Taylor Jackson, California Primary Care Association, and sponsor of SB 1067: Requests the Board to consider a support if amended position.

Atkins, CAMFT: Concerns about the impact this will have on other licenses who are also trying to get their applications and licenses processed.

[Further Discussion](#)

Vote: Yea 5; Nay 4, Abstain 1. Motion carried.

Member	Vote
Nick Boyd	N
Susan Friedman	Y
Justin Huft	N
Christopher Jones	N
Abigail Ortega	N
Kelly Ranasinghe	Abstain
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

33. Update on Board-Sponsored Legislation ([Link to Video](#))

a. Senate Bill 1024 (Ochoa Bogh) Healing Arts: Board of Behavioral Sciences: Licensees and Registrants

Status: This bill passed the Senate and is now in the Assembly.

b. Senate Bill 1526 (Senate Business, Professions, and Economic Development Committee) Consumer Affairs

Status: This bill is in the Senate Appropriations Committee.

34. Discussion and Consideration of:

a. Comments Received During the 45-Day Public Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend California Code of Regulations (CCR), Title 16, Sections 1845, 1858, 1881, 1886.30 and 1886.40 (Unprofessional Conduct)

b. Adoption of Amendments to CCR, Title 16, Sections 1845, 1858, 1881, 1886.30 and 1886.40 (Unprofessional Conduct) ([Link to Video](#))

At its August 2023 meeting, the Board approved regulatory changes pertaining to its unprofessional conduct regulations. The proposed changes would result in striking regulations that duplicate statutory law and would provide for

transparency by adding requirements related to the Confidentiality in Medical Information Act. The approved language was provided in [Attachment A](#).

Status of the Regulation Proposal

The regulation proposal was noticed to the public on February 2, 2024, and the public comment period ended on March 25, 2024. The Board received one comment from CAMFT [\(Attachment B\)](#).

Recommended Response: Board staff have reviewed the comment and recommend changes to section 1886.40 of the text based on the comments. The changes are shown on page 7 of Attachment A.

Motion: Approve the proposed responses to public comments received, approve the proposed amended regulation text for section 1886.40, and initiate a 15-day public comment period. If no relevant, adverse comments are received during the public comment period, authorize the Executive Officer to make any non-substantive changes to the package, and take all steps necessary to complete the rulemaking and adopt the proposed regulations at section(s) 1845, 1858, 1881, 1886.30 and 1886.40 as noticed.

M/S: Jones/Ranasinghe

Board Discussion: None

Public Comment: [Ezrine \(CAMFT\)](#)

Vote: Yea 10; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

35. Update on Board Rulemaking Proposals [\(Link to Video\)](#)

Disciplinary Guidelines

Status: Submitted to DCA Office of Legal Affairs to Begin Initial Review Process (Production Phase)

Unprofessional Conduct

Status: Public Comment Period Ended March 25, 2024; Comment Received; Modified Text Proposed

Telehealth

Status: Approved by the Board at its March 1, 2024 meeting

Discussion/Public Comment: None

36. Overview of the Board Sunset Review [\(Link to Video\)](#)

Under current law, boards and bureaus operating under DCA must undergo periodic "sunset review." This process of legislative oversight was established in 1994 for professional licensing programs. Oversight hearings are jointly conducted by the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions, and Economic Development.

The Board's last sunset date was January 1, 2020. Due to the COVID-19 pandemic, sunset hearings were delayed, and subsequently, the Board was granted a four-year extension on January 1, 2022, setting its current sunset date to January 1, 2026. Legislation will be needed in the 2025 legislative session to extend the Board's existence beyond that date.

The Board's sunset review document is a comprehensive report addressing questions regarding its operations, performance, and past issues. This report includes statistics, procedural information, and will detail the Board's work since 2021. A draft report will be presented at the Board's September meeting, with a final report scheduled for approval at the November meeting for submission to the Committee, which is due in December 2024. Public hearing dates are expected to be announced in January 2025.

Discussion/Public Comment: None

37. Discussion and Possible Action Regarding Diversity, Equity, and Inclusion (DEI) Supplemental Strategic Planning Draft Language [\(Link to Video\)](#)

In February 2024, DCA Strategic Organizational Leadership and Individual Development (SOLID) hosted a strategic planning session during the Board meeting. The session aimed to review the Board's strategic plan for 2022-2026,

with a focus on assessing the diversity, equity, and inclusion (DEI) impacts of policy decisions.

A draft version of the Board's 2022-2026 strategic plan was presented, which included the amendments discussed during the session ([Attachment A - DRAFT Amended BBS 2022-26 Strategic Plan](#)). Additionally, SOLID provided suggested edits to the proposed amendments during their review:

- 1.3 Changed "stakeholders" to "other stakeholder groups".
- 3.3 Following "proportionality" with "bias" here does not seem positive, as if the Board is seeking to add "bias" to the statutes and regulations. Suggest removing "bias". Suggest the objective start with "review" rather than "complete".
- 5.5 Since IDPs are voluntary, suggest replacing individual development plans (IDPs) with "performance evaluations".

Motion: Direct staff to adopt the Board's 2022-2026 strategic plan with approved amendments.

M/S: Huft/Walker

Discussion

During discussion, the Board reworded 3.3 to read as follows: Review the Board's existing enforcement statutes and regulations **to ensure** clarity, **proportionality**, cohesiveness, and equity, making recommendations **as necessary**.

Public Comment: None

Vote: Yea 10; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

38. Suggestions for Future Agenda Items [\(Link to Video\)](#)

Boyd: Proposed a discussion to revisit the topic of student trainees and the 90-day rule, specifically the number of student trainees operating and practicing without a license.

Huft: Proposed discussions on two topics. 1) The Board purview and possible regulations on supervision pay. What are other states and other boards doing to regulate exploitation? 2) Online therapy.

Sovec: Requested to have a reporting of items that are suggested for future agenda items.

Friedman: Explore ways to recruit more people to become therapists.

Ranasinghe: Requested a staff report on probationers and their affordability of probation costs.

Geoff Embler: Advocate for LCSWs. Requests that the Board discuss and change the interpretation of the number of hours of supervision that ASWs are required to obtain. He stated that the interpretation was changed last year by Board staff and was not discussed in Board meetings or publicly announced.

Caldwell: Proposed a holistic look at the Board's disciplinary processes and how well they are serving the intention of bringing people back into good standing.

39. Public Comment for Items not on the Agenda [\(Link to Video\)](#)

Caldwell: Help make people aware of the current policy regarding electronic signatures.

Kenneth Edwards, CALPCC: Announced that his last day with CALPCC as Executive Director is today. He thanked the Board and staff, and associations for showing him support during his time with CALPCC.

Sodergren and Helms provided comments in response to Edwards' announcement.

Ranasinghe: Acknowledged Sodergren's 25 years of service with the state of California.

40. Adjournment

The Board adjourned at 4:22 p.m.