



Board of Behavioral Sciences



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Gavin Newsom, Governor  
State of California

Business, Consumer Services and Housing Agency  
Department of Consumer Affairs

## POLICY AND ADVOCACY COMMITTEE MINUTES

A recorded webcast of this meeting is available at <https://youtu.be/HO1ko6nVyY>.

**DATE** January 24, 2025

**TIME** 10:00 a.m.

### LOCATIONS

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

**Alternative Platform** WebEx Video/Phone Conference

### ATTENDEES

#### Members Present at Remote Locations

Christopher Jones, Chair, LEP Member  
Abigail Ortega, LCSW Member  
Kelly Ranasinghe, Public Member

**Members Absent** John Sovec, LMFT Member  
Wendy Strack, Public Member

#### Staff Present at Primary Location

Steve Sodergren, Executive Officer  
Rosanne Helms, Legislative Manager  
Christy Berger, Regulatory Manager  
Christina Kitamura, Administrative Analyst  
Syreeta Risso, Special Projects and Research Analyst  
Kristy Schieldge, Legal Counsel

#### Staff Present at Remote Locations

Marlon McManus, Assistant Executive Officer

**Other Attendees** Public participation via WebEx video conference/phone conference  
and in-person at Department of Consumer Affairs

**1. Call to Order and Establishment of Quorum**

Christopher Jones, Chair of the Policy & Advocacy Committee (Committee), called the meeting to order at 10:24 a.m. Roll was called, and a quorum was established.

**2. Introductions**

Committee members introduced themselves during role call; staff and public attendees introduced themselves.

**3. Consent Calendar: Discussion and Possible Approval of October 11, 2024 Committee Meeting Minutes**

Motion: Approve the October 11, 2024 Policy and Advocacy Committee meeting minutes.

M/S: Jones/Ortega

Public Comments: None

Motion carried: 3 yea, 0 nay, 2 absent

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
Kelly Ranasinghe	Yes
John Sovec	Absent
Wendy Strack	Absent

**4. Discussion and Possible Recommendations Regarding Approval of Proposed Regulatory Amendments and Preparation of Documents to Initiate a Rulemaking to Accept the Association of Marital and Family Therapy Regulatory Boards' Marital and Family Therapy National Examination as the Clinical Examination for California Licensure (Amend Title 16, California Code of Regulations §§1816.2 and 1829.1)**

At its September 2024 meeting, the Board directed staff to pursue legislation to accept the AMFTRB National Examination for licensure. Statutory and regulatory amendments are required to accept the national exam.

First, statutory amendments are needed. The statutory amendments would lay the groundwork to allow the adoption of the AMFTRB National Examination if the Board chooses to do so via regulations. If the statutory amendments are successfully run as legislation this year, they would become effective on January 1, 2026.

Second, after the statutory amendments are adopted through legislation, the Board would need regulatory amendments to officially name the AMFTRB National Examination as the clinical exam accepted by the Board for LMFT licensure. Adoption of regulatory amendments would officially adopt the AMFTRB National Examination as the Board's clinical exam.

To streamline the process, staff recommends that the Board approve, in concept, the proposed regulations presented. Once staff has finished collaborating with AMFTRB and OIS to meet the implementation steps outlined by the Board, the regulatory proposal will be brought back to the full Board for final consideration and authorization to begin the rulemaking process.

**Motion:** Recommend to the Board approval of the proposed regulatory text in Attachment A in concept and recommend the Board consider all of the following actions:

- (1) Approve the proposed regulatory text in Attachment A in concept and direct staff to draft the initial rulemaking documents in preparation for possible submission to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency (Agency) for initial review and approval.
- (2) Once the criteria in steps 1 through 3 under the section "Implementation Steps" set forth in the meeting materials have been met, bring the proposal in Attachment A back to the Board for final consideration and authorization to submit the rulemaking package to the Director and Agency for review and approval.

M/S: Jones/Ranasinghe

#### Public Comments

Shanti Ezrine, California Association of Marriage and Family Therapists (CAMFT): CAMFT supports all amendments in concept to adopt the AMFTRB National Examination.

Dr. Ben Caldwell: Expressed strong support.

Cathy Atkins, CAMFT: Expressed support for the proposed regulations and appreciation to BBS staff.

Motion carried: 3 yea, 0 nay, 2 absent

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
Kelly Ranasinghe	Yes
John Sovec	Absent
Wendy Strack	Absent

**5. Discussion and Possible Recommendations Regarding Statutory Amendments to the Board's Retired License Requirements (Amend BPC §§ 4984.41, 4989.45, 4997.1, 4999.113)**

In early 2024, the Policy and Advocacy Committee began a discussion to amend the Board's retired license statute. Originally, the proposal focused on eliminating the requirement that a retired licensee reactivating their license after being retired for 3 or more years must apply for a new license and established alternative requirements instead.

The alternative requirements proposed would permit reinstatement for the LMFT, LPCC, and LCSW license types for up to seven years. The proposal also allowed a pathway after seven years that did not require the clinical exam if licensed equivalently in another state.

However, the Board's legal counsel had concerns about unintended consequences of allowing reinstatements beyond three years. Staff also had concerns that the process of having different reinstatement requirements after differing numbers of years would create confusion. It also created a discrepancy in requirements between the LEP license and the other license types, due to the differing exam process for the LEP license. For these reasons, staff and the legal counsel determined that extending reinstatements could be problematic and decided instead to focus on other clarifications that could be made to the retired license statutes.

The new proposal for consideration does the following:

- Requires a license to be current and active, inactive, or expired within the past 3 years. The latter removes the barrier of requiring reactivation of an expired license to retire it.
- Clarifies the meaning of "subject to disciplinary action." A licensee retiring their license must not be subject to disciplinary action, but that term is undefined.
- Specifies the information to be provided in the application to retire a license and in the application to restore a retired license to active status.
- Specifies the professional title that a retired licensee is permitted to use.

- Restricts a retired licensee to reactivating their license only once.
- Corrects a reference to fingerprint submission requirements.
- Specifies that the continuing education required to restore a retired license must have been taken within the past 2 years and must include at least 6 hours of California law and ethics.
- Clarifies that a license that has been retired for 3 or more years cannot be restored and that a new license is required to resume practice.

### Discussion

Kristy Schieldge, Legal Counsel: Stated that there is a need for regulations. The proposed amendments are drafted with the idea that the statutory changes would be self-executing.

Ortega: Are there any concerns that the requirements would be too burdensome if they've been out of practice for a couple years?

Schildge responded: This requirement is universal for those who have not been in practice and are returning to practice, and it serves as assurance that they have updated their competency and education.

Helms added that the requirement to complete 36 continuing education hours is the same requirement as if a licensee were renewing a license.

Motion: Direct staff to make any discussed changes and any non-substantive changes and to bring to the Board for consideration as a legislative proposal.

M/S: Jones/Ortega

### Public Comments

Shanti Ezrine, CAMFT: Expressed support for the changes in the proposal.

Motion carried: 3 yea, 0 nay, 2 absent

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
Kelly Ranasinghe	Yes
John Sovec	Absent
Wendy Strack	Absent

**6. Discussion of Research Regarding the Practice of Pastoral Counseling (BPC §§4980.01, 4996.13, 4999.22)**

Current law exempts individuals performing counseling services as part of their pastoral or professional duties, such as priests, rabbis and ministers of the gospel of any religious denomination.

The Board occasionally receives consumer complaints where services are performed by an unlicensed individual, appearing to be working in their ministerial or pastoral capacity, incorporating psychotherapeutic methods into their counseling. It is noted in such cases the individual is often providing counseling services independently, outside of the client's church or other religious entity, and charges a fee for counseling services. In some cases, the Board is unable to take disciplinary action due to language in the current exemption laws.

At its January 2023 meeting, the Licensing Committee held a discussion to propose clarifying the exemption language in the Board's practice acts for individuals performing duties in a religious or faith-based profession. Exemption laws in the states of Texas, Florida and Arizona were presented to this committee.

Staff and subject matter experts conducted further research on the topic of pastoral counseling, in addition to clarifying the differences in practice methods used in pastoral counseling and mental health professions. This information was presented to the Policy and Advocacy Committee. Additional exemption laws in the states of Georgia, North Carolina, Louisiana, New Mexico, Virginia, and Vermont were also presented.

Discussion

Ortega: How would the Board regulate or educate the public about the differences? How are the different states managing this? What would happen if we got a complaint? How is it being enforced?

Sodergren responded: Once the amendments are passed, staff will educate the public through FAQs. These amendments will also help staff to clarify and define it, as well as for those who are providing pastoral counseling to help them identify if they are following the law.

Helms added: There have been some cases where the board could not take action because of how the law is currently written. The law is very vague. The law needs to be more defined.

Ortega: Asked if the Board can restrict them from using specific titles, such as "therapist" or "counselor".

Helms: The Board cannot restrict the use of “pastoral counselor.” However, they cannot hold themselves out as a marriage and family therapist or a clinical counselor, for example. The issue is when they are performing the service and it looks like a private practice, but they are saying that they do not need a license because they are a pastor.

Sodergren: Cited cases where an individual claims to be performing duties for their church, but they are collecting fees, and it appears that there is no connection to the church.

Ranasinghe: has concerns that this area is a salient or amorphous area where there is a dimension of abuse or manipulation that could occur (known as spiritual abuse), especially when dealing with a vulnerable population. Especially concerned that they are holding themselves out as a pastoral counselor, but they are conducting business as if they’re a private practice and may have a physical office separate from the religious institute. Is the AG concerned about this?

Schioldge: This is a constitutional issue with respect to California’s free exercise clause in the California Constitution, which guarantees the right to practice religion without discrimination. The problem is knowing where that line is when there’s faith-based practice versus someone acting in the capacity of a licensee for remuneration. That is the issue that has hindered a lot of investigations.

Jones: Agreed that the language about what constitutes a therapist or a therapeutic practice versus pastoral counseling should be tightening up. He asked the following questions: 1) When pastoral counselors who have completed an MFT or LCSW training program are performing pastoral counseling, how do we determine whether they’re using therapeutic techniques? 2) Are we defining pastoral counseling, and do we have authority to do that?

Schioldge: The problem is how do we not cross the line into regulating religious freedom and practice. Staff may have to do more research to try to add language that would make it clearer.

Staff will continue to do more research and bring it back to a future committee meeting.

#### Public Comment

Shanti Ezrine, CAMFT: CAMFT is generally in support of clarifying exemption language for those individuals to ensure adequate consumer protection.

## **7. Update on Board-Sponsored Legislation**

The Board is pursuing the following legislative proposals this year.

1. Technical and/or Non-substantive Amendments

Technical or non-substantive proposed amendments to clarify or clean up the Board's practice acts.

2. Statutory Amendments to Potentially Allow Adoption of the Association of Marital and Family Therapy Regulatory Boards' (AMFTRB) Marital and Family Therapy National Examination as the Clinical Examination via Regulations

This proposal would give the Board the option to designate the AMFTRB Marital and Family Therapy National Examination as the clinical exam approved for LMFT licensure through regulations.

3. Sunsetting Statutory Provisions

This proposal would delete or extend the sunset dates for two provisions of the Board's practice acts that sunset on January 1, 2026:

- Allowance of supervision via videoconferencing in all settings
- Temporary practice allowance.

4. Licensing Requirements for Licensed Educational Psychologists

Amendments to BPC §4989.20, which is the section of the LEP Practice Act that specifies the requirements for LEP licensure:

- Specifying experience requirements in greater detail.
- Clarifying experience requirements for in-state versus out-of-state school psychologists.
- Adding an age limit to a passing score on the LEP exam.

**8. Update on Board Rulemaking Proposals**

Disciplinary Guidelines

Status: Noticed to the Public January 10, 2025; Comment Period Ends February 25, 2025

Telehealth

Status: Public Comment Period Ended, Comments Received for Board to Review at February 2025 Meeting

Continuing Education

Status: Return to Board to Review Possible Modifications at February 2025 Meeting

Advertising

Status: Submitted to DCA for Production Phase Review

English as a Second Language: Additional Examination Time

Status: In Preparation for DCA Production Phase Review

**9. Suggestions for Future Agenda items**

Ortega: How to better inform therapists on how to manage disasters. Therapists that were displaced during major disasters, and didn't have an office and did not have access to their computers. They were unsure how to manage their caseloads and their clients without feeling like they were abandoning them.

Elyse Springer, California Chapter of Postpartum Support International:  
Requested to put AB 2581 on a future agenda and consider including perinatal mental health as an education requirement.

**10. Public Comment for Items not on the Agenda**

None

**11. Adjournment**

The Committee adjourned at 11:51 a.m.