



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. Click on the following links for Webcast recordings:

[Thursday, May 8 - Part 1 of 2](#)

[Thursday, May 8 - Part 2 of 2](#)

[Friday, May 9 - Part 1 of 2](#)

[Friday, May 9 - Part 2 of 2](#)

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**DATE** May 8, 2025

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

**TIME** 9:00 a.m.

### ATTENDEES

#### Members Present at Primary Location

Christopher (Chris) Jones, Chair, LEP Member  
Wendy Strack, Vice Chair, Public Member  
Susan Friedman, Public Member  
Abigail Ortega, LCSW Member  
Kelly Ranasinghe, Public Member  
John Sovec, LMFT Member  
Eleanor Uribe, LCSW Member  
Dr. Annette Walker, Public Member

#### Members Present at Remote Locations

Justin Huft, LMFT Member

#### Members Absent:

Lorez, Bailey, Public Member  
Dr. Nicholas (Nick) Boyd, LPCC Member

#### Staff Present:

Steve Sodergren, Executive Officer  
Marlon McManus, Assistant Executive Officer  
Christina Kitamura, Administration Analyst

Sabina Knight, Department of Consumer Affairs (DCA) Legal Counsel  
Kristy Schieldge, DCA Legal Counsel

**Other Attendees:** Marcie Larson, Administrative Law Judge  
Anahita Crawford, Deputy Attorney General  
Jimmie Terangi Simpson II, Petitioner  
Kelsey Lee Santos, Petitioner  
Christian Conrado Davalos, Petitioner  
Scott Sanford Johnson, Petitioner  
Public participation via Webex and in-person

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## OPEN SESSION

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

Christopher Jones, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 9:00 a.m. Roll was called, and a quorum was established.

### 2. REGULATION HEARING

#### **Regulation Hearing Regarding a Proposal to Amend Title 16 of the California Code of Regulations (CCR) Section 1811 Regarding Advertising**

A hearing was conducted to amend the advertising regulations that were approved by the Board.

#### Testimony

Shanti Ezrine, California Association of Marriage and Family Therapists (CAMFT) provided the following comments, which were submitted in writing and provided in the meeting materials under agenda item 3: 1) Clarifying “full name” and whether that includes the middle name. CAMFT proposes that the board consider specifying “first and last name” in lieu of “full name.” 2) Guidance and sample advertising formats for listing nickname or form legal name. CAMFT asks that the board update its Licensee and Registrant Advertising Factsheet to include further guidance that defines the parameters of an appropriate nickname and sample advertising formats for how a nickname or formal legal name should be listed in advertisement.

Hearing closed at 9:08 a.m.

### 3. Discussion and Consideration of:

- a. **Comments Received During the 45-Day Public Comment Period and at the Regulation Hearing and Proposed Responses Thereto for the Board's Rulemaking to Amend CCR, Title 16, Section 1811 (Advertising)**
- b. **Adoption of Amendments to CCR, Title 16, Section 1811 (Advertising)**

The Board received four written comments during the public comment period to the advertising regulations. The written comments were provided as **Attachments B – E** in the meeting materials.

Board staff and regulations counsel recommended the Board approve the following proposed responses.

- a. **Comments Received During the 45-Day Public Comment Period and at the Regulation Hearing and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16 of the California Code of Regulations (CCR), Section 1811 (Advertising Regulations)**

Comments were submitted by Shanti Ezrine, State Government Affairs Associate and Cathy Atkins, Deputy Executive Director on behalf of the California Association of Marriage and Family Therapists (CAMFT). Two comments were read aloud and provided as **Attachment B**.

**Recommended Response to Comment 1:** The Board accepts this comment as it relates to licensee confusion and proposes the following amendment to subsection (a)(1). The amendment was provided as Attachment A in the meeting materials:

(1) The full name (First Name, Last Name, and any Middle Name and/or Suffix) of the licensee, or registrant, or registered referral service as filed with the board.

The Board declines to make the recommended text change of striking “full name” and replacing it with “first and last name.” The Board requests the full name of the applicant on its initial application for registration or licensure to verify the identity of the applicant and ensure accuracy in the licensing process. Requiring the licensee or registrant to provide their “full name” as “filed with the board” in advertising ensures that the public has complete and accurate information about an individual’s license status so that a consumer can make a fully informed decision about their mental health care.

**Recommended Response to Comment 2:** The Board declines to make any changes due to this comment as it was merely a request for the Board to update its advertising fact sheet. This fact sheet simply recites the

requirements of existing Section 1811 and other related statutes and provides sample formats for advertising consistent with Section 1811. The sample formats are suggestions and not the only methods for meeting the requirements of Section 1811. Therefore, the Board does not consider the fact sheet relevant to this regulatory proposal. The Board will revise the fact sheet consistent with amendments to Section 1811 once these regulations have been approved.

A comment was submitted by Natalie Chen, LMFT. The comment was read aloud and provided as **Attachment C**.

**Recommended Response:** The Board rejects this comment and declines to make any changes due to this comment. Staff believes the commenter is referring to proposed subsection (g), which states, "In addition to including the information required by subsection (a), a licensee or registrant may use a nickname or former legal name to advertise services for which a license or registration is required. If a nickname is used, the nickname shall not be false, fraudulent, misleading, or deceptive as specified by section 651 of the Code."

This comment appears to be a misunderstanding as subsection (g) does not require use of a nickname or former legal name in advertising but permits it should the licensee or registrant choose to do so. An individual using a "new legal name" may simply use their new legal name in their advertisement, once that new legal name has been filed with the Board in accordance with BPC section 27.5.

A comment was submitted by Del Phoenix-Wilcox, MSW, ACSW. Comment was read aloud and provided as **Attachment D**.

In an email to the Board, the commenter stated "This proposal for the publication of nicknames and former legal names in advertising is unfair to women who have been married and dangerous for Transgender licensees. The publication of former names is already listed on the BBS website when looking up a registrant's license, which has been problematic for the Transgender community by outing its' members. It is unfair to women who have been married, especially those who have been married multiple times, because they may be targeted as "immoral" for multiple marriages, regardless of whether prior marriages ended in divorce or death. Men rarely change their name when getting married, making women the default gender group impacted by this proposal.

Furthermore, this proposal may endanger Transgender community members as the Transgender community is no longer recognized as valid by the federal government because of multiple executive orders issued

since January 20th, 2025, targeting the identities, activities, healthcare, and legal status of Transgender individuals. As such, the publication of former names of Transgender people on business websites other than the California government websites may make it easier for Transgender licensees to be found in wide-range searches of the internet and to be targeted for their identity. With the removal of protections for vulnerable classes by the federal government, this proposed regulatory action opens the door to many forms of discrimination and harm to members of the Transgender community. This exposure is unnecessary, potentially harmful, and violates the state of California's commitment as a sanctuary state to vulnerable communities.

It is only fair that the public has access to information regarding names under which a license has been held, and the BBS already provides this on its website. The only acceptable regulatory proposals regarding former names must take the safety and well-being of women and Transgender community members into account. This proposed action does not meet these criteria.”

**Recommended Response:** The Board rejects this comment and declines to make any changes due to this comment. Staff believes the commenter is referring to proposed subsection (g), which states, “In addition to including the information required by subsection (a), a licensee or registrant may use a nickname or former legal name to advertise services for which a license or registration is required. If a nickname is used, the nickname shall not be false, fraudulent, misleading, or deceptive as specified by section 651 of the Code.”

This comment appears to be a misunderstanding as subsection (g) does not require use of a nickname or former legal name in advertising but permits it should the licensee or registrant choose to do so under specified conditions.

Current law at BPC section 27.5, effective January 1, 2024, per Senate Bill 372 (Chapter 225, Statutes of 2023), provides, in pertinent part:

(a) Notwithstanding any other law, if a board within the Department of Consumer Affairs receives **government-issued documentation, as described in subdivision (b)**, from a licensee or registrant demonstrating that the licensee’s or registrant’s legal name or gender has been changed, the board, **upon request by the licensee or registrant, shall update the individual’s license or registration by replacing references to the former name or gender on the license or registration, as applicable, with references to the current name or gender.** (Emphasis added.)

(b) (1) The documentation identified in either of the following is required to demonstrate a legal name change of a licensee or registrant:

(A) A certified court order issued pursuant to a proceeding authorized by subdivision (b) of Section 1277 of the Code of Civil Procedure and a copy of the certificate issued under the Secretary of State's Safe at Home program authorized by Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code reflecting the licensee's or registrant's updated name.

(B) A certified court order issued pursuant to a proceeding authorized by Section 1277.5 of the Code of Civil Procedure or Article 7 (commencing with Section 103425) of Chapter 11 of Part 1 of Division 102 of the Health and Safety Code reflecting the licensee's or registrant's updated name.

(2) Any of the following documents are sufficient to demonstrate a gender change of a licensee or registrant:

(A) State-issued driver's license or identification card.

(B) Birth certificate.

(C) Passport.

(D) Social security card.

(E) Court order indicating a gender change from a court of this state, another state, the District of Columbia, any territory of the United States, or any foreign court.

This proposal would not affect any licensee or registrant's ability to request removal of references to their former name or gender and replacement of their former name or gender with the current name or gender as specified above. Rather, this proposal is limited to authorizing a licensee or registrant, if they so choose, to use their former legal name or nickname in advertising if:

1. The licensee or registrant also includes in the advertisement their full name as filed with the Board; and,
2. If a nickname is used, it also shall not be false, fraudulent, misleading or deceptive as specified in BPC section 651.

These conditions would enable use of a former legal name or nickname but prevent the advertising from being considered false or misleading since the full name under which the licensee or registrant as filed with the Board would also be required to be listed in the advertising. This avoids conflicts with existing law that prohibits the provision of statements to the

public that are unlawful, including any statement or claim that is false, misleading, or deceptive as prohibited by Section 651 of the BPC.

BPC section 651(b) specifies what false, fraudulent, misleading, or deceptive means and under what conditions these statements would make the advertising noncompliant. These include, in part:

- (1) Contains a misrepresentation of fact.
- (2) Is likely to mislead or deceive because of a failure to disclose material facts.
- (3)(A) Is intended or is likely to create false or unjustified expectations of favorable results. . . . .
- (5) Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. . .
- (8) Includes any statement, endorsement, or testimonial that is likely to mislead or deceive because of a failure to disclose material facts.

Using a name other than the full legal name as filed with the Board in advertising for licensees and registrants of the Board is currently neither lawful nor authorized by Section 1811. This proposal would amend Section 1811 to allow advertising under other names under specified conditions. This would ensure a balanced approach of allowing the use of former legal names or nicknames while ensuring that consumers are not misled as to the licensee or registrant's legal identity with the Board, or their qualifications based on the definition and criteria provided in BPC section 651.

Again, however, this proposal would not require a licensee or registrant to use a nickname or former legal name in advertising. This proposal would also not prevent a licensee or registrant from using the legal process available for changing their name in the Board's records as set forth in BPC section 27.5 and then using their changed name in advertising alone and without reference to their former legal name(s).

A comment was submitted by Robert Gamboa, MPP, Associate Director of Public Policy and Joey Espinoza-Hernandez, Director of Policy and Community Building on Behalf of the Los Angeles LGBT Center. Comment was read aloud and provided as ***Attachment E***.

**Recommended Response:** A hearing was scheduled for May 8<sup>th</sup> at 9:00 a.m. at the request of this commenter. However, the Board rejects this comment and declines to make any changes due to this comment. Staff believes the commenter's concern is related to the proposed addition of

subsection (g), which states, “In addition to including the information required by subsection (a), a licensee or registrant may use a nickname or former legal name to advertise services for which a license or registration is required. If a nickname is used, the nickname shall not be false, fraudulent, misleading, or deceptive as specified by section 651 of the Code.”

Current law requires all persons regulated by the Board who advertise their services to include the full name of the licensee or registrant as filed with the board (subsection (a)(1) of section 1811). As discussed in responses to comments above, Senate Bill 372 added BPC section 27.5 to allow a licensee or registrant to notify the licensing board or bureau within the Department of Consumer Affairs (DCA) of a name and/or gender change and request confidentiality of the previous name or gender information, when meeting certain specified requirements.

By law, once the licensee’s name or gender is updated, the former name or gender will not be published online, except that if a public search of the online license verification system is performed using the licensee’s former name, a statement will appear in connection with the search directing the public to contact the applicable licensing board or bureau for more information about the licensee. As noted above, subsection (g) does not require use of a nickname or former legal name in advertising but permits it should the licensee or registrant choose to do so.

With respect to the proposed requirement that a registrant include in advertising that they are supervised by a licensed person (as proposed in subsection (b)(2)), this change would simply provide additional notice of the individual’s status as a supervisee and would not require any further personally identifying information. This is simply a statement that informs the public that the individual is not yet fully licensed and has nothing to do with the registrant’s name.

Discussion: None

Motion: Direct staff to proceed as recommended as specified and provide the responses to the comments as indicated in the staff recommended responses.

M/S: Sovec/Wendy

Public Comment

Shanti Ezrine, CAMFT: Thanked the Board and staff for considering CAMFT’s comments and making modifications to clarify “full name” in any advertisement. Also expressed appreciation for the clarification on the



disclaimer for the fact sheet and commitment to updating the fact sheet once regulations are updated and promulgated.

Vote: Yea 9; Nay 0, Absent 2. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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

**b. Adoption of Amendments to CCR, Title 16, Section 1811 (Advertising)**

Discussion: None

Motion: Approve the proposed modified regulation text for CCR section 1811 as set forth in Attachment A, and direct staff to take all steps necessary to complete the rulemaking process, including preparing modified text for notice of a 15-day public comment period. If after that 15-day comment period, the Board does not receive any objections or adverse recommendations specifically directed at the modified text, the notice, or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to make any non-substantive changes to the proposed regulations and rulemaking file, and adopt amendments to Title 16, CCR, section 1811 as set forth in Attachment A.

M/S: Walker/Jones

Board Comment

Walker reminded the public that all of this information is on the website, and it is available to the public at any time.

Public Comment: None

Vote: Yea 9; Nay 0, Absent 2. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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

#### 4. Suggestions for Future Agenda Items

Shannon Crotts: A request was made for the Board to revisit and expand its policy on how ASWs may earn supervised experience hours. Specifically, it was noted that undocumented MSWs, including those with DACA status, often face barriers to obtaining W-2 employment due to federal work authorization restrictions. As a result, they are often limited to unpaid volunteer roles, creating significant financial and logistical burdens. The commenter urged the Board to consider allowing supervised hours to be earned through 1099 arrangements, which would provide a more equitable and inclusive path to licensure.

#### 5. Public Comment for Items Not on the Agenda

Katt Diaz: A request was made to include a future agenda item for the Board to explore ways to ethically acknowledge lived experience, particularly related to marginalized identities such as race, disability, gender identity, and sexual orientation, in professional advertising, bios, and practice descriptions. The goal is to support clinician authenticity and improve consumer access to culturally responsive care. It was also suggested that examples of how this could be appropriately advertised be provided as part of the discussion.

***Administrative Law Judge Marcie Larson 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.***

#### 6. Jimmie Terangi Simpson II, LMFT 136990, Petition for Early Termination of Probation

The record was opened at 10:02 a.m., and Jimmie Simpson II represented himself. Deputy Attorney General Anahita Crawford presented the background of this case. Simpson was sworn-in and presented his request for early termination of probation and information to support the request. He was

questioned by Crawford and board members. The record was closed at 11:08 a.m.

**7. Kelsey Lee Santos, LCSW 115064, Petition for Early Termination of Probation**

The record was opened at 11:19 a.m., and Kelsey Santos represented herself. Deputy Attorney General Anahita Crawford presented the background of this case. Santos 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 11:47 a.m.

**8. Christian Conrado Davalos, LMFT 52340, Petition for Early Termination of Probation**

The record was opened at 12:26 p.m., and Christian Davalos represented himself. Deputy Attorney General Anahita Crawford presented the background of this case. Davalos was sworn-in and presented his request for early termination of probation and information to support the request. He was questioned by Crawford and board members. The record was closed at 1:08 p.m.

**9. Scott Sanford Johnson, AMFT 116440, Petition for Early Termination of Probation**

The record was opened at 1:20 p.m., and Scott Johnson represented himself. Deputy Attorney General Anahita Crawford presented the background of this case. Johnson was sworn-in and presented his request for early termination of probation and information to support the request. He was questioned by Crawford and board members. The record was closed at 2:44 p.m.

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## CLOSED SESSION

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*The Board entered closed session at 2:55 p.m.*

- 10. 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 4:09 p.m.*

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## OPEN SESSION

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- 11. Consent Calendar: Possible Approval of the February 27-28, 2025 Board Meeting Minutes**

*This item was taken out-of-order and was heard after Item 6.*

Motion: Approve the February 27-28, 2025 board meeting minutes.

M/S: Walker/Friedman

Discussion/Public Comment: None

Vote: Yea 9; Nay 0, Absent 2. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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

- 12. Workforce Development Committee Update**

*This item was taken out-of-order and heard after items 6 and 11.*

The Committee discussed the following at its April 2025 meeting:

Restructuring the Licensure Pathway for LMFTs, LCSWs, and LPCCs

The Committee directed staff to:

- Finalize Phase I language and apply the changes to LCSW and LPCC statutes
- Update LEP regulations to extend experience hour validity from 6 to 7 years
- Return the drafted language to the Policy and Advocacy Committee for further consideration.

Education Survey for Educators and Associates

The Committee directed staff to finalize and distribute the surveys in May 2025 and report findings at the next Committee meeting in July 2025.

Review of Action Plan

Staff presented an updated Workforce Goals Status Report. No action was taken.

Discussion/Public Comment: None

**13. Election of Board Chairperson and Vice Chairperson**

Steve Sodergren explained the duties of the Chairperson and Vice Chair. Chris Jones provided insight to the Chairperson position, Wendy Strack provided some insight to the Vice Chair position. Sodergren announced that the Vice Chair will be more integrated moving forward.

**Nomination for Chairperson**

Nomination: Jones nominated Wendy Strack. Strack accepted.

Second: Sovec

No additional nominations were made.

Public Comment: None

Vote: Yea 8; Nay 0, Absent 3. Wendy Strack elected as new Chairperson.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
Susan Friedman	Y
Justin Huft	absent
Christopher Jones	Y

Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

### **Nomination for Vice Chairperson**

Nomination: Walker nominated John Sovec. Sovec declined the nomination,

Nomination: Friedman nominated Nicholas Boyd.

Second: Walker. Boyd accepted nomination.

Nomination: Sovec nominated Annette Walker. Walker declined.

Nomination: Uribe nominated Kelly Ranasinghe. Ranasinghe declined.

Public Comment: None

Vote on Boyd nomination: Yea 8; Nay 0, Absent 3. Nicholas Boyd elected as new Vice Chairperson.

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

### **14. Recess Until 9:00 a.m., Friday, May 9, 2025**

The Board recessed at 4:25 p.m.

**DATE** May 9, 2025

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

**TIME** 9:00 a.m.

**ATTENDEES**

**Members Present:** Christopher Jones, Chair, LEP Member  
Wendy Strack, Vice Chair, Public Member  
Susan Friedman, Public Member  
Abigail Ortega, LCSW Member  
Kelly Ranasinghe, Public Member  
John Sovec, LMFT Member  
Eleanor Uribe, LCSW Member  
Dr. Annette Walker, Public Member (*left meeting at 12:30 p.m.*)

**Members Present at Remote Locations**

Justin Huft, LMFT Member

**Members Absent:** Lorez Bailey, Public Member  
Dr. Nicholas (Nick) Boyd, LPCC Member

**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  
Syreeta Risso, Special Projects and Research Analyst

**Other Attendees:** Judie Bucciarelli, Department of Consumer Affairs (DCA)  
Sarah Irani, DCA SOLID  
Public participation via Webex and in-person

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## OPEN SESSION

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### 15. Call to Order and Establishment of Quorum

Christopher Jones, Vice Chair of the Board, called the meeting to order at 9:02 a.m. Roll was called, and a quorum was established.

Jones announced that Item 32 is cut from the agenda.

### 16. Introductions

Board members, staff, and attendees introduced themselves.

### 17. Board Chair Report

Jones congratulated the newly elected Board Chair and Vice Chair. Wendy Strack was elected as Board Chair, and Dr. Nicholas Boyd was elected as Board Vice Chair. Their roles become effective at the conclusion of the May board meeting.

Jones presented a Resolution to Abigail Ortega. She has served as an LCSW member on the Board since 2021 and will not seek reappointment at the end of her term in June.

#### a. Board Member Attendance

The current fiscal year attendance report was provided.

#### b. Future Board Meetings

The 2025 board meeting and committee meeting dates were provided.

#### c. Staff Recognitions

Ashley Castleberry received an award for 15 years of state service.

### 18. Executive Officer Report

#### a. Budget Report

- The Board's budget for fiscal year (FY) 2024-25 is \$14,061,000.
- Fund Condition reflects a reserve of 18.7 months.

#### b. Personnel

The Board's staffing activity is as follows:

- 4 promotions



- 2 departures
- 4 vacancies

### c. Licensing Report

3<sup>rd</sup> Quarter Statistics:

- 3,921 licenses/registrations issued
- Population of approximately 151,854 licensees/associates as of April 11, 2025
- 3% gain in license/registration population from previous quarter
- 415 supervisor certifications received
- Population of 14,751 supervisors
- 11% 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

3<sup>rd</sup> Quarter Statistics:

- 5,970 exams were administered (4.75% decrease from previous quarter)
- 7 exam development workshops were conducted.

The LPCC law and ethics examination publication (eff. February 1, 2025) was submitted to Pearson Vue with an incorrect passing score. The Office of Professional Services (OPES) worked with the Board and Pearson Vue to correct the error. Pearson Vue recalculated the scores on exams taken. Of the 77 LPCC law and ethics exams taken between February 1, 2025 and February 19, 2025, 44 exams remained a fail and 33 were changed to a pass result.

ASWB completed its vendor change from PSI to Pearson Vue. Candidates began scheduling with Pearson Vue beginning March 31<sup>st</sup>.

ASWB implemented a testing procedure change that will allow candidates to schedule a timed break.

Information provided as attachments in the meeting materials:

- Exam Pass Rate Report
- Exam School Report 2<sup>nd</sup> Quarter FY 2024-2025

#### **e. Enforcement Report**

3<sup>rd</sup> Quarter Statistics:

- 634 consumer complaints received
- 196 criminal convictions
- 479 cases closed
- 13 cases referred to Attorney General's (AG) Office
- Average time to complete formal discipline: 503 days
- Average time a case is at the AG's Office: 314 days
- Average time to complete board investigations: 82 days
- 4 petitions for modifications or early termination of probation received
- 1 petition for reinstatement received

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

#### **f. Education and Outreach Report**

3<sup>rd</sup> Quarter Statistics:

- Facebook and Instagram reflect an increased following
- 15 outreach events conducted.

The Board developed a guidance document titled "Understanding AB 1955: Support Academic Futures and Equality for Today's Youth (SAFETY) Act." This document provides a general overview of the provisions enacted through AB 1955, which took effect on January 1, 2025.

Information provided as attachments in the meeting materials:

- Outreach Event Report
- Understanding AB 1955 "Support Academic Futures and Equality for Today's Youth (SAFETY) Act"

#### **g. Organizational Effectiveness Report**

The following progress updates/ 3<sup>rd</sup> quarter statistics were reported:

- Completing final steps to transition to online AMFT registration applications
- Consumer Information Center handled 3,311 BBS calls.
- Staff received 32,280 emails.

Information provided as attachments in the meeting materials:

- BBS Calls Received/Handled by CIC
- BBS Emails Received

## **h. Strategic Plan Update**

Progress updates on Strategic Plan goals were provided as an attachment:  
BBS Strategic Plan Update May 2025.

### Discussion

Friedman: Asked if staff is working on a solution regarding the high volume of calls? Sodergren responded that staff is consistently reviewing solutions to reduce the call volume and wait times while balancing application processing times.

### Public Comments

Dr. Ben Caldwell: Expressed concern regarding the ASWB exam pass rate data. OPES uses clinical exams to determine safety for independent practice. The idea that half of those testing for licensure would be unsafe to practice independently suggests that the board is making invalid decisions about licensure based on the exam. A recent change in ASWB exam structure took place without establishing measurement equivalency as required by the American Educational Research Association (AERA). When the change in structure took place, ASWB provided misleading information about whether the sectioning of the exam was optional and how the scheduled break worked. Requested future agenda item specifically regarding the ASWB exam process.

Sara Carrasco: Thanked the Board for creating the Outreach and Education Committee. Students recently benefitted from a pathway to licensure presentation from the Board's licensing unit. It was informative and beneficial, and positive feedback was received by students.

### Further Discussion

Ortega: Noticing that outreach efforts are not including organizations for LEPs and LPCCs. How is the Board balancing outreach to the different licensing groups?

Sodergren responded to Ortega stating that staff is in touch with LEPs and LPCCs, as well as those associations, and using social media to reach them as well.

Jones: Added that Board staff attended the CASP event in March.

Helms: Added that the consortiums include all the license types and educators. Sodergren added that staff attempts to combine outreach events for all license types.

Ranasinge: Requested that staff conduct outreach at rural or tribal jurisdictions within the next 12 months.

**19. Department of Consumer Affairs (DCA) Report Which May Include Updates on DCA's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, and Legislative, Regulatory, or Policy Matters**

Judy Bucciarelli from the Department's Board and Bureau Relations presented the following updates:

- The Governor's reorganization plan to split DCA's oversight agency into two state agencies – the California Housing and Homeless Agency and the Business and Consumer Services Agency.
- Hybrid telework policy and return to office.
- Levi Hull was appointed as DCA's Compliance and Equity Officer. Marlon McManus, Vice Chair of DCA's Steering Committee will be working closely with Mr. Hull.
- Public Service Recognition Week. DCA leadership thanked the Board and Board staff for its hard work and dedicated efforts.

Discussion/Public Comment: None

**20. Board Strategic Planning Update**

SOLID conducted an environmental scan that included surveys of internal and external stakeholders. The stakeholder survey was distributed via email and social media and remained open from April 7<sup>th</sup> through May 2<sup>nd</sup>. SOLID received 1,143 responses to the survey. The internal stakeholder survey had a total of 44 responses.

Sarah Irani provided an update on the work completed to date and outlined the next steps in the strategic planning process. Ms. Irani will gather the responses and provide a report to the Board at least 2 weeks prior to the Board's strategic planning session in August.

Discussion/Public Comment: None

**21. Discussion and Consideration of Draft Response to Sunset Issues Raised by the Legislative Oversight Committee**

On January 5, 2025, staff submitted the 2025 Sunset Review Report to the Senate Committee on Business, Professions and Economic Development and Assembly Committee on Business and Professions (oversight committee).

On March 24, 2025, Chairperson Jones and Executive Officer Steve Sodergren represented the Board during the legislative oversight hearing. In preparation for this hearing, a background paper was drafted by the oversight committee that

raised 16 issues. The Board is required to submit its responses to the issues raised within this report.

The background paper and the Board's draft response were provided as attachments in the meeting materials.

### Discussion/Recommendations

Ranasinghe: Acknowledged that there is no regulatory body for AI. Asked if the Board should advocate in taking legislative authority.

Helms responded to Ranasinghe: Noted that multiple groups are grappling with that question. Two AI-related bills were highlighted for discussion during this meeting:

1. One bill would grant the Board authority to take enforcement action against companies—not just individuals—when AI systems misrepresent themselves in regulated professional roles.
2. Another bill would establish a working group under a separate state department to evaluate the role of AI in mental health.

Jones: Acknowledged that AI technology is moving faster than the Board's ability to regulate it.

More discussion took place regarding the need for more research into AI, lack of data, Board resources to oversee/regulate AI.

### Public Comments

Shanti Ezrine, California Association of Marriage and Family Therapists (CAMFT): CAMFT supported the Board at the Legislative Oversight Committee Hearing. The draft responses prepared by Board staff are very comprehensive. CAMFT wishes to support the Board through this process.

Dr. Ben Caldwell: Referred to item 13. Asked if that is because it's discussing the professional pipeline; and if that is an opportunity to also mention the legislative and regulatory proposals that will be discussed today, that would move clinical exams to earlier in the process. That should reduce the average time to licensure and have an immediate impact on the licensee population.

### Further Discussion

Ortega: Referring to item 13, increasing the amount of people in the workforce is important, but it's not the only thing that will fill the gaps for high need areas because people are choosing to go into private practice and not into nonprofit entities.

## 22. 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 Title 16 of the California Code of Regulations (CCR), Section 1888 (Uniform Standards Related to Substance Abuse and Disciplinary Guidelines)**
- b. **Adoption of Amendments to CCR, Title 16, Section 1888 (Uniform Standards Related to Substance Abuse and Disciplinary Guidelines)**

The Board received four written comments during the public comment period to Enforcement Regulations: Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Guidelines). The written comments were provided as Attachments B and C in the meeting materials and were read aloud.

Board staff and regulations counsel recommended the Board approve the following proposed responses.

- a. **Comments Received During the 45-Day Public Comment Period and Proposed Responses Thereto for the Board’s Rulemaking to Amend Title 16 of the California Code of Regulations (CCR), Section 1888 (Uniform Standards Related to Substance Abuse and Disciplinary Guidelines Regulations)**

Comment dated February 10, 2025 was submitted by Shanti Ezrine, State Government Affairs Associate and Cathy Atkins, Deputy Executive Director on behalf of the California Association of Marriage and Family Therapists (CAMFT). Comment was read aloud and provided as Attachment B.

**Recommended Response:** The proposal merely clarifies current implementation policy of the Board as set forth in the Initial Statement of Reasons. Existing regulation at Section 1888, subsection (b), in pertinent part, states:

“...if the conduct found to be a violation involves drugs and/or alcohol, the violation is a substance abuse violation for purposes of Section 315 of the Code. If the licensee or registrant does not rebut that the violation is a substance abuse violation, then the Uniform Standards Related to Substance Abuse shall apply without deviation.”

Historically, the Board has interpreted the second sentence to mean that the licensee or registrant must rebut the Board’s “presumption” that the violation is a substance abuse violation if it involves drugs and/or alcohol, and that a licensee must rebut that presumption “successfully”, otherwise the Uniform Standards will apply in their case. However, the above text does not precisely convey this interpretation, so the Board has proposed to further refine the text to avoid confusion, as follows:

Notwithstanding subsection (a), if the conduct found to be a violation involves drugs and/or alcohol, the violation is presumed to be a substance abuse violation for purposes of Section 315 of the Code. If the licensee or registrant does not successfully rebut the presumption that the violation is a substance abuse violation, then the Uniform Standards Related to Substance Abuse shall apply without deviation.

For these reasons and the reasons set forth below in the next response, the Board declines to make any changes due to this comment.

Comments dated February 24, 2025 were submitted by Shanti Ezrine, State Government Affairs Associate and Cathy Atkins, Deputy Executive Director on behalf of the California Association of Marriage and Family Therapists (CAMFT). Two comments were read aloud and provided as Attachment C.

**Recommended Response to Comment 1:** The Board declines to make any changes due to this comment. This change was merely to clarify some ambiguities in the language as noted above and does not substantively change the Board's approach to deciding these types of cases. The changes clarify that the Uniform Standards Related to Substance Abuse apply unless the licensee "successfully" rebuts the legal "presumption" that there is a substance abuse violation if the conduct involves drugs or alcohol. If the licensee does not "successfully" rebut the presumption that it is a substance abuse violation, then the Uniform Standards do apply since the Board has evidence in the case that they are a substance-abusing licensee per Business and Professions Code (BPC) section 315.

**Recommended Response to Comment 2:** While this commenter did not specify which probationary periods that they specifically had concerns about, staff believes the commenter is referencing the following proposed amendments, which are excerpted from the Guidelines document in **Attachment A:**

<u>Statutes and Regulations</u>	<u>Violation Category</u>	<u>Minimum Penalty</u>	<u>Maximum Penalty</u>
<p><u>MFT:</u> B&amp;P § 4982(e), 4982(u) <u>LCSW:</u> B&amp;P § 4992.3(f), 4992.3(s) <u>LEP:</u> B&amp;P § 4989.54(f) <u>LPCC:</u> B&amp;P § 4999.90(e), 4999.90(u) <u>GP:</u> B&amp;P § 480</p>	<p><del>Violations of the Chapter or Regulations by licensees or registrants / Violations Involving Acquisition and Supervision of Required Hours of Experience</del> Violating, Attempting to Violate, or Conspiring to Violate any Provision of the Chapter or any Regulation Adopted by the Board</p>	<ul style="list-style-type: none"> <li>Revocation stayed</li> <li><del>Registration on probation until exams are passed and license issued</del></li> <li><del>License issued on probation for one year</del></li> <li><del>Rejection of all illegally acquired hours</del></li> <li>3-5 years probation; sStandard terms and conditions</li> <li>Education <u>pertaining to the violation</u></li> <li><u>Law and ethics course</u></li> <li>Cost recovery</li> <li>Reimbursement of probation program costs-</li> </ul>	<ul style="list-style-type: none"> <li>Revocation / Denial of license <del>or</del> registration</li> <li>Cost recovery</li> </ul>

<u>LMFT: B&amp;P § 4982(u)</u> <u>LCSW: B&amp;P § 4992.3(s)</u> <u>LEP: B&amp;P § 4989.54(ac)</u> <u>LPCC: B&amp;P § 4999.90(u)</u> <u>GP: B&amp;P § 480</u>	<u>Violations Involving</u> <u>Gaining Required Hours of</u> <u>Experience or Supervision</u> <u>of Required Hours of</u> <u>Experience</u>	<ul style="list-style-type: none"> <li>• <u>Revocation stayed</u></li> <li>• <u>3-5 years probation; standard terms and conditions</u></li> <li>• <u>Rejection of all illegally acquired hours</u></li> <li>• <u>Supervised practice</u></li> <li>• <u>Education pertaining to the violation</u></li> <li>• <u>Law and ethics course</u></li> <li>• <u>Cost recovery</u></li> <li>• <u>Reimbursement of probation program costs</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Revocation / Denial of license</u></li> <li>• <u>Cost recovery</u></li> </ul>
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The above amendments split one category into two, as they are separate types of violations and therefore, due to differences in subject matter and differing impacts on public safety, the penalties should differ.

For the newly split out category “Violating, Attempting to Violate, or Conspiring to Violate any Provision of the Chapter or any Regulation Adopted by the Board” (currently titled “Violations of the Chapter or Regulations by licensees or registrants”):

The currently listed terms regarding probation length “Registration on probation until exams passed and license issued” and “License issued on probation for one year” are not directly applicable to this category as it could be violated by someone who is already licensed. Therefore, a standard probation length needs to be set. 3-5 years’ probation for this category is likely sufficient to ensure adequate rehabilitation in the Board’s experience. This provision is most commonly used when a licensee conspires to violate the Board’s laws regarding unlicensed activity, which presents significant risk of harm to the consumer. This penalty is appropriate considering the high risk of harm to a consumer receiving services from an unlicensed individual who has not met the standards for professional licensure.

For the other newly split out category “Violations Involving Gaining Required Hours of Experience or Supervision of Required Hours of Experience”:

Striking “Registration on probation until exams are passed and license issued” and “License issued on probation for one year” and replacing it with “3-5 years probation” will decrease the length of probation for many individuals, but will increase the length for others depending on how close the individual is to becoming licensed. This change will provide a consistent length of probation, and in the Board’s experience, 3-5 years is typically sufficient to monitor probationers for this type of violation. This penalty is appropriate, as the Board considers violations based upon gaining required hours of experience or supervision of such required hours serious, as these violations directly relate to competency of the supervisee and their ability to practice with safety to the public.



Therefore, the Board declines to make any changes due to this comment. While the Board is sympathetic to the financial strain of probation, the Board's highest priority is public safety.

Discussion: None

Motion: Option No. 1: Direct staff to proceed as recommended as specified and provide the responses to the comment as indicated in the staff recommended responses.

M/S: Strack/Walker

Public Comment

Shanti Ezrine, CAMFT: CAMFT has no further questions regarding the clarification provided for Comment 1. Regarding Comment 2, the violations that CAMFT was referring to was correctly provided by staff, and CAMFT acknowledges and supports public safety as the highest priority. Regarding Comment 3, CAMFT wanted to bring the financial implications to the Board's attention.

Vote: Yea 9; Nay 0, Absent 2. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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

**b. Adoption of Amendments to CCR, Title 16, Section 1888 (Uniform Standards Related to Substance Abuse and Disciplinary Guidelines)**

Motion: Direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopt the proposed regulations as noticed for Title 16 California Code of Regulations section 1888.

M/S: Sovec/Friedman

Public Comment: None

Vote: Yea 9; Nay 0, Absent 2. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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

**23. Discussion and Possible Action to Initiate a Rulemaking to Amend CCR, Title 16, Sections 1816, 1816.1, 1816.2 and 1816.4 (Fee Reductions)**

At its February 2025 meeting, the Board discussed its current reserve fund balance and the need for a proposal to reduce current fees to comply with the 24-month reserve limitation in BPC Section 128.5(b). It is currently projected that, under the current fee structure, the Board will exceed the 24-month reserve limit and reach a fund balance of 26.3 months by the end of FY 2024-25.

In consultation with the Department's budget office, it is recommended that the Board's initial licensing, initial registration, examination, and renewal fees be reduced by 50 percent (50%) for a period of 48 months, starting January 1, 2026. It is currently projected that a 48-month reduction would lower the reserve fund to 15.4 months by the end of FY 2029-2030, bringing the Board's operating expenses within the limits imposed by BPC section 128.5. The projections are based upon a July 1, 2026, implementation date.

In consultation with the budget office and in Board staff's experience, a reserve fund equivalent to 15.4 months of operating expenses is considered acceptable to ensure the Board can withstand economic uncertainties while retaining the flexibility to pursue any necessary budget realignments in the future.

The Board would need to pursue regulatory amendments to implement a temporary reduction of the current fees.

The proposed amendments will reduce the fees for the period of July 1, 2026, through June 30, 2030, and are as follows:

1. Reduce Renewal Fees by 50% for a Four-Year Period, Proposed Amendments to Section 1816.

There is also an additional amendment to correct wording in 1816(c) that refers to “associate professional clinical counselors” registration. It would be amended to read “associate professional clinical counselor” registration.

2. Reduce Initial License and Registration Fees by 50% for a Four-Year Period, Proposed Amendments to Section 1816.1

In addition, this proposal would make a technical correction for accuracy to the title in subsection (a) to add the word “licensed” before the words “marriage and family therapist.”

3. Reduce Examination Fees by 50% for a Four-Year Period, Proposed Amendments to Section 1816.2
4. Reduce Fees for Application for Licensure by 50% for a Four-Year Period, Proposed Amendments to Section 1816.4

Additionally, the proposal amends the current title of the section from “Examination Eligibility Application Fees” to “Fees for Application for Licensure” to more accurately reflect the content of this section.

### Discussion

Strack: Expressed concern that reducing the fees by 50% now will mean that the fees will double four years later.

Sodergren: Responded that staff will look at how this plays out over the next year or two years, evaluate it, and have a discussion at that time.

Sovec: What other avenues of reduction were considered?

Sodergren: This was the only avenue considered.

Schildge: Staff looks to the budget office for guidance with respect to maintaining a healthy fund condition because there is a legal requirement on the board members and executive officer to maintain an adequate reserve fund.

Sovec: Questioned if the Board can hire more staff and if more limited-term positions can be created. Asked if funds be diverted to other programs, such as outreach. Asked if fee reduction is the only option considered. He expressed that he is unsure if fee reduction is the best option.

Sodergren: Due to California's current budget challenges, submitting budget change proposals for additional positions is risky. There's no guarantee they will be approved, as proposals are being heavily scrutinized.

Sovec: Raised concern about whether maintaining a 15-month reserve, while currently keeping the budget manageable, might limit the board's ability to pursue future programs, budget increases, or hiring opportunities by not exploring alternative options.

Sodergren: Responded that it will not limit the board's ability to pursue those things. Staff reviews the yearly budget and unspent funds, which can be used to temporarily support staffing under a "blanket" approach. Using unreserved funds for staffing carries risk, as those funds may not be available in the following year, impacting supported positions. For staffing solutions, a BCP would be required.

Sovec: Asked if enforcement fees reduction was considered.

Schieldge: Responded that probation monitoring costs is at the discretion of the board. If a petitioner requests a reduction of penalty and elimination of monitoring fees, the board may grant it if deemed appropriate. However, there is no regulation prohibiting monitoring fees; decisions would be made on a case-by-case basis based on board discretion.

Uribe: Welcomes the fee reduction for licensees and associates.

Motion: Approve the proposed regulatory text as presented in **Attachment C** and submit the approved 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 text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations as noticed for Title 16, California Code of Regulations sections 1816, 1816.1, 1816.2 and 1816.4.

M/S: Uribe/Walker

#### Public Comments/Additional Discussion

Shanti Ezrine, CAMFT: CAMFT is in general support of the adjustments to reduce the Board's fee structure. Echoes the need for mindfulness to maintain a reserve amount that accounts for future growth.

Dr. Ben Caldwell: While a 50% across-the-board fee reduction is the simplest option, a more targeted approach may be more effective. Proposed alternatives

would be a 25% reduction in license renewal and application fees over four years and 75–100% reduction in initial registration, registration renewal, and exam fees. This approach aims to alleviate financial burdens on early-career clinicians, helping to address licensure pipeline attrition. Asked if the implementation date of July 1, 2026 is realistic.

Schildge: The Board has been relying on the budget office's guidance for across-the-board cuts to get where we need to. If this is to be reconsidered, staff would have to take it back to the budget office. The statute states that fees can be reduced, not waived. Further review is needed to determine if fees could be waived because OAL may argue that a waiver is not a fee reduction. As for timeframe, the target a year ago was to get a regulation approved and implemented through OAL by July 1, 2026. If other options are to be considered, then the date would be pushed out further.

Sovec: Would like to continually explore other ways to implement a reduction.

Vote: Yea 7; Nay 2, Absent 2. Motion carried.

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

#### **24. Discussion and Possible Action Regarding Assembly Bill 427 (Jackson) Social Workers: Interstate Compact**

AB 427 would establish California as a member state in the Social Work Licensure Compact, which permits a licensed clinical social worker in a member state to practice in other member states. The Compact would only become operative in California if a majority of the Board votes in favor of joining the Compact, and the vote is certified by the Director of Consumer Affairs.

##### Staff Comments

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

The bill exempts multistate applicants from California-specific coursework and the law and ethics exam. This differs from the LPCC compact reviewed last year. Under that compact, LPCC applicants requesting to practice in California would

need to pass a California law and ethics exam, though they would not be required to complete any California-specific coursework.

**Compact Voting.** Each state has one vote on the Compact Commission, regardless of licensee population. California's large LCSW population raises concerns about lack of proportional representation

**Delegation of Board's Authority.** Joining the Compact requires the Board to delegate some of its ability to act autonomously to the Compact Commission.

**Supervision of Associates.** Unclear if out-of-state licensees with practice privileges can supervise associates. There would likely be a need for regulatory clarification.

**Fiscal Impact.** There is potential for revenue loss if licensees choose to obtain multistate licenses through other states instead of renewing in California. However, this may be offset if California becomes the home state for multistate licensees. The total number of LCSW licensees nationwide—and how many may seek to practice in California—is currently unknown, making it difficult to estimate the fiscal impact accurately.

Additional anticipated costs include:

- System updates
- Staffing needs
- Development and implementation of new regulations
- Possible annual assessments imposed by the Compact Commission (amounts currently unspecified)

**Board Vote Required to Join.** Compact becomes operative only if a majority of the Board votes to join and the DCA Director certifies the vote. This allows time to assess impacts and review rules adopted by the Commission before committing.

However, if the Board has concerns about the Compact's foundational provisions, those issues would require legislative changes prior to the Board's vote in order to authorize the state to join the Compact under modified terms.

### Discussion

Ranasinghe: Indicated a position to oppose the bill due to the following concerns.

- The Compact does not require a California law and ethics exam, which includes critical topics such as mandated child abuse reporting and confidentiality.
- Raised alarm over the lack of enforcement authority in California if a multistate licensee from another state engages in conversion therapy, which is unlawful in California.

- Noted that only the home state can take disciplinary action and questioned whether states without bans on conversion therapy would act on violations occurring in California.
- Emphasized California's role as a sanctuary state for LGBTQ+ and trans populations, and expressed concern that the Compact could undermine these protections.
- Clarified that opposition is not to interstate practice or license portability, but to the lack of safeguards in the current bill language.

Jones: Expressed the following:

- The lack of a requirement for California-specific law and ethics training and diversity education for multistate licensees.
- Echoed earlier concerns about the importance of aligning with California's existing standards for out-of-state applicants, which include continuing education and law and ethics coursework.
- Referenced Assembly member Jackson's interest in negotiation and emphasized that any discussions should include California's current requirements for out-of-state practitioners.
- Stated opposition to the Compact as currently written but indicated openness to further discussion if California's standards are incorporated.

Ortega:

- Expressed opposition to the Compact, agreeing with previous comments.
- Questioned whether the Compact would address therapist shortages, particularly in underserved communities.
- Emphasized the need for clearer data on shortage areas and community needs before adopting solutions that may not be effective.

Huft:

- Opposed the Compact, stating it does not improve or maintain public safety.
- Highlighted the lack of required training or experience in California-specific issues, including mandated reporting and LGBTQ+ concerns.
- Raised concern that the Compact further entrenches reliance on a licensing exam with known racial disparities in pass rates.
- Noted that prior requests for research on the Compact's impact on workforce shortages were unmet; independent research suggests compacts may worsen shortages by shifting providers from low-income to high-income areas.

- Concluded that the Compact either worsens existing problems or creates new ones and expressed strong opposition to revisiting it in its current form.

Helms: Noted that the Compact Commission provided two studies related to other professions. However, both studies were paywalled and due to copyright restrictions, the studies could not be included in the meeting packet.

Motion: Oppose AB 427 as currently written.

M/S: Huft/Ranasinghe

### Public Comments

Kaitlyn Bison, representing the Social Work Licensure Compact Commission: addressed concerns raised.

- Addressed concerns regarding voting structure, noting that the Compact Commission's duties are administrative only, and each state retains authority over its scope of practice.
- Clarified that California can take action against a multistate licensee practicing unlawfully (e.g., conversion therapy) within the state, even though the home state retains control over the multistate license.
- Noted that multistate license fees are typically higher to help boards recoup cost and reflect the broader access granted.
- Offered to share a resource on fiscal impacts for further review.
- Explained that requiring California-specific CE requirements would necessitate applying the same standard across all member states, which may not be feasible under the Compact model.

Dr. Ben Caldwell:

- Echoed board concerns and referenced the prior presentation on the Social Work Compact and the repeated claims to protecting public safety. Stated that the bill does not protect public safety.
- Noted that the bill grants practice privileges to individuals with no training or accountability in California-specific laws (e.g., child abuse reporting, involuntary holds, confidentiality).
- Objected to the Compact's requirement to use the ASWB clinical exam, citing ongoing concerns about fairness and bias.
- Argued the bill would exclude qualified practitioners while allowing underprepared individuals to practice in California.
- Urged the Board to take an oppose position on the bill and vote yes on the motion to oppose.



Dr. Jasmine Smith, Co-Interim Executive Officer, National Association of Social Workers, California Division (NASW-CA):

- Shared that, in collaboration with Assemblymember Dr. Corey Jackson's office and the NASW California Board President, the organization is interested in further dialogue with BBS.
- Expressed a desire to explore amendments to the bill that would align with California's clinical social work values.
- Emphasized the importance of a collaborative approach and expressed interest in building a working relationship with BBS.

Vote: Yea 8; Nay 0, Abstain 1; Absent 2. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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

## 25. Discussion and Possible Action Regarding Assembly Bill 489 (Bonta) Health Care Professions: Deceptive Terms or Letters: Artificial Intelligence

AB 489 would prohibit a person or entity who develops or deploys an artificial intelligence or generative artificial intelligence (AI) system from having that system represent or imply that it is a licensed health care provider by using prohibited terms, letters, or phrases. It makes violations subject to the jurisdiction of the applicable licensing board.

### Staff Comments

**Author's Intent.** The author's office emphasized the need for regulation in response to the rapid advancement of AI. They highlighted that AI systems, particularly those capable of generating natural-sounding language, can convincingly mimic health professionals, posing risks to consumers. AB 489 addresses this concern by establishing a clear prohibition against automated systems misrepresenting themselves as licensed health professionals. The bill aims to ensure transparency and protect Californians from potential harm, especially in healthcare-related interactions.

**Enforcement Action.** The Board currently holds authority to take enforcement action against individuals—not businesses—for unlicensed practice. Disciplinary measures include issuing a citation and fine. If the fine remains unpaid, the matter may be referred to the Franchise Tax Board or a collection agency for recovery.

**Fiscal Impact.** The frequency of violations under this provision is currently unknown. Investigations would be handled by Board staff or DCA's Division of Investigation. A high volume of complaints could result in a fiscal impact due to increased workload.

### Discussion

Ranasinghe: When researching, he found a platform advertising "AI therapy," which appears to be a bot advertising therapeutic services. While further research is needed, immediate consumer protections are necessary. At the bottom of the webpage, in small fonts, a disclaimer states "assistant is not a licensed mental health therapist, psychologist, or psychiatrist." Claims that the platform is advertising unlawful practice of therapy.

Strack: Asked if this bill addresses the issue brought up by Ranasinghe.

Helms: Responded that the bill would not apply to AI platforms that advertise "AI therapy" without claiming to be a licensed professional. Enforcement action under AB 489 would only be applicable if an automated system falsely represents itself as a licensed mental health professional

Strack: While AB 489 is a positive step and has support, it does not address AI platforms that offer therapy without claiming to be a person or licensed professional. Asked if the Board should consider requesting amendments to strengthen consumer protections in this area.

Ranasinghe: Agreed that the protections should go further.

Board members Strack and Ranasinghe agreed support the bill and direct staff to have a conversation with the author's office.

Motion: Support AB 489.

M/S: Strack/Ranasinghe

### Public Comments

Shanti Ezrine, CAMFT: CAMFT supports AB 489.

Dr. Ben Caldwell: AB 489 is not a perfect bill, but it is a good place to start and encouraged the Board to support the bill.

Vote: Yea 8; Nay 0, Absent 3. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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	absent

**26. Discussion and Possible Action Regarding Assembly Bill 742 (Elhawary)  
Department of Consumer Affairs: Licensing: Applicants who are  
Descendants of Slaves**

AB 742 would require boards within DCA to prioritize applicants seeking licensure if they are certified by the State Bureau for Descendants of American Slavery as a descendant of American slaves.

SB 518 is a companion bill to AB 742. AB 742 only becomes operative if SB 518 is also enacted. SB 518 proposes the establishment of the Bureau for Descendants of American Slavery. The effective date would commence once that bureau establishes a process to certify descendants of American slaves.

Staff Comments

**Authors Intent.** The author's office emphasized that descendants of slaves have historically faced systemic barriers to licensure due to racial bias. AB 742 aims to address this by prioritizing these individuals in the licensing process, increasing representation in underrepresented professions. The bill also removes arbitrary waiting periods, allowing qualified applicants to begin practicing sooner. This is presented as a step toward correcting historical injustices.

**Fiscal Impact.** This bill requires the Board to "prioritize" applicants seeking licensure who are verified by a new state bureau as being descendants of slaves. The meaning of "prioritize" is not specified and should be clarified. Staff assumes the intended meaning is that these applications will be expedited. Staff believes the increased workload from this bill is minor and absorbable within existing resources.

Motion: Support SB 742

M/S: Huft/Strack

### Public Comment

Shanti Ezrine, CAMFT: AB 742 is one of several prioritization bills that have been proposed in the last year. While CAMFT supports efforts to assist providers in the application process, CAMFT typically maintains a neutral position on such bills. This is due to ongoing processing delays and concerns about potential unintended impacts on overall application timelines.

Vote: Yea 8; Nay 0, Absent 3. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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	absent

## **27. Discussion and Possible Action Regarding Senate Bill 470 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing**

In 2023, SB 544 was signed into law, modernizing the Bagley-Keene Open Meeting Act to provide two new teleconference meeting options for state bodies to hold public meetings. Those two options are set to sunset on January 1, 2026. SB 470 would extend sunset date for the two options until January 1, 2030.

### Staff Comments

**Author's Intent.** The author states the continuation of the provisions in the 2023 bill, SB 544, promote ongoing equity and public and disability access in state board and commission meetings.

**Board Utilization of Teleconference Meetings.** The Board has successfully utilized the hybrid provisions under the Bagley-Keene Act, allowing remote attendance at Board meetings. This flexibility has helped maintain quorum and increased participation. All Board members attend advisory committee meetings remotely, which supports consistent engagement without disrupting work schedules or requiring travel to Sacramento. This approach also reduces travel-related costs.

Public participation has also improved through the hybrid format. Offering both in-person and virtual options has made meetings more accessible, especially for

stakeholders with full-time jobs or travel limitations, thereby enhancing overall engagement.

Motion: Support SB 470

M/S: Ranasinghe/Sovec

Public Comment: None

Vote: Yea 8; Nay 0, Absent 3. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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	absent

## 28. Discussion and Possible Action Regarding Senate Bill 497 (Wiener) Legally Protected Health Care Activity

SB 497 seeks to protect the privacy and safety of individuals seeking gender affirming health care and mental health care in California, as well as the health care providers delivering these services, by strengthening protections in law related to the sharing of their health care information.

**Author's Intent.** The author of SB 497 emphasized the bill's role in safeguarding the privacy and safety of individuals seeking gender affirming care in California. Key provisions include:

- Protecting sensitive data from being disclosed to out-of-state law enforcement to prosecute people receiving care that is legal in California;
- Establishing criminal penalties for accessing sensitive health data without a warrant;
- Strengthening the Confidentiality of Medical Information Act to expand protections introduced in SB 107;
- Expressing the intent to protect teachers affirming of transgender youth.

Motion: Support SB 497.

M/S: Sovec/Huft

Public Comments

Shanti Ezrine, CAMFT: CAMFT supports SB 497.

Dr. Ben Caldwell: Expressed support for SB 497.

Vote: Yea 7; Nay 0, Abstain: 1; Absent 3. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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	absent

**29. Discussion and Possible Action Regarding Senate Bill 579 (Padilla) Mental Health and Artificial Intelligence Working Group**

SB 579 would require the State Government Operations Agency to appoint a mental health and artificial intelligence (AI) working group by July 1, 2026, to examine the role of artificial intelligence in mental health treatment.

**Author's Intent.** The author's office relays a desire to ensure proper guardrails are in place so that AI is incorporated into mental health treatment in a thoughtful and safe way.

Motion: Support SB 579.

M/S: Friedman/Sovec

Public Comments

Shanti Ezrine, CAMFT: CAMFT is co-sponsoring SB 579 with the California Psychological Association. This bill proposes the creation of a working group focused on evaluating the role of AI in mental health care. The group would:

- Ensure ethical standards.
- Explore technology and diagnosing and treating mental health concerns.
- Identify risks associated with AI in mental health settings.

The bill acknowledges the growing use of AI by mental health professionals for administrative tasks, while also addressing concerns about AI tools marketed as digital therapists. The intent is to position California as a leader in the responsible integration of AI into mental health care, with a strong emphasis on patient safety and well-being.

Dr. Ben Caldwell: The rapid development of AI systems in mental healthcare raises a number of important regulatory and public safety concerns. This workgroup will ensure that policy responses to AI will be thoughtful and well informed. Encouraged the Board to support SB 579.

Vote: Yea 8; Nay 0, Absent 3. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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	absent

**30. Discussion and Possible Action Regarding Senate Bill 641 (Ashby)  
Department of Consumer Affairs and Department of Real Estate: States of  
Emergency: Waivers and Exemptions**

SB 641 would permit boards under the DCA and the Department of Real Estate to waive certain specified provisions of their licensing laws for licensees and applicants who are affected by a declared federal, state, or local emergency.

**Author's Intent.** The author highlighted that licensed professionals in disaster-affected areas often face challenges in maintaining their licensure due to disruptions caused by emergencies. Current law does not account for these circumstances, potentially leading to lapses in licensure. SB 641 would authorize licensing programs to waive certain requirements—such as renewal deadlines, fees, and continuing education—for individuals in declared disaster areas. This measure aims to reduce administrative burdens and ensure professionals can continue working to support recovery efforts.

**Confirmation of Emergency.** There is uncertainty regarding how Board staff would verify the existence of a declared emergency under SB 641. Would official government notice be provided to DCA? Or would staff be responsible for confirming all declared emergencies? If staff must confirm, an additional staff

position may be necessary to monitor emergency declarations and assess the scale of their impact.

**May Not Cover All Provisions of Law.** While the bill grants authority to waive specific requirements, it does not appear to cover all aspects of the Board's licensing requirements.

**Existing Email Requirement.** This bill requires all applicants and licensees to provide the Board with an email address. The Board currently has a law in place requiring its applicants, registrants, and licensees to provide their email address if they have one.

**Fiscal Impact.** This bill permits the Board to waive laws in a declared emergency. The waiver authority is permissive, not mandatory. As such, any fiscal impact would only occur if the Board elected to implement the waiver.

Additional Board Meetings Possibly Required. Formal Board action is required to implement a waiver. If a state of emergency occurs between scheduled meetings, the Board may need to convene an additional meeting, resulting in:

- Travel costs for Board members
- Possible site rental expenses
- Board member pay and per diem costs

Confirmation of an Emergency. It is unclear how the Board would receive official confirmation of a declared emergency, particularly for smaller-scale or local emergencies. Additional staff resources may be needed to monitor for and confirm emergencies and assess whether they warrant Board action.

Potential Lost Fee Revenue. Waiving the \$25 duplicate license fee will result in some lost revenue. While this is expected to be minor and absorbable, future waivers of other fees could lead to more significant revenue losses depending on the scale and frequency of emergencies.

Potential Breeze Costs. Depending on the types of waivers implemented, there may be associated costs to update the Breeze licensing system. DCA's Office of Information Services would need to assess and determine any such costs.

Discussion/Public Comment: None

Staff will continue to watch this bill.



### 31. Discussion and Possible Action Regarding Senate Bill 775 (Ashby) Board of Behavioral Sciences

SB 775 would extend the Board's sunset date until January 1, 2030. It also contains several amendments that the Board is sponsoring this year:

#### Amendments Sponsored by the Author

- Extends the operation of the Board until January 1, 2030.
- Names the LMFT practice act the "Marriage and Family Therapist Practice Act" and makes technical changes to reflect this throughout the bill as needed.
- Changes references to correctly reference the "Clinical Social Worker Practice Act" instead of the "Social Work Licensing Law."
- Places technical amendments regarding any potential future repeal of §4990 in a separate section.
- Also serves as the sunset bill for the Board of Psychology, extending that board's sunset date and making various amendment to its practice act.

#### Amendments Sponsored by the Board

- Technical and/or non-substantive amendments.
- 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: These amendments are not yet included in the bill, but the Senate Committee on Business, Professions and Economic Development has indicated they are discussing adding them as future amendments.
- Sunsetting statutory provisions, which would delete or extend the sunset dates for two provisions of the Board's practice acts that sunset on January 1, 2026:
  - Supervision allowance via videoconferencing.
  - Temporary practice allowance.
- Licensing requirements for LEPs
- Amendments to retired license statute.

Discussion: None

Motion: Support the author-sponsored amendments to the extending the Board's sunset date January 1, 2030 (BPC §4990) and direct staff to work with the Business and Professions Committee to ensure the following:

- That the same sunset date is also added into BPC §4990.04.

- That the LMFT license type's practice act is consistently named throughout the law.

M/S: Jones/Strack

#### Public Comment

Shanti Ezrine, CAMFT: Appreciation was expressed for raising the issue of ensuring consistent titling of the licensing acts, specifically referring to the Licensed Marriage and Family Therapist Act. CAMFT thanks staff for the update regarding the forthcoming amendment to the bill, which would allow for the adoption of the AMFTRB MFT national exam through regulation. CAMFT looks forward to reviewing the amendment once it is in print and proceeding with support for the remainder of the bill.

Vote: Yea 8; Nay 0, Absent 3. Motion carried.

Member	Vote
Lorez Bailey	absent
Dr. Nick Boyd	absent
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	absent

- 32. Discussion and Possible Action regarding amendments to BBS bill proposal (to be amended into SB 775 (Ashby)): BPC sections 4980.03, 4980.11, 4980.38, 4980.397, 4980.40, 4980.41, 4980.43.2, 4980.43.3, 4980.50, 4980.54, 4980.72, 4980.74, 4982, 4982.05, 4984.41, 4984.7, 4989.20, 4989.45, 4989.49, 4989.54, 4992.2, 4992.3, 4996.16.1, 4996.23.1, 4996.23.2, 4997.1, 4999.12, 4999.23, 4999.46.2, 4999.46.3, and 4999.113**

This item was cut from the agenda.

- 33. Update on Board-Sponsored Legislation (To Be Included in Senate Bill 775 (Ashby) Board of Behavioral Sciences):**

The only update for this item was SB 775, which was provided under Item 31.

### **34. Update on Board Rulemaking Proposals**

#### **Disciplinary Guidelines**

Status: Comment period ended February 25, 2025; comments were reviewed under Item 22.

#### **Telehealth**

Status: Notice of Modified Text as approved by the Board at the February 2025 meeting mailed April 18, 2025; comment period ends May 5, 2025.

#### **Continuing Education**

Status: Submitted for DCA production phase review April 8, 2025.

#### **Advertising**

Status: Noticed to the public March 14, 2025; comment period ended April 28, 2025; Regulation Hearing took place on May 8<sup>th</sup> under Item 2.

#### **English as a Second Language: Additional Examination Time**

Status: In preparation for DCA Production Phase Review

Discussion/Public Comment: None

### **35. Suggestions for Future Agenda Items**

Dr. Ben Caldwell: A renewed request was made for a representative from the ASWB testing program to speak directly with the Board and stakeholders. The purpose is to address recent changes in ASWB's exam process and to clarify any steps taken to ensure measurement equivalency prior to implementing those changes. Concerns were raised regarding the low pass rate on the ASWB Clinical Exam, which may indicate potential validity issues with the exam.

Ortega: A stakeholder suggestion for future agenda under Item 4 was referenced regarding the need to create more accessible licensure pathways for individuals such as DACA therapists. Requested to place this item on a future agenda.

Sovec: Referred to an earlier discussion about the imbalance between the number of associates progressing through the licensure process and the limited availability of qualified supervisors. This shortage is a significant barrier for many associates. A suggestion was made to explore the creation of a program focused on the development of more supervisors within the stakeholder community. Such a program could help expedite the process towards licensure.

### **36. Public Comment for Items not on the Agenda**

Ranasinghe: Thanked Abigail Ortega for her service on the Board.

Sovec: Acknowledged the Board's strong track record in considering the needs of California's diverse populations. Encouraged continued commitment to Diversity, Equity, Inclusion, and Accessibility—emphasizing the importance of not reducing these principles to a buzzword. Urged the Board to remain intentional in using and applying each of these values as a guiding framework in program development and legislative efforts moving forward.

### **37. Adjournment**

The Board adjourned at 1:58 p.m.