



Board of Behavioral Sciences



1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830
www.bbs.ca.gov

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 the following links:

Part 1: <https://youtu.be/1-tZ-dtOaA>

Part 2: <https://youtu.be/xJ8VlymMK1c>

DATE April 16, 2021

MEETING PLATFORM WebEx Video/Phone Conference

Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-25-20, dated March 12, 2020, neither a public location nor teleconference locations are provided.

TIME 8:30 a.m.

ATTENDEES

Members Present: Christina Wong, Chair, LCSW Member
Deborah Brown, Public Member (*left the meeting at 2:00 p.m.*)
Max Disposti, Public Member
Wendy Strack, Public Member

Members Absent: *All members present*

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

Other Attendees: Public participation via WebEx video conference/phone conference

I. Call to Order and Establishment of Quorum

Christina Wong, Chair of the Policy and Advocacy Committee (Committee) called the meeting to order at 9:09 a.m. Roll was called, and a quorum was established.

II. Introductions

Committee members and Board staff introduced themselves.

III. Consent Calendar

a. Discussion and Possible Approval of February 5, 2021 Committee Meeting Minutes

MOTION: Approve the February 5, 2021 Committee meeting minutes.

Brown moved; Wong seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

IV. Discussion and Possible Recommendation Regarding Assembly Bill 29 (Cooper) State Bodies: Meetings

AB 29

1. Requires the required meeting notice posted 10 days in advance of a meeting must also include all writings or materials provided to members of the state body by the staff of a state agency, board or commission, by or another state body member, that are connected to a matter to be discussed or considered at the meeting. These must be posted on the state body’s website and provided to any person who requests them in writing, on the same day they are provided to members of the state body, or at least 72 hours in advance of the meeting, whichever is earlier.
2. Prohibits a state body from distributing or discussing writings and materials or acting on an item to which they pertain, at a meeting of the state body unless the requirements listed above have been met.

Impact on Board Operations

Staff is concerned about the effect this bill would have on its meeting materials:

- Closed Session Materials
AB 29 does not address closed session materials; and therefore, as written, closed session materials would be subject to its requirements.
- Legislative Materials
This bill could have a chilling effect on the Board's ability to take positions on legislation.

In a typical year, the Board's staff analyzes between 15-20 bills that are identified as affecting Board operations, public protection, and/or its licensees and registrants. These analyses are presented to the Board. The Board discusses these bills and determines if there is a need to weigh in, either by taking an official position or by providing technical assistance to the author.

The legislative process moves fast, particularly in the months of March through June. Bills are continuously amended to reflect stakeholder feedback and to meet policy committee deadlines. It is common for bills on the Board's agenda to be amended immediately before the Board meets. When this happens, staff updates the analysis and provides the updated bill in the meeting materials for the discussion to remain relevant. If meeting materials can no longer be updated to include late bill amendments, then the Board cannot discuss and consider the most recent available information, and its voice in the legislative process is silenced.

Suggested Amendments

Staff recommends two amendments:

- The requirement does not apply to writings/materials prepared for a matter to be discussed in a closed session of the state body; and
- If the writings/materials on an agenda for discussion are related to current legislation, the state body can satisfy the posting requirements by posting these writings/materials as they become available after the ordinarily prescribed time periods.

MOTION: Recommend to the Board to oppose AB 29 unless amended with recommendations made by staff.

Strack moved; Disposti seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

V. Discussion and Possible Recommendation Regarding Assembly Bill 107 (Salas) Licensure: Veterans and Military Spouses

AB 107

1. Requires all boards under DCA to issue a temporary license to practice a profession or vocation to an applicant after appropriate investigation, if they meet specified requirements:
 - They are married to or in a domestic partnership or legal union with an active duty member of the U.S. Armed Forces who is assigned to active duty in California.
 - They hold a current, active, and unrestricted license to practice the same profession in another state or territory of the U.S.
 - They apply to the board, including a signed affidavit attesting that they meet all the requirements for the temporary license and a written verification from their original licensing jurisdiction stating their license is in good standing.
 - They have not committed any act that would have constituted grounds for denial, suspension, or revocation of the license under California law. They must not have been disciplined by another licensing entity or be the subject of an unresolved complaint, review, or disciplinary proceeding by another licensing entity.
 - They must provide fingerprints upon request by a board.
2. Requires a DCA board to issue the temporary license within 30 days following receipt of the required documentation the criminal background check do not show grounds for denial.
3. Permits a temporary license to be immediately terminated if holder failed to meet any of the requirements specified or provided inaccurate information that would affect their eligibility for temporary licensure. If terminated, the board must issue a termination notice requiring practice be ceased immediately.

4. Requires that a temporary license expires 12 months after issuance, upon issuance of an expedited license, license by endorsement, or upon denial of the application for expedited licensure.
5. States that the temporary license program shall not apply to a board with a process in place for this type of applicant to receive expedited temporary authorization to practice while meeting state-specific requirements for at least a one-year period.

Current Board Process

The Board does not have a temporary license status, nor does it have licensing reciprocity with other states. The Board has a “licensure by credential” pathway to licensure, which is a streamlined process for qualifying licensees in other states who have been licensed for at least two years.

The Board is currently required to expedite the licensing process for an applicant who is married to or in a domestic partnership with an active member of the U.S. military who is assigned to active duty in California, if the applicant holds a current license in the same profession in another state.

Bypassing the Licensure Process

As written, AB 107 does not require the following:

- That the licensing requirements in the other state in which the person holds a license be substantially equivalent to the requirements in California; or
- That the applicant passes the required Board administered examinations.

Each of the Board’s four license types is currently required to pass at least one Board-administered examination. Education and experience are examined by the Board licensing evaluator during the review of the application. Bypassing this review and passage of an examination could jeopardize consumer protection.

Continuity of Care

AB 107 creates a temporary license that is valid for a 12-month period or until the expedited license is issued or denied. If a denial occurs, the applicant would no longer be able to see their patients.

Staff and BreZE Impact

Creating a temporary license status would require changes in BreZE and could result in a fiscal impact. Adding this new license type/procedure would increase staff workload, and therefore, may require additional staff.

License Portability and the Board of Behavioral Sciences

The Board recently implemented license portability legislation for its LMFT, LCSW and LPCC applicants. SB 679 established “licensure by credential.”

AB 107 omits requirements of SB 679:

- It does not require the military applicant to have held their current license for the past 2 years.
- It does not state that the out-of-state license must be at the highest level for independent clinical practice.
- It does not require any California-specific coursework prior to beginning practice under a temporary license.
- It does require the applicant to take the California law and ethics.

Effect on LEPs

SB 679 did not establish a licensure by credential option for LEPs, because only one other state licenses Licensed Educational Psychologists (LEP).

Committee members expressed concerned about the ability to provide consumer protection.

MOTION: Recommend to the Board to oppose SB 679 unless amended to remove the Board of Behavioral Sciences from the provisions of the bill.

Wong moved; Disposti seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

VI. Discussion and Possible Recommendation Regarding Assembly Bill 270 (Ramos) Core Behavioral Health Crisis Services System

This item was removed from the agenda. AB 270 is not moving forward; it will be combined with another bill.

VII. Discussion and Possible Recommendation Regarding Assembly Bill 462

AB 462

1. Removes the requirement that Licensed Professional Clinical Counselor (LPCC) applicants must obtain at least 150 hours of clinical supervised experience in a hospital or community mental health setting.
2. Removes the requirement that LPCCs who wish to assess or treat couples and families complete certain additional education, supervised experience, and continuing education related to marriage and family therapy.

Author's Intent

AB 462 is sponsored by the California Association for Licensed Professional Clinical Counselors (CALPCC). The sponsor notes that the requirement to complete 150 hours in a community mental health setting or hospital is outside the standard practice for post-graduate experience requirements for the LPCC license nationally. In addition, to get these hours, an associate professional clinical counselor often needs to interrupt or leave their employment to find a short-term job at one of these sites, and that such a placement is difficult to find because of adversity to hiring short-term employees. Therefore, the requirement is a barrier to licensure.

The sponsor also notes that of the 50 states, only California prohibits LPCCs from assessing and treating couples and families without additional specific training.

Current Challenges

Board staff notes the following challenges encountered by current licensure requirements for LPCCs to treat couple and families.

1. **Definition of Community Mental Health Setting Causes Confusion**
This requirement was intended to provide experience in community mental health with psychopharmacologic interventions in a hospital or community mental health setting.
2. **Difficulty Finding Hours in a Community Mental Health Setting**
Associates report that they are unable to find a site that will fire them to complete this requirement. They report that because the requirement is so few hours, sites are reluctant to hire and train them.
3. **Letter to Verify Couple and Families Requirements Met**
Once an LPCC has fulfilled the additional education and experience to treat couples and families, they are issued a letter from the Board authorizing them to do so. However, to keep the authorization current, they need to

continue to complete 6 hours of continuing education specific to marriage and family therapy every renewal cycle. However, the Board has no way to know if an LPCC who has opted to treat couples and families continues to complete this continuing education at every renewal, except via audit. Furthermore, an LPCC may decide to no longer treat couples and families. However, the authorization letter from the Board is issued in perpetuity, creating a situation where individuals with the letter may not actually meet all requirements any longer.

4. Supervision Issues for LPCCs

LPCCs are not permitted to supervise Associate Marriage and Family Therapists (AMFTs) unless they meet the additional requirements to treat couples and families. This can act as a disincentive to hire an LPCC if they are not able to supervise all types of associates that an agency might hire.

5. Reluctance to Hire LPCCs

The Board has received reports that some agencies are reluctant to hire LPCCs due to the confusion about whether they meet the requirements to treat couples and families and the continuing verification requirements.

6. License Portability Issues

The fact that all other states permit LPCCs to treat couples and families can cause confusion and a barrier to licensure for some LPCC applicants who are licensed in other states.

Additional Amendments Needed

If AB 462 is successful, several additional subsections in Licensed Marriage and Family Therapist (LMFT) and LPCC statute related to the deleted requirements would become obsolete. Therefore, staff recommends requesting the following amendments be included in the bill to maintain clarity of the law:

- **Strike BPC §§4980.03(g)(2):** This subparagraph requires LPCC supervisors of pre-licensed LMFT applicants to meet the additional education, experience, and continuing education requirements to treat couples and families.
- **Strike 4999.12(h)(2):** This subparagraph requires LPCC supervisors of pre-licensed LMFT applicants, or LPCCs or APCCs seeking experience to treat couples and families to meet the additional education, experience, and continuing education requirements.
- **Strike 4999.12(o):** This subdivision defines a “community mental health setting” for purposes of the 150-hour clinical experience requirement in BPC §4999.46(c)(4).

- **Strike 4999.60(b):** This subdivision permits out-of-state applicants who qualify for licensure by credential to treat couples and families under certain circumstances.

Kenneth Edwards, CALPCC: Current licensing requirements create more barriers to licensure, especially to people of color and students, associates, and full licensees without ample financial resources. There is difficulty finding work because sites do not want to hire LPCCs. This is a workforce development issue, an issue unintentionally contributing to the mental health crisis, and a parity issue.

Ben Caldwell: Pointed out the difference between counselors and social workers. Social workers must graduate from an accredited social work program, and the accreditation requirements ensure that social workers are able to work effectively with families. If the requirement is removed for LPCCs, it would not require any training or experience in terms of having couple or families in their scope.

Ilhan Ali: Expressed support for the bill.

Dr. Anthony Rivas: Supports the bill.

Ana Lidia Jimenez, graduate student: Supports the bill.

GV Ayers, CALPCC: LPCCs must do more to be equal. This bill addresses parity.

Nick Boyd: Supports the bill.

Cristen Wathen: Supports the bill.

GV Ayers: CALPCC will make amendments recommended by the Board.

MOTION: Recommend to the Board to support AB 462.

Disposti moved; Wong seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

VIII. Discussion and Possible Recommendation Regarding Assembly Bill 562 (Low) Mental Health Services for Health Care Providers: Frontline COVID-19 Provider Mental Health Resiliency Act of 2021

This item was removed from the agenda. The bill does not require BBS license types but requires implementation by DCA. The bill was recently amended. Staff will continue to watch this bill.

IX. Discussion and Possible Recommendation Regarding Assembly Bill 646 (Low) Department of Consumer Affairs: Boards: Expunged Convictions

AB 646

1. Requires that a DCA board must update their required website posting for a person whose license was revoked because they were convicted of a crime, upon receiving from them a certified copy of an expungement order for the underlying offense, as follows:
 - a. If the person reapplies for licensure or has been relicensed, the board must post notification of the expungement order and its date on the website.
 - b. If the person is not currently licensed and does not reapply for licensure, the board must remove the initial posting on its website that the person's license was revoked, and information previously posted regarding arrests, charges and convictions.
2. The website posting must be updated within 90 days of receiving the expungement order, unless prohibited by another law.
3. Authorizes a DCA board to charge a reasonable fee to cover the costs associated with the website update.

Author's Intent

To reduce employment barriers for people with previous criminal records who have been rehabilitated and whose convictions have been dismissed or expunged.

Previous Legislation

The Board considered a similar version of this bill (AB 1616) last year. The Board took a "support if amended position" and expressed concerns about the requirement to remove the revoked posting for an individual who is not currently licensed. The concerns were:

- **Exempt Settings:** An individual whose license is revoked may choose to continue practicing in an exempt setting. By law, a license is not required to practice the Board's regulated professions in these settings. If a revoked

license posting is removed from the website, these settings will have no way of knowing that one of their unlicensed practitioners has a revoked license.

- **Practice in Another State:** An individual whose license is revoked may decide to obtain a license to practice in another state. If the revoked posting is removed from the Board’s website, the other state will be unaware of this when making their decision to issue a license.
- **Similar Practice:** When the Board revokes a license, the former licensee will sometimes choose to practice in a field related to the Board’s professions but that does not require a license. The fact that a license was revoked and the conviction was expunged is important for the consumer to know in order to make an informed decision.

AB 1616 died in the Senate.

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

Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA): NASW-CA does not have an official position on AB 646.

MOTION: Recommend to the Board to support AB 646 if amended, and direct staff to work with the author’s office to discuss amendments to BPC section 493.5(a)(2).

Wong moved; Brown seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

X. Discussion and Possible Recommendation Regarding Assembly Bill 723 (Low) Marriage and Family Therapy Scope of Practice

This item was cut from the agenda. This bill has not been amended; therefore, the Board’s position remains.

XI. Discussion and Possible Recommendation Regarding Assembly Bill 885 (Quirk) Bagley-Keene Open Meeting Act: Teleconferencing

AB 885

1. Defines a “teleconference” as a meeting of a state body where the members are at different locations, connected by electronic means, through both audio and video.
2. Requires an open teleconferenced meeting to be both audibly and visually observable to the public at the location specified in the notice.
3. For meetings conducted by teleconference, requires the state body to do the following:
 - Post an agenda at the designated primary physical meeting location in the meeting notice where the public may physically attend the meeting and participate.
 - Conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body.
 - Provide an opportunity for members of the public to address the state body via teleconference directly at each teleconference location.
4. Continues to require at least one member of the state body to be physically present at the location specified in the notice of the meeting.
5. Subjects all meetings of a state body to the requirements of GC §11123.5 if they hold a teleconference meeting, instead of advisory board and committee meetings, including the following requirements:
 - The state body must provide at least 24-hour notice before the meeting identifying members who will participate remotely. The notice also must identify the primary physical meeting location.
 - While a primary physical location of the meeting must be identified in the meeting notice, the bill permits a quorum to consist of members in attendance via teleconference or in-person physically.
 - When a member participates remotely, the state body must provide a means by which the public may remotely observe the meeting’s proceedings, both audibly and visually, including the members participating remotely. Information about how to access the meeting remotely must be noted in the 24-hour notice.
 - If a remote access fails during a meeting, the state body must adjourn and provide notice of adjournment.

Board Utilization of Telehealth

Prior to COVID-19, the Board occasionally held a meeting via teleconference. Any teleconference meetings held typically utilized a telephone conference call line, rather than a video platform. Due to the COVID-19 pandemic, the Board transitioned to using a video platform for all meetings.

The Board’s current setup via WebEx would likely require some changes if the meeting were partially in-person, with a primary physical location. The DCA Legislative Unit is looking in to the logistics and cost of this.

Disposti: Concerned that accessibility requirements for hearing and visually impaired populations are not mentioned. Would like staff to have a conversation with the author regarding inclusivity.

MOTION: Recommend to the Board to support AB 885, and direct staff to work with the author’s office regarding the Committee’s accessibility concerns.

Wong moved; Brown seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

XII. Discussion and Possible Recommendation Regarding Assembly Bill 988 (Bauer-Kahan) Mental Health: Mobile Crisis Support Teams: 988 Crisis Hotline

AB 988

1. Requires the Office of Emergency Services (OES) to implement and oversee the newly established 988 mental health crisis hotline system.
2. Requires OES to perform certain tasks to implement the system, including the following:
 - a. Appoint a crisis hotline system director.
 - b. Designate at least one 988 crisis hotline center prior to July 2022.
 - c. Ensure coordination between the 988 crisis hotline centers, the 911 system, and mental health crisis services.

- d. Establish training guidelines for employees involved in the implementation of 988, 911 operators, emergency medical services, law enforcement, and firefighters.
3. Requires each 988 crisis hotline center to perform certain specified tasks:
 - a. Utilize technology that is interoperable between and across crisis and emergency response systems used throughout the state, including 911, emergency services, and other nonmental health crisis services. Requires the technology to be capable of:
 - Rapidly deploying mobile crisis support teams through GPS.
 - Tracking and providing real-time bed availability to crisis responders and individuals in crisis.
 - b. Provide follow-up services to individuals consistent with the guidance and policies established by the National Suicide Prevention Lifeline.
 - c. Employ or contract with a sufficient number of qualified bilingual persons or interpreters.
 4. Requires counties to make county operated mental health crisis services available to 988 callers and coordinate on deployment and access. Requires counties to bill the appropriate health care service plan or insurer for all medically necessary treatment of a mental health or substance use disorder provided to privately insured individuals.
 5. Requires all elements of the 988 system to be designed to meet the unique needs of California's diverse communities and to do the following:
 - a. Ensure equitable access to service regardless of race, ethnicity, socioeconomic status, sexual orientation, gender identity or expression, or geographic location.
 - b. Meet the unique needs of specified populations, including those at greater risk of suicide, homeless individuals, children and youth, older adults, individuals with disabilities, underserved communities, the LGBTQ community, immigrants and refugees, non-English speakers, low-income persons, and religious communities.
 6. Creates a monthly surcharge on phone service lines to fund the program.
 7. Defines "mental health crisis services" including crisis intervention and mobile crisis support teams that include licensed mental health professionals and peer support specialists and may include medical and health professionals.

8. Defines a “mental health professional” as an LCSW, LPCC, LMFT, a licensed psychologist, or a licensed physician board certified as a psychiatrist.

Inclusion of Associates and Trainees

The bill does not include associates or trainees in the definition of a mental health professional.

Jennifer Alley, California Association of Marriage and Family Therapists (CAMFT): CAMFT supports AB 988.

Rebecca Gonzales: NASW-CA supports AB 988.

MOTION: Recommend to the Board to support AB 988, and direct staff to work with the author to consider adding associates and trainees.

Strack moved; Disposti seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

XIII. Discussion and Possible Recommendation Regarding Assembly Bill 1026 (Smith) Business Licenses: Veterans

AB 1026

1. Requires licensing boards within DCA to grant a 50% fee reduction of the initial license fee to an applicant who provides satisfactory evidence that they have served as an active duty member of the U.S. Armed Forces or California National Guard and were honorably discharged.
2. Defines “satisfactory evidence” as a copy of a current and valid driver’s license or I.D. card with the word “Veteran” printed on its face.

Author’s Intent

The author’s office is seeking to ease the financial burden for veterans who are transitioning from active duty to the civilian workforce.

Fee Reduction

AB 1026 requires a 50% fee reduction of the initial license fee for veteran applicants. BBS applicants are also required to pay a registration application fee, registration renewal fees, and an application for licensure fee. These fees do not appear to be waived under this bill.

Fiscal Impact

The Board charges \$200 for an initial license, regardless of license type.

The yearly number of honorably discharged veterans who met the criteria for an expedited license are as follows:

<u>Year</u>	<u>Veterans</u>
2016	313
2017	332
2018	418
2019	384
2020	238

Yearly average: 337 veterans

Based on the yearly average of 337 veterans at 50% initial license fee reduction, the annual cost to the Board is estimated to be \$33,700.

Sodergren: This amount could be absorbed, however, concerned that this could open the door for additional fee waivers added in the future.

Helms: Will raise fiscal impact concerns with DCA’s budget office.

Rebecca Gonzales: NASW-CA does not have a position on AB 1026. NASW-CA has heard from its members, expressing the hardship in paying for the increased fees and the equity issue.

Jennifer Alley: CAMFT does not have an official position on AB 1026.

MOTION: Recommend to the Board to oppose AB 1026 unless amended and direct staff to work with the author’s office to discuss funding source and equity issues.

Wong moved; Disposti seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

XIV. Discussion and Possible Recommendation Regarding Assembly Bill 1236 (Ting) Healing Arts: Licensees: Data Collection

AB 1236

1. Requires all DCA healing arts boards to collect certain workforce data from its licensees for future workforce planning.
2. Allows the data to either be collected at electronic license application and license renewal, or at least biennially from a scientifically selected random sample of licensees.
3. Requires the data collected to include at least the following:
 - a. City, county, and zip code of practice;
 - b. Type of employer or classification of practice;
 - c. Work hours;
 - d. Titles of positions held;
 - e. Time spent in direct patient care;
 - f. Clinical practice area;
 - g. Race or ethnicity;
 - h. Gender or gender identity;
 - i. Languages spoken;
 - j. Educational background;
 - k. Future work intentions; and
 - l. Job satisfaction.
2. Specifies that a licensee is not required to report their race or ethnicity to the Board.
3. Requires boards to keep the survey results received confidential and only release information in aggregate form.
4. Requires each board to produce reports on the survey results at least biennially and to post the information on its internet website.
5. Requires either each board or DCA to annually provide the data it collects to Office of Statewide Health Planning and Development (OSHPD) for inclusion in their required annual report.

Author’s Intent

The author’s office states that the state collects data on some healthcare occupations, but the current data is insufficient for determining the state’s capacity to address the needs of its diverse population. Demographic data collection must be expanded so that the state can better identify healthcare disparities and craft solutions to ensure coverage and healthcare access.

Current Practice

Current law does not mandate that licensees provide demographic data; therefore, the Board cannot require it. The Board provides a demographic questionnaire at the end of its renewal applications; however, completion of the questionnaire is voluntary.

MOTION: Recommend to the Board to support AB 1236 if amended to require the Board to collect demographic information, and direct staff to address the hesitancy about data collection and to request an opt-out feature.

Wong moved; Disposti seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

XV. Discussion and Possible Recommendation Regarding Assembly Bill 1386 (Cunningham) License Fees: Military Partners and Spouses

AB 1386

Requires licensing boards within DCA to grant fee waivers for the initial or original license fee for a person who meets the following criteria:

- Is married to or in a domestic partnership with an active duty member of the U.S. Armed Forces who is assigned to duty in California; and
- Holds a current license for the same profession in another state or territory.

Author’s Intent

Military families move significantly more often than their civilian counterparts, which can have lasting effects on their earnings. The author’s office is seeking to ease some of the burden placed on military families who move frequently.

Fees Waived

This bill requires a fee waiver for the initial issuance of a license. BBS applicants are also required to pay a registration application fee, registration renewal fees, and an application for licensure fee. These fees do not appear to be waived under this bill, however, there is the question of the definition of the term “original license fee.” Additionally, the above listed fees may not apply to someone who is licensed in the same profession in another state if they have held that license for at least two years, and otherwise qualify under the Board’s licensure by credential pathway.

Fiscal Impact

The fee that the Board charges for initial license issuance is \$200, regardless of license type.

The yearly number of military spouses who met the criteria for an expedited license are as follows:

<u>Year</u>	<u>Spouses</u>
2016	11
2017	21
2018	20
2019	18
2020	20

Yearly average: 18 military spouses

Based in the yearly average of 18 military spouses at \$200 initial license fee, the annual cost to the Board is estimated to be \$3,600.

MOTION: Recommend to the Board to support AB 1386.

Disposti moved; Brown seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

XVI. Discussion and Possible Recommendation Regarding Senate Bill 14 (Portantino) Pupil health: School Employee and Pupil Training: Excused Absences: Youth Mental and Behavioral Health

SB 14

1. Adds an absence for the benefit of a pupil's mental or behavioral health to the list of school absences that must be excused.
2. Requires the Department of Education to identify an evidence-based training program in youth behavioral health for a local educational agency to use to train classified and certificated school employees who have direct contact with pupils. However, this shall be implemented only if an appropriation is made in the annual Budget Act or another statute.
3. Requires the Department of Education to make sure the training program meets certain specified requirements.
4. Requires a local educational agency to certify by January 1, 2023 that at least 50% of its combined certificated and classified employees at each school have received the training.
5. Requires the Department of Education to identify an evidence-based youth behavioral health training program for pupils in grades 10 to 12, for use by local educational agencies.
6. Requires the identified training to meet certain specified requirements.
7. Requires a local educational agency to report the number of pupils who have voluntarily completed the training program by January 1, 2023.

Author's Intent

The author's intent is to promote mental health of California's youth. According to the author:

"Thirty percent of high school students report experiencing depression symptoms - feeling sad or hopeless almost every day for 2 or more weeks in a row, so much so that they stopped doing some usual activities. Eighteen percent of high school students have seriously considered attempting suicide, and 8% attempted suicide one or more times. Suicide is the second cause of death for youth 15 to 24 years old and the third leading cause of death among youth aged 10 to 14. In addition, marginalized populations, particularly LGBTQ youth, are at even greater risk."

Rebecca Gonzales: NASW-CA supports SB 14.

MOTION: Recommend to the Board to support SB 14 and direct staff to work with the author to request inclusion of all grades and to include training on suicide prevention and identification.

Wong moved; Disposti seconded. Vote: 4 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown	x				
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

XVII. Discussion and Possible Recommendation Regarding Senate Bill 221 (Wiener) Health Care Coverage: Timely Access to Care

This item was removed from the agenda. Most of the technical aspects of SB 221 fell outside of BBS jurisdiction. Staff will continue to watch this bill.

XVIII. Discussion and Possible Recommendation Regarding Senate Bill 731 (Durazo) Criminal Records: Relief

SB 731

1. Amends the law to provide that a person is eligible for arrest record relief if the arrest occurred on or after January 1, 2021 and the arrest was for a felony, provided that criminal proceedings have not been initiated, and at least 3 calendar years have elapsed since the date of arrest and no conviction occurred, or there was an acquittal from the charges.
2. Amends the law to provide that a person is eligible for arrest record relief if the arrest occurred on or after January 1, 2021 and the arrest was for an offense punishable by imprisonment in state prison or county jail for 8 years or more, there is no indication that criminal proceedings have been initiated, at least 6 years have elapsed since the arrest, and no conviction occurred, or the person was acquitted.
3. Allows a court to permit defendants who were convicted of any felony to, after a specified period after completion of the sentence, withdraw their plea and enter a not guilty plea, or allows a court to set aside a guilty verdict, if the defendant is not under supervision, serving or charged for another offense. The court must then release the defendant from all penalties and disabilities.
4. Prohibits state or federal summary criminal history information from including the following information:

- a. Records of arrest that were granted relief under PC §851.93, if at least two calendar years have passed since relief was granted and there were no new felony convictions during that time.
 - b. Records of conviction that were granted relief under several specified provisions, if at least two years has elapsed since relief was granted and there were no new felony convictions during that time.
5. The prohibition in item #4 does not apply to records for which the record-holder is required to register as a sex offender, has an active record in the Supervised Release File, or if based on information available in the department's record, it appears the person is currently serving a sentence or if there is an indication of pending criminal charges.
 6. The prohibition in item #4 does not apply if the records are required to be disseminated by federal law.

Author's Intent

The author states that SB 731 will implement a comprehensive system to prospectively and retroactively seal criminal and arrest records, as follows:

- It provides automated sealing of all arrest records that do not result in a conviction; and
- It provides phased relief for conviction records by expanding record sealing provided the person has completed their sentence without any new felony convictions and has no new charges pending.

Effect on the Board

The Board receives applicants' state and federal summary criminal history information from the Department of Justice (DOJ) and the FBI based off of their fingerprint records.

Staff believes that the bill's amendments to Penal Code §11105(v) would be the portion of the bill most likely to impact the Board. It would prohibit the Board from receiving arrest or conviction information for applicants if their arrest or conviction was granted relief. Prior convictions would not show so long as a period of two years has elapsed since the date the relief was granted, and the applicant was not convicted of a new criminal offense.

In many cases where convictions are old, and the applicant successfully rehabilitated and subsequent convictions never occurred, not receiving a report of these decisions would likely not affect the Board's decision about whether to issue a license or registration. However, in some instances, failure to receive this information could have implications for public protection.

Rebecca Gonzales: NASW-CA supports SB 731.

MOTION: Recommend to the Board to support SB 731.

Disposti moved; Strack seconded. Vote: 3 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown				x	
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

XIX. Discussion and Possible Recommendation Regarding Senate Bill 772 (Ochoa Bogh) Professions and Vocations: Citations: Minor Violations

SB 772

1. Prohibits a DCA board from fining a licensee for a minor violation.
2. Provides that a violation is considered minor if it satisfies all of the follow:
 - It did not pose a serious health or safety threat;
 - There is no evidence it was willful;
 - The licensee was not on probation at the time the violation occurred;
 - The licensee does not have a history of committing the violation; and
 - The licensee corrects the violation within 30 days of the date the notice of the violation is sent.

Author’s Intent

The author’s office states that the goal of the bill is to provide financial relief to businesses and licensees by allowing them to correct minor violations without being fined. They note that small businesses make up 99% of all businesses in California, but unlike large corporations, they do not have the legal resources to navigate all the nuances of the law. Due to this, they may make minor mistakes due to misinterpretation or lack of awareness, rather than disregard for the law.

“Serious Health or Safety Threat” Not Defined

SB 772 allows a violation to be considered minor if it meets several criteria, one of which is it did not pose a “serious health or safety threat”. However, staff has concerns that the bill does not specifically define a “serious health or safety threat.”

Board Discretion Already Permitted

The Board is required by regulation to consider certain factors when considering issuing a citation and fine. The factors that must be considered already provide discretion for the Board to decide that a fine is not needed based on the circumstances of the case.

Contesting a Citation

Board licensees can contest a citation and fine within 30 days of its issuance. The outcome of contesting may be affirmation, modification, or dismissal.

MOTION: Recommend to the Board to oppose SB 772.

Wong moved; Disposti seconded. Vote: 3 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown			x		
Max Disposti	x				
Wendy Strack	x				
Christina Wong	x				

XX. Discussion and Possible Recommendation Regarding Senate Bill 801 (Roth) Healing Arts: Licensed Professional Clinical Counselors

This item has been cut from the agenda.

XXI. Update on Board-Sponsored Legislation

Board staff is currently pursuing the following legislative proposals:

1. AB 690 (Arambula): Practice Setting Definitions

This bill proposal seeks to eliminate the confusion about where pre-licensees may work by providing specific definitions of private practice, professional corporation, and non-exempt settings. The Board approved this proposal at its November 2020 meeting.

AB 690 passed the Assembly Business and Professions Committee and the Appropriations Committee. The bill will likely be consolidated into SB 801 in an effort to reduce the number of bills moving through the Legislature. SB 801 is the Board’s sunset extension bill (although the sunset date has not been amended into the bill at this time).

2. Omnibus Proposal (Senate Business, Professions, and Economic Development Committee) (No Bill Number Assigned at This Time)

This bill proposal makes minor, technical, and non-substantive amendments to add clarity and consistency to current licensing law. The Board approved this proposal at its November 2020 meeting.

The Board's approved technical amendments will likely be amended into SB 801 this year.

XXII. Update on Board Rulemaking Proposals

Substantial Relationship & Rehabilitation Criteria (AB 2138 Regulations)

Status: Approved by OAL. Effective date: December 14, 2020

Enforcement Process

Status: On Hold

This regulation package was placed on hold due to the passage of AB 2138 and remains on hold pending passage of the AB 2138 regulations.

Supervision-Related Requirements

Status: Submitted to OAL for final approval.

Continuing Education and Additional Training Requirements

Status: DCA Initial Review Process

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

Status: Preparation for Initial Review Process

XXIII. Public Comment for Items not on the Agenda

None

XXIV. Suggestions for Future Agenda Items

Wong: Issuing a license, posthumously, to associates who passed away before taking the licensure examination.

XXV. Adjournment

The Committee adjourned at 2:37 p.m.