



Board of Behavioral Sciences



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Gavin Newsom, Governor
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

LICENSING COMMITTEE MINUTES

DATE November 19, 2021

MEETING PLATFORM WebEx Video/Phone Conference

TIME 1:00 p.m.

ATTENDEES

Members Present: Wendy Strack, Chair, Public Member
Dr. Diana Herweck, LPCC Member

Members Absent: *All committee members present*

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

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

I. Call to Order and Establishment of Quorum

Wendy Strack, Chair of the Telehealth Committee (Committee) called the meeting to order at 1:03 p.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 June 25, 2021 Committee Meeting Minutes

Motion: Approve the June 25, 2021 Committee meeting minutes.

Herweck moved; Strack seconded.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Dr. Diana Herweck	x				
Wendy Strack	x				

Motion carried: 2 yea, 0 nay.

IV. Overview of the Purpose of the Committee

The Committee met on June 25, 2021. The Committee discussed the 12-hour California law and ethics course requirement for renewing registrants that failed the California law and ethics exam. It recommended deleting this requirement and instead replace it with a 3-hour California law and ethics course. At its September 2021 meeting, the full Board directed staff to pursue this as a legislative proposal in 2022.

V. Discussion and Possible Recommendation Regarding the 6-Year Limit on Experience Hours and Associate Registrations

The Policy and Advocacy Committee (Committee) last discussed this topic in 2018. At the time, the Committee noted that there were several law changes recently enacted or upcoming that may assist applicants with gaining hours more expeditiously. Therefore, the Committee asked the issue to be re-examined once the benefits of these changes could be evaluated. Those law changes are:

- The elimination of the “buckets” – specific categories of experience – for LMFT and LPCC applicants. (Effective January 1, 2016.)

- Decreasing in required experience hours for LCSW applicants from 3,200 hours to 3,000 hours. (Effective January 1, 2019.)
- Allowing triadic supervision in lieu of individual supervision for LMFT, LCSW, and LPCC applicants. (Effective January 1, 2019.)

These changes were designed to increase the applicant's ability to gain experience hours, while preserving public protection safeguards such as ensuring quality supervision and the need for applicants for licensure to have current and relevant experience.

In addition, AB 690, was signed by the Governor and becomes effective January 1, 2022. AB 690 allows private practices and professional corporations to utilize contract supervisors. It also increases the allowable number of supervisees per supervisor in a non-exempt setting from 3 to 6.

Statistics regarding the number of associates on a subsequent registration number and time to complete supervised experience hours were presented. Examples of how other states limit age of hours earned were also provided.

Discussion

Herweck: Six years can be difficult for those who cannot earn hours on a fulltime basis and for those who cannot find positions that provide adequate pay. Some people must keep their fulltime jobs while earning hours on the side.

Strack: During the pandemic, there were no waivers extending the 6-year limit, and some people had difficulty getting hours during that time. However, the pandemic presented a hardship, and perhaps that could be an approach to consider as an interim solution.

Public Comment Regarding 6-Year Limit on Hours

Jennifer Alley, California Association of Marriage and Family Therapists (CAMFT): CAMFT is concerned about hours lost especially for associates experiencing specific life events. CAMFT does not have concerns about associates with subsequent registrations working in private practice.

Ben Caldwell: Agreed with Dr. Herweck. Expressed the difficulty associates have in finding positions that provide adequate pay and other protections such that they can work their way toward licensure quickly. Would prefer to make it economically viable for people to make their way through licensure. Does not have a strong opinion about 6 years versus 7 or 8 years. Would like to see good cause language.

Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA): Also interested in some good cause language especially for those who are caregivers, in military service, etc.

Discussion

Strack: Would like to look at a definition for hardships and look at what definitions are used for the Board of Psychology, what constitutes a good cause, and definitions in FMLA law. Also including pandemic-related hardships.

Discussion ensued regarding prohibition of private practice for those with subsequent registration numbers.

Public Comment Regarding Private Practice

Caldwell: If the associate is receiving relevant, good supervision, in accordance with legal requirements, and if they're happy with that arrangement, should the BBS force their hand toward licensure?

R. Gonzales: NASW-CA does not have a formal position on this matter.

J Alley: CAMFT does not have a formal position on this matter.

Motion: Direct staff to research how other agencies/entities may define hardships, the possibility of removing the prohibition on private practice for an associate with a subsequent registration number, and a one-year extension to gain hours as options to consider for further discussion.

Strack moved; Herweck seconded.

Public Comment

None

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Diana Herweck	x			x	
Wendy Strack	x				

Motion carried: 2 yea, 0 nay.

VI. Public Comment for Items Not on the Agenda

Ben Caldwell: Suggested that the Board look at interstate compacts and related measures that other states are doing to try to improve portability and streamline that process.

VII. Suggestions for Future Agenda Items

Alley, CAMFT: Life coaches and professional corporations, utilization of them and any policies that may need to be in place.

VIII. Adjournment

The Committee adjourned at 2:19 p.m.