



BOARD MEETING MINUTES

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

November 16 (part 1 of 2): <https://youtu.be/PCy7b87phu8>

November 16 (part 2 of 2): <https://youtu.be/SI1VCX8yrbY>

November 17 (Part 1 of 2): <https://youtu.be/GdsrjOL-Tq0>

November 17 (Part 2 of 2): <https://youtu.be/LbWJGljdiJw>

DATE November 16, 2023

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
Dr. Nicolas Boyd, LPCC Member
Yvette Casares Willis, Public Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
Eleanor Uribe, LCSW Member (present until 5:30 p.m.)
Dr. Annette Walker, Public Member

Members Absent: Aimee Eng, Public Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member (absent after 5:30 p.m.)

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Sabina Knight, Legal Counsel
Christina Kitamura, Administrative Analyst

Other Attendees: Matthew Block, Administrative Law Judge
Anahita Crawford, Deputy Attorney General
Heather Rogers, Petitioner
Sheldon Cohen, Petitioner
Christian Davalos, Petitioner
David Jordan, Petitioner
Brennan Meier, DCA Legal Counsel
Yuping Lin, DCA Legal Counsel
Public participation via Webex and in-person

OPEN SESSION

1. Call to Order and Establishment of Quorum

Christopher Jones, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 9:01 a.m. Roll was called, and a quorum was established.

2. Suggestions for Future Agenda Items

Darren: Support and guidance for law and ethics Licensed Clinical Social Worker (LCSW) exam. Pearson's study materials are not helping.

3. Public Comment for Items Not on the Agenda

None

Administrative Law Judge Matthew Block presided over the following petition hearings. Deputy Attorney General Anahita Crawford presented the facts of each case on behalf of the People of the State of California.

4. Heather Lynne Rogers, LCSW 103296, Petition for Early Termination of Probation

The record was opened at 9:08 a.m. Heather Rogers represented herself. Deputy Attorney General Anahita Crawford presented the background of this case. Rogers 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 9:50 a.m.

5. Sheldon Samuel Cohen, LMFT 132609, Petition for Early Termination of Probation

The record was opened at 10:01 a.m. Sheldon Cohen represented himself. Deputy Attorney General Anahita Crawford presented the background of this

case. Cohen was sworn-in and presented his request for early termination of probation and information to support the request. He was cross-examined by Crawford and board members. The record was closed at 11:13 a.m.

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

The record was opened at 11:26 a.m. Christian Davalos represented himself. Deputy Attorney General 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. Davalos was cross-examined by Crawford and board members. The record was closed at 12:52 p.m.

7. David John Jordan, LMFT 132694, Petition for Early Termination of Probation

The record was opened at 2:05 p.m. David Jordan represented himself. Deputy Attorney General Crawford presented the background of this case. Jordan was sworn-in and presented his request for early termination of probation and information to support the request. Davalos was cross-examined by Crawford and board members. The record was closed at 3:18 p.m.

CLOSED SESSION

The Board entered closed session at 3:18 p.m.

8. 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.

9. Pursuant to Section 11126(a)(1) of the Government Code, the Board will Meet in Closed Session to Evaluate the Performance of the Executive Officer.

10. Recess Until 8:30 a.m., Friday, November 17, 2023

The Board recessed at 6:10 p.m.

DATE November 17, 2023

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

TIME 8:30 a.m.

ATTENDEES

Members Present: Christopher Jones, Vice Chair, LEP Member
Wendy Strack, Vice Chair, Public Member
Dr. Nicolas Boyd, LPCC Member
Yvette Casares Willis, Public Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
Eleanor Uribe, LCSW Member (present until 11:00 a.m.)
Dr. Annette Walker, Public Member

Members Absent: Aimee Eng, Public Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member (absent after 11:00 a.m.)

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Sabina Knight, Legal Counsel
Rosanne Helms, Legislative Manage
Christy Berger, Regulation Analyst
Christina Kitamura, Administrative Analyst

Other Attendees: Christi Van Eycken, Department of Consumer Affairs (DCA)
Trisha St. Clair, DCA SOLID Planning Solutions
Dr. Chad Buckendahl, ACS Ventures, LLC
Public participation via Webex and in-person

OPEN SESSION

11. Call to Order and Establishment of Quorum

Christopher Jones, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 8:30 a.m. Roll was called, and a quorum was established.

12. Introductions

Board members, staff, and attendees introduced themselves.

13. Consent Calendar: Possible Approval of the August 17-18, 2023 Board Meeting Minutes

Correction noted on page 13-17, line 35.

Motion: Approve the August 17-18, 2023 board meeting minutes as amended.

M/S: Walker/Friedman

Public Comment: None

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

Member	Vote
Nick Boyd	Y
Yvette Casares Willis	Y
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	abstain
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	absent
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

14. Board Chair Report

a. Board Member Attendance

Dr. Nicholas Boyd is a new board member and was introduced.

Board member attendance reports for fiscal years 2022-2023 and 2023-2024 were presented.

b. Future Board Meetings

2023-2024 board and committee meeting dates were provided.

c. Staff Recognitions

The following staff were recognized for their service:

- Hayley Sutter: 5 years of state service
- Kaitlyn Martin: 10 years of state service
- Lisa Cigelske: 15 years of state service

15. Department of Consumer Affairs Update

Christi Van Eycken, Department of Consumer Affairs (DCA/department) presented the following updates:

- Effective November 2nd, Secretary Lourdes Castro was appointed as Chief of Housing and Homelessness in Los Angeles.
- Diversity, Equity and Inclusion (DEI)
- DEI Steering Committee
- Virtual meetings and the Bagley-Keene Open Meeting Act; SB 544
- Sexual Harassment Prevention training for board members
- SB 447 California out-of-state travel restrictions ended and replaced with public awareness project.
- Giving at Work Campaign
- Board and Bureau Relations 2023 fall newsletter

16. Strategic Plan: Diversity, Equity, and Inclusion (DEI) Supplemental Overview and Update from SOLID

Trisha St. Clair, SOLID, provided an overview on incorporating DEI in policies and practice, as well as in the strategic planning process, as required by Executive Order N-16-22.

17. Presentation on Testing in Professions by Chad Buckendahl, Ph.D., Partner, ACS Ventures, LLC

Dr. Chad Buckendahl presented on evaluating licensure exams and discussed the following:

- Origins of licensing programs
- Overarching goals of licensing examination
- Characteristics of a licensing exam

18. Executive Officer Report

a. Budget Report

- The Board's budget for fiscal year (FY) 2023-24 is \$13,707,000.
- Expenditures to date are \$3,402,262.
- Fund Condition reflects a reserve of 20.9 months.

b. Personnel

The Board's staffing activity:

- 3 new hires/1 promotion
- 1 departure
- 4 vacancies

c. Licensing Report

1st Quarter Statistics:

- 3,749 licenses/registrations were issued.
- Population of approximately 139,810 licensees/associates as of October 20, 2023
- 1% gain in license/registration population since 4th quarter of FY 2022/23

d. Exam Report

1st Quarter Statistics:

- 5,719 exams were administered (11.2% increase from previous quarter)
- 6 exam development workshops were conducted.

Steve Sodergren provided the following updates:

- Association of Social Work Boards (ASWB) and its exam vendor change
- Occupational analysis and examination outline for the Law & Ethics exams

e. Enforcement Report

1st Quarter Statistics:

- 537 consumer complaints received
- 202 criminal convictions
- 474 cases closed
- 32 cases referred to Attorney General's (AG) Office
- 97 cases pending at AG's Office
- Average time to complete formal discipline: 371 days
- Average time a case is at the AG's Office: 274 days

- Average time to complete board investigations: 55 days

f. Education and Outreach Report

1st Quarter Statistics:

- Facebook page reach decreased by 27.6%.
- Instagram page reach decreased by 10.5%.
- Facebook page and profile visits increased by 101.4%.
- Instagram page and profile visits increased by 69.6%.
- BBS email accounts volumes: 24,002

g. Organizational Development Report

The following progress updates were provided:

- BreEZe system updates
- Organizational development
- Diversity, Equity, and Inclusion

h. Strategic Plan Update

Progress updates on Strategic Plan goals were provided.

19. Discussion and Possible Action on the Board Member Manual Updates

This item was tabled.

20. Presentation By Board Staff Regarding the Legislative Process

Rosanne Helms, Legislative Manager, presented an overview of the Board's legislative process.

21. Discussion and Possible Action Regarding Required Display of License or Registration (Business and Professions Code (BPC) §§4980.31, 4980.32, 4989.17, 4989.48, 4996.7, 4996.75, 4996.8, 4999.70, and 4999.71)

The Policy & Advocacy (P&A) Committee discussed this matter at its July 2023 and October 2023 meetings. The P&A Committee directed staff to draft language that would require the license/registration number, license/registration type, and expiration date to be provided in the required written notice to clients prior to initiating psychotherapy services; and directed staff to bring the proposal to the full board for consideration.

Proposed language was presented.

Motion: Direct staff to make any non-substantive changes to the language in Attachment A and pursue as a legislative proposal.

M/S: Strack/Jones

Public Comment: None

Vote: Yea 9; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Yvette Casares Willis	Y
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	absent
Wendy Strack	Y
Eleanor Uribe	absent
Annette Walker	Y

22. Discussion and Possible Action Regarding Clarifying the Term “Supervisee” (BPC §§4980.43.2, 4980.43.4, 4996.23.1, 4996.23.3, 4999.46.2, 4999.46.4)

Definition of Direct Supervisor Contact Contact (BPC §§4980.43.2(b), 4996.23.1(b), 4999.46.2(b))

Group supervision is defined as consisting of one supervisor and no more than eight supervisees. However, the law does not address whether individuals receiving supervision who are not required by the Board to be under supervision, count as members of the group toward the eight-supervisee limit.

The proposed amendment, which was provided as Attachment A, limits the number of “persons receiving supervision for providing clinical mental health services” instead of limiting the number of supervisees.

Limitation on Number of Supervisees per Supervisor (BPC §§4980.43.4(c), 4996.23.3(c), 4999.6.4(c))

These subsections require that supervisors of supervisees in non-exempt settings have no more than six individual or triadic supervisees at any one time. The subsection states that supervisees may be associate marriage and family therapists, associate clinical social workers, or associate professional clinical counselors, or any combination of these.

These subsections exclude other potential types of supervisees, such as trainees, those under the 90-day rule, or those seeking a license with the Board of Psychology.

Staff believes the intent of the law is likely to limit all types of supervisees to six in non-exempt settings to ensure quality supervision.

Proposed clarifying language, which was provided as Attachment B, does the following:

- Clarifies that supervisors in non-exempt settings are limited to a total of six individual or triadic supervisees.
- Limits the supervisor to a total of six individuals who are receiving supervision for providing clinical mental health services in non-exempt settings.

Previous Discussions

The Board discussed this proposal at its August 2023 meeting and directed staff to draft the option provided as Attachment B. The proposal would include all individuals providing clinical mental health services in a non-exempt setting in the limit of six per supervisor, rather than just including those who are gaining supervised experience hours toward licensure. It also directed staff to draft the proposed language for all three license types.

The P&A Committee reviewed the draft language and directed staff to bring it back to the full board for consideration as a legislative proposal.

Motion: Direct staff to make any non-substantive changes to the proposed amendment shown in Attachment A and B, and pursue as a legislative proposal.

M/S: Ranasinghe/Huft

Public Comment

Caldwell: During the P&A Committee meeting, a concern was raised regarding licensees pursuing certification in a particular therapy model. The certification process requires the licensee to get supervision within that model. During P&A Committee discussion, it was determined that this type of supervision would not be considered supervision for a licensure purpose, and this language is not intended to capture that or count those individuals as supervisees. Caldwell is not recommending changes to the proposed language but wanted this discussion noted for the record.

Vote: Yea 9; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Yvette Casares Willis	Y
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	absent
Wendy Strack	Y
Eleanor Uribe	absent
Annette Walker	Y

23. Discussion and Possible Action Regarding Proposed Amendments to the Business and Professions Code: Amend BPC §4980.54 – Acceptable Sources of Continuing Education for Licensed Marriage and Family Therapists

Staff is proposing the following amendment to consider for inclusion in the upcoming omnibus bill:

Amend BPC §4980.54(f): Acceptable Sources of Continuing Education for Licensed Marriage and Family Therapists (LMFTs)

Recommendation: Amend BPC §4980.54 to clarify that continuing education obtained from a school, college, or university must be obtained from an entity that is properly accredited or approved, not that the entity must have a qualifying LMFT degree program.

Motion: Direct staff to make any discussed changes and any non-substantive changes and pursue as a legislative proposal.

M/S: Huft/Strack

Public Comment: None

Vote: Yea 9; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Yvette Casares Willis	Y
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	absent
Wendy Strack	Y
Eleanor Uribe	absent
Annette Walker	Y

24. **Telehealth Committee Update**

At its June 8, 2023 meeting, the Telehealth Committee discussed the following:

- Results of a Board survey to gather information about licensee and registrant experiences working for online-only therapy platforms,
- Current efforts in other states to develop an interstate compact for social workers and counselors.

25. **Licensing Committee Update**

At its October 2023 meeting, the following items were discussed/presented:

- A draft of a consumer outreach document designed to explain the Board's regulated professions to the public,
- A presentation by DCA's Office of Professional Examination Services on the purpose and validity of professional licensure examinations,
- A voluntary demographic survey for candidates taking Board-developed exams,
- A presentation on barriers to licensure and suggested solutions by the California Alliance of Child and Family Services,
- Renaming of the committee to Workforce Development Committee.

The Workforce Development Committee will meet on January 19, 2024.

26. **Update on Board-Sponsored Legislation and Board-Monitored Legislation**

Board-Sponsored Legislation

AB 232 Temporary Practice Allowances

Status: Signed by the Governor.

SB 887 AB 232 Omnibus Bill

Status: Signed by the Governor.

Board-Supported Legislation

AB 665 Minors: Consent to Mental Health Services

Status: Signed by the Governor

SB 372 Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes

Status: Signed by the Governor

SB 373 Board of Behavioral Sciences, Board of Psychology, and Veterinary Medical Board: Licensees' and Registrants' Addresses

Status: Vetoed by the Governor

Board-Monitored Legislation

SB 143 State Government

Status: Signed by the Governor

SB 525 Minimum Wage: Health Care Workers

Status: Signed by the Governor

SB 544 Bagley-Keene Open Meeting Act: Teleconferencing

Status: Signed by the Governor

27. Update on Board Rulemaking Proposal

Disciplinary Guidelines

Status: Preparation for DCA Initial Review Process

Unprofessional Conduct

Status: Submitted to DCA Legal to Begin DCA Initial Review Process

28. Suggestions for Future Agenda Items

Boyd: Unlicensed student trainees (specifically social workers and counselors) that are practicing clinically in the field, unregulated, and assuming to be under supervision of an institution. Unlike MFTs that are required by law to be supervised and tracked by the Board, there is no government oversight for these student trainees.

Huft: Discussion regarding exploitation by supervisors (“diploma mills”). Look at the scope of the Board’s oversight and look at best practices of other boards and other states; including issues such as how much they are extracting for supervision costs, insurance benefits, deductions from pay.

Ranasinghe: Requests a presentation on the intersection of licensing and racial bias in test taking systems; identify a proper expert on this subject matter. Requested a presentation regarding alternative pathways to licensure.

Caldwell: Requests a discussion and possible policy to specify how much supervision/level of supervision is necessary for those gaining experience under the 90-day rule.

29. Public Comment for Items not on the Agenda

None

30. Adjournment

The Board adjourned at 2:10 p.m.