

POLICY AND ADVOCACY COMMITTEE MINUTES1
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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

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

2
3 Christina Wong, Chair of the Policy and Advocacy Committee (Committee)
4 called the meeting to order at 9:09 a.m. Roll was called, and a quorum was
5 established.

6
7 **II. Introductions**

8
9 Committee members and Board staff introduced themselves.

10
11 **III. Consent Calendar**

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

14
15 **MOTION:** Approve the February 5, 2021 Committee meeting minutes.

16
17 Brown moved; Wong seconded. Vote: 4 yea, 0 nay. Motion carried.

18
19 Roll call vote:

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

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21
22 **IV. Discussion and Possible Recommendation Regarding Assembly Bill 29**
23 **(Cooper) State Bodies: Meetings**

24
25 **AB 29**

- 26 1. Requires the required meeting notice posted 10 days in advance of a
27 meeting must also include all writings or materials provided to members of
28 the state body by the staff of a state agency, board or commission, by or
29 another state body member, that are connected to a matter to be discussed
30 or considered at the meeting. These must be posted on the state body's
31 website and provided to any person who requests them in writing, on the
32 same day they are provided to members of the state body, or at least 72
33 hours in advance of the meeting, whichever is earlier.
- 34
35 2. Prohibits a state body from distributing or discussing writings and materials
36 or acting on an item to which they pertain, at a meeting of the state body
37 unless the requirements listed above have been met.

38
39 **Impact on Board Operations**

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

- 1
- 2 • Closed Session Materials
3 AB 29 does not address closed session materials; and therefore, as written,
4 closed session materials would be subject to its requirements.
 - 5 • Legislative Materials
6 This bill could have a chilling effect on the Board’s ability to take positions
7 on legislation.
- 8

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

14

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

24

25 Suggested Amendments

26 Staff recommends two amendments:

27

- 28 • The requirement does not apply to writings/materials prepared for a matter to
29 be discussed in a closed session of the state body; and
 - 30 • If the writings/materials on an agenda for discussion are related to current
31 legislation, the state body can satisfy the posting requirements by posting
32 these writings/materials as they become available after the ordinarily
33 prescribed time periods.
- 34

35

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

38

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

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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.

- 1 4. Requires that a temporary license expires 12 months after issuance, upon
2 issuance of an expedited license, license by endorsement, or upon denial of
3 the application for expedited licensure.
4
5 5. States that the temporary license program shall not apply to a board with a
6 process in place for this type of applicant to receive expedited temporary
7 authorization to practice while meeting state-specific requirements for at
8 least a one-year period.
9

10 **Current Board Process**

11 The Board does not have a temporary license status, nor does it have licensing
12 reciprocity with other states. The Board has a “licensure by credential”
13 pathway to licensure, which is a streamlined process for qualifying licensees in
14 other states who have been licensed for at least two years.
15

16 The Board is currently required to expedite the licensing process for an
17 applicant who is married to or in a domestic partnership with an active member
18 of the U.S. military who is assigned to active duty in California, if the applicant
19 holds a current license in the same profession in another state.
20

21 **Bypassing the Licensure Process**

22 As written, AB 107 does not require the following:

- 23 • That the licensing requirements in the other state in which the person holds
24 a license be substantially equivalent to the requirements in California; or
25 • That the applicant passes the required Board administered examinations.
26

27 Each of the Board’s four license types is currently required to pass at least one
28 Board-administered examination. Education and experience are examined by
29 the Board licensing evaluator during the review of the application. Bypassing
30 this review and passage of an examination could jeopardize consumer
31 protection.
32

33 **Continuity of Care**

34 AB 107 creates a temporary license that is valid for a 12-month period or until
35 the expedited license is issued or denied. If a denial occurs, the applicant
36 would no longer be able to see their patients.
37

38 **Staff and BreZE Impact**

39 Creating a temporary license status would require changes in BreZE and
40 could result in a fiscal impact. Adding this new license type/procedure would
41 increase staff workload, and therefore, may require additional staff.
42

1 **License Portability and the Board of Behavioral Sciences**

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

4
5 AB 107 omits requirements of SB 679:

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

13
14 **Effect on LEPs**

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

17
18 Committee members expressed concerned about the ability to provide
19 consumer protection.

20
21 **MOTION:** Recommend to the Board to oppose SB 679 unless amended to
22 remove the Board of Behavioral Sciences from the provisions of the bill.

23
24 Wong moved; Disposti seconded. Vote: 4 yea, 0 nay. Motion carried.

25
26 Roll call vote:

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

27
28
29 **VI. Discussion and Possible Recommendation Regarding Assembly Bill 270**
30 **(Ramos) Core Behavioral Health Crisis Services System**

31
32 This item was removed from the agenda. AB 270 is not moving forward; it will
33 be combined with another bill.
34

1 **VII. Discussion and Possible Recommendation Regarding Assembly Bill 462**

2
3 **AB 462**

- 4 1. Removes the requirement that Licensed Professional Clinical Counselor
5 (LPCC) applicants must obtain at least 150 hours of clinical supervised
6 experience in a hospital or community mental health setting.
7
8 2. Removes the requirement that LPCCs who wish to assess or treat couples
9 and families complete certain additional education, supervised experience,
10 and continuing education related to marriage and family therapy.

11
12 **Author's Intent**

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

22
23 The sponsor also notes that of the 50 states, only California prohibits LPCCs
24 from assessing and treating couples and families without additional specific
25 training.

26
27 **Current Challenges**

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

30
31 1. Definition of Community Mental Health Setting Causes Confusion

32 This requirement was intended to provide experience in community mental
33 health with psychopharmacologic interventions in a hospital or community
34 mental health setting.

35
36 2. Difficulty Finding Hours in a Community Mental Health Setting

37 Associates report that they are unable to find a site that will fire them to
38 complete this requirement. They report that because the requirement is so
39 few hours, sites are reluctant to hire and train them.

40
41 3. Letter to Verify Couple and Families Requirements Met

42 Once an LPCC has fulfilled the additional education and experience to treat
43 couples and families, they are issued a letter from the Board authorizing
44 them to do so. However, to keep the authorization current, they need to

1 continue to complete 6 hours of continuing education specific to marriage
2 and family therapy every renewal cycle. However, the Board has no way to
3 know if an LPCC who has opted to treat couples and families continues to
4 complete this continuing education at every renewal, except via audit.
5 Furthermore, an LPCC may decide to no longer treat couples and families.
6 However, the authorization letter from the Board is issued in perpetuity,
7 creating a situation where individuals with the letter may not actually meet
8 all requirements any longer.
9

10 4. Supervision Issues for LPCCs

11 LPCCs are not permitted to supervise Associate Marriage and Family
12 Therapists (AMFTs) unless they meet the additional requirements to treat
13 couples and families. This can act as a disincentive to hire an LPCC if they
14 are not able to supervise all types of associates that an agency might hire.
15

16 5. Reluctance to Hire LPCCs

17 The Board has received reports that some agencies are reluctant to hire
18 LPCCs due to the confusion about whether they meet the requirements to
19 treat couples and families and the continuing verification requirements.
20

21 6. License Portability Issues

22 The fact that all other states permit LPCCs to treat couples and families can
23 cause confusion and a barrier to licensure for some LPCC applicants who
24 are licensed in other states.
25

26 **Additional Amendments Needed**

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

- 32 • **Strike BPC §§4980.03(g)(2):** This subparagraph requires LPCC
33 supervisors of pre-licensed LMFT applicants to meet the additional
34 education, experience, and continuing education requirements to treat
35 couples and families.
36
- 37 • **Strike 4999.12(h)(2):** This subparagraph requires LPCC supervisors of
38 pre-licensed LMFT applicants, or LPCCs or APCCs seeking experience to
39 treat couples and families to meet the additional education, experience,
40 and continuing education requirements.
41
- 42 • **Strike 4999.12(o):** This subdivision defines a “community mental health
43 setting” for purposes of the 150-hour clinical experience requirement in
44 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				

1 **VIII. Discussion and Possible Recommendation Regarding Assembly Bill 562**
2 **(Low) Mental Health Services for Health Care Providers: Frontline COVID-**
3 **19 Provider Mental Health Resiliency Act of 2021**
4

5 This item was removed from the agenda. The bill does not require BBS license
6 types but requires implementation by DCA. The bill was recently amended.
7 Staff will continue to watch this bill.
8

9 **IX. Discussion and Possible Recommendation Regarding Assembly Bill 646**
10 **(Low) Department of Consumer Affairs: Boards: Expunged Convictions**
11

12 **AB 646**

- 13 1. Requires that a DCA board must update their required website posting for a
14 person whose license was revoked because they were convicted of a crime,
15 upon receiving from them a certified copy of an expungement order for the
16 underlying offense, as follows:
- 17 a. If the person reapplies for licensure or has been relicensed, the board
18 must post notification of the expungement order and its date on the
19 website.
- 20 b. If the person is not currently licensed and does not reapply for licensure,
21 the board must remove the initial posting on its website that the person's
22 license was revoked, and information previously posted regarding
23 arrests, charges and convictions.
24
- 25 2. The website posting must be updated within 90 days of receiving the
26 expungement order, unless prohibited by another law.
27
- 28 3. Authorizes a DCA board to charge a reasonable fee to cover the costs
29 associated with the website update.
30

31 **Author's Intent**

32 To reduce employment barriers for people with previous criminal records who
33 have been rehabilitated and whose convictions have been dismissed or
34 expunged.
35

36 **Previous Legislation**

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

- 41
- 42 • **Exempt Settings:** An individual whose license is revoked may choose to
43 continue practicing in an exempt setting. By law, a license is not required to
44 practice the Board's regulated professions in these settings. If a revoked

1 license posting is removed from the website, these settings will have no way
2 of knowing that one of their unlicensed practitioners has a revoked license.
3

- 4 • **Practice in Another State:** An individual whose license is revoked may
5 decide to obtain a license to practice in another state. If the revoked posting
6 is removed from the Board’s website, the other state will be unaware of this
7 when making their decision to issue a license.
8
- 9 • **Similar Practice:** When the Board revokes a license, the former licensee
10 will sometimes choose to practice in a field related to the Board’s
11 professions but that does not require a license. The fact that a license was
12 revoked and the conviction was expunged is important for the consumer to
13 know in order to make an informed decision.
14

15 AB 1616 died in the Senate.

16
17 The Board requested an amendment to BPC section 493.5(a)(2). Instead of
18 requiring deletion of a license revocation from the website if there is an
19 expungement and the person does not reapply, the Board believed public
20 protection would be better served by requiring a notification of the
21 expungement order and corresponding date be posted.
22

23 Rebecca Gonzales, National Association of Social Workers California Chapter
24 (NASW-CA): NASW-CA does not have an official position on AB 646.
25

26 **MOTION:** Recommend to the Board to support AB 646 if amended, and direct
27 staff to work with the author’s office to discuss amendments to BPC section
28 493.5(a)(2).
29

30 Wong moved; Brown seconded. Vote: 4 yea, 0 nay. Motion carried.
31

32 Roll call vote:

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

33
34
35 **X. Discussion and Possible Recommendation Regarding Assembly Bill 723**
36 **(Low) Marriage and Family Therapy Scope of Practice**
37

38 This item was cut from the agenda. This bill has not been amended; therefore,
39 the Board’s position remains.
40

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

3
4 **AB 885**

- 5 1. Defines a “teleconference” as a meeting of a state body where the members
6 are at different locations, connected by electronic means, through both
7 audio and video.
8
- 9 2. Requires an open teleconferenced meeting to be both audibly and visually
10 observable to the public at the location specified in the notice.
11
- 12 3. For meetings conducted by teleconference, requires the state body to do
13 the following:
- 14 • Post an agenda at the designated primary physical meeting location in
15 the meeting notice where the public may physically attend the meeting
16 and participate.
 - 17 • Conduct teleconference meetings in a manner that protects the rights of
18 any party or member of the public appearing before the state body.
 - 19 • Provide an opportunity for members of the public to address the state
20 body via teleconference directly at each teleconference location.
21
- 22 4. Continues to require at least one member of the state body to be physically
23 present at the location specified in the notice of the meeting.
24
- 25 5. Subjects all meetings of a state body to the requirements of GC §11123.5 if
26 they hold a teleconference meeting, instead of advisory board and
27 committee meetings, including the following requirements:
- 28 • The state body must provide at least 24-hour notice before the meeting
29 identifying members who will participate remotely. The notice also must
30 identify the primary physical meeting location.
 - 31 • While a primary physical location of the meeting must be identified in the
32 meeting notice, the bill permits a quorum to consist of members in
33 attendance via teleconference or in-person physically.
 - 34 • When a member participates remotely, the state body must provide a
35 means by which the public may remotely observe the meeting’s
36 proceedings, both audibly and visually, including the members
37 participating remotely. Information about how to access the meeting
38 remotely must be noted in the 24-hour notice.
 - 39 • If a remote access fails during a meeting, the state body must adjourn
40 and provide notice of adjournment.
41

1 **Board Utilization of Telehealth**

2 Prior to COVID-19, the Board occasionally held a meeting via teleconference.
3 Any teleconference meetings held typically utilized a telephone conference call
4 line, rather than a video platform. Due to the COVID-19 pandemic, the Board
5 transitioned to using a video platform for all meetings.
6

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

10
11 Disposti: Concerned that accessibility requirements for hearing and visually
12 impaired populations are not mentioned. Would like staff to have a
13 conversation with the author regarding inclusivity.
14

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

17
18 Wong moved; Brown seconded. Vote: 4 yea, 0 nay. Motion carried.

19
20 Roll call vote:

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

21
22
23 **XII. Discussion and Possible Recommendation Regarding Assembly Bill 988**
24 **(Bauer-Kahan) Mental Health: Mobile Crisis Support Teams: 988 Crisis**
25 **Hotline**

26
27 **AB 988**

- 28 1. Requires the Office of Emergency Services (OES) to implement and
29 oversee the newly established 988 mental health crisis hotline system.
- 30
- 31 2. Requires OES to perform certain tasks to implement the system, including
32 the following:
 - 33 a. Appoint a crisis hotline system director.
 - 34 b. Designate at least one 988 crisis hotline center prior to July 2022.
 - 35 c. Ensure coordination between the 988 crisis hotline centers, the 911
36 system, and mental health crisis services.

- 1 d. Establish training guidelines for employees involved in the
2 implementation of 988, 911 operators, emergency medical services, law
3 enforcement, and firefighters.
4
- 5 3. Requires each 988 crisis hotline center to perform certain specified tasks:
6 a. Utilize technology that is interoperable between and across crisis and
7 emergency response systems used throughout the state, including 911,
8 emergency services, and other nonmental health crisis services.
9 Requires the technology to be capable of:
- 10 • Rapidly deploying mobile crisis support teams through GPS.
 - 11 • Tracking and providing real-time bed availability to crisis responders
12 and individuals in crisis.
- 13 b. Provide follow-up services to individuals consistent with the guidance
14 and policies established by the National Suicide Prevention Lifeline.
- 15 c. Employ or contract with a sufficient number of qualified bilingual persons
16 or interpreters.
17
- 18 4. Requires counties to make county operated mental health crisis services
19 available to 988 callers and coordinate on deployment and access.
20 Requires counties to bill the appropriate health care service plan or insurer
21 for all medically necessary treatment of a mental health or substance use
22 disorder provided to privately insured individuals.
23
- 24 5. Requires all elements of the 988 system to be designed to meet the unique
25 needs of California’s diverse communities and to do the following:
26
- 27 a. Ensure equitable access to service regardless of race, ethnicity,
28 socioeconomic status, sexual orientation, gender identity or expression,
29 or geographic location.
 - 30 b. Meet the unique needs of specified populations, including those at
31 greater risk of suicide, homeless individuals, children and youth, older
32 adults, individuals with disabilities, underserved communities, the
33 LGBTQ community, immigrants and refugees, non-English speakers,
34 low-income persons, and religious communities.
35
- 36 6. Creates a monthly surcharge on phone service lines to fund the program.
37
- 38 7. Defines “mental health crisis services” including crisis intervention and
39 mobile crisis support teams that include licensed mental health
40 professionals and peer support specialists and may include medical and
41 health professionals.
42

1 8. Defines a “mental health professional” as an LCSW, LPCC, LMFT, a
2 licensed psychologist, or a licensed physician board certified as a
3 psychiatrist.
4

5 **Inclusion of Associates and Trainees**

6 The bill does not include associates or trainees in the definition of a mental
7 health professional.
8

9 Jennifer Alley, California Association of Marriage and Family Therapists
10 (CAMFT): CAMFT supports AB 988.
11

12 Rebecca Gonzales: NASW-CA supports AB 988.
13

14 **MOTION:** Recommend to the Board to support AB 988, and direct staff to work
15 with the author to consider adding associates and trainees.
16

17 Strack moved; Disposti seconded. Vote: 4 yea, 0 nay. Motion carried.
18

19 Roll call vote:

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

20
21
22 **XIII. Discussion and Possible Recommendation Regarding Assembly Bill 1026**
23 **(Smith) Business Licenses: Veterans**
24

25 **AB 1026**

26 1. Requires licensing boards within DCA to grant a 50% fee reduction of the
27 initial license fee to an applicant who provides satisfactory evidence that
28 they have served as an active duty member of the U.S. Armed Forces or
29 California National Guard and were honorably discharged.
30

31 2. Defines “satisfactory evidence” as a copy of a current and valid driver’s
32 license or I.D. card with the word “Veteran” printed on its face.
33

34 **Author’s Intent**

35 The author’s office is seeking to ease the financial burden for veterans who are
36 transitioning from active duty to the civilian workforce.
37

1 **Fee Reduction**

2 AB 1026 requires a 50% fee reduction of the initial license fee for veteran
3 applicants. BBS applicants are also required to pay a registration application
4 fee, registration renewal fees, and an application for licensure fee. These fees
5 do not appear to be waived under this bill.
6

7 **Fiscal Impact**

8 The Board charges \$200 for an initial license, regardless of license type.
9

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

12

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

13

14

15

16

17

18 *Yearly average: 337 veterans*

19

20

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

23

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

26

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

28

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

32

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

34

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

38

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

1 **Author's Intent**

2 The author's office states that the state collects data on some healthcare
3 occupations, but the current data is insufficient for determining the state's
4 capacity to address the needs of its diverse population. Demographic data
5 collection must be expanded so that the state can better identify healthcare
6 disparities and craft solutions to ensure coverage and healthcare access.
7

8 **Current Practice**

9 Current law does not mandate that licensees provide demographic data;
10 therefore, the Board cannot require it. The Board provides a demographic
11 questionnaire at the end of its renewal applications; however, completion of the
12 questionnaire is voluntary.
13

14 **MOTION:** Recommend to the Board to support AB 1236 if amended to require
15 the Board to collect demographic information, and direct staff to address the
16 hesitancy about data collection and to request an opt-out feature.
17

18 Wong moved; Disposti seconded. Vote: 4 yea, 0 nay. Motion carried.
19

20 Roll call vote:

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

21
22
23 **XV. Discussion and Possible Recommendation Regarding Assembly Bill 1386**
24 **(Cunningham) License Fees: Military Partners and Spouses**
25

26 **AB 1386**

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

- 29 • Is married to or in a domestic partnership with an active duty member of the
30 U.S. Armed Forces who is assigned to duty in California; and
- 31 • Holds a current license for the same profession in another state or territory.
32

33 **Author's Intent**

34 Military families move significantly more often than their civilian counterparts,
35 which can have lasting effects on their earnings. The author's office is seeking
36 to ease some of the burden placed on military families who move frequently.
37

1 **Fees Waived**

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

10
11 **Fiscal Impact**

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

14
15 The yearly number of military spouses who met the criteria for an expedited
16 license are as follows:

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

17
18
19
20
21
22
23 *Yearly average: 18 military spouses*

24
25
26 Based in the yearly average of 18 military spouses at \$200 initial license fee,
27 the annual cost to the Board is estimated to be \$3,600.

28
29 **MOTION:** Recommend to the Board to support AB 1386.

30
31 Disposti moved; Brown seconded. Vote: 4 yea, 0 nay. Motion carried.

32
33 Roll call vote:

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

34

1 **XVI. Discussion and Possible Recommendation Regarding Senate Bill 14**
2 **(Portantino) Pupil health: School Employee and Pupil Training: Excused**
3 **Absences: Youth Mental and Behavioral Health**
4

5 **SB 14**

- 6 1. Adds an absence for the benefit of a pupil’s mental or behavioral health to
7 the list of school absences that must be excused.
8
9 2. Requires the Department of Education to identify an evidence-based
10 training program in youth behavioral health for a local educational agency to
11 use to train classified and certificated school employees who have direct
12 contact with pupils. However, this shall be implemented only if an
13 appropriation is made in the annual Budget Act or another statute.
14
15 3. Requires the Department of Education to make sure the training program
16 meets certain specified requirements.
17
18 4. Requires a local educational agency to certify by January 1, 2023 that at
19 least 50% of its combined certificated and classified employees at each
20 school have received the training.
21
22 5. Requires the Department of Education to identify an evidence-based youth
23 behavioral health training program for pupils in grades 10 to 12, for use by
24 local educational agencies.
25
26 6. Requires the identified training to meet certain specified requirements.
27
28 7. Requires a local educational agency to report the number of pupils who
29 have voluntarily completed the training program by January 1, 2023.
30

31 **Author’s Intent**

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

34 *“Thirty percent of high school students report experiencing depression*
35 *symptoms - feeling sad or hopeless almost every day for 2 or more weeks*
36 *in a row, so much so that they stopped doing some usual activities.*
37 *Eighteen percent of high school students have seriously considered*
38 *attempting suicide, and 8% attempted suicide one or more times. Suicide is*
39 *the second cause of death for youth 15 to 24 years old and the third leading*
40 *cause of death among youth aged 10 to 14. In addition, marginalized*
41 *populations, particularly LGBTQ youth, are at even greater risk.”*
42

43 Rebecca Gonzales: NASW-CA supports SB 14.
44

1 **MOTION:** Recommend to the Board to support SB 14 and direct staff to work
2 with the author to request inclusion of all grades and to include training on
3 suicide prevention and identification.
4

5 Wong moved; Disposti seconded. Vote: 4 yea, 0 nay. Motion carried.
6

7 Roll call vote:

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

8
9
10 **XVII. Discussion and Possible Recommendation Regarding Senate Bill 221**
11 **(Wiener) Health Care Coverage: Timely Access to Care**

12
13 This item was removed from the agenda. Most of the technical aspects of SB
14 221 fell outside of BBS jurisdiction. Staff will continue to watch this bill.
15

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

18
19 **SB 731**

- 20 1. Amends the law to provide that a person is eligible for arrest record relief if
21 the arrest occurred on or after January 1, 2021 and the arrest was for a
22 felony, provided that criminal proceedings have not been initiated, and at
23 least 3 calendar years have elapsed since the date of arrest and no
24 conviction occurred, or there was an acquittal from the charges.
25
26 2. Amends the law to provide that a person is eligible for arrest record relief if
27 the arrest occurred on or after January 1, 2021 and the arrest was for an
28 offense punishable by imprisonment in state prison or county jail for 8 years
29 or more, there is no indication that criminal proceedings have been initiated,
30 at least 6 years have elapsed since the arrest, and no conviction occurred,
31 or the person was acquitted.
32
33 3. Allows a court to permit defendants who were convicted of any felony to,
34 after a specified period after completion of the sentence, withdraw their plea
35 and enter a not guilty plea, or allows a court to set aside a guilty verdict, if
36 the defendant is not under supervision, serving or charged for another
37 offense. The court must then release the defendant from all penalties and
38 disabilities.
39
40 4. Prohibits state or federal summary criminal history information from
41 including the following information:

- 1 a. Records of arrest that were granted relief under PC §851.93, if at least
2 two calendar years have passed since relief was granted and there were
3 no new felony convictions during that time.
4
- 5 b. Records of conviction that were granted relief under several specified
6 provisions, if at least two years has elapsed since relief was granted and
7 there were no new felony convictions during that time.
8
- 9 5. The prohibition in item #4 does not apply to records for which the record-
10 holder is required to register as a sex offender, has an active record in the
11 Supervised Release File, or if based on information available in the
12 department's record, it appears the person is currently serving a sentence
13 or if there is an indication of pending criminal charges.
14
- 15 6. The prohibition in item #4 does not apply if the records are required to be
16 disseminated by federal law.
17

18 **Author's Intent**

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

- 21 • It provides automated sealing of all arrest records that do not result in a
22 conviction; and
- 23 • It provides phased relief for conviction records by expanding record sealing
24 provided the person has completed their sentence without any new felony
25 convictions and has no new charges pending.
26

27 **Effect on the Board**

28 The Board receives applicants' state and federal summary criminal history
29 information from the Department of Justice (DOJ) and the FBI based off of their
30 fingerprint records.
31

32 Staff believes that the bill's amendments to Penal Code §11105(v) would be the
33 portion of the bill most likely to impact the Board. It would prohibit the Board
34 from receiving arrest or conviction information for applicants if their arrest or
35 conviction was granted relief. Prior convictions would not show so long as a
36 period of two years has elapsed since the date the relief was granted, and the
37 applicant was not convicted of a new criminal offense.
38

39 In many cases where convictions are old, and the applicant successfully
40 rehabilitated and subsequent convictions never occurred, not receiving a report
41 of these decisions would likely not affect the Board's decision about whether to
42 issue a license or registration. However, in some instances, failure to receive
43 this information could have implications for public protection.
44

1 Rebecca Gonzales: NASW-CA supports SB 731.

2
3 **MOTION:** Recommend to the Board to support SB 731.

4
5 Disposti moved; Strack seconded. Vote: 3 yea, 0 nay. Motion carried.

6
7 Roll call vote:

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

8
9
10 **XIX. Discussion and Possible Recommendation Regarding Senate Bill 772**
11 **(Ochoa Bogh) Professions and Vocations: Citations: Minor Violations**

12
13 **SB 772**

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

23
24 **Author’s Intent**

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

32
33 **“Serious Health or Safety Threat” Not Defined**

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

1 **Board Discretion Already Permitted**

2 The Board is required by regulation to consider certain factors when
3 considering issuing a citation and fine. The factors that must be considered
4 already provide discretion for the Board to decide that a fine is not needed
5 based on the circumstances of the case.
6

7 **Contesting a Citation**

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

10 **MOTION:** Recommend to the Board to oppose SB 772.

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

12 Roll call vote:

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

16
17
18 **XX. Discussion and Possible Recommendation Regarding Senate Bill 801**
19 **(Roth) Healing Arts: Licensed Professional Clinical Counselors**

20
21 This item has been cut from the agenda.

22
23 **XXI. Update on Board-Sponsored Legislation**

24
25 Board staff is currently pursuing the following legislative proposals:

26
27 **1. AB 690 (Arambula): Practice Setting Definitions**

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

32
33 AB 690 passed the Assembly Business and Professions Committee and the
34 Appropriations Committee. The bill will likely be consolidated into SB 801 in
35 an effort to reduce the number of bills moving through the Legislature. SB
36 801 is the Board’s sunset extension bill (although the sunset date has not
37 been amended into the bill at this time).
38

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

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

6
7 The Board's approved technical amendments will likely be amended into SB
8 801 this year.

9
10 **XXII. Update on Board Rulemaking Proposals**

11
12 Substantial Relationship & Rehabilitation Criteria (AB 2138 Regulations)

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

14
15 Enforcement Process

16 Status: On Hold

17
18 This regulation package was placed on hold due to the passage of AB 2138
19 and remains on hold pending passage of the AB 2138 regulations.

20
21 Supervision-Related Requirements

22 Status: Submitted to OAL for final approval.

23
24 Continuing Education and Additional Training Requirements

25 Status: DCA Initial Review Process

26
27 Examination Waiting Periods, Professional Corporations, Accrediting Agencies
28 and Equivalent Degrees

29 Status: Preparation for Initial Review Process

30
31 **XXIII. Public Comment for Items not on the Agenda**

32
33 None

34
35 **XXIV. Suggestions for Future Agenda Items**

36
37 Wong: Issuing a license, posthumously, to associates who passed away
38 before taking the licensure examination.

39
40 **XXV. Adjournment**

41
42 The Committee adjourned at 2:37 p.m.