

POLICY AND ADVOCACY COMMITTEE MINUTES

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A recorded webcast of this meeting is available at
<https://www.youtube.com/watch?v=Rhsn5fFs9OA>

DATE August 6, 2021

MEETING PLATFORM WebEx Video/Phone Conference

Pursuant to the provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

TIME 9:00 a.m.

ATTENDEES

Members Present: Christina Wong, Chair, LCSW Member
Max Disposti, Public Member
John Sovec, LMFT 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 9:00 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 April 16, 2021 Committee**
13 **Meeting Minutes**

14
15 **Motion:** Approve the April 16, 2021 Committee meeting minutes.

16
17 Wong moved; Strack seconded.

18
19 Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec			x		
Wendy Strack	x				
Christina Wong	x				

20
21 Vote: 3 yea, 0 nay, 1 abstention. Motion carried.

22
23 **IV. Discussion and Possible Recommendation Regarding Three-Hour**
24 **California Law and Ethics Continuing Education Course Requirement for**
25 **all Associates Each Renewal Cycle (BPC §§4980.399, 4980.54, 4992.09,**
26 **4996.22, 4999.55, 4999.76, Title 16, California Code of Regulations (CCR)**
27 **§§ 1822.51, 1822.52, 1829.2, 1829.3, 1877.2, 1877.3)**

28
29 Currently, all BBS associates are required take the California Law and Ethics
30 Examination (L&E exam) a minimum of once each renewal period, until passed.
31 If the associate fails the L&E exam, they are permitted to renew their
32 registration, but must complete a 12-hour California law and ethics course to
33 participate in the L&E exam for the next renewal cycle.

34
35 After the fifth and final registration renewal, an associate may apply for a
36 subsequent registration; however, the associate must have passed the L&E
37 exam.

38
39 Since the examination restructure and the 12-hour course requirement became
40 effective, completion of the course has been problematic for associates.
41

1 At its last meeting, the Licensing Committee directed staff to draft language
2 deleting the 12-hour California law and ethics course requirement, and to
3 instead require all registrants to complete a 3-hour California law and ethics
4 course in each renewal cycle.

5
6 Issues with the 12-Hour Law and Ethics Course

7 The timing and requirement to take the 12-hour law and ethics course after
8 renewing, if the L&E exam was failed in the prior renewal period, can be
9 problematic for the following reasons:

- 10
11 • Some associates are confused about when they need to take the 12-hour
12 course.
13 • Some associates do not realize they need to take the 12-hour course.
14 • Taking this required course results in an additional cost to registrants.

15
16 The Committee felt that public protection may be better served by requiring all
17 associates to take a 3-hour continuing education course in California law and
18 ethics. This would ensure that all registrants remain current on the latest
19 information regarding law and ethics as it evolves over the time during which
20 they are registered.

21
22 Proposed Language

23 Proposed language requiring a 3-hour continuing education course in California
24 law and ethics each renewal period was presented. The Committee was also
25 asked to consider whether this would require delayed implementation.

26
27 Discussion

28 Wong: Supports the language but does not agree with the delayed
29 implementation.

30
31 John Sovec: Supports the language, stating it's clear and closes potential
32 loopholes, and it serves as a reminder to practice lawfully and ethically.

33
34 Strack: Supports the language.

35
36 Max Disposti: Wants to ensure that implementation is adequately
37 communicated to the associates.

38
39 Jennifer Alley, California Association of Marriage and Family Therapists
40 (CAMFT): CAMFT has concerns for associates working as volunteers who
41 have a financial hardship with the costs of the course while they're earning their
42 hours. CAMFT is considering a continuing education course for associates.

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Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA): NASW-CA has concerns regarding costs.

Wong: Pointed out that the current requirement (12-hour course) is a bigger expense.

Ben Caldwell: In support of this proposal. He is not aware of any vendors offering a 12-hour course at no cost. The 12-hour course is a significant cost. However, there are several companies that offer shorter ethics courses at no cost. The policy impact is meaningful and outweighs the cost consideration that would be alleviated by market pressures.

Sovec: In terms of public benefit, it is not a lot to require someone to spend \$30-\$50 every few years to keep themselves updated on this information. The benefit outweighs the cost risks.

Alley: Will the 3-hour course count towards workshop hours?

Caldwell: Under existing law, if somebody takes a workshop and the supervisor is willing to sign off on it, it can be counted in the non-clinical bucket towards licensure.

MOTION: Direct staff to make any non-substantive changes and bring to the Board for consideration as a legislative proposal.

Wong moved; Sovec seconded.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti	x				
John Sovec	x				
Wendy Strack	x				
Christina Wong	x				

Vote: 4 yea, 0 nay. Motion carried.

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

This item was removed from the agenda.

1 VI. **Update on Board-Sponsored and Monitored Legislation**

2
3 **Board-Sponsored Legislation**

- 4
5 1. AB 690: Practice Setting Definitions: AB 690 is on the second reading in
6 the Senate.
7
8 2. SB 801: Board Sunset Bill/LMFT Scope of Practice/Omnibus Bill: SB 801 is
9 in the Assembly Appropriations Committee.

10
11 **Board-Supported Legislation**

- 12
13 1. AB 462: Licensed Professional Clinical Counselor Act: This bill is on the
14 second reading in the Senate.
15
16 2. AB 723: Marriage and Family Therapy: Scope of Practice: The content of
17 AB 723 has been moved into SB 801.
18
19 3. AB 988: Mental Health: 988 Crisis Hotline: This bill is currently in the
20 Senate Committee on Energy, Utilities and Communications.

21
22 **Board-Monitored Legislation**

- 23
24 1. AB 29: State Bodies: Meetings: This is a two-year bill.
25
26 2. AB 107: Licensure: Veterans and Military Spouses: AB 107 is in the Senate
27 Appropriations Committee.
28
29 3. AB 468: Emotional Support Animals: AB 468 is in the Senate
30 Appropriations Committee
31
32 4. AB 646: Department of Consumer Affairs: Boards: Expunged Convictions:
33 This is a two-year bill.
34

35 VII. **Update on Board Rulemaking Proposals**

36 **Enforcement Process**

37
38 Status: Pending

39
40 This regulation package was placed on hold due to the passage of AB 2138.
41 AB 2138 was approved in December 2020, so this proposal is able to move
42 forward again. Staff will be re-evaluating the previously proposed language
43 and determining if additional amendments are needed. The proposal will be
44 brought to the Board for review later this year.
45

1 Supervision-Related Requirements

2 Status: Second 15-day public comment period ending July 29, 2021.

3
4 Continuing Education and Additional Training Requirements

5 Status: DCA Initial Review Process

6
7 This proposal was approved by the Board at its meeting in November 2019.
8 This proposal is expected to be returned to the Board at its September 2021
9 meeting for additional language changes identified during the DCA initial review
10 process.

11
12 Examination Waiting Periods, Professional Corporations, Accrediting Agencies
13 and Equivalent Degrees

14 Status: Preparation for Initial Review Process

15
16 This proposal was approved by the Board at its meeting in November 2019 and
17 has been delayed due to competing workload priorities.

18
19 **VIII. Public Comment for Items not on the Agenda**

20
21 Jennifer Alley: Does BBS have an opinion on life coaches; specifically, are life
22 coaches considered professional services as defined in section 13401(a) and
23 13405 of the court code? Can life coaches provide services as employees of a
24 marriage and family corporation? Are there any guidelines for life coaches to
25 determine when a client should be referred to a license professional? Are there
26 any concerns that BBS may have with the employment of life coaches in MFT,
27 LCSW, or LPCC corporation? Are there consumer risks with any of these
28 arrangements? If so, is there any remedy for BBS? Are there any supervision
29 or record requirements for these individuals? If BBS does not have any
30 opinions, CAMFT is requesting that BBS develop some opinions and publish
31 them.

32
33 **IX. Suggestions for Future Agenda Items**

34
35 None

36
37 **X. Adjournment**

38
39 The Committee adjourned at 10:00 a.m.



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DATE October 20, 2021

MEETING PLATFORM WebEx Video/Phone Conference

Pursuant to the provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

TIME 12:00 p.m.

ATTENDEES

Members Present: Christina Wong, Chair, LCSW Member
John Sovec, LMFT Member
Wendy Strack, Public Member

Members Absent: Max Disposti, Public Member

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 12:08 p.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. Discussion and Possible Recommendation Regarding Proposed**
12 **Technical Amendments to Business and Professions Code (BPC)**
13 **§§4980.03, 4980.396, 4989.23, 4996.20, 4996.27, 4999.12, 4999.66, Health**
14 **and Safety Code §1374.72, Insurance Code §10144.5**

15
16 The Committee considered the following amendments for inclusion in the
17 upcoming year’s omnibus bill:

- 18
19 1. Amend BPC Sections 4980.396, 4989.23, 4996.27, 4999.66: Required
20 Suicide Risk Assessment Coursework or Experience - Correct Numbering
21 Error

22
23 Recommendation: Make the language in subdivision (c) a part of
24 subdivision (b), so that it is clear that the self-certifying under penalty of
25 perjury requirement is only applicable to existing licensees.

- 26
27 2. Amend BPC Sections 4980.03, 4996.20, and 4999.12 - Reference Error
28 regarding Requirements for Licensed Educational Psychologists (LEPs)
29 who Serve as Supervisors

30
31 Recommendation: Correct the errant reference in sections 4980.03,
32 4996.20, and 4999.12 to correctly reference section 4989.14(a)(5).

- 33
34 3. Amend Health and Safety Code Section 1374.72 and Insurance Code
35 Section 10144.5 – Definition of a “Health Care Provider” in SB 855 (Chapter
36 151, Statutes of 2020)

37
38 Recommendation: Amend the definition of a “health care provider” as
39 follows to address the following concerns:

- 40
41 • Delete professional clinical counselor trainees from the definition.
42
43 • Continue to include marriage and family therapist trainees in the
44 definition but clarify that they are performing activities and services as
45 part of their supervised course of study as set out in §4980.42 of the
46 Business and Professions Code.

1 **Motion:** Direct staff to make any discussed changes, and any non-substantive
2 changes, and bring to the Board for consideration as a legislative proposal.

3
4 Wong moved; Strack seconded.

5
6 No public comment.

7
8 Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti				X	
John Sovec	X				
Wendy Strack	X				
Christina Wong	X				

9
10 Vote: 3 yea, 0 nay. Motion carried.

11
12 **IV. Discussion and Possible Recommendation Regarding Adding a**
13 **Telehealth Coursework Requirement (BPC §§4980.395, 4989.23.1,**
14 **4996.27.1, 4999.67)**

15
16 The Telehealth Committee is proposing to require training or coursework
17 regarding delivery of mental health services to clients via telehealth to ensure
18 licensees are competent in its delivery.

19
20 The Telehealth Committee directed staff to draft language requiring training or
21 coursework related to the provision of mental health services via telehealth,
22 using the recently added statute requiring coursework or applied experience in
23 suicide risk assessment and intervention as a model.

24
25 The draft proposal was discussed at the October 1st Telehealth Committee
26 meeting. Staff was directed to make recommended changes and bring the
27 proposed language to the Policy & Advocacy Committee for discussion.

28
29 The Policy & Advocacy Committee considered the following:

- 30
31 1. Should the requirement be “training or coursework” or “coursework”?
- 32
33 2. Educational psychologists’ (LEPs) scope of practice varies somewhat from
34 the scopes of practice of the other three professions that the Board
35 regulates. Is it appropriate that the required coursework still be in “the
36 provision of mental health services via telehealth,” for LEPs, or should
37 different wording be used?

38 Sovec: Prefers consistency of language along all the requirements.

39
40 Strack and Wong: Agreed with Sovec.

1 Wong: For the 2nd question, the required coursework should be in “the
2 provision of mental health services via telehealth.”
3

4 Sovec and Strack: Agreed with Wong.
5

6 Sovec: Expressed concerns about adding another layer of required work and
7 the financial burden. Asked if required telehealth training is the appropriate
8 step to take.
9

10 Sodergren: Sovec’s concerns will be discussed at the full board.
11

12 **Motion:** Direct staff to make any discussed changes and any non-substantive
13 changes and bring to the Board for consideration as a legislative proposal.
14

15 Sovec moved; Wong seconded.
16

17 **Public Comment:**

18 Rebecca Gonzalez, National Association of Social Workers California Chapter
19 (NASW-CA): NASW-CA is concerned about the cost for taking additional
20 coursework.
21

22 Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti				x	
John Sovec	x				
Wendy Strack	x				
Christina Wong	x				

23
24 Vote: 3 yea, 0 nay. Motion carried.
25

26 **V. Discussion and Possible Recommendation of Amendments to Clarify**
27 **Telehealth Laws for Associates and Trainees (BPC §§2290.5, 4980.42,**
28 **4996.23.2, 4999.36, 4999.46.3)**
29

30 The Committee considered the following proposed amendments:
31

32 **Proposed Amendment Related to Associates:**

33 Amend BPC sections 4996.23.2(k) (LCSW law) and 4999.46.3(j) (LPCC
34 law) to correspond with the already existing clarification in 4980.43.3(i) of
35 LMFT law that associates may perform services via telehealth.
36

37 **Proposed Amendments Related to Trainees:**

- 38 • Amend BPC section 2290.5 to specify that professional clinical counselor
39 trainees may provide services via telehealth.
40

- 1 • Amend BPC section 4999.46.3(j) (LPCC law) to correspond with the
2 already existing clarification in 4980.43.3(i) of LMFT law that trainees may
3 perform services via telehealth.
4
- 5 • Amendments to BPC sections 4980.42(LMFT law) and 4999.36 (LPCC
6 law) to state trainee experience via telehealth is at the discretion of the
7 school and the site.
8

9 At its October 2021 meeting, the Telehealth Committee discussed the
10 proposed amendments. It directed staff to bring the amendments to the Policy
11 & Advocacy Committee for consideration.
12

13 Strack: Clarifications seem to be straight forward.
14

15 **Motion:** Direct staff to make any non-substantive changes and bring to the
16 Board for consideration as a legislative proposal.
17

18 Wong moved; Strack seconded.
19

20 **Public Comment:**

21 Jennifer Alley, California Association of Marriage and Family Therapists
22 (CAMFT): Concerns about language and wonders if additional clarification
23 should be made articulate that the school should consider the originating site
24 as a factor. Do we want them to be open to only evaluating the
25 appropriateness without including a conversation about the site? How does the
26 absence of the site language align with BBS' mission to ensure safety and
27 competent mental health practice? And should the type of telehealth be
28 clarified?
29

30 R. Gonzalez, NASW-CA: NASW-CA requests that social work interns are
31 excluded from the language because social work schools already have their
32 own policies. Agrees that there needs to be clarification about health care
33 providers.
34

35 Helms: CAMFT's request for additional clarification would be substantive, and
36 staff would need to hammer that out. Suggests cutting §§4980.42 and 4999.36
37 regarding trainees and continue the discussion in the Telehealth Committee.
38

39 **Wong rescinded her motion.**
40

41 **New Motion:** Direct staff to strike amendments to §§4980.42 and 4999.36 and
42 make any non-substantive amendments and bring to the Board for
43 consideration as a legislative proposal.
44

45 Wong moved. Strack seconded.
46

1 **Public Comment:**

2 J. Alley, CAMFT: Expressed appreciation for the discussion and willingness to
3 amend the motion.

4
5 Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti				x	
John Sovec		x			
Wendy Strack	x				
Christina Wong	x				

6
7 Vote: 2 yea, 1 nay. Motion carried.

8
9 **VI. Discussion and Possible Recommendation of Amendments Regarding**
10 **Supervision via Videoconferencing (BPC §§4980.43.2, 4996.23.1,**
11 **4999.46.2)**

12
13 The Committee considered proposed language regarding supervision via
14 videoconferencing.

15
16 Proposed Language: Supervision Via Videoconference Allowed with First
17 Meeting In-Person

- 18
19 • Clarifies that face-to-face direct supervisor contact means either in-person,
20 or via two-way, real time videoconferencing.
- 21
22 • Requires that a supervisor must conduct an initial in-person meeting with a
23 supervisee within 60 days of the commencement of any supervision with a
24 new supervisee, in all settings.
- 25
26 • Requires that during the initial in-person meeting, the supervisor must
27 assess the appropriateness of allowing the supervisee to gain experience
28 hours via telehealth, and the appropriateness of the supervisee to receive
29 supervision via videoconferencing. The results of the assessment must be
30 documented.
- 31
32 • Includes a sunset date for the initial-in person meeting requirement of
33 January 1, 2025. Unless the sunset date is deleted or extended,
34 nonexempt settings will once again be required to have in-person
35 supervision, as is currently the law.

36
37 Sovec: Supports moving forward on this.

38
39 **Motion:** Direct staff to make any non-substantive changes and bring to the
40 Board for consideration as a legislative proposal.

1 Wong moved; Sovec seconded.

2
3 **Public Comment:**

4 R. Gonzalez, NASW-CA: This legislation is very necessary post-pandemic.
5 People with disabilities who struggle with traveling would benefit from this;
6 those who are economically disadvantaged would benefit from the minimization
7 of travel expenses; and those who live in rural communities would benefit from
8 this.

9
10 J. Alley, CAMFT: CAMFT is concerned about individuals who began their
11 supervision during the pandemic and only have a remote supervisory
12 relationship. Without legislation, they would be impacted, and client care would
13 be disrupted. Supports the Board moving forward with legislation as possibly
14 an urgency bill.

15
16 Del Royer: Supports urgent legislation.

17
18 Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Max Disposti				x	
John Sovec	x				
Wendy Strack	x				
Christina Wong	x				

19
20 Vote: 3 yea, 0 nay. Motion carried.

21
22 **VII. Update on Board-Sponsored and Monitored Legislation**

23
24 This item was tabled.

25
26 **VIII. Update on Board Rulemaking Proposals**

27
28 This item was tabled.

29
30 **IX. Public Comment for Items not on the Agenda**

31
32 Emily Remba: Expressed concerns to not continue the waiver.

33
34 **X. Suggestions for Future Agenda Items**

35
36 J. Alley, CAMFT: Requests the Committee to resume a discussion regarding
37 possible medical and military extensions for the 6-year rule for gaining hours.
38 Also requests a discussion regarding professional corporations hiring coaches
39 to provide services.
40

1 **XI. Adjournment**

2

3 The Committee adjourned at 1:32 p.m.