



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

The Licensing Committee meeting was webcasted. A record of the webcast is available on the following link: https://www.youtube.com/watch?v=F_w2CXoQji4

DATE June 25, 2021

MEETING PLATFORM WebEx Video/Phone Conference

TIME 1:00 p.m.

ATTENDEES

Members Present: Christina Wong, Chair, LCSW Member
Diana Herweck, LPCC Member
Wendy Strack, Public 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
Sabina Knight, Legal Counsel

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

I. Call to Order and Establishment of Quorum

Christina Wong, Chair of the Telehealth Committee (Committee) called the meeting to order at 1:30 p.m. Roll was called, and a quorum was established.

II. Introductions

Committee members and Board staff introduced themselves. Dr. Diana Herweck was welcomed to the Committee. Susan Friedman resigned from this Committee.

Item V was taken out of order (after item III).

III. Consent Calendar

a. Discussion and Possible Approval of March 26, 2021 Committee Meeting Minutes

Amendments:

- Page 1, line 25: remove “Interim”
- Page 6, line 6: remove “x” on absent column for Susan Friedman’s vote.

MOTION: Approve the March 26, 2021 Committee meeting minutes as amended.

Wong moved; Strack seconded.

Roll call vote:

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

Vote: 3 yea, 0 nay. Motion carried.

IV. Overview of the Purpose of the Committee

Purpose of the Committee

The Committee held its first meeting on March 26, 2021. The Committee outlined potential issues for future discussion and conducted a discussion regarding the 12-hour California law and ethics course requirement for renewing registrants with a failing score on the California law and ethics examination.

Issues for Discussion at Future Meetings

1. The 12-hour California law and ethics course requirement for renewing registrants with a failing California law and ethics exam score.
2. The allowable age of a passing California law and ethics examination score.
3. Whether California law and ethics examination attempts should be limited to only those pursuing licensure.
4. Whether or not the number of exam attempts should be limited.
5. Accepting the National Clinical Mental Health Counseling Examination (NCMHCE) from Licensed Professional Clinical Counselor (LPCC) applicants who may have taken and passed the examination prior to gaining all required experience hours.
6. The six-year limit of registration numbers, the prohibition on working in a private practice with a subsequent number, and the requirement that experience hours be no more than six years old.
7. Discussion of life coaching and pastoral counseling.
8. Discussion of requiring continuing education for pre-licensees and a modernization of required continuing education courses for licensees.
9. Discussion of LMFT national exam/ timing of exams.

V. Overview of the Board's Licensing Process

Steve Sodergren gave a PowerPoint presentation on the Board's licensing process. PowerPoint slides were provided as reference.

VI. Discussion and Possible Recommendation Regarding the 12-hour California Law and Ethics Course Requirement for Renewing Registrants with a Failing Score on the California Law and Ethics Examination, and Continuing Education for Registrants (Business and Professions Code §§ 4980.399, 4992.09, 4999.55 and Title 16, California Code of Regulations §§ 1822.51 and 1822.52)

Board staff has observed that since the examination restructure became effective in 2016 and the 12-hour course became a requirement, completion of the course has at times been problematic for registrants.

Background

The Board's examination restructure, which became effective in January 2016, was the result of a review process by the Examination Program Review Committee in 2008 and 2009. That committee made recommendations to the Board, which were drafted into legislation and eventually became the current exam program.

The required 12-hour course was originally proposed to be 18-hours. In addition, the original proposal would have disallowed a registrant from renewing a registration if they did not pass the law and ethics exam after 3 years. The Board settled on a 12-hour course so that the course could be completed in less than 3 days and decided to disallow issuance of a second registration number until the law and ethics exam was passed.

Issues with the 12-Hour Law and Ethics Course

The timing and need to take the 12-hour law and ethics course after renewing, if the law and ethics exam was failed in the prior renewal period, can be problematic for the following reasons:

- Registrants are confused as to when they must take the 12-hour course. The Board will not accept a course that was taken prior to the previous failure of the exam.
- Registrants do not realize they need to take the 12-hour course, and therefore, they do not take it. When they need to take the law and ethics exam again, they are not able to do so because they take the course. This can delay the registrant's next renewal.
- Taking a required course results in an additional cost to registrants. Depending on the provider, the course typically costs between \$50 to \$135.

Recommendation

Staff developed two language scenarios:

- Scenario 1 (provided as Attachment B): requires the 12-hour California law and ethics course be taken as a condition of registration renewal if the law and ethics exam is failed.
- Scenario 2 (provided as Attachment C): deletes the 12-hour California law and ethics course requirement for those who failed to pass the exam. Instead, it requires all registrants to complete a minimum of six, or possibly three, hours of continuing education in California law and ethics each renewal period, regardless of whether or not they have already passed the California law and ethics examination.

MOTION: Direct staff to finalize language drafting Attachment C (Scenario 2) with a 3-hour requirement Recommend adopting language of attachment C with a 3-hour requirement, obtain final approval from legal counsel, and recommend to the Policy and Advocacy Committee for consideration.

Wong moved; Strack seconded.

Public Comment

Ben Caldwell: Supports the 3-hour course requirement.

Jennifer Alley, California Association of Marriage and Family Therapy (CAMFT): Supports the 3-hour course requirement.

Roll call vote:

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

Vote: 3 yea, 0 nay. Motion carried.

VII. Public Comment for Items Not on the Agenda

Christine Nguyen: There is no way to contact a representative at BBS. Asked how BBS plans to communicate with the public, address public responsiveness, and if it is possible to outsource the workload. Submitted her associate registration application in March and still does not have her registration number.

Leslie Cheramy: Requests that BBS review her eligibility to sit for the LMFT clinical exam.

VIII. Suggestions for Future Agenda Items

None

IX. Adjournment

The Committee adjourned at 3:07 p.m.