

## Policy and Advocacy Committee Minutes

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

This Policy and Advocacy Committee Meeting webcast is available at [https://www.youtube.com/watch?v=A6uUVZiQ\\_xA&feature=youtu.be](https://www.youtube.com/watch?v=A6uUVZiQ_xA&feature=youtu.be).

**DATE** October 11, 2019

**LOCATION** Department of Consumer Affairs  
Lou Galiano Hearing Room  
1625 North Market Blvd., #S-102  
Sacramento, CA 95834

**TIME** 8:30 a.m.

### ATTENDEES

**Members Present:** Christina Wong, Chair, LCSW Member  
Betty Connolly, LEP Member  
Massimiliano “Max” Disposti, Public Member

**Members Absent:** Deborah Brown, Public Member

**Staff Present:** Kim Madsen, Executive Officer  
Steve Sodergren, Assistant Executive Officer  
Sabina Knight, Legal Counsel  
Rosanne Helms, Legislative Analyst  
Christy Berger, Regulatory Analyst

**Other Attendees:** *See voluntary sign-in sheet (available upon request)*

---

### I. Call to Order, Establishment of Quorum, and Introductions

Christina Wong, Chair of the Policy and Advocacy Committee (Committee), called the meeting to order at 8:36 a.m. Kim Madsen called roll, and a quorum was established.

1 **II. Approval of August 2, 2019 Committee Meeting Minutes**

2  
3 This item was tabled.  
4

5  
6 **III. Discussion and Possible Recommendation Regarding Proposed**  
7 **Technical Amendments to Business and Professions Code Sections**  
8 **4980.01, 4980.43.2, 4980.43.3, 4983, 4987.5, 4989.66, 4990.30, 4996.12,**  
9 **4996.14, 4996.22, 4996.23.1, 4998, 4999.22, 4999.46.1, 4999.46.2, 4999.86,**  
10 **4999.123**

11  
12 Staff recommends several technical changes in the Business and Professions  
13 Code (BPC) as proposed legislation for 2020.  
14

15 **1. Amend BPC §§ 4987.5, 4998, and §4999.123 – Professional**  
16 **Corporations**

17  
18 Background: These sections specify that licensed marriage and family  
19 therapist (LMFT), licensed clinical social worker (LCSW), and licensed  
20 professional clinical counselor (LPCC) corporations are authorized to render  
21 professional services as long as the corporation and its shareholders,  
22 officers, directors, and employees rendering professional services, who are  
23 specified license holders, are in compliance with the Moscone-Knox  
24 Professional Corporation act and other relevant statutes and regulations.  
25

26 The sections list which license types may be officers, directors, or  
27 employees rendering professional services. However, this list is outlined in  
28 Corporations Code §13401.5. Occasionally, the legislature changes the list  
29 in the Corporations Code, but the BPC does not get updated.  
30

31 Recommendation: Staff recommends striking the list of professions in BPC  
32 §§ 4987.5, 4998, and 4999.123, as they are already listed in the  
33 Corporations Code and to avoid incorrect language.  
34

35 **2. Amend BPC §4980.43.3 - Renumbering**

36  
37 Background: BPC §4980.43.3 contains a numbering error in subdivision (c).  
38 The two criteria listed as (1) and (2) should be labeled as subdivisions (A)  
39 and (B).  
40

41 Recommendation: Renumber the contents of subdivision (c).  
42

43 **3. Amend BPC §§ 4980.43.2, 4996.23.1, 4999.46.2 – Definition of “One**  
44 **Hour of Direct Supervisor Contact”**  
45

1           Background: These sections define “one hour of direct supervisor contact”  
2 as a specified amount of face-to-face contact between a supervisor and  
3 their supervisees.  
4

5           The intended definition of “face-to-face” contact is to require that the  
6 supervisor and supervisee(s) meet in person for the supervision session.  
7 This is implied in subdivisions 4980.43.2(d), 4996.23.1(f), and 4999.46.2(d),  
8 which state that notwithstanding the definitions of “one hour of direct  
9 supervisor contact”, an associate working in an exempt setting may obtain  
10 their required weekly direct supervisor contact via videoconferencing.  
11 However, due to questions concerning “face-to-face”, staff believes it would  
12 be helpful to clarify that “face-to-face” contact means that the contact must  
13 be in-person.  
14

15           Recommendation: Amend the definition of “one hour of direct supervisor  
16 contact” in §§ 4980.43.2, 4996.23.1, and 4999.46.2 requiring in-person face-  
17 to-face contact.  
18

19           **4. Amend BPC §§ 4980.01, 4996.14, 4999.22 – Notice to Clients About**  
20 **Filing a Complaint**  
21

22           Background: Last year via AB 630, the Board amended the law to require  
23 that unlicensed or unregistered therapists in exempt settings provide their  
24 clients with information about where to file a complaint about the therapist.  
25

26           In its review of the bill, the Senate Committee on Business, Professions, and  
27 Economic Development suggested that the following language also be  
28 included in the notice provided to clients of unlicensed or unregistered  
29 therapists:  
30

31                           *The Board of Behavioral Sciences receives and responds to*  
32                           *complaints regarding services provided by licensed or registered*  
33                           *psychotherapists. If you have a complaint and are unsure if your*  
34                           *therapist is licensed or registered, please contact the Board of*  
35                           *Behavioral Sciences at 916-574-7830 for assistance.*  
36

37           Adding this language would provide a consumer who is unsure about their  
38 therapist’s license status with an additional resource to verify a license or  
39 registration.  
40

41           Recommendation: Amend the above statement into the notice required by  
42 §§ 4980.01, 4996.14, and 4999.22.  
43

44           Ms. Wong: Proposal uses two terms: psychotherapist and therapist.  
45 Recommends using term “therapist” instead of psychotherapist.  
46

1 Staff recommended using the term “counselor” in place of “psychotherapist”  
2 and “therapist.”  
3

4 Mr. Disposti: Recommended providing the Board’s website as a resource in  
5 addition to the Board’s phone number.  
6

7 Committee and staff agreed to the recommended changes discussed.  
8

9 **5. Amend BPC §4990.30 - Petitions for Reinstatement or Modification of**  
10 **Penalty**

11  
12 Background: In order to clear up some ambiguities in BPC §4990.30, the  
13 Board’s legal counsel recommended clarifying certain provisions regarding  
14 the procedure for petitioning to terminate probation early or modify a  
15 penalty:  
16

- 17 • Subdivision (b) currently specifies timeframes after which a petition can  
18 be filed with the Board. Until recently, the Board has operated under the  
19 assumption that time during which a probation is tolled also counts  
20 toward the specified timeframes. However, in a recent case, an  
21 administrative law judge challenged this assumption, stating it is  
22 incorrect. Staff wishes to clarify that the timeframes exclude any periods  
23 of probation tolling.  
24
- 25 • Subdivision (c) states that that a petition may be heard either by the  
26 Board or that the Board can assign the petition to an administrative law  
27 judge. However, subdivision (d) implies that the petitioner has some say  
28 in who hears the case, stating “The petitioner may request that the board  
29 schedule the hearing on the petition for a board meeting at a specific city  
30 where the board regularly meets.” While the intent of this is likely to  
31 provide that the petitioner may request their case to be heard, it may  
32 also inadvertently imply that a petitioner can request the Board to hear a  
33 case instead of an administrative law judge.  
34

35 Recommendation: Amend subdivision (b) to exclude periods of probation  
36 tolling from the required timeframes before a petition can be filed. Amend  
37 subdivision (d) to clarify that a petitioner can only request a hearing location  
38 if the Board is hearing the case.  
39

40 **6. Amend BPC §4996.22 – Acceptable LCSW Continuing Education**  
41 **Providers**

42  
43 Background: Current law states that social workers can only obtain  
44 continuing education (CE) from an accredited school if the school is  
45 accredited by the Commission on Accreditation of the Council of Social  
46 Work Education. It does not permit social workers to gain CE from a school

1 accredited by the U.S. Department of Education (USDE) or approved by the  
2 Bureau for Private Postsecondary Education (BPPE).

3  
4 Staff believes this is unintentional and that social workers should be able to  
5 gain CE from a school accredited by USDE or approved by BPPE.

6  
7 Recommendation: Amend BPC §4996.22 to permit clinical social workers  
8 to obtain CE from a school accredited by USDE or approved by BPPE.

9  
10 **7. Amend BPC §4999.46.1 – Delete Duplicative Definition of Supervision**

11  
12 Background: BPC §§ 4999.12 and 4999.46.1 define “supervision” in the  
13 LPCC statute. BPC §4999.12 defines terms used throughout the LPCC  
14 licensing statute. It should not be duplicated in §4999.46.1.

15  
16 Recommendation: Delete the duplicative definition of “supervision” in BPC  
17 §4999.46.1.

18  
19 **8. Amend BPC §§ 4983, 4989.66, 4996.12, and 4999.86 – Fines for**  
20 **Licensing Act Violations**

21  
22 Background: LMFT and LPCC laws have provisions establishing a  
23 misdemeanor charge and a fine of \$2,500 and/or six months in county jail  
24 for violating the respective licensing acts.

25  
26 The LCSW law has this clause as well; however, the fine amount is \$1,000.

27  
28 The Licensed Educational Psychologist (LEP) law states a violation of its  
29 chapter is a misdemeanor but does not specify a punishment of jail time or a  
30 fine.

31  
32 Staff believes the stated punishment for a violation of the Board’s licensing  
33 acts should be consistent but has been unable to determine the reason for  
34 the inconsistency. Both the LMFT section establishing the \$2,500 fine, and  
35 the LCSW section establishing the \$1,000 fine were established in the mid-  
36 1980’s and have not been amended since. Legislative history explaining the  
37 reason for differing fines is not available. The LPCC and LMFT licensing  
38 laws are consistent because LPCC law was modeled after the LMFT law.

39  
40 These fines are court fines. BPC §125.9 grants boards the authority to  
41 establish a system for issuance of citations and administrative fines via  
42 regulations. The Board has done this in regulation §1886.40, which  
43 establishes fines of up to \$2,500 for citable offenses or up to \$5,000 if the  
44 offense meets certain specified circumstances.

1            Recommendation: Amend LCSW and LEP law to specify the misdemeanor  
2 punishment for a licensing act violation is a \$2,500 fine and/or six months in  
3 jail, making it consistent with current LMFT and LPCC law.  
4

5            Since there is a lack of historical information, staff recommended removing  
6 the dollar amount of the fine from the language and replace it with “as  
7 determined by the court.”  
8  
9

10        **MOTION:** Move to direct staff to make any discussed changes, and any non-  
11 substantive changes, and bring to the Board for consideration as a legislative  
12 proposal. Wong moved; Connolly seconded. Vote: 3 yea, 0 nay. Motion  
13 carried.  
14

15        Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown				X	
Betty Connolly	X				
Max Disposti	X				
Christina Wong	X				

16  
17  
18        **IV. Discussion and Possible Recommendation Regarding Proposed**  
19 **Legislative Amendments Needed Due to the Passage of AB 2138:**  
20 **Business and Professions Code Sections 4980.40, 4982, 4989.20, 4989.24,**  
21 **4989.54, 4992.3, 4996.2, 4996.18, 4999.42, 4999.51, 4999.80, 4999.90**  
22

23        AB 2138 was signed into law and becomes effective on July 1, 2020. This bill  
24 makes amendments to the Department of Consumer Affairs (DCA) boards’  
25 enforcement processes, including placing new limits on when a board can deny  
26 a license based on a conviction or prior formal disciplinary action.  
27

28        AB 2396 prohibited DCA boards from denying a license solely based on the  
29 applicant having certain types of convictions that have been expunged.  
30

31        The passage of both bills require clean-up amendments in the Board’s four  
32 practice acts so that related language is consistent throughout the statutes.  
33 These amendments fall into the following four categories.  
34

35        **1. Amend BPC §§ 4980.40, 4989.20, 4996.2, 4999.42, and 4999.51 –**  
36 **Qualifications for Licensure or Registration**  
37

38        Background: These sections list criteria needed to qualify for a license or  
39 registration. One criteria states that the person must not have committed  
40 any acts or crimes constituting grounds for denial of licensure under BPC

1 §480. (BPC §480 outlines reasons a board may deny a license, and it was  
2 significantly changed by AB 2138.)  
3

4 BPC §480 used to allow denial of licensure based on convictions or certain  
5 acts involving fraud, dishonesty, or deceit. However, that language has  
6 been changed, and now denial is permitted based on certain types of  
7 convictions or based on formal discipline due to professional misconduct  
8 that occurred within a specific time frame and is substantially related to the  
9 profession.

10  
11 Recommendation: Given the recent changes to BPC §480, staff  
12 recommends striking the old language that the applicant must not have  
13 committed acts or crimes constituting grounds for denial under §480.  
14 Instead, staff recommends an amendment that simply states that the person  
15 must not be subject to denial of licensure pursuant to §480.  
16

17 **2. Amend BPC §§ 4980.40, 4989.24, 4996.2, 4999.42, and 4999.51 –**  
18 **Reference to Penal Code Section 290**  
19

20 Background: Penal Code (PC) §290 specifies various types of crimes for  
21 which registration as a sex offender is required.  
22

23 PC §290 is being reorganized effective January 1, 2021. Under the new  
24 version of that law, the types of sex offenses have been organized into three  
25 tiers, depending on the severity of the crime. The higher the tier, the longer  
26 the required registration as a sex offender.  
27

28 AB 2138 amended BPC §480 to specify that only the two higher tier sex  
29 offenses in the new PC §290 are subject to license denial regardless of the  
30 seven-year age limitation. However, there are several sections in the  
31 Board’s practice acts that specify denial for any required registration under  
32 PC §290. These are now overridden by the changes made in AB 2138.  
33

34 Recommendation: Amend the listed sections of the BPC to specify that any  
35 denials due to PC §290 registration must also be in accordance with the  
36 conditions for denial specified in §480.  
37

38 **3. Amend BPC §§ 4982, 4989.54, 4992.3, and 4999.90– Unprofessional**  
39 **Conduct Provisions.**  
40

41 Background: These sections contain a definition of a conviction. However,  
42 AB 2138 amended the definition of a conviction in BPC §7.5 for the  
43 purposes of denying a license pursuant to §480. Therefore, staff  
44 recommends referencing that definition here.  
45

1 These sections also contain language permitting suspension, revocation, or  
2 denial of a license regardless of whether a conviction has been dismissed  
3 pursuant to PC §1203.4. However, due to amendments made in AB 2396  
4 and AB 2138, denial of licensure is not permitted on the basis of this type of  
5 dismissed conviction. Instead of including this specific language, staff  
6 recommends an amendment stating actions to suspend, revoke, or deny a  
7 license must be in compliance with Division 1.5 of the BPC (this Division  
8 contains §480 and contains the statutes governing denial, suspension, and  
9 revocation of licenses.)

10  
11 Recommendation: Amend the unprofessional conduct sections to reference  
12 the definition of a conviction referenced in BPC §7.5. Amend the sections to  
13 state that suspensions, revocations, or denials of a license or registration  
14 must be in accordance with Division 1.5 of the BPC.

15  
16 **4. Amend BPC §4999.80 – References to Statutes Governing License**  
17 **Denials, Suspensions, or Revocations**

18  
19 Background: BPC §4999.80 references laws governing license denials,  
20 suspensions, or revocations. BPC §490 governs license suspensions and  
21 revocations and is not included in the list of referenced sections.

22  
23 Recommendation: Amend BPC §4999.80 to include BPC §490 in the list of  
24 referenced sections that pertain to license denials, suspensions, or  
25 revocations.

26  
27  
28 **MOTION:** Direct staff to bring to the Board for consideration as a legislative  
29 proposal. Wong moved; Disposti seconded. The motion carried; 3 yea, 0 nay.

30  
31 Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown				X	
Betty Connolly	X				
Max Disposti	X				
Christina Wong	X				

32  
33  
34 **V. Discussion and Possible Recommendation Regarding Custody of Client**  
35 **Records Due to Licensee Death or Incapacitation**

36  
37 The Board receives inquiries about what should happen to client records if the  
38 therapist dies or becomes incapacitated.

39  
40 The Board's statutes and regulations do not address this. Some professional  
41 associations address this in their codes of ethics.

1 American Psychological Association’s (APA’s) Ethical Principles of  
2 Psychologists and Code of Conduct:  
3

- 4 • APA Ethics Code Section 6.02(c): Psychologists make plans in advance  
5 to facilitate the appropriate transfer and to protect the confidentiality of  
6 records and data in the event of psychologists' withdrawal from positions  
7 or practice.  
8
- 9 • APA Ethics Code Section 3.12: Unless otherwise covered by contract,  
10 psychologists make reasonable efforts to plan for facilitating services in  
11 the event that psychological services are interrupted by factors such as  
12 the psychologist's illness, death, unavailability, relocation, or retirement  
13 or by the client's/patient's relocation or financial limitations.  
14

15 The American Counseling Association’s 2014 ACA Code of Ethics:  
16

- 17 • ACA Code of Ethics Section B.6.i.: Reasonable Precautions:  
18 Counselors take reasonable precautions to protect client confidentiality  
19 in the event of the counselor’s termination of practice, incapacity, or  
20 death and appoint a records custodian when identified as appropriate.  
21

22 Some other states have taken steps to require that their licensed mental health  
23 professionals take certain actions to ensure safekeeping of client records.  
24

- 25 • **Texas:** Requires that its licensed professional counselors notify their  
26 patients of the following as part of their informed consent before providing  
27 services:  
28

29 *“the established plan for the custody and control of the client’s mental*  
30 *health records in the event of the licensee’s death or incapacity, or the*  
31 *termination of the licensee’s counseling practice.”* (Texas Administrative  
32 Code Title 22, Chapter 681, §681.41(e)(8))  
33

- 34 • **Florida:** Requires that if client termination was due to the licensee’s death,  
35 records must be maintained for at least two years. After that, the executor,  
36 administrator, or survivor must publish a notice once a week for 4  
37 consecutive weeks in the highest circulated newspaper in each county of  
38 practice. The notice must state that the records will be disposed of or  
39 destroyed 4 weeks or later from the notice publication. (Florida  
40 Administrative Code §64B4-9.001(4))  
41

- 42 • **Oregon:** Requires its licensed marriage and family therapists and  
43 professional counselors to arrange for the maintenance of and access to  
44 records in the event of the death or incapacity of the licensee. Oregon  
45 licensees must file the name of a custodian of record with the board, along  
46 with that person’s (or organization’s) contact information. The custodian of

1 record must be an Oregon-licensed mental health professional, a licensed  
2 medical professional, a health care or mental health organization, and  
3 attorney, a school, or a medical records company. (Oregon Administrative  
4 Rules Chapter 833, §833-075-0080)  
5

- 6 • **Washington:** Requires its licensed mental health counselors, marriage and  
7 family therapists, and social workers to make provisions for retaining or  
8 transferring records in the event of going out of business, death, or  
9 incapacitation. The provisions may be made in the practitioner's will, an  
10 office policy, or by ensuring another licensed counselor is available to  
11 review records with a client, or other appropriate means. (Washington  
12 Administrative Code §246-809-035(5))  
13

#### 14 HIPAA and Client Records

15 Does establishing a plan to transfer client records to another practitioner upon a  
16 therapist's death interact with the federal Health Insurance Portability and  
17 Accountability Act (HIPAA)?  
18

19 The U.S. Department of Health and Human Services (HHS) has an FAQ about  
20 HIPAA for professionals on its website. It states that health care providers can  
21 use health information for treatment purposes without the patient's  
22 authorization, including to consult with other providers or to refer the patient.  
23

#### 24 Discussion

25 Ms. Connolly: Hesitant to develop regulation that the Board cannot enforce.  
26 The Board can make a recommendation to its licensees but cannot enforce the  
27 law on a deceased licensee or the executor unless he/she is a licensee.  
28

29 Ms. Wong: Perhaps the associations could address this in their code of ethics  
30 and provide guidance.  
31

32 An informed consent between therapist and client was discussed.  
33

34 Ms. Wong: Requested more research regarding an informed consent.  
35

36 Mr. Sodergren: Does not want to perform audits on informed consent forms.  
37 Could this be a best practices suggestion instead of a regulation?  
38

39 Jaclyn, California Society for Clinical Social Work (CSCSW): An informed  
40 consent would be appropriate but needs more discussion.  
41

42 Kristin Roscoe, California Association of Marriage and Family Therapists  
43 (CAMFT): CAMFT receives a lot of questions regarding this issue. CAMFT's  
44 Code of Ethics includes a recommendation. Not supportive of anything that  
45 places a burden on family members. In favor of an informed consent and  
46 providing information to the public.

1 Kenneth Edwards, California Association for Licensed Professional Clinical  
2 Counselors (CALPCC): Suggested using language that would incorporate  
3 electronic records, providing direction on how to provide access to records to  
4 an executor or clinician. Prefers to not codify this, but instead recommending a  
5 plan. Suggests that the association develop a template to recommend a plan  
6 on how to pass on the records.  
7

8 Janlee Wong, National Association of Social Workers, California Division  
9 (NASW-CA): Agencies have rules regarding record retention as well as  
10 transferring records to other clinicians. Private practice is complicated. Agrees  
11 that the Board may not have jurisdiction over a deceased therapist's estate,  
12 which gets into probate and trust laws. Consent form – it is important to explain  
13 the limits to confidentiality, which is outlined in the consent form, such as how  
14 to obtain records in the event the therapist dies. Client has access to content in  
15 the records; however, some content belongs to the therapist. Intends to take  
16 this matter back to the association for discussion.  
17

18 Bita Rivas, CALPCC: There should be discussions regarding what informed  
19 consent should look like and what information should clients have access to.  
20 HIPAA includes policies and practices in maintaining client records.  
21

22 Ms. Wong: Suggested that staff research and collect more feedback from the  
23 associations.  
24  
25

26 **VI. Discussion and Possible Recommendation Regarding Examination**  
27 **Waiting Periods, Professional Corporations, Accrediting Agencies and**  
28 **Equivalent Degrees: Title 16, California Code of Regulations: Amend**  
29 **Sections 1805.05, 1850.6, 1850.7 and 1854; Repeal Section 1832**  
30

31 A regulation proposal to consider changes pertaining to examination waiting  
32 periods, professional corporations and educational institutions would do all the  
33 following:  
34

35 Examination Waiting Periods (§1805.05)

- 36 • Specify a 180-day waiting period for a retake of the LEP written  
37 examination. The waiting period for this exam is currently unspecified, but  
38 this time period proposed is consistent with current practice.
- 39 • Reduce the waiting period for a board-developed clinical examination to 120  
40 days for consistency with current practice.
- 41 • Specify that the examination waiting periods are a minimum of 90 days.  
42 This would allow for flexibility in case an event outside of the Board's control  
43 impacted the ability to administer examinations.  
44

1 Professional Corporations (§§ 1850.6 and 1850.7)

- 2 • Add LPCCs to the sections pertaining to ownership and transfer of shares,  
3 as well as the section on naming a professional corporation, for consistency  
4 with the LMFT and LCSW professions.  
5

6 Accrediting Agencies and Equivalent Degrees (§§ 1832 and 1854)

- 7 • Delete the section pertaining to equivalent accrediting agencies for MFT  
8 applicants. This section is no longer necessary as it is covered in statute  
9 (BPC §§ 4980.36, 4980.37, 4980.78 and 4980.79).  
10 • Specify the accrediting agencies that are acceptable for licensed  
11 educational psychologist applicant degree programs for consistency with  
12 the LMFT, LCSW and LPCC professions, and update the name of the  
13 foreign credentials' evaluation service.  
14

15 Discussion

16 Ms. Roscoe, CAMFT: Requested additional language clarifying the minimum  
17 waiting period and clarifying/defining an event outside of the Board's control.  
18

19 Ms. Wong recommended tabling the discussion regarding examination waiting  
20 periods (§1805.05).  
21

22 **MOTION:** Direct staff to research and gather more information regarding  
23 §1805.05, and to make any discussed changes, and any non-substantive  
24 changes and recommend to the full Board as regulatory proposal. Wong  
25 moved; Connolly seconded. The motion carried; 3 yea, 0 nay.  
26

27 Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Deborah Brown				X	
Betty Connolly	X				
Max Disposti	X				
Christina Wong	X				

28  
29  
30 **VII. Update on Board-Sponsored, Board-Supported, and Board-Monitored**  
31 **Legislation**

32  
33 **Board-Sponsored Legislation**

34 SB 679 Healing Arts: Therapists and Counselors: Licensing

35 Status: SB 679 was signed by the Governor and becomes effective on January  
36 1, 2020.  
37

38 AB 630 Board of Behavioral Sciences: Marriage and Family Therapists: Clinical  
39 Social Workers: Educational Psychologists: Professional Clinical Counselors:  
40 Required Notice

1 Status: AB 630 was signed by the Governor.

2  
3 SB 786: Healing Arts (Omnibus Bill)

4 Status: SB 786 was signed by the Governor.

5  
6  
7 **Board-Supported Legislation**

8 AB 1651: Licensed Educational Psychologists: Supervision of Associates and  
9 Trainees

10 Status: AB 1651 was signed by the Governor.

11  
12 SB 163: Health Care Coverage: Pervasive Developmental Disorder or Autism

13 Status: SB 163 is on the Governor's desk awaiting a decision.

14  
15 SB 601: State Agencies: Licenses: Fee Waiver

16 Status: SB 601 is on the Governor's desk awaiting a decision.

17  
18  
19 **Board-Monitored Legislation**

20 SB 10 Mental Health Services: Peer, Parent, Transition-Age, and Family  
21 Support Specialist Certification

22 Status: SB 10 is on the Governor's desk awaiting a decision.

23  
24 SB 425 Health Care Practitioners: Licensee's File: Probationary Physician's  
25 and Surgeon's Certificate: Unprofessional Conduct

26 Status: SB 425 is on the Governor's desk awaiting a decision.

27  
28  
29 **VIII. Update on Board Rulemaking Proposals**

30  
31 Substantial Relationship & Rehabilitation Criteria (AB 2138 Regulations)

32 Status: The regulations were noticed to the public on August 8<sup>th</sup>. The public  
33 hearing was held on September 30<sup>th</sup>. Comments were received from a  
34 stakeholder, which will be brought to the November 2019 Board meeting for  
35 consideration.

36  
37 Enforcement Process

38 Status: On hold until passage of AB 2138 regulations.

39  
40 Examination Rescoring; Application Abandonment; APCC Subsequent  
41 Registration Fee

42 Status: Submitted to Office of Administrative Law for final approval on July  
43 22<sup>nd</sup>. The submission was subsequently withdrawn after language changes  
44 were identified that need to be brought to the Board for consideration at its  
45 November 2019 meeting.

1            Supervision

2            Status: DCA Initial Review. Staff identified some changes that will be brought  
3            to the Board for consideration at its November 2019 meeting.

4  
5  
6            **IX. Public Comment for Items Not on the Agenda**

7  
8            Mr. Wong, NASW-CA: Office of Statewide Health Planning and Development  
9            (OSHPD) Mental Health Services Act Workforce Education and Training (WET)  
10            Five-Year Plan for 2020-2025, Innovations for Further Consideration section.  
11            WET is recommending to:

12  
13            *Explore applying a portion of time of supervised clinical field work*  
14            *performed during the final year of graduate school in the public mental*  
15            *health system toward licensure; and*

16  
17            *Use the Health Workforce Pilot Projects Program to test changes in scope*  
18            *of practice of licensed clinicians.*

19  
20            Ms. Roscoe, CAMFT: CAMFT will be working towards addressing some issues  
21            pertaining to AB 5 next year and is looking to have a potential exemption for its  
22            membership. If CAMFT pursues legislation, it hopes to have the support of the  
23            Board.

24  
25  
26            **X. Suggestions for Future Agenda Items**

27  
28            Ms. Wong: Penal Code §290 and its three tiers categorizing types of sexual  
29            offenses.

30  
31  
32            **XI. Adjournment**

33  
34            The Committee adjourned at 10:37 a.m.