

POLICY AND ADVOCACY COMMITTEE MINUTES

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A recorded webcast of this meeting is available at <https://youtu.be/HO1ko6nVyY>.

DATE January 24, 2025

TIME 10:00 a.m.

LOCATIONS

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

Alternative Platform WebEx Video/Phone Conference

ATTENDEES

Members Present at Remote Locations

Christopher Jones, Chair, LEP Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member

Members Absent

John Sovec, LMFT Member
Wendy Strack, Public Member

Staff Present at Primary Location

Steve Sodergren, Executive Officer
Rosanne Helms, Legislative Manager
Christy Berger, Regulatory Manager
Christina Kitamura, Administrative Analyst
Syreeta Risso, Special Projects and Research Analyst
Kristy Schieldge, Legal Counsel

Staff Present at Remote Locations

Marlon McManus, Assistant Executive Officer

Other Attendees

Public participation via WebEx video conference/phone conference
and in-person at Department of Consumer Affairs

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

2
3 Christopher Jones, Chair of the Policy & Advocacy Committee (Committee),
4 called the meeting to order at 10:24 a.m. Roll was called, and a quorum was
5 established.
6

7 **2. Introductions**

8
9 Committee members introduced themselves during role call; staff and public
10 attendees introduced themselves.
11

12 **3. Consent Calendar: Discussion and Possible Approval of October 11, 2024**
13 **Committee Meeting Minutes**

14
15 Motion: Approve the October 11, 2024 Policy and Advocacy Committee meeting
16 minutes.
17

18 M/S: Jones/Ortega
19

20 Public Comments: None
21

22 Motion carried: 3 yea, 0 nay, 2 absent

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
Kelly Ranasinghe	Yes
John Sovec	Absent
Wendy Strack	Absent

23
24 **4. Discussion and Possible Recommendations Regarding Approval of**
25 **Proposed Regulatory Amendments and Preparation of Documents to**
26 **Initiate a Rulemaking to Accept the Association of Marital and Family**
27 **Therapy Regulatory Boards’ Marital and Family Therapy National**
28 **Examination as the Clinical Examination for California Licensure (Amend**
29 **Title 16, California Code of Regulations §§1816.2 and 1829.1)**
30

31 At its September 2024 meeting, the Board directed staff to pursue legislation to
32 accept the AMFTRB National Examination for licensure. Statutory and regulatory
33 amendments are required to accept the national exam.
34

35 First, statutory amendments are needed. The statutory amendments would lay
36 the groundwork to allow the adoption of the AMFTRB National Examination if the
37 Board chooses to do so via regulations. If the statutory amendments are
38 successfully run as legislation this year, they would become effective on January
39 1, 2026.
40

1 Second, after the statutory amendments are adopted through legislation, the
2 Board would need regulatory amendments to officially name the AMFTRB
3 National Examination as the clinical exam accepted by the Board for LMFT
4 licensure. Adoption of regulatory amendments would officially adopt the
5 AMFTRB National Examination as the Board's clinical exam.
6

7 To streamline the process, staff recommends that the Board approve, in concept,
8 the proposed regulations presented. Once staff has finished collaborating with
9 AMFTRB and OIS to meet the implementation steps outlined by the Board, the
10 regulatory proposal will be brought back to the full Board for final consideration
11 and authorization to begin the rulemaking process.
12

13 **Motion:** Recommend to the Board approval of the proposed regulatory text in
14 Attachment A in concept and recommend the Board consider all of the following
15 actions:
16

- 17 (1) Approve the proposed regulatory text in Attachment A in concept and direct
18 staff to draft the initial rulemaking documents in preparation for possible
19 submission to the Director of the Department of Consumer Affairs and the
20 Business, Consumer Services, and Housing Agency (Agency) for initial
21 review and approval.
22
- 23 (2) Once the criteria in steps 1 through 3 under the section "Implementation
24 Steps" set forth in the meeting materials have been met, bring the proposal
25 in Attachment A back to the Board for final consideration and authorization
26 to submit the rulemaking package to the Director and Agency for review and
27 approval.
28

29 M/S: Jones/Ranasinghe
30

31 Public Comments

32 Shanti Ezrine, California Association of Marriage and Family Therapists
33 (CAMFT): CAMFT supports all amendments in concept to adopt the AMFTRB
34 National Examination.
35

36 Dr. Ben Caldwell: Expressed strong support.
37

38 Cathy Atkins, CAMFT: Expressed support for the proposed regulations and
39 appreciation to BBS staff.
40

1 Motion carried: 3 yea, 0 nay, 2 absent

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
Kelly Ranasinghe	Yes
John Sovec	Absent
Wendy Strack	Absent

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5. Discussion and Possible Recommendations Regarding Statutory Amendments to the Board’s Retired License Requirements (Amend BPC §§ 4984.41, 4989.45, 4997.1, 4999.113)

In early 2024, the Policy and Advocacy Committee began a discussion to amend the Board’s retired license statute. Originally, the proposal focused on eliminating the requirement that a retired licensee reactivating their license after being retired for 3 or more years must apply for a new license and established alternative requirements instead.

The alternative requirements proposed would permit reinstatement for the LMFT, LPCC, and LCSW license types for up to seven years. The proposal also allowed a pathway after seven years that did not require the clinical exam if licensed equivalently in another state.

However, the Board’s legal counsel had concerns about unintended consequences of allowing reinstatements beyond three years. Staff also had concerns that the process of having different reinstatement requirements after differing numbers of years would create confusion. It also created a discrepancy in requirements between the LEP license and the other license types, due to the differing exam process for the LEP license. For these reasons, staff and the legal counsel determined that extending reinstatements could be problematic and decided instead to focus on other clarifications that could be made to the retired license statutes.

The new proposal for consideration does the following:

- Requires a license to be current and active, inactive, or expired within the past 3 years. The latter removes the barrier of requiring reactivation of an expired license to retire it.
- Clarifies the meaning of “subject to disciplinary action.” A licensee retiring their license must not be subject to disciplinary action, but that term is undefined.
- Specifies the information to be provided in the application to retire a license and in the application to restore a retired license to active status.
- Specifies the professional title that a retired licensee is permitted to use.

- 1 • Restricts a retired licensee to reactivating their license only once.
- 2 • Corrects a reference to fingerprint submission requirements.
- 3 • Specifies that the continuing education required to restore a retired license
- 4 must have been taken within the past 2 years and must include at least 6
- 5 hours of California law and ethics.
- 6 • Clarifies that a license that has been retired for 3 or more years cannot be
- 7 restored and that a new license is required to resume practice.

8
9 Discussion

10 Kristy Schieldge, Legal Counsel: Stated that there is a need for regulations. The
11 proposed amendments are drafted with the idea that the statutory changes would
12 be self-executing.

13
14 Ortega: Are there any concerns that the requirements would be too burdensome
15 if they've been out of practice for a couple years?

16
17 Schieldge responded: This requirement is universal for those who have not been
18 in practice and are returning to practice, and it serves as assurance that they
19 have updated their competency and education.

20
21 Helms added that the requirement to complete 36 continuing education hours is
22 the same requirement as if a licensee were renewing a license.

23
24 Motion: Direct staff to make any discussed changes and any non-substantive
25 changes and to bring to the Board for consideration as a legislative proposal.

26
27 M/S: Jones/Ortega

28
29 Public Comments

30 Shanti Ezrine, CAMFT: Expressed support for the changes in the proposal.

31
32 Motion carried: 3 yea, 0 nay, 2 absent

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
Kelly Ranasinghe	Yes
John Sovec	Absent
Wendy Strack	Absent

33

1 **6. Discussion of Research Regarding the Practice of Pastoral Counseling**
2 **(BPC §§4980.01, 4996.13, 4999.22**
3

4 Current law exempts individuals performing counseling services as part of their
5 pastoral or professional duties, such as priests, rabbis and ministers of the
6 gospel of any religious denomination.
7

8 The Board occasionally receives consumer complaints where services are
9 performed by an unlicensed individual, appearing to be working in their
10 ministerial or pastoral capacity, incorporating psychotherapeutic methods into
11 their counseling. It is noted in such cases the individual is often providing
12 counseling services independently, outside of the client's church or other
13 religious entity, and charges a fee for counseling services. In some cases, the
14 Board is unable to take disciplinary action due to language in the current
15 exemption laws.
16

17 At its January 2023 meeting, the Licensing Committee held a discussion to
18 propose clarifying the exemption language in the Board's practice acts for
19 individuals performing duties in a religious or faith-based profession. Exemption
20 laws in the states of Texas, Florida and Arizona were presented to this
21 committee.
22

23 Staff and subject matter experts conducted further research on the topic of
24 pastoral counseling, in addition to clarifying the differences in practice methods
25 used in pastoral counseling and mental health professions. This information was
26 presented to the Policy and Advocacy Committee. Additional exemption laws in
27 the states of Georgia, North Carolina, Louisiana, New Mexico, Virginia, and
28 Vermont were also presented.
29

30 Discussion

31 Ortega: How would the Board regulate or educate the public about the
32 differences? How are the different states managing this? What would happen if
33 we got a complaint? How is it being enforced?
34

35 Sodergren responded: Once the amendments are passed, staff will educate the
36 public through FAQs. These amendments will also help staff to clarify and define
37 it, as well as for those who are providing pastoral counseling to help them identify
38 if they are following the law.
39

40 Helms added: There have been some cases where the board could not take
41 action because of how the law is currently written. The law is very vague. The
42 law needs to be more defined.
43

44 Ortega: Asked if the Board can restrict them from using specific titles, such as
45 "therapist" or "counselor".
46

1 Helms: The Board cannot restrict the use of “pastoral counselor.” However, they
2 cannot hold themselves out as a marriage and family therapist or a clinical
3 counselor, for example. The issue is when they are performing the service and it
4 looks like a private practice, but they are saying that they do not need a license
5 because they are a pastor.
6

7 Sodergren: Cited cases where an individual claims to be performing duties for
8 their church, but they are collecting fees, and it appears that there is no
9 connection to the church.
10

11 Ranasinghe: has concerns that this area is a salient or amorphous area where
12 there is a dimension of abuse or manipulation that could occur (known as
13 spiritual abuse), especially when dealing with a vulnerable population. Especially
14 concerned that they are holding themselves out as a pastoral counselor, but they
15 are conducting business as if they’re a private practice and may have a physical
16 office separate from the religious institute. Is the AG concerned about this?
17

18 Schieldge: This is a constitutional issue with respect to California’s free exercise
19 clause in the California Constitution, which guarantees the right to practice
20 religion without discrimination. The problem is knowing where that line is when
21 there’s faith-based practice versus someone acting in the capacity of a licensee
22 for remuneration. That is the issue that has hindered a lot of investigations.
23

24 Jones: Agreed that the language about what constitutes a therapist or a
25 therapeutic practice versus pastoral counseling should be tightening up. He
26 asked the following questions: 1) When pastoral counselors who have completed
27 an MFT or LCSW training program are performing pastoral counseling, how do
28 we determine whether they’re using therapeutic techniques? 2) Are we defining
29 pastoral counseling, and do we have authority to do that?
30

31 Schieldge: The problem is how do we not cross the line into regulating religious
32 freedom and practice. Staff may have to do more research to try to add
33 language that would make it clearer.
34

35 Staff will continue to do more research and bring it back to a future committee
36 meeting.
37

38 Public Comment

39 Shanti Ezrine, CAMFT: CAMFT is generally in support of clarifying exemption
40 language for those individuals to ensure adequate consumer protection.
41

42 **7. Update on Board-Sponsored Legislation**

43

44 The Board is pursuing the following legislative proposals this year.
45

- 1 1. Technical and/or Non-substantive Amendments
2 Technical or non-substantive proposed amendments to clarify or clean up the
3 Board’s practice acts.
4
5 2. Statutory Amendments to Potentially Allow Adoption of the Association of
6 Marital and Family Therapy Regulatory Boards’ (AMFTRB) Marital and Family
7 Therapy National Examination as the Clinical Examination via Regulations
8 This proposal would give the Board the option to designate the AMFTRB
9 Marital and Family Therapy National Examination as the clinical exam
10 approved for LMFT licensure through regulations.
11
12 3. Sunsetting Statutory Provisions
13 This proposal would delete or extend the sunset dates for two provisions of
14 the Board’s practice acts that sunset on January 1, 2026:
15
 - 16 • Allowance of supervision via videoconferencing in all settings
 - 17 • Temporary practice allowance.
18 4. Licensing Requirements for Licensed Educational Psychologists
19 Amendments to BPC §4989.20, which is the section of the LEP Practice Act
20 that specifies the requirements for LEP licensure:
21
 - 22 • Specifying experience requirements in greater detail.
 - 23 • Clarifying experience requirements for in-state versus out-of-state school
 - 24 • Adding an age limit to a passing score on the LEP exam.

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

27
28 Disciplinary Guidelines

29 Status: Noticed to the Public January 10, 2025; Commend Period Ends February
30 25, 2025

31
32 Telehealth

33 Status: Public Comment Period Ended, Comments Received for Board to
34 Review at February 2025 Meeting

35
36 Continuing Education

37 Status: Return to Board to Review Possible Modifications at February 2025
38 Meeting

39
40 Advertising

41 Status: Submitted to DCA for Production Phase Review
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1 English as a Second Language: Additional Examination Time

2 Status: In Preparation for DCA Production Phase Review

3
4 **9. Suggestions for Future Agenda items**

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6 Ortega: How to better inform therapists on how to manage disasters. Therapists
7 that were displaced during major disasters, and didn't have an office and did not
8 have access to their computers. They were unsure how to manage their
9 caseloads and their clients without feeling like they were abandoning them.

10
11 Elyse Springer, California Chapter of Postpartum Support International:
12 Requested to put AB 2581 on a future agenda and consider including perinatal
13 mental health as an education requirement.

14
15 **10. Public Comment for Items not on the Agenda**

16
17 None

18
19 **11. Adjournment**

20
21 The Committee adjourned at 11:51 a.m.