



Board of Behavioral Sciences



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Gavin Newsom, Governor  
State of California

Business, Consumer Services and Housing Agency  
Department of Consumer Affairs

## POLICY AND ADVOCACY COMMITTEE MINUTES

A recorded webcast of this meeting is available at:  
<https://www.youtube.com/watch?v=UiMXGh6G8jq>

**DATE** August 9, 2024

**TIME** 1:00 p.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  
Wendy Strack, Public Member  
Abigail Ortega, LCSW Member  
John Sovec, LMFT Member

#### Staff Present at Primary Location

Steve Sodergren, Executive Officer  
Marlon McManus, Assistant 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 Location

Sabina Knight, Legal Counsel

#### 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 1:00 p.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 April 12, 2024**  
13 **Committee Meeting Minutes**

14  
15 Typing errors on the minutes were noted and will be corrected by staff.

16  
17 Motion: Approve the April 12, 2024 Committee meeting minutes.

18  
19 M/S: Strack/Jones

20  
21 Public Comment: None

22  
23 Motion carried: 4 yea, 0 nay

24

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
John Sovec	Yes
Wendy Strack	Yes

25  
26 **4. Discussion and Possible Recommendation to Initiate a Rulemaking to**  
27 **Amend the Board's Continuing Education Requirements (Title 16 of the**  
28 **California Code of Regulations (16 CCR) §§ 1822.51, 1829.2, 1877.2, 1887,**  
29 **1887.1, 1887.2, 1887.3, 1887.4.2, 1887.4.3 and 1887.12)**

30  
31 Staff presented a proposal that would make changes to the Board's Continuing  
32 Education (CE) regulations:

33  
34 *CE Credit for Specified Activities (Section 1887.3)*

- 35  
36
  - Credit up to 6 hours of CE per renewal cycle for licensees attending California  
37 Board of Behavioral Sciences meetings.

38  
39 Discussion: Board members discussed methods of tracking attendance and  
40 engagement during virtual participation; potential abuse of engagement; and  
41 evaluation, survey, or quiz to be completed at the end of the meeting.

1           Public Comments

2           Dr. Ben Caldwell: For a provider to award CE credit for a virtual/online  
3           course, completion of a survey at the end of the course is required. Approval  
4           bodies usually demand a survey after a live, online activity; a completion quiz  
5           is not required to award CE credit. However, for a recorded activity, a  
6           completion quiz is necessary. As for attending board meetings, attendance  
7           should be enough. There will always be the potential for inattentiveness.

8  
9           Tyler Samples: Expressed support for allowing CE credit for licensees  
10          attending board meetings and finds it to be more valuable than some online  
11          courses.

12  
13          Kimberly Miller: Expressed support. Suggested that the board provide  
14          accessibility to participate remotely and provide access to a recorded  
15          meeting. Also suggested a survey at the end of the live or recorded meeting.

16  
17          Cathy Atkins, California Association of Marriage and Family Therapists  
18          (CAMFT): Although there will be some who will not be attentive, this is a  
19          great idea.

- 20  
21          • Credit up to 18 hours of CE per renewal cycle for licensees providing direct  
22          supervision to an associate or marriage and family therapist trainee.

23  
24          Discussion/Public Comments

25          Sovec: Supports adding CE for licensees providing supervision.

26  
27          Dr. Ben Caldwell: Insisted that the board decide on the intended purpose of  
28          the CE requirement: professional learning and development or incentivizing  
29          certain desired behaviors. Attending board meetings help people stay current  
30          on issued within the profession. Providing supervision does not advance  
31          knowledge and current knowledge of trends in the field. Suggests striking the  
32          CE award for providing supervision. Allowing this award could result in  
33          supervisors that are less current in their knowledge because they would take  
34          less CE training. Also suggested a discussion at the board level regarding  
35          the underlying philosophy so that there is an understanding of the intended  
36          purpose of the CE requirement and to ensure that CE credit awards are  
37          consistent with that purpose.

38  
39          Shanti Ezrine, CAMFT: Expressed shared support with Dr. Caldwell's  
40          comments. CAMFT is not opposed to the proposed changes of CE hours for  
41          supervision but asks for more information regarding the purpose of the  
42          change.

43  
44          Natasha Wright: As a supervisor, expressed that providing supervision and  
45          completing CE are two different activities; does not feel that 36 hours of CE is

1 burdensome. Suggested exploring ways to incentivize people to participate in  
2 supervision such as providing scholarships for CE for supervisors.

#### 3 4 Discussion

5 Sovec: Shared his experience as both a supervisee and supervisor, and  
6 explained how supervision was an educational experience for both himself  
7 and his supervisors, who continually performed their own research and  
8 educated themselves and brought the knowledge back to the supervisees.  
9 Sovec adopted this supervision model as a supervisor himself. He also noted  
10 that as the board continues to add CE requirements to renewals, additional  
11 costs are imposed on licensees. It is important to create opportunities to  
12 award CEs at low or no cost. It still provides a space where those who are  
13 going to use CE to continue growing and developing, will do that.

14  
15 Jones: Agreed with Sovec. As a supervisor, he expressed that he must stay  
16 up to date on current trends and practices within the profession to be an  
17 effective supervisor.

#### 18 19 20 Request for Temporary Waiver of CE (Section 1887.2)

- 21
- 22 • Allow other types of healthcare providers to verify a disability or medical  
23 condition for purposes of a temporary waiver of CE and update the waiver  
24 request forms.
  - 25 • Specify that the 6-hour law and ethics course required of licensees must be  
26 based on California law and ethics.
  - 27 • Specify that registrants are not eligible for a CE waiver and add technical  
28 changes.
- 29

#### 30 Public Comment

31 Shanti Ezrine, CAMFT: CAMFT supports the temporary waiver of CE proposal.

#### 32 33 34 Minor and Technical Regulation Cleanup and Clarification

35 A variety of minor and technical regulation cleanup and clarification was  
36 proposed, including adding registrants to pertinent sections per AB 1759.

37  
38 No discussion or public comments regarding minor and technical regulation  
39 cleanup.

40  
41  
42 Motion: Recommend to the Board approval of the proposed regulatory text in  
43 Attachments A, B and C and recommend the Board consider all of the following  
44 actions:

- (1) Direct staff to submit the text in Attachments A, B and C to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested.
- (2) If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations as noticed for title 16, California Code of Regulations sections 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2, 1887.3, 1887.4.2, 1887.4.3 and 1887.12.

M/S: Jones/Sovec

Public Comment: None

Motion carried: 4 yea, 0 nay

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
John Sovec	Yes
Wendy Strack	Yes

**5. Discussion and Possible Recommendations Regarding Statutory and Regulatory Amendments to Accept the American Association of Marriage and Family Therapist Regulatory Board's Clinical Examination for California Licensure (Business and Professions Code (BPC) §§ 4980.397, 4980.40, 4980.41, 4980.50, 4980.54, 4980.72, 4980.74, 4984.7, and California Code of Regulations Title 16 (16 CCR) §§ 1816.2 and 1829.1)**

At its May meeting, the Board voted to begin the process of pursuing legislation and/or regulations accepting the American Association of Marriage and Family Therapist Regulatory Board's (AMFTRB) National Exam, assuming some conditions can be met. Staff was directed to complete specified steps before requesting final Board approval to run regulatory and/or legislative amendments to formally accept the AMFTRB National Exam by the Board.

Staff and the Board's Legal Counsel reviewed the statutes and regulations related to the LMFT clinical exam and determined that both statutory and regulatory amendments will be necessary to adopt a national exam as the LMFT clinical exam.

1 Public Comments

2 Dr. Ben Caldwell: Expressed support.

3  
4 Shanti Ezrine, CAMFT: Expressed support and thanked staff for the work and  
5 identifying and drafting the proposed amendments.

6  
7 Cathy Atkins, CAMFT: Thanked board staff and the committee for its work in  
8 moving this forward.

9  
10 Motion: Direct staff to make any discussed changes and any non-substantive  
11 changes and bring the statutory amendments to the Board for consideration as a  
12 legislative proposal.

13  
14 M/S: Sovec/Jones

15  
16 Public Comment: None

17  
18 Motion carried: 4 yea, 0 nay

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
John Sovec	Yes
Wendy Strack	Yes

19  
20 **6. Discussion and Possible Recommendations Regarding Licensing**  
21 **Requirements for Licensed Educational Psychologists (BPC § 4989.20, 16**  
22 **CCR § 1856)**

23  
24 Staff presented potential amendments to the sections of statute and regulations  
25 that specify licensing requirements for licensed educational psychologists  
26 (LEPs).

27  
28 (1) Discussion of Proposed Statutory Amendments (BPC §4989.20)

29  
30 a. Specifying Experience Requirements in Greater Detail

- 31
- 32 • Replace the current measuring of experience in “years” to be measured in “school terms”.
  - 33 • Provide a definition in LEP statute of “full time” and “equivalent to full
  - 34 time”.
  - 35 • Specifying that all required experience as a credentialed school
  - 36 psychologist be gained over a period of at least one or two school
  - 37 terms.

- Specifying that all required experience as a credentialed school psychologist be no more than 6 years old prior to filing the application for licensure.
- Clarifying that the required year of supervised professional experience in an accredited school psychology program must be 1,200 hours (instead of one year), which will align with the field experience requirement of the Commission on Teacher Credentialing for a Pupil Personnel Services Credential in School Psychology.

Staff has also specified that the experience gained as a credentialed school psychologist may be gained in either the public schools or another school setting as specified in regulations. Staff is working on regulations to specify in more detail when parochial or private school experience is acceptable. However, statute needs to state that regulations may specify when experience in non-public school settings is allowed to establish that regulatory authority.

#### Discussion

Jones: Suggested language to state that the credential must be current, active, and unrestricted. According to the Commission on Teacher Credentialing, some of the disciplinary actions are 1) probation with some sort of required supervision or 2) cannot function as a school psychologist.

No public comments.

#### b. Clarifying Requirements for In-State Versus Out-of-State School Psychologists

The proposal specifies that if the required two school terms of experience as a credentialed school psychologist was not gained with a California credential in a school located in California, an additional one school term of experience must be gained with a California credential in a school located in California and under the direction of a California-licensed LEP or a California-licensed psychologist.

The proposal clarifies that for California credential holders, the one school term of additional experience under the direction of an LEP or licensed psychologist must be under the direction of a California-licensed individual.

Does the experience as a credentialed school psychologist required in 4989.20(a)(5) for an out-of-state applicant need to be specified in further detail?

1                    Discussion

2                    Jones: Stated that other states use different terminology. For example,  
3                    instead of using the term “credential”, they may use the term “license.”

4  
5                    Helms: Stated that language should be added to state “equivalent out-of-  
6                    state.”

7  
8                    After further discussion, it was agreed that the language should reflect  
9                    “credentialed or licensed school psychologist in the public schools.”

10  
11                   Jones: Suggested to allow the 3<sup>rd</sup> year to be the internship, if that  
12                   internship was conducted in California because it would achieve the  
13                   same goal, which is to spend a year in California understating its laws.

14  
15                   Helms: Agreed with Jones.

16  
17                   Berger: Staff received feedback that it’s not common for licensed  
18                   psychologists to work in the schools, and that the statute that allows  
19                   supervision from a licensed psychologist is an old statute (in the 3<sup>rd</sup>  
20                   year).

21  
22                   Jones: Agreed. The language does not have to state “clinical  
23                   psychologist.” Clinical psychologists wouldn’t understand special  
24                   education laws and education code unless they are working in the  
25                   school and understand education.

26  
27                   No public comments.

28  
29                   c. Adding an Age Limit to a Passing Score on the LEP Exam

30  
31                   Staff recommends adding an age limit.

32  
33                   Jones: Supports putting a limit on the exam score.

34  
35                   No public comments.

36  
37                   Motion: Direct staff to make the discussed changes: 1) Add “licensed  
38                   school psychologist” to subparagraph (a)5; 2) Allow the 3<sup>rd</sup> year to be an  
39                   internship in subparagraph (a)(7); 3) Strike the allowable supervisor as a  
40                   California licensed psychologist in subparagraphs (6)(b) and (7); and bring  
41                   to the Board for consideration as a legislative proposal.

42  
43                   M/S: Jones/Strack

44  
45                   Public Comment: None



Motion carried: 4 yea, 0 nay

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
John Sovec	Yes
Wendy Strack	Yes

(2) Discussion of Proposed Amendments to Regulation (16 CCR §1856)

a. Strike language that would be covered by statute:

- Delete subsection (a) which specifies that no more than one year of experience will be granted for any 12-month period.
- Delete subsection (b) which specifies requirements pertaining to part-time experience.

b. Specify documentation required for experience gained in a private or parochial school (subsection (c)):

- Require certification from the private or parochial school stating that the applicant was an employee. School psychologists who are an independent contractor or employed by an agency that contracts with a school are more likely to be performing limited functions (typically student assessments); and
- Require a signed copy of the applicant's job description; and
- Require certification from the school stating that the applicant performed the "full range of duties of a school psychologist" as set forth by the Commission on Teacher Credentialing (CTC).

Options:

- Place trust in the school to be truthful and accurate, since board staff are not qualified to make determinations about whether an applicant's job description indicates they have performed the full range of duties of a school psychologist.
- Have an LEP subject matter expert determine acceptability of the experience by comparing the applicant's job description with the authorized duties. The drawback to this is that it would slow down the evaluation process. This could be minimized by providing a threshold above which a duty statement would be required.
- Limiting the amount of experience allowed to be counted toward licensure in a private or parochial school.

1            Discussion

2            Sovec: Some of the parochial and private schools do not have to follow  
3            California laws and regulations. It makes sense that they should have a  
4            large majority of their experience in the public-school settings so that they  
5            have the information (the knowledge base and can apply it) that they might  
6            not experience in these other schools settings.  
7

8            Jones: Suggested limiting the time in a non-public or private school would  
9            be the best way to go to ensure public safety so that LEPs are getting the  
10           most experience with the laws that they need to follow if they're in private  
11           practice.  
12

13           Public Comment: None  
14

15           (3) Specify the documentation of experience required to be submitted by  
16           applicants:  
17

18           The proposal adds language to specify the documentation required to verify  
19           completion of the experience required for licensure.

20           Category 1. *(subsection (c))*. This corresponds with the experience  
21           required by BPC section 4989.20(a)(5): Two school terms of  
22           full-time, or the equivalent to full-time, experience as a school  
23           psychologist.

24           Category 2. *(subsection (d))*. This corresponds with the experience  
25           required by BPC section 4989.20(a)(6)(A): A minimum of  
26           1,200 hours of supervised professional experience in a school  
27           psychology program.  
28

29           Category 3. *(subsection (e)(3))*. This corresponds with the experience  
30           required by BPC section 4989.20(a)(6)(B) or 4989.20(a)(7):  
31           One school term of full-time, or the equivalent to full-time,  
32           experience as a school psychologist obtained under the  
33           direction of an LEP or licensed psychologist.  
34

35           Discussion: The committee and staff discussed the complications on  
36           reporting time worked in school settings. Staff indicated that more work  
37           needs to be done to figure out the calculations.  
38

39           (4) Specify additional requirements for experience gained under the direction of  
40           an LEP or licensed psychologist.  
41

42           The proposal adds subsection (e)(1) to define “under the direction of” as  
43           meaning the applicant was under the licensee’s supervision, and to provide  
44           a definition of “supervision” for clarity. In addition, subsection (e)(2) would  
45           require that the supervisor held a current, active and unrestricted California

1 license while the experience was gained, and would prohibit the supervisor  
2 from having a financial, personal, business, or therapeutic relationship with  
3 the supervisee.

4  
5 Discussion

6 Jones: Agrees with this proposal.

7  
8 Sovec: Suggested that staff look at the recently adopted LMFT language  
9 about the supervisor-supervisee agreements and requirements to be a  
10 supervisor. That may provide some feedback on how to ensure that the best  
11 supervisors are available for those going through this process.

12  
13 No action taken. Staff will work on the proposed language and bring it back to  
14 this committee.

15  
16 **7. Discussion and Possible Recommendations Regarding Statutory**  
17 **Amendments to the Board's Retired License Requirements (BPC §§**  
18 **4984.41, 4989.45, 4997.1, 4999.113)**  
19

20 At its January 2024 meeting, the Committee began a discussion to amend the  
21 Board's retired license statute to incorporate some of the features of the Board of  
22 Registered Nursing's recently revamped retired license laws, with a focus on  
23 reducing barriers in the reactivation process. Staff drafted a proposal which was  
24 reviewed at the Committee's April 2024 meeting. The Committee requested  
25 additional amendments, and the Board's legal counsel has since requested  
26 additional amendments as well. The proposal does the following:

- 27
- 28 • Requires a license to be current and active, inactive, or expired within the  
29 past 3 years.
  - 30
  - 31 • Clarifies the definition of "subject to disciplinary action".
  - 32
  - 33 • Specifies what information needs to be provided to the Board in the  
34 applications to retire a license and to restore a retired license to active status.
  - 35
  - 36 • Specifies the professional title that a retired licensee is permitted to use.
  - 37
  - 38 • Limits a retired licensee to a one-time reactivation.
  - 39
  - 40 • Specifies the amount of renewal fee to be paid when reactivating a retired  
41 license based on the upcoming expiration date.
  - 42
  - 43 • Extends the time that a retired license can be reactivated without meeting  
44 certain additional requirements from three years to seven years, with the new  
45 requirements as follows:

- If the retired license was issued less than 7 years prior, the applicant must pay the renewal fee, fingerprint, complete continuing education (including 6 hours in California law and ethics); and if retired for 3 or more years, pass the California law and ethics exam.
- If the retired license was issued 7 or more years prior, the applicant must pay the renewal fee, fingerprint, complete 36 hours of continuing education (including 6 hours in California law and ethics), and either pass the current exams required for licensure or hold a current, active and unrestricted equivalent license in the same profession in another U.S. jurisdiction.

#### Discussion/Public Comment

Jones: Expressed that a lot changes after three years and would be concerned if an LEP is not practicing, not keeping up with current trends, and not completing CE.

Shanti Ezrine, CAMFT: CAMFT does not have any concerns with the proposal.

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

M/S: Sovec/Jones

Public Comment: None

Motion carried: 4 yea, 0 nay

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
John Sovec	Yes
Wendy Strack	Yes

#### **8. Discussion and Possible Recommendation to Initiate a Rulemaking to Amend the Board's Additional Examination Time: English as a Second Language Regulations (16 CCR § 1805.2)**

The Workforce Development Committee considered this topic at its January and April 2024 meetings. It also directed staff to examine the Board's current exam time allowance and compare those with the amount of time that "time-and-a-half" allows and review the ESL allowances of other DCA boards and how they compare to the Board's allowance. Results of the research were presented.

1 The proposed amendments resulting from the Workforce Development  
2 Committee's discussion were presented. The language creates a new option to  
3 qualify for an ESL allowance by certifying the following under penalty of perjury:  
4

5 *"I hereby certify that I do not speak English as my primary language. I*  
6 *most frequently speak another language to communicate with others and*  
7 *have difficulty reading, writing or speaking English proficiently."*  
8

9 Discussion/Public Comment

10  
11 Shanti Ezrine, CAMFT: Thanked staff for bringing this forward. CAMFT is  
12 supportive of lessening any burdens for ESL applicants and with regards to  
13 Attachment A, there are no concerns with the new option to qualify for ESL  
14 allowance by attestation under penalty of perjury.  
15

16 Dr. Ben Caldwell: Also thanked staff for bringing this forward and expressed  
17 support for the change.  
18

19 Natasha Wright: Stated that this is a great way to increase access for bilingual  
20 clinicians and clinicians who speak a language other than English. This is a great  
21 benefit to many Californians who are not English proficient to have culturally and  
22 linguistically competent clinicians.  
23

24 Motion: Recommend to the Board approval of the proposed regulatory text in  
25 Attachment A and recommend the Board consider all of the following actions:  
26

- 27 (1) Direct staff to submit the text in Attachment A to the Director of the  
28 Department of Consumer Affairs and the Business, Consumer Services,  
29 and Housing Agency for review and if no adverse comments are received,  
30 authorize the Executive Officer to take all steps necessary to initiate the  
31 rulemaking process, make any non-substantive changes to the package,  
32 and set the matter for a hearing if requested.  
33  
34 (2) If no adverse comments are received during the 45-day comment period  
35 and no hearing is requested, authorize the Executive Officer to take all  
36 steps necessary to complete the rulemaking and adopt the proposed  
37 regulations as noticed for title 16, California Code of Regulations section  
38 1805.2.  
39

40 M/S: Jones/Strack  
41

42 Public Comment: None  
43

Motion carried: 4 yea, 0 nay

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
John Sovec	Yes
Wendy Strack	Yes

**9. Discussion and Possible Recommendation Regarding Proposed Amendments to the Business and Professions Code: Delete BPC § 4982.05 Regarding Enforcement Statute of Limitations; and Amend BPC § 4996.23.1 Regarding Direct Supervisor Contact for Associate Clinical Social Workers**

Staff has identified an amendment that the Board may wish to consider for inclusion in the upcoming year's omnibus bill or sunset bill.

**1. Strike BPC §4982.05 – Enforcement Statute of Limitations**

The Board's Deputy Attorney General asked staff to consider whether BPC §4982.05, which details the enforcement statute of limitations for LMFTs, is necessary. This is because BPC §4990.32, which is the Board's general statute that applies to all 4 of its license types, contains very similar language.

After review of the two code sections, it is concluded that BPC §4982.05 contains nearly duplicative language, and in some cases, BPC § 4990.32 contains more specific detail. Therefore, staff believes that BPC §4982.05 can be deleted.

Recommendation: Strike BPC §4982.05.

**2. Amend BPC §4996.23.1 (*both versions*) – Supervision Ratio for ASWs**

Associates who perform more than 10 hours of certain types of supervised experience per week in a setting are required to have at least one additional hour of direct supervisor contact for that week for that setting.

It was brought to staff's attention that there is some confusion surrounding which type of experience hours trigger the required extra hour of supervision for Associate Clinical Social Workers (ASWs).

- For ASWs, the law requires an additional hour of direct supervisor contact if more than 10 hours of direct clinical counseling is performed in a week in a setting. However, the statute does not specifically use the term "direct clinical counseling" when stating the required number of clinical experience hours. Instead, it requires the following (BPC §4996.23(d)(2)):

1 (2) A minimum of 2,000 hours in clinical psychosocial diagnosis,  
2 assessment, and treatment, including psychotherapy or counseling;  
3 however, at least 750 hours shall be face-to-face individual or group  
4 psychotherapy provided in the context of clinical social work services.  
5

6 Some confusion has emerged about whether the requirement for the  
7 additional hour of supervision for weekly hours over 10 applies to the  
8 required 2,000 hours in clinical psychosocial diagnosis, assessment and  
9 treatment, or if it only applies to the subset of 750 face-to-face  
10 psychotherapy hours in the context of clinical social work services.  
11

12 Due to the fact that LMFT and LPCC statute require an additional hour of  
13 supervision per week for hours over 10 in the category of 1,750 required  
14 hours in direct clinical counseling, staff concludes that the requirement is  
15 intended to apply to the required 2,000 hours in clinical psychosocial  
16 diagnosis, assessment and treatment.  
17

18 Recommendation: Amend BPC §4996.23.1(a)(2) as follows, in order to clarify  
19 that the additional hour of supervision per week for hours over 10 per week  
20 per setting applies to the required 2,000 experience hours in clinical  
21 psychosocial diagnosis, assessment, and treatment that is referenced in BPC  
22 §4996.23(d)(2):  
23

24 (2) An associate gaining experience who performs more than 10 hours of  
25 direct clinical counseling of services pursuant to paragraph (2) of  
26 subdivision (d) of Section 4996.23 in a week in any setting shall receive at  
27 least one additional hour of direct supervisor contact for that setting.  
28

29 BPC §4996.23.1 has two sections: one sunsetting on January 1, 2026, and  
30 another becoming effective January 1, 2026, due to previous legislation  
31 allowing supervision via videoconferencing in all settings. Both sections need  
32 to be amended to preserve the change being made to law.  
33

34 Motion: Direct staff to make any discussed changes, and any non-substantive  
35 changes, and to pursue as a legislative proposal.  
36

37 M/S: Jones/Strack  
38

39 Public Comment: None  
40

41 Motion carried: 4 yea, 0 nay

Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
John Sovec	Yes
Wendy Strack	Yes

10. **Discussion and Possible Recommendations Regarding the Board's  
Sunsetting Statutory Provisions (BPC §§ 4980.11, 4980.43.2, 4996.16.1,  
4996.23.1, 4999.23, and 4999.46.2)**

The Board has two key provisions in statute that are also set to sunset on January 1, 2026. When developing these statutes, the Board chose to give each a sunset date that aligned with the Board's sunset date, so that any needed adjustments to those newer statutes could be done via the sunset bill if needed

1. Allowance of Supervision via Videoconferencing in all Settings

Staff Recommendation: Due to a lack of evidence of negative outcomes regarding supervision via videoconferencing, and due to evidence that it increases access to supervision, staff recommends deleting the sunset date for allowing supervision via videoconferencing in all settings.

Public Comment

Shanti Ezra, CAMFT: No concerns with staff recommendation.

2. Temporary Practice Allowance

Staff Recommendation: Currently, the data available points to this new law being a success. Staff proposes extending the termination date of this legislation by four years, until January 1, 2030. This extension will enable the Board to gather data over an extended timeframe and then reassess the law. Such a review may prove necessary given the evolving landscape of telehealth practices and interstate license portability laws.

Discussion/Public Comment

The Committee and staff agreed to extend the sunset date and continue to monitor this as the landscape changes and ensure that it has no unintended consequences.

Shanti Ezrine, CAMFT: CAMFT does not have concerns with staff recommendation on this sunset provision. CAMFT will continue to monitor the situation.

Motion: Direct staff to bring the Committee's recommendations to the Board for consideration as a legislative proposal.

M/S: Sovec/Jones

Public Comment: None

Motion carried: 4 yea, 0 nay



Member	Vote
Christopher Jones	Yes
Abigail Ortega	Yes
John Sovec	Yes
Wendy Strack	Yes

## 11. Update on Board-Sponsored Legislation and Board-Monitored Legislation

Ms. Helms provided a brief update on the following bills:

### SB 1024 (Ochoa Bogh) Healing Arts: Board of Behavioral Sciences: Licensees and Registrants

Status: Signed by the Governor and becomes effective January 1, 2025

### SB 1526 (Senate Business, Professions and Economic Development Committee) Consumer Affairs (Omnibus Bill Proposal)

Status: On its third reading in the Assembly

### AB 2566 (Wilson) Healing Arts: Counseling

Status: Dead

### Public Comment

Elyse Springer, California Chapter of Postpartum Support International: Spoke on AB 2581. Urged the Board to not ignore this issue and add a perinatal mental health education component in prelicensure education and a one-time CE course.

## 12. Update on Board Rulemaking Proposals

### Disciplinary Guidelines

Status: Submitted to DCA Office of Legal Affairs to begin the Initial Review Process; additional changes expected to be proposed to the Board at its September 2024 meeting.

### Unprofessional Conduct

Status: Public Comment Period for Modified Text ended June 25, 2024; Submitted to DCA Office of Legal Affairs for the Final Review Process.

### Telehealth

Status: Submitted to DCA Office of Legal Affairs to begin the Initial Review Process.

1 **13. Suggestions for Future Agenda items**

2  
3 No suggestions were presented.

4  
5 **14. Public Comment for Items not on the Agenda**

6  
7 No public comments were presented.

8  
9 **15. Adjournment**

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11 The Committee adjourned at 3:45 p.m.