



BOARD MEETING MINUTES

Open sessions of this Board Meeting were webcasted. Records of the webcasts are available at the following links:

March 4: <https://www.youtube.com/watch?v=hc3D6PwWqrY>

March 5: https://www.youtube.com/watch?v=n2rROMt_ZmQ

DATE March 4, 2021

MEETING PLATFORM WebEx Video Conference

Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-25-20, dated March 12, 2020, neither a public location nor teleconference locations are provided.

TIME 8:30 a.m.

ATTENDEES

Members Present: Max Disposti, Chair, Public Member
Christina Wong, Vice Chair, LCSW Member
Crystal Anthony, LCSW Member
Yvette Casares Willis, Public Member
Ross Erlich, Public Member
Susan Friedman, Public Member (*excused at 2:30 p.m.*)
Dr. Diana Herweck, LPCC Member (*excused 11:45 a.m.-1:14 p.m.*)
Christopher Jones, LEP Member
Kelly Ranasinghe, Public Member
Wendy Strack, Public Member

Members Absent: Deborah Brown, Public Member
Jonathan Maddox, LMFT Member
John Sovec, LMFT Member

Staff Present: Steve Sodergren, Executive Officer (*open session*)
Sabina Knight, Legal Counsel
Christina Kitamura, Administrative Analyst

Other Attendees: Timothy Aspinwall, Administrative Law Judge
Tiffany King, Administrative Law Judge
Andrew Steinheimer, Deputy Attorney General
Public participation via WebEx video conference/phone
conference (*open session*)

OPEN SESSION

I. Call to Order and Establishment of Quorum

Max Disposti, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 8:34 a.m. Roll was called, and a quorum was established.

II. Public Comments for Items Not on the Agenda

None

III. Suggestions for Future Agenda Items

None

Administrative Law Judge Tiffany King presided over the petition hearing for Willison. Administrative Law Judge Timothy Aspinwall presided over petition hearings for O'Toole and Jones (Croley). Deputy Attorney General Andrew Steinheimer presented the facts of each case on behalf of the People of the State of California.

IV. Timothy Willison, LMFT 34937, Petition for Early Termination of Probation

The hearing was opened at 8:59 a.m. Timothy Willison represented himself. Mr. Steinheimer presented the background of Mr. Willison's probation.

Mr. Willison was sworn in. He presented his request for early termination of probation and information to support the request and was cross-examined by Mr. Steinheimer and Board members. The record was closed at 9:51 a.m.

V. Joseph O'Toole, LCSW 9539, Petition for Reinstatement of License

The hearing was opened at 10:05 a.m. Joseph O'Toole represented himself. Mr. Steinheimer presented the background of Mr. O'Toole's license revocation.

Mr. O'Toole was sworn in. He presented his request for reinstatement of licensure and information to support the request and was cross-examined by Mr. Steinheimer and Board members. The record was closed at 11:02 a.m.

VI. Melissa Jones (Croley), LMFT 100851, Petition for Early Termination of Probation

The hearing was opened at approximately 11:21 a.m. Melissa Jones represented herself. Mr. Steinheimer presented the background of Ms. Jones' probation.

Ms. Jones was sworn in. She presented her request for early termination of probation and information to support the request and was cross-examined by Mr. Steinheimer and Board members. The record was closed at 12:04 p.m.

CLOSED SESSION

VII. Pursuant to Section 11126(c)(3) of the Government Code, the Board Will Meet in Closed Session for Discussion and to Take Action on Disciplinary Matters.

The Board met in closed session at 12:55 p.m.

VIII. Recess Until 8:30 a.m., Friday, March 5, 2021

The Board recessed following the conclusion of the Closed Session at 3:00 p.m. until Friday, March 5, 2021 at 8:30 a.m.

DATE March 5, 2020

MEETING PLATFORM WebEx Video Conference

Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-25-20, dated March 12, 2020, neither a public location nor teleconference locations are provided.

TIME 8:30 a.m.

ATTENDEES

Members Present: Max Disposti, Chair, Public Member
Christina Wong, Vice Chair, LCSW Member
Yvette Casares Willis, Public Member
Susan Friedman, Public Member
Dr. Diana Herweck, LPCC Member
Christopher Jones, LEP Member
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Wendy Strack, Public Member

Members Absent: Crystal Anthony, LCSW Member
Deborah Brown, Public Member
Ross Erlich, Public Member
Jonathan Maddox, LMFT 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

OPEN SESSION

IX. Call to Order, Establishment of Quorum, and Introductions

Meeting called to order at 8:33 a.m. Roll was called, and a quorum was established.

X. Board Chair Report

a. Introduction of New Board Member

Disposti: Announced the appointment of Steve Sodergren as the Board's new Executive Officer.

Disposti: Introduced new Board member, Yvette Casares Willis, Public Member.

b. Board Member Activities

Sovec: Spoke at the Trans Wellness Conference (online) in February.

XI. Public Comment for Items Not on the Agenda

Ben Caldwell: Congratulated Mr. Sodergren.

Jen Alley, California Association of Marriage and Family Therapists (CAMFT): Congratulated Mr. Sodergren.

XII. Suggestions for Future Agenda Items

Ben Caldwell: Requests a discussion summary of the disciplinary process. Based on statistics provided by Kim Madsen, it appears that more people are added to probation each year than successfully complete their probation. Would like to discuss why and discuss ways to ensure public protection while ensuring that people successfully complete their probation.

XIII. Consent Calendar

a. Possible Approval of the November 4-5, 2020 Board Meeting Minutes

b. Possible Approval of the January 29, 2021 Board Meeting Minutes

c. Possible Approval of the February 19, 2021 Board Meeting Minutes

November 2020 Board meeting minutes were tabled.

MOTION: Approve the January 29, 2020 and February 19, 2020 Board meeting minutes as written.

Wong moved. Ranasinghe seconded. The motion carried: 9 yea, 0 nay.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Crystal Anthony				X	
Deborah Brown				X	
Yvette Casares Willis	X				
Max Disposti	X				
Ross Erlich				X	
Susan Friedman	X				
Dr. Diana Herweck	X				
Christopher Jones	X				
Jonathan Maddox				X	
Kelly Ranasinghe	X				
John Sovec	X				
Wendy Strack	X				
Christina Wong	X				

XIV. Executive Officer Report

a. Budget Report

Budget

The Board's budget for fiscal year (FY) 2020/2021 is \$12,470,000. Expenditures to date are \$5,054,336 (41%).

Fund Condition

The Board's fund condition for FY 2020/2021 currently reflects a reserve if 3.1 months.

Budget Reduction

Due to the economic impact the pandemic and wildfires had on California, the Department of Finance (DOF) released Budget Letter 20-37 on November 3, 2020 which requires each Department to realize savings by taking a 5% permanent reduction no later than FY 2021/2022. The Board worked with DCA Budget Office to determine how this saving would be recognized. The 5% reduction was to be applied to the Board's operating expense and equipment budget minus some exclusions such as departmental prorata and attorney general costs. The final savings that the Board needed to realize was \$99,000.

The plan that was submitted made reductions to historically overfunded budget line items. It also proposed to eliminate a vehicle operation line item that the Board has never utilized. The following was the proposed reduction plan:

LINE ITEM	BUDGETED	REDUCTION AMOUNT
Out of State Travel Fund	\$72,000	\$60,000
Training Budget	\$29,000	\$20,000
Vehicle Operation Services	\$19,000	\$19,000
Total	\$120,000	\$99,000

b. Operations Report

LICENSING POPULATION: 2nd Quarter of FY 2020/2021

- 1,620 initial licenses were issued.
- 123,780 licensees and registrants as of February 2, 2021 - 1% gain from the previous quarter.

BOARD STATISTICS: 1st Quarter of FY 2020/2021

Licensing Program Applications

- Licensing applications received decreased by 16%.
- Uncharacteristic increase in exam applications LMFT (54%), LCSW (37%) and LEP (217%). The increase may be attributed to the new increased fees effective on January 1, 2021.

Renewal Activity

Renewal activity decreased by 25%.

Administrative Applications

Administrative application volumes decreased by 4%.

Examination Program

- 4,482 examinations were administered, a 7% increase from the previous quarter.
- 7 examination development workshops were conducted from October 1st to December 31st.
- The Office of Professional Examination Services (OPES) will be initiating work on the occupational analysis for the LCSW profession.

Enforcement Program

- 518 consumer complaints received
- 335 criminal conviction notifications received
- 556 cases closed
- 34 cases referred to the Attorney General's (AG) office for formal discipline
- 123 cases pending at the AG's office as of December 31st
- 16 Accusations and 6 Statement of Issues filed
- 13 final citations issued
- 27 Final Disciplinary Orders
- 389 average number of days to complete Formal Discipline. Performance measure is 540 days.
- 297 average number of days a case is with the AG's office
- 32 average number of days to complete all Board investigations

Continuing Education Audits

Audits are suspended due to the current continuing education waiver.

Outreach Activity

Board staff engaged in 13 outreach events via telephone or video conference: association meetings and conferences, MFT consortium meetings, and Mental Health Services Oversight & Accountability Commission (MHSOAC) meetings.

COMMUNICATION REPORT: 1st Quarter of FY 2020/2021

Social Media

The Board's social media presence continues to expand. The Board is continuing Facebook (FB) Fridays with the BBS.

Website Update

"Update/FAQs" tab has been added to the website to centralize and create an easier pathway the Frequently Asked Questions (FAQ) documents and other important updates. The Updates section contain recent law changes, newsletters and information about upcoming law changes.

DCA Call Center

Statistics for calls received by the call center were provided.

COVID-19 RESPONSE

In response to the widespread transmission of COVID-19 that California was experiencing in December the California Department of Public Health issued a stay at home order and directed all state offices to close to the public. To comply, the Board's front counter was closed from December 7, 2020 until February 1, 2021. In order to lessen the risk of transmission, Board staff continue to work remotely if their duties are conducive to telecommuting. The Board has also established a rotation schedule to allow staff to pick up on drop off work. This has allowed the Board to maintain operations with approximately 70% of staff hours performed through telecommuting.

Waivers

The Board has worked on six waiver requests with the Department; four of which were directly requested by the Board. All four requests submitted by the Board were approved. Staff continues to update waiver information on the website to ensure applicants and licensees have a clear understanding of each waiver.

c. Personnel Report

New Employees/Promotions

Office Technician (T)- Enforcement/Discipline and Probation Unit

Lisa Santolin joined the Board effective November 2, 2020.

Staff Services Manager – Licensing Unit

Cassandra Kearney promoted to this position effective September 1, 2020.

Departures

Kim Madsen, the Board's Executive Officer, retired from state service effective December 31, 2020.

Marsha Gove retired from state service effective December 30, 2020. Marsha was a Staff Services Analyst within the Board's exam unit.

Jonathan Burke accepted a promotion to Assistant Executive Officer with the California Board of Psychology effective January 13, 2021. Jonathan was a Staff Services Manager for the Board's Enforcement Discipline and Probation Unit.

Vacancies

There are 10 vacancies as of May 3, 2021:

- Executive Officer
- Staff Services Manager I - Discipline & Probation/Enforcement
- Enforcement Analyst (2 positions)
- Staff Services Analyst – Registration, Examination & Cashiering
- Management Services Technician (MST) – Licensing (2 positions)
- MST – Registration, Examination & Cashiering (2 positions)
- Office Technician – Administration

d. Strategic Plan Update

The Board's current strategic plan is set to expire this year. On February 10, 2021 Board staff met with DCA's SOLID Planning Solutions to begin the next strategic planning process. During the next few months Board staff will be working with the SOLID team to perform the environmental analysis scan. Board planning sessions are scheduled to be conducted in June.

XV. Update on Sunset Review

The Board submitted its final sunset review report in December 2019 to the Assembly and Senate Business and Professions Committees. The sunset review oversight hearing process was to be scheduled in March 2020, but due to the COVID-19 pandemic the hearings were delayed.

On November 18, 2020 the Board participated in the rescheduled sunset review oversight hearings. The Board provided a supplemental sunset report to highlight any additional changes or accomplishments that may have occurred since submitting the original report. After the hearing, the Board was asked to provide a written response to issues and recommendations that were raised by the Committees.

Next, the Legislature will run a bill to extend the Board's sunset date for the number of years it determines is appropriate.

XVI. Policy and Advocacy Committee Recommendations

a. Discussion and possible action regarding amendments to Practice Setting Definitions bill proposal (AB 690): Business and Professions Code sections 4980.01, 4980.43, 4980.43.2, 4980.43.3, 4980.43.4, 4980.46, 4992.10, 4996.13, 4996.14, 4996.15, 4996.23, 4996.23.1, 4996.23.2, 4996.23.3, 4999.22, 4999.46, 4996.46.2, 4996.46.3, 4996.46.4, 4999.72: Add Business and Professions Code sections 4980.05, 4980.06, and 4996.14.1, 4996.14.2, 4999.25, and 4999.26: Renumber and amend Business and Professions Code section 4999.24 (Renumber to 4999.27)

The Board is sponsoring a practice setting definition bill proposal, AB 690. The purpose of AB 690 is to provide definitions of the specific types of practice settings Board licensees, applicants, and registrants are employed in. This will provide critical clarification about where trainees may work, what constitutes a private practice, and will provide additional opportunities for supervision in private practice settings.

The Board attempted to run this bill last year. However, due to COVID-19, the Legislature was unable to run its usual number of bills. The Board directed staff to again pursue a bill proposal at its November 2020 meeting.

However, after further review of the language and stakeholder discussions, staff brought the proposed bill language back to the February 2021 Policy and Advocacy Committee (Committee) for discussion of two potential amendments. The Committee recommended that the Board consider making the following amendments:

1. **Amendment #1:** Deleting the provision proposed in BPC §4980.06(b) (for LMFTs), 4996.14.2(b) (for LCSWs), and 4999.26(b) (for LPCCs) that provide that an entity that is licensed or certified by a government regulatory agency to provide health care services shall not be considered a private practice setting.

An "entity that is licensed or certified by a government regulatory agency to provide health care services shall not be considered a private practice setting." Staff believes that as written, this sentence is too broad and could lead to implementation issues.

The original reasoning behind adding this allowance is the thought that existing government oversight provides additional public protection, so licensed or certified entities are not subject to the same concerns about lack of oversight as other private practices and professional corporations are subjected to.

However, there are a wide and unknown variety of government regulatory agency license or certification types that may broadly qualify an entity to not be considered a private practice, even if it otherwise meets the definition. It is unknown if all types of government agency licenses or certifications would adequately provide the desired level of oversight to provide the additional public protection the Board believes is needed in a private practice or professional corporation.

2. **Amendment #2:** Modifying the provision proposed in BPC §§4980.43.4(b)(2) (LMFTs), 4996.23.3(b)(2) (LCSWs), and 4999.46.4(b)(2) (LPCCs) that requires supervisors in a private practice or professional corporation to provide psychotherapeutic services to clients at the same site as the associate they are supervising.

The current bill language proposes the following:

- (a) *An associate who is employed by or volunteering in a private practice or a professional corporation shall be supervised by an individual who is both of the following: is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full time at the site and be actively engaged in performing professional services at the site.*
 - (1) Is employed by or contracted by the associate's employer or is an owner of the private practice or professional corporation.
 - (2) Provides psychotherapeutic services to clients at the same site as the associate.

Kaiser has raised concerns about this language because it frequently employs ASWs who are gaining experience toward licensure.

Kaiser is split into three employing entities: Kaiser Foundation Health Plan, which is a nonprofit and qualifies as an exempt setting; Kaiser Foundation Hospitals, which is a nonprofit and qualifies as an exempt setting; and The Permanente Medical Group, which is a professional corporation, and is therefore treated as a private practice.

ASWs working for The Permanente Medical Group arm of Kaiser believe it is unfair that they have limits on their required supervision for gaining experience hours toward LCSW licensure that other ASWs working under the Kaiser nonprofit corporations do not have.

Under the bill proposal as currently drafted, this issue would partly, but not entirely, resolve with the current bill language. Under current the proposal, the

following would apply to supervisors and associates of Kaiser's professional corporation arm:

- They would now be able to arrange for contracted supervisors to supervise their associates.
- A supervisor would be required to see clients at the same site as their associate but would no longer be required to be employed full time at the site.
- A supervisor would be limited to six supervisees per supervisor (instead of the current three).

In the past, the Board has determined that private practices and professional corporations are in need of additional oversight to ensure associates are supervised properly, not practicing independently, and to achieve the public protection mandate.

The Committee discussion centered on potentially modifying subsection (2). At the Committee's direction, staff developed scenarios of alternative language for the Board to consider. The scenarios were presented to the Board for discussion and consideration.

Sovec: A lot of the movement (of the supervisor) is being directing in a way to support a for-profit corporation to balance out what they're doing for their non-profit. Concerned about the Board's work being done to serve a "for-profit situation" when the focus should be directed towards on its (license) population and the public.

Disposti: Kaiser has legitimate concerns; however, the Committee expressed the same concerns addressed by Mr. Sovec. There are many people working for Kaiser, and the Committee does not want to penalize them; however, the goal must be public protection and to ensure that people in remote regions are properly served.

Strack: As a Board, the priority is to not necessarily to assist a for-profit corporation; the priority is to make sure that the licensees under that corporation are able to meet the requirements for their license so that they can serve the public.

Herweck: Echoed Ms. Strack. A lot of students and associates would benefit from the training and various programs that a large entity has to offer.

Denise Tugate, Government Relations Advocate for FDIU United Healthcare Workers: Language option (2e) balances oversight and documentation of supervision.

Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA): Expressed support for the ASWs working for Kaiser and agreed with Ms. Tugate.

Josie Baker: With the mental health crisis stemming from the pandemic, supervision is imperative to the continued professional growth of social workers. To meet the needs of Californians during this time, there is a need for well-honed clinical skills. Language option (2e) seems to strike an important balance between affording parity for ASWs that work in both exempt and non-exempt settings while providing consumer protection.

LaTrena Robinson: Acknowledges the Board's concerns in regards to making changes to benefit the corporation. Expressed that the changes benefit the employees that are serving children, seniors, families, and various members of the community in many capacities. The change would allow social workers working in vulnerable populations to have equity with the social workers in the hospital and moving towards licensure.

Cathy Atkins, California Association of Marriage and Family Therapy (CAMFT): Trusts Ms. Helms' assessment and analysis especially regarding consumer protection. Concerned that whatever the solution is to fix this issue, does not create an unintended consequence. She used alcohol and drug treatment centers as an example.

Helms: For (2e), it does open the door for potential abuse by loosening the requirement for the supervisor to be at the same site as the supervisee.

MOTION: Adopt Amendment 1 as a legislative proposal, and direct staff to make any discussed changes and any non-substantive changes and pursue as a legislative proposal.

Ranasinghe moved. Strack seconded. The motion carried: 7 yea, 2 nays.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Crystal Anthony				x	
Deborah Brown				x	
Yvette Casares Willis	x				
Max Disposti		x			
Ross Erlich				x	
Susan Friedman	x				
Dr. Diana Herweck	x				
Christopher Jones	x				
Jonathan Maddox				x	
Kelly Ranasinghe	x				
John Sovec		x			
Wendy Strack	x				
Christina Wong	x				

MOTION: Adopt Amendment 2, Attachment C (2e) and direct staff to pursue the amendment to AB 690 and make any discussed changes and any non-substantive changes and pursue as a legislative proposal.

Wong moved. Strack seconded. The motion carried: 9 yea, 0 nay.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Crystal Anthony				x	
Deborah Brown				x	
Yvette Casares Willis	x				
Max Disposti	x				
Ross Erlich				x	
Susan Friedman	x				
Dr. Diana Herweck	x				
Christopher Jones	x				
Jonathan Maddox				x	
Kelly Ranasinghe	x				
John Sovec	x				
Wendy Strack	x				
Christina Wong	x				

b. Discussion and possible action regarding inclusion of “prognosis” versus “treatment planning” content in required coursework: Business and Professions Code sections 4980.36, 4980.37, 4980.81, 4999.32, and 4999.33.

In the 2019 omnibus bill (SB 786, which was signed into law and became effective January 1, 2020), the Board sponsored an amendment to BPC §§4980.36, 4980.37, 4980.81, 4999.32, and 4999.33.

Previously those sections, which list required education and practicum for LMFT and LPCC licensure, required coursework in assessment, diagnosis, and prognosis. The Board proposed an amendment replacing the term “prognosis” with the term “treatment planning,” because it believed treatment planning is a more accurate representation of the course of psychotherapy.

Stakeholders have alerted Board staff that other mental health professions may be interpreting the Board’s law change as meaning LMFTs and LPCCs are not permitted to perform prognosis. Staff does not believe this was Board’s intent when it decided to pursue the law change.

Ben Caldwell: LMFTs and LPCCs engage in prognosis that are not directly linked with treatment planning and does not believe that there was an intent to limit the scope of LMFTs or LPCCs. By adding the term prognosis, it is not an intent to increase the scope.

Jennifer Alley, California Association of Marriage and Family Therapists (CAMFT): CAMFT supports the requested change.

Rebecca Gonzales, National Association of Social Workers California Chapter (NASW-CA): Is it possible to add “prognosis” to the LCSW scope?

Helms: Responded that adding the term to LCSW law would be handled as a separate item and could be added as a future agenda item.

Chad Vacco, California Association for Licensed Professional Clinical Counselors (CALPCC) Legislative Board Committee: CALPCC supports the requested change.

MOTION: Direct staff to make any discussed changes, and any non-substantive changes, and pursue as a legislative proposal.

Wong moved. Disposti seconded. The motion carried: 9 yea, 0 nay.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Crystal Anthony				x	
Deborah Brown				x	
Yvette Casares Willis	x				
Max Disposti	x				
Ross Erlich				x	
Susan Friedman	x				
Dr. Diana Herweck	x				
Christopher Jones	x				
Jonathan Maddox				x	
Kelly Ranasinghe	x				
John Sovec	x				
Wendy Strack	x				
Christina Wong	x				

**c. Discussion and possible recommendation to support AB 723 (Low):
Marriage and Family Therapy: Scope of Practice (Amends Business and Professions Code section 4980.02)**

AB 723 would modernize and clarify the scope of practice for LMFTs. CAMFT used the education and experience requirements for LMFT licensure in current statute to determine duties included as part of the new scope of practice.

Intent

CAMFT is pursuing a change to the LMFT scope of practice because the existing scope no longer reflects the diverse education, therapeutic terms, modalities utilized, or diverse conditions and disorders that LMFTs currently treat.

Recommendation

At its February 5, 2021 meeting, the Committee reviewed and discussed a draft version of this bill. The Committee recommended that the Board consider taking a “support” position on the bill.

The bill has been formally drafted by Legislative Counsel and introduced. A few minor wording changes were made since the draft version to the list of activities in the scope.

Jen Alley, CAMFT: Requests the Board’s support for AB 723.

Ben Caldwell: Requests the Board’s support for AB 723.

Rebecca Gonzales: NASW-CA is taking a neutral position.

MOTION: Support AB 723.

Disposti moved. Sovec seconded. The motion carried: 9 yea, 0 nay.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Crystal Anthony				x	
Deborah Brown				x	
Yvette Casares Willis	x				
Max Disposti	x				
Ross Erlich				x	
Susan Friedman	x				
Dr. Diana Herweck	x				
Christopher Jones	x				
Jonathan Maddox				x	
Kelly Ranasinghe	x				
John Sovec	x				
Wendy Strack	x				
Christina Wong	x				

XVII. Telehealth Committee Update

The Telehealth Committee held its first meeting on January 22, 2021. The Committee members and stakeholders discussed the Board's existing statutes and regulations related to telehealth. The Committee also reviewed the laws of several other states that pertain to practice across state lines.

The next Telehealth Committee meeting is scheduled on March 26, 2021.

XVIII. Discussion and Possible Action Regarding Proposed Revisions to Supervision Rulemaking Proposal to Amend Title 16, California Code of Regulations Sections 1820, 1820.5, 1821, 1833, 1833.1, 1833.2, and 1870: Add Sections 1815.8, 1820.3, 1821.1, 1821.2, 1821.3, 1833.05, 1833.1.5, 5 1834, 1869, 1869.3, 1870.3, 1870.5, and 1871: and Repeal Sections 1822 and 1870.1.

This item contains minor changes to the text of a Board-approved regulation proposal pertaining to the supervision of experience required for licensure for the LMFT, LCSW and LPCC professions. The regulations are currently undergoing final review by the Office of Administrative Law, which has requested the changes. Staff anticipates a July 1, 2021 effective date, with certain components to be phased-in.

The proposed amendments, as recommended by the Office of Administrative Law, would make the following changes:

- Technical, non-substantive and clarifying changes

- Supervisor Self-Assessment Report (sections 1821(d), 1833.1(d) and 1870(d)).
 - Supervisor's telephone number and email address. Clarify that these shall be confidential.
 - Effective Date Phase-in for Existing Supervisors. Licensees supervising an associate (or MFT trainee) as of the effective date of the regulations (expected as July 1, 2021) shall submit a self-assessment report to the board by July 1, 2022 (changed from January 1, 2022 to provide a full one year for compliance as originally intended).
 - Supervisor Removal from List. Require supervisors to notify the board within 60 days of being no longer qualified to supervise, or to be removed from the list if they no longer wish to supervise.
- Supervisee Placement by Temporary Agencies (sections 1820.3, 1833.05 and 1869.3). Include language that clarifies that supervisees may be an employee of the temporary agency or of the agency that contracts with the temporary agency. Refers back to statute regarding the W-2 requirement.
- Substitute Supervisors (sections 1821.1, 1833.1.5 and 1870.3). Require the substitute supervisor and the supervisee's employer to sign a written oversight agreement if required by section 1820, 1833 or 1869. This will help ensure that the substitute supervisor has access to client records and provides other protections.
- Supervisor Training and Coursework (sections 1821.3, 1834 and 1871).
 - Initial Training for New Supervisors. Change the effective date of the one-time training required for new supervisors to be the same as the anticipated effective date of the regulations (July 1, 2021).
 - Continuing Professional Development. Specify the types of acceptable documentation for mentoring or consultation (subsection (c)(4)) and attendance at peer discussion groups (subsection (c)(5)).
 - Approved Supervisor Certification Exemptions. Subsection (d)(2) originally would have allowed licensees who hold a supervisor certification from a specified entity to qualify as a supervisor even if they were not actively licensed for two of the past five years, and/or had not practiced for two of the past five years. However, since the provisions requiring the two years of licensure/practice are set in statute, they cannot be waived because statute overrides regulations. Certified individuals would still be exempt from supervisor training and continuing professional development requirements.

MOTION: Approve the proposed text for a 15-day public comment period, and delegate to the Executive Officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period, to follow established procedures and processes in doing so, and also

delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

Disposti moved. Wong seconded. The motion carried: 9 yea, 0 nay.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Crystal Anthony				x	
Deborah Brown				x	
Yvette Casares Willis	x				
Max Disposti	x				
Ross Erlich				x	
Susan Friedman	x				
Dr. Diana Herweck	x				
Christopher Jones	x				
Jonathan Maddox				x	
Kelly Ranasinghe	x				
John Sovec	x				
Wendy Strack	x				
Christina Wong	x				

XIX. Update on Board-Sponsored and Board-Monitored Legislation

a. Assembly Bill 690 (Arambula) Board of Behavioral Sciences Practice Setting Definitions

The Board approved this proposal at its November 2020 meeting.

b. Omnibus Bill Proposal

This bill proposal was approved by the Board at its November 2020 meeting.

XX. Update on Board Rulemaking Proposals

Substantial Relationship & Rehabilitation Criteria (AB 2138 Regulations)

Status: Approved by OAL. Effective date: December 14, 2020

Enforcement Process

Status: On Hold

Supervision-Related Requirements

Status: Submitted to OAL for final approval

Continuing Education and Additional Training Requirements

Status: DCA Initial Review Process

Examination Waiting Periods, Professional Corporations, Accrediting Agencies and Equivalent Degrees

Status: Preparation for Initial Review Process

XXI. Adjournment

The Board adjourned at 12:00 p.m.