



BOARD MEETING MINUTES

Open sessions of this board meeting were webcasted. Webcast recordings are available on the following links:

February 29 (part 1 of 2): https://youtu.be/heMy6z5MJ_M

February 29 (part 2 of 2): <https://youtu.be/OYblEymZqi8>

March 1 (part 1 of 1): <https://youtu.be/ykf6F4D3Oy8>

DATE	February 29, 2024
LOCATION	Department of Consumer Affairs 1747 North Market Blvd., #182 Sacramento CA 95834
TIME	9:30 a.m.
ATTENDEES	
Members Present:	Wendy Strack, Vice Chair, Public Member Dr. Nicholas (Nick) Boyd, LPCC Member Susan Friedman, Public Member Justin Huft, LMFT Member Abigail Ortega, LCSW Member Kelly Ranasinghe, Public Member John Sovec, LMFT Member Eleanor Uribe, LCSW Member Dr. Annette Walker, Public Member
Members Absent:	Christopher (Chris) Jones, Chair, LEP Member Yvette Casares Willis, Public Member Aimee Eng, Public Member
Staff Present:	Steve Sodergren, Executive Officer Marlon McManus, Assistant Executive Officer Sabina Knight, Department of Consumer Affairs (DCA) Legal Counsel Christina Kitamura, Administration Analyst
Other Attendees:	Marcie Larson, Administrative Law Judge

Stephanie Alamo-Latif, Deputy Attorney General
Shelly Ganaway, DCA Legal Counsel
Jamie Haasch, Petitioner
Karen Okicich, DCA Office of Professional Examination Services (OPES)
Heidi Lincer, DCA OPES
Trisha St. Clair, DCA Strategic Organizational Leadership and Individual Development (SOLID)
Sarah Irani, DCA SOLID
Public participation via Webex and in-person

OPEN SESSION

1. Call to Order and Establishment of Quorum

Wendy Strack, Vice Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 9:30 a.m. Roll was called, and a quorum was established.

2. Suggestions for Future Agenda Items

Mike T.: 1) Consider changing the exam retake policy to a 30-day retake policy.
2) Hire more licensing and exam evaluators to evaluate BBS applications.

Jennifer: Take a look at privacy and the publishing of licensee's addresses.

3. Public Comment for Items Not on the Agenda

Mike T.: Those who are pursuing licensure spend a lot of money and time on the pursuit, and they struggle financially. Is there a way to streamline the licensing process to make it more efficient?

Administrative Law Judge Marcie Larson presided over the following petition hearings. Deputy Attorney General Stephanie Alamo-Latif presented the facts of each case on behalf of the People of the State of California.

4. Jamie Haasch, LMFT 128819, Petition for Early Termination of Probation

The record was opened at 9:43 a.m. Jamie Haasch represented herself. Deputy Attorney General Stephanie Alamo-Latif presented the background of this case. Haasch was sworn-in and presented her request for early termination of probation and information to support the request. She was questioned by Alamo-Latif and board members. The record was closed at 10:37 a.m.

CLOSED SESSION

The Board entered closed session at 10:38 a.m.

5. **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, Including the Above Petitions.**
6. **Pursuant to Section 11126(c)(1) of the Government Code, the Board will Meet in Closed Session to Discuss the Association of Marital and Family Therapist Regulatory Boards Clinical Examination for Licensure.**
7. **Pursuant to Section 11126(c)(3) the Board will Meet in Closed Session to Consider the Salary of the Board's Executive Officer.**

The Board chair called for a break at the end of closed session at 12:59 p.m.

OPEN SESSION

The Board reconvened in open session at 2:03 p.m.

8. Diversity, Equity, and Inclusion (DEI) Supplemental Strategic Planning

Trisha St. Clair and Sarah Irani, Strategic Organizational Leadership and Individual Development (SOLID), lead the DEI supplemental strategic planning session.

Board members and staff engaged in discussions and brainstorming ideas on implementing DEI into the Board's current strategic plan. The Board reviewed the following goals:

- Goal 1: Licensing
- Goal 2: Examinations
- Goal 3: Enforcement
- Goal 4: Legislation and Regulation
- Goal 5: Organizational Effectiveness
- Goal 6: Outreach and Education

No public comments were received after discussion of each goal.

9. Recess Until 8:30 a.m., Friday, March 1, 2024.

The Board recessed at 5:03 p.m.

DATE March 1, 2024

LOCATION Department of Consumer Affairs
1747 North Market Blvd., #182
Sacramento, CA 95834

TIME 8:30 a.m.

ATTENDEES

Members Present: Wendy Strack, Vice Chair, Public Member
Nick Boyd, LPCC Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member
Dr. Annette Walker, Public Member

Members Absent: Christopher Jones, Chair, LEP Member
Yvette Casares Willis, Public Member
Aimee Eng, Public Member

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Sabina Knight, DCA Legal Counsel
Kristy Schieldge, DCA Legal Counsel
Rosanne Helms, Legislative Manage
Christy Berger, Regulatory Manager
Christina Kitamura, Administration Analyst

Other Attendees: Judie Bucciarelli, DCA Board and Bureau Relations
Public participation via Webex and in-person

OPEN SESSION

10. Call to Order and Establishment of Quorum

Wendy Strack, Vice Chair of the Board, called the meeting to order at 8:32 a.m. Roll was called, and a quorum was established.

11. Introductions

Board members, staff, and attendees introduced themselves.

12. Consent Calendar

a. Possible Approval of the November 16-17, 2023 Board Meeting Minutes

b. Possible Approval of the December 15, 2023 Telehealth Committee Meeting Minutes

Motion: Approve the November 16-17, 2023 Board meeting minutes and the December 15, 2023 Telehealth Committee meeting minutes.

M/S: Walker/Friedman

Public Comment: None

Vote: Yea 8; Nay 0, Abstain 1. Motion carried.

Member	Vote
Dr. Nick Boyd	Y
Yvette Casares Willis	absent
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	absent
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	abstain
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

13. Board Chair Report

a. Board Member Attendance

Current fiscal year attendance report was provided.

b. Future Board Meetings

The 2024 board meetings and committee meetings were provided.

c. Staff Recognitions

The following staff were recognized for their service:

- Martin Gamez: 5 years of state service
- Samuel Hall: 10 years of state service
- Carl Peralta: 10 years of state service
- Annie Hu: 10 years of state service
- Gena Beaver: 15 years of state service

14. Department of Consumer Affairs Update

Judie Bucciarelli, Department of Consumer Affairs (DCA/department) Board and Bureau Relations, presented the following updates:

- Business, Consumer Services, and Housing Agency (Agency) update: Appointment of new Agency Secretary, Tomiquia Moss
- Diversity, Equity, and Inclusion (DEI) update: Launch of DEI intranet page to department staff, DEI training opportunities, and support for DCA boards and bureaus.
- Budget: Current year expenditure freeze
- Active Threat Assessment Training held for board and bureau leadership.
- Legislative implementation update: Launch of the Federal Professional License Portability and State Registration online portal in support of service members and their families.
- SB 372: Requires DCA board and bureaus to update its records, including any records on its online license verification system, if they receive government-issued documentation showing a legal change of name or gender due to gender transition or domestic violence reasons. This bill makes the former name or gender confidential. SB 32 took effect on January 1, 2024.
- Bagley-Keene Open Meeting Act: Amendments to teleconference meeting requirements took effect on January 1, 2024.

15. Executive Officer Report

a. Budget Report

- The Board's budget for fiscal year (FY) 2023-24 is \$14,148,000.
- Fund Condition reflects a reserve of 11.8 months.

The fund condition reserve of 11.8 months has been reduced. The state of California has taken a \$10 million loan from the Board's reserves. The loan will be paid back in the future if the state no longer needs the funds or if/when the Board needs the funds.

b. Personnel

The Board's staffing activity is as follows:

- 3 new hires/5 promotions
- 1 departure
- 4 vacancies

c. Licensing Report

2nd Quarter Statistics:

- 4,566 licenses/registrations were issued.
- Population of approximately 142,714 licensees/associates as of January 22, 2024
- 2% gain in license/registration population from previous quarter

Information provided as attachments in the meeting materials:

- BBS Population Report
- Licensing Applications Received/Processing Times
- Administration Applications Received

Steve Sodergren noted corrections on the document showing application processing times.

d. Exam Report

2nd Quarter Statistics:

- 5,634 exams were administered (1.5% decrease from previous quarter)
- 4 exam development workshops were conducted.

Sodergren provided the following updates:

- Association of Social Work Boards (ASWB) and its exam vendor change

- Occupational analysis and examination outline for the LMFT, LCSW, and LPCC Law & Ethics exams
- Survey to examine disparities: Western Kentucky University, Department of Social Work
- Human Resources Research Organization's Community Conversation Report
- Social Work Workforce Coalition to launch the Social Work Census in March 2024
- National Board of Clinical Counselors' new exam retake policy
- Pearson Vue's exam candidate handbook updates and law and ethics exam outline updates

Information provided as attachments in the meeting materials:

- Exam Pass Rate Report
- Exam School Report 2nd Quarter FY 2023-2024

Public Comments

Dr. Ben Caldwell: Referred to the ASWB clinical exam data provided in the meeting materials, which showed that in the prior two quarters, there were more than 2,000 attempts at the exam, and more than half of those attempts were failures. There is either a failure of education and training, or there is a failure of the exam in determining who is prepared for independent practice.

Cathy Atkins, California Association of Marriage and Family Therapists (CAMFT): CAMFT submitted a letter to BBS advocating the use of the AMFTRB national exam instead of the California state exam. (The letter was provided in meeting materials.)

e. Enforcement Report

2nd Quarter Statistics:

- 505 consumer complaints received
- 240 criminal convictions
- 532 cases closed
- 27 cases referred to Attorney General's (AG) Office
- Average time to complete formal discipline: 374 days
- Average time a case is at the AG's Office: 233 days
- Average time to complete board investigations: 71 days
- 6 petitions for modification or early termination of probation received

Information provided as an attachment in the meeting materials: Consumer Complaint and Criminal Conviction Report

f. Education and Outreach Report

2nd Quarter Statistics:

- Facebook page reach increased by 3%.
- Facebook page visits decreased by 15.8%.
- Instagram page visits increased by 19.2%.
- 4 outreach events conducted.

Information provided as attachments in the meeting materials:

- Outreach Event Report
- BBS Winter Newsletter

g. Organizational Development Report

The following progress updates were provided:

- BreEZe system update for implementation of AB 232 to create the online application for the Temporary 30-Day Practice Allowance for out-of-state licensees.
- Consumer Information Center handled 3,807 BBS calls during the 2nd quarter.
- Staff received 26,281 emails during the 2nd quarter.
- Organizational structure
- BBS efficiency project
- DEI

Information provided as attachments in the meeting materials:

- Calls Received/Handled by CIC
- Emails Received
- Board of Behavioral Sciences Efficiency Project

h. Strategic Plan Update

Progress updates on Strategic Plan goals were provided.

16. Discussion and Possible Action Regarding the Pathway to Licensure Survey

At its January 2019 Workforce Committee (Committee) meeting, Board staff made a recommendation to conduct a survey to gain more insight into possible barriers that an individual may face while on the pathway to licensure. The Committee recommended staff revise the draft survey and bring it to the full board for review.

A list of potential survey questions was presented.

Huft: Recommended changes to questions 11 and 22.

Ranasinghe: Grammar correction on question 15.

Ortega: Recommended adding questions: 1) How much was paid for supervision? 2) Was it a fair amount. 3) Were you satisfied with your supervision?

Sovec: Add question asking to what degree was supervision a financial burden.

Huft: 1) Question 8, change it to a scaling question. 2) Questions 13, 14, 15 ask what percentage of supervision was in each of the choices.

Boyd: Move question 28 to Education instead of Examination.

Ortega: Add a question relating to accommodations.

Sovec: Suggested adding a general BBS section to the survey.

Walker: Suggested keeping the survey short and distinct so that the survey takers do not get "survey fatigue."

Ranasinghe: Question 22, add location.

Walker: Add a comment box to each question.

Public Comment

Lisa Wenninger: Recommended adding questions: 1) How long did it take to go through the process (if finished)? 2) How easy was it to find a practicum site? 3) If you moved to California during licensure, did that create obstacles? 4) Were any hours rejected by BBS and why? 5) Did you get your application for registration or licensure kicked back? 6) Who did you rely on for guiding you through this process?

Cathy Atkins, CAMFT: Recommended: 1) obtaining trainee data; 2) obtaining data regarding those paid from W-2 versus 1099; 3) clarify question 28 to indicate a master's education.

Motion: Direct the executive officer to make discussed changes, formalize the document and distribute.

M/S: Ranasinghe/Huft

Public Comment: None

Vote: Yea 9; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Yvette Casares Willis	absent
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	absent
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

17. Discussion and Possible Action to Initiate a Rulemaking to Amend the Board’s Standards of Practice for Telehealth Regulations (Title 16, California Code of Regulations (16 CCR) §1815.5)

Proposed Amendments to §1815.5 of the Telehealth Regulations

1. Replace the Term “Valid and Current” License or Registration; Subdivision 1815.5(a)

The Telehealth Committee recommended replacing the requirement in §1815.5(a) that requires a license be “valid and current” to engage in telehealth, to instead require the license to be “current and active” to specifically prescribe the intended license status needed to practice via telehealth.

2. Utilization of “Industry Best Practices”

Telehealth regulations (§1815.5(d)(3)) require that each time a therapist provides services via telehealth, they must “utilize industry best practices for telehealth to ensure both client confidentiality and the security of the communication medium.” The requirement to utilize “industry best practices” is a vague term that has led to confusion about how this requirement is fulfilled.

The Policy & Advocacy Committee suggested replacing the requirement to utilize “industry best practices.” The amendments are derived from language used in statute by the Veterinary Medical Board, but with further specificity recommended by Board Regulations Counsel as to which state and federal laws and regulations would be included in this requirement. This would include the Confidentiality of Medical Information Act and HIPAA and its implementing regulations.

3. Replace Gendered Pronouns with Gender-Neutral Pronouns

Gendered pronouns in §1815.5(c)(3) and (d) were replaced with gender-neutral ones.

4. Subdivisions 1815.5(e) and (f)

Regulation §1815.5(e) currently states that a California licensee or registrant may only provide telehealth to a client in another jurisdiction if they meet the requirements to lawfully provide services in that jurisdiction, and if telehealth is allowed by that jurisdiction.

Regulation §1815.5(f) states that failure to comply with any provisions of the Board's telehealth regulations is unprofessional conduct.

The Board's Regulations Counsel pointed out that any violation of the Board's statutes and regulations is unprofessional conduct. BPC sections 4982(e), 4989.54(f), 4992.3(f), and 4999.90(e) state that the following is unprofessional conduct:

Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

The Telehealth Committee determined that §1815.5(f) is unnecessary and recommended that it be struck.

Motion: Approve the proposed regulatory text as presented in Attachment A with the following changes: add the phrase "Except as provided in Section 2290.5 of the Code for trainees," to the beginning of subsection (a) before the word "All". In addition, submit the approved text 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 text and the package, and set the matter for a hearing if requested. If after the 45-day public comment period, no adverse comments are received and no public hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking, and adopt the proposed regulations for Title 16, California Code of Regulations section 1815.5 as approved at this meeting.

M/S: Boyd/Huft

Public Comment

Caldwell: Expressed appreciation for the changes to clarify the law.

Atkins, CAMFT: Needs time to think about this change and will bring any concerns to the Board.

Vote: Yea 9; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Yvette Casares Willis	absent
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	absent
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

18. Presentation By Board Staff Regarding the Regulatory Process

Christy Berger gave a presentation explaining the regulatory process.

19. Update on Board Rulemaking Proposals

Disciplinary Guidelines

Status: Preparation for DCA Initial Review Process

Unprofessional Conduct

Status: Noticed to the public on February 2, 2024

20. Discussion and Possible Action Regarding Proposed Amendments to Board Sponsored Legislation: SB 1024 (Ochoa Bogh) Healing Arts: Board of Behavioral Sciences: Licensees and Registrants (Business and Professions Code (BPC) §§ 4980.31, 4980.32, 4980.43.2, 4980.43.4, 4989.17, 4989.48, 4996.7, 4996.8, 4996.23.1, 4996.23.3, 4996.75, 4999.46.2, 4999.46.4, 4999.70, and 4999.71)

The Board approved amendments currently in SB 1024 at its meeting in November 2023. Legislative Counsel and the Legislature’s Business and Professions Committee provided preliminary feedback on the proposed language. Based on the feedback, staff is recommending the Board consider several amendments to the bill.

Proposed Additional Amendments

1. Amendments to license display and required notice requirements.

The Board received feedback that it may be appropriate to continue requiring the physical display of a license if a therapist is seeing clients in person. Therefore, staff is recommending an amendment to require this. The bill would continue to propose requiring the licensee or registrant's license or registration information be included in the required notice to consumers, which means that consumers would be provided this information at the beginning of services, regardless of whether therapy is in person or via telehealth.

Additionally, the bill is currently proposing that the required notice contain specified information about a therapist's license, and it additionally requires that a licensee must inform their clients of any changes to the active status of their license. Based on feedback that this may cause confusion, staff is suggesting that the amendment to require notification if the active status changes be deleted. If a license falls out of active status, the licensee is not allowed to see clients, and therefore would already have to inform the client.

2. Standardize the use of the term "individual" versus "person" throughout the language.

Where the bill proposes limiting the number of persons receiving supervision, Legislative Counsel noted that in some places the bill limits the number of "individuals" and in other places it limits the number of "persons." They advised that a consistent term should be chosen. Staff has chosen to replace the term "individuals" with "persons" in these instances.

3. Strike obsolete date of July 1, 2020.

4. Add duplicate language due to sunseting section.

The bill already makes amendments to the currently operative version of these sections. However, there is a second version of these sections in law that becomes effective January 1, 2026, if the Board elects not to extend the allowance that permits supervision via videoconferencing in all settings. Legislative Counsel has advised that the Board needs to have proposed amendments in both versions of these sections, so that if the Board decides in the future that the currently operative version of these sections should sunset in 2026, the new provisions that this bill is proposing do not also sunset.

Motion: Direct staff to make any discussed changes and non-substantive changes and amend the language in Attachments A and B into SB 1024.

M/S: Ranasinghe/Huft

Public Comment: None

Vote: Yea 9; Nay 0. Motion carried.

Member	Vote
Nick Boyd	Y
Yvette Casares Willis	absent
Aimee Eng	absent
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	absent
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	Y
Eleanor Uribe	Y
Annette Walker	Y

21. Telehealth Committee Update

The Telehealth Committee (Committee) held its final meeting on December 15, 2023. At its last meeting, the Committee discussed the following:

- The results of a Board survey and additional research to gather information about licensee and registrant experiences working for online-only therapy platforms and utilizing alternative methods of therapy.
- Potential amendments needed for the Board’s current telehealth regulations.

22. Workforce Development Committee Update

The Workforce Development Committee (Committee) met in January 2024. The purpose of the Committee is to conduct in-depth discussions about numerous topics related to the licensing process and workforce development.

During its meeting, the Committee discussed the following:

- The Department of Health Care Access and Information (HCAI) Research Data Center’s Race and Ethnicity of California’s Health Workforce Data Set
- Permitting Early Eligibility to take the Clinical Examination
- Potential Exam Alternatives
- Proposed Amendments to the Board’s Additional Examination Time: English as a Second Language Regulations: California Code of Regulations Title 16, Section 1805.2
- Licensure Pathway Survey

- Implementation of Voluntary Demographic Survey for Candidates Taking Board-Developed Exams
- Development of a Board-Developed Law and Ethics Continuing Education Course

The next Committee meeting will be held on April 19, 2024.

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

Board-Sponsored Legislation

AB 1024 Healing Arts: Board of Behavioral Sciences: Licensees and Registrants

Status: AB 1024 was introduced on February 6, 2024.

Omnibus Bill Proposal (Senate Business, Professions and Economic Development Committee)

Status: This bill has not been introduced yet.

Board-Supported Legislation

AB 11 California State University: Mental Health Counseling

Status: This is a 2-year bill. The author has indicated they will not be pursuing it this year.

SB 238 Health Care Coverage: Independent Medical Review

Status: This is a 2-year bill.

SB 513 Incarcerated Persons: Mental Health

Status: This is a 2-year bill.

Board-Monitored Legislation

SB 766 Social Workers

Status: This bill is dead.

Public Comment

Atkins, CAMFT: Requesting the Board and the Policy and Advocacy Committee review AB 2142. This bill is co-sponsored by CAMFT and addresses anti-recidivism.

24. Suggestions for Future Agenda Items

Walker: BBS customer service (i.e., emails, phone calls)

Ortega: Would like to know where BBS licensees/registrants are working.

Friedman, Ortega, Ranasinghe: Expressed concerns regarding AI.

Atkins, CAMFT: Transition to the national exam for MFTs.

25. Public Comment for Items not on the Agenda

Sovec: Focused attention on Nex Benedict, a 16-year-old transgender teen beaten at school in Oklahoma. Pointed out that in 2023, over 500 anti-LGBTQ bills were introduced in state legislatures across the country. Already in 2024, there are over 300 anti-LGBTQ bills. Provided statistics regarding students reporting feeling unsafe in school, being verbally harassed in school, and being physically harassed in school. Pointed out “cracks in the system” where school districts are not following through on protection for students and “school boards are enacting arbitrary anti-LGBTQ policies based on opinion and not best practices.” Challenged teachers, coaches, parents, and leaders to fight for the safety and well being of LGBTQ kids in the communities.

26. Adjournment

The Board adjourned at 1:38 p.m.