



Board of Behavioral Sciences



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Gavin Newsom, Governor
State of California

Business, Consumer Services and Housing Agency
Department of Consumer Affairs

BOARD MEETING MINUTES

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

September 19: <https://www.youtube.com/watch?v=LMSUUHQkq7c>

September 20: <https://www.youtube.com/watch?v=bLGOKs0MMVY>

DATE

September 19, 2024

LOCATION

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

TIME

8:30 a.m.

ATTENDEES

Members Present: Christopher (Chris) Jones, Chair, LEP Member
Lorez, Bailey, 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: Wendy Strack, Vice Chair, Public Member

Staff Present: Steve Sodergren, Executive Officer
Marlon McManus, Assistant Executive Officer
Christina Kitamura, Administration Analyst
Sabina Knight, Department of Consumer Affairs (DCA) Legal Counsel
Brennan Meyers, DCA Legal Counsel
Yuping Lin, DCA Legal Counsel

Other Attendees: Sean Gavin, Administrative Law Judge
Adriana Lazark, Deputy Attorney General
Leah Lynne French, Petitioner
Corie Bowden, Petitioner
Public participation via Webex and in-person

OPEN SESSION

1. Call to Order and Establishment of Quorum

Christopher Jones, Chair of the Board of Behavioral Sciences (Board), called the meeting to order at 8:45 a.m. Roll was called, and a quorum was established.

(Agenda items 2 and 3 were taken after item 8.)

2. Suggestions for Future Agenda Items [\(Link to Video\)](#)

Dr. Jasmine Smith, NASW-CA: 1) Social work licensing compact; 2) Diversity, equity, inclusion, and accessibility in testing and licensure.

3. Public Comment for Items Not on the Agenda [\(Link to Video\)](#)

Vania Knight: Addressed an issue impacting LEPs ability to effectively serve California communities. LEPs are finding themselves at a disadvantage due to their current exclusion from insurance providers. LEPs are not recognized by insurance boards, and their diagnoses are not accepted as valid due to unfamiliarity with the LEP licensure. This is preventing clients from accessing diagnostic assessments and ongoing therapies. Requesting the Board's support in advocating the inclusion of LEPs on insurance panels and recognition of their diagnostic capabilities by insurance providers.

Jones moved this comment forward as a suggestion for a future agenda item.

Administrative Law Judge Sean Gavin presided over the following petition hearings. Deputy Attorney General Adriana Lazark presented the facts of each case on behalf of the People of the State of California.

4. Leah Lynne French, LMFT 96856, Petition for Early Termination of Probation [\(Link to Video\)](#)

The record was opened, and Christine Derr represented herself. Deputy Attorney General Adriana Lazark presented the background of this case. French was sworn-in and presented her request for early termination of probation and

information to support the request. She was questioned by Lazark and board members. French gave a closing summary. The record was closed at 9:58 a.m.

5. Corie N. Bowden, LCSW 80020, Petition for Early Termination of Probation ([Link to Video](#))

The record was opened at 10:16 a.m. Corie Bowden represented herself. Deputy Attorney General Lazark presented the background of this case. Bowden was sworn-in and presented her request for early termination of probation and information to support the request. She was questioned by Lazark and board members. The record was closed at 11:38 p.m.

CLOSED SESSION

The Board entered closed session at 11:40 a.m.

6. 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.

The Board reconvened in open session at 2:34 p.m.

OPEN SESSION

7. Consent Calendar

a. Possible Approval of the May 16-17, 2024, Board Meeting Minutes ([Link to Video](#))

Motion: Approve the May 16-17, 2024 Board meeting minutes.

M/S: Walker/Huft

Discussion/Public Comment: None

Vote: Yea 10; Nay 0, Absent 1. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y

Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	Y
Annette Walker	Y

8. Executive Officer Report ([Link to Video](#))

a. Budget Report

- The Board's budget for fiscal year (FY) 2023-24 is \$14,148,000.
- Fund Condition reflects a reserve of 12.5 months.

b. Personnel

The Board's staffing activity is as follows:

- 1 new hire/3 promotions
- 1 employee transferred from the Consumer Complaints & Investigations Unit to the Administration Unit; 1 employee transferred from the Consumer Complaints & Investigations Unit to the Examination & Cashiering Unit.
- 1 departure
- 3 vacancies

c. Licensing Report

4th Quarter Statistics:

- 4,255 licenses/registrations were issued.
- Population of approximately 147,065 licensees/associates as of September 3, 2024
- 2% gain in license/registration population from previous quarter
- 34% more applications received from previous quarter

Information provided as attachments in the meeting materials:

- BBS Population Report
- Licensing Applications Received/Processing Times
- Administration Applications Received
- Renewal Applications Received
- Licensing Data 4-Year Comparison

d. Exam Report

4th Quarter Statistics:

- 5,714 exams were administered (2% increase from previous quarter)
- 3 exam development workshops were conducted.

Sodergren reported on the following:

- Effective September 1, 2024, the Licensed Marriage and Family Therapist (LMFT) Clinical Exam will be reduced from 170 questions to 150 questions. The exam time will remain at 240 minutes.
- Pearson Vue: contract; meeting with BBS

Information provided as attachments in the meeting materials:

- Exam Pass Rate Report
- Exam School Report 2nd Quarter FY 2023-2024
- BBS Pearson Vue 2024 Business Review

e. Enforcement Report

4th Quarter Statistics:

- 564 consumer complaints received
- 202 criminal convictions
- 573 cases closed
- 28 cases referred to Attorney General's (AG) Office
- Average time to complete formal discipline: 540 days
- Average time a case is at the AG's Office: 412 days
- Average time to complete board investigations: 84 days

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

f. Education and Outreach Report

4th Quarter Statistics:

- Facebook and Instagram visits have decreased, but have increased in followers.
- Instagram followers have increased by 21.9%.
- 9 outreach events conducted.

Information provided as attachments in the meeting materials:

- Social Media Engagement
- Outreach Event Report

g. Organizational Development Report

The following progress updates were reported:

- BreEZe system update on the online application project
- Consumer Information Center handled 3,716 BBS calls during the 4th quarter.
- Staff received 37,550 emails during the 4th quarter.

- Organizational restructure
- Staff training survey

Information provided as attachments in the meeting materials:

- Calls Received/Handled by CIC
- BBS Emails Received

h. Strategic Plan Update

Progress updates on Strategic Plan goals were provided as attachment: BBS Strategic Plan Update September 2024.

9. Recess Until 8:30 a.m., Friday, September 20, 2024.

The Board recessed at 3:11 p.m.

DATE September 20, 2024

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

TIME 8:30 a.m.

ATTENDEES

Members Present: Christopher Jones, Chair, LEP Member
Lorez Bailey, Public Member
Dr. Nicholas (Nick) Boyd, LPCC Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member (*joined at 9:30 a.m.*)
Kelly Ranasinghe, Public Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member
Dr. Annette Walker, Public Member

Members Absent: Wendy Strack, Vice Chair, 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
Syreeta Risso, Special Projects and Research Analyst

Other Attendees: Yvonne Dorantes, Assistant Deputy Director, DCA Board and
Bureau Relations
Public participation via Webex and in-person

OPEN SESSION

10. Call to Order and Establishment of Quorum

Christopher Jones, Chair of the Board, called the meeting to order at 8:33 a.m. Roll was called, and a quorum was established.

11. Introductions

Jones introduced new Board member, Lorez Bailey. Board members, staff, and attendees introduced themselves.

12. Board Chair Report ([Link to Video](#))

a. Board Member Attendance

The previous fiscal year attendance report was provided.

b. Outreach and Education Committee

The Board is establishing the Outreach and Education Committee. The committee will focus on improving consumer education, increase engagement with schools and at public events, and encouraging greater participation at Board meetings. Dr. Walker will chair the committee, with Board members Sovec, Friedman, and Boyd serving as committee members.

c. Future Board Meetings

The remaining 2024 board meeting and committee meeting dates were provided. Meeting dates for the 2025 calendar year were also provided.

d. Staff Recognitions

The State of California awards employees with 25 years of state service with an award of their choice and a certificate signed by the Governor. The following BBS employees received this award:

- Rosanne Helms: 15 years
- Paul Drabkin: 5 years

13. Department of Consumer Affairs Update ([Link to Video](#))

Yvonne Dorantes, Assistant Deputy Director, Department of Consumer Affairs (DCA) Board and Bureau Relations presented the following updates:

- Congratulated reappointed members Boyd and Jones, and welcomed new member Bailey

- Budget Letter 24-20 issued by the Department of Finance that outlines the assumed reduction of state's workforce by 10,000 vacancies and \$1.5 billion. DCA submitted a proposed vacancy reduction plan to the Department of Finance and is awaiting approval. The budget letter also outlines the reduction of state department budgets by 7.9% to achieve \$2.1 billion in 2024, 2025 and future fiscal years. The final budget reduction plan will be submitted to Agency and the Department of Finance for approval later this month.
- Board Member Orientation Meeting training is scheduled on October 22nd.

14. **Workforce Development Committee Update** [\(Link to Video\)](#)

The Workforce Development Committee (Committee) met in August 2024. During its meeting, the Committee discussed the following:

- Permitting the clinical exam to be taken once an applicant has completed 875 hours of supervised experience performing direct clinical counseling.
- Allowing an associate to choose when they take the California law and ethics exam but require that it be passed before a subsequent number or license is obtained.
- Implementing an age limit of 7 years on a passing score for the California Law and Ethics Exam.
- Extending the length of time a registration number is valid from 6 to 7 years.
- Extending the amount of time supervised experience hours are valid from 6 to 7 years.
- Upon application for licensure, requiring the applicant's experience hours, clinical exam score, and Law and Ethics Exam score to be no more than 7 years old.
- Continuing to prohibit associates with a subsequent associate number from working in a private practice. However, permit an associate with a subsequent registration number to request a one-time, two-year hardship extension.

The Committee also discussed possible amendments to the child abuse assessment and reporting coursework requirements for all Board regulated professions.

Board staff shared with the Committee a summary of the concerns raised in the Board's Licensure Pathway Survey that was conducted in April 2024. Staff also reported on current initiatives aimed at reducing barriers in the licensure pathway.

Discussion/Board Member Comments: Walker, Boyd

Public Comment: Dr. Ben Caldwell; Shanti Ezrine, California Association of Marriage and Family Therapists (CAMFT); G.V. Ayers California Association of Licensed Professional Clinical Counselors (CALPCC)

15. Presentation from the Association of Marital and Family Therapist Regulatory Board (AMFTRB) ([Link to Video](#))

At its May 2024 meeting, the Board discussed the potential adoption of the Association of Marital and Family Therapy Regulatory Board (AMFTRB) National Exam. Staff were directed to complete several key steps before requesting final Board approval to implement regulatory or legislative amendments that would formally accept the AMFTRB National Exam for licensure. Currently, Board staff are drafting legislative and regulatory proposals that will be necessary to accept the exam. Concurrently, Board staff have been in discussions with AMFTRB administrators concerning the AMFTRB National Exam content and the examination accessibility for candidates.

AMFTRB National Exam Content

AMFTRB will be conducting a job task analysis this year. The initial phase of the analysis is a survey that is distributed to all practitioners. The survey will collect data on tasks, knowledge, and skills that practitioners use in their daily work. The responses help to identify essential competencies that the exam should measure. and will assist in outlining the major content areas to be tested and the weighting of each area, ensuring that the exam accurately reflects current practice. This survey will be used to in the item writing and review for exams administered beginning in 2026.

Currently, the Department of Consumers Affairs (DCA) Office of Professional Examination Services (OPES) develops and maintains the question item bank for the Board's LMFT Written Clinical Exam. If the Board accepts the AMFTRB National Exam for licensure, the Board will be able to share its question bank with AMFTRB. This will assist AMFTRB in addressing content concerns, it will also increase AMFTRB's ability to offer increased testing frequencies. AMFTRB has expressed interest in obtaining the LMFT Written Clinical item bank if the Board accepts the exam. Staff have also consulted with OPES to discuss how this implementation could be carried out.

AMFTRB National Exam Accessibility

AMFTRB contracts with Prometric to administer the AMFTRB National Exam. The AMFTRB National Exam is administered 1 week each month. Prometric has 470 authorized testing centers worldwide that administer the AMFTRB National Exam, 17 of which are in California.

AMFTRB is proactively assessing how to manage a potential increase in exam candidates should the Board adopt the AMFTRB National Exam. AMFTRB has recognized the differences in testing administrations and has already begun evaluating the possibility of offering the exam on a more frequent basis,

potentially more than once a month or continuously. Additionally, AMFTRB has indicated that it will be initiating discussions with Prometric to explore the possible expansion of candidate capacity.

Dr. Lois Paff Bergen, the Executive Director of AMFTRB, was introduced to answer questions.

Board members engaged in discussion; public comments followed.

Public Comments: Shanti Ezrine, CAMFT; Dr. Ben Caldwell; Cathy Atkins, CAMFT

16. Discussion and Possible Recommendations for the Board's Sunset Report **[\(Link to Video\)](#)**

A draft of the Board's 2025 Sunset Review report was provided for review. The final report will be submitted to the Board for approval at its November meeting. After submission and review, the Legislature is expected to schedule public hearings, likely to occur in February or March 2025.

Within the report, Board staff have identified issues that require attention in the coming years. The concerns identified are:

- Issue #1: Technical, Clean-up Legislation
- Issue #2: LEP Education and Experience Requirements Amendments: Consideration of amendments to the education and experience requirements for Licensed Educational Psychologists (LEPs).
- Issue #3: Retired License Amendments
- Issue #4: Expansion of LPCC Professional Representation: Should the Board consider increasing Licensed Professional Clinical Counselor (LPCC) representation?
- Issue #5: Supervision of Pre-Licensed Individuals: Does the Board need to amend statutes or regulations to strengthen the supervision of pre-licensed individuals?
- Issue #6: Processing Timelines: What changes can be made to the application process and staffing to improve processing timelines?
- Issue #7: Artificial Intelligence in Practice: Does current law need to be amended to ensure consumer protection when licensees utilize artificial intelligence in their practice?
- Issue #8: Outreach & Education: How can the Board enhance its engagement with applicants, licensees, educational institutions, and stakeholders?
- Issue #9: Interstate Compacts: Should California join the interstate compacts for LPCCs and LCSWs?

- Issue #10: AMFTRB National Exam: Should the Board adopt the AMFTRB National Exam for licensure in California?

Board members engaged in discussion; public comments followed.

Public Comments: Shanti Ezrine, CAMFT; Cathy Atkins, CAMFT; G.V. Ayers, CALPCC

No action taken.

17. Discussion and Possible Action 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) [\(Link to Video\)](#)

The Board discussed potentially accepting the American Association of Marriage and Family Therapist Regulatory Board's (AMFTRB) National Exam at its May 2024 meeting. At the May meeting, the Board voted to begin the process of pursuing legislation and/or regulations accepting the AMFTRB National Exam, assuming some conditions can be met. Staff was directed to complete all the following steps before requesting final Board approval to run regulatory and/or legislative amendments to formally accept the AMFTRB National Exam.

- Work with legal counsel to draft legislative or regulatory language necessary to accept the AMFTRB National Exam for licensure.
- Collaborate with AMFTRB on addressing examination content and measurement scope concerns.
- Collaborate with AMFTRB on addressing accessibility for testing candidates to ensure exam candidates are not adversely affected by the transition to the AMFTRB National Exam.
- Work with DCA's Office of Information Services to ensure an automated system is in place for transferring examination eligibilities and test scores.

Proposed Statutory and Regulatory Amendments

Staff and the Board's legal counsel have reviewed the statutes and regulations related to the LMFT clinical exam and determined that both statutory and regulatory amendments are necessary in order to adopt a national exam as the LMFT clinical exam.

1. Statutory Amendments: First, statutory amendments are required to allow the Board the authority to adopt a national clinical exam via regulations. An

amendment to the Board's clinical exam fee in statute is also required to allow a national examination entity to charge the fee they determine necessary.

2. Regulatory Amendments: Second, after the statutory amendments are successfully adopted, regulatory amendments are required to officially name the AMFTRB National Exam as the clinical exam accepted by the Board.

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

M/S: Huft/Walker

Board members engaged in discussion; public comments followed.

Public Comments: Shanti Ezrine, CAMFT; Dr. Ben Caldwell; Cathy Atkins, CAMFT.

Vote: Yea 10; Nay 0, Absent 1. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	Y
Annette Walker	Y

18. Discussion and Possible Action Regarding Statutory Amendments to Licensing Requirements for Licensed Educational Psychologists (BPC § 4989.20) ([Link to Video](#))

Proposed amendments to Business and Professions Code (BPC) §4989.20, which is the section of statute that specifies licensing requirements for LEPs, were presented.

If the statutory change becomes law, the Board will also need to pursue regulatory amendments, which are currently being discussed in the Policy and Advocacy Committee.

Proposed Statutory Amendments

a. Specifying Experience Requirements in Greater Detail

- Replace the current measuring of experience in years to instead be measured in “school terms.” A school term is currently defined in the Education Code (EC) as follows and has been added to the proposal:

EC §22138.5: “School term” means a minimum period of 35 weeks beginning the first day and ending the last day creditable service is required to be performed by a member employed on a full-time basis, excluding any period that has been excluded pursuant to a publicly available written contractual agreement. The school term shall also be the same for a member who is not employed on a full-time basis who is performing the same duties as a member employed on a full-time basis.

- Provide a definition in LEP statute of “full time” and “equivalent to full time,” so that school districts and supervisors are able to attest that an LEP applicant has met precise standards. The definition of “full time” is in EC §22138.5(b) and is as follows:

The minimum standard for full time in prekindergarten through grade 12 is as follows:

(1) One hundred seventy-five days per school term or 1,050 hours per school term, except as provided in paragraphs (2) and (3).

EC §22138.6 defines “full-time equivalent” as follows:

“Full-time equivalent” means the days or hours of creditable service that a person who is employed on a part-time basis would be required to perform in a school term if he or she were employed full time in that part-time position.

- Specifying that all required experience as a credentialed school psychologist be gained over a period of at least one or two school terms (depending on whether the section of law currently specifies that one or two school years of experience is required).
- 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. This aligns with the field experience requirement of the Commission on

Teacher Credentialing for a Pupil Personnel Services Credential in School Psychology.

Additionally, 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.

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

Statute does not currently specify if the experience as a credentialed school psychologist must be done while holding a California credential in a California school, or one from another state. It also does not specify whether the additional year of experience must be California-specific experience.

The language proposed provides two options, based on whether or not the required two school terms of experience as a credentialed school psychologist specified in paragraph (a)(5) was gained with a California credential in a school located in California, as follows:

- If the required experience in paragraph (a)(5) was gained with a California credential in a California school, then the applicant must either choose to qualify by also having 1,200 hours of supervised experience in an accredited school psychology program or by obtaining one school term of full-time experience as a California credentialed school psychologist in the California public schools, under the direction of a California LEP, with the experience being no more than six years old.
- If the applicant did not gain the experience required by (a)(5) while holding a California credential in a California school, then the applicant must either choose to qualify by having 1,200 hours of supervised experience that was gained in California in an accredited school psychology program or by obtaining one school term of full-time experience as a California credentialed school psychologist in the California public schools, under the direction of a California LEP, with the experience being no more than six years old.

In addition, the proposal clarifies that for California credential holders, the one school term of additional experience must be under the direction of a California licensed LEP.

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

Current law does not specify an age limit for a passing score on the LEP exam. The law should specify an age limit on the exam score for public protection purposes.

Additionally, current law does not formally name the LEP examination, other than referring to it as an examination specified by the Board. The proposed amendments refer to the exam as the “licensed educational psychologist written examination administered by the board.”

Policy and Advocacy Committee Discussion

At its August 2024 meeting, the Policy and Advocacy Committee discussed the proposal. It requested three changes to the proposed language:

- 1) BPC §4989.20(a)(5): Add the option for the experience as a school psychologist to be either licensed or credentialed, to account for the fact that some states use the term “licensed” instead of “credentialed”.
- 2) BPC §4989.20(a)(6)(B) and (a)(7)(B): Remove the option for a licensed psychologist to supervise the one school term of experience as a California credentialed school psychologist in California public schools.
- 3) Add an additional option in BPC §4989.20(a)(7)(A) to allow someone who did not complete their required two school terms as a credentialed school psychologist in California the option to count their 1,200 internship hours in their school psychology program if those hours were gained in California in the past 6 years.

Staff has made one change for consistency with other practice acts. Previously, the proposed language required the various experience be obtained no more than six years “prior to filing the application for licensure.” Staff has changed this wording to require experience be obtained no more than six years “immediately preceding the date on which the application for licensure was received by the board. This is consistent with the wording used for the six-year age of experience requirement in the Board’s other practice acts.

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

M/S: Jones/Walker

Board members engaged in discussion; public comments followed.

Public Comments: Andrea Ball, California Association of School Psychologists (CASP); Bethany Zoeller

Vote: Yea 10; Nay 0; Absent 1. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	Y
Annette Walker	Y

19. Discussion and Possible Action 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 ([Link to Video](#))

Staff has identified two separate amendments 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

BPC §4982.05 details the enforcement statute of limitations for licensed marriage and family therapists (LMFTs). BPC §4990.32, which is the Board's general statute that applies to all 4 of its license types, contains very similar language.

The Board's Discipline and Probation Unit and attorney reviewed the two code sections and concluded that BPC §4982.05 contains nearly duplicative language, and in some cases, BPC § 4990.32 contains more specific detail.

Recommendation: Strike BPC §4982.05, as BPC §4990.32 already provides an enforcement statute of limitations for the LMFTs.

2. Amend BPC §4996.23.1 (*both versions*) – Supervision Ratio for Associate Clinical Social Workers (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.

There is confusion regarding which type of experience hours trigger the required extra hour of supervision per week for Associate Clinical Social Workers (ASWs).

- Associate Marriage and Family Therapists (AMFTs) and Associate Professional Clinical Counselors (APCCs): The law is clear for both. It 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. AMFTs and APCCs are required to gain a minimum of 1,750 hours of direct clinical counseling experience to qualify for licensure.
- ASWs: The language used in statute is less clear. Here, the law similarly 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)):

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

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

Staff concluded that the requirement is intended to apply to the required 2,000 hours in clinical psychosocial diagnosis, assessment and treatment. This interpretation is the most consistent with the other 2 license types, and in line with the public protection intent to ensure that an associate providing clinical services receives adequate supervision. Therefore, staff believes BPC §4996.23.1(a)(2) should be amended to clarify this.

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

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

Note: BPC §4996.23.1 has two sections: one sunseting on January 1, 2026, and another becoming effective January 1, 2026, due to previous legislation allowing supervision via videoconferencing in all settings. Both sections must be amended to preserve the change.

Board members engaged in discussion.

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

M/S: Sovec/Friedman

Public Comments: Shanti Ezrine, CAMFT; G.V. Ayers, CALPCC

Vote: Yea 10; Nay 0; Absent 1. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	Y
Annette Walker	Y

20. Discussion and Possible Action 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) ([Link to Video](#))

The Board has two provisions in statute that will sunset on January 1, 2026. When developing these statutes, the Board gave 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 necessary.

1. Allowance of Supervision via Videoconferencing in all Settings

In 2022, the Board sponsored AB 1758 to allow supervision via videoconferencing in all settings. AB 1758 requires the supervisor to conduct an assessment of each supervisee within 60 days in order to determine the appropriateness of the supervisee for supervision via videoconferencing. Supervision via videoconferencing must not be utilized if the supervisor determines it is not appropriate.

The law change in AB 1758 was prompted by the COVID-19 State of Emergency. During that time, law waivers were provided so that supervisees and supervisors in all settings could maintain social distancing. However, many supervisees and supervisors found that supervision via videoconferencing provided many benefits.

There were also concerns that videoconferencing could affect the quality of supervision. The State of Emergency caused many to begin to utilize supervision via videoconferencing quickly, and there was limited research at the time regarding its effectiveness. Therefore, the Board placed a sunset date on the allowance of supervision via videoconferencing, so that it could be reassessed when more information was available.

Previous Committee Discussion and Direction

At its April 2024 meeting, the Policy & Advocacy Committee directed staff to research the following and present its findings:

- a. **Review Enforcement Complaints on the Topic:** No complaints have been received from complainants alleging issues with supervision via videoconferencing.
- b. **Discuss Psychology Board Findings:** The California Board of Psychology had a similar statute change in 2022, when AB 2754 amended its law to state that supervision may be provided in “real time,” which is defined as in-person or synchronous audiovisual means.

The law established in AB 2754 does not have a sunset date. The Board of Psychology staff indicates that they have not had feedback or have concerns at this time.

- c. **Seek Feedback from Supervisors and Supervisees via the Board’s Facebook Page:** On July 25, 2024, staff posted two questions to its Facebook page seeking feedback from supervisors and supervisees. The two questions were:
 - 1) The Board of Behavioral Sciences is seeking feedback from supervisors on their experience in providing supervision via videoconferencing. Based on your experience, how effective do you find supervision conducted via videoconferencing?
 - 2) The Board of Behavioral Sciences is seeking feedback from associates, trainees, and interns about their experiences with receiving supervision via videoconferencing. Based on your experience, how effective do you find supervision conducted via videoconferencing?

A scale from 1 to 5 was presented with both questions, with 1 being “Extremely Ineffective” and 5 being “Extremely Effective”. On July 30,

2024, the responses showed approximately 437 supervisees reported videoconferencing to be extremely effective, while approximately 95 supervisors reported videoconferencing to be extremely effective.

- d. **Review Recent Board Survey Data:** In March 2024, the Board's Workforce Development Committee conducted a "Pathway to Licensure" survey to seek information from Board registrants and licensees about barriers they faced during their pathway to licensure.

Two of the questions asked in that survey related to supervision via videoconferencing. The questions were:

- 1) How effective would you consider the types of supervision?
- 2) What percentage of your supervision was the following?

Notable responses to the questions reveal:

- 43.02% (1,341) of participants reported in-person supervision to be effective, while 43.70% (1,362) of participants reported in-person supervision to be extremely effective.
- 47.09% (1,358) of participants reported supervision via videoconferencing to be effective, while 24.58% (709) of participants reported videoconferencing to be extremely effective.
- 56.48% (1,735) of participants reported 75% to 100% of their supervision was in-person.
- 20.57% (590) of participants reported under 25% of their supervision was via videoconferencing, while 20.43% (586) of participants reported 75% to 100% of their supervision was via videoconferencing.
- 29.04% (833) of participants reported supervision via videoconferencing was not applicable.

Staff recommended deleting the sunset date for allowing supervision via videoconferencing in all settings.

2. **Temporary Practice Allowance**

In 2023, the Board sponsored AB 232, which provides a 30-day temporary practice allowance to qualifying therapists licensed in another U.S. jurisdiction to continue treating existing clients who are visiting California or relocating to California.

The Board included a sunset date of January 1, 2026 so that the allowance could be reevaluated as part of the Board's sunset review process.

Since the effective date of January 1, 2024, the Board has issued approximately 9 temporary practice allowances per week, for a total of 263 between January 1st and mid-July.

Previous Committee Discussion and Direction

At the August 2024 Policy and Advocacy Committee meeting, staff noted that this new law seems to be a success, but that the temporary practice allowance is still early in its implementation. Staff proposed extending the sunset date by four years to gather more data to reassess the law. The Committee directed staff to draft proposed amendments to extend the temporary practice allowance sunset date to January 1, 2030.

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

M/S: Walker/Ranasinghe

Public Comments: Shanti Ezrine, CAMFT; Dr. Ben Caldwell; Cathy Atkins, CAMFT; G.V. Ayres, CALPCC.

Vote: Yea 10; Nay 0; Absent 1. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	Y
Annette Walker	Y

21. Discussion and Possible Action to Reconsider Previously Approved Text, and to Consider Initiation of a Rulemaking to Amend Enforcement Regulations: Uniform Standards Related to Substance Abuse and Disciplinary Guidelines; Quarterly Report Form (16 CCR §1888; Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Rev. December 2020); and Quarterly Report Form (Rev. 01/12/2001)) ([Link to Video](#))

At its August 2023 meeting, the Board approved proceeding with amendments to Title 16, California Code of Regulations (16 CCR) section 1888, including changes to the Board's "Uniform Standards Related to Substance Abuse and

Disciplinary Guidelines” and “Quarterly Report Form”, both of which are incorporated by reference into section 1888.

During preparations for the DCA initial review process, a number of additional edits have been recommended to be made to the proposed text by staff and regulations counsel.

Proposed Additional Changes

1. Penalty Guidelines: Violations Involving Gaining or Supervision of Required Hours of Experience *(Page 26, Uniform Standards/Disciplinary Guidelines)*

“Supervised practice” is proposed to be added as a term and condition in the Minimum Penalty column.

2. Term and Condition of Probation: Psychological / Psychiatric Evaluation *(Pages 33-35, Uniform Standards/Disciplinary Guidelines)*

The amendments would do the following:

- Strike redundant language that prohibits the evaluator from being a supervisor of the probationer. This type of relationship is already prohibited via language that states, “Does not have a current or prior financial, personal, business, professional, or therapeutic relationship with Respondent”.
- Specify additional conditions when supervision is recommended by the evaluator consistent with proposed changes to the “Supervised Practice” term, including the criteria for approval of a proposed supervisor, the requirements of the plan for supervision, and the requirements that apply when a supervisor is no longer available, etc.

3. Term and Condition of Probation: Psychotherapy *(Pages 36-37, Uniform Standards/Disciplinary Guidelines)*

The amendment would strike redundant language that prohibits the psychotherapist from being a supervisor of the probationer. This type of relationship is already prohibited via language that states, “Does not have a current or prior financial, personal, business, professional, or therapeutic relationship with Respondent”.

4. Term and Condition of Probation: Clinical Diagnostic Evaluation *(Pages 37-38, Uniform Standards/Disciplinary Guidelines)*

The amendments would clarify the time frame for submission of a request for extension of time to submit the evaluation report to the Board for good cause, as specified. In addition, the proposal strikes the “inability to obtain the necessary patient release authorization” as a good cause provision, as it would be a violation of probation for the probationer to not cooperate with

signing the release. A new good cause provision is proposed to be added “due to the evaluator’s workload”.

5. Term and Condition of Probation: Supervised Practice (*Pages 39-40, Uniform Standards/Disciplinary Guidelines*)

The amendments would do the following:

- Strikes redundant language that prohibits the supervisor from being the same person as Respondent’s psychotherapist or psychiatrist. This type of relationship is already prohibited via language that states, “Does not have a current or prior financial, personal, business, professional, or therapeutic relationship with Respondent”.
- Clarify the time frame for notifying the Board when the supervisor is no longer available, as well as the time frame for submission of a proposed new supervisor and plan for supervision.

6. Term and Condition of Probation: Monitor Billing System (*Pages 44-45 Uniform Standards/Disciplinary Guidelines*)

The amendments do the following:

- Change the title of this section from “Monitor Billing System” to “Billing Monitor”.
- Clarify the time frame for obtaining the services of a billing monitor if the Respondent is a registrant.
- Change references to “billing system monitoring service” to “billing monitor”.
- Clarify the responsibilities of the billing monitor.
- Specify required qualifications and criteria for approval of a billing monitor.
- Specify how a probationer must proceed to obtain the approval of the board for a replacement monitor if the previously approved billing monitor is no longer available.

7. Term and Condition of Probation: Monitor Billing System Audit (*Page 46, Uniform Standards/Disciplinary Guidelines*)

The amendments do the following:

- Change the title of this section from “Monitor Billing System Audit” to “Billing Auditor” to clarify that it is not the billing “system” that is being audited.
- No longer require the probationer to submit the qualifications of three billing auditors, and instead allow submission of “one or more”.
- Specify required qualifications and criteria for approval of a billing auditor.

8. Term and Condition of Probation: Failure to Practice (Tolling) (Page 49, Uniform Standards/Disciplinary Guidelines)

The amendment would clarify that probation is tolled when the probationer “voluntarily stops” practicing or residing in California.

9. Term and Condition of Probation: Reimbursement of Probation Program (Page 52, Uniform Standards/Disciplinary Guidelines)

The amendment would strike the previously proposed cost reimbursement amount of \$100 per month and retain a case-by-case, individualized billing method for cost recovery.

10. Quarterly Report Form

The amendments to the Quarterly Report Form do the following:

- Provides instruction to probationers regarding providing an explanation if they did not comply with a term or condition of their probation.
- Removes “reimbursement of probation program costs” as unnecessary and adds “psychological / psychiatric evaluation” to the list of required documentation of payments made.
- Adds questions under “Supervised Practice” asking whether they were required to submit a supervisor for approval, and if so whether they complied.
- Under “Examination” strikes the mention of exams required for renewal of a license or registration.
- Under “Obey All Laws” strikes “or in any foreign country” for consistency with the wording in this term and condition in the Disciplinary Guidelines. In addition, adds a requirement for submission of a “police or arrest report” when the probationer answers “Yes” to the question about obeying all laws.

Board members and staff engaged in discussion.

Motion: Approve the proposed regulatory text as presented in the meeting materials in Attachments A.2, B.2 and C.2, and 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, including the documents incorporated by reference, as noticed for Title 16, California Code of Regulations section 1888.

M/S: Sovec/Boyd

Discussion/Public Comment: None

Vote: Yea 10; Nay 0; Absent 1. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	Y
Annette Walker	Y

22. **Discussion and Possible Action to Initiate a Rulemaking to Amend the Board's Continuing Education Regulations (Title 16, California Code of Regulations (16 CCR) §§ 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2, 1887.3, 1887.4.2, 1887.4.3 and 1887.12) ([Link to Video](#))**

Summary of Proposed Changes

The proposal would make the following major changes to the Board's continuing education (CE) regulations:

- Credit up to 6 hours of CE per renewal cycle for licensees attending California Board of Behavioral Sciences meetings.
- Credit up to 18 hours of CE per renewal cycle for licensees providing direct supervision to an associate, or marriage and family therapist trainee.
- Allow other types of healthcare providers to verify a disability or medical condition for purposes of a temporary waiver of CE and update the waiver request forms.
- Specify that the 6-hour law and ethics course required of licensees must be based on California law and ethics.

Details of Proposed Changes

CE Credit for Specified Activities (Section 1887.3)

Licensees who participate in certain types of Board activities are awarded with CE credit for their participation. The proposal would clarify that only California Board of Behavioral Sciences activities will be credited (§1887.3(h-k)).

- Allow a licensee who attends a BBS meeting virtually or in person to claim up to 6 hours of CE per two-year renewal cycle.
- Credit one hour of CE for every full hour of meeting attendance.
- Require the licensee to maintain a record of attendance including meeting date, name and number of hours attended.
- Require the licensee to sign in and out on an attendance sheet if attending in person, and to sign into virtual meetings with their full name and email address as on record with the Board to provide a record of their virtual attendance.
- Prohibit a petitioner seeking the reinstatement of a revoked license or early termination of probation from earning CE credit for attending a board meeting on the same day in which said petitioner's hearing is conducted.

The Board of Psychology (BOP) also recently updated their regulations to offer licensees who provide direct supervision with CE credit. Staff reviewed BOP's regulations and has drafted language for the Board to consider, which would do the following:

- Allow a licensee who provides direct supervision of an associate, or marriage and family therapist trainee, to claim up to 18 hours of CE per two-year renewal cycle.
- Credit one hour of CE for every full hour of supervision provided.
- Require the licensee to maintain a record of supervision, including dates of supervision, number of hours, and a copy of the supervisee's signed supervision agreement.

Discussion: Board members and staff engaged in discussion regarding CE credit for specified activities.

Request for Temporary Waiver of CE (Section 1887.2)

Licensees are currently able to request a temporary waiver of their CE requirement (with the exception of the 6-hour law and ethics course) when one of the following occurs:

- For at least one year during the licensee's current renewal period the licensee had a physical or mental disability or medical condition that substantially limited one or more life activities and caused the licensee's earned income to drop below the substantial gainful activity amount as set forth by the Social Security Administration; or
- For at least one year during the licensee's current renewal period, the licensee was a primary caregiver for an immediate family member who had a total physical or mental disability.

The proposal would do the following:

- Specify that registrants are not eligible for a CE waiver.
- Strike references to “Address of Record” reporting requirements on both the Temporary Waiver of CE form and Verification of Disability forms as unnecessary but add “Date of Birth” as an additional method of verifying identity.
- Allow other types of licensed healthcare providers to provide verification of the disability or medical condition for greater flexibility in accommodating a licensee’s personal or family medical issues.
- Modify the Temporary Waiver of CE form and Verification of Disability forms, which are incorporated by reference into the regulation, to reflect the above changes and to make several technical and nonsubstantive changes.

Minor and Technical Regulation Cleanup and Clarification

A variety of minor and technical regulation cleanup and clarification is proposed, including adding registrants to pertinent sections per AB 1759, as well as the following:

- Sections 1822.51, 1829.2 and 1877.2: Strike outdated language pertaining to the 12-hour course on law and ethics that was removed from statute via AB 1759.
- Section 1887: Update the definition of “renewal period” to include registrants.
- Section 1887.1(b), 1887.3, 1887.4.2, 1887.4.3 and 1887.12: Update these sections to include registrants per AB 1759.

Discussion: Board members engaged in discussion regarding CE taken by supervisors and audits.

Motion: Approve the proposed regulatory text as presented in Attachments A, B and C, and 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 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: Ranasinghe/Huft

Board members and staff engaged in discussion.

Public Comments: Dr. Leah Brew; Cathy Atkins, CAMFT

Vote: Yea 6; Nay 3; Absent 2. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	N
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	N
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	N
Annette Walker	absent

23. Discussion and Possible Action to Consider Amendments for the Following (16 CCR §§ 1811 and 1880; and BPC §§ 4980.03, 4980.44, 4980.48, 4989.49, 4992.2, 4996.15, 4996.18, 4999.12, 4999.36, 4999.46.1):

- a. Approval of Implementation Plan to Seek Changes to Advertising and Other Disclosure Requirements in the Board's Statutes and Regulations, and
- b. Initiation of a Rulemaking to Amend Title 16, California Code of Regulations Section 1811 (Advertising)

[\(Link to Video\)](#)

1. Advertising Regulations (16 CCR §1811) (provided as Attachment A-1)

Several technical amendments are proposed to the Board's advertising regulations in 16 CCR §1811, including the following:

- Delete references to MFT Referral Services.
- Delete use of the title "Registered Associate CSW."
- Replace gendered pronouns with gender-neutral pronouns.
- Add subdivision (g) permitting the use of a nickname or former legal name in an advertisement.
- Add a requirement that registrants must include in an advertisement that they are supervised by a licensed person.

2. Statute for Associates (provided as Attachment A-2)

- BPC §4980.44(a) requires that MFT associates inform each client that they are an unlicensed registrant, provide their registration number, name of employer, and indicate what type of licensee is supervising them.
- BPC §4996.18(g) requires that ASWs inform each client that the applicant or registrant is unlicensed and is under the supervision of a licensed professional.
- BPC §4999.46.1(b) requires that APCCs inform each client that the associate is unlicensed and under supervision.

The Policy & Advocacy Committee directed staff to make the language more consistent across the license types. The proposed language now requires all applicants and registrants to inform each client that they are unlicensed and under the supervision of a licensed professional, and to provide the name of their employer or if not employed, the entity for which they volunteer. The requirement for AMFTs to provide the registration number has been removed, as it is not consistent with the requirements for the other registration types.

3. Statute for Trainees/Interns *(provided as Attachment A-3)*

BPC §4980.48(a) requires that MFT trainees inform each client that they are an unlicensed trainee, provide the name of their employer, and indicate what type of licensee is supervising them.

16 CCR §1880 requires that social work interns inform each client that “he or she is not a licensed clinical social worker and is under the supervision of a licensed clinical social worker, marriage and family therapist, licensed professional clinical counselor, or a licensed psychologist or a licensed psychiatrist, whichever is applicable.”

BPC §4999.36(d) required that clinical counselor trainees inform each client that he or she is unlicensed and under supervision.

Suggested revisions to BPC §4980.48(a), 4996.15, and 4999.36 do the following:

- Require trainees to inform each client of the following prior to performing services:
 - That they are unlicensed
 - That they are under supervision. (MFT trainees only – that they are under supervision of a licensed professional)
 - The name of their employer or entity for which they volunteer.
- Social workers: Strike the client disclosure requirement in regulations and move it to statute, consistent with LMFT and LPCC statute. Remove the requirement in regulations that a social work intern inform

their client that they are under the supervision of a licensee. Social work interns do not count pre-degree hours, and therefore, the Board has no authority to require them to be supervised by a licensee.

BPC §4980.48(b) and (c) specify additional information that must be contained in an MFT trainee's advertisement.

Staff has consolidated the language in §4980.48(b) and (c) as follows:

- Removed the requirement that MFT trainee advertisements must contain the supervisor's license designation and license number. Instead, require that an advertisement for an MFT trainee must contain:
 - Their name
 - That they are an MFT trainee
 - The name of their employer or entity for which they volunteer.
 - That they are supervised by a licensed person.

4. Amendment of Advertising Definition (*provided as Attachment A-4*)

LPCC statute defines "advertising" in a slightly different way than the other 3 license types. The definition in BPC §4999.12(g) does not reference public communication as defined in BPC §651(a).

Staff recommends amending §4999.12 to incorporate §651's definition of a "public" communication. Staff also recommends several technical amendments to make the exact wording of the "advertising" definition in each practice act the same. In addition, language referencing "notices in church bulletins," has been changed to reference "notices in bulletins from a religious organization" so that it is consistent across license types.

Need for Both Statute and Regulation Changes

This proposal will require that the Board pursue changes to both statute and regulations. The order in which these changes are made and become effective are important, because some requirements are moving from statute to regulations, and vice versa, for purposes of consistency across the license types.

Board members and staff engaged in discussion. A decision was made to pull Attachments A-1, A-2, and A-3 to make suggested revisions and bring back to the Board.

Action taken on Attachment A-4 – Amendment of Advertising Definitions

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

M/S: Ranasinghe/Jones

Public Comments: Dr. Ben Caldwell; Shanti Ezrine, CAMFT; G.V. Ayers, CALPCC

Vote: Yea 9; Nay 0; Abstain 1; Absent 1. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	Y
Annette Walker	abstain

Sovec requested to revisit the Attachments A-1, A-2, and A-3 to propose action on those items.

Action taken on Attachment A-1: 16 CCR §1811 – Advertising Regulations

Motion: Approve the proposed regulatory text in Attachment A-1 and complete all of the following actions:

- i. Direct staff to submit the text in **Attachment A-1** 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.
- ii. 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 section 1811.

M/S: Sovec/Huft

Board members engaged in discussion.

Public Comment: None

Vote: Yea 6; Nay 3; Abstain 1; Absent 1. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	N
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	N
Kelly Ranasinghe	N
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	Y
Annette Walker	abstain

Action taken on Attachments A-2 and A-3 - Statute for Associates and Trainees/Interns (All sections shown EXCLUDING 16 CCR §1880)

Motion: Direct staff to make any discussed changes, and any non-substantive changes, and direct staff to run as a legislative proposal after the regulatory amendments in Attachment A-1 become effective.

M/S: Sovec/Huft

Discussion: None

Public Comments: None

Vote: Yea 7; Nay 2; Abstain 1; Absent 1. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	N
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	N
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	Y
Annette Walker	abstain

Action taken on Attachment A-3 – 16 CCR §1880 Only

Motion: Direct staff to make any discussed changes, and any non-substantive changes, and recommend that the Board pursue the change as a Section 100

regulation proposal, to be run after the amendments in Attachment A-1, A-2, and the statutory amendments in A-3 become effective.

M/S: Sovec/Huft

Discussion/Public Comment: None

Vote: Yea 10; Nay 0; Abstain 1; Absent 1. Motion carried.

Member	Vote
Lorez Bailey	Y
Dr. Nick Boyd	Y
Susan Friedman	Y
Justin Huft	Y
Christopher Jones	Y
Abigail Ortega	Y
Kelly Ranasinghe	Y
John Sovec	Y
Wendy Strack	absent
Eleanor Uribe	Y
Annette Walker	abstain

24. Discussion of Probation Program Statistics [\(Link to Video\)](#)

At its meeting in May 2024, the Board directed staff to provide a report as to whether the enforcement unit has recognized an increase in probationers having a difficult time complying with their probationary terms at the later part of their probationary period due to financial strains.

The Board does not monitor the reasons that a probationer may surrender their license, so it is unclear if financial strain has become an increasing factor.

The report provided an outline of specific terms that add to the overall cost of probation. The report also provided factors that can reduce the cost of probation, and noted that the length of probation can affect the overall cost of probation.

The report provided data such as the number of petitions for early termination of probation that were granted, the number of petitions for modifications of probation that were granted, and the number of probationers that surrendered their license/registration.

Finally, the report reflected the Board's attempts to reduce financial burdens.

Board members and staff engaged in a brief discussion.

Public Comment: Shanti Ezrine, CAMFT

25. **Update on Board-Sponsored and Board-Monitored Legislation** ([Link to Video](#))

Board-Sponsored Legislation

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

Status: This bill was 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: This bill is enrolled and is awaiting a decision by the Governor.

SB 1067 (Smallwood-Cuevas) Healing Arts: Expedited Licensure Process: Medically Underserved Area or Population

Status: This bill is enrolled and is awaiting a decision by the Governor.

Board-Opposed Legislation

AB 2566 (Wilson) Healing Arts: Counseling

Status: This bill is dead.

Discussion/Public Comment: None

26. **Update on Board Rulemaking Proposals** ([Link to Video](#))

Disciplinary Guidelines

Status: Submitted to DCA Office of Legal Affairs to begin initial review process (production phase)

Unprofessional Conduct

Status: Public comment period ended March 25, 2024; comment received; modified text proposed

Telehealth

Status: Approved by the Board at its March 1, 2024 meeting

Discussion/Public Comment: None

27. Suggestions for Future Agenda Items [\(Link to Video\)](#)

Huft: Request that the Board issue a statement regarding the Board's position on forceful outing policies, especially in school districts, and how clinicians should navigate that despite the recent law that has banned those policies.

Boyd: 1) Referred to a previous discussion that scope of practice being part of the sunset review may not be possible, specifically 4999.2(c) for the assessment of LPCCs. If that is not part of the sunset review, would like to make this an agenda item. 2) Post masters experience for MFTs and LPCCs, specifically what is considered clinical experience; psychological testing is considered non-clinical experience and should be considered clinical experience

28. Public Comment for Items not on the Agenda [\(Link to Video\)](#)

Friedman: Journalism organizations are talking to therapists and asking why they are not taking insurance. The Board should ask all of its licensees if they take insurance. The law states that insurance companies should cover mental health, but insurance companies make it difficult for therapists to use the insurance to cover mental health.

29. Adjournment

The Board adjourned at 3:45 p.m.