

## BOARD MEETING MINUTES

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2  
3 Open sessions of this board meeting were webcasted. Webcast recordings are  
4 available on the following links:

5  
6 September 19: <https://www.youtube.com/watch?v=LMSUUHQkq7c>

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

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10	<b>DATE</b>	September 19, 2024
11		
12	<b>LOCATION</b>	Department of Consumer Affairs 1625 North Market Blvd., #S-102 Sacramento CA 95834
13		
14		
15		
16	<b>TIME</b>	8:30 a.m.
17		
18	<b>ATTENDEES</b>	
19	<b>Members Present:</b>	Christopher (Chris) Jones, Chair, LEP Member
20		Lorez, Bailey, Public Member
21		Dr. Nicholas (Nick) Boyd, LPCC Member
22		Susan Friedman, Public Member
23		Justin Huft, LMFT Member
24		Abigail Ortega, LCSW Member
25		Kelly Ranasinghe, Public Member
26		John Sovec, LMFT Member
27		Eleanor Uribe, LCSW Member
28		Dr. Annette Walker, Public Member
29		
30	<b>Members Absent:</b>	Wendy Strack, Vice Chair, Public Member
31		
32	<b>Staff Present:</b>	Steve Sodergren, Executive Officer
33		Marlon McManus, Assistant Executive Officer
34		Christina Kitamura, Administration Analyst
35		Sabina Knight, Department of Consumer Affairs (DCA) Legal
36		Counsel
37		Brennan Meyers, DCA Legal Counsel
38		Yuping Lin, DCA Legal Counsel
39		

1 **Other Attendees:** Sean Gavin, Administrative Law Judge  
2 Adriana Lazark, Deputy Attorney General  
3 Leah Lynne French, Petitioner  
4 Corie Bowden, Petitioner  
5 Public participation via Webex and in-person  
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## 8 OPEN SESSION

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### 11 1. Call to Order and Establishment of Quorum

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

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

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

19  
20 Dr. Jasmine Smith, NASW-CA: 1) Social work licensing compact; 2) Diversity,  
21 equity, inclusion, and accessibility in testing and licensure.

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

24  
25 Vania Knight: Addressed an issue impacting LEPs ability to effectively serve  
26 California communities. LEPs are finding themselves at a disadvantage due to  
27 their current exclusion from insurance providers. LEPs are not recognized by  
28 insurance boards, and their diagnoses are not accepted as valid due to  
29 unfamiliarity with the LEP licensure. This is preventing clients from accessing  
30 diagnostic assessments and ongoing therapies. Requesting the Board's support  
31 in advocating the inclusion of LEPs on insurance panels and recognition of their  
32 diagnostic capabilities by insurance providers.

33  
34 Jones moved this comment forward as a suggestion for a future agenda item.

35  
36 ***Administrative Law Judge Sean Gavin presided over the following petition***  
37 ***hearings. Deputy Attorney General Adriana Lazark presented the facts of each***  
38 ***case on behalf of the People of the State of California.***

### 40 4. Leah Lynne French, LMFT 96856, Petition for Early Termination of 41 Probation [\(Link to Video\)](#)

42  
43 The record was opened, and Christine Derr represented herself. Deputy  
44 Attorney General Adriana Lazark presented the background of this case. French  
45 was sworn-in and presented her request for early termination of probation and

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

3  
4 **5. Corie N. Bowden, LCSW 80020, Petition for Early Termination of Probation**  
5 **[\(Link to Video\)](#)**  
6

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

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12  
13 **CLOSED SESSION**  
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16 *The Board entered closed session at 11:40 a.m.*

17  
18 **6. Pursuant to Section 11126(c)(3) of the Government Code, the Board will**  
19 **Meet in Closed Session for Discussion and to Take Action on Disciplinary**  
20 **Matters, Including the Above Petitions.**

21  
22 *The Board reconvened in open session at 2:34 p.m.*  
23

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24  
25 **OPEN SESSION**  
26

27  
28 **7. Consent Calendar**

29 **a. Possible Approval of the May 16-17, 2024, Board Meeting Minutes [\(Link](#)**  
30 **[to Video\)](#)**  
31

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

33  
34 M/S: Walker/Huft

35  
36 Discussion/Public Comment: None

37  
38 Vote: Yea 10; Nay 0, Absent 1. Motion carried.  
39

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

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**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**

4<sup>th</sup> 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**

4<sup>th</sup> Quarter Statistics:

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

1 Sodergren reported on the following:

- 2 • Effective September 1, 2024, the Licensed Marriage and Family  
3 Therapist (LMFT) Clinical Exam will be reduced from 170 questions to  
4 150 questions. The exam time will remain at 240 minutes.
- 5 • Pearson Vue: contract; meeting with BBS

6  
7 Information provided as attachments in the meeting materials:

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

#### 11 12 **e. Enforcement Report**

13 4<sup>th</sup> Quarter Statistics:

- 14 • 564 consumer complaints received
- 15 • 202 criminal convictions
- 16 • 573 cases closed
- 17 • 28 cases referred to Attorney General's (AG) Office
- 18 • Average time to complete formal discipline: 540 days
- 19 • Average time a case is at the AG's Office: 412 days
- 20 • Average time to complete board investigations: 84 days

21  
22 Information provided as an attachment in the meeting materials: Consumer  
23 Complaint and Criminal Conviction Report

#### 24 25 **f. Education and Outreach Report**

26 4<sup>th</sup> Quarter Statistics:

- 27 • Facebook and Instagram visits have decreased, but have increased in  
28 followers.
- 29 • Instagram followers have increased by 21.9%.
- 30 • 9 outreach events conducted.

31  
32 Information provided as attachments in the meeting materials:

- 33 • Social Media Engagement
- 34 • Outreach Event Report

#### 35 36 **g. Organizational Development Report**

37 The following progress updates were reported:

- 38 • BreEZe system update on the online application project
- 39 • Consumer Information Center handled 3,716 BBS calls during the 4<sup>th</sup>  
40 quarter.
- 41 • Staff received 37,550 emails during the 4<sup>th</sup> quarter.

- 1 • Organizational restructure
- 2 • Staff training survey

3

4

Information provided as attachments in the meeting materials:

5

- Calls Received/Handled by CIC

6

- BBS Emails Received

7

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#### **h. Strategic Plan Update**

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

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

13

14

The Board recessed at 3:11 p.m.

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1 **DATE** September 20, 2024  
2  
3 **LOCATION** Department of Consumer Affairs  
4 1625 North Market Blvd., #S-102  
5 Sacramento, CA 95834  
6  
7 **TIME** 8:30 a.m.  
8  
9 **ATTENDEES**  
10 **Members Present:** Christopher Jones, Chair, LEP Member  
11 Lorez Bailey, Public Member  
12 Dr. Nicholas (Nick) Boyd, LPCC Member  
13 Susan Friedman, Public Member  
14 Justin Huft, LMFT Member  
15 Abigail Ortega, LCSW Member (*joined at 9:30 a.m.*)  
16 Kelly Ranasinghe, Public Member  
17 John Sovec, LMFT Member  
18 Eleanor Uribe, LCSW Member  
19 Dr. Annette Walker, Public Member  
20  
21 **Members Absent:** Wendy Strack, Vice Chair, Public Member  
22  
23 **Staff Present:** Steve Sodergren, Executive Officer  
24 Marlon McManus, Assistant Executive Officer  
25 Sabina Knight, DCA Legal Counsel  
26 Kristy Schieldge, DCA Legal Counsel  
27 Rosanne Helms, Legislative Manage  
28 Christy Berger, Regulatory Manager  
29 Christina Kitamura, Administration Analyst  
30 Syreeta Risso, Special Projects and Research Analyst  
31  
32 **Other Attendees:** Yvonne Dorantes, Assistant Deputy Director, DCA Board and  
33 Bureau Relations  
34 Public participation via Webex and in-person  
35

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1

## 2 OPEN SESSION

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### 5 10. Call to Order and Establishment of Quorum

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7 Christopher Jones, Chair of the Board, called the meeting to order at 8:33 a.m.  
8 Roll was called, and a quorum was established.  
9

### 10 11. Introductions

11

12 Jones introduced new Board member, Lorez Bailey. Board members, staff, and  
13 attendees introduced themselves.  
14

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

#### 16 a. Board Member Attendance

17 The previous fiscal year attendance report was provided.  
18

#### 19 b. Outreach and Education Committee

20 The Board is establishing the Outreach and Education Committee. The  
21 committee will focus on improving consumer education, increase engagement  
22 with schools and at public events, and encouraging greater participation at  
23 Board meetings. Dr. Walker will chair the committee, with Board members  
24 Sovec, Friedman, and Boyd serving as committee members.  
25

#### 26 c. Future Board Meetings

27 The remaining 2024 board meeting and committee meeting dates were  
28 provided. Meeting dates for the 2025 calendar year were also provided.  
29

#### 30 d. Staff Recognitions

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

- 34 • Rosanne Helms: 15 years
- 35 • Paul Drabkin: 5 years
- 36

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

38

39 Yvonne Dorantes, Assistant Deputy Director, Department of Consumer Affairs  
40 (DCA) Board and Bureau Relations presented the following updates:  
41

- 42 • Congratulated reappointed members Boyd and Jones, and welcomed new  
43 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 22<sup>nd</sup>.

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

1 Public Comment: Dr. Ben Caldwell; Shanti Ezrine, California Association of  
2 Marriage and Family Therapists (CAMFT); G.V. Ayers California Association of  
3 Licensed Professional Clinical Counselors (CALPCC)  
4

5 **15. Presentation from the Association of Marital and Family Therapist**  
6 **Regulatory Board (AMFTRB) ([Link to Video](#))**  
7

8 At its May 2024 meeting, the Board discussed the potential adoption of the  
9 Association of Marital and Family Therapy Regulatory Board (AMFTRB) National  
10 Exam. Staff were directed to complete several key steps before requesting final  
11 Board approval to implement regulatory or legislative amendments that would  
12 formally accept the AMFTRB National Exam for licensure. Currently, Board staff  
13 are drafting legislative and regulatory proposals that will be necessary to accept  
14 the exam. Concurrently, Board staff have been in discussions with AMFTRB  
15 administrators concerning the AMFTRB National Exam content and the  
16 examination accessibility for candidates.  
17

18 AMFTRB National Exam Content

19 AMFTRB will be conducting a job task analysis this year. The initial phase of the  
20 analysis is a survey that is distributed to all practitioners. The survey will collect  
21 data on tasks, knowledge, and skills that practitioners use in their daily work.  
22 The responses help to identify essential competencies that the exam should  
23 measure. and will assist in outlining the major content areas to be tested and the  
24 weighting of each area, ensuring that the exam accurately reflects current  
25 practice. This survey will be used to in the item writing and review for exams  
26 administered beginning in 2026.  
27

28 Currently, the Department of Consumers Affairs (DCA) Office of Professional  
29 Examination Services (OPES) develops and maintains the question item bank for  
30 the Board's LMFT Written Clinical Exam. If the Board accepts the AMFTRB  
31 National Exam for licensure, the Board will be able to share its question bank  
32 with AMFTRB. This will assist AMFTRB in addressing content concerns, it will  
33 also increase AMFTRB's ability to offer increased testing frequencies. AMFTRB  
34 has expressed interest in obtaining the LMFT Written Clinical item bank if the  
35 Board accepts the exam. Staff have also consulted with OPES to discuss how  
36 this implementation could be carried out.  
37

38 AMFTRB National Exam Accessibility

39 AMFTRB contracts with Prometric to administer the AMFTRB National Exam.  
40 The AMFTRB National Exam is administered 1 week each month. Prometric has  
41 470 authorized testing centers worldwide that administer the AMFTRB National  
42 Exam, 17 of which are in California.  
43

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

1 potentially more than once a month or continuously. Additionally, AMFTRB has  
2 indicated that it will be initiating discussions with Prometric to explore the  
3 possible expansion of candidate capacity.  
4

5 Dr. Lois Paff Bergen, the Executive Director of AMFTRB, was introduced to  
6 answer questions.  
7

8 Board members engaged in discussion; public comments followed.  
9

10 Public Comments: Shanti Ezrine, CAMFT; Dr. Ben Caldwell; Cathy Atkins,  
11 CAMFT  
12

13 **16. Discussion and Possible Recommendations for the Board's Sunset Report**  
14 **[\(Link to Video\)](#)**  
15

16 A draft of the Board's 2025 Sunset Review report was provided for review. The  
17 final report will be submitted to the Board for approval at its November meeting.  
18 After submission and review, the Legislature is expected to schedule public  
19 hearings, likely to occur in February or March 2025.  
20

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

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

- 1 • Issue #10: AMFTRB National Exam: Should the Board adopt the AMFTRB  
2 National Exam for licensure in California?  
3

4 Board members engaged in discussion; public comments followed.  
5

6 Public Comments: Shanti Ezrine, CAMFT; Cathy Atkins, CAMFT; G.V. Ayers,  
7 CALPCC  
8

9 No action taken.  
10

11 **17. Discussion and Possible Action Regarding Statutory and Regulatory**  
12 **Amendments to Accept the American Association of Marriage and Family**  
13 **Therapist Regulatory Board’s Clinical Examination for California Licensure**  
14 **(Business and Professions Code (BPC) §§ 4980.397, 4980.40, 4980.41,**  
15 **4980.50, 4980.54, 4980.72, 4980.74, 4984.7, and California Code of**  
16 **Regulations Title 16 (16 CCR) §§ 1816.2 and 1829.1) [\(Link to Video\)](#)**  
17

18 The Board discussed potentially accepting the American Association of Marriage  
19 and Family Therapist Regulatory Board’s (AMFTRB) National Exam at its May  
20 2024 meeting. At the May meeting, the Board voted to begin the process of  
21 pursuing legislation and/or regulations accepting the AMFTRB National Exam,  
22 assuming some conditions can be met. Staff was directed to complete all the  
23 following steps before requesting final Board approval to run regulatory and/or  
24 legislative amendments to formally accept the AMFTRB National Exam.  
25

- 26 • Work with legal counsel to draft legislative or regulatory language necessary  
27 to accept the AMFTRB National Exam for licensure.
- 28 • Collaborate with AMFTRB on addressing examination content and  
29 measurement scope concerns.
- 30 • Collaborate with AMFTRB on addressing accessibility for testing candidates  
31 to ensure exam candidates are not adversely affected by the transition to the  
32 AMFTRB National Exam.
- 33 • Work with DCA’s Office of Information Services to ensure an automated  
34 system is in place for transferring examination eligibilities and test scores.  
35

36 Proposed Statutory and Regulatory Amendments

37 Staff and the Board’s legal counsel have reviewed the statutes and regulations  
38 related to the LMFT clinical exam and determined that both statutory and  
39 regulatory amendments are necessary in order to adopt a national exam as the  
40 LMFT clinical exam.  
41

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

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

- 3  
4 2. Regulatory Amendments: Second, after the statutory amendments are  
5 successfully adopted, regulatory amendments are required to officially name  
6 the AMFTRB National Exam as the clinical exam accepted by the Board.

7  
8 Motion: Direct staff to make any discussed changes and any non-substantive  
9 changes and to pursue as a legislative proposal.

10  
11 M/S: Huft/Walker

12  
13 Board members engaged in discussion; public comments followed.

14  
15 Public Comments: Shanti Ezrine, CAMFT; Dr. Ben Caldwell; Cathy Atkins,  
16 CAMFT.

17  
18 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  
20 **18. Discussion and Possible Action Regarding Statutory Amendments to**  
21 **Licensing Requirements for Licensed Educational Psychologists (BPC §**  
22 **4989.20) ([Link to Video](#))**

23  
24 Proposed amendments to Business and Professions Code (BPC) §4989.20,  
25 which is the section of statute that specifies licensing requirements for LEPs,  
26 were presented.

27  
28 If the statutory change becomes law, the Board will also need to pursue  
29 regulatory amendments, which are currently being discussed in the Policy and  
30 Advocacy Committee.  
31

1           **Proposed Statutory Amendments**  
2

3           **a. Specifying Experience Requirements in Greater Detail**  
4

- 5           • Replace the current measuring of experience in years to instead be  
6           measured in “school terms.” A school term is currently defined in the  
7           Education Code (EC) as follows and has been added to the proposal:  
8

9           *EC §22138.5: “School term” means a minimum period of 35 weeks*  
10           *beginning the first day and ending the last day creditable service is*  
11           *required to be performed by a member employed on a full-time basis,*  
12           *excluding any period that has been excluded pursuant to a publicly*  
13           *available written contractual agreement. The school term shall also be the*  
14           *same for a member who is not employed on a full-time basis who is*  
15           *performing the same duties as a member employed on a full-time basis.*  
16

- 17           • Provide a definition in LEP statute of “full time” and “equivalent to full  
18           time,” so that school districts and supervisors are able to attest that an  
19           LEP applicant has met precise standards. The definition of “full time” is in  
20           EC §22138.5(b) and is as follows:  
21

22           *The minimum standard for full time in prekindergarten through grade*  
23           *12 is as follows:*

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

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

27           *“Full-time equivalent” means the days or hours of creditable service*  
28           *that a person who is employed on a part-time basis would be*  
29           *required to perform in a school term if he or she were employed full*  
30           *time in that part-time position.*  
31

- 32           • Specifying that all required experience as a credentialed school  
33           psychologist be gained over a period of at least one or two school terms  
34           (depending on whether the section of law currently specifies that one or  
35           two school years of experience is required).  
36
- 37           • Specifying that all required experience as a credentialed school  
38           psychologist be no more than 6 years old prior to filing the application for  
39           licensure.  
40
- 41           • Clarifying that the required year of supervised professional experience in  
42           an accredited school psychology program must be 1,200 hours. This  
43           aligns with the field experience requirement of the Commission on

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

3  
4 Additionally, staff has also specified that the experience gained as a  
5 credentialed school psychologist may be gained in either the public schools or  
6 another school setting as specified in regulations. Staff is working on  
7 regulations to specify in more detail when parochial or private school  
8 experience is acceptable.  
9

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

12  
13 Statute does not currently specify if the experience as a credentialed school  
14 psychologist must be done while holding a California credential in a California  
15 school, or one from another state. It also does not specify whether the  
16 additional year of experience must be California-specific experience.  
17

18 The language proposed provides two options, based on whether or not the  
19 required two school terms of experience as a credentialed school  
20 psychologist specified in paragraph (a)(5) was gained with a California  
21 credential in a school located in California, as follows:  
22

- 23 • If the required experience in paragraph (a)(5) was gained with a California  
24 credential in a California school, then the applicant must either choose to  
25 qualify by also having 1,200 hours of supervised experience in an  
26 accredited school psychology program or by obtaining one school term of  
27 full-time experience as a California credentialed school psychologist in the  
28 California public schools, under the direction of a California LEP, with the  
29 experience being no more than six years old.  
30
- 31 • If the applicant did not gain the experience required by (a)(5) while holding  
32 a California credential in a California school, then the applicant must either  
33 choose to qualify by having 1,200 hours of supervised experience that  
34 was gained in California in an accredited school psychology program or by  
35 obtaining one school term of full-time experience as a California  
36 credentialed school psychologist in the California public schools, under the  
37 direction of a California LEP, with the experience being no more than six  
38 years old.  
39

40 In addition, the proposal clarifies that for California credential holders, the one  
41 school term of additional experience must be under the direction of a  
42 California licensed LEP.  
43

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

2  
3 Current law does not specify an age limit for a passing score on the LEP  
4 exam. The law should specify an age limit on the exam score for public  
5 protection purposes.  
6

7 Additionally, current law does not formally name the LEP examination, other  
8 than referring to it as an examination specified by the Board. The proposed  
9 amendments refer to the exam as the “licensed educational psychologist  
10 written examination administered by the board.”  
11

12 **Policy and Advocacy Committee Discussion**

13 At its August 2024 meeting, the Policy and Advocacy Committee discussed the  
14 proposal. It requested three changes to the proposed language:  
15

- 16 1) BPC §4989.20(a)(5): Add the option for the experience as a school  
17 psychologist to be either licensed or credentialed, to account for the fact that  
18 some states use the term “licensed” instead of “credentialed”.  
19  
20 2) BPC §4989.20(a)(6)(B) and (a)(7)(B): Remove the option for a licensed  
21 psychologist to supervise the one school term of experience as a California  
22 credentialed school psychologist in California public schools.  
23  
24 3) Add an additional option in BPC §4989.20(a)(7)(A) to allow someone who did  
25 not complete their required two school terms as a credentialed school  
26 psychologist in California the option to count their 1,200 internship hours in  
27 their school psychology program if those hours were gained in California in  
28 the past 6 years.  
29

30 Staff has made one change for consistency with other practice acts. Previously,  
31 the proposed language required the various experience be obtained no more  
32 than six years “prior to filing the application for licensure.” Staff has changed this  
33 wording to require experience be obtained no more than six years “immediately  
34 preceding the date on which the application for licensure was received by the  
35 board. This is consistent with the wording used for the six-year age of  
36 experience requirement in the Board’s other practice acts.  
37

38 Motion: Direct staff to make any discussed changes and any non-substantive  
39 changes and to pursue as a legislative proposal.  
40

41 M/S: Jones/Walker  
42

43 Board members engaged in discussion; public comments followed.  
44

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

1 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

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**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.

1 There is confusion regarding which type of experience hours trigger the  
2 required extra hour of supervision per week for Associate Clinical Social  
3 Workers (ASWs).  
4

- 5 • Associate Marriage and Family Therapists (AMFTs) and Associate  
6 Professional Clinical Counselors (APCCs): The law is clear for both. It  
7 requires an additional hour of direct supervisor contact if more than 10  
8 hours of direct clinical counseling is performed in a week in a setting.  
9 AMFTs and APCCs are required to gain a minimum of 1,750 hours of  
10 direct clinical counseling experience to qualify for licensure.  
11
- 12 • ASWs: The language used in statute is less clear. Here, the law similarly  
13 requires an additional hour of direct supervisor contact if more than 10  
14 hours of direct clinical counseling is performed in a week in a setting.  
15 However, the statute does not specifically use the term “direct clinical  
16 counseling” when stating the required number of clinical experience hours.  
17 Instead, it requires the following (BPC §4996.23(d)(2)):

18 *(2) A minimum of 2,000 hours in clinical psychosocial diagnosis,*  
19 *assessment, and treatment, including psychotherapy or counseling;*  
20 *however, at least 750 hours shall be face-to-face individual or group*  
21 *psychotherapy provided in the context of clinical social work services.*  
22

23 There is confusion about whether the requirement for the additional hour of  
24 supervision for weekly hours over 10 applies to the required 2,000 hours in  
25 clinical psychosocial diagnosis, assessment, and treatment, or if it only  
26 applies to the subset of 750 face-to-face psychotherapy hours in the context  
27 of clinical social work services.  
28

29 Staff concluded that the requirement is intended to apply to the required 2,000  
30 hours in clinical psychosocial diagnosis, assessment and treatment. This  
31 interpretation is the most consistent with the other 2 license types, and in line  
32 with the public protection intent to ensure that an associate providing clinical  
33 services receives adequate supervision. Therefore, staff believes BPC  
34 §4996.23.1(a)(2) should be amended to clarify this.  
35

36 Recommendation: Amend BPC §4996.23.1(a)(2) as follows, in order to clarify  
37 that the additional hour of supervision per week for hours over 10 per week  
38 per setting applies to the required 2,000 experience hours in clinical  
39 psychosocial diagnosis, assessment, and treatment that is referenced in BPC  
40 §4996.23(d)(2):

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

1 Note: BPC §4996.23.1 has two sections: one sunsetting on January 1, 2026,  
2 and another becoming effective January 1, 2026, due to previous legislation  
3 allowing supervision via videoconferencing in all settings. Both sections must  
4 be amended to preserve the change.  
5

6 Board members engaged in discussion.  
7

8 Motion: Direct staff to make any discussed changes, and any non-substantive  
9 changes, and to pursue as a legislative proposal.  
10

11 M/S: Sovec/Friedman  
12

13 Public Comments: Shanti Ezrine, CAMFT; G.V. Ayers, CALPCC  
14

15 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

16  
17 **20. Discussion and Possible Action Regarding the Board’s Sunsetting**  
18 **Statutory Provisions (BPC §§ 4980.11, 4980.43.2, 4996.16.1, 4996.23.1,**  
19 **4999.23, and 4999.46.2) ([Link to Video](#))**  
20

21 The Board has two provisions in statute that will sunset on January 1, 2026.  
22 When developing these statutes, the Board gave each a sunset date that aligned  
23 with the Board’s sunset date, so that any needed adjustments to those newer  
24 statutes could be done via the sunset bill, if necessary.  
25

26 **1. Allowance of Supervision via Videoconferencing in all Settings**  
27

28 In 2022, the Board sponsored AB 1758 to allow supervision via  
29 videoconferencing in all settings. AB 1758 requires the supervisor to conduct  
30 an assessment of each supervisee within 60 days in order to determine the  
31 appropriateness of the supervisee for supervision via videoconferencing.  
32 Supervision via videoconferencing must not be utilized if the supervisor  
33 determines it is not appropriate.  
34

1 The law change in AB 1758 was prompted by the COVID-19 State of  
2 Emergency. During that time, law waivers were provided so that supervisees  
3 and supervisors in all settings could maintain social distancing. However,  
4 many supervisees and supervisors found that supervision via  
5 videoconferencing provided many benefits.  
6

7 There were also concerns that videoconferencing could affect the quality of  
8 supervision. The State of Emergency caused many to begin to utilize  
9 supervision via videoconferencing quickly, and there was limited research at  
10 the time regarding its effectiveness. Therefore, the Board placed a sunset  
11 date on the allowance of supervision via videoconferencing, so that it could  
12 be reassessed when more information was available.  
13

#### 14 Previous Committee Discussion and Direction

15 At its April 2024 meeting, the Policy & Advocacy Committee directed staff to  
16 research the following and present its findings:  
17

- 18 a. **Review Enforcement Complaints on the Topic:** No complaints have  
19 been received from complainants alleging issues with supervision via  
20 videoconferencing.  
21
- 22 b. **Discuss Psychology Board Findings:** The California Board of  
23 Psychology had a similar statute change in 2022, when AB 2754 amended  
24 its law to state that supervision may be provided in “real time,” which is  
25 defined as in-person or synchronous audiovisual means.  
26

27 The law established in AB 2754 does not have a sunset date. The Board  
28 of Psychology staff indicates that they have not had feedback or have  
29 concerns at this time.  
30

- 31 c. **Seek Feedback from Supervisors and Supervisees via the Board’s**  
32 **Facebook Page:** On July 25, 2024, staff posted two questions to its  
33 Facebook page seeking feedback from supervisors and supervisees. The  
34 two questions were:

- 35 1) The Board of Behavioral Sciences is seeking feedback from  
36 supervisors on their experience in providing supervision via  
37 videoconferencing. Based on your experience, how effective do you  
38 find supervision conducted via videoconferencing?  
39
- 40 2) The Board of Behavioral Sciences is seeking feedback from  
41 associates, trainees, and interns about their experiences with receiving  
42 supervision via videoconferencing. Based on your experience, how  
43 effective do you find supervision conducted via videoconferencing?  
44

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

1 2024, the responses showed approximately 437 supervisees reported  
2 videoconferencing to be extremely effective, while approximately 95  
3 supervisors reported videoconferencing to be extremely effective.  
4

- 5 **d. Review Recent Board Survey Data:** In March 2024, the Board's  
6 Workforce Development Committee conducted a "Pathway to Licensure"  
7 survey to seek information from Board registrants and licensees about  
8 barriers they faced during their pathway to licensure.  
9

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

- 12 1) How effective would you consider the types of supervision?  
13 2) What percentage of your supervision was the following?  
14

15 Notable responses to the questions reveal:

- 16 • 43.02% (1,341) of participants reported in-person supervision to be  
17 effective, while 43.70% (1,362) of participants reported in-person  
18 supervision to be extremely effective.
- 19 • 47.09% (1,358) of participants reported supervision via  
20 videoconferencing to be effective, while 24.58% (709) of  
21 participants reported videoconferencing to be extremely effective.
- 22 • 56.48% (1,735) of participants reported 75% to 100% of their  
23 supervision was in-person.
- 24 • 20.57% (590) of participants reported under 25% of their  
25 supervision was via videoconferencing, while 20.43% (586) of  
26 participants reported 75% to 100% of their supervision was via  
27 videoconferencing.
- 28 • 29.04% (833) of participants reported supervision via  
29 videoconferencing was not applicable.  
30

31 Staff recommended deleting the sunset date for allowing supervision via  
32 videoconferencing in all settings.  
33

## 34 **2. Temporary Practice Allowance**

35  
36 In 2023, the Board sponsored AB 232, which provides a 30-day temporary  
37 practice allowance to qualifying therapists licensed in another U.S. jurisdiction to  
38 continue treating existing clients who are visiting California or relocating to  
39 California.  
40

41 The Board included a sunset date of January 1, 2026 so that the allowance could  
42 be reevaluated as part of the Board's sunset review process.  
43

1 Since the effective date of January 1, 2024, the Board has issued approximately  
2 9 temporary practice allowances per week, for a total of 263 between January 1<sup>st</sup>  
3 and mid-July.  
4

5 Previous Committee Discussion and Direction

6 At the August 2024 Policy and Advocacy Committee meeting, staff noted that this  
7 new law seems to be a success, but that the temporary practice allowance is still  
8 early in its implementation. Staff proposed extending the sunset date by four  
9 years to gather more data to reassess the law. The Committee directed staff to  
10 draft proposed amendments to extend the temporary practice allowance sunset  
11 date to January 1, 2030.  
12

13 Motion: Direct staff to make any discussed changes, and any non-substantive  
14 changes, and to pursue as a legislative proposal.  
15

16 M/S: Walker/Ranasinghe  
17

18 Public Comments: Shanti Ezrine, CAMFT; Dr. Ben Caldwell; Cathy Atkins,  
19 CAMFT; G.V. Ayres, CALPCC.  
20

21 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  
23 **21. Discussion and Possible Action to Reconsider Previously Approved Text,**  
24 **and to Consider Initiation of a Rulemaking to Amend Enforcement**  
25 **Regulations: Uniform Standards Related to Substance Abuse and**  
26 **Disciplinary Guidelines; Quarterly Report Form (16 CCR §1888; Uniform**  
27 **Standards Related to Substance Abuse and Disciplinary Guidelines (Rev.**  
28 **December 2020); and Quarterly Report Form (Rev. 01/12/2001))** ([Link to](#)  
29 [Video](#))  
30

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

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

3  
4 During preparations for the DCA initial review process, a number of additional  
5 edits have been recommended to be made to the proposed text by staff and  
6 regulations counsel.

7  
8 **Proposed Additional Changes**

9  
10 **1. Penalty Guidelines: Violations Involving Gaining or Supervision of**  
11 **Required Hours of Experience** *(Page 26, Uniform Standards/Disciplinary*  
12 *Guidelines)*

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

15  
16 **2. Term and Condition of Probation: Psychological / Psychiatric**  
17 **Evaluation** *(Pages 33-35, Uniform Standards/Disciplinary Guidelines)*

18 The amendments would do the following:

- 19
- 20 • Strike redundant language that prohibits the evaluator from being a  
21 supervisor of the probationer. This type of relationship is already  
22 prohibited via language that states, “Does not have a current or prior  
23 financial, personal, business, professional, or therapeutic relationship with  
24 Respondent”.
  - 25 • Specify additional conditions when supervision is recommended by the  
26 evaluator consistent with proposed changes to the “Supervised Practice”  
27 term, including the criteria for approval of a proposed supervisor, the  
28 requirements of the plan for supervision, and the requirements that apply  
29 when a supervisor is no longer available, etc.

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

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

37  
38 **4. Term and Condition of Probation: Clinical Diagnostic Evaluation** *(Pages*  
39 *37-38, Uniform Standards/Disciplinary Guidelines)*

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

1 signing the release. A new good cause provision is proposed to be added  
2 "due to the evaluator's workload".  
3

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

6 The amendments would do the following:

- 7 • Strikes redundant language that prohibits the supervisor from being the  
8 same person as Respondent's psychotherapist or psychiatrist. This type  
9 of relationship is already prohibited via language that states, "Does not  
10 have a current or prior financial, personal, business, professional, or  
11 therapeutic relationship with Respondent".
- 12 • Clarify the time frame for notifying the Board when the supervisor is no  
13 longer available, as well as the time frame for submission of a proposed  
14 new supervisor and plan for supervision.  
15

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

18 The amendments do the following:

- 19 • Change the title of this section from "Monitor Billing System" to "Billing  
20 Monitor".
- 21 • Clarify the time frame for obtaining the services of a billing monitor if the  
22 Respondent is a registrant.
- 23 • Change references to "billing system monitoring service" to "billing  
24 monitor".
- 25 • Clarify the responsibilities of the billing monitor.
- 26 • Specify required qualifications and criteria for approval of a billing monitor.
- 27 • Specify how a probationer must proceed to obtain the approval of the  
28 board for a replacement monitor if the previously approved billing monitor  
29 is no longer available.  
30

31 **7. Term and Condition of Probation: Monitor Billing System Audit** (*Page*  
32 *46, Uniform Standards/Disciplinary Guidelines*)

33 The amendments do the following:

- 34 • Change the title of this section from "Monitor Billing System Audit" to  
35 "Billing Auditor" to clarify that it is not the billing "system" that is being  
36 audited.
- 37 • No longer require the probationer to submit the qualifications of three  
38 billing auditors, and instead allow submission of "one or more".
- 39 • Specify required qualifications and criteria for approval of a billing auditor.  
40

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

3 The amendment would clarify that probation is tolled when the probationer  
4 “voluntarily stops” practicing or residing in California.  
5

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

8 The amendment would strike the previously proposed cost reimbursement  
9 amount of \$100 per month and retain a case-by-case, individualized billing  
10 method for cost recovery.  
11

12 **10. Quarterly Report Form**

13 The amendments to the Quarterly Report Form do the following:

- 14 • Provides instruction to probationers regarding providing an explanation if  
15 they did not comply with a term or condition of their probation.
- 16 • Removes “reimbursement of probation program costs” as unnecessary  
17 and adds “psychological / psychiatric evaluation” to the list of required  
18 documentation of payments made.
- 19 • Adds questions under “Supervised Practice” asking whether they were  
20 required to submit a supervisor for approval, and if so whether they  
21 complied.
- 22 • Under “Examination” strikes the mention of exams required for renewal of  
23 a license or registration.
- 24 • Under “Obey All Laws” strikes “or in any foreign country” for consistency  
25 with the wording in this term and condition in the Disciplinary Guidelines.  
26 In addition, adds a requirement for submission of a “police or arrest report”  
27 when the probationer answers “Yes” to the question about obeying all  
28 laws.  
29

30 Board members and staff engaged in discussion.  
31

32 Motion: Approve the proposed regulatory text as presented in the meeting  
33 materials in Attachments A.2, B.2 and C.2, and submit the approved text to the  
34 Director of the Department of Consumer Affairs and the Business, Consumer  
35 Services, and Housing Agency for review, and if no adverse comments are  
36 received, authorize the Executive Officer to take all steps necessary to initiate the  
37 rulemaking process, make any non-substantive changes to the text and the  
38 package, and set the matter for a hearing if requested. If after the 45-day public  
39 comment period, no adverse comments are received and no public hearing is  
40 requested, authorize the Executive Officer to take all steps necessary to  
41 complete the rulemaking, and adopt the proposed regulations, including the  
42 documents incorporated by reference, as noticed for Title 16, California Code of  
43 Regulations section 1888.

1 M/S: Sovec/Boyd

2  
3 Discussion/Public Comment: None

4  
5 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

6  
7 **22. Discussion and Possible Action to Initiate a Rulemaking to Amend the**  
8 **Board’s Continuing Education Regulations (Title 16, California Code of**  
9 **Regulations (16 CCR) §§ 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2,**  
10 **1887.3, 1887.4.2, 1887.4.3 and 1887.12) ([Link to Video](#))**

11  
12 **Summary of Proposed Changes**

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

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

24 **Details of Proposed Changes**

25  
26 **CE Credit for Specified Activities (Section 1887.3)**

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

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

13 The Board of Psychology (BOP) also recently updated their regulations to offer  
14 licensees who provide direct supervision with CE credit. Staff reviewed BOP's  
15 regulations and has drafted language for the Board to consider, which would do  
16 the following:  
17

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

25  
26 Discussion: Board members and staff engaged in discussion regarding CE credit  
27 for specified activities.  
28

29 *Request for Temporary Waiver of CE (Section 1887.2)*

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

- 33 • For at least one year during the licensee's current renewal period the licensee  
34 had a physical or mental disability or medical condition that substantially  
35 limited one or more life activities and caused the licensee's earned income to  
36 drop below the substantial gainful activity amount as set forth by the Social  
37 Security Administration; or
- 38 • For at least one year during the licensee's current renewal period, the  
39 licensee was a primary caregiver for an immediate family member who had a  
40 total physical or mental disability.  
41

1 The proposal would do the following:

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

13  
14 Minor and Technical Regulation Cleanup and Clarification

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

- 18 • Sections 1822.51, 1829.2 and 1877.2: Strike outdated language pertaining to  
19 the 12-hour course on law and ethics that was removed from statute via AB  
20 1759.
- 21 • Section 1887: Update the definition of “renewal period” to include registrants.
- 22 • Section 1887.1(b), 1887.3, 1887.4.2, 1887.4.3 and 1887.12: Update these  
23 sections to include registrants per AB 1759.

24  
25 Discussion: Board members engaged in discussion regarding CE taken by  
26 supervisors and audits.

27  
28 Motion: Approve the proposed regulatory text as presented in Attachments A, B  
29 and C, and submit the approved text to the Director of the Department of  
30 Consumer Affairs and the Business, Consumer Services, and Housing Agency  
31 for review, and if no adverse comments are received, authorize the Executive  
32 Officer to take all steps necessary to initiate the rulemaking process, make any  
33 non-substantive changes to the text and the package, and set the matter for a  
34 hearing if requested. If after the 45-day public comment period, no adverse  
35 comments are received and no public hearing is requested, authorize the  
36 Executive Officer to take all steps necessary to complete the rulemaking, and  
37 adopt the proposed regulations as noticed for Title 16, California Code of  
38 Regulations sections 1822.51, 1829.2, 1877.2, 1887, 1887.1, 1887.2, 1887.3,  
39 1887.4.2, 1887.4.3 and 1887.12.

40  
41 M/S: Ranasinghe/Huft

42  
43 Board members and staff engaged in discussion.

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

2  
3 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

4  
5 **23. Discussion and Possible Action to Consider Amendments for the Following**  
6 **(16 CCR §§ 1811 and 1880; and BPC §§ 4980.03, 4980.44, 4980.48, 4989.49,**  
7 **4992.2, 4996.15, 4996.18, 4999.12, 4999.36, 4999.46.1):**

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

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

14  
15 **1. Advertising Regulations (16 CCR §1811) (provided as Attachment A-1)**

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

- 19
- 20 • Delete references to MFT Referral Services.
  - 21 • Delete use of the title “Registered Associate CSW.”
  - 22 • Replace gendered pronouns with gender-neutral pronouns.
  - 23 • Add subdivision (g) permitting the use of a nickname or former legal name in an advertisement.
  - 24 • Add a requirement that registrants must include in an advertisement that
  - 25 they are supervised by a licensed person.

26  
27 **2. Statute for Associates (provided as Attachment A-2)**  
28

- 1 • BPC §4980.44(a) requires that MFT associates inform each client that
- 2 they are an unlicensed registrant, provide their registration number, name
- 3 of employer, and indicate what type of licensee is supervising them.
- 4 • BPC §4996.18(g) requires that ASWs inform each client that the applicant
- 5 or registrant is unlicensed and is under the supervision of a licensed
- 6 professional.
- 7 • BPC §4999.46.1(b) requires that APCCs inform each client that the
- 8 associate is unlicensed and under supervision.
- 9

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

17  
 18 **3. Statute for Trainees/Interns** *(provided as Attachment A-3)*

19  
 20 BPC §4980.48(a) requires that MFT trainees inform each client that they are  
 21 an unlicensed trainee, provide the name of their employer, and indicate what  
 22 type of licensee is supervising them.

23  
 24 16 CCR §1880 requires that social work interns inform each client that “he or  
 25 she is not a licensed clinical social worker and is under the supervision of a  
 26 licensed clinical social worker, marriage and family therapist, licensed  
 27 professional clinical counselor, or a licensed psychologist or a licensed  
 28 psychiatrist, whichever is applicable.”

29  
 30 BPC §4999.36(d) required that clinical counselor trainees inform each client  
 31 that he or she is unlicensed and under supervision.

32  
 33 Suggested revisions to BPC §4980.48(a), 4996.15, and 4999.36 do the  
 34 following:

- 35
- 36 • Require trainees to inform each client of the following prior to
- 37 performing services:
  - 38 ○ That they are unlicensed
  - 39 ○ That they are under supervision. (MFT trainees only – that they are
  - 40 under supervision of a licensed professional)
  - 41 ○ The name of their employer or entity for which they volunteer.
  - 42
- 43 • Social workers: Strike the client disclosure requirement in regulations
- 44 and move it to statute, consistent with LMFT and LPCC statute.
- 45 Remove the requirement in regulations that a social work intern inform

1                   their client that they are under the supervision of a licensee. Social  
2                   work interns do not count pre-degree hours, and therefore, the Board  
3                   has no authority to require them to be supervised by a licensee.  
4

5                   BPC §4980.48(b) and (c) specify additional information that must be  
6                   contained in an MFT trainee’s advertisement.  
7

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

- 9                   • Removed the requirement that MFT trainee advertisements must contain  
10                  the supervisor’s license designation and license number. Instead, require  
11                  that an advertisement for an MFT trainee must contain:
  - 12                  ○ Their name
  - 13                  ○ That they are an MFT trainee
  - 14                  ○ The name of their employer or entity for which they volunteer.
  - 15                  ○ That they are supervised by a licensed person.

16  
17                  **4. Amendment of Advertising Definition** *(provided as Attachment A-4)*  
18

19                  LPCC statute defines “advertising” in a slightly different way than the other 3  
20                  license types. The definition in BPC §4999.12(g) does not reference public  
21                  communication as defined in BPC §651(a).  
22

23                  Staff recommends amending §4999.12 to incorporate §651’s definition of a  
24                  “public” communication. Staff also recommends several technical  
25                  amendments to make the exact wording of the “advertising” definition in each  
26                  practice act the same. In addition, language referencing “notices in church  
27                  bulletins,” has been changed to reference “notices in bulletins from a religious  
28                  organization” so that it is consistent across license types.  
29

30                  **Need for Both Statute and Regulation Changes**  
31

32                  This proposal will require that the Board pursue changes to both statute and  
33                  regulations. The order in which these changes are made and become effective  
34                  are important, because some requirements are moving from statute to  
35                  regulations, and vice versa, for purposes of consistency across the license types.  
36

37                  Board members and staff engaged in discussion. A decision was made to pull  
38                  Attachments A-1, A-2, and A-3 to make suggested revisions and bring back to  
39                  the Board.  
40

41                  **Action taken on Attachment A-4 – Amendment of Advertising Definitions**  
42

43                  Motion: Direct staff to make any discussed changes, and any non-substantive  
44                  changes, and pursue as a legislative proposal.  
45

46                  M/S: Ranasinghe/Jones

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

3  
4 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

5  
6 Sovec requested to revisit the Attachments A-1, A-2, and A-3 to propose action  
7 on those items.

8  
9 **Action taken on Attachment A-1: 16 CCR §1811 – Advertising Regulations**

10  
11 Motion: Approve the proposed regulatory text in Attachment A-1 and complete  
12 all of the following actions:

- 13  
14 i. Direct staff to submit the text in **Attachment A-1** to the Director of the  
15 Department of Consumer Affairs and the Business, Consumer Services,  
16 and Housing Agency for review and if no adverse comments are received,  
17 authorize the Executive Officer to take all steps necessary to initiate the  
18 rulemaking process, make any non-substantive changes to the package,  
19 and set the matter for a hearing if requested.
- 20  
21 ii. If no adverse comments are received during the 45-day comment period  
22 and no hearing is requested, authorize the Executive Officer to take all  
23 steps necessary to complete the rulemaking and adopt the proposed  
24 regulations as noticed for title 16, California Code of Regulations section  
25 1811.

26  
27 M/S: Sovec/Huft

28  
29 Board members engaged in discussion.

30  
31 Public Comment: None

32  
33 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

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**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

16  
17  
18  
19  
20

**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

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

3  
4 M/S: Sovec/Huft

5  
6 Discussion/Public Comment: None

7  
8 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

9  
10 **24. Discussion of Probation Program Statistics ([Link to Video](#))**

11  
12 At its meeting in May 2024, the Board directed staff to provide a report as to  
13 whether the enforcement unit has recognized an increase in probationers having  
14 a difficult time complying with their probationary terms at the later part of their  
15 probationary period due to financial strains.

16  
17 The Board does not monitor the reasons that a probationer may surrender their  
18 license, so it is unclear if financial strain has become an increasing factor.

19  
20 The report provided an outline of specific terms that add to the overall cost of  
21 probation. The report also provided factors that can reduce the cost of probation,  
22 and noted that the length of probation can affect the overall cost of probation.

23  
24 The report provided data such as the number of petitions for early termination of  
25 probation that were granted, the number of petitions for modifications of  
26 probation that were granted, and the number of probationers that surrendered  
27 their license/registration.

28  
29 Finally, the report reflected the Board's attempts to reduce financial burdens.

30  
31 Board members and staff engaged in a brief discussion.

32  
33 Public Comment: Shanti Ezrine, CAMFT

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

2  
3  
4 **Board-Sponsored Legislation**

5  
6 SB 1024 (Ochoa Bogh) Healing Arts: Board of Behavioral Sciences:  
7 Licensees and Registrants

8  
9 *Status: This bill was signed by the Governor and becomes effective January*  
10 *1, 2025.*

11  
12 SB 1526 (Senate Business, Professions and Economic Development  
13 Committee) Consumer Affairs (Omnibus Bill Proposal)

14  
15 *Status: This bill is enrolled and is awaiting a decision by the Governor.*

16  
17 SB 1067 (Smallwood-Cuevas) Healing Arts: Expedited Licensure Process:  
18 Medically Underserved Area or Population

19  
20 *Status: This bill is enrolled and is awaiting a decision by the Governor.*

21  
22 **Board-Opposed Legislation**

23  
24 AB 2566 (Wilson) Healing Arts: Counseling

25  
26 *Status: This bill is dead.*

27  
28 Discussion/Public Comment: None

29  
30 26. [Update on Board Rulemaking Proposals \(Link to Video\)](#)

31  
32 **Disciplinary Guidelines**

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

35  
36 **Unprofessional Conduct**

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

39  
40 **Telehealth**

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

42  
43 Discussion/Public Comment: None

44

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

2  
3 Huft: Request that the Board issue a statement regarding the Board’s position  
4 on forceful outing policies, especially in school districts, and how clinicians  
5 should navigate that despite the recent law that has banned those policies.  
6

7 Boyd: 1) Referred to a previous discussion that scope of practice being part of  
8 the sunset review may not be possible, specifically 4999.2(c) for the assessment  
9 of LPCCs. If that is not part of the sunset review, would like to make this an  
10 agenda item. 2) Post masters experience for MFTs and LPCCs, specifically what  
11 is considered clinical experience; psychological testing is considered non-clinical  
12 experience and should be considered clinical experience  
13

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

15  
16 Friedman: Journalism organizations are talking to therapists and asking why  
17 they are not taking insurance. The Board should ask all of its licensees if they  
18 take insurance. The law states that insurance companies should cover mental  
19 health, but insurance companies make it difficult for therapists to use the  
20 insurance to cover mental health.  
21

22 **29. Adjournment**

23  
24 The Board adjourned at 3:45 p.m.