



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. Click on the following links for Webcast recordings:

[February 27: Part 1 of 2](#)

[February 27: Part 2 of 2](#)

[February 28](#)

DATE February 27, 2025

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

TIME 9:00 a.m.

ATTENDEES

Members Present at Primary Location

Christopher (Chris) Jones, Chair, LEP Member
Wendy Strack, Vice Chair, Public Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member
Dr. Annette Walker, Public Member

Members Present at Remote Locations

Dr. Nicholas (Nick) Boyd, LPCC Member

Members Absent:

Lorez, Bailey, Public Member
Kelly Ranasinghe, 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

Other Attendees: Coren Wong, Administrative Law Judge
Anahita Crawford, Deputy Attorney General
Kathleen Kay Toland, Petitioner
Jennifer Anne Mitchell, Petitioner
Lisamarie M. Sanchez, 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 9:02 a.m. Roll was called, and a quorum was established.

2. Suggestions for Future Agenda Items

None

3. Public Comment for Items Not on the Agenda

None

Administrative Law Judge Coren Wong presided over the following petition hearings. Deputy Attorney General Anahita Crawford presented the facts of each case on behalf of the People of the State of California.

4. Kathleen Kay Toland, LMFT 46336, Petition for Modification of Probation

The record was opened at 9:12 a.m., and Kathleen Kay Toland represented herself. Deputy Attorney General Anahita Crawford presented the background of this case. Toland was sworn-in and presented her request for modification of probation and information to support the request. She was questioned by Crawford and board members. Toland gave a closing remark. The record was closed at 10:15 a.m.

5. Marlena Hunter, AMFT 140650, Petition for Modification of Probation

This petition was withdrawn.

6. Jennifer Anne Mitchell, LCSW 76240, Petition for Early Termination of Probation

The record was opened at 12:44 p.m. Jennifer Anne Mitchell represented herself. Deputy Attorney General Crawford presented the background of this

case. Mitchell was sworn-in and presented her request for early termination of probation and information to support the request. She was questioned by Crawford and board members. Mitchell called upon a witness to testify. Nikki Kalavitis made a statement and was cross-examined by Crawford and board member Uribe. The record was closed at 2:31 p.m.

7. Lisamarie M. Sanchez, LMFT 151369, Petition for Modification of Probation

The record was opened at 10:35 a.m. Lisamarie M. Sanchez represented herself. Deputy Attorney General Crawford presented the background of this case. Sanchez was sworn-in and presented her request for modification of probation and information to support the request. She was questioned by Crawford and board members. The record was closed at 11:30 a.m.

CLOSED SESSION

The Board entered closed session at 2:31 p.m.

- 8. 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.**
- 9. Pursuant to Section 11126(c)(3) the Board will Meet in Closed Session to Consider the Salary of the Board's Executive Officer.**

The Board reconvened in open session at 4:20 p.m.

OPEN SESSION

10. Consent Calendar: Possible Approval of the November 14-15, 2024 Board Meeting Minutes

Motion: Approve the November 14-15, 2024 board meeting minutes.

M/S: Strack/Friedman

Discussion/Public Comment: None

Vote: Yea 7; Nay 2, Absent 2. Motion carried.

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

11. Executive Officer Report

a. Budget Report

- The Board's budget for fiscal year (FY) 2024-25 is \$14,061,000.
- Fund Condition reflects a reserve of 18.1 months.

The Board's budget is projected to decrease due to two reduction drills anticipate din the May Revise:

- Control Section 4.05: 7.95% reduction (\$98,000)
- Control Section 4.12: vacancy reduction (\$84,000)

b. Personnel

The Board's staffing activity is as follows:

- 1 promotion
- 3 departures
- 3 vacancies

c. Licensing Report

2nd Quarter Statistics:

- 5,527 licenses/registrations issued
- Population of approximately 147,065 licensees/associates as of October 25, 2024
- 2% gain in license/registration population from previous quarter
- 26% less 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

d. Exam Report

2nd Quarter Statistics:

- 6,254 exams were administered (4.2% increase from previous quarter)
- 3 exam development workshops were conducted.

Sodergren reported on the following:

- Effective January 1, 2025, the Licensed Marriage and Family Therapist (LMFT) Clinical Exam was reduced from 120-day waiting period to a 90-day waiting period.
- Staff worked with Pearson Vue to update the exam candidate handbook and failed score report.
- ASWB is changing exam vendors effective March 31st. ASWB exam blackout dates between March 16th-30th. Affected candidates will be provided with an exam extension.

Information provided as attachments in the meeting materials:

- Exam Pass Rate Report
- Exam School Report 2nd Quarter FY 2024-2025

e. Enforcement Report

2nd Quarter Statistics:

- 485 consumer complaints received
- 212 criminal convictions
- 516 cases closed
- 12 cases referred to Attorney General's (AG) Office
- Average time to complete formal discipline: 486 days
- Average time a case is at the AG's Office: 355 days
- Average time to complete board investigations: 62 days

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

f. Education and Outreach Report

2nd Quarter Statistics:

- Facebook and Instagram reflect an increased following
- 10 outreach events conducted.

The Outreach Event Report was provided as an attachment in the meeting materials.

g. Organizational Effectiveness Report

The following progress updates/ 2nd quarter statistics were reported:

- Completing final steps to transition to online AMFT registration applications
- Consumer Information Center handled 3,141 BBS calls.
- Staff received 30,558 emails.

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 November 2024.

Public Comment: None

12. Recess Until 9:00 a.m., Friday, February 28, 2025

The Board recessed at 4:36 p.m.

DATE February 28, 2025

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

TIME 9:00 a.m.

ATTENDEES

Members Present: Christopher Jones, Chair, LEP Member
Wendy Strack, Vice Chair, Public Member
Susan Friedman, Public Member
Justin Huft, LMFT Member
Abigail Ortega, LCSW Member
John Sovec, LMFT Member
Eleanor Uribe, LCSW Member
Dr. Annette Walker, Public Member

Members Present at Remote Locations

Dr. Nicholas (Nick) Boyd, LPCC Member (left meeting at 11:36 a.m.)

Members Absent: Lorez Bailey, Public Member
Kelly Ranasinghe, 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: Judie Bucciarelli, Department of Consumer Affairs (DCA)
Kaitlyn Bison, Council of State Governments
Sarah Irani, DCA SOLID
Public participation via Webex and in-person

OPEN SESSION

13. Call to Order and Establishment of Quorum

Christopher Jones, Vice Chair of the Board, called the meeting to order at 9:01 a.m. Roll was called, and a quorum was established.

Jones announced that Items 21 and 23 will be heard after Item 29.

14. Introductions

Board members, staff, and attendees introduced themselves.

15. Board Chair Report

a. Board Member Attendance

The current fiscal year attendance report was provided.

b. Future Board Meetings

The 2025 board meeting and committee meeting dates were provided.

c. Staff Recognitions

The following BBS employees received awards:

- Portia Hillman 10 years
- Ellen Viegas: 15 years
- Roman Mikhachuk: 15 years

The following awards were presented after Item 16 DCA Report. These employees recently retired and received special recognition for their service to BBS:

- Cynthi Burnett
- Mary Coto
- Ann Glassmoyer
- Portia Hillman

16. Department of Consumer Affairs (DCA) Report Which May Include Updates on DCA's Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, and Legislative, Regulatory, or Policy Matters

Judy Bucciarelli presented the following updates:

- The Governor's proposed state budget includes 8 budget change proposals for DCA's boards/bureaus. DCAs vacancy reduction and government efficiency plans will be made official in the spring revision. Included in the proposed budget is a creation of a dedicated housing and homeless agency. The Governor's reorganization proposal will be reviewed by the Little Hoover Commission and the Legislator in the spring.
- Form 700 filing changes. Members must electronically file Form 700 with the Fair Political Practices Commission. Paper filings will no longer be accepted. The deadline is April 1st.
- Yvonne Durantes was appointed as Assistant Deputy Director of Legislative and Government Affairs at the Office of Emergency Services. Melissa Gear was appointed to Deputy Director of Legislative and Governmental Affairs at the Department of Healthcare Access and Information.
- DCA Director Kim Kirchmeyer would like to thank the board and staff for their hard work and partnership, and dedicated service in protecting consumers.

Discussion: Walker requested a document within the meeting materials relating to this agenda item for future meetings.

Public Comment: None

17. Workforce Development Committee Update

The Workforce Development Committee (Committee) met in January 2025. The Committee discussed the following:

- Restructuring the licensure pathway for LMFTs, LCSWs, and LPCCs
- Holistic review of the in-state and out-of-state education requirements for LMFTs and LPCCs
- Action plan review

Next meeting: April 4, 2025

Discussion/Public Comment: None

18. Outreach and Education Committee Update

The Outreach and Education Committee (Committee) met in February 2025. The Committee discussed the following:

- Purpose of the Committee
- Current outreach efforts
- Committee's strategic objectives

The Committee expressed the importance in the efforts to achieve Objective 6.5 of the Strategic Plan.

Next meeting: June 6, 2025

Discussion/Public Comment: None

19. Strategic Planning Overview Presentation by SOLID

Sarah Irani, DCA SOLID, presented an overview of the strategic planning process.

Discussion/Public Comment: None

20. Social Work Licensure Compact Presentation by Kaitlyn Bison

Kaitlyn Bison, The Council of State Governments, presented an overview of the Social Work Licensure Compact.

Q&A:

Jones: What are downsides of the compact?

Response: It's not immediate; it will take some work to get it off the ground, and there is no precedent about how to get it started.

Strack: There is one vote for each state, regardless of the proportional number of licensees. California has a much larger licensee population than most other states. Is there a consideration for proportional representation to reflect the number of licensees that California would be bringing to the table?

Response: The structure is organized this way because that is how all the other occupational licensing compacts have been written.

Huft: This is being sold as a way to address workforce shortages. What data exists to suggest that this will address workforce shortages?

Response: The compact is in its early stages. Interstate Medical Licensure Compact has a small amount of data supporting this. Since this is new, there is not a lot of data yet.

Huft: Expressed concerns about California losing authority over exams, required CEs, required coursework. How much authority would California maintain?

Response: California will continue to have authority over its single state licensing process.

Sodergren: Does California hold the authority over a multistate licensed person coming to California regarding state-specific requirements, such as education, cultural competency, extra coursework?

Response: A social work would only need to meet the requirements of their home state, and they can use the compact to practice in California. They are not required to complete any California-specific competency requirements.

Huft: Will California still have authority over multistate license and still require California requirements (such as cultural competencies, law and ethics, etc.)

Response: The person would only have to fulfill the requirements of their home state.

Huft: How does the compact maintain or improve public safety without requiring social workers to address state-specific requirements?

Response: The public safety aspect is due to the shared data system, which can allow for joint investigations between member states to maintain public safety.

Huft: How is the compact moving towards or away from an exam (referring to the ASWB national examination) that disproportionately harms black and brown communities.

Response: Currently, the ASWB exam is the only national exam, and therefore, it is the required exam to practice under the compact. It is acceptable for a state to move away from the ASWB exam in their single state licensing process; but to practice under the compact, they would have to pass the qualifying national exam.

Helms: The LPCC compact contained a clause that required the counselors coming from other states to take and pass the California law and ethics exam. This compact does not contain a similar clause. What is the reasoning behind that, and is that off the table? Could it be added in the future?

Response: The counseling compact is a compact privilege model where each counselor would have to apply for a compact privilege in each state that they wish to work in. Instead of having a multistate license and having the ability to practice in all member states, they would choose the state(s) they would like to have a compact privilege, and the state can require them to jurisprudence assessments.

Ortega: How is the compact funded?

Response: A grant from Health Resources and Services Administration helped with start-up. Eventually, it would be funded from fee collection and other sources. This is still in the early stages of the process. The finance committee would ultimately discuss and decide on these matters.

Ortega: Will the commission be addressing workforce shortages in rural areas? When states express that they need support with particular issues, how do you determine what issues to address? Are the providers' voices heard by the commission? What is the focus?

Response: Workforce shortages are not the commission's focus; it's a reason for many states to pass this and become member states. In terms of voices, the

commission is made up of representatives from each licensing board. The commission meetings are open to the public, and there are opportunities for public comments.

Sovec: Is the National Center for Interstate Compacts a for-profit or non-profit organization? What are the main funding sources? What are the major lobby groups that are focusing on the passage of the compact?

Response: Non-profit. Major funding sources are the Department of Defense and several contracts with professional associations. Not aware of any specific lobby groups but it is typically the NASW chapters in each state that are pushing the compact legislation.

Boyd: Understanding that there is a uniform standard, has the commission, who would be establishing standards, already been formed and have they established those rules?

Response: They are very early in the establishment of uniform standards. Their first meeting was in September and the second meeting was in February. They are just starting to form the committees.

Boyd: What ability would California have in setting these standards that would be required by the compact.

Response: One representative from each state would have a vote. Representatives can also join different committees to be more involved.

Boyd: Does the commission have the ability to set additional requirements as part of the compact above an individual state? For example, cultural competency, any additional type of training requirement as part of the compact.

Response: The compact has a set of requirements that was developed over an 18-month period, with a period for public comment, to establish these set of requirements that are accepted by a majority of states.

Public Comment

Dr. Ben Caldwell: Expressed concerns regarding the claim that this compact will improve public safety. There are many important areas of law that are state specific: involuntary hospitalization, child, elder and dependent adult abuse reporting, exceptions to confidentiality, telehealth requirements, and more. This multistate license would allow social workers from other jurisdictions to practice on California clients without demanding training or accountability for those state-specific rules. The compact forces the Board to let unprepared people into the licensed practice in California while tying the Board to a broken clinical exam that keeps well-prepared people out of licensed practice. Urged the Board to oppose AB 427.

21. Board Sunset Review Update

This item was heard after Item 29.

In December 2024, the 2025 Sunset Review Report was submitted to the Senate Committee on Business, Professions and Economic Development and Assembly Committee on Business and Professions. The sunset review oversight hearing is scheduled for March 24, 2025.

Discussion/Public Comment: None

22. Overview and Discussion of the Board's Fund Condition

In 2018, the Board contracted with CPS HR Consulting (CPS) to provide performance auditing and consulting services to review the Board's fee structure and staff workload to determine if fee levels were appropriate for the recovery of the actual cost of conducting its programs.

The report reviewed 25 main fees that represented approximately 90 percent of the Board's fee revenue. CPS noted that revenues for the fees reviewed increased by almost 39 percent over the previous four years, however expenditures increased by approximately 42 percent. This structural imbalance was due to the increase in operational costs. Also, at that time, the Board had not raised fees for LMFTs, LCSWs, and LEPs for at least twenty years.

CPS projected that the fees proposed would result in a five-month fund balance reserve by Fiscal Year 2023-24.

In 2020, the Board sponsored AB 2142, which proposed increasing the Board's fees. However, due to the COVID-19 state of emergency, the fee increase provisions from AB 2142 were incorporated into AB 3330, a broader bill that included fee increases for several other DCA boards. AB 3330 was signed into law.

Current Fund Balance Reserve Status

The amount of reserve funds that the Board can maintain is limited to 24 months under current law. It is projected that, under the current fee structure, the Board will exceed the 24-month limit and reach a fund balance of 25.7 months by the end of FY 2024-25.

Current Efforts

Currently, staff is working with DCA's budget office to explore strategies to reduce the Board's fund balance. An initial review revealed that CPS underestimated application volumes by up to 31% when considering revenue projections for the fee increase.

It is currently projected that a 24-month fee reduction would reduce the reserve fund to 21.5 months by the end of FY 2027-2028, while a 48-month reduction would lower the reserve fund to 17.5 months by the end of FY 2029-2030.

To implement a fee reduction, the Board would need to pursue legislative amendments, either to lower the minimum fee schedule or to formalize a temporary reduction of the current fees.

Next Steps

Board staff will continue collaborating with DCA's budget office to identify appropriate adjustments to the fee structure, ensuring the reserve fund is realigned while accounting for future workload and staffing growth. The goal is to maintain a reserve fund that does not exceed a 24-month balance. Additionally, staff will draft the necessary legislative and regulatory proposals for the Board's review and approval, enabling the implementation of a proposed fee restructure.

Matt Nashimini and Sam Dyer from the DCA budget office were present.

Discussion

Schildge: Explained that the Board could adopt regulations that could temporarily reduce the fees for a period of time and then revert back to the fees that were in effect when the minimums were enacted.

Nashimini: The budget office has a system in place to expedite these regulation packages and has no concerns moving this forward.

Strack: Given that the board has an outstanding loan to the general fund, does the calculation include the loan repayment?

Nashimini: Responded to Strack and referred to the BBS Fund Condition (included in the meeting materials) and stated that we don't know when the loan will be repaid, therefore, it counts against the loan balance.

Strack: Recommended navigating through the end of the process, phase in and phase out slowly to not have a dramatic return to the original fees.

Nashimini: Reminded the Board that they need to consider future growth expenditures and costs pressures to the Board. Costs will increase in the future. Another item to consider is future regulatory increases.

Huft: Is the mechanism for fee reductions always the same? Can waivers be offered as an alternative mechanism, and does that change the financial impact?

Nashimini: Responded to Huft. The budget office typically works with fee reductions. The Board could target certain fees to reduce barriers. As for waivers, the budget office defers to legal counsel. But most likely, there would need to be some type of authority to grant that waiver.

Schildge: BPC 128.5 only gives the Board superseding authority to reduce licensing or other fees. The Board is limited to fee reduction by the statute.

Sovec: Recommended that staff look at where fee reductions could be specifically placed where it would reduce a barrier to licensure versus a blanket reduction across the board.

Uribe: Agrees that reductions could help at the entry levels.

Walker: Can we establish a future effective date for fee reduction now?

Sodergren: Responded to Walker. Staff would need to meet with the budget office and take a close look at the renewal fees and other fees. Staff would then draft a proposal, and the Board would have to vote on it.

Schildge: Added that the language would state the effective date and the end date, reverting to the original fees. Ultimately, the Board is responsible for the budget.

Nashimini: The Board needs to determine the level of reserve balance it is comfortable with.

Huft: What is the level of reserves do other boards (similar to the size of BBS) have?

Nashimini: Responded to Huft, cautioning on comparing to other boards because each board and its expenses are different. Recommends a 10-14 month-reserve because of unanticipated costs.

Huft inquired about additional staff. Nashimini responded that the fund condition reflects an additional position beginning July 1st.

Public Comment

Shanti Ezrine, CAMFT: CAMFT has no objections or concerns regarding fee reductions and wants to ensure that the reserve fund going forward after any adjustments to the fee structure still accounts for future staffing workload.

23. Discussion and Possible Recommendations on Updates to the Board Member Manual

This item was heard after Item 21.

The draft Board Member Manual was presented to the Board. The content of the manual was not changed; however, the information was reorganized and also included additional resources. The Board was asked to provide feedback on the draft manual.

Discussion

Jones: The manual looks good. The manual mentions staff by name to contact for information. Recommends using the position titles instead of staff names in case there are staffing changes, which will require amendments to the manual.

Public Comment

Dr. Ben Caldwell: Would it be beneficial to provide specific board member responsibilities related to the Board's exam program in the manual?

Sodergren responded to Dr. Caldwell, stating that the Board generally defers to OPES, but he would consider better defining that.

24. Discussion and Consideration of:

- a. Comments Received During the 45-Day Public Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16 of the California Code of Regulations (CCR), Section 1815.5 (Telehealth Regulations)**
- b. Adoption of Amendments to CCR, Title 16, Section 1815.5 (Telehealth Regulations)**

At its February 2024 meeting, the Board approved regulatory changes pertaining to its telehealth regulations. The proposed regulatory action was noticed to the public, and the 45-day public comment period began on November 1, 2024 and ended on December 16, 2024. The Board received several comments. As a result of the comments received, modifications to the proposed text were provided for the Board's consideration (provided as Attachment A of the meeting materials).

All comments were provided in their entirety as Attachments B, C, and D of the meeting materials.

- a. Comments Received During the 45-Day Public Comment Period and Proposed Responses Thereto for the Board's Rulemaking to Amend Title 16 of the California Code of Regulations (CCR), Section 1815.5 (Telehealth Regulations)**

Shanti Ezrine, MPA, State Government Affairs Associate and Cathy Atkins, JD, Deputy Executive Director on behalf of the California Association of Marriage and Family Therapists (CAMFT) (Attachment B)

CAMFT provided several objections and recommendations to the proposed regulatory action.

Comment #1: "Telehealth as it applies to applicants pending associate registration."

CAMFT proposes the Board to include reference to BPC §4980.43(b) (which sets forth certain provisions that counts supervised hours gained during the period between the degree award date and the issue date of the associate registration number) for applicants for AMFT registration and all other applicable sections for applicants for Associate Clinical Social Worker and Associate Professional Clinical Counselor registrations.”

Recommended Response: The Board rejects the comment and declines to make any changes due to this comment. The proposed regulations are interpreting Business and Professions Code (BPC) section 2290.5, which is the law that applies to all health care providers providing telehealth services as defined in that section and sets the standards for the Board’s authority to regulate telehealth. Included in the “health care provider” definition for section 2290.5(a)(3) are all licensees of the Board, associate marriage and family therapists, associate clinical social workers, marriage and family therapist trainees, associate professional clinical counselor trainees, and clinical counselor trainees. There is no mention of authority to regulate applicants pending associate registration in that section. As a result, the Board does not have the authority to extend its telehealth regulations to anyone other than a health care provider as defined in that section.

Comment #2: “Telehealth as it applies to the 30-day temporary practice allowance.” CAMFT states that the proposed language “does not address therapists in another U.S. jurisdiction providing services to clients in California under the temporary practice allowance per Business and Professions Code Section 4980.11.”

“CAMFT proposes the BBS to consider adding an exception for therapists providing services to clients in California under the temporary practice allowance.”

Recommended Response: The Board rejects this comment and declines to make any changes due to this comment. The statute allowing the temporary practice allowance, BPC section 4980.11, provides the authority for a temporary practice allowance (not to exceed 30 consecutive days in any calendar year) to be issued if the applicant meets certain conditions as specified in subsection (a). It also states, in subsection (c) of that section that a person providing services pursuant to the temporary practice allowances is “deemed to have agreed to practicing under the jurisdiction of the Board and to be bound by the laws of this state,” which in this case would include BPC section 2290.5. Therefore, adding such language to the regulation is not necessary to authorize such practice as it is already authorized by BPC section 4980.11.

Comment #3: “Defining ‘technology, method, and equipment’.”

CAMFT requests the BBS to consider clarifying these terms and ensure they appropriately reflect language used in the cited state and federal security laws and regulations.”

Recommended Response: The Board accepts this comment and proposes striking the reference to “technology, method and equipment.” Instead, the requirement would be to comply with all applicable federal and state privacy, confidentiality, and security laws governing the use and disclosure of a client’s medical information or protected health information.

Revised text provided in Attachment A of the meeting materials.

Comment #4: “Complying with federal and state laws and regulations.”

“CAMFT requests the BBS to consider clarifying how specific the cited laws and regulations will apply to practitioners in different work settings.”

Recommended Response: The Board accepts this comment with regards to the clarity issues raised involving “technology, method, and equipment used to provide services via telehealth comply with all applicable federal and state privacy, confidentiality, and security laws and regulations.” The Board proposes to make changes to the text in response to this comment as specified in the response to Comment #3 noted above. However, the Board notes that it licenses and registers individual licensees and registrants. It does not have the authority to regulate businesses. The Board’s regulations pertain to all its licensees and registrants generally, regardless of work setting as specified in existing subsection (a) of this regulation and the applicable laws cited in the Board’s proposal already set forth the minimum standards for licensees and registrants to comply with those laws. As a result, the Board believes that its current regulatory text is relatively straightforward in that regard and declines to make any further changes to clarify “how specific the cited laws and regulations will apply to practitioners in different work settings.”

Comment from Lisa Larimer Burtis received by email on November 1, 2024 (Attachment C):

The commenter endorsed the proposed changes as a member of the LMFT professional community. It is a benefit to and reflects positively on the profession to promote gender neutral and consistent language.

Recommended Response: The Board acknowledges the commenter’s support of the proposed regulation. No changes will be made to the text based upon the comment.

Comment from Mr. An Nguyen received by email on November 7, 2024 (Attachment D):

The commenter expressed support for changing the language from "valid and current" to "active and current" so that patients and providers know that the provider's license is current, and that the provider can actively provide services. Keeping "valid" may bring a loophole where providers may say that their license is valid but not mention if it is current or expired.

Recommended Response: The Board acknowledges the commenter's support of the proposed regulation. No changes will be made to the text based upon the comment.

b. Adoption of Amendments to CCR, Title 16, Section 1815.5 (Telehealth Regulations)

Motion: Approve the proposed responses to public comments received as set forth in the meeting materials, approve the proposed modified regulation text for section 1815.5 as set forth in Attachment A, and initiate a 15-day public comment period. If no relevant, adverse comments are received during the public comment period, authorize the executive officer to make any non-substantive changes to the package, and take all steps necessary to complete the rulemaking and adopt the proposed regulations at section 1815.5 as noticed.

M/S: Jones/Strack

Public Comment:

Shanti Ezrin, CAMFT: Asked how the Board sees telehealth applying to the 90-day post graduate applicants who have not yet received their registration numbers. As CAMFT understands that there is no change regarding those applicants providing telehealth services despite not being included in the regulations.

Helms responded that trainees and 90-day rule applicants are not regulated by the Board.

Vote: Yea 8; Nay 0; Absent 3. Motion carried.

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

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

25. Discussion and Possible Action to Reconsider Previously Approved Text, and to Consider Initiation of a Rulemaking to Amend Continuing Education 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 and Request for Temporary Continuing Education Waiver / Verification of Disability Forms)

During staff's preparations of the rulemaking file for review by the Director of DCA and the Business, Consumer Services and Housing Agency, it was discovered that some further language changes are necessary to specify the Board's requirements for renewal of a license or registration, including the requirements for showing "participation" in the law and ethics exam for registrants to renew. The concern is that the Office of Administrative Law (OAL) may require more detail than what was previously proposed at the Board's September 2024 meeting. To further specify the Board's current processes for renewal and notice of eligibility for taking the California law and ethics examination administered by the Board, the proposed additional changes (provided as Attachment A in the meeting materials) would do the following:

- Specify the process requirements between the Board, the applicant and the examination vendor pertaining to applicants taking and showing proof of participation in or successful completion of the law and ethics exam.
- Specify the process for renewal of a license or registration, including all requirements to apply for renewal in one location in the Board's regulations.
- Add a new cross-reference to section 1887.3 that would specify that a registrant must take required CE from "any Board-approved provider specified in Section 1887.4.3".
- Make minor technical edits to section 1887.1(b) and the accompanying "Note" at the bottom for section 1887.1 to add relevant statutory references.

Discussion: A brief discussion took place for clarification of the proposed language.

Motion: Option A: Rescind the Board's prior text approval for this item from September 2024 and instead approve the proposed regulatory text as presented in the meeting materials 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, including the documents incorporated by reference, 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: Walker/Uribe

Public Comment

Shanti Ezrin, CAMFT: CAMFT is in support of the various ways to get continuing education as detailed in text.

Vote: Yea 8; Nay 0; Absent 3. Motion carried.

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

26. Discussion and Possible Action Regarding Approval of Proposed Regulatory Amendments and Preparation of Documents to Initiate a Rulemaking to Accept the Association of Marital and Family Therapy Regulatory Boards' Marital and Family Therapy National Examination as the Clinical Examination for California Licensure (Amend Title 16, California Code of Regulations §§ 1816.2 and 1829.1)

At its September 2024 meeting, the Board approved the statutory amendments and directed staff to pursue legislation to make those amendments in 2025.

Both statutory and regulatory amendments are necessary to accept the AMFTRB National Exam for licensure. The statutory amendments are needed as a first step to allow the Board the choice of adopting the national exam via regulations. Regulatory amendments would be the final step for accepting the national exam.

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

Statutory amendments would not adopt the AMFTRB National Exam; they would lay the groundwork to allow the adoption of the AMFTRB National Exam if the Board chose to do so via regulations. If the statutory amendments are successfully run as legislation this year, they would become effective on January 1, 2026.

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.

Proposed regulations require an initial review process with the Director of DCA, the DCA Budget Office, and the California Business, Consumer Services, and Housing Agency before they can be officially filed with the OAL for consideration as a regulatory amendment. To streamline the process as much as possible, staff recommends that the Board approve, in concept, the proposed regulations (provided as Attachment A in the meeting materials). Once staff has finished collaborating with AMFTRB and DCA's Office of Information Services (OIS) to meet the criteria the Board had identified in its September 2024 meeting, the regulatory proposal will be brought back to the full Board for final consideration and authorization to begin the rulemaking process.

Discussion: A brief discussion took place explaining the regulation process as it pertains to this package.

Motion: Approve the proposed regulatory text in Attachment A in concept and complete all the following actions:

- (1) Direct staff to draft the initial rulemaking documents in preparation for possible submission to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency (Agency) for initial review and approval.
- (2) Once the criteria in steps 1 through 3 under the section "Implementation Steps" set forth in the meeting materials have been met, bring the proposal in Attachment A back to the Board for final consideration and authorization to submit the rulemaking package to the Director and Agency for review and approval.

M/S: Huft/Friedman

Public Comments

Shanti Ezrin, CAMFT: CAMFT continues to be supportive of the possible transition to the AMFTRB national exam. Believes that the recommendation set forth by staff will streamline the process while statutory amendments are being run as legislation this year.

Dr. Ben Caldwell: Acknowledged that BBS has some leverage as a large market for this exam. and asked if the BBS is able to use this opportunity to push for transparency in terms of exam validation, related data and processes.

Sodergren responded to Dr. Caldwell, stating that he can ask AMFTRB for that information.

Ann Tran-Lien, CAMFT: Expressed appreciation to the Board and staff on forward-movement of transitioning to the AMFTRB national exam. CAMFT believes that this will help California MFTs and are dedicated to working with BBS and AMFTRB to ensure consumer protection and fair, equitable exam access.

Vote: Yea 8; Nay 0; Absent 3. Motion carried.

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

27. Discussion and Possible Action Regarding Statutory Amendments to the Board's Retired License Requirements (Amend BPC §§ 4984.41, 4989.45, 4997.1, 4999.113)

Early 2024, the Policy and Advocacy Committee (Committee) began a discussion to amend the Boards retired license statute to incorporate some of the features of the Board of Registered Nursing's retired license laws.

The proposal would eliminate the requirement of applying for a new license if the retired license has been retired for three or more years. The proposal established alternative requirements to restore the retired license. The proposal permitted reinstatement for the LMFT, LPCC, and LCSW license types for up to

seven years, and allowed a pathway after seven years that did not require the clinical exam if licensed equivalently in another state.

However, the Board's legal counsel had concerns about unintended consequences of allowing reinstatements beyond three years. Staff also had concerns that the process of having different reinstatement requirements after differing numbers of years created a more confusing process. It also created a discrepancy in requirements between the LEP license and the Board's other license types due to the differing exam process for the LEP license. Staff and the legal counsel determined that extending reinstatements could be problematic and decided instead to focus on other clarifications to the retired license statutes.

At its January 2025 meeting, the Committee directed staff to bring the currently proposed amendments (provided as Attachment A in the meeting materials) to the Board for consideration as a legislative proposal. The proposal does the following:

- Requires a license to be current and active, inactive, or expired within the past 3 years.
- A licensee retiring their license must not be subject to disciplinary action. The proposal clarifies the meaning of "subject to disciplinary action."
- Specifies the required information to be provided on the application to retire a license and on the application to restore a retired license to active status.
- Specifies the professional title that a retired licensee is permitted to use.
- Restricts a retired licensee to reactivating their license only once.
- Corrects a reference to fingerprint submission requirements.
- Specifies that the continuing education required to restore a retired license must have been taken within the past 2 years and must include at least 6 hours of California law and ethics.
- Clarifies that a license that has been retired for 3 or more years cannot be restored. To resume practice, the individual must apply for a new license.

Discussion: A brief discussion took place explaining the retired license process as proposed in text.

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

M/S: Jones/Huft

Public Comments

Shanti Ezrin, CAMFT: The clarifications in the materials are appropriate as proposed. Expressed appreciation for the proposed change that allows the expired licenses within three years to be retired.

Vote: Yea 8; Nay 0; Absent 3. Motion carried.

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

28. Update on Board-Sponsored Legislation

The Board is pursuing the following legislative proposals this year.

- a. Technical and/or Non-substantive Amendments (bill number not yet assigned)
- b. Statutory Amendments to Potentially Allow Adoption of the Association of Marital and Family Therapy Regulatory Boards' (AMFTRB) Marital and Family Therapy National Examination as the Clinical Examination via Regulations (bill number not yet assigned)
- c. Sunsetting Statutory Provisions (bill number not yet assigned)
- d. Licensing Requirements for Licensed Educational Psychologists (bill number not yet assigned)

Discussion/Public Comment: None

29. Update on Board Rulemaking Proposals

Disciplinary Guidelines

Status: Noticed to the public January 10, 2025; comment period ended February 25, 2025.

Telehealth

Status: Public comment period ended; comments received for Board to review at February 2025 meeting.

Continuing Education

Status: Returned to the Board to review possible modifications at February 2025 meeting.

Advertising Regulation

Status: Submitted to DCA for production phase review.

English as a Second Language: Additional Examination Time

Status: In preparation for DCA production phase review.

Discussion/Public Comment: None

30. Suggestions for Future Agenda Items

Huft: Presented four suggestions for future agenda items:

- 1) Employers requiring therapists (employees) to do engagement behaviors such as forceable outing of minor clients. There is lack of clarity and lack of protection about how licensees should navigate this especially when their employers are demanding actions inconsistent with professional codes of ethics. Huft has requested that the Board consider publishing an official memorandum indicating the Board's position in conjunction with professional code of ethics that the Board does not support forceable outing of clients. Huft wants the Board to take a stance on this issue.
- 2) Private religious schools in California that do not abide by Title IX, and this includes expelling students for being gay or lesbian. Huft is not confident that therapists coming from these programs are receiving culturally competent education consistent with California standards. Huft has requested that the Board explore ways to only accept education criteria from schools that fully abide by Title IX without carving out exceptions for religious beliefs.
- 3) Online therapy platforms with well documented problems involving client confidentiality breaches, scope of practice issues, and out-of-state practice. Huft requested the Board explore ways to increase accountability for these online platforms operating within the state.
- 4) The Board has historically remained neutral and has approached public statements with a delicate touch, and this maintains public safety if there are laws and policies already in place in a political culture that protects consumers. Nationally, protections for marginalized communities are being clawed back. Huft wants the Board to take a much more proactive and engaged approach in trying to ensure consumer protection in

maintained and doing so through as many different mechanisms as possible.

Friedman: Requested the Board to look into what therapists are learning from insurance companies because people decide not to deal with therapy because they're concerned about insurance.

Sovec: Developing a guide for therapists to create legal and ethically sound notes that can be protective of clients' information.

Dr. Ben Caldwell: During 2016, the law and ethics exam was being implemented, at which time, Dr. Caldwell questioned the Board as to which code of ethics (AAMFT's or CAMFT's code of ethics) was correct for exam purposes. There are many substantive differences between the codes where behavior that is considered unethical under one code maybe allowed under the other code. The Board nor OPES has publicly answered that question. Examinees continue to fail both the law and ethics exam and clinical exam, which includes ethics content, because OPES has failed to uphold a basic tenet of fairness in testing. Dr. Caldwell is requesting that fairness and equity in the Board's testing program be brought forward this year as a future agenda item.

31. Public Comment for Items not on the Agenda

Dr. Ben Caldwell: Requested the Board consider adjusting the board meeting agendas to hear the Executive Officer's Report before the petition hearings and closed session on Thursday. Stakeholders do not know when to return to hear the report, and it makes attendance and participation challenging.

Elise Springer, California Postpartum Support International: Requested the Board to consider adding perinatal mental health as a continuing education unit. Also requested that the Board give California Postpartum Support International a hearing on including perinatal mental health in California.

32. Adjournment

The Board adjourned at 2:20 p.m.