



Board of Behavioral Sciences

# Memo

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**To:** Board Members **Date:** July 22, 2024  
**From:** Rosanne Helms  
Legislative Manager  
**Subject:** Legislative Update

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## BOARD-SPONSORED LEGISLATION

The Board is pursuing of the following legislative proposals this year.

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

This bill proposes clarifying two of the Board’s statutory requirements:

1. The requirement to physically display a license or registration; and
2. The allowable number of “supervisees” that a supervisor is permitted to oversee.

The Board approved these proposed amendments at its November 17, 2023 meeting. Amendments to the bill were approved at the Board’s March 1, 2024 and May 17, 2024 meetings.

*Status: This bill was signed by the Governor and becomes effective January 1, 2025 (Chapter 160, Statutes of 2024).*

2. **SB 1526 (Senate Business, Professions and Economic Development Committee) Consumer Affairs (Omnibus Bill Proposal)**

This bill proposal, approved by the Board at its November 17, 2023 meeting, makes minor, technical, or non-substantive amendments to add clarity to current law.

*Status: This bill is on third reading in the Assembly.*

## BOARD-SUPPORTED LEGISLATION

### 1. **AB 941 (Waldron) Controlled Substances: Psychedelic-Assisted Therapy**

This bill proposed creating a workgroup to study and make recommendations to establish a framework for the therapeutic use of certain psychedelic plants and fungi. Once this framework is enacted via the Legislature, it permits the use of specified substances to be used for psychedelic-assisted therapy.

At its May 17, 2024 meeting, the Board took a “support if amended” position on the bill, recommending amendments be made to permit practitioners to “recommend” specified substances, rather than referencing their use as lawful, due to concerns about misleading practitioners since they remain illegal under federal law.

*Status: This bill is dead.*

### 2. **AB 1991 (Bonta) Licensee and Registrant Renewal: National Provider Identifier**

When the Board considered this bill at its May 17, 2024 meeting, it proposed requiring healing arts boards under the Department of Consumer Affairs (DCA) to collect specified data from licensees and registrants at electronic renewal, including data on practice area or specialty, location of practice, anticipated year of retirement, gender or gender identity, race or ethnicity, and languages spoken. The Board took a “support” position on that version of the bill.

Since the Board’s last meeting, the bill has been amended significantly. Instead of requiring a variety of specified information from licensees and registrants at electronic renewal, it now only requires the licensee or registrant to provide their individual National Provider Identifier, if they have one.

*Status: This bill is in the Senate Appropriations Committee.*

### 3. **AB 2862 (Gipson) Department of Consumer Affairs: African American Applicants**

This bill proposed requiring boards within DCA to prioritize applications for African American applicants, especially those descended from a person enslaved in the United States.

At its May 17, 2024 meeting, the Board took a “support if amended” position on the bill, and requested the bill be amended to add two specific declarative public policy determinations in order to help the bill withstand potential legal challenges.

*Status: This bill is dead.*

4. **SB 26 (Umberg) Mental Health Professions: CARE Scholarship Program**

This bill would create a scholarship program in order to incentivize those seeking licensure as a marriage and family therapist, clinical social worker, professional clinical counselor, or psychologist to work in a county behavioral health agency in support of the CARE Act.

At its May 17, 2024 meeting, the Board took a “support” position on this bill.

*Status: This bill is on suspense in the Assembly Appropriations Committee.*

5. **SB 294 (Wiener) Health Care Coverage: Independent Medical Review**

This bill seeks to reduce barriers to mental health care for children and young adults by requiring the following for mental health treatment and substance use disorder treatment denials based on lack of medical necessity for children and young adults up to age 26:

- Makes the grievance process for non-life-threatening conditions automatic, rather than consumer-initiated, and if a grievance is upheld, or is still pending or unresolved after a specified timeframe, it must automatically within 24 hours be submitted to the Independent Medical Review System.
- For life-threatening conditions, the grievance process is not required, and the case must automatically and immediately be submitted to the Independent Medical Review System.

At its May 17, 2024 meeting, the Board took a “support” position on the bill. Since that time, minor technical amendments related to the implementation of the bill have been made.

*Status: This bill is on suspense in the Assembly Appropriations Committee.*

6. **SB 402 (Wahab) Involuntary Commitment**

When the Board considered this bill at its May 17, 2024 meeting, it proposed including specified licensed mental health professionals, including mental health professionals who are not county providers, in the types of professionals who may be designated by a county to take someone into 72-hour custody if there is probable cause that they are a danger to themselves or others, or are gravely disabled as a result of a mental health disorder. While the bill included the Board’s LMFT, LCSW, and LPCC licensees, it left out LEPs.

The Board took a “support if amended” position on the bill, requesting that LEPs also be included in the list of mental health professionals who could place someone in a 5150 hold. However, after discussion with the author’s office, they decided not to include LEPs in the bill due to concerns about potential opposition.

This bill has undergone numerous substantive amendments since the Board considered it.

*Status: This bill is in the Assembly Appropriations Committee.*

7. **[SB 1067 \(Smallwood-Cuevas\) Healing Arts: Expedited Licensure Process: Medically Underserved Area or Population](#)**

When the Board considered this bill at its May 17, 2024 meeting, it proposed requiring healing arts licensing boards within DCA to expedite the licensure process to give priority review status to an applicant for a license who intends to practice in a medically underserved area or serve a medically underserved population.

The Board took a “support if amended” position on the bill, asking for specific clarifying amendments regarding eligibility for the expedited licensure process.

The bill has been amended since Board consideration, adding a repeal date and limiting which healing arts boards must comply with its provisions (They would still apply to this Board.) Staff is continuing to work with the author’s office to see if the amendments that the Board requested can be included.

*Status: This bill is on second reading in the Assembly.*

<b>BOARD-OPPOSED LEGISLATION</b>
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1. **[AB 2566 \(Wilson\) Healing Arts: Counseling](#)**

This bill proposed establishing California as a member state in the Interstate Counseling Compact, which permits a licensed professional counselor in a member state to practice in other member states, if specified conditions are met. The bill would only become operative upon the Board voting in favor of joining the compact.

At its May 17, 2024 meeting, the Board took an “oppose” position on the bill.

*Status: This bill is dead.*

## BOARD-MONITORED LEGISLATION

1. **[AB 2270 \(Maienschein\) Healing Arts: Continuing Education: Menopausal Mental or Physical Health](#)**

This bill would require the Board to consider including a course in menopausal mental or physical health in its continuing education (CE) requirements.

At its May 17, 2024 meeting, the Board opted not to take a position on this bill.

Since the Board meeting, technical amendments have been made to the bill. Instead of considering including a course in menopausal mental or physical health for CE, the physical health component of the course has been removed.

*Status: This bill is on third reading in the Senate.*

2. **[AB 2581 \(Maienschein\) Healing Arts: Continuing Education: Maternal Mental Health](#)**

This bill would require the Board to consider including a course in maternal mental health in its continuing education requirements.

At its May 17, 2024 meeting, the Board opted not to take a position on this bill.

*Status: This bill is on third reading in the Senate.*

*Updated: July 18, 2024*