

BOARD MEETING MINUTES

1
2
3 Open sessions of this board meeting were webcasted. Webcast recordings are
4 available on the following links:

5
6 May 16 (part 1 of 2): <https://www.youtube.com/watch?v=0x-NaQrgFFU>

7 May 16 (part 2 of 2): <https://www.youtube.com/watch?v=r5JOOOjKWjA>

8 May 17 (part 1 of 2): <https://www.youtube.com/watch?v=vsnPt8zw98I>

9 May 17 (part 2 of 2): <https://www.youtube.com/watch?v=Dg1QlfHlmpQ>

10

11

12 **DATE**

May 16, 2024

13

14 **LOCATION**

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

15

16

17

18 **TIME**

8:30 a.m.

19

20 **ATTENDEES**

21 **Members Present:** Christopher (Chris) Jones, Chair, LEP Member

22 Wendy Strack, Vice Chair, Public Member

23 Dr. Nicholas (Nick) Boyd, LPCC Member

24 Susan Friedman, Public Member

25 Justin Huft, LMFT Member

26 Abigail Ortega, LCSW Member

27 Kelly Ranasinghe, Public Member

28 John Sovec, LMFT Member

29 Eleanor Uribe, LCSW Member

30 Dr. Annette Walker, Public Member

31

32 **Members Absent:** *All members present*

33

34 **Staff Present:** Steve Sodergren, Executive Officer

35 Marlon McManus, Assistant Executive Officer

36 Sabina Knight, Department of Consumer Affairs (DCA) Legal

37 Counsel

38 Christina Kitamura, Administration Analyst

39

1 **Other Attendees:** Matthew Block, Administrative Law Judge
2 Anahita Crawford, Deputy Attorney General
3 Christine Derr, Petitioner
4 Renita Yvette Gant-Shaffer, Petitioner
5 Vanessa Lee Perocier, Petitioner
6 Carolyn Park, Counsel for Vanessa Lee Perocier
7 Public participation via Webex and in-person
8
9

10 OPEN SESSION

11 1. Call to Order and Establishment of Quorum

12
13 Christopher Jones, Chair of the Board of Behavioral Sciences (Board), called the
14 meeting to order at 8:38 a.m. Roll was called, and a quorum was established.

15
16 *(Agenda items were taken out of order: 1-3, 8, 10, 4, 6, 5, 7, 9, 11)*
17

18 2. Suggestions for Future Agenda Items

19
20 None
21

22 3. Public Comment for Items Not on the Agenda

23
24 None
25

26
27 ***Administrative Law Judge Matthew Block presided over the following petition
28 hearings. Deputy Attorney General Anahita Crawford presented the facts of each
29 case on behalf of the People of the State of California.***
30

31 4. Christine Derr, LMFT 36168, Petition for Early Termination of Probation 32 [\(Link to Video\)](#) 33

34
35 The record was opened at 9:43 a.m. Christine Derr represented herself. Deputy
36 Attorney General Anahita Crawford presented the background of this case. Derr
37 was sworn-in and presented her request for early termination of probation and
38 information to support the request. She was questioned by Crawford and board
39 members. The record was closed at 10:48 a.m.
40

41 5. Renita Yvette Gant-Shaffer, Petition for Early Termination of Probation 42 [\(Link to Video\)](#) 43

44 The record was opened at 2:35 p.m. Renita Gant-Shaffer represented herself.
45 Deputy Attorney General Anahita Crawford presented the background of this
46 case. Gant-Shaffer was sworn-in and presented her request for early termination

1 of probation and information to support the request. She was questioned by
2 Crawford and board members. The record was closed at 3:38 p.m.
3

4 **6. Vanessa Lee Perocier, LMFT 127088, Petition for Modification of Probation**
5 **[\(Link to Video\)](#)**
6

7 The record was opened at 11:16 a.m. Vanessa Perocier represented by her
8 counsel, Carolyn Park. Deputy Attorney General Anahita Crawford presented
9 the background of this case. Perocier was sworn-in and presented her request
10 for modification of probation and information to support the request. She was
11 questioned by Crawford and board members. The record was closed at 1:31
12 p.m.
13

14
15 **CLOSED SESSION**
16

17
18 *The Board entered closed session at 3:39 p.m.*
19

20 **7. Pursuant to Section 11126(c)(3) of the Government Code, the Board will**
21 **Meet in Closed Session for Discussion and to Take Action on Disciplinary**
22 **Matters, Including the Above Petitions.**
23

24 *The Board reconvened in open session at 4:31 p.m.*
25

26
27 **OPEN SESSION**
28

29
30
31 **8. Consent Calendar**

32 **a. Possible Approval of the May 16-17, 2024, Board Meeting Minutes [\(Link](#)**
33 **[to Video\)](#)**
34

35 Corrections were noted on page 8-1, line 45 and page 8-5, line 20.
36

37 Motion: Approve the May 16-17, 2024, Board meeting minutes as amended.
38

39 M/S: Strack/Friedman
40

41 Discussion/Public Comment: None
42

43 Vote: Yea 9; Nay 0, Abstain 1. Motion carried.
44

1

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

2

3

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

4

a. Budget Report

5

- The Board’s budget for fiscal year (FY) 2023-24 is \$14,148,000.
- Fund Condition reflects a reserve of 12 months.

6

7

8

b. Personnel

9

The Board’s staffing activity is as follows:

10

- 2 new hires/1 promotion
- 1 employee transferred from the Criminal Conviction Unit to the Complaint & Investigations Unit
- 1 departure
- 3 vacancies

11

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c. Licensing Report

17

3rd Quarter Statistics:

18

- 4,165 licenses/registrations were issued.
- Population of approximately 143,890 licensees/associates as of April 26, 2024
- 0.9% gain in license/registration population from previous quarter
- 17% more applications received from previous quarter.

19

20

21

22

23

24

Information provided as attachments in the meeting materials:

25

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

26

27

28

29

30

d. Exam Report

31

3rd Quarter Statistics:

- 5,599 exams were administered (0.6% decrease from previous quarter)
- 8 exam development workshops were conducted.

Information provided as attachments in the meeting materials:

- Exam Pass Rate Report
- Exam School Report 3rd Quarter FY 2023-2024

Sodergren provided the following updates:

- Effective September 1, 2024, the Licensed Marriage and Family Therapist (LMFT) clinical exam will be reduced from 170 questions to 150 questions. The exam time will remain at 240 minutes.
- Pearson Vue: exam candidate handbook updates
- Study material references for the Licensed Educational Psychologist (LEP) written and LMFT clinical exams.

Information provided as attachments in the meeting materials:

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

e. Enforcement Report

3rd Quarter Statistics:

- 520 consumer complaints received.
- 201 criminal convictions
- 576 cases closed.
- 27 cases referred to Attorney General's (AG) Office
- Average time to complete formal discipline: 373 days.
- Average time a case is at the AG's Office: 279 days.
- Average time to complete board investigations: 77 days.
- 2 petitions for modification or early termination of probation received.

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

f. Education and Outreach Report

3rd Quarter Statistics:

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

1 Information provided as attachments in the meeting materials: Outreach
2 Event Report
3

4 **g. Organizational Development Report**

5 The following progress updates were provided:

- 6 • BreEZe system update on the online application project.
- 7 • Correspondence enhancement to add email notifications to
8 applicants/registrants with information to guide them through the
9 licensure process.
- 10 • Consumer Information Center handled 3,920 BBS calls during the 3rd
11 quarter.
- 12 • Staff received 29,357 emails during the 3rd quarter.
- 13 • Organizational structure
- 14 • DEI

15
16 Information provided as attachments in the meeting materials:

- 17 • Calls Received/Handled by CIC
- 18 • BBS Emails Received

19
20 **h. Strategic Plan Update**

21 Progress updates on Strategic Plan goals were provided.

22
23 **10. Election of Board Chairperson and Vice Chairperson ([Link to Video](#))**

24
25 **Chairperson**

26 Motion: Chris Jones nominated for board chairperson.

27
28 M/S: Jones/Strack

29
30 Public Comment: None

31
32 Vote: Yea 10; Nay 0. Motion carried.

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

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Vice Chairperson

Motion: Wendy Strack nominated as board vice chairperson.

M/S: Strack/Jones

Public Comment: None

Vote: Yea 10; Nay 0. Motion carried.

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

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14

11. Recess Until 8:30 a.m., Friday, May 17, 2024.

The Board recessed at 4:57 p.m.

1 **DATE** May 17, 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 Wendy Strack, Vice Chair, Public Member
12 Dr. Nicholas (Nick) Boyd, LPCC Member
13 Susan Friedman, Public Member
14 Justin Huft, LMFT Member
15 Abigail Ortega, LCSW Member
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:** *All members present*
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
31 **Other Attendees:** Yvonne Dorantes, Assistant Deputy Director, DCA Board and
32 Bureau Relations
33 Public participation via Webex and in-person
34

OPEN SESSION

12. Call to Order and Establishment of Quorum

Christopher Jones, Chair of the Board, called the meeting to order at 8:37 a.m. Roll was called, and a quorum was established.

13. Introductions

Board members, staff, and attendees introduced themselves.

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

a. Board Member Attendance

Current fiscal year attendance report was provided.

b. Future Board Meetings

The 2024 board meetings and committee meetings were provided.

c. Staff Recognitions

Yvette Casares Willis was presented a resolution for her time served on the Board.

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

- Cynthi Burnett
- Dawn Herrera
- Christina Kitamura
- Raquel Pena
- Steve Sodergren

Lydia Va'a was recognized for 10 years of state service.

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

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

- Public Service Recognition week
- DCA hosted a meeting with Business, Consumer Services, and Housing Agency's Secretary, Tomiquia Moss.

- 1 • New scam alert targeting licensees. Scammers are representing themselves
2 as board employees.
- 3 • Diversity, Equity, and Inclusion (DEI) update: 1) The DEI Steering Committee
4 discussed the member application process, established subcommittees, and
5 solicited input on how to expand language access, workforce development
6 and advanced DEI. 2) DEI-related training available.
- 7 • Outreach: 1) Office of Public Affairs participated in events hosted by the
8 Consulate of Mexico for the Sacramento, Fresno, and San Bernardino offices.
9 2) DCA will be developing workforce development outreach opportunities for
10 boards/bureaus to participate.
- 11 • Travel Expense Claims due no later than June 7th.
- 12 • Board Member Orientation Meeting training is scheduled on June 18th and will
13 be held virtually. The next training will be scheduled in October.
- 14 • Form 700

15
16 **16. Workforce Development Committee Update [\(Link to Video\)](#)**

17
18 The Workforce Development Committee (Committee) met in April 2024. During
19 its meeting, the Committee discussed the following:

- 20
21 • Permitting applicants for licensure to take the required clinical examination
22 after completing 1,500 hours of postgraduate supervised experience.
- 23 • The “additional coursework” requirements for all the Board’s regulated license
24 types for applicants who hold an in-state degree.
- 25 • The human sexuality coursework requirement for all the Board’s regulated
26 license types for applicants who hold an in-state degree.
- 27 • Proposed amendments to the Board’s additional examination time: English as
28 a second language regulations
- 29 • Update on licensure pathway survey.
- 30 • Update on implementation of voluntary demographic survey for candidates
31 taking board-developed exams.

32
33 The next Committee meeting will be held on August 9, 2024.

34
35 **17. Presentation on Making Policy Decisions [\(Link to Video\)](#)**

36
37 A presentation was made to the Board as a guide on making policy decisions
38 and how the decisions influence motions.
39

1 **18. Discussion and Possible Action Regarding the Acceptance of the**
2 **Association of Marital and Family Therapist Regulatory Board’s Clinical**
3 **Examination for California Licensure ([Link to Video](#))**
4

5 Discussions regarding adopting the Association of Marital and Family Therapist
6 Regulatory Board (AMFTRB) national exam for LMFT licensure have been a
7 consistent topic since 2009. Sodergren gave a brief history of previous
8 discussions and concerns regarding the AMFTRB exam.
9

10 This discussion was brought back to the Board in 2022. OPES completed its
11 review of the AMFTRB clinical examination and presented their findings during
12 the November 2022 Board meeting closed session. This review aimed to assess
13 the exam's compliance with professional guidelines and technical standards for
14 licensure examinations. The review concluded that the procedures generally met
15 the required standards but noted differences between the AMFTRB national
16 examination and California's LMFT written clinical examination mainly involving
17 measurement scope and administration.
18

19 AMFTRB and Board staff continue to have conversations. AMFTRB is open to
20 exploring ways to include the California content. Currently, the AMFTRB exam is
21 given once a week. AMFTRB is also open to considering more frequent
22 scheduling. AMFTRB is also addressing concerns regarding standardized
23 testing and possible bias. AMFTRB currently collects demographic information,
24 and they are considering alternative methods for taking the exam.
25

26 Motion: Accept the AMFTRB national examination for licensure in California and
27 direct staff to complete all the steps before requesting final Board approval to run
28 regulatory and/or legislative amendments to formally accept the AMFTRB
29 national examination by the Board.
30

31 M/S: Huft/Ranasinghe
32

33 [Discussion](#)
34

35 [Public Comments](#)

36 Shanti Ezrine, California Association of Marriage and Family Therapist
37 (CAMFT): Supports adoption of the AMFTRB exam.
38

39 Dr. Ben Caldwell: Supports adoption of the AMFTRB exam. Expressed that
40 the ideal solution in support of equity and public safety would be to remove
41 the clinical exam requirement entirely.
42

43 Dr. Leah Brew: Supports adoption of the AMFTRB exam.
44

45 Roger Smith, American Association for Marriage and Family Therapy
46 (AAMFT): Supports adoption of the AMFTRB exam.

1 Cathy Atkins, CAMFT: No consumer protection value for having a separate
2 exam from 49 other states.

3
4 Vote: Yea 10; Nay 0. Motion carried.

5

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

6
7 **19. Discussion and Possible Action Regarding Amendments to Board**
8 **Sponsored Legislation: Senate Bill 1024 (Ochoa Bogh) Healing Arts: Board**
9 **of Behavioral Sciences: Licensees and Registrants (BPC §§ 4980.31,**
10 **4980.32, 4980.43.2, 4980.43.4, 4989.17, 4989.48, 4996.7, 4996.8, 4996.23.1,**
11 **4996.23.3, 4996.75, 4999.46.2, 4999.46.4, 4999.70, and 4999.71) [\(Link to](#)**
12 **[Video\)](#)**

13
14 The Board approved amendments in SB 1024 at its meetings on November 1,
15 2023, and March 1, 2024.

16
17 The Board received feedback suggesting two amendments to further clarify the
18 bill. Staff recommended the Board consider the following amendments:

- 19
20 1. Number of Persons Supervised Per Supervisor in Non-Exempt Settings.
21 *Sections Affected: BPC §§4980.43.4, 4996.23.3, 4999.46.4.*

22
23 Staff recommends that the limit of 6 persons receiving supervision for
24 providing clinical mental health services per individual or triadic supervisor
25 only apply to non-licensees, as the level of supervision provided for this
26 population is generally different from organizational supervision provided to a
27 licensed person.

- 28
29 2. Change “Seeing Clients” to “Rendering Professional Clinical Services.”
30 *Sections Affected: BPC §§ 4980.31, 4989.48, 4996.7, 4999.70*

31
32 Staff proposes an amendment replacing the term “seeing clients” with the
33 term “rendering professional clinical services” in the proposed statute setting
34 requirements for the display of a license. This suggestion is based on a

1 recommendation from Legislative Counsel and was further refined based on
2 discussion at the April 2024 Policy and Advocacy Committee meeting.

3
4 Proposed amendments were provided in meeting materials as [Item 19,](#)
5 [Attachment A.](#)

6
7 Motion: Direct staff to make any discussed changes and any non-substantive
8 changes, and to proceed with amending the proposed language into SB 1024.

9
10 M/S: Jones/Huft

11
12 [Discussion](#)

13
14 Public Comments: None

15
16 Vote: Yea 10; Nay 0. Motion carried.

17

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

18
19
20 **20. [Discussion and Possible Action Regarding Assembly Bill 941 \(Waldron\)](#)**
21 **[Controlled Substances: Psychedelic-Assisted Therapy \(Link to Video\)](#)**

22
23 AB 941 would create a workgroup to study and make recommendations to
24 establish a framework for the therapeutic use of certain psychedelic plants and
25 fungi. Once this framework is enacted via the Legislature, it permits the use of
26 specified substances to be used for psychedelic-assisted therapy.

27
28 Legal Counsel Comment:

29 Schieldge: Referred to a bullet point in the bill analysis stating what this bill
30 would do. "Provides that upon the legislative enactment of a framework
31 governing psychedelic-assisted therapy that includes the list of substances to be
32 used, the populations to be served, and the education, training, and licensure (if
33 appropriate) required for administering the substance, the use of hallucinogenic
34 or psychedelic substances for psychedelic-assisted therapy *shall be lawful.*
35 (HSC §11260)" Schieldge expressed concern that this is not accurate and that

1 practitioners might be led into believing that they will have immunity if this law is
2 enacted. The Committee analysis (3rd reading) discusses that state authorization
3 does not nullify federal drug laws and the substances included in this bill remain
4 illegal under federal law.

5
6 Schieldge explained the Compassionate Use Act litigation. She recommended, if
7 the Board in supporting this bill, revising the proposed language consistent with
8 Health and Safety Code section 11362.5, which was the Compassionate Use
9 Act.

10
11 Motion: Oppose AB 941 unless amended to revise the language mentioned in
12 section 3 of the bill to remove references to the use being lawful, and instead
13 make revisions consistent with precedent at Health and Safety Code section
14 11362.5.

15
16 M/S: Walker/Ranasinghe

17
18 Discussion

19
20 Public Comment

21 Brew: Research is clear that this is effective. Suggested a support if
22 amended position.

23
24 Caldwell: This is a workforce bill, not a legislative action to legalize. The
25 scope is to create a workgroup.

26
27 Atkins, CAMFT: No position.

28
29 Vote: Yea 3; Nay 6, abstain 2. ***Motion did not carry.***

30

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

31
32 New Motion: Support if amended, requesting amendments to revise or remove
33 references in the bill regarding the use of hallucinogenic or psychedelic
34 substances for psychedelic assisted therapy being lawful.
35

1 M/S: Huft/Jones

2
3 [Board Member Comments:](#) Walker

4
5 No further public comments.

6
7 Vote: Yea 7; Nay 1, abstain 1, recusal 1. Motion carried.

8

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

9
10 **21. Discussion and Possible Action Regarding Assembly Bill 1991 (Bonta)**
11 **Licensee and Registrant Records ([Link to Video](#))**

12
13 AB 1991 would require healing arts boards under the Department of Consumer
14 Affairs (DCA) to collect specified data from licensees and registrants at renewal:

- 15
- 16 • Anticipated year of retirement
 - 17 • Practice area or specialty
 - 18 • City, county, and zip code of practice
 - 19 • Birth date
 - 20 • Educational background/highest level attained
 - 21 • Gender or gender identity
 - 22 • Hours spent in direct patient care, including telehealth, training, research,
23 and administration
 - 24 • Languages spoken
 - 25 • National provider identifier
 - 26 • Race or ethnicity
 - 27 • Type of employer or classification of primary practice site including clinic,
28 hospital, managed care organization, or private practice
 - 29 • Work hours
 - 30 • Sexual orientation
 - 31 • Disability status

32 Motion: Support AB 1991.

33
34 M/S: Walker/Jones

1 [Discussion](#)

2
3 Public Comments: None

4
5 Vote: Yea 8; Nay 2. Motion carried.

6

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

7
8 **22. Discussion and Possible Action Regarding Assembly Bill 2142 (Haney)**
9 **Prisons: Mental Health**

10
11 *AB 2142 died in Senate and Assembly Appropriations.*

12
13 **23. Discussion and Possible Action Regarding Assembly Bill 2270**
14 **(Maienschein) Healing Arts: Continuing Education: Menopausal Mental and**
15 **Physical Health [\(Link to Video\)](#)**

16
17 AB 2270 would require the Board to consider including a course in menopausal
18 mental or physical health in its continuing education (CE) requirements.

19
20 Staff Comments

21 **Course Content Already Permitted.** The Board's licensing laws already permit
22 continuing education coursework that is in or relevant to the practice of that
23 profession. The Board would currently accept a course in menopausal mental
24 health toward continuing education requirements.

25
26 **Relevance of Menopausal Physical Health.** This bill specifies the Board must
27 consider including a course in menopausal mental or physical health in its CE
28 requirements. While mental and physical health can be interrelated, it is
29 debatable whether a course that solely covered menopausal physical health, with
30 no inclusion of mental health, would be relevant to the practice of the professions
31 the Board regulates.

32
33 Motion: Oppose AB 2270.

34
35 M/S: Boyd/Uribe

1 [Discussion](#)

2
3 Boyd: Withdrew his motion.

4
5 [Public Comments](#)

6 Brew: Requested an oppose position.

7
8 Caldwell: Requested an oppose position.

9
10 G.V. Ayers, California Association of Licensed Professional Clinical
11 Counselors (CALPCC): No position.

12
13 Atkins, CAMFT: No position; however, CAMFT typically opposes bills
14 requiring additional CEs.

15
16 The Board did not take a position on AB 2270.

17
18 **24. [Discussion and Possible Action Regarding Assembly Bill 2581](#)**
19 **[\(Maienschein\) Healing Arts: Continuing Education: Maternal Mental Health](#)**
20 **[\(Link to Video\)](#)**

21
22 AB 2581 would require the Board to consider including a course in maternal
23 mental health in its continuing education (CE) requirements.

24
25 [Staff Comment](#)

26 **Course Content Already Permitted.** The Board's licensing laws already permit
27 any continuing education coursework that is in or relevant to the practice of that
28 profession. The Board would accept a course in maternal mental health toward
29 continuing education requirements.

30
31 [Board Member Comment:](#) Ortega

32
33 [Motion:](#) Support AB 2581.

34
35 [M/S:](#) Ortega/ no second. ***Motion did not move forward.***

36
37 [Discussion](#)

38
39 [Public Comments](#)

40 Daniella Bermudes, Postpartum Support International, California Chapter:
41 Urged the Board to consider requiring this CE.

42
43 Ezrine, CAMFT: CAMFT opposes additional CEs.

44
45 Brew: Urged the Postpartum Support International to move this forward to
46 require it through the education programs.

1 Ayres, CALPCC: Does not support bills that require specific CEs.

2
3 Atkins, CAMFT: CAMFT opposes additional CEs. This coursework should
4 be reviewed by the schools.

5
6 The Board will continue to watch AB 2581.

7
8 **25. Discussion and Possible Action Regarding Assembly Bill 2566 (Wilson)**
9 **Healing Arts: Counseling ([Link to Video](#))**

10
11 AB 2566 would establish California as a member state in the Interstate
12 Counseling Compact, which permits a licensed professional counselor in a
13 member state to practice in other member states, if specified conditions are met.

14
15 Staff Comments

16 **Who Qualifies as an LPC?** There is a title disparity between the bill (licensed
17 professional counselors) and the Board's license type (licensed professional
18 clinical counselors).

19
20 Section 4999.133(p) defines an LPC as a counselor licensed by a member state,
21 regardless of title, to independently assess, diagnose, and treat behavioral health
22 conditions.

23
24 The broadness of 4999.133(p) raises the question of whether individuals who are
25 not equivalent in scope and experience to LPCCs would be able to practice
26 under the terms of the compact.

27
28 **Potential Education Discrepancies.** Section 4999.140(a)(3) appears to permit
29 60 semester or 90 quarter units of graduate course work that is not necessarily
30 gained in a completed master's degree in counseling.

31
32 **California-Specific Coursework Requirements for Out-of-State Applicants.**
33 Under the Board's current license portability pathway to licensure, an out-of-state
34 licensee who has been equivalently licensed for at least 2 years in another state
35 is eligible for a streamlined process to obtain a California license if they meet
36 certain requirements, including passing the California law and ethics exam, and
37 taking certain specific coursework: California law and ethics (12 hours), California
38 cultures (15 hours), and child abuse reporting (7 hours, which must include
39 content on California's mandated reporting requirements).

40
41 This bill permits jurisdictions to require applicants for a privilege to practice under
42 the compact to meet jurisprudence requirements. However, under the Compact,
43 the Board would not be permitted to require these applicants to take any
44 California-specific coursework.

1 **Fiscal Impact Unclear.** The estimated number of LPC licensees nationwide, and
2 what percent of them may want to seek a privilege to practice in California, is
3 unknown.
4

5 **Delegation of Board's Authority.** The bill requires that member states comply
6 with the Compact Commission's rules and actions, which are binding. Each
7 member board gets one delegate on the commission, who has one vote
8 regarding adoption of rules, regardless of a state's market share or number of
9 licensees. This could potentially affect the Board's ability to act autonomously to
10 accomplish its public protection mission.
11

12 It is also unclear whether the Board could deny or place restrictions on a privilege
13 to practice of an applicant with past disciplinary action who qualifies via their
14 home state. BPC §4999.140(b)(3) states that member states must have
15 procedures for considering the criminal history records of applicants for an initial
16 privilege to practice. However, it is unclear if this is applicable to the home state
17 only or all places where the applicant seeks a privilege to practice. Additionally,
18 (b)(6) of that section requires a member state to grant a privilege to practice to a
19 licensee in accordance with the Compact's terms and rules. As not all rules of
20 the Compact have been established yet, the implications of this are unclear.
21

22 **Supervision of Associates.** It is unclear whether licensees holding a privilege
23 to practice would be permitted to supervise associates.
24

25 DCA Legal pointed out that it is unclear if the compact language grants the Board
26 the authority to run regulations related to the Compact. Although the Board may
27 wish to restrict supervisors to California licensees only, BPC §4999.133(t) states
28 that a privilege to practice is equivalent to a license. Therefore, it is unclear if the
29 Board could restrict or place conditions on privilege to practice holders
30 supervising California-registered associates.
31

32 Motion: Oppose AB 2566 and reach out to the California Commission on
33 Uniform Laws.
34

35 M/S: Ranasinghe/Walker
36

37 [Discussion](#) 38

39 [Public Comments, Questions, and Further Discussion](#)

40 G. V. Ayers, California Association of Licensed Professional Clinical
41 Counselors (CALPCC): Sponsors of the bill. This bill would put more feet on
42 the ground to provide mental health services, provide greater continuity of
43 care, provide greater access to mental health care in California, removes
44 barriers to practice without sacrificing public protection, addresses health care
45 workforce shortages, and provides ability for military personnel and spouses
46 to practice.

1 Brew: A path to come to California already exists. Concerns 1) Competence
2 of licensees trained in other states; 2) BBS increased workload and fiscal
3 impact; 3) identity confusion based on different license types, and 4) harm to
4 California LPCCs. Suggests waiting until this program is off the ground for 2-
5 3 years.

6
7 Ayers: Urged the board to not take a position on this bill.

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

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

10
11 **26. Discussion and Possible Action Regarding Assembly Bill 2651 (Bains)**
12 **Alcohol Drug Counselors**

13
14 *AB 2651 died in Senate and Assembly Appropriations.*

15
16 **27. Discussion and Possible Action Regarding Assembly Bill 2862 (Gipson)**
17 **Licenses: African American Applicants [\(Link to Video\)](#)**

18
19 AB 2862 would require boards within the DCA to prioritize applications for African
20 American applicants, especially those who are descended from a person
21 enslaved in the United States.

22
23 Staff Comment

24 **Board Impact.** It is unclear how the Board would verify whether an applicant is
25 African American and how it would determine whether an applicant is descended
26 from a person who was enslaved.

27
28 It is unknown how many individuals would apply for an expedited license under
29 this allowance; however, without clearly defined criteria, the workload associated
30 with verifying race and a descendant from enslaved persons could be costly and
31 increase processing times for all applicants.

32
33 [Schieldge: Addressed a constitutional issue of the Equal Protection Clause.](#)

34

1 Motion: Support AB 2651 if amended to add declaratory policy statements or
2 determinations to address the governmental interest and the government's use of
3 the race-based criteria narrowly tailored to achieve that interest.
4

5 M/S: Huft/Walker
6

7 Discussion
8

9 Public Comment

10 Ayers, CAMFT: CAMFT has not taken a position on this bill. What impact do
11 these types of bills have on licensure processing? What is the harm to those
12 in line to get their application processed?
13

14 Vote: Yea 9; Nay 1. Motion carried.

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

15
16 **28. Discussion and Possible Action Regarding Senate Bill 26 (Umberg) Mental**
17 **Health Professions: CARE Scholarship Program ([Link to Video](#))**
18

19 SB 26 would create a scholarship program to incentivize those seeking licensure
20 as a marriage and family therapist, clinical social worker, professional clinical
21 counselor, or psychologist to work in a county behavioral health agency in
22 support of the CARE Act.
23

24 Staff Comment

25 **Funding Source Not Identified.** This bill is dependent on appropriation of funds
26 by the Legislature. However, a funding source is not identified.
27

28 Motion: Support SB 26. M/S: Strack/Sovec
29

30 Discussion
31

32 Strack rescinded her motion and offered a new motion: Support SB 26 and
33 provide technical support to express concerns that not all counties include
34 LPCCs. Seconded: Sovec
35

1 [Further Discussion](#)

2
3 [Public Comment](#)

4 Caldwell: Requested that the Board take an opposed unless amended
5 position with amendments.

6
7 Ayers, CALPCC: CALPCC supports the concept of this bill.

8
9 Brew: Responded to Caldwell's comment.

10
11 Vote: Yea 10; Nay 0. Motion carried.

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

12
13 **29. Discussion and Possible Recommendation Regarding Senate Bill 294**
14 **(Wiener) Health Care Coverage: Independent Medical Review ([Link to](#)**
15 **[Video](#))**

16
17 SB 294 seeks to reduce barriers to mental health care by addressing treatment
18 denials based on lack of medical necessity for children and young adults up to
19 age 26. The bill does the following:

- 20 • Makes the grievance process for nonlife-threatening conditions automatic,
21 rather than consumer-initiated; and if a grievance is upheld or is still pending
22 or unresolved after a specified timeframe, it must automatically be submitted
23 to the Independent Medical Review System within 24 hours.
- 24 • States that the grievance process is not required for life-threatening
25 conditions, and the case must automatically and immediately be submitted to
26 the Independent Medical Review System.

27
28 Motion: Support SB 294.

29
30 M/S: Sovec/Huft

31
32 [Discussion](#)

1 Public Comment: None

2
3 Vote: Yea 10; Nay 0. Motion carried.

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

4
5 **30. Discussion and Possible Action Regarding Senate Bill 402 (Wahab)**
6 **Involuntary Commitment ([Link to Video](#))**

7
8 SB 402 would include licensed mental health professionals, including mental
9 health professionals who are not county providers, in the types of professionals
10 who may be designated by a county to take someone into 72-hour custody if
11 there is probable cause that they are a danger to themselves or others, or are
12 gravely disabled as a result of a mental health disorder.

13
14 Staff Comments

15 **Definition of a “Licensed Mental Health Professional.”** The bill defines a
16 “licensed mental health professional” as a psychiatrist, psychologist, licensed
17 clinical social worker, licensed marriage and family therapist, or licensed
18 professional clinical counselor who has completed all required supervised clinical
19 experience and who is designated by the county.

20
21 It is unclear if the requirement to have “completed all required supervised
22 experience” is referring to supervised experience that may be required by a
23 county or if it refers to the hours of supervised experience required by a board for
24 licensure.

25
26 **Arguments in Support and Opposition.** This bill has numerous supporters and
27 opponents that cite a variety of valid arguments for support and opposition.

28
29 [Board Member Comments](#)

30
31 Motion: Support SB 402 if amended to include LEPs.

32
33 M/S: Ranasinghe/Huft

34
35 [Additional Board Member Comments and Public Comment offered by Dr. Brew.](#)

1 Vote: Yea 9; Nay 1. Motion carried.

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

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31. **Discussion and Possible Action Regarding Policy and Advocacy Committee Recommendation: Support Senate Bill 1012 (Wiener) The Regulated Psychedelic-Assisted Therapy Act and the Regulated Psychedelic Substances Control Act**

SB 1012 died in Senate and Assembly Appropriations.

10 32. **Discussion and Possible Action Regarding Senate Bill 1067 (Smallwood-Cuevas) Healing Arts: Expedited Licensure Process: Medically Underserved Area or Population ([Link to Video](#))**

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SB 1067 would require healing arts licensing boards within the 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.

Staff Comments

Acceptable Settings Unclear. The bill relies on the definitions of “medically underserved area” and “medically underserved population” in HSC §128552 to determine who qualifies for an expedited license:

HSC §128552

(d) “Medically underserved area” means an area defined as a health professional shortage area in Part 5 of Subchapter A of Chapter 1 of Title 42 of the Code of Federal Regulations or an area of the state where unmet priority needs for physicians exist as determined by the department.

(e) “Medically underserved population” means the Medi-Cal program and uninsured populations.

HSC §128552 defines these terms for purposes of the California Physician Corps Program, which consists of a loan repayment program and a volunteer program for physicians in the state.

1 Medically Underserved Area

2 The section's definition of a "medically underserved area" references Federal
3 Regulations, 42 CFR Part 5, Appendix A. However, this definition appears
4 heavily focused on primary care physicians, and it is unclear if it is appropriate to
5 use to define underserved areas of other healing arts practitioners. Furthermore,
6 it is unclear if underserved areas for physicians will always match underserved
7 areas for other healing arts practitioners.

8
9 Medically Underserved Population

10 The definition of a "medically underserved population" is broad, and it is unclear
11 what threshold the Board should use to determine if an applicant qualifies.

12
13 **Board Impact.** Depending on the volume of applications received, this bill could
14 have a detrimental impact on Board processing times if the Board's evaluators
15 must spend a large amount of time determining whether someone's intended
16 work setting qualifies for expedited licensure instead of evaluating applications.
17 Additionally, staff has concerns that success of this bill could lead to numerous
18 other proposals to expedite licensure for valid reasons, which could end up
19 increasing processing times overall as staff spends increasing amounts of time
20 determining expedite eligibility and fielding applicant questions regarding
21 eligibility.

22
23 **Proposed Amendments.** Staff contacted the bill's sponsor to ask for further
24 clarification regarding who they intend to qualify for the expedite. The sponsor
25 responded that qualifying sites will be in the database. Amendments provided as
26 [Attachment A](#), page 32-9.

27
28 After consulting with DCA Legal on the sponsor's suggested amendments, there
29 are concerns that regulations would be needed to specify the use of a specific
30 database if the Board would make its decision to expedite solely on a database.
31 Staff and legal counsel drafted amendments that would accomplish this, shown
32 on Attachment A, page 32-9 through 32-10.

33
34 Discussion

35
36 Motion: Support SB 1067 if amended. The suggested amendments are those
37 suggested by staff and legal counsel in Attachment A. Additionally, that
38 language would need to specifically name any and all databases the sponsor
39 intends boards to use to determine expedite eligibility.

40
41 M/S: Sovec/Walker

42
43 Public Comment

44 Caldwell: Requests the Board to oppose SB 1067.

1 Taylor Jackson, California Primary Care Association, and sponsor of SB
2 1067: Requests the Board to consider a support if amended position.

3
4 Atkins, CAMFT: Concerns about the impact this will have on other licenses
5 who are also trying to get their applications and licenses processed.
6

7 [Further Discussion](#)

8
9 Vote: Yea 5; Nay 4, Abstain 1. Motion carried.

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

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33. Update on Board-Sponsored Legislation ([Link to Video](#))

a. Senate Bill 1024 (Ochoa Bogh) Healing Arts: Board of Behavioral Sciences: Licensees and Registrants

Status: This bill passed the Senate and is now in the Assembly.

b. Senate Bill 1526 (Senate Business, Professions, and Economic Development Committee) Consumer Affairs

Status: This bill is in the Senate Appropriations Committee.

34. 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 California Code of Regulations (CCR), Title 16, Sections 1845, 1858, 1881, 1886.30 and 1886.40 (Unprofessional Conduct)

b. Adoption of Amendments to CCR, Title 16, Sections 1845, 1858, 1881, 1886.30 and 1886.40 (Unprofessional Conduct) ([Link to Video](#))

At its August 2023 meeting, the Board approved regulatory changes pertaining to its unprofessional conduct regulations. The proposed changes would result in striking regulations that duplicate statutory law and would provide for

1 transparency by adding requirements related to the Confidentiality in Medical
2 Information Act. The approved language was provided in [Attachment A](#).

3
4 **Status of the Regulation Proposal**
5

6 The regulation proposal was noticed to the public on February 2, 2024, and the
7 public comment period ended on March 25, 2024. The Board received one
8 comment from CAMFT ([Attachment B](#)).
9

10 **Recommended Response:** Board staff have reviewed the comment and
11 recommend changes to section 1886.40 of the text based on the comments. The
12 changes are shown on page 7 of Attachment A.
13

14 Motion: Approve the proposed responses to public comments received, approve
15 the proposed amended regulation text for section 1886.40, and initiate a 15-day
16 public comment period. If no relevant, adverse comments are received during
17 the public comment period, authorize the Executive Officer to make any non-
18 substantive changes to the package, and take all steps necessary to complete
19 the rulemaking and adopt the proposed regulations at section(s) 1845, 1858,
20 1881, 1886.30 and 1886.40 as noticed.
21

22 M/S: Jones/Ranasinghe
23

24 Board Discussion: None
25

26 Public Comment: [Ezrine \(CAMFT\)](#)
27

28 Vote: Yea 10; Nay 0. Motion carried.

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

29
30

1 **35. Update on Board Rulemaking Proposals [\(Link to Video\)](#)**

2
3 Disciplinary Guidelines

4 Status: Submitted to DCA Office of Legal Affairs to Begin Initial Review Process
5 (Production Phase)

6
7 Unprofessional Conduct

8 Status: Public Comment Period Ended March 25, 2024; Comment Received;
9 Modified Text Proposed

10
11 Telehealth

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

13
14 Discussion/Public Comment: None

15
16 **36. Overview of the Board Sunset Review [\(Link to Video\)](#)**

17
18 Under current law, boards and bureaus operating under DCA must undergo
19 periodic "sunset review." This process of legislative oversight was established in
20 1994 for professional licensing programs. Oversight hearings are jointly
21 conducted by the Assembly Committee on Business and Professions and the
22 Senate Committee on Business, Professions, and Economic Development.

23
24 The Board's last sunset date was January 1, 2020. Due to the COVID-19
25 pandemic, sunset hearings were delayed, and subsequently, the Board was
26 granted a four-year extension on January 1, 2022, setting its current sunset date
27 to January 1, 2026. Legislation will be needed in the 2025 legislative session to
28 extend the Board's existence beyond that date.

29
30 The Board's sunset review document is a comprehensive report addressing
31 questions regarding its operations, performance, and past issues. This report
32 includes statistics, procedural information, and will detail the Board's work since
33 2021. A draft report will be presented at the Board's September meeting, with a
34 final report scheduled for approval at the November meeting for submission to
35 the Committee, which is due in December 2024. Public hearing dates are
36 expected to be announced in January 2025.

37
38 Discussion/Public Comment: None

39
40 **37. Discussion and Possible Action Regarding Diversity, Equity, and Inclusion
41 (DEI) Supplemental Strategic Planning Draft Language [\(Link to Video\)](#)**

42
43 In February 2024, DCA Strategic Organizational Leadership and Individual
44 Development (SOLID) hosted a strategic planning session during the Board
45 meeting. The session aimed to review the Board's strategic plan for 2022-2026,

1 with a focus on assessing the diversity, equity, and inclusion (DEI) impacts of
2 policy decisions.
3

4 A draft version of the Board's 2022-2026 strategic plan was presented, which
5 included the amendments discussed during the session ([Attachment A - DRAFT](#)
6 [Amended BBS 2022-26 Strategic Plan](#)). Additionally, SOLID provided suggested
7 edits to the proposed amendments during their review:
8

9 1.3 Changed "stakeholders" to "other stakeholder groups".
10

11 3.3 Following "proportionality" with "bias" here does not seem positive, as if
12 the Board is seeking to add "bias" to the statutes and regulations.
13 Suggest removing "bias". Suggest the objective start with "review" rather
14 than "complete".
15

16 5.5 Since IDPs are voluntary, suggest replacing individual development plans
17 (IDPs) with "performance evaluations".
18

19 Motion: Direct staff to adopt the Board's 2022-2026 strategic plan with approved
20 amendments.
21

22 M/S: Huft/Walker
23

24 Discussion
25

26 During discussion, the Board reworded 3.3 to read as follows: Review the
27 Board's existing enforcement statutes and regulations **to ensure** clarity,
28 **proportionality**, cohesiveness, and equity, making recommendations **as**
29 **necessary**.
30

31 Public Comment: None
32

33 Vote: Yea 10; Nay 0. Motion carried.

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

34
35

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

2
3 Boyd: Proposed a discussion to revisit the topic of student trainees and the 90-
4 day rule, specifically the number of student trainees operating and practicing
5 without a license.

6
7 Huft: Proposed discussions on two topics. 1) The Board purview and possible
8 regulations on supervision pay. What are other states and other boards doing to
9 regulate exploitation? 2) Online therapy.

10
11 Sovec: Requested to have a reporting of items that are suggested for future
12 agenda items.

13
14 Friedman: Explore ways to recruit more people to become therapists.

15
16 Ranasinghe: Requested a staff report on probationers and their affordability of
17 probation costs.

18
19 Geoff Emblar: Advocate for LCSWs. Requests that the Board discuss and
20 change the interpretation of the number of hours of supervision that ASWs are
21 required to obtain. He stated that the interpretation was changed last year by
22 Board staff and was not discussed in Board meetings or publicly announced.

23
24 Caldwell: Proposed a holistic look at the Board's disciplinary processes and how
25 well they are serving the intention of bringing people back into good standing.

26
27 **39. Public Comment for Items not on the Agenda [\(Link to Video\)](#)**

28
29 Caldwell: Help make people aware of the current policy regarding electronic
30 signatures.

31
32 Kenneth Edwards, CALPCC: Announced that his last day with CALPCC as
33 Executive Director is today. He thanked the Board and staff, and associations for
34 showing him support during his time with CALPCC.

35
36 Sodergren and Helms provided comments in response to Edwards'
37 announcement.

38
39 Ranasinghe: Acknowledged Sodergren's 25 years of service with the state of
40 California.

41
42 **40. Adjournment**

43
44 The Board adjourned at 4:22 p.m.