



of requiring barber applicants to demonstrate ability to shave with a straight razor. Although this is the only licensure qualification which currently distinguishes barbers from cosmetologists, shaving is rarely performed in practice, due to its time-consuming nature and cost. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 46 for background information.) BBE industry member Elton Pamplin moved that licensure applicants be allowed to shave with an electric razor, which generated heated debate. Audience members argued that a good haircut requires a straight edge around the ears; and questioned whether the Board would incur liability by licensing barbers to shave with a straight edge without testing their ability. After considerable argument, BBE defeated Pamplin's motion by a vote of 3-2.

LEGISLATION:

AB 3008 (Eastin), as amended June 7, would repeal the Business and Professions Code sections which establish both BBE and BOC, and create the Board of Barbering and Cosmetology (BBC). The bill would generally revise, recast, and consolidate the two acts presently governing the practice of barbering and cosmetology; and provide for the licensing and regulation of persons engaged in practice as a barber, cosmetologist, electrologist, manicurist, or esthetician. BBC would consist of seven members: four public members and three members representing the professions. The bill, which would become operative on July 1, 1992, would require the new board and the Department of Consumer Affairs to assess the results of merging the two boards and to report to the legislature on or before June 30, 1995. This bill is currently pending in the Assembly Ways and Means Committee.

AB 1108 (Epple), as amended January 10, would delete existing maximum limits on licensing fees charged by BBE until January 1994 and would increase the maximum fees effective January 1, 1992. The bill has passed the Assembly and is pending in the Senate Business and Professions Committee.

RECENT MEETINGS:

At its March 5 meeting, BBE members discussed the low pass rate on its instructors' examination, and decided to investigate the possibility of having DCA's Central Testing Unit review the exam.

FUTURE MEETINGS:

To be announced.

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

Executive Officer: Kathleen Callanan (916) 445-4933

Authorized by Business and Professions Code section 4980 *et seq.*, the eleven-member Board of Behavioral Science Examiners (BBSE) licenses marriage, family and child counselors (MFCCs), licensed clinical social workers (LCSWs) and educational psychologists (LEPs). The Board administers tests to license applicants, adopts regulations regarding education and experience requirements for each group of licensees, and appropriately channels complaints against its licensees. The Board also has the power to suspend or revoke licenses. The Board consists of six public members, two LCSWs, one LEP, and two MFCCs. The Board's regulations appear in Chapter 18, Title 16 of the California Code of Regulations (CCR).

MAJOR PROJECTS:

Consumer Brochure on Psychotherapist Sexual Misconduct. Pursuant to SB 1277 (Watson), enacted in 1987, psychotherapists are required by the law to provide a copy of *Professional Therapy Never Includes Sex!* to any patient who has been a victim of sexual exploitation by another psychotherapist. The brochure gives the patient excellent information on options for reporting the misconduct and receiving personal help. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 47; Vol. 7, No. 4 (Fall 1987) p. 42; and Vol. 7, No. 2 (Spring 1987) p. 60 for background information on SB 1277.)

Reporting options include administrative action, criminal action, civil action, and professional association action. Personal help options include individual or group therapy, self-help support groups, and therapy mediation sessions. Twenty-five copies may be purchased for \$5 by writing to: Office of Procurement, Publications Section, P.O. Box 1015, North Highlands, CA 95660.

Regulatory Changes. On January 8, the Office of Administrative Law (OAL) approved BBSE's adoption of section 1805.1, Chapter 18, Title 16 of the CCR, which implements the Permit Reform Act of 1981. On February 5, OAL approved BBSE's adoption of sections 1833.1 and 1833.2, and its amendments to sections 1833 and 1833.3. These regulations implement AB 3657 (Vasconcellos) (Chapter 1365, Statutes of 1986), which rewrote the laws governing the experience requirements for MFCC licensure. (See CRLR Vol. 10,

No. 1 (Winter 1990) p. 59 and Vol. 9, No. 3 (Summer 1989) pp. 41-42 for background information on these changes.)

On January 22, OAL disapproved BBSE's amendments to regulatory sections 1806, 1812, 1832, and 1833.1. (See CRLR Vol. 9, No. 3 (Summer 1989) pp. 41-42 and Vol. 8, No. 4 (Fall 1988) p. 46 for extensive background information on these regulatory changes.) OAL primarily found fault with section 1812, which would have defined conduct "substantially related" to the qualifications and duties of BBSE licensees for purposes of license denial, revocation, or suspension. OAL found that the amendments to section 1812 failed to comply with the clarity, consistency, and necessity standards of Government Code section 11349.1, and that BBSE's final statement of reasons failed to include an adequate summary of and response to each public comment made.

Executive Officer Kathleen Callanan separated out the amendments to section 1812 from the amendments to sections 1806, 1832, and 1833.1 (which pertain to the abandonment of applications); these latter changes were approved by OAL on May 17. At BBSE's April 20 meeting, Callanan suggested that the Board refer section 1812 to the Enforcement Committee for redrafting.

LEGISLATION:

SB 2222 (Watson) as amended April 19, would establish increased separate fees for the written and oral examination for MFCC, LEP, and LCSW licensure applicants, increase the renewal fees for those licenses, and make related changes. This bill is pending in the Assembly Health Committee.

SB 2245 (Davis) would include the relationship between a patient and an MFCC corporation, as well as the relationship between patients and any psychotherapist employed by those corporations, in the definition of the relationship of a psychotherapist and patient to provide the privilege of confidential communications. This bill passed the Senate on May 17 and is pending in the Assembly Judiciary Committee.

AB 3229 (Polanco). Existing law requires that the licensure requirements for clinical social workers, among others, in state and other governmental health facilities, be not less than for those in privately owned health facilities. The state Department of Health Services is authorized to grant a waiver from licensure requirements for clinical social workers employed in publicly



operated health facilities, who are gaining qualifying experience for licensure, for no longer than three years from the commencement of employment in the state. This bill, as amended April 16, would extend the waiver of licensure requirements for clinical social workers to five years. This bill is pending in the Senate Health and Human Services Committee.

AB 2574 (Lancaster), Section 4998.3 of the Business and Professions Code currently provides that the name of an LCSW corporation shall, among other things, be restricted to the name or the last name of one or more of the present, prospective, or former shareholders. As amended June 12, this bill would delete that requirement, and would restrict an LCSW corporation operating under a fictitious business name from using any false, misleading, or deceptive name, as specified. Violation of these requirements would be a misdemeanor. This bill is pending in the Senate Committee on Insurance, Claims and Corporations.

SB 2214 (Boatwright), as amended April 26, would delete the existing statutory provision authorizing MFCCs to use hypnosis in the course of performing marriage, family, and child counseling.

Existing law requires applicants for a MFCC license to have specified experience as a condition of licensure and specifies the settings in which that experience may be gained. This bill would add the following to those settings: a community care facility, a group home, an adult residential facility, a foster family agency, a social rehabilitation facility, a community treatment facility, and an alcoholism or drug abuse recovery or treatment facility, as defined.

Existing law provides that MFCC experience may be gained as an intern, as specified, or when employed in a private practice setting. This bill would provide that the employment experience may be gained in a private practice owned by a licensed MFCC, a licensed psychologist, an LCSW, a licensed physician, or a professional corporation of any of those licensed professions.

Finally, existing law requires each applicant for an MFCC license to be examined by BBSE. This bill would prohibit BBSE from denying an applicant admission to any examination, postponing or delaying any applicant's examination or the results of any examination, based solely on the receipt of a complaint, or the filing of an accusation, against the applicant.

This bill has passed the Senate and is pending in the Assembly Health Committee.

AB 3314 (Harris) would, with

respect to any person applying for a renewal of a license as a psychologist, LCSW, or MFCC, require the Psychology Examining Committee and BBSE to consider adoption of continuing education requirements as respects training in the area of recognizing chemical dependency and the proper steps for early intervention. At this writing, this bill is pending in the Senate Business and Professions Committee.

AB 3328 (Bates) would provide that the Psychology Examining Committee and BBSE shall consider adopting continuing education requirements in suicide prevention and intervention for all persons applying for renewal of a license as a psychologist, LCSW, or MFCC. This bill passed the Senate on June 12 and is pending in the Senate Business and Professions Committee.

The following is a status update on bills reported in detail in CRLR Vol. 10, No. 1 (Winter 1990) at page 59:

AB 1174 (Klehs) would have permitted BBSE to develop a diversion program for the rehabilitation of its licensees who are impaired due to abuse of drugs or alcohol. At its January meeting, BBSE unanimously voted to oppose this bill; the bill's sponsor, the California Association of Marriage and Family Therapists, subsequently withdrew its sponsorship of the bill, which has now been dropped.

AB 2422 (Polanco) would have assessed a 10% surcharge on the licensing fees of a number of health professions, including MFCCs, LCSWs, and LEPs, in order to fund a student financial assistance project to assist bilingual and bicultural students considering the mental health profession and to encourage currently employed bilingual and bicultural mental health paraprofessionals to pursue advanced degrees in the mental health field. This bill died in committee.

AB 1266 (Tucker), concerning the licensing of alcohol and drug counselors, died in committee.

RECENT MEETINGS:

At BBSE's January 26 meeting, the Board reported on its continuing efforts to revise its examinations. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 47-48 for background information.) The MFCC Oral Exam Evaluation Committee met with Dr. Norman Hertz of the Department of Consumer Affairs' Central Testing Unit to review the Committee's recommendations. The Board agreed to look at the feasibility of administering the MFCC oral exam more often; this would minimize the pool of applicants (usually 1,000 examinees per exam), but require its oral

examiners to work more frequently. The Board plans to survey its examiners to determine whether they believe more frequent testing will be more convenient. BBSE will also seek ways to improve examiner training and decrease examiner turnover; and perform a cost analysis on the proposed change to more frequent oral exams.

Regarding the LCSW oral exam, the Board adopted a plan formulated by Dr. Hertz to revise the test; this project commenced in March.

BBSE also met in closed session and approved, subject to negotiation on some minor contractual terms, the use of the written LCSW exam of the American Association of State Social Work Boards. BBSE projects that the exam will be used for LCSW licensure by October 1991.

At BBSE's April 20 meeting, a discussion of several pending bills resulted in the Board's adoption of a policy statement regarding the "yearly proliferation of piecemeal mandatory continuing education (CE) bills." BBSE is concerned about the number of recently-introduced bills which would condition licensure renewal on specified CE courses, and/or authorize the Board to grant exemptions from such requirements. Although the Board does not suggest that the intent of the bills is not valid, BBSE's policy statement objects to the concept that a one- or two-day seminar in a specialized area somehow imparts expertise in that area; it further opposes the requirement that the Board certify these courses, and engage in the time-consuming task of granting exemptions from the requirement.

Finally, the Board's policy statement notes that BBSE and the Board of Psychology appear to be frequently singled out as targets in these bills. Whereas the areas these bills seek to address (e.g., problems of the elderly, the addicted, and the physically and mentally challenged) go well beyond the licensees of BBSE and BOP, these bills do not always apply equally to boards which license physicians, nurses, osteopaths, and physician assistants. BBSE's policy statement vows to oppose these bills, unless they are applied without exception to all boards whose licensees are engaged in patient care, and provide sufficient funds to enable the boards to competently evaluate proposed course offerings and to deal with recordation of completion of required instruction.

FUTURE MEETINGS:

September 14 in Sacramento.
January 18 in Los Angeles.