



BOARD OF BEHAVIORAL SCIENCE EXAMINERS

Executive Officer: Kathleen Callanan (916) 445-4933

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.

MAJOR PROJECTS:

Special Accommodations. At its January 20 meeting, the Board discussed whether to provide extra time on the written examination to applicants for whom English is a second language (ESL). The Board decided to allow ESL applicants an extra half-hour on the written examination, which is the standard amount of time allowed under the special accommodations policy. Due to concern over the possibility of abuse of this system, the Board will limit ESL eligibility to individuals who have immigrated to this country within the past ten years and have verification from their educational institution that they qualify as ESL applicants. The Board will continue to study this issue and make any necessary modifications to the policy.

LEGISLATION:

AB 1074 (Polanco) would permit the Department of Health Services to grant a waiver from professional licensing requirements to MFCCs employed in publicly operated health facilities for up to three years. This bill is pending in the Assembly Health Committee.

AB 1174 (Klehs) would permit BBSE to develop a diversion program for the rehabilitation of its licensees who are impaired due to use of dangerous drugs or alcohol. This bill is pending in the Assembly Health Committee.

AB 1266 (Tucker) would enact the Alcohol and Drug Counselors License Law, and would require those wishing to become licensed as an alcohol and drug counselor to complete 315 hours or 21 semester academic units of approved alcohol and drug education training. This bill is also pending in the Assembly Health Committee. (See CRLR Vol. 9,

No. 1 (Winter 1989) p. 41 for background information on this issue.)

SB 1004 (Boatwright) would make it a felony offense for any psychotherapist, or any person claiming to be a psychotherapist, to commit specified acts of sexual exploitation with a current patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in these acts. This bill is pending in the Senate Judiciary Committee at this writing.

SB 649 (Craven). Existing law requires all applicants for an MFCC license to have a specified number of hours of experience, and provides that the experience shall be gained within six years preceding the date of license application, except that certain supervised practicum hours that are required to be a part of a doctor's or master's degree program are exempt from that six-year requirement. This bill would provide that only up to 500 hours of the supervised practicum hours shall be exempt from the six-year requirement.

This bill would also require MFCC trainees to register with the BBSE; establish a fee for that registration; require the trainee to notify the BBSE of any employment or termination of employment within a specified time period; and define the term "employment" for purposes of the intern or trainee gaining experience.

SB 649 would also authorize the BBSE to allow any person meeting certain education and experience requirements outside California to be examined for MFCC licensure without regard to whether that person is licensed in another state, and would set forth specified requirements regarding education equivalency. This bill is pending on the Senate floor at this writing.

SB 1382 (Watson) would require BBSE to create and maintain a central file of its MFCC and LCSW licensees' records with respect to any conviction of a crime, malpractice judgment or settlement, public complaints, and disciplinary information reported by a health facility or professional society. This bill would also amend section 805 of the Business and Professions Code to require peer review action by covered facilities with respect to MFCCs or LCSWs to be reported to the Board. This bill is pending in the Senate Business and Professions Committee.

LITIGATION:

In *In Re Grand Jury Proceedings*, No. 88-2893 (Feb. 9, 1989), the U.S.

Ninth Circuit Court of Appeals refused to recognize the psychotherapist-patient privilege in a grand jury investigation. Jane Doe underwent psychiatric treatment after her baby died in 1985. Although Doe contends that the baby died from sudden infant death syndrome, murder is suspected. The government subpoenaed Doe's psychiatric and hospital records, and Doe moved to quash the subpoenas. The Ninth Circuit affirmed the district court's denial of Doe's motions to quash, on grounds that the psychotherapist-patient privilege developed from state statutory enactment, whereas federal courts follow common law under Federal Rule of Evidence 501. The Ninth Circuit stated: "...if such a privilege is to be recognized in federal criminal proceedings, it is up to Congress to define it, not this court."

RECENT MEETINGS:

At its January 20 meeting, the Board discussed the possibility of including BBSE in section 801 of the Business and Professions Code, which would require insurance companies and courts to inform the Board of any criminal violations asserted against its licensees. Presently, there is no automatic means to notify the Board about the alleged criminal activity of its licensees.

BBSE also held election of its 1989 officers. William Thompson will continue as chair; Karen Walton will serve as vice-chair.

FUTURE MEETINGS:

July 20-21 in San Diego.
September 28-29 in Sacramento.

CEMETERY BOARD

Executive Officer: John Gill (916) 920-6078

In addition to cemeteries, the Cemetery Board licenses cemetery brokers, salespersons and crematories. Religious cemeteries, public cemeteries and private cemeteries established before 1939 which are less than ten acres in size are all exempt from Board regulation.

Because of these broad exemptions, the Cemetery Board licenses only about 185 cemeteries. It also licenses approximately 25 crematories and 1,400 brokers and salespersons. A license as a broker or salesperson is issued if the candidate passes an examination testing knowledge of the English language and elementary arithmetic, and demonstrates a fair understanding of the cemetery business.



REGULATORY AGENCY ACTION

MAJOR PROJECTS:

Enforcement. The Board recently investigated a complaint regarding an alleged retroactive increase in the membership fees of the Neptune Society from \$255 to \$799. The Neptune Society, which is under new ownership, has agreed to honor existing contracts. However, the Board is still concerned that other membership contracts which were written during the same time period will be retroactively altered. To address the issue, the Board will notify the Board of Funeral Directors and Embalmers of the Neptune Society's intent to honor the contracts. The Society will also be contacted to ensure that the contracts will be honored as written, and to ascertain exactly how many contracts were sold.

LEGISLATION:

SB 698 (Petris) would amend section 9650 of the Business and Professions Code, which currently requires each cemetery authority in charge of endowment care funds to file an annual report with the Board on or before April 1, or within three months after close of their fiscal year with approval of the Board. This bill would extend the annual report requirement to all cemetery authorities, and would require the report to be filed on or before June 1, or within five months after close of the fiscal year with approval of the Board. This bill is pending in the Senate Appropriations Committee at this writing.

RECENT MEETINGS:

At its February 8 meeting in San Diego, the Board considered a number of licensing applications. Board members heard four application for certificates of authority, seven applications for crematory licenses, and eleven applications for cemetery brokers.

FUTURE MEETINGS:

To be announced.

BUREAU OF COLLECTION AND INVESTIGATIVE SERVICES

Chief: Alonzo Hall
(916) 739-3028

The Bureau of Collection and Investigative Services (BCIS) is one of over forty separate regulatory agencies within the Department of Consumer Affairs (DCA). The chief of the Bureau is directly responsible to the director of the Department.

The Bureau regulates the practices

of collection agencies in California. Collection agencies are businesses that collect debts owed to others. The responsibility of the Bureau in regulating collection agencies is two-fold: (1) to protect the consumer/debtor from false, deceptive, and abusive practices and (2) to protect businesses which refer accounts for collection from financial loss.

In addition, eight other industries are regulated by the Bureau, including private security services (security guards and private patrol operators), repossessioners, private investigators, alarm company operators, protection dog operators, medical provider consultants, security guard training facilities, and locksmiths.

Private Security Services. Private security services encompass those who provide protection for persons and/or property in accordance with a contractual agreement. The types of services provided include private street patrols, security guards, watchpeople, body guards, store detectives, and escort services. Any individual employed for these services is required to register with the Bureau as a security guard. Any security guard who carries a firearm on the job must possess a firearm permit issued by the Bureau. The Bureau operates to protect consumers from guards who unlawfully detain, conduct illegal searches, exert undue force, and use their authority to intimidate and harass.

Repossessioners. Repossession agencies repossess personal property on behalf of a credit grantor when a consumer defaults on a conditional sales contract which contains a repossession clause. The Bureau functions to protect consumers from unethical methods of repossessing personal property, such as physical abuse resulting in bodily harm, threats of violence, illegal entry onto private property, and misrepresentation in order to obtain property or information about property.

Private Investigators. Private investigators conduct investigations for private individuals, businesses, attorneys, insurance companies, and public agencies. The scope of their job generally falls within the areas of civil, criminal, and domestic investigations. The Bureau oversees private investigators to protect consumers and clients against investigators who misrepresent, impersonate, or make threats in order to obtain desired information; perform inadequate or incompetent investigations; fail to substantiate charges or charge more than the amount agreed upon; and alter, falsify, or create evidence.

Alarm Industry. Alarm company operators install, service, maintain, mon-

itor, and respond to burglar alarms. These services are provided to private individuals, businesses, and public entities. The Bureau regulates this industry in order to protect clients from potential theft or burglary, invasion of privacy or misrepresentation by alarm companies, and failure on their part to render service as agreed.

Protection Dog Operators. Protection dog operators train, lease, and sell dogs for personal and/or property protection. They also provide patrol services using trained dogs. These services are employed by private individuals, business entities and law enforcement agencies. The Bureau serves to protect against possible violations in this industry, such as inadequately trained or physically abused dogs, overcharges for services, invasions of privacy, or potential theft or burglary of property.

Medical Provider Consultants. Medical provider consultants are contract collectors who provide in-house collection services to medical facilities. They contact insurance companies and/or patients to try to collect on medical debts on behalf of the medical provider. Nevertheless, consultants cannot themselves collect on delinquent debts. Instead, they must turn the debt over to an independent, licensed collection agency in order to avoid any conflict of interest.

Security Guard Training Facilities. These facilities provide necessary training for those desiring to become security guards. Training is given in legal procedures, public safety, minimum standards, and professional conduct. Firearm training is especially important for those guards who will carry a firearm on the job. Upon completion of training, guards must pass an exam before they can be registered.

Locksmiths. As of July 1987, SB 1540 became effective, resulting in the creation of a locksmith regulation program within the Bureau. (For additional information on SB 1540, see CRLR Vol. 6, No. 3 (Summer 1986) p. 25.)

The purpose of the Bureau is to protect the health, welfare and safety of those affected by these industries. To accomplish this, the Bureau regulates and reviews these industries by its licensing procedures and by the adoption and enforcement of regulations. For example, the Bureau reviews all complaints for possible violations and takes disciplinary action when violations are found. The Bureau's primary method of regulating, however, is through the granting or denial of initial/renewal license or registration applications. Education