



REGULATORY AGENCY ACTION

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

Executive Officer: Kathleen Callanan
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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:

Regulatory Hearing. On September 23, the Board held a public hearing on its proposal to add section 1815 to its regulations, which appear in Chapter 18, Title 16 of the California Code of Regulations. As originally published, section 1815 would provide an appeals process for applicants who fail the Board's oral examination and wish to appeal the result based on examiner misconduct. After entertaining comments from witnesses at the hearing, the Board agreed to include "examiner error regarding the competence of the examinee which materially affects the outcome of the exam" as an additional basis for appeal. Subject to a fifteen-day comment period, the Board approved the modified regulation.

The Board was also scheduled to conduct a hearing on other proposed changes on September 23, including the addition of section 1805.1 to comply with the Permit Reform Act; an amendment to section 1806 to define a "complete application"; an amendment to section 1812 to add a descriptive list of crimes or acts which are substantially related to the qualifications and duties of BBSE licensees; and technical changes to sections 1832(e) and 1876. (See CRLR Vol. 8, No. 2 (Spring 1988) pp. 45-46 for background information on these proposed changes.) However, the Office of Administrative Law did not publish the Board's notice of proposed action so as to afford a sufficient comment period before the hearing; thus, the Board must renounce the proposed changes.

Implementation of SB 2658. The recent enactment of SB 2658 (Watson) adds sections 4996.18 and 4996.20 to the Business and Professions Code, which

now require two years of post-master's degree supervised experience as an "associate clinical social worker" in order to become a LCSW (see *infra* LEGISLATION). At its September meeting, the Board discussed draft language for proposed regulatory changes to implement the new bill. Under the proposed language, 1,600 hours of the 3,200-hour required experience must be supervised; of those 1,600 hours, a minimum of 800 hours must be under the direct supervision of or in professional consultation with a California LCSW; the remainder must be with a licensed psychologist or board-certified psychiatrist. The Board plans to publish the proposed regulatory changes in the near future.

LEGISLATION:

The following is a status update on bills discussed in detail in CRLR Vol. 8, No. 3 (Summer 1988) at page 49:

SB 2657 (Watson), as amended on June 22, authorizes an increase in numerous BBSE fees, and provides for a fee for the rescoring of an examination, the issuance of a duplicate license, and a letter of good standing. The Governor signed this bill on September 20 (Chapter 1090, Statutes of 1988).

SB 2658 (Watson), as amended on June 22, deletes the provision of existing law which allows LCSWs to apply to the Board for reconsideration after rejection of their application. In addition, the bill sets forth new requirements for two years of supervised "associate clinical social worker" experience after attainment of the master's degree, and deletes the "apprentice clinical social worker" classification. This bill was signed by the Governor on September 20 (Chapter 1091, Statutes of 1988).

SB 1552 (Kopp), as amended August 23, requires BBSE and other health care professional licensing agencies to consider including training regarding the characteristics and methods of assessment and treatment of AIDS in specified continuing education and training requirements for their licensees. This bill was signed on September 22 (Chapter 1213, Statutes of 1988).

SB 2872 (Jones) was chaptered on August 30 (Chapter 509, Statutes of 1988). As amended June 20, the bill provides that persons employed less than full-time and providing mental health services as LCSWs or MFCCs under the Short-Doyle Act may obtain an extension of a waiver of licensure as specified, proportionate to the extent of the part-time employment, so long as the person is employed without interruption.

AB 3768 (Chacon), after amendment on August 2, was chaptered on August 22 (Chapter 488, Statutes of 1988). Existing law establishes the privilege to refuse to disclose confidential communications between patient and psychotherapist, under specified conditions. This bill adds to the definition of "psychotherapist", for these purposes, except in a criminal proceeding, a person exempt from the Psychology Licensing Law, a psychological intern, and a MFCC trainee.

AB 4617 (Lancaster) was signed on September 12 (Chapter 864, Statutes of 1988). The bill prohibits MFCC corporations from using fictitious business names which are false, misleading, or deceptive, and requires the corporation to inform the patient, prior to treatment, of the name and license designation of the owner(s) of the practice.

AB 3956 (Katz), which would have allowed MFCCs to certify a disability resulting from a mental disorder for purposes of unemployment compensation eligibility, and **AB 4182 (Moore)**, requiring training in cross-cultural counseling or psychotherapy, failed passage in the legislature.

RECENT MEETINGS:

The Board met on September 22-23 in San Diego. Executive Officer Kathleen Callanan reported on statistics from the July 1988 licensure examination. The MFCC pass rate for written exams was 78%, while only 40% of the applicants passed the oral exams. The LEPs had a 67% pass rate for the written portion of the exam, and an 86% pass rate for the oral exams. The LCSW written pass rate was 79%, while the results for the oral exams were not yet available.

After a lengthy discussion regarding the granting of credit hours for personal psychotherapy for licensure purposes, the Board decided to apply personal therapy hours toward credit hours so long as they are verified by the psychotherapist.

The Ethics Committee changed its name to the Discipline Enforcement Committee. The Committee requested the Board approve the use of clinical consultants regarding disciplinary matters to cut down on the backlog of work. The Board agreed with that recommendation and also approved the use of Board members as clinical consultants, so long as the Board member does not participate prejudicially in further decisions in that particular proceeding.

At the Board's September meeting,



the Legislative Committee discussed the issuance of intern registration numbers. After failing the licensure exam, applicants have been registering for intern numbers, which enables them to work in private practice. The Board decided that since the purpose of an internship is to allow applicants to gain hours towards licensure, it will not issue intern registration numbers to people who have already fulfilled the qualifying number of internship hours. This does not prevent people who failed the test from gaining additional experience, as they are still eligible for agency work.

FUTURE MEETINGS:

January 19-20 in Los Angeles.

CEMETERY BOARD

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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.

On June 24, Governor Deukmejian appointed Karen R. McGagin as a public member on the Board. Ms. McGagin, of Fair Oaks, is a public member of the California Association of Realtors. On July 22, Governor Deukmejian reappointed Frank R. Haswell to the Board. Mr. Haswell, of Valencia, is vice-president of a Los Angeles memorial park.

MAJOR PROJECTS:

Proposed Regulatory Changes. At its September 29 meeting, the Cemetery Board was scheduled to hold a public hearing on a proposed change to its regulations, which appear in Chapter 23, Title 16 of the California Code of Regulations. This proposed regulation would decrease annual regulatory charges.

Section 9765 of the Business and Professions Code authorizes the Board to fix the annual regulatory charge for every cemetery authority operating a

cemetery at not more than \$400 per year, plus an additional charge of not more than \$.50 for each burial, entombment, inurnment, or cremation made during the preceding full calendar year, which charges are deposited in the Cemetery Fund.

Currently, section 2310 of the Board's regulations imposes a regulatory charge and interment fee of \$350 and \$.50, respectively, and the cremation fee paid by crematories is \$.50. The proposed change would decrease the regulatory charge to \$300, the interment fee to \$.40, and the cremation fee to \$.40.

LEGISLATION:

SB 2483 (Torres), which was signed by the Governor, adds section 10061.5 to the Health and Safety Code. Existing law requires each local registrar to send to the State Registrar the original certificate of death accepted by the local registrar; under most circumstances, the last attending physician must state the cause of death on the certificate. This bill permits the county board of supervisors to require the local registrar to send a copy of each certificate sent to the State Registrar to the physician making the statement of cause of death on the certificate.

The following is a status update of bills discussed in CRLR Vol. 8, No. 3 (Summer 1988) at page 50:

AB 4233 (Hannigan), signed by the Governor on September 30 (Chapter 1620, Statutes of 1988), requires the Board to inspect the books, records, and premises of crematories and holders of certificates to operate crematories. This bill also makes it unlawful for any person to remove or possess dental gold or silver from any human remains without specific written permission of the person(s) having the right to control those remains.

AB 2866 (LaFollette) requires local agencies to provide notice of a public hearing whenever the owners of a cemetery apply for permission to change the use of the cemetery.

As amended on August 23, this bill also adds section 65096 to the Government Code and Chapter 5 (commencing with section 81210) of Part 1 of Division 8 to the Health and Safety Code. The addition of section 65096 to the Government Code requires that whenever a person applies to a city for any entitlement for use which would permit all or any part of a cemetery to be used for other than cemetery purposes, the city and county shall give notice. On or after January 1, 1990, each person who has purchased or agreed to purchase

interment rights in a cemetery of which a proposed change in use is contemplated, shall be provided written notice.

This bill was signed by the Governor on September 27 (Chapter 1440, Statutes of 1988).

SB 2775 (Roberti) defines unprofessional conduct of Board licensees, and specifies that unprofessional conduct constitutes grounds for disciplinary action against a licensee. This bill was signed by September 26 (Chapter 1422, Statutes of 1988).

SB 2359 (Roberti), as amended on August 29, permits a coroner to delegate to an agency of another county or of the federal government, when agreed to by that agency, the coroner's duties concerning investigation of a death, when the agency is authorized to perform the functions being delegated, and the agency has a jurisdictional interest or involvement in the death. This bill also authorizes a physician to designate one or more other physicians who have access to that physician's records, to act on behalf of the physician for purposes of specifying the cause of death on a death certificate, provided that any person so designated acts in consultation with the physician. This bill was signed on September 21 (Chapter 1139, Statutes of 1988).

FUTURE MEETINGS:

February 8 in San Diego.

BUREAU OF COLLECTION AND INVESTIGATIVE SERVICES

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The Bureau of Collection and Investigative Services 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), repossession, private investigators, alarm company operators, protection dog opera-