



## 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. 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.

### MAJOR PROJECTS:

*Task Force: Therapist-Client Sexual Abuse.* Board members are awaiting publication of the report of the Task Force created by SB 40 (Watson), which has investigated the problem of sexual misconduct by therapists in the therapist-client relationship. (See CRLR Vol. 7, No. 1 (Winter 1987) pp. 36-37.) Emphasis will be placed on proposed legislative changes and improvement of administrative procedures of all boards which license therapists.

*Tutorial Program Requirements.* The Credentials Committee decided that standards should be developed regarding information to be included on transcripts from MFCC licensee applicants who have attended tutorial programs/institutions rather than the more traditional graduate programs. The Committee has directed a subcommittee to work with the Department of Education on this issue. Hopefully, the development of such standards will enable those who process the applications to properly evaluate courses taken in tutorial programs.

*Disciplinary Guidelines.* The Ethics Committee is continuing to revise the disciplinary guidelines regarding misconduct by licensees. Guidelines used by the Board of Medical Quality Assurance and the Psychology Examining Committee are being reviewed by the Committee.

*Modifications to "Substantial Relationship" Criteria.* Presently, the Board's regulations state that certain crimes, if committed by an applicant or licensee, are substantially related to the duties of the practice, and are grounds for disciplinary action which may result in suspension or revocation of the license. The Ethics Committee is working to amend the "substantial relationship" criteria to make them more specific. The Committee is considering the inclusion of the following crimes or

acts as being "substantially related" to the practice so as to warrant disciplinary action: (a) violence or attempted violence toward another person; (b) any act punishable as a sexually-related crime, including child abuse and sexual abuse; (c) possession, sale, or use of controlled substances or other dangerous drugs; (d) theft, dishonesty, fraud, or deceit, including insurance fraud and misrepresentations regarding qualifications and/or scope of practice; (e) violations of any provision of the Board's statutes or regulations; and (f) failure to report any act which is required by law to be reported.

*MFCC Examination Project.* The Examination Committee continues to refine the oral exams given to prospective MFCC licensees. The Committee is using a questionnaire completed by oral examiners as well as examiner comments to aid in this project. The training manual for prospective oral examiners is being revised and will be presented to the Board for review at the next Board meeting.

### RECENT MEETINGS:

At its January 30 meeting in Palm Springs, Chair Terri Asanovich asked that members of each of the Board's committees review their committee's role and function and make recommendations for the adoption of a formal policy for each committee. This recommendation passed unanimously.

Executive Office Kathleen Callanan reported on licensee exam statistics. She also gave a personnel update on the hiring of two new employees who will process MFCC exam and intern applications, as well as the reorganization and reclassification of the licensing program and clerical staff.

Also at its January 30 meeting, the Ethics Committee of the BBSE proposed guidelines to be used when reviewing a petition for reinstatement. The Board unanimously adopted the following policy:

In petitioning for reinstatement under Business and Professions Code section 4360 or reduction of penalty under Government Code section 11522, the petitioner has the burden of demonstrating that he/she has the necessary and current qualifications and skills to safely engage in the practice of marriage/family/child counseling, social work, or educational psychology within the scope of current law and accepted standards of practice. In reaching its determination, the Board will consider various factors, including the following:

- the original violation(s), including type, severity, number, and length of violations; whether the violation involved intentional, negligent, or other unprofessional conduct; whether the violation caused actual harm or potential harm to anyone; and the time elapsed since the violation;

- prior disciplinary and criminal actions against petitioner by the Board or any other agency or court, including petitioner's compliance with sanctions imposed; whether petitioner is on or has completed probation; and petitioner's legal and regulatory history since the violation(s);

- petitioner's attitudes toward commission of the violation, compliance with legal sanctions, and rehabilitative effort;

- petitioner's documented rehabilitative efforts, including continuing education in professional skills; efforts to establish safeguards to prevent further violations; community service; voluntary restitution to those affected by the violations; use of appropriate professional, medical, or psychotherapeutic treatment; participation in appropriate self-help and/or rehabilitation groups; participation in professional organizations; and

- assessment of petitioner's rehabilitative and corrective efforts, including relation of efforts to violation; date efforts initiated; length, time and expense of such actions; assessment and recommendations of qualified professionals involved in petitioner's efforts; petitioner's reputation for truth and good character since the violation; and nature and status of continuing rehabilitation.

In addition, BBSE may consider other appropriate and relevant matters.

### FUTURE MEETINGS:

June 5 in San Diego.

September 25 in Los Angeles.

## 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.

## MAJOR PROJECTS:

*Investigation.* On February 18 the Board questioned the owner of Chapel of the Chimes in Santa Rosa, concerning his knowledge of a former employee's forgery of a physician's signature on a death certificate. The owner initially responded to the Board's inquiry by questioning the Board's jurisdiction over the case, stating that the Board of Funeral Directors and Embalmers had previously investigated the incident. Board staff counsel Anita Scuri responded that the Board's authority derives from Penal Code section 115 and Business and Professions Code section 9727.

The Board then proceeded to investigate by inquiring into the facts surrounding the forgery. The owner explained that the employee who forged the physician's signature was hired a month prior to the incident and was fired shortly thereafter for unrelated reasons. Subsequently, another employee confronted the owner, told him about the forgery, and threatened to expose the violation to a television station if he was not promoted to manager. As a result, the owner fired the second employee. The following day, the second employee reported the forgery to a television station, which broadcast the information about the forged death certificate.

Board members questioned the owner about the existence and/or enforcement of employee conduct policies, procedural operations, rules, regulations, or guidelines at Chapel of the Chimes. Board staff members reported that they conducted an investigation at the facility by randomly sampling physicians' signatures on death certificates. Specifically, the investigators randomly selected death certificates until they found two containing the same physician's name and then compared the signatures. Because all signatures appeared to match each other, the investigators concluded the forgery was an isolated incident. The investigators, however, failed to compare the physicians' signatures on the samples with their actual signatures. Nor did the investigators check the credentials of the signing physicians. Nonetheless, four Board members passed a motion to drop the investigation with-

out a warning letter, while two members voted to drop it with a warning letter.

## LEGISLATION:

*SB 89 (Boatwright)* would repeal the provisions of law establishing the Cemetery Board, transfer its powers and duties to the state Board of Funeral Directors and Embalmers, and increase the membership of that board by adding a member representing the cemetery industry. During the Cemetery Board's consideration of SB 89, discussion centered on the criteria used by Senator Boatwright in determining that six state boards, including the Cemetery Board, should be abolished. John Gill noted that a criterion of particular concern appears to be the number of licenses each board has revoked in the past, and that boards which revoke few licenses or engage in little disciplinary action against licensees are particularly suspect. John Gill also stated that Senator Boatwright's office has not responded to his written request to arrange a meeting to discuss the issues. On February 18 in San Diego, the Board decided to oppose SB 89.

## RECENT MEETINGS:

Staff counsel Anita Scuri has drafted legislation authorizing disciplinary action against any Board licensee or registrant for unprofessional conduct, which includes, among other things, negligence and incompetence. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 31 and CRLR Vol. 7, No. 1 (Winter 1987) p. 37.) At the December 3 meeting, industry members on the Board expressed criticism, arguing that a more specific definition of negligence and incompetence is needed in the proposed legislation. As a result, the Board referred the legislation to subcommittee. The Board's Legislative Subcommittee, composed of Cuffie Joslin and Frank Haswell, reported to the Board on February 18 that the Subcommittee had not met since the December 3 meeting in Los Angeles. Cuffie Joslin stated that the Subcommittee should not be the sole decisionmaker. Frank Haswell voiced similar concerns, stating he has met and spoken with industry members concerning their views on the proposed unprofessional conduct legislation. Industry members are generally opposed to the legislation, on grounds its language is too broad and also because the Business and Professions Code presently authorizes the Board to impose disciplinary sanctions by suspending or revoking an individual's license for unprofessional conduct. John Gill, how-

ever, stated that the Cemetery Act only empowers the Board to discipline specific violations. For example, if grave markers are put on the wrong grave sites, the Board has no authority under the Cemetery Act to reprimand the offender. The Board agreed that Cuffie Joslin and Frank Haswell should meet with Jim Lehy, a member of the Cemetery Association of California, and Anita Scuri to discuss the proposed unprofessional conduct legislation. This "committee" will report to the Board at the next meeting in April.

At its February 18 meeting, the Board considered a number of licensing applications. Board members heard nine applications for certificates of authority, two applications for crematory licenses, and ten applications for cemetery brokers licenses.

## FUTURE MEETINGS:

To be announced.

## BUREAU OF COLLECTION AND INVESTIGATIVE SERVICES

*Chief: Gary Kern*  
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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. 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, seven other industries are regulated by the Bureau: private security services (security guards and private patrol operators), repossessioners, private investigators, alarm company operators, protection dog operators, medical provider consultants and security guard training facilities.

*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 ser-