



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