



TELECONFERENCE BOARD MEETING MINUTES

June 24, 2020

Board Member(s) Present

Richard Bookwalter – President
Sharon Pavlovich – Vice President
Jeff Ferro – Board Member
Denise Miller – Secretary
Beata Morcos – Board Member

Board Staff Present

Jeff Hanson – Staff Services Manager
Jody Quesada – Analyst
Jeanine Orona – Analyst
Demetre' Montue - Analyst
Helen Geoffroy – Attorney III
Clay Jackson – Attorney III

Wednesday, June 24, 2020

2:00 p.m. - Board Meeting

1. Call to order, roll call, establishment of a quorum.

The meeting was called to order at 2:09 p.m., roll was called, a quorum was established.

2. President's Remarks – Informational only; no Board Action to be taken.

President Bookwalter welcomed all in attendance and stated that Jeff Hanson, Staff Services Manager 1, would be the acting Executive Officer for the purpose of the meeting. Mr. Bookwalter stated that all public comment would be capped at 3 minutes per comment. Mr. Bookwalter then welcomed the members of the public to introduce themselves at will.

No members of the public introduced themselves.

3. Board Member Remarks – Informational only; no Board Action to be taken.

There were no remarks from the Board members.

4. Public Comment session for items not on the agenda.

There were no public comments.

5. Discussion and consideration of proposed amendments the Board's Disciplinary Guidelines.

DCA Attorney Clay Jackson explained that the DCA Legal Counsel team and Executive Officer Heather Martin had a discussion regarding items throughout the document that were vague or unclear and how they could be made clearer and more consistent. Mr. Jackson informed the Board members that the day's discussion would pertain to items in color from their meeting materials.

Mr. Jackson highlighted some of the changes as follows:

- "Board" and "Respondent" were capitalized throughout.
- Pronouns were revised to be the actual noun that is being discussed.
- "Will" was changed to "Shall" for consistency and to advise of mandatory compliance.
- "In writing" was added throughout because it is the Board's practice to write letters to licensees explaining specific actions taken by the Board.

There was discussion regarding the variance in years of revocation for different probation violations. President Bookwalter remarked that the decisions were based on the severity of the violation.

Board members agreed with the presented changes from pages 1-24. The Board members asked that the second to the last line of page 25 be updated to "the" instead of "their."

Board members agreed with the presented changes on pages 26-42.

Page 43 brought about a lengthy discussion on whether "Violation of Probation" should be added back to the list of provisions that should remain in effect for a tolled probationer.

DCA Attorney Helen Geoffroy thought it to be duplicative but mentioned that it was difficult for her to make a recommendation without being involved in previous cases brought before the Board in which this provision would have proven to be critical.

The Board ultimately decided to amend item 16 on the list of provisions to read:

"Notify the Board of any violation of probation within five (5) business days of the violation."

President Bookwalter asked for any public comment surrounding this discussion.

Public Comment

There was no public comment.

Board members agreed with the presented changes on pages 44-46.

On page 47, Item 18 “action” was added to the second to last sentence between “disciplinary” and “against.”

President Bookwalter noticed that “costs” is referred to differently on page 47 and page 48 and asked that a change be made to make language used in reference to “costs” be prescriptive and consistent. It was decided that “All costs” will be used on pages 47, 48 and throughout the entire document for consistency.

Board members agreed with the presented changes on page 49.

DCA Attorney Clay Jackson reported that the addition of Sexual Abuse/Addiction Therapy on page 50 would be discussed at a future meeting.

President Bookwalter asked that Item #1 under Group Meeting Facilitator Qualifications and Requirements on page 51 be updated to add “addiction and/or abuse” on line 2 and that Item #1 at the bottom of page 51 utilize the same phrase on line 2 for consistency.

Board members agreed with the presented changes on pages 52-55. Page 56, Section 36. Other Violations of Probation, Item #9 on the list should read (term 24).

Board members agreed with the presented changes on pages 57 & 58.

There was no further Board discussion.

- Denise Miller moved to approve the proposed amendments pursuant to the day’s discussion of the Board’s Disciplinary Guidelines and authorize Board staff and Executive Officer to work with DCA Legal Counsel on non-substantive changes to the Guidelines and approve the proposed text for noticing.
- Beata Morcos seconded the motion.

Following input from the DCA Attorneys regarding additional language to be included in the motion, Denise Miller agreed to amend her motion and Beata Morcos agreed to second the amended motion.

- Denise Miller moved to adopt the proposed amendments pursuant to the day’s discussion of the Board’s Disciplinary Guidelines and authorize Board staff/Executive Officer to work with DCA Legal Counsel to approve technical, non-substantive and grammatical changes and approve the regulation for noticing.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter: Yes
Sharon Pavlovich: Yes
Beata Morcos: Yes
Jeff Ferro: Yes
Denise Miller: Yes

6. Discussion and consideration of proposed amendments to California Code of Regulations, Title 16, Division 39, Section 4101, Delegation of Certain Functions, Section 4110, Application, Section 4141, Assessment of Administrative Fines, Section 4146, Definitions, and Section 4147, Disciplinary Guidelines; and addition of newly proposed Section 4146.1, Substantial Relationship Criteria, Section 4146.7, Rehabilitation Criteria for Applicants, Section 4146.8, Rehabilitation Criteria for Licensees, Section 4147.7, Probation Monitoring Costs, Section 4149.6, Petitions for Modification of Penalty, and Section 4149.7, Petitions for Reinstatement; and renumbering of various sections for formatting purposes.

President Bookwalter asked that there be clarification within the document when “the code” is used.

Attorney Clay Jackson verified that “the code” is defined as the Business and Professions code in the beginning of the regulations.

Mr. Jackson informed the Board that he would be making non-substantive changes to the order of the sections listed in the second paragraph at the top of the page as well as information displayed in the footers throughout the document.

Mr. Jackson informed the Board that a Section 100 change motion would be needed in reference to Item 2 on page one, the application (form) incorporated by reference in section 4110.

Board members did not have any changes to pages two through four.

Mr. Bookwalter referred to page five, Section 4146.1, Substantial Relationship Criteria, and requested consistency in reference to “code” being uppercase or lowercase throughout the document. Mr. Jackson agreed to do so.

Board members did not have any changes to pages six through 10.

- Jeff Ferro moved to approve the language in the proposed regulatory revisions and authorize Staff to move forward with the actions necessary to file the proposed regulatory revisions with the Office of Administrative Law, including working with Board legal counsel, the Office of the Director of the Department of Consumer Affairs, and Agency to make any non-substantive technical or grammatical revisions to the text.
- Beata Morcos seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter: Yes
Sharon Pavlovich: Yes
Beata Morcos: Yes
Jeff Ferro: Yes
Denise Miller: Yes

- Beata Morcos moved to authorize Board Staff and Legal Counsel to take all actions necessary to comply with the July 1, 2020, deadline and file the Section 100 revisions to the Board Application form.
- Denise Miller seconded the motion.

Public Comment

There was no public comment.

Board Member Votes

Richard Bookwalter: Yes
Sharon Pavlovich: Yes
Beata Morcos: Yes
Jeff Ferro: Yes
Denise Miller: Yes

CONVENE CLOSED SESSION

There were no Closed Session items for discussion.

ADJOURNMENT OF MEETING.

The meeting adjourned at 4:50 p.m.