

1 **Policy and Advocacy Committee Meeting**
2 **Minutes**

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4
5 **Department of Consumer Affairs**
6 **1625 N. Market Blvd., El Dorado Room**
7 **Sacramento, CA 95834**
8
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10 **Monday, May 15, 2017**
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12 Nicole J Jones, Committee Chair, called the meeting to order at 9:21 a.m. A quorum was
13 present and due notice had been sent to all interested parties.
14

15 **Members Present:**

16 Nicole J. Jones, Chairperson
17 Michael Erickson, PhD
18

19 **Others Present:**

20 Antonette Sorrick, Executive Officer
21 Jeffrey Thomas, Assistant Executive Officer
22 Norine Marks, DCA Legal Counsel
23 Cherise Burns, Central Services Manager
24 Stephanie Cheung, Licensing Manager
25 Sandra Monterrubio, Enforcement Program Manager
26 Jason Glasspiegel, Central Services Coordinator
27 Natasha Lim, Licensing Coordinator
28 Konnor Leitzell, Student Assistant
29

30 **Agenda Item #2: Chairperson's Welcome**
31

32 Ms. Jones welcomed those in attendance and read the mission statement of the committee.
33

34 **Agenda Item #3: Public Comment(s) for Items not on the Agenda.**
35

36 None received.
37

38 **Agenda Item #4: Approval of Committee Minutes: March 13, 2017**
39

40 Ms. Jones provided edits to Mr. Glasspiegel. She did have a question on page 9 line
41 406-407, which references Dr. Immoos discussed California Department of Corrections
42 and Rehabilitation's (CDCR) input. She asked if staff was going to reach out to CDCR.
43 Staff advised they are not planning on reaching out.
44

45 IT was M(Erickson)/S(Jones)/C to accept the minutes as amended.
46 No public comment was received.

47
48 Vote: 2 aye (Erickson, Jones) 0 nay.

49
50 **Agenda Item #5: Sponsored Legislation and Legislative Proposals for the 2017**
51 **Legislative Session: Review and Potential Action, Recommendations to the Full**
52 **Board**

53 a. **Omnibus Proposal: Psychological Assistant Fees and Delinquency**
54 **Fees in Business and Professions Code (BPC) Section 2987 (Fee**
55 **Schedule)**

56
57 Ms. Burns reviewed the Omnibus proposal as approved at the April 2017 Board
58 meeting. Ms. Burns advised we are pending the language amended to become a bill.

59
60 Dr. Erickson had no comments. He understands we are in touch with committee chair.

61
62 No public comment was received.

63
64 b. **AB 89 (Levine): Suicide Assessment and Intervention Coursework**
65 **Requirements – Addition of Section to the BPC (Coursework in**
66 **Suicide Assessment and Intervention)**

67
68 Ms. Burns introduced AB 89 (Levine) and advised of changes since last meeting. She
69 reiterated that no intent language would be provided. She advised the bill has passed
70 out of the assembly and is now in the senate, and assigned to the Business Professions
71 and Economic Development committee waiting for hearing date. On April 26, staff met
72 with the author of the bill and the California Psychological Association (CPA) to discuss
73 their concerns regarding the bill. Now staff will work with the author and the committee
74 on concerns and questions, as well as working for further support.

75
76 Ms. Jones confirmed Dr. Erickson and herself will convene to write a newsletter article.

77
78 Dr. Erickson asks if some way to better understand the opposition and address their
79 concerns through FAQ's or the article they will write. He is concerned between the
80 disagreement between psychologists and wishes it was more unanimous. He is pleased
81 with the progress that was provided.

82
83 Ms. Jones suggested the Frequently Asked Questions is an excellent idea. She then
84 asked for the flavor of the discussion with the opposition.

85
86 Ms. Burns provided the position of CPA as well as the Board's thoughts on the bill. She
87 advised the author was willing to speak to CPA directly. Since that conversation, staff
88 have not heard of any amendments from member.

89
90 Public Comment: Dr. Linder Crow stated they appreciated chance to attend the
91 meeting. She asked if there was a chance for the Board members to consider the
92 conversation and the comments CPA made at the meeting.

93
94 Ms. Jones believes all discussion points had been previously covered by the Board in
95 different committees and the full board. Ms. Jones asked if there are any additional
96 changes or additions from CPA. Dr. Linder-Crow provided additional concerns by

97 Industrial Organizational psychologists that are non-mental health providers. They are
98 not sure of the process. She again asked to know if the Board had an opportunity to
99 consider the comments by CPA.

100
101 Dr. Linder-Crow also addressed a previous confusion. She stated it is not accurate that
102 CPA would remove their opposition, as the discussion did not get that far. She asked if
103 the Board or committee discussed a potential exemption for non-mental health
104 providers.

105
106 Dr. Erickson explained how he plans to confirm that he met the new requirement if the
107 bill is signed.

108
109 Dr. Linder-Crow stated every individual will have to decide what is best and necessary
110 to attest on the renewal.

111
112 Ms. Jones moved to Ms. Sorrick for additional comments.

113
114 Ms. Sorrick wanted to remind everyone that the licensing committee removed
115 exemptions and exceptions from the pending continued professional development
116 language. She advised the language for AB 89 is consistent with this language.

117
118 Dr. Erickson wanted to paraphrase that the licensing recommends no exemptions.

119
120 Dr. Linder-Crow stated CPA remains firmly opposed to the bill. She believes CPA's
121 opposition is consistent that this topic should not be legislated. She believes CPA
122 agrees with the governor. They also agree with the conclusion that psychologists are
123 well trained. She stated she understands our point, but does not believe that this is
124 going to have the impact of saving lives. She is aware that it is not comfortable for them
125 to be opposing a bill that the Board is sponsoring, and Most of the time CPA and the
126 Board are in line with one another. This time we both very strongly disagree.

127
128 Erickson does think that for the profession, that this ensures a baseline for all
129 psychologists, and believes that most have already met this. Having this baseline of
130 training is not something to be apologetic about, and pleased that it can be part of who
131 they are and part of their identity as psychologists.

132
133 Dr. Winkelman stated the responses from their members that the need for training is
134 minimizing or mischaracterizing the abilities of psychologists because the survey shows
135 a variance. She believes that other people will not know why the bill is for licensed
136 psychologists only.

137
138 Dr. Erickson stated he has not considered that the legislature might see psychology as
139 less capable and asked Dr. Winkelman if that is her perception.

140
141 Dr. Winkelman advised looking at floor alert, which says large variance, and feels this
142 does not reflect their profession well.

143
144 Dr. Winkelman wanted to address another issue. She knows the Board sponsored this
145 bill, but pointed out that it is Assembly Member Levine's bill. Levine could sponsor a bill

146 that incorporates other health care professionals. She does not see that Levine is
147 restricted to which health care providers he can include.

148
149 Ms. Jones asked about the comments from supporters of the bill.

150
151 Ms. Burns believes the mental health community is supportive and would be supportive
152 to other mental health providers. She believes this does not send a message of
153 deficiency.

154
155 Ms. Sorrick advised what have heard from non-profit's is more that they think it's great
156 that the Board is taking leadership position. The reception has been positive at the
157 Assembly Business and Professions Committee and not finger pointing.

158
159 Ms. Jones asked for any remaining for public comment.

160
161 No additional comment received.

162
163 Dr. Erickson asked if the full Board will meet in June, is that enough time to weigh in on
164 the bill.

165
166 Ms. Burns confirmed last month of session is August, and believes that leaves plenty of
167 time to weigh in on the bill.

168
169 **Agenda Item #6: Review and Consideration of Legislation: Review of Bill Analyses**
170 **and Potential Action to Recommend Positions to the Full Board,**
171 **Recommendations to the Full Board**

172
173 The following three bills were reviewed first:

174
175 **(a)(2) SB 181 (Berryhill) – Administrative Procedure Act: Repeal of**
176 **Regulations**

177
178 Mr. Leitzell reviewed SB 181 (Berryhill). He advised the author is no longer
179 pursuing the bill any further. He advised no action is needed at this time.

180
181 No public comment received

182
183 **(b)(2) AB 710 (Wood) Department of Consumer Affairs: Board Meetings**

184
185 Mr. Leitzell reviewed AB 710. He advised the Board previously took an oppose
186 position on this bill. Since this position, the bill language was modified from rural
187 northern California, to rural California. He stated no action is required at this time,
188 and included in the materials is the opposition letter.

189
190 Ms. Jones and Dr. Erickson agreed the letter of opposition looks good.

191
192 No public comment received.

193
194 **(b)(3) - AB 1188 (Nazarian) – Health Professions Development: Loan**
195 **Repayment**

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Mr. Leitzell reviewed AB 1188. He confirmed the Board previously supported AB 1188, advised no additional action is required at this time.

Amanda Levy stated they are proponents of the bill. She advised due to a request by the Board of Behavioral Sciences, the bill will be amended for delayed implementation to July 2018.

(a) Recommendations for Active Positions on Bills

(1) AB 1005 (Calderon) – Professions and Vocations: Fines: Relief

Mr. Glasspiegel provided a review of the bill. No questions or comments received. The Board will watch AB 1005.

(3) SB 547 (Hill) – Professions and Vocations: Weights and Measures (Board Omnibus Proposal)

Ms. Burns reviewed the bill. She confirmed there is no language at this time. No question or comments were received.

(4) SB 762 (Hernandez) – Healing Arts Licensee: License Activation Fee: Waiver

Mr. Glasspiegel reviewed the bill.

Ms. Burns believes it might warrant having a larger conversation with the Board to determine the need for this kind of legislative language.

Ms. Sorrick is wondering if Business and Professions Code section 704 is changed to “may” versus “shall”, would it give the Board authority to implement the legislation if it feels it is necessary, versus being mandated.

It was M/(Erickson)/S(Jones)/C to take an Oppose Unless Amended position on SB 762 (Hernandez), and work with the authors office to determine the appropriate amendments and applicable section of the Business and Professions Code for this provision.

No public comment was received

Vote: 2 aye (Erickson, Jones) 0 nay.

Agenized as 6(c)(35): AB 1456 (Low) – Professional Licensure

Ms. Burns provided overview of the bill. She advised this bill is on the agenda as a watch bill but is being moved as staff is requesting the committee take a position. Ms. Burns also gave overview of exempt setting time frame per location.

Ms. Sorrick reminded the committee of a board sponsored bill with Assemblymember Eggman which created a limit those practicing in an exempt

246 setting under the Business and Professions Code to 5 years. She believes
247 adding an additional year is counterproductive to where the Board is.

248
249 Ms. Sorrick also clarified the recommended position is Oppose Unless Amended.
250 This position does not mean the Board will support the bill if it is amended.

251
252 It was M/(Erickson)/S(Jones)/C to take an Oppose Unless Amended position,
253 and ask the author to only allow a five (5) year exemption for psychologists in
254 these specific settings.

255
256 No public comment received

257
258 Vote: 2 aye (Erickson, Jones) 0 nay.

259
260 **(b) Review of Bills with Active Positions Approved by the Board**

261
262 **(1) AB 244 (Cervantes) – Maternal Mental Health**

263
264 Ms. Burns provided an overview of AB 244 (Cervantes). She advised no action is
265 required at this time, staff will send a position letter after the legislative session
266 breaks for the year.

267
268 Ms. Jones asked why wait to submit a position letter.

269
270 Ms. Burns advised that staff are not specifically waiting until next year, but
271 prioritizing sending position letters for currently moving bills.

272
273 **(4) SB 572 (Stone) - Healing Arts Licensees: Violations: Grace Period**

274
275 Mr. Glasspiegel gave a review of the bill. No action required at this time, as the
276 author is no longer pursuing the bill.

277
278 There were no committee or public comments.

279
280 **(5) SB 798 (Hill) – Healing Arts: Boards**

281
282 Ms. Burns reviewed the bill, the Board's requested amendments, and current
283 questions. She advised Psychology and Medical Board staff have a meeting in a
284 few weeks to discuss the transfer of research psychoanalysts. She stated the
285 Senate was receptive to our amendments, and the bill is set for hearing today.

286
287 There were no committee or public comments.

288
289 **(c) Review and Recommendations to Watch Bills**

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291 **(1) AB 12 (Cooley) – State Government: Administrative Regulations:**
292 **Review**

293
294 Ms. Burns reviewed the bill. No committee or public comment received.

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(2) AB 44 (Reyes) – Workers' Compensation: Medical Treatment: Terrorist Attacks: Workplace Violence

Ms. Burns reviewed the bill. No committee or public comment received.

(3) AB 93 (Medina) – Healing Arts: Marriage and Family Therapists: Clinical Social Workers: Professional Clinical Counselors: Required Experience and Supervision

Ms. Burns reviewed the bill. No committee or public comment received.

(4) AB 148 (Mathis) – California Physician Corps Program: Practice Setting

Ms. Burns reviewed the bill. No committee or public comment received.

(5) AB 191 (Wood) – Mental Health: Involuntary Treatment

Ms. Burns reviewed the bill. No committee comment received. Dr. Linder Crow asked who are we speaking to as an expert.

Ms. Monterrubio advised we are working with a subject matter experts that we use for our enforcement cases.

Ms. Sorrick added that all experts that the Board utilize have received training from the Board and Attorney General's office.

(6) AB 208 (Eggman) – Deferred Entry of Judgment: Pretrial Diversion

Ms. Burns reviewed the bill. No committee or public comment received.

(7) AB 266 (Thurmond) – Inmates: Housing Assignments

Ms. Burns reviewed the bill. No committee or public comment received.

(8) AB 349 (McCarty) – Civil Service: Preference: Special Immigrant Visa Holder

Ms. Burns reviewed the bill. No committee or public comment received.

(9) AB 451 (Arambula) – Health Facilities: Emergency Services and Care

Ms. Burns reviewed the bill. No committee or public comment received.

(10) AB 456 (Thurmond) – Healing Arts: Associate Clinical Social Workers

Ms. Burns reviewed the bill. No committee or public comment received.

346 **(11) AB 462 (Thurmond) – Mental Health Services Oversight and**
347 **Accountability**
348
349 Ms. Burns reviewed the bill. No committee or public comment received.
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351 **(12) AB 470 (Arambula) – Medi-Cal: Specialty Mental Health Services**
352
353 Ms. Burns reviewed the bill. No committee or public comment received.
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355 **(13) AB 473 (Waldron) – Mental Health: Criminal Justice: Pilot Project**
356
357 Ms. Burns reviewed the bill. No committee or public comment received.
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359 **(14) AB 477 (Ridley-Thomas) – Behavioral Health Stakeholder**
360 **Advisory Panel**
361
362 Ms. Burns reviewed the bill. No committee or public comment received.
363
364 **(15) AB 488 (Kiley) – Mental Health Services Act**
365
366 Ms. Burns reviewed the bill. No committee or public comment received.
367
368 **(16) AB 492 (Grayson) – Public Records: Department of Consumer**
369 **Affairs: Solicitation Fees**
370
371 Mr. Glasspiegel reviewed the bill. No committee or public comment
372 received.
373
374 **(17) AB 501 (Ridley-Thomas) – Mental Health: Community Care**
375 **Facilities**
376
377 Mr. Glasspiegel reviewed the bill. No public comment received. Dr.
378 Erickson asked if staff has any idea of the cost associated with this bill.
379 Mr. Glasspiegel advised he would research the funding source. He
380 advised the bill is currently with Assembly Appropriations Committee, and
381 the analysis is included.
382
383 **(18) AB 508 (Santiago) – Health Care Practitioners: Student Loans**
384
385 Mr. Glasspiegel reviewed the bill. No committee or public comment
386 received.
387
388 **(19) AB 620 (Holden) – Prisoners: Trauma Informed Therapy**
389
390 Mr. Glasspiegel reviewed the bill. No committee or public comment
391 received.
392
393 **(20) AB 683 (Garcia) – Prisoners: Support Services**
394

395 Mr. Glasspiegel reviewed the bill. No committee or public comment
396 received.

397
398 **(21) AB 689 (Oberholte) – Juvenile Proceedings: Competency**
399

400 Mr. Glasspiegel reviewed the bill. Dr. Erickson agrees that this is an
401 important bill to watch for psychologists who perform these evaluations.
402

403 **(22) AB 704 (Grayson) – Multidisciplinary Teams: Human Trafficking**
404 **and Domestic Violence**
405

406 Mr. Glasspiegel reviewed the bill. No committee or public comment
407 received.

408
409 **(23) AB 720 (Eggman) – Inmates: Psychiatric Medication: Informed**
410 **Consent**
411

412 Mr. Glasspiegel reviewed the bill. No committee or public comment
413 received.

414
415 **(24) AB 800 (Chiu) – Hate Crimes: Hotline**
416

417 Mr. Glasspiegel reviewed the bill. No committee or public comment
418 received.

419
420 **(25) AB 827 (Rubio) – Department of Consumer Affairs: Task Force:**
421 **Foreign-Trained Professionals**
422

423 Ms. Burns reviewed the bill. No committee or public comment received.
424 Ms. Sorrick asked if DCA has anything to add. Ms. May advised the
425 Department has nothing to add.
426

427 **(26) AB 835 (Dababneh) – Consumer Affairs: Licenses: Prohibited**
428 **Acts**
429

430 Mr. Glasspiegel reviewed the bill. No committee or public comment
431 received.

432
433 **(27) AB 1061 (Gloria) – Victim's Restitution**
434

435 Mr. Glasspiegel reviewed the bill. No committee or public comment
436 received

437
438 **(28) AB 1074 (Maienschein) – Health Care Coverage: Pervasive**
439 **Developmental Disorder or Autism**
440

441 Mr. Glasspiegel reviewed the bill. No committee or public comment
442 received
443

444 **(29) AB 1116 (Grayson) – Peer Support and Crisis Referral Services**

445 **Act**

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447 Mr. Glasspiegel reviewed the bill. No committee or public comment
448 received

449

450 **(30) AB 1134 (Gloria) – Mental Health Services Oversight and**

451 **Accountability Commission: Fellowship Program**

452

453 Mr. Glasspiegel reviewed the bill. No committee or public comment
454 received

455

456 **(31) AB 1136 (Eggman) – Health Facilities: Residential Mental or**

457 **Substance Use Disorder Treatment**

458

459 Ms. Burns reviewed the bill. No committee or public comment received.

460

461 **(32) AB 1261 (Berman) – Pupil Discipline: Expulsions: Pupil Suicide**

462 **Prevention**

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464 Mr. Glasspiegel reviewed the bill. No committee or public comment
465 received

466

467 **(33) AB 1315 (Mullin) –Mental Health: Early Psychosis Detection and**

468 **Intervention**

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470 Mr. Glasspiegel reviewed the bill. No committee or public comment
471 received

472

473 **(34) AB 1340 (Maienschein) – Medical Education: Mental and**

474 **Physical Health Care Integration**

475

476 Mr. Glasspiegel reviewed the bill. No committee or public comment
477 received. Ms. Sorrick advised staff will note any position from the Medical
478 Board.

479

480 **(36) SB 8 (Beall) – Diversion: Mental Disorders**

481

482 Ms. Burns reviewed the bill. No committee or public comments received.

483

484 **(37) SB 27 (Morrell) – Professions and Vocations: Licenses: Military**

485 **Service**

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487 Ms. Burns reviewed the bill. No committee or public comments received.

488

489 **(38) SB 142 (Beall) – Criminal Offenders: Mental Health**

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491 Ms. Burns reviewed the bill. No committee or public comments received.

492

493 **(39) SB 191 (Beall) – Pupil Health: Mental Health and Substance Use**
494 **Disorder Services**
495
496 Ms. Burns reviewed the bill. No committee or public comments received.
497
498 **(40) SB 215 (Beall) – Incarcerated Persons: Victim Advocates**
499
500 Ms. Burns reviewed the bill. No committee or public comments received.
501
502 **(41) SB 241 (Monning) – Medical Records: Access**
503
504 Ms. Burns reviewed the bill. No public comment received. Dr. Erickson
505 asked if this bill applies to subpoenas for medical records. Ms. Burns
506 advised we do not know if it applies, but we will look into it.
507
508 **(42) SB 247 (Moorlach) – Professions and Vocations: License**
509 **Requirement: Business: Surety Bond Requirement**
510
511 Ms. Burns reviewed the bill. No committee or public comments received.
512
513 **(43) SB 399 (Portantino) – Health Care Coverage: Pervasive**
514 **Developmental Disorder or Autism**
515
516 Ms. Burns reviewed the bill. No committee or public comment received.
517
518 **(44) SB 575 (Leyva) – Patient access to health records**
519
520 Ms. Burns reviewed the bill. No committee or public comments received.
521
522 **(45) SB 684 (Bates) – Incompetence to Stand Trial: Conservatorship:**
523 **Treatment**
524
525 Ms. Burns reviewed the bill. No committee or public comments received.
526
527 **(46) SB 715 (Newman) – Department Of Consumer Affairs:**
528 **Regulatory Boards: Removal Of Board Members**
529
530 Ms. Burns reviewed the bill. No committee or public comments received.
531
532 **(47) SB 755 (Beall) – Civil Discovery: Mental Examination**
533
534 Ms. Burns reviewed the bill. No committee comment received. Dr. Linder-
535 Crow advised CPA is concerned whether or not limiting the amount of time
536 might someone can be interviewed might not be appropriate. Dr.
537 Winkelman recollects that CPA believes the decision should not be taken
538 out of the control of the professional. Dr. Linder-Crow advised they have
539 been working with the Author and Sponsor of the Bill.
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541 Mr. Glasspiegel advised the bill has an amendment which increases time
542 for good cause.

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(48) SB 800 (Committee on Business, Professions and Economic Development) – Professions and Vocations

Ms. Burns reviewed the bill. No committee or public comments received.

(49) ACR 8 (Jones-Sawyer) – Post Traumatic Street Disorder

Ms. Burns reviewed the bill. Ms. Jones stated she researched bill and saw it was to raise awareness.

Ms. Levy stated if we look on their website, their position is now neutral. The resolution failed to meet the required deadline. She advised she has been in touch with the author to see where it intends to go.

Ms. Jones thanked for watch bills. She is asking if we can do a memo that incorporates the themes of the watch bills, so we can illustrate for the Board the different themes of the watch bills.

Agenda Item #7: Update Regarding the California Child Abuse and Neglect Reporting Act (CANRA) and Mandated Reporting – Penal Code Sections 261.5, 288, and 11165.1.

Mr. Glasspiegel provided overview and status.

Dr. Linder-Crow stated she may have asked the same question. Asking again, given the situation, what guidance is the Board giving licensees.

Ms. Marks stated there has been no change since the answer the Board provided at the April meeting.

Ms. Sorrick advised the Board is not providing any guidance which might cause licensee to intentionally disregard the penal code.

Dr. Winkelman advised they are getting questions, and they appreciate the Board keeping up with the request for interpretation with the Attorney General's office, which they are aware is pending until after the Matthew V Harris case is concluded.

Dr. Linder-Crow asked if there is anything else we can think of to move the AG's office forward.

Ms. Sorrick advised nothing short of legislative opinion and does not know if a legislature would take a bill that is pending litigation.

Agenda Item #8 Regulatory Update

a. **Update on 16 CCR Sections 1391.1, 1391.2, 1391.5, 1391.6, 1391.8, 1391.10, 1391.11, 1391.12, 1392.1 – Psychological Assistants**

b. **Update on 16 CCR Sections 1387(b)(10)(11) and 1387.1 – Verification of Experience and Supervision Agreement Forms**

593 Mr. Glasspiegel provided status of both 8(a) and 8(b). No committee questions or public
594 comments were received.

595

596 **Agenda Item #9: Recommendations for Agenda Items for Future Committee**
597 **Meetings.**

598

599 Staff advised they will bring AB 700 (Jones-Sawyer), which was amended on April 26,
600 2017, and relates to substance abuse disorder counseling. Staff will provide info at the
601 June meeting.

602

603 **The Committee Adjourned at 2:50pm**

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606

607 *Signature on File* _____

608 Chairperson

_____ Date

609