

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

**A. GENERAL INFORMATION**

1. Date

2018-11-15

2. Department

Department of Consumer Affairs

3. Organizational Placement (Division/Branch/Office Name)

Board of Behavioral Sciences (BBS)

4. CEA Position Title

Assistant Executive Officer (AEO) - CEA A

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The BBS protects and serves Californians by setting, communicating, and enforcing standards for safe competent mental health practices. The BBS is a semi-autonomous entity under DCA.

The AEO is responsible for assuring the efficient and effective daily operations of the organization, the delivery of program services, and compliance with statutes and regulations. The AEO responsibilities include development of policy initiatives based on the Board's strategic planning goals and statutory mandates.

6. Reports to: (Class Title/Level)

Executive Officer - Level J

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): The BBS protects and serves Californians by setting, communicating, and enforcing standards for safe competent mental health practices. The BBS is a semi-autonomous entity under DCA.

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

## B. SUMMARY OF REQUEST

### 9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the general direction of the Executive Officer (EO) of the Board of Behavioral Sciences (Board), the Assistant Executive Officer (AEO) is second in the organizational level that is solely responsible for assuring the efficient and effective daily operations of the organization, the delivery of program services, and compliance with state laws. The AEO responsibilities include development of policy initiatives based on the Board's strategic planning goals and statutory mandates. The AEO provides expertise regarding complex legal, business processes, planning, and regulatory issues related to mental health professions regulated by the Board.

The incumbent plans, organizes, and directs the activities of all the Board's operations, which include administration, licensing, examination, enforcement, and legislative and regulatory functions. The AEO acts as a consultant for the Board Members, EO, and departmental executive management. The AEO attends Board and Committee meetings, presents agenda items, and performs or assists the EO in handling administrative and executive matters relating to the Board. The AEO has full-delegated authority to act on behalf of the EO in their absence in the full range of policy and administrative duties. The incumbent independently accepts or proposes alternatives for stipulated settlements, which require formal adoption by the Board. Duties include, but are not limited to, the following:

Acts on behalf of the EO in their absence, with full-delegated authority over all policy, resource allocation, personnel and licensee/registrant disciplinary matters, including approval of legal documents such as Accusations, Statements of Issues, Stipulated Settlements, and other legal documents. Acts as the principal administrator for Board programs. Reviews and approves correspondence prepared for the Governor, Legislators, Constitutional Officers, Business, Consumer Services, and Housing Agency, Department of Finance, and Consumer Affairs officials.

Delegates through subordinate managers assignments, program issues, and special projects. Assigns staff to various permanent and ad hoc committees of the Board. Provides guidance and expertise to the Board's managers and staff. Identifies inefficient and ineffective program operations and implements business process improvements and performance standards. Directs subordinate staff to develop solutions, implement changes and evaluate the effectiveness and efficiency of the changes. Oversees and participates in the development of an annual report. Identifies and analyzes studies, legislation, and various issues affecting the Board.

Represents the Board before the Department of Consumer Affairs; Department of Finance: Business, Consumer Services, and Housing Agency; the Legislature; professional associations and public organizations; and other interested parties on the Board's functions, including budget, legislation, regulations, personnel, licensing, examination, and enforcement matters.

Directly selects, supervises, trains and evaluates the performance of direct reporting staff. Sets Board policies for hiring, training, evaluating, and retention. Administers the provisions of Civil Service law and regulations and oversees the progressive discipline processes. Acts as the Board's second appeal level in adverse actions and other personnel actions. Manages, plans, and directs the activities of professional, technical, and clerical staff to carry out the Board's policies and directives to achieve the Board's mission.

Directs the development of the Board's budget. Assigns and monitors special projects, including but not limited to Sunset Review. Implements organizational reorganizations. Reviews and evaluates the Board's Strategic Plan to ensure it is current with changing environmental and emerging issues. Assures the development of staff and allocation of resources to ensure organizational effectiveness through consistent, uniform policies and procedures. Ensures all Board policies and procedures are documented and updated on an ongoing basis. Ensures that the Board maintains and upgrades automated systems to keep the Board current with evolving technology and compliance with state security objectives. Ensures the provisions of the State Administrative Manual are adhered to.

Develops and implements specific policies and procedures for the efficient and effective administration of the various programs under the jurisdiction of the Board. Analyzes performance metrics and implements business process improvements and or resource allocations as needed to achieve the Board's mission. Provides information, policies, procedures, and recommendations on behalf of the Board. Provides programmatic oversight for the Administration, Licensing, Examination, and Enforcement programs including promulgating and interpreting policies established by the Board Members and EO.

Participates in meetings, seminars, workshops, and other forums related to Board programs. Represents the Board, including Enforcement, Licensing, and Examination, in meetings, negotiations, hearings, and other forums.

Provides guidance to staff, Board Members, professional organizations, licensees, registrants, applicants, educators, and the public about the laws governing the functions of the Board. Proposes solutions to problems identified by Board Members, EO, Board Management, Board staff, consumers, licensees, and registrants.

Reviews draft Accusations and Statement of Issues to ensure action is appropriate and warranted. Reviews and approves investigations for disciplinary action (referral to Attorney General Office, approve or deny application).

Conducts all informal conferences to affirm, modify, or uphold Citation and Fines. Acts independently to accept or negotiate alternatives for stipulated settlement agreements upon the recommendation of the Attorney General's Office.

**B. SUMMARY OF REQUEST (continued)**

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: DCA's Mission is to protect and serve California consumers while ensuring a competent and fair marketplace through oversight, enforcement, and licensing of the professions within DCA. The work of the BBS is vital to consumer protection and the DCA Mission. BBS sets, communicates, and enforces the licensure standards for competent mental health practices.

The BBS Statutes and Regulations sets forth the requirements for licensure, scope of practice, and responsibilities for four mental health professions. Licensed Marriage and Family Therapists (California Business and Professions Code sections 4980-4989), Licensed Clinical Social Workers (California Business and Professions Code sections 4991-4998.5), Licensed Professional Clinical Counselors (California Business Professions Code sections 4999.10-4999.129), and Licensed Educational Psychologists California Business and Professions Code sections 4989.10-4989.70).

BBS evaluates each application for licensure from these four mental professions to ensure compliance with licensing laws. The BBS denies licensure to applicants who are identified as potentially unsafe practitioners. The applicant can appeal the denial through the disciplinary process. The BBS conducts fingerprint and background checks, license renewal and reports discipline as well as convictions.

The BBS Enforcement Program is comprised of three separate units; Criminal Convictions Investigations, Consumer Complaint and Investigations, and Discipline and Probation. The work of the Enforcement Program removes unsafe practitioners from practice and monitors practitioners on probation to ensure California consumers are protected.

BBS engages in ongoing communication to its stakeholders. The use of social media, attendance at outreach events, development of tutorial videos, and publication of newsletters and information brochures achieve the legislative mandate to educate BBS stakeholders and consumers.

**B. SUMMARY OF REQUEST (continued)**

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

In 2007, the Board established a Staff Services Manager II (Supervisory) position to hire an Assistant Executive Officer. At that time, the BBS had regulatory oversight for three (3) mental health professions with a population of 60,000; a staff of 30; and two managers.

In 2010, Senate Bill 788 (Chapter 619, Statutes of 2009) established the licensure and registration of professional clinical counselors under the BBS. As a result, the BBS became responsible for regulating four (4) mental health professions. Today, the BBS has regulatory oversight for a total population of over 114,000; a staff of 60 which are supervised by six (6) Staff Services Manager I. Further, the BBS now represents two of the largest mental health populations in the United States and is actively involved in national discussions related to license portability and telehealth practice. These significant changes since 2007, compel the BBS to seek a CEA A classification for its AEO position.

The Staff Services Manager II (Supervisory) job classification is not appropriate for this executive management position. The scope of the Staff Services Manager II (Supervisory) does not accurately reflect the duties and responsibilities that are required for this critical executive management position. The AEO will be extensively involved in all policy making decisions, which is more appropriately reflected within the scope of a CEA.

Creating the CEA position provides the BBS with opportunity to effectively and efficiently make and implement all policy decisions to achieve its goals and objectives.

### C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The BBS works on highly visible and critical issues that directly affect mental health practice in California and consumer safety. The BBS is accountable to the Legislature, the public, and its stakeholders such as licensees, including professional associations.

The AEO will be the principle policy maker that will have direct and continuous interaction with the Department of Consumer Affairs Director, State Legislators, the BBS Executive Officer, Board Members, and the public to assist the BBS in achieving its mission.

The AEO's decision making and advice to the Executive Officer will influence program directions; therefore, the recommendations and decisions made by the AEO have a statewide impact in the development and implementation of policies that directly affect the safety of California consumers.

The AEO will provide oversight of Licensing and Examination activities to ensure policies and procedures achieve the following outcomes:

- The implementation of Assembly Bill 2138 directly impacts a candidate's ability to obtain licensure. Additionally, the Board is proposing significant revisions for out-of-state licensee applicants. The AEO will develop policies and procedures to address both of these significant changes to ensure compliance with the laws and avoid any delays or backlogs that will adversely affect an applicant's ability to enter the workforce in a timely manner.
- The AEO will serve as the Board's Executive Liaison with the DCA Office of Information Services to ensure that all proposed enhancements and revisions comply with the Board's Strategic Goals. This will impact mental health professionals statewide.
- The AEO will serve as the primary consultant for the Board's telehealth committee to develop policies to address this emerging practice trend. Telehealth practice is a new shift in delivering mental health services across state boundaries and within the state. Nationally, states struggle to regulate this practice and ensure the delivery of safe and competent mental health services. The AEO will work with the Telehealth Committee to develop policies that will mirror practice similar to the traditional office setting. Telehealth practice came to the Board's attention within the past five years. Therefore, it is critical to establish practice standards to protect consumers and licensees.
- The AEO will partner with the DCA Office of Professional Examination Services to develop and administer a practice examination for all Board developed examinations to increase statewide access to examination preparation material.

The AEO will provide oversight of Enforcement activities to ensure policies and procedures achieve the following outcomes:

- The AEO will develop policies and procedures to revise the Board's review of prior criminal convictions as mandated by Assembly Bill 2138. The revisions must be in effect by July 1, 2020. The AEO will ensure that the policies and procedures comply with the law without compromising consumer protection.
- The AEO will develop and implement policies and procedures to improve reporting of Probation Program metrics. The Probation Program refers to statewide violations of statutes and regulations, and penalties tied to those violations.
- The AEO will develop and implement policies and procedures to ensure that all Enforcement Performance Measures within the Board's direct control are consistently met or exceeded. Licensing Performance Measures are mandated by statewide Executive Order B-13-11 reporting requirements.

**C. ROLE IN POLICY INFLUENCE (continued)**

**13. What is the CEA position's scope and nature of decision-making authority?**

The AEO has full-delegated authority to act on behalf of the Executive Officer in their absence. The AEO is responsible for policy development for the efficient operations of the BBS. Further, the AEO oversees the fiscal and personnel administration.

The AEO will interpret the laws and regulations governing the mental health professions and provide direction to Board Members, professional associations, licensees, educators, staff, and the public regulated by BBS. The AEO will propose solutions to problems identified by the Board Members, Executive Officer, BBS Managers, BBS Staff, consumers, and licensees.

The AEO acts independently to accept or negotiate alternatives during stipulated settlement negotiations. Review stipulated settlements from the Attorney General's Office; proposed decisions from an Administrative Law Judge, and present stipulated settlement agreements to the Board Members.

**14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?**

The AEO will be responsible for the highest level of policy development and implementation. The AEO will provide guidance to staff, Board Members, professional associations, educators, licensees, and the public about the laws and regulations governing the professions regulated by the BBS. The AEO will propose solutions to problems identified by Board Members, Executive Officer, Board Staff, consumers, and licensees. The AEO will develop and implement specific policies and procedures for the efficient and effective administration of BBS programs; analyze performance measures and implement business process improvement and/or redirect resources as needed to achieve the BBS' mission. The AEO will provide oversight of the Administration, Licensing, Enforcement, and Examination Programs including promulgating and interpreting policies established by the Board Members and Executive Officer. The AEO will participate in local and national meetings, seminars, workshops, and other forums; and represent the BBS in meetings, negotiations, hearings, and other forums.