



Board of Behavioral Sciences

Memo

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To: Board Members **Date:** September 22, 2020
From: Rosanne Helms, Legislative Manager **Telephone:** (916) 574-7897
Subject: Discussion of Supervision of Associates Within Kaiser Health System

Background

Kaiser frequently employs associate clinical social workers (ASWs) who are gaining experience toward licensure. According to their 2020 Northern California HMO Provider Manual, Kaiser is split into three employing entities:

- **Kaiser Foundation Health Plan, Inc. (KFHP):** KFHP is a California nonprofit, public benefit corporation that is licensed as a health care service plan under the Knox-Keene Act. KFHP offers HMO plans. KFHP contracts with Kaiser Foundation Hospitals and The Permanente Medical Group to provide or arrange for the provision of medical services.
- **Kaiser Foundation Hospitals (KFH):** KFH is a California nonprofit public benefit corporation that owns and operates community hospitals and outpatient facilities. KFH provides and arranges for hospital and other facility services, and sponsors charitable, educational, and research activities.
- **The Permanente Medical Group, Inc. (TPMG):** TPMG is a professional corporation of physicians in KPNC that provides and arranges for professional medical services.

Source: Kaiser 2020 Northern California HMO Provider Manual.

A check of the Secretary of State's web site confirms that The Permanente Medical Group is registered as a professional corporation. Kaiser Foundation Hospitals and Kaiser Foundation Health Plan, Inc. are registered as domestic nonprofits.

ASWs working for The Permanente Medical Group (professional corporation) arm of Kaiser believe it is unfair that they have limits on their required supervision for gaining experience hours toward LCSW licensure that other ASWs working under the Kaiser nonprofit corporations (exempt settings) do not have.

This issue would partly resolve with the setting definitions bill the Board is proposing. Below, we compare current law to the proposed new law. Although the laws shown

below are for associates seeking LCSW licensure, the same holds true for associates seeking LMFT or LPCC licensure.

Current Law (LCSW)

Business and Professions Code (BPC) §4996.26.3

(a) An associate clinical social worker or an applicant for licensure shall only perform mental health and related services at the places where their employer permits business to be conducted.

(b) An associate who is employed or volunteering in a private practice shall be supervised by an individual who is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full-time at the site and be actively engaged in performing professional services at the site.

(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. A supervisee may be registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.

For Kaiser, this means the following applies under current law:

- For those ASWs working at its professional corporation, their supervisor must be employed full-time at the same site as them and perform professional services there. There is a limit of three supervisees per supervisor.
- For those ASWs working at Kaiser's nonprofit corporations, the above limitations do not apply – they are considered to be working in an exempt setting.

Proposed Law (LCSW)

BPC §4996.26.3

(a) An associate clinical social worker or an applicant for licensure shall only perform mental health and related services at the places where their employer permits business to be conducted.

(b) An associate who is employed by or volunteering in a private practice or a professional corporation shall be supervised by an individual who is employed by, and shall practice at the same site as, the associate's employer. Alternatively, the supervisor may be an owner of the private practice. However, if the site is incorporated, the supervisor must be employed full-time at the site and be actively engaged in performing professional services at the site.

(1) Is employed by or contracted by the associate's employer, or is an owner of the private practice or professional corporation, and

(2) Provides psychotherapeutic services to clients at the same site as the associate.

~~(c) A supervisor at a private practice or a corporation shall not supervise more than a total of three supervisees at any one time. A supervisee may be registered as an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker.~~

(c) Supervisors of supervisees in a non-exempt setting shall not serve as an individual or triadic supervisor for more than a total of six supervisees at any time. Supervisees may be registered as associate marriage and family therapists, associate professional clinical counselors, associate clinical social workers, or any combination of these.

For Kaiser, under the proposal this would mean the following:

- For those ASWs working at its professional corporation, under the new law Kaiser would be able to contract or arrange with outside supervisors for their associates. Those supervisors would not need to be employed full-time at the same site as their associates. However, the supervisors would be required to see clients at the same site as each associate they supervise. There is a limit of six supervisees per supervisor.
- For those ASWs working at Kaiser's nonprofit corporations, the above limits do not apply – they are considered to be working in an exempt setting.

Recommendation

Conduct an open discussion about supervision of associates within the different branches of the Kaiser health system.

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