



Board of Behavioral Sciences



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Gavin Newsom, Governor  
State of California

Business, Consumer Services and Housing Agency  
Department of Consumer Affairs

## LICENSING COMMITTEE MINUTES

A recorded webcast of this meeting is available at  
<https://www.youtube.com/watch?v=Pjfk37RoEg>

**DATE** March 26, 2021

**MEETING PLATFORM** WebEx Video/Phone Conference

**Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-25-20, dated March 12, 2020, neither a public location nor teleconference locations are provided.**

**TIME** 1:00 p.m.

### ATTENDEES

**Members Present:** Christina Wong, Chair, LCSW Member  
Susan Friedman, Public Member  
Wendy Strack, Public Member

**Members Absent:** *All committee members present*

**Staff Present:** Steve Sodergren, Executive Officer  
Rosanne Helms, Legislative Manager  
Christy Berger, Regulatory Analyst  
Christina Kitamura, Administrative Analyst  
Sabina Knight, Legal Counsel

**Other Attendees:** Public participation via WebEx video conference/phone conference

## **I. Call to Order and Establishment of Quorum**

Christina Wong, Chair of the Telehealth Committee (Committee) called the meeting to order at 1:01 p.m. Roll was called, and a quorum was established.

## **II. Introductions**

Committee members and Board staff introduced themselves.

## **III. Overview of the Purpose of the Committee and Identification of Issues for Discussion**

### **Purpose of the Committee**

The Board of Behavioral Sciences (Board) has established a special Licensing Committee. The Board established the Committee so that the Board and its stakeholders could conduct an in-depth discussion about several topics related to the licensing process.

### **Issues for Discussion**

Staff has identified the following potential topics related to the Board's licensing and examination process that the Committee may wish to discuss at future meetings. These topics are based on feedback or common questions from licensees and registrants, stakeholders, Board members, and Board staff:

1. The 12-hour California law and ethics course requirement for renewing registrants with a failing California law and ethics exam score.
2. The allowable age of a passing California law and ethics examination score.
3. Whether California law and ethics examination attempts should be limited to only those pursuing licensure (i.e. those with a current or delinquent registration number or open application).
4. Whether or not the number of exam attempts should be limited.
5. Accepting the National Clinical Mental Health Counseling Examination (NCMHCE) from Licensed Professional Clinical Counselor (LPCC) applicants who may have taken and passed the examination prior to gaining all required experience hours (which is when the Board grants eligibility to take the examination).
6. The six-year limit of registration numbers, the prohibition on working in a private practice with a subsequent number, and the requirement that

experience hours be no more than six years old. These together are commonly referred to as “the six-year rule.”

### **Comments and Discussion**

Wong: Suggested looking at the required continuing education and determine if these courses could be provided by educational institutions for pre-licensed individuals.

Ben Caldwell: Suggested broadening the topic of #5 regarding NCMHCE to look at clinical exams across the masters-level professions to determine whether the Board should revisit the timing of those exams within the licensure process.

Jennifer Kolb: Suggested a discussion regarding an additional specialized training for those who do not pass the Law and Ethics exam at the time of renewal.

Rebecca Gonzales, National Association of Social Workers, California Chapter (NASW-CA): The Counsel of State Governments has chosen the social work profession to hold discussions regarding interstate compacts for licensure. ASWB will be the lead agency participating in this. Several states will establish agreements between its governing boards.

Jennifer Alley, California Association of Marriage and Family Therapists (CAMFT): Requested a discussion regarding the use of national exams in California.

## **IV. Discussion and Possible Recommendation Regarding the 12-hour California Law and Ethics Course Requirement for Renewing Registrants with a Failing Score on the California Law and Ethics Examination**

### **Overview**

The Board requires its marriage and family therapist, clinical social worker, and professional clinical counselor registrants to take the California Law and Ethics Examination (L&E exam) a minimum of once each renewal period, until passed.

If the registrant fails the L&E exam, they are still permitted to renew their registration, but must show proof of completing a 12-hour California law and ethics course in order to be able to participate in the exam in the next renewal cycle.

A registration may be renewed up to five times. After the fifth renewal, the applicant can obtain a subsequent registration number, but only if they have passed the L&E exam.

Board staff has observed that since the examination restructure became effective, and the 12-hour course became a requirement, completion of the course has at times been problematic for registrants.

### **Background**

The Board's examination restructure became effective on January 1, 2016, which was the result of an extensive review by the Examination Program Review Committee in 2008 and 2009.

The required 12-hour course was originally proposed to be 18-hours. In addition, the original proposal would have disallowed a registrant from renewing a registration if they did not pass the L&E exam after 3 years. The Board settled on a 12-hour course and decided to disallow issuance of a second registration number until the L&E exam was passed.

### **Issues with the 12-Hour Law and Ethics Course**

The timing and need to take the 12-hour law and ethics course after renewing, can be problematic for the following reasons:

- Some registrants are confused about when they need to take the 12-hour course (upon failure of the L&E exam, the registrant must renew the registration and take the 12-hour course once renewed). The Board will not accept a course that was taken prior to the previous failure of the exam.
- Some registrants do not realize they need to take the 12-hour course, and therefore, they do not take it. When they need to take the L&E exam again, they are not able to do so until they take the course. This can delay the registrant's next renewal, and in some cases, impact their employment if their registration lapses.
- In addition to the cost of registration renewal and cost to take the L&E exam, taking a required course results in an additional cost to registrants. Staff reviewed costs for the 12-hour course from several continuing education providers and found a wide range of prices. Depending on the provider chosen, the course typically costs between \$50 to \$135.

### **Pass Rates for the California Law and Ethics Exam**

Recent pass rates for the California L&E exam were provided.

### **Comments and Discussion**

Sodergren: Recommends deleting the course requirement; or if not deleting the requirement, tie the L&E requirement to the renewal and not the exam. Or, alternatively, require a 6-hour continuing education L&E course each renewal period for associates.

Rosanne Helms: Suggestions have been made to require the L&E exam immediately after graduation, before issuing the initial registration.

Susan Friedman: Agrees that the exam should be taken and passed before obtaining a registration.

Wendy Strack: Not comfortable with removing the requirement altogether.

Christy Berger: Likes the idea of the exam before registration. but there will be some issues with implementation to work through. As for continuing education units, perhaps 3 hours each year could be considered instead of 6 hours.

Ben Caldwell: Associates benefit from the 12-hour course and value the course in what they learn and to how to apply it to the work. Suggests keeping the 12-hour requirement and tying it to the renewal. If the requirement is deleted, he supports the 3-hour CE requirement at renewal. As for requiring the exam immediately after graduation, there would be problems with that – how does it interact with the 90-day rule and hours gained between graduation and issuance of the registration?

Diana Herweck: Does not support the exam before registration (continuity of care). Does not support a 3-hour continuing education course requirement because, currently, there are not enough good L&E courses that are small and could cover the material.

Jennifer Alley, CAMFT: The current 12-hour requirement is very confusing. However, something needs to be in place so that all practitioners and associates understand law and ethics.

Helms: When considering the 90-day rule, taking the exam before registration will be problematic.

Sodergren: Agrees with Rosanne, and a greater discussion will be needed if exam before registration is considered.

Strack: It's not the requirement that is the problem, but it's the process.

Helms: Future topics in this Committee will have discussions that may affect the decision of a potential continuing education L&E course. At the end of the discussion of all topics, the Committee can discuss if the continuing education course is still a good idea and make changes when the Committee reaches the end of all discussion topics.

**MOTION:** Recommend to the Board to require associates to take a 6-hour Law and Ethics course at each renewal period and delete the 12-hour Law and

Ethics course requirement for renewing registrants with a failing score on the Law and Ethics examination.

Wong moved; Strack seconded. Vote: 3 yea, 0 nay. Motion carried.

Roll call vote:

Member	Yea	Nay	Abstain	Absent	Recusal
Susan Friedman	x				
Wendy Strack	x				
Christina Wong	x				

**V. Public Comment for Items Not on the Agenda**

None

**VI. Suggestions for Future Agenda Items**

None

**VII. Adjournment**

The Committee adjourned at 2:17 p.m.