

# AGENDA ITEM XII

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**State of California  
Board of Behavioral Sciences**

**M e m o r a n d u m**

**To:** Board Members **Date:** October 30, 2006  
**From:** Christy Berger **Telephone:** (916) 574-7847  
Legislation Analyst  
**Subject: Agenda Item XII. A. – Recommendation #1 - Revisions to Section 4980.90  
Relating to Out-of-State Applicants for MFT Licensure**

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Background

The Board is required to accept education gained toward becoming a Marriage and Family Therapist (MFT) obtained **outside** of California when it is found to be substantially equivalent to education obtained **in** California (Business and Professions Code [BPC] Section 4980.90).

The Board determines education to be substantially equivalent when (BPC Section 4980.90):

- The applicant's degree program is a single integrated program primarily designed to train MFTs.
- The applicant's education meets the requirements of Business and Professions Code (BPC) Sections 4980.37 and 4980.40.

Additionally:

- The degree title does not need to be identical to that required by BPC Section 4980.40.
- The number of units in the degree does not need to be identical to that required by BPC Section 4980.40, but any deficient units must be made up.

BPC Section 4980.90 is unclear regarding persons who **live in** California while attending a school located **outside of** California, such as an online school. Such persons are currently subject to the same educational requirements as those who both live **and** attend school outside of California – meaning the degree must be “substantially equivalent.” However, a person who resided in and attended a school located in California must meet more stringent requirements, such as possessing a degree with a specific title named in law, and the inability to make up deficient units.

Discussion

The MFT educational requirements should be the same for everybody who completes their education while residing in California. Out-of-state schools that take students who reside in California should not be exempt from the same standards that apply to California schools.

A small change in statute would effect this change, and would help to preserve the integrity of California MFT education. This would require an out-of-state school that wants to continue to offer MFT programs to California students to meet a number of requirements, including:

- Notify each of its students in writing that its degree program is designed to meet the requirements of BPC Sections 4980.37 and 4980.40, and to certify to the board that it has so notified its students. (BPC § 4980.38)
- Provide students with a certification by the chief academic officer of the institution that the applicant has fulfilled certain requirements. (BPC § 4980.38)

- A non-accredited school may be required to apply for an approval to operate in California from the Bureau for Private, Postsecondary and Vocational Education.

#### Recommendation

At its September 27, 2006 meeting, the Policy and Advocacy Committee recommended that the Board seek legislation to implement the proposed language.

#### Attachments

Proposed Language

# ATTACHMENT

Agenda Item XII. A.

Proposed Language

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**BOARD OF BEHAVIORAL SCIENCES**  
**PROPOSED LANGUAGE**  
**Out-of-State MFT Education**

*Amend § 4980.90 as follows:*

(a) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to that required by this chapter and if the applicant has gained a minimum of 250 hours of supervised experience in direct counseling within California while registered as an intern with the board.

(b) Education gained while residing outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to the education requirements of this chapter, and if the applicant has completed all of the following:

(1) A two semester or three quarter unit course in California law and professional ethics for marriage, family, and child counselors that shall include areas of study as specified in Section 4980.41.

(2) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.

(3) A minimum of 10 contact hours of training or coursework in sexuality as specified in Section 25 and any regulations promulgated thereunder.

(4) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency as specified by regulation.

(5) (A) Instruction in spousal or partner abuse assessment, detection, and intervention. This instruction may be taken either in fulfillment of other educational requirements for licensure or in a separate course.

(B) On and after January 1, 2004, a minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(6) On and after January 1, 2003, a minimum of a two semester or three quarter unit survey course in psychological testing. This course may be taken either in fulfillment of other requirements for licensure or in a separate course.

(7) On and after January 1, 2003, a minimum of a two semester or three quarter unit survey course in psychopharmacology. This course may be taken either in fulfillment of other requirements for licensure or in a separate course.

(8) With respect to human sexuality, alcoholism and other chemical substance dependency, spousal or partner abuse assessment, detection, and intervention, psychological testing, and psychopharmacology, the board may accept training or coursework acquired out of state.

(c) For purposes of this section, the board may, in its discretion, accept education as substantially equivalent if the applicant has been granted a degree in a single integrated program primarily designed to train marriage, family, and child counselors and if the applicant's education meets the requirements of Sections 4980.37 and 4980.40. The degree title and number of units in the degree program need not be identical to those required by subdivision (a) of Section 4980.40. If the applicant's degree does not contain the number of units required by subdivision (a) of Section 4980.40, the board may, in its discretion, accept the applicant's education as substantially equivalent if the applicant's degree otherwise complies with this section and the applicant completes the units required by subdivision (a) of Section 4980.40.

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**State of California  
Board of Behavioral Sciences**

**Memorandum**

**To:** Board Members **Date:** October 30, 2006  
**From:** Christy Berger  
Legislation Analyst **Telephone:** (916) 574-7847  
**Subject: Agenda Item XII. B. – Recommendation #2 - Reduce License Delinquency  
Period to Three Years**

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Background

Licensed Clinical Social Workers (LCSW), Licensed Educational Psychologists (LEP), and Marriage and Family Therapists (MFT) are required to renew their licenses every two years. A license is “cancelled” when it is not renewed within five years from the expiration date. A person whose license has been cancelled may obtain a new license when:

- No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.
- He or she applies for licensure and pay the current fees.
- He or she takes and passes the current licensing examinations.

Discussion

Allowing a license to become “cancelled” is a five-year process. It is the only way for a person to “give up” their license other than a voluntary surrender. A surrender involves a number of enforcement processes, so this is not typically done. Although a license can now be placed on “inactive” status, this requires renewing the inactive license every two years. The “inactive” status is primarily intended for those who may wish to reactivate their license at some point in the future. A cancelled license does not incur fees and cannot be reactivated, though a new license can be obtained through the process described above.

There are some consumer protection concerns when a person is permitted to obtain a new license after a five-year period of non-practice. During this time, the knowledge and skills required to practice may atrophy. Even though a person is required to pass the current licensing examinations, he or she is not required to meet current education or experience requirements.

Most individuals with a cancelled license appear to be exiting practice. Most have been licensed for many (20-30+) years, and the Board receives only about 12 renewals per year for licenses that have been delinquent for more than two years. Additionally, significant numbers of licenses are inactive prior to becoming cancelled. Currently, the Board has a total of 3,858 delinquent licenses, 8,890 inactive, and 11,771 that have been cancelled.

Staff initially proposed a two-year delinquency period as a more reasonable time frame for a license to be cancelled by the Board. However, at the September 27, 2006 meeting of the Policy and Advocacy Committee, stakeholders strongly preferred a three-year period.

Recommendation

The Policy and Advocacy Committee recommends that the Board seek legislation to implement the proposed language, which would reduce the license cancellation time frame from five years to three years.

Attachments

Proposed Language

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# ATTACHMENT

Agenda Item XII. B

Proposed Language

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**BOARD OF BEHAVIORAL SCIENCES**  
**PROPOSED LANGUAGE**  
**License Delinquency Period**

**Amend § 4984.1 as follows:**

A license that has expired may be renewed at any time within ~~five~~ two-three years after its expiration on filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last regular renewal date. If the license is renewed after its expiration, the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter.

**Amend §4984.4 as follows:**

A license that is not renewed within ~~five~~ two-three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter, but the licensee may apply for and obtain a new license if:

(a) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.

(b) He or she pays the fees that would be required if he or she were applying for a license for the first time.

(c) He or she takes and passes the current licensing examinations as specified in subdivision (g) of Section 4980.40.

**Amend § 4986.43 as follows:**

A license that has expired may be renewed at any time within ~~five~~ two-three years after its expiration on filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last regular renewal date. If the license is renewed after its expiration, the licensee shall, prior to renewal, pay the delinquency fee prescribed by this chapter.

**Amend § 4986.46 as follows:**

A license that is not renewed within ~~five~~ two-three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter. A licensee may apply for and obtain a new license if he or she satisfies the following:

(a) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.

(b) He or she pays the fees that would be required if he or she were applying for a license for the first time.

(c) He or she takes and passes the current licensing examination.

**Amend § 4996.6 as follows:**

(a) The renewal fee for licenses that expire on or after January 1, 1996, shall be a maximum of one hundred fifty-five dollars (\$155) and shall be collected on a biennial basis by the board in accordance with Section 152.6. The fees shall be deposited in the State Treasury to the credit of the Behavioral Sciences Fund.

(b) Licenses issued under this chapter shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board.

(c) To renew an unexpired license, the licensee shall, on or before the expiration date of the license, do the following:

(1) Apply for a renewal on a form prescribed by the board.

(2) Pay a two-year renewal fee prescribed by the board.

(3) Certify compliance with the continuing education requirements set forth in Section 4996.22.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

(d) If the license is renewed after its expiration, the licensee shall, as a condition precedent to renewal, also pay a delinquency fee of seventy-five dollars (\$75).

(e) Any person who permits his or her license to become delinquent may have it restored at any time within ~~five~~ two-three years after its expiration upon the payment of all fees that he or she would have paid if the license had not become delinquent, plus the payment of all delinquency fees.

(f) A license that is not renewed within ~~five~~ two-three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter; however, the licensee may apply for and obtain a new license if:

(1) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.

(2) He or she pays the fees that would be required if he or she were applying for a license for the first time.

(3) He or she takes and passes the current licensing examinations as specified in Section 4996.1.

(g) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20).

(h) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

**State of California  
Board of Behavioral Sciences**

**M e m o r a n d u m**

**To:** Board Members  
**From:** Christy Berger  
Legislation Analyst  
**Date:** October 30, 2006  
**Telephone:** (916) 574-7847  
**Subject:** **Agenda Item XII. C. – Recommendation #3 - Eliminate Extensions for Associate Clinical Social Worker Registrations**

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Background

An Associate Clinical Social Worker (ASW) is currently permitted to retain the ASW registration for a maximum of six years. If needed, an ASW may apply for a maximum of three one-year extensions of the registration beyond this six-year period. Extensions are only permitted when the ASW applies for extension prior to the final expiration date of his or her registration. After extension, the ASW must apply for a completely new registration, which can be retained for another six years.

In the past, Marriage and Family Therapist Interns (Intern) were also permitted three one-year extensions. Effective January 1, 1999, CAMFT-sponsored legislation (AB 610, Stats. 1995, Ch. 327) deleted the extension provision for Interns and provided the ability to apply for a completely new Intern registration, also good for six years.

Discussion

People who need the ASW registration beyond the initial six-year period typically need to gain additional hours of experience, or have completed their experience, are in the examination process and their employer requires the registration.

Each time an ASW needs an extension (yearly, up to a maximum of three years), he or she must complete an application and submit that with a \$50 fee prior to the registration's expiration date. This application is then processed by the Board. An application for a new registration can be submitted at any time and requires a fee of \$75 to apply and a \$75 fee per year to renew, for a maximum of six years.

Though ASWs and Interns have different content standards for registration and experience, parallel business processes are needed in order to provide administrative simplicity. Such differences (the extensions) can also be confusing for supervisors and registrants, especially considering that more people are supervising both ASWs and Interns.

Recommendation

At its September 27, 2006 meeting, the Policy and Advocacy Committee recommended that the Board sponsor legislation to eliminate the ASW extension process.

Attachments

Proposed Language

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Agenda Item XII. C

Proposed Language

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**BOARD OF BEHAVIORAL SCIENCES  
PROPOSED LANGUAGE  
ASW Extensions**

*Amend §4996.18 as follows:*

(a) A person who wishes to be credited with experience toward licensure requirements shall register with the board as an associate clinical social worker prior to obtaining that experience. The application shall be made on a form prescribed by the board and shall be accompanied by a fee of seventy-five dollars (\$75). An applicant for registration shall (1) possess a master's degree from an accredited school or department of social work, and (2) not have committed any crimes or acts constituting grounds for denial of licensure under Section 480. ~~On and after January 1, 1993, an~~ An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible for examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(b) Registration as an associate clinical social worker shall expire one year from the last day of the month during which it was issued. A registration may be renewed annually after initial registration by filing ~~on or before the date on which the registration expires,~~ an application for renewal, paying a renewal fee of seventy-five dollars (\$75), and notifying the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, and whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the issuance of the initial registration or registrant's last renewal. ~~Each person who registers or has registered as an associate clinical social worker, may retain that status for a total of six years.~~ A registration as an associate clinical social worker may be renewed a maximum of five times.

~~(c) Notwithstanding the limitations on the length of an associate registration in subdivision (b), an associate may apply for, and the board shall grant, one-year extensions beyond the six-year period when no grounds exist for denial, suspension, or revocation of the registration pursuant to Section 480. An associate shall be eligible to receive a maximum of three one-year extensions. An associate who practices pursuant to an extension shall not practice independently and shall comply with all requirements of this chapter governing experience, including supervision, even if the associate has completed the hours of experience required for licensure. Each extension shall commence on the date when the last associate renewal or extension expires. An application for extension shall be made on a form prescribed by the board and shall be accompanied by a renewal fee of fifty dollars (\$50). An associate who is granted this extension may work in all work settings authorized pursuant to this chapter.~~

(c) When no further renewals are possible, an applicant may apply for and obtain a new associate registration if the applicant meets all requirements for registration in effect at the time of application for a new associate registration.

(d) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.

(e) A registrant shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

(f) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.20, 4996.21, or 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(h) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

**State of California  
Board of Behavioral Sciences**

**Memorandum**

**To:** Board Members  
**From:** Justin Sotelo  
Regulations Analyst  
**Date:** October 30, 2006  
**Telephone:** (916) 574-7836  
**Subject: Agenda Item XII. D. - Regulation Update**

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Following is the status of regulatory changes proposed by the Board:

*Title 16, CCR Section 1886.40, Citations and Fines*

The purpose of this regulatory proposal was to provide the Board with the authority to issue fines between \$2,501 and \$5,000 for specified "citable offenses" or violations of the statutes and regulations enforced by the Board. The final rulemaking packet was filed with the Office of Administrative Law (OAL) on June 27, 2006 and was approved. The regulatory changes became effective on September 3, 2006.

*Title 16, CCR Section 1803, Delegation of Authority to the Executive Officer*

This proposal would allow the Board's executive officer to sign orders to compel a physical or mental evaluation of a Board licensee or registrant as part of an investigation of a complaint. A regulatory hearing was held on October 4, 2006 and no public comments were received. The Board will be asked to review and give final approval to this proposal at its meeting on November 16, 2006.

*Title 16, CCR Sections 1833.1 and 1870, Requirements for Supervisors*

Supervisors of registrants are currently required to have practiced psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision. The Board currently interprets supervision of an MFT Trainee, MFT Intern, or ASW to be "psychotherapy" for the purposes of meeting the practice requirements under Sections 1833.1 and 1870. However, this proposal would make this interpretation explicit in the regulations. It would also delete the requirement that supervisors of MFT Interns or Trainees average at least five (5) patient/client contact hours per week. At its April 19, 2006 meeting, the Board's Policy and Advocacy Committee voted to recommend proposed language to the Board. The Board reviewed the proposal at its May 18, 2006 meeting and sent it back to the Committee for further work. At its June 28, 2006 meeting, the Committee recommended to the Board that the original language of the proposal be retained and additionally recommended to delete the requirement that supervisors of MFT Interns average 5 hours of client contact per week for two out of the five years prior to supervising. The Board approved this proposal at its meeting on July 27, 2006. Staff submitted the required regulatory documents to OAL in order to have the notice published on September 29, 2006. The regulatory hearing is scheduled for November 16, 2006; the Board will be asked to review and give final approval to this proposal at its meeting on the same day.

*Title 16, CCR, Technical Cleanup - Licensed Educational Psychologists and Board Administration*

This proposal would make technical and editorial changes to the Board's regulations in line with statutory changes proposed under SB 1475 that will update the Board's Licensed Educational Psychologist and Administration statutes. At its June 28, 2006 meeting, the Board's Policy and Advocacy Committee recommended that the Board adopt these proposed regulations. The Board

approved this proposal at its meeting on July 27, 2006. Staff submitted the required regulatory documents to OAL in order to have the notice published on September 29, 2006. The regulatory hearing is scheduled for November 16, 2006; the Board will be asked to review and give final approval to this proposal at its meeting on the same day.

*Title 16, CCR Sections 1805, 1806, and 1833.3, Abandonment of Application Files*

Section 1806 currently requires candidates to take an examination within one year of notification of eligibility to take the examination. Section 1833.3 currently requires applicants who fail an examination to retake that examination within one year from the date of the failure. However, candidates who fail are provided with a notice of eligibility 180 days from the date of failure, so both sections apply and reflect two different time frames. This regulatory proposal would resolve the conflict between these two regulations, providing all candidates with a one-year period in which to take an examination to avoid abandonment of their application. At its June 28, 2006 meeting, the Board's Policy and Advocacy Committee recommended that the Board adopt these proposed regulations. The Board approved this proposal at its meeting on July 27, 2006. Staff submitted the required regulatory documents to OAL in order to have the notice published on September 29, 2006. The regulatory hearing is scheduled for November 16, 2006; the Board will be asked to review and give final approval to this proposal at its meeting on the same day.

*Title 16, CCR, Sections 1816.7, 1887.7, 1887.75, and 1887.77, Delinquency Fees for Continuing Education Providers*

This proposal would allow a registered provider of continuing education (PCE) a period of one year from the registration's expiration date in order to renew an expired PCE registration with a \$100 delinquency fee. Currently, when a PCE does not renew the registration prior to its expiration date, the registration is cancelled and a new registration must be obtained. At its June 21, 2006 meeting, the Board's Budget and Efficiency Committee recommended that the Board adopt these proposed regulations. The Board approved this proposal at its meeting on July 27, 2006. Staff submitted the required regulatory documents to OAL in order to have the notice published on September 29, 2006. The regulatory hearing is scheduled for November 16, 2006; the Board will be asked to review and give final approval to this proposal at its meeting on the same day.

*Title 16, CCR, Fees*

This proposal would make technical changes to the Board's regulations regarding fees. These changes would conform the Board's regulations to the non-substantive statutory changes the Budget and Efficiency Committee is recommending to the Board regarding fees, renewals, and inactive licenses. At its June 28, 2006 meeting, the Board's Policy and Advocacy Committee recommended that the Board adopt these proposed regulations. The Board approved this proposal at its meeting on July 27, 2006. Staff submitted the required regulatory documents to OAL in order to have the notice published on September 29, 2006. The regulatory hearing is scheduled for November 16, 2006; the Board will be asked to review and give final approval to this proposal at its meeting on the same day.

*Title 16, CCR, Sections 1887(a), 1887(b), 1887.2(a), and 1887.3(a) Continuing Education*

Licenses are currently permitted to take an unlimited amount of continuing education (CE) by conventional or online means. However, hours earned through "self-study" courses are limited to one-third of the total required CE hours. This proposal would delete the definition of a self-study course and delete the limitations regarding hours of self-study. The Consumer Protection Committee reviewed this proposal at its September 20, 2006 meeting and recommended minor clarifying edits to the language. The Board will be asked to review and approve the recommendation to amend the regulations at its meeting on November 16, 2006.

*Title 16, CCR Section 1886, Citation and Fine of Continuing Education Providers*

This proposal would provide the Board with the authority to issue a citation and fine to a continuing education provider. This proposal is currently on hold due to staff workload considerations.

State of California  
Board of Behavioral Sciences

## Memorandum

**To:** Board Members  
**From:** Christy Berger  
Legislation Analyst  
**Date:** October 30, 2006  
**Telephone:** (916) 574-7847  
**Subject:** Agenda Item XII. E. - Legislation Update

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### Board-Sponsored Legislation

#### ***SB 1475 (Figueroa) Reorganization of LEP and Administration Statutes***

This bill, which takes effect on January 1, 2007, reorganizes and revises the Board's Administration statutes for clarity, removes obsolete provisions, and makes some minor refinements. This bill also reorganizes and revises the Licensed Educational Psychologist (LEP) statutes to remove obsolete provisions, modernize statutes relating to licensure, scope of practice, continuing education, and enforcement, and creates better consistency with the Board's other practice acts. This bill also facilitates portability of licensure for clinical social workers licensed in another state. Additionally, this bill extends the Board's sunset date by one year to July 1, 2009.

#### ***AB 1852 (Yee) Licensed Mental Health Service Provider Education Program***

This bill allows marriage and family therapist interns and associate clinical social workers to be eligible for educational loan repayment from the Licensed Mental Health Service Provider Education Program (Program). This bill also provides technical cleanup of the Program's statute. This bill takes effect on January 1, 2007. However, loan reimbursement will not be available until regulations are implemented by the Health Professions Education Program (HPEF).

Staff has learned that Robin Boyer, the Executive Director of the Office of Statewide Health Planning and Development's (OSHPD) HPEF is no longer with the Foundation. An Interim Executive Director, Brenda Russell, has been named. Staff has been in contact with Ms. Russell and has set up a meeting with her for November 2, 2006.

### Update on Other 2006 Legislation

#### ***AB 525 (Chu) Child Abuse Reporting***

Current law authorizes but does not require the reporting of instances where a child suffers or is at substantial risk of suffering serious emotional damage ("emotional abuse"). This bill:

- Clarifies that "emotional abuse" may be reported, but is not required to be reported.
- Clarifies that confidentiality protections for mandated reporters also apply to those who report "emotional abuse."
- Permits those who report "emotional abuse" to receive the same feedback as they would when making a mandated report of child abuse upon a final disposition of a case.
- Conforms the procedures for reporting of "emotional abuse" to certain existing procedures applicable to mandated reporting.

The board voted to support this bill, sponsored by the California Association of Marriage and Family Therapists (CAMFT). It becomes effective on January 1, 2007.

**AB 2283 (Oropeza) *Physicians and Surgeons: Cultural Background and Foreign Language Proficiency***

Physicians are currently permitted to report information regarding their cultural background and foreign language proficiency at the time of license renewal to the Medical Board of California (MBC). The board voted to support this bill, which takes effect in 2007. It requires the MBC to aggregate this information and report it on their website by October 1 of each year beginning in 2007, making this information more accessible to consumers.

**AB 3013 (Koretz) *Medical Information: Disclosures***

The board voted to support this bill, which strengthens patient confidentiality laws by conforming California law to provisions of HIPAA which limit the release of patient information, provide the patient the opportunity to prohibit such a release, and permit the health care provider to make judgments regarding releases in emergency situations. This bill takes effect on January 1, 2007.

**SB 1476 (Figueroa) *BBS Sunset***

The content of this bill pertaining to the Board was incorporated into SB 1475.

Board-Proposals (to Date) for 2007

- Award licensees with CE credit for attending a Board meeting (approved at July 2006 board meeting)
- Restructure and make technical revisions to fee- and renewal-related statutes (approved at July 2006 board meeting)
- Fictitious business names for LCSWs (approved at February 2006 board meeting)

**State of California  
Board of Behavioral Sciences**

**Memorandum**

To: Policy and Advocacy Committee

Date: November 3, 2006

From: Paul Riches  
Executive Officer

Telephone: (916) 574-7840

**Subject: Agenda Item XII. - Strategic Plan Update**

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Background

The board formally adopted the new strategic plan at its November 2005 meeting. As part of the implementation of the strategic plan, each committee receives a progress update on the strategic objectives under its jurisdiction. The Budget and Efficiency Committee was merged in to the Policy and Advocacy Committee in September 2006 and the ongoing reporting of progress on Goals 2, 5 and 6 will be incorporated into the Policy and Advocacy Committee work on an ongoing basis.

This regular exchange of information provided will provide mutual accountability between staff and board members in accomplishing our shared objectives.

Update on Objectives

**Goal 2: Build an excellent organization through effective leadership and professional staff.**

*Objective 2.1 -- Meet 80% of training goals identified in IDPs by June 30, 2006.*

Methodology

Staff reviewed Individual Development Plans completed in the 2005/2006 fiscal year and found that the plans indicated 23 separate training courses be completed.

Target

Staff would need to complete 18 courses to satisfy the objective.

Current Performance

The backlog of Individual Development Plans (IDPs) has been eliminated, and the board is now current. Of those IDPs given in the current fiscal year, 8 staff members identified 23 classes they desired to attend. To date 21 classes have been completed. This is an 88% completion rate.

This objective has been satisfied for the current quarter. Staff will return with recommendations regarding either the revision or elimination of this objective at a future committee meeting.

*Objective 2.2 -- Reduce average application processing time by 33% by December 30, 2006.*

Applicants place a priority on the timely resolution of their application, and this objective was established to improve the board's responsiveness to its applicants.

#### Methodology

Application processing time is defined as follows:

# of days from receipt of application - # of days elapsed awaiting resolution of deficiencies

#### Results for Baseline Period

Baseline processing time was established in the period from April – June 2005 as 23.4 days.

In the January – March 2006 quarter, the average processing time across all programs was 13.4 days.

In the April – June 2006 quarter, the average processing time across all programs was 8.2 days.

#### Target Processing Times

An average processing time of 15.7 days would satisfy this strategic objective. The processing time for the April – June 2006 quarter was 8.2 days which is a 65% reduction in processing time.

#### Future Focus

This has been satisfied for this quarter and staff anticipates not only maintaining this performance but that additional improvement in application processing times is possible. Staff is evaluating further processing time reductions as an objective.

*Objective 2.3 -- Increase staff training hours by 15% by June 30, 2010.*

#### Methodology

Staff reviewed training records for the prior two fiscal years to establish an average number of training hours to utilize as a baseline.

In the fiscal year 2003/2004, staff completed 150 hours of formal training. In the fiscal year 2004/2005, staff completed 813 hours of formal training. This data yields an average of 481 hours of staff training over the two year period. Given the significant divergence between those two numbers, staff will use the 2004/2005 fiscal year as the baseline for this objective.

#### Target

Staff would need to complete 934 hours per year to satisfy the objective.

#### Current Performance

In the fiscal year 2004/2005, 813 hours were devoted to staff training. This number includes a mandatory training class, which all staff attended and accounts for 168 hours. To date, 992 hours staff training has been completed. A 22% increase over the previous year.

The standard training plan has been implemented for all new staff. Currently, 2 staff members are going through this standardized training. For existing staff, standard training specific to the employee civil service classification has been identified and shared with staff.

*Objective 2.4 -- Joint participation by executive staff and board members in 20 external events (non-board meeting) by June 30, 2010.*

This objective was included to develop closer working relationships between board members and board staff outside the context of formal board and committee meetings. The following list includes both past and currently scheduled events.

1. *October 2005* MSW educators meeting at USC [Peter Manoleas, Paul Riches]
2. *January 2006* MSW student meeting at UC Berkeley [Peter Manoleas, Paul Riches, Janene Mayberry]
3. *March 2006* National Association of School Psychologists meeting in Anaheim [Judy Johnson, Paul Riches]
4. *April 2006* MFT Student outreach meeting at Pepperdine University [Karen Pines, Sean O'Connor]
5. *May 2006* CAMFT annual meeting in Palm Springs [Joan Walmsley, Mona Maggio, Paul Riches]
6. *June 2006* MFT students and educators meeting at Phillips Graduate Institute [Ian Russ, Victor Law, Paul Riches, Kari Frank, Mona Maggio]
7. *July 2006* Orange County Community Counseling Consortium meeting at Pepperdine University, Orange County [Paul Riches, Joan Walmsley]
8. *October 2006* [Ian Russ, Paul Riches, Mona Maggio, Rosanna Webb-Flores, Pearl Yu, Mary Hanifen, Julie McAuliffe] Workgroup on Custody Evaluators with the Administrative Office of the Courts.

#### **Goal 4: Advocate for increased access to mental health services.**

*Objective 4.1 -- Participate in 15 public policy forums throughout the State addressing access to mental health services by June 30, 2010.*

On March 23-24, 2006 Mr. Riches attended the meeting of the Mental Health Services Oversight and Accountability Commission in Sacramento (commission). The commission is responsible for oversight of the Mental Health Services Act (Proposition 63). The meeting included organizational matters for the commission and presentations on prevention and early intervention in mental illness which is a major focus of Proposition 63.

The board has been actively participating with the MHSA Education and Training initiative. This initiative is developing the strategic plan for spending MHSA revenues dedicated to building the mental health workforce. This initiative has an advisory group (where the board is represented by Peter Manoleas) which has formed nine workgroups to write elements of the plan. The board is actively participating in the following workgroups:

1. Needs Assessment [Mona Maggio]
6. Distance Learning [Christy Berger]

8. Post Secondary Education and Training [Judy Johnson]
9. Licensing and Certification [Paul Riches]

- On June 12, 2006 Ms. Maggio attended the initiative's Needs Assessment workgroup.
- On June 28, 2006 Ms. Berger will attend the Distance Learning workgroup.
- On July 6, 2006, Ms. Johnson will attend the Post-Secondary Education/Training workgroup.
- On July 12, 2006, Mr. Riches will attend the Licensing and Certification workgroup.
- On July 19, 2006, Mr. Manoleas attended the Advisory Committee meeting.
- On August 10, 2006 Ms. Maggio attended the Needs Assessment workgroup meeting.
- On September 6, 2006 Mr. Riches attended the Licensing and Certification workgroup.
- On October 18, 2006 Ms. Maggio and Peter Manoleas attended the Advisory Committee Meeting.

Mr. Riches has been invited to participate with two workgroups established by the California Social Work Education Center (CalSWEC) regarding implementation of the MHA and Workforce development.

- On September 28, 2006 Mr. Riches made a presentation on board activities to the California Social Work Education Center (CalSWEC) Mental Health Initiative workgroup.
- On September 28, 2006 Mr. Riches attended the CalSWEC Workforce Initiative workgroup and was invited to join the group on an ongoing basis.

*Objective 4.2 -- Develop 4 proposals related to behavioral science licensing law that address delivery of services to consumers in light of demographic changes in both the general and licensee populations by December 31, 2007.*

A board sponsored conference on diversity issues in professional licensing will be held on Friday, April 28 in Sacramento. The conference will feature state and national experts in demography and cultural competence in mental health care as well as working sessions designed to provide feedback and suggestions for the board's consideration. A report on the conference was provided at the May 18-19, 2006 board meeting. Staff is working through suggestions from that conference to begin developing proposals for board committees to consider. The Policy and Advocacy Committee reviewed the suggestions and took public input regarding prioritizing board efforts at its September 27, 2006 meeting.

A demographic survey of board licensees and registrants is in the field and board staff has begun compiling results. The survey will provide the board with demographic information that will be important in its deliberations on this subject.

*Objective 4.3 -- Advocate for 5 laws that expand access to mental health services by June 30, 2010.*

No action to report.

## **Goal 5: Utilize technology to improve and expand services.**

*Objective 5.1 -- Provide the ability to accept electronic payments by June 30, 2008.*

*Objective 5.2 -- Process 70% of all renewal applications on-line by June 30, 2009.*

*Objective 5.3 -- Process 33% of all new applications on-line by June 30, 2010*

*Objective 5.4 -- Provide the ability to check the status of all applications online by June 30, 2010.*

These four goals are linked to the implementation of the iLicensing system being developed by the Department of Consumer Affairs. The Legislature included \$10.7 million in the 2006-07 budget bill (SB 1129) for the Department to implement the system. All of the boards and bureaus within the Department will share the expense of the system. It is expected that the system will provide a platform to meet these goals. The BBS budget was increased by \$50,000 in the 2006-07 fiscal year to reflect its share of the first year expense. Additional expenditures in future budget years are expected as the project is implemented. The budget action included total department-wide budget reductions of \$500,000 per year ongoing beginning in the 2009-10 fiscal year to reflect efficiencies from the system.

A status update regarding the iLicensing system is provided in an attached memo.

**Goal 6: Maximize the efficiency and effectiveness of the Board's resources.**

The productivity targets in each of these objectives were established by projecting future workload based on an evaluation of the trends established in the past five years. These productivity increases are required if the new workload is to be absorbed without either an increase in staffing or reduction in service levels.

*Objective 6.1 -- Increase licensing staff productivity 13% by June 30, 2010*

With the close of the January – March 2006 quarter, we now have one full year of data available as a baseline measure of productivity. It is important to measure licensing productivity on an annual basis because of the substantial seasonality to the workload.

Methodology

Productivity is defined as the total number of completed applications divided by the total time. The licensing unit has 4.5 personnel years allocated to evaluate applications for registration and licensure. There are 246 working days in a personnel year (52 weeks x 5 days – 14 paid state holidays). Based on 8 hour workdays that allows 1107 total working days for our license evaluators. This figure does not account for vacancies, training time, sick leave, or vacation so the resulting number is expected to understate the actual productivity, but including these confounding variables would make valid year to year comparisons unworkable.

Results for Baseline Period

In the period of April 1, 2005 to March 31, 2006 the license evaluators completed 6377 applications. Based on that performance the license evaluators completed 0.7 applications per work hour.

Productivity Target

To meet the 13% productivity increase target the license evaluators will have to complete .81 applications per work hour.

*Objective 6.2 -- Increase enforcement staff productivity in processing consumer complaints 29% by June 30, 2010.*

### Methodology

Measuring productivity in enforcement poses a significantly greater challenge than in other board programs. This objective specifically references consumer complaints and therefore actions taken based on internal investigations or criminal conviction information were not considered. Both of these categories do include a significant portion of the enforcement unit workload, but the objective sought to focus on consumer complaints as the most important element of that workload.

First, it was not immediately apparent what the “product” is. After considerable reflection and discussion, we arrived at “resolution” as basic element in enforcement. Actions that resolved (or completed) a consumer complaint were deemed to be products. Consumer complaints are generally “resolved” in one of four categories:

1. Disciplinary Action
2. Citation and Fine
3. Cease/Desist Letter
4. Complaint Closure (No Action).

Second, it is very difficult to assign a numeric value to that “product.” There is little discernible difference in value in the principal products in the licensing and examination units. However, staff believes that there is a significant difference in the value assigned to different enforcement actions. To arrive at values for the four possible resolutions, staff assigned a score of 1-10 (1 = minimum 10 = maximum) based on the perceived impact or significance of the resolution by enforcement staff, complainants and the licensees. These values are highly subjective but are based on the experience of enforcement unit staff with all parties for a long period of time. Below are the values arrived at (maximum score = 30):

- Discipline -- 30
- Citation and Fine – 22
- Cease/Desist – 12
- Closure (No Action) – 9.5

Great care and consideration was given to arriving at these values. Specifically, staff focused on the perceived impact of the resolution, not the amount of resources required to reach it. For instance, while discipline was rated as the maximum impact, reaching a disciplinary outcome has roughly triple the “value” of a closure, but represents far more than triple the resources required to close a complaint. This is methodologically important because measuring productivity requires measuring outputs or products, not the inputs they require. It is also important for policy reasons, because we do not want to create incentives to take one action or another based on anything except for the objective assessment of whether we can prove a violation by clear and convincing evidence. We believe that the value scale presented accomplishes that balance. Individuals can fairly challenge the staff’s subjective assessments but I believe that it meets the test of not establishing an incentive system and if applied over time will consistently evaluate the enforcement staff’s productivity.

### Results for Baseline Period

In the 2004-05 Fiscal Year the Enforcement Unit had three analysts handling consumer complaints. Total staff hours for the year (3 positions x 246 working days x 8 hours) were 5904. In that fiscal year consumer complaints had the following resolutions:

Discipline – 11  
Citation and Fine – 18  
Cease/Desist – 31  
Closure (No Action) – 501

Based on the assigned values this yields a score of 5857.5 for the fiscal year.

Productivity for the fiscal year was 1.0.

#### Productivity Target

The objective calls for a 29% increase in productivity in processing consumer complaints. This would require a productivity of 1.3 to satisfy the objective.

#### Fiscal Year 2005-06 Results

In the 2005-06 Fiscal Year the Enforcement Unit had two analysts handling consumer complaints. Total staff hours for the year (2 positions x 246 working days x 8 hours) were 3936. In that fiscal year consumer complaints had the following resolutions:

Discipline – 15  
Citation and Fine – 11  
Cease/Desist – 25  
Closure (No Action) – 451

Based on the assigned values this yields a score of 5276.5 for the fiscal year.

Productivity for the fiscal year was 1.3.

*Objective 6.3 -- Increase examination staff productivity 15% by June 30, 2010.*

#### Methodology

Productivity is defined as the total number of examinations administered divided by the total time. The exam unit has 2.8 personnel years allocated to develop and administer examinations for registration and licensure. There are 246 working days in a personnel year (52 weeks x 5 days – 14 paid state holidays). Based on 8 hour workdays that allows 5510 total working hours in the exam unit. This figure does not account for vacancies, training time, sick leave, or vacation so the resulting number is expected to understate the actual productivity. However, including these confounding variables would make valid year to year comparisons unworkable.

#### Baseline Period

The 2004-2005 fiscal year will serve as the baseline period. In that year, 6626 exams were administered which yields a productivity of 1.2 examinations per staff hour.

Productivity Target

To meet the 15% productivity increase target the examination unit will have to reach 1.4 examinations per staff hour.

Results for 2005-06 Fiscal Year

In the 2005-06 Fiscal Year, the board administered 7257 examinations which yields a productivity of 1.3 examinations per staff hour.

**State of California**

**M e m o r a n d u m**

**To:** Budget and Efficiency Committee

**Date:** November 3, 2006

**From:** Paul Riches  
Executive Officer

**Telephone:** (916) 574-7840

**Subject: Agenda Item XII. - Budget Update**

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**2006-07 Budget**

The 2005-06 fiscal year ended on June 30, 2006. The board's total spending authority for 2006-07 will be \$4.9 million. This is an increase of approximately \$100,000 (2%) over the 2005-06 fiscal year budget. This increase includes a \$35,000 augmentation to fund the board's share of the iLicensing system for 2006/07.

Please see the attached expenditure reports and fund conditions.

**2007-08 Budget**

Staff has submitted a budget change proposal (BCP) requesting two additional enforcement analysts with an estimated cost of \$163,000 ongoing. This proposal was submitted in response to increasing consumer complaint workload in the enforcement unit. The BCP proposes to redirect funding from existing line items for Attorney General and Office of Administrative Hearings expenses. Both of these items have had significant unexpended balances in recent years and those resources are needed elsewhere in the board's enforcement program. The BCP is subject to review by the Department of Consumer Affairs, State and Consumer Services Agency and the Department of Finance.

If the BCP receives final approval, it will be included in the proposed Governor's budget that will be released next January.

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**BOARD OF BEHAVIORAL SCIENCES**  
**EXPENDITURE REPORT FY 2006/2007**

OBJECT DESCRIPTION	FY 2005/2006	FY 2006/2007			
	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 9/30/06	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
<b>PERSONAL SERVICES</b>					
Salary & Wages (Civ Svc Perm)	1,045,321	1,213,252	297,637	1,150,000	63,252
Salary & Wages (Stat Exempt)	85,132	85,488	21,372	86,000	(512)
Temp Help (907)(Seasonals)	29,210	14,105	8,663	35,000	(20,895)
Temp Help (915)(Proctors)	0	19,444	0	0	19,444
Board Memb (Per Diem)	9,500	12,900	1,600	10,000	2,900
Overtime	6,203	7,533	1,160	6,500	1,033
Totals Staff Benefits	471,626	497,184	118,334	500,000	(2,816)
Salary Savings		(54,514)			(54,514)
<b>TOTALS, PERSONAL SERVICES</b>	<b>1,645,992</b>	<b>1,795,392</b>	<b>448,766</b>	<b>1,787,500</b>	<b>7,892</b>
<b>OPERATING EXP &amp; EQUIP</b>					
Fingerprint Reports	4,394	36,954	462	5,000	31,954
General Expense	80,090	24,643	7,567	80,000	(55,357)
Printing	79,402	90,184	20,362	80,000	10,184
Communication	17,051	25,837	709	18,000	7,837
Postage	103,109	103,459	62,181	105,000	(1,541)
Travel, In State	63,898	57,127	2,173	65,000	(7,873)
Travel, Out-of-State	0	2,700	0	12,000	(9,300)
Training	21,767	16,149	1,596	22,000	(5,851)
Facilities Operations	178,368	187,951	39,804	175,000	12,951
C&P Services - Interdept.	0	27,287	0	0	27,287
C&P Services-External	8,405	9,632	5,251	100,000	(90,368)
<b>DEPARTMENTAL PRORATA</b>					
DP Billing	252,057	285,319	62,502	252,057	33,262
Indirect Distribution Costs	279,793	264,656	66,164	279,793	(15,137)
Communication/Educ. Division	16,539	10,030	2,508	16,091	(6,061)
D of I Prorata	7,880	7,987	1,990	7,880	107
Consumer Relations Division		10,685	2,671	10,685	0
Interagency Services (OER IACs)	196,680	0	0	196,680	(196,680)
Consolidated Data Services	15,000	21,390	0	15,000	6,390
Data Processing (Maint.,Supplies,Contract)	12,839	4,630	0	10,000	(5,370)
Central Admin. Svcs - Pro Rata	146,345	141,971	35,493	146,345	(4,374)
<b>EXAM EXPENSES</b>					
Exam Site Rental	65,403	202,894	16,372	75,000	127,894
Exam Contract (Thomson) (404.00)	375,496	293,382	0	400,000	(106,618)
Expert Examiners (404.01)	255,957	473,460	104,138	275,000	198,460
<b>ENFORCEMENT</b>					
Attorney General	341,213	560,542	123,309	400,000	160,542
Office of Admin. Hearing	36,859	157,834	14,956	45,000	112,834
Court Reporters	2,623	0	1,352	5,000	(5,000)
Evidence/Witness Fees	42,462	62,583	5,002	55,000	7,583
Division of Investigation	43,063	78,623	19,587	43,063	35,560
Minor Equipment (226)	26,397	0	2,647	25,000	(25,000)
Major Equipment	448	0	0	2,000	(2,000)
<b>TOTAL, OE&amp;E</b>	<b>2,673,538</b>	<b>3,157,909</b>	<b>598,795</b>	<b>2,921,594</b>	<b>236,315</b>
<b>TOTAL EXPENDITURES</b>					
	<b>\$4,319,530</b>	<b>\$4,953,301</b>	<b>\$1,047,561</b>	<b>\$4,709,094</b>	<b>\$244,207</b>
Fingerprints	4,494	(24,000)	612	(5,000)	(29,000)
Other Reimbursement	14,545	(26,000)	2,625	(16,000)	(42,000)
Unscheduled Reimbursements	17,903	0	948	(20,000)	20,000
Total Reimbursements	36,942	(50,000)	4,185	(41,000)	(51,000)
<b>NET APPROPRIATION</b>	<b>\$4,356,472</b>	<b>\$4,903,301</b>	<b>\$1,051,746</b>	<b>\$4,668,094</b>	<b>\$193,207</b>

# 0773 - Behavioral Science

## Analysis of Fund Condition

(Dollars in Thousands)

**NOTE: \$6.0 Million General Fund Repayment Outstanding**

2006 Budget Act	ACTUAL 2005-06	2006-07	2007-08	2008-09
<b>BEGINNING BALANCE</b>	\$ 4,090	\$ 5,368	\$ 5,651	\$ 5,874
Prior Year Adjustment	\$ 47	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,137	\$ 5,368	\$ 5,651	\$ 5,874
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
125600 Other regulatory fees	\$ 95	\$ 56	\$ 56	\$ 56
125700 Other regulatory licenses and permits	\$ 1,546	\$ 1,525	\$ 1,525	\$ 1,525
125800 Renewal fees	\$ 3,581	\$ 3,430	\$ 3,430	\$ 3,430
125900 Delinquent fees	\$ 59	\$ 60	\$ 60	\$ 60
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ 1	\$ 1	\$ 1
150300 <i>Income from surplus money investments</i>	\$ 205	\$ 111	\$ 115	\$ 118
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 3	\$ 2	\$ 2	\$ 2
161400 Miscellaneous revenues	\$ 2	\$ 4	\$ 4	\$ 4
Totals, Revenues	\$ 5,491	\$ 5,189	\$ 5,193	\$ 5,196
Transfers <i>from</i> Other Funds				
F00683 Teale Data Center (CS 15.00, Bud Act of 2005)	\$ -	\$ -	\$ -	\$ -
Transfers <i>to</i> Other Funds	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 5,491	\$ 5,189	\$ 5,193	\$ 5,196
Totals, Resources	\$ 9,628	\$ 10,557	\$ 10,844	\$ 11,070
<b>EXPENDITURES</b>				
Disbursements:				
0840 State Controller (State Operations)	\$ -	\$ 3	\$ -	\$ -
<i>Budget Act of 2006</i>				
1110 Program Expenditures (State Operations) - Galley 2	\$ 4,260	\$ 4,868	\$ 4,868	\$ 4,965
1110 iLicensing SFL		\$ 35	\$ 102	\$ 104
Total Disbursements	\$ 4,260	\$ 4,906	\$ 4,970	\$ 5,069
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 5,368	\$ 5,651	\$ 5,874	\$ 6,000
<b>Months in Reserve</b>	13.1	13.6	13.9	14.0

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
- B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING FY 2008-09

Item XII. H.

Quarterly Licensing Statistics

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## QUARTERLY LICENSING STATISTICS

(7/1/2006- 9/30/2006)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	661	1,027	231	336	24	2,279
Applications Approved	623	996	198	289	27	2,133
Avg. Processing Time	19.1 days	20.4 days	28.3 days	32.3 days	33.9 days	26.8 days
Avg. Processing Time subtracting time for deficiencies	8.6 days	9.3 days	9.5 days	9.4 days	7.6 days	8.9 days

## QUARTERLY LICENSING STATISTICS

(4/1/2006- 6/30/2006)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	445	645	247	422	38	1,797
Applications Approved	380	564	199	417	26	1,586
Avg. Processing Time	21.4 days	27.9 days	40.7 days	38 days	46.1 days	34.8 days
Avg. Processing Time subtracting time for deficiencies	10.6 days	5.9 days	10.3 days	11.8 days	2.5 days	8.2 days

## QUARTERLY LICENSING STATISTICS

(1/1/2006- 3/31/2006)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	298	548	231	372	13	1,462
Applications Approved	298	525	167	367	15	1,372
Avg. Processing Time	36.6 days	37.9 days	36.2 days	45.4 days	68.7 days	45 days
Avg. Processing Time subtracting time for deficiencies	9.5 days	12.6 days	13.5 days	19 days	12.3 days	13.4 days

## QUARTERLY LICENSING STATISTICS

(10/1/2005- 12/31/2005)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	334	537	248	284	20	1,423
Applications Approved	339	621	194	298	14	1,466
Avg. Processing Time	39 days	34.4 days	26 days	64.1 days	50.6 days	42.8 days
Avg. Processing Time subtracting time for deficiencies	10.7 days	12.5 days	12.7 days	41.8 days	8.3 days	17.2 days

## QUARTERLY LICENSING STATISTICS

(7/1/2005 - 9/30/2005)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	561	1,062	270	390	28	2,311
Applications Approved	547	957	252	325	20	2,101
Avg. Processing Time	28.1 days	33.3 days	35.6 days	60.3 days	41.3 days	39.7 days
Avg. Processing Time subtracting time for deficiencies	9.4 days	13.8 days	18.4 days	44.9 days	8.8 days	19.1 days

## QUARTERLY LICENSING STATISTICS

(4/1/2005-6/30/2005)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	377	599	263	338	37	1,614
Applications Processed	346	460	301	298	33	1,438
Avg. Processing Time	47.5 days	42.1 days	51.1 days	63.8 days	64.8 days	53.9 days
Avg. Processing Time subtracting time for deficiencies	11.1 days	12.6 days	37 days	49.9 days	6.4 days	23.4 days

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# AGENDA ITEM XVII

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**State of California  
Board of Behavioral Sciences**

**Memorandum**

To: Board Members

Date: November 3, 2006

From: Paul Riches  
Executive Officer

Telephone: (916) 574-7840

**Subject: Agenda Item XVII. - Title Protection Concept for Dual Diagnosis Training**

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Background

In late 2005, the Department of Alcohol and Drug Programs (DADP) contacted the board regarding drug abuse counseling. Peter Manoleas and I had several meetings with Kathy Jett, Director of DADP. The initial discussions were exploratory regarding new drug counselor certification regulations adopted by DADP and drug abuse competency among the board's licensees.

These discussions identified the divide between mental health treatment and drug abuse treatment among practitioners in both areas. This divide is troubling given the frequency with which drug abuse and mental illness are present in the same individual. Therefore, we focused the discussion on what could be done to bridge this divide. All parties to the discussions recognized that any proposal developed in these discussions would be an initial concept that would require development with participation from stakeholders before moving forward. The proposal outlined below is the result of that work.

Title Protection

The proposal creates a protected title for certified drug abuse counselors, marriage and family therapists, and licensed clinical social workers, psychologists who complete unspecified additional didactic and experiential training. This training is entirely optional. The concept only creates a protected title and there would be no professional regulation based on the use of the title.

Each set of practitioners would be accountable to the entities providing existing licensing or certification. In addition the BBS would be authorized to issued citations against certified alcohol and drug counselors who used the title without completing the required training.

The requirements are different for drug abuse counselors and the board's licensees. Both sets of requirements include 12 semester units and 2080 hours of experiential learning to qualify. The requirements for drug abuse counselors would focus on providing knowledge and skills in recognizing/distinguishing signs of possible mental illness and how to make effective referrals for those patients. Likewise, the training for board licensees would focus on recognizing/distinguishing signs of drug addiction and how to make effective referrals for those patients. The requirements were consciously constructed to allow the use of coursework and experience obtained in the board's licensing processes to be counted toward the use of the title.

It is hoped that establishing a protected title would provide inducement for practitioners to do the additional work required by created a recognized, substantial professional credential.

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**Add Chapter 10.5 to the Business and Professionals Code, to read:**

**Chapter 10.5**

**Board Certified Addiction Specialist  
And  
Board Certified Mental Health Addiction Specialist**

**4560.** No person may represent himself or herself as a Board Certified Addiction Specialist (BCAS) unless they meet the following qualifications:

(1) A current certification by an organization authorized by the Department of Alcohol and Drug Programs to certify Alcohol and Other Drug (AOD) Counselors and must hold an AA degree in psychology, sociology, or related field.

(2) Completed 12 semester units or 18 quarter units of didactic instruction in the following:

- (A) Post-traumatic Stress Disorder (PTSD)
- (B) Counseling theory (Studies limited to providing a broad understanding of multiple counseling theories, principles, and their application, including such theories as client-centered, behaviorism, psychoanalytic, and gestalt)
- (C) Recognition and referral of patients with possible mental and emotional disorders (anxiety disorder, personality disorders, psychotic disorders)
- (D) Pharmacological resources in treatment of substance abuse disorders

(3) Completed 2,080 hours of supervised experiential learning in the following:

- (A) Supervised work experience in assessment, diagnosis and counseling as they relate to substance abuse and mental health issues.
- (B) Documented employment in a dual diagnosis program certified by the Department of Alcohol and Drug Programs or the Department of Mental Health.
- (C) 20 hours of continuing education shall be required for certification renewal in coursework related to mental and emotional disorders

**4561.** No person may represent himself or herself as a Board Certified Mental Health Addiction Specialist (BCMHAS) unless they meet the following qualifications:

(1) A current license as a marriage and family therapist, licensed clinical social worker, or psychologist

(2) Completed 12 semester units or 18 quarter units of didactic instruction in the following:

- (A) Post-traumatic Stress Disorder (PTSD)
- (B) The biological, social and psychological consequences of various types of substance abuse.
- (C) The range of addiction treatment/recovery approaches and the ability to select appropriate interventions based upon the available evidence
- (D) Critical examination of various evidence based treatment methods and substance abuse concepts in their applicability to diverse populations
- (E) The interplay of substance abuse and other mental health/therapeutic issues

- (F) The principles of motivational enhancement and relapse prevention
- (G) Legal and ethical considerations specific to the treatment of substance abusers.

Courses completed as part of the curriculum for a degree qualifying the individual for licensure as a marriage and family therapist, licensed clinical social worker or psychologist may be used to satisfy this requirement if course work covered those areas noted above in (A) – (G).

(3) Completed a total of 2,080 (one year) hours' pre and post licensure hours of experiential learning in any of the following categories:

- (A) Documented employment in a program that receives funding from the Department of Alcohol and Drug Programs.
- (B) Documented employment in a dual diagnosis program certified by the Department of Alcohol and Drug Programs or the Department of Mental Health.
- (C) Documented work experience in assessment, diagnosis and counseling relating to substance abuse under the supervision of a licensed mental health professional with experience in substance abuse treatment. On and after July 1, 2009 experience satisfying this requirement shall be documented by a Board Certified Mental Health Addiction Specialist.
- (D) Documented supervised experience in an addiction recovery program. No more than 1040 hours of personal experience can be used to satisfy this requirement.

Experience gained as part of the curriculum for a degree qualifying the individual for licensure as a marriage and family therapist, licensed clinical social worker or psychologist or experienced gained to satisfy the requirements for licensure may be used to satisfy this requirement if courses covered those areas noted in (A) – (D).

(4) The licensee shall complete 18 hours of continuing education in coursework related to substance abuse prevention and treatment in each license renewal cycle.

**4562.** (a) Any person not meeting the requirements of Section 4560 or Section 4561 that uses, in connection with his or her name or place of business, the words "Board Certified Addiction Specialist" or "Board Certified Mental Health Addiction Specialist", or any other words, letters, abbreviations, or insignia indicating or implying that the person is a Board Certified Addiction Specialist or Board Certified Mental Health Addiction Specialist, to represent, in any way, orally, in writing, in print or by sign, directly or by implication, that he or she is a Board Certified Addiction Specialist or a Board Certified Mental Health Addiction Specialist, is subject to enforcement action by either the Board of Behavioral Sciences, Board of Psychology, or the Department of Alcohol and Drug Programs.

(b) The Board of Behavioral Sciences or the Board of Psychology may issue cease and desist letters to their respective licensees and to unlicensed individuals who violate Sections 4560 or 4561.

(c) The Board of Behavioral Sciences or the Board of Psychology may issue a citation containing an order of abatement and a fine to their respective licensees, and to unlicensed persons, if the individual fails to comply with a cease and desist letter issued pursuant to subdivision (c) within 30 days. Citations issued under this section shall

comply with the requirements Sections 125.9 and 148 of the Business and Professions Code.

(d) A violation of Section 4561 by a person holding a license or registration issued by the Board of Behavioral Sciences or by the Board of Psychology shall be considered unprofessional conduct.

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