



BOARD OF BEHAVIORAL SCIENCES
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MEETING NOTICE

Policy and Advocacy Committee

January 3, 2007

Burbank Airport Marriott
2500 Hollywood Way
Burbank, CA 91505
(818) 843-6000

9:30 a.m. – 3:30 p.m.

- I. Introductions
- II. Review and Approval of the June 21, 2006 Budget and Efficiency Committee Meeting Minutes.
- III. Review and Approval of September 27, 2006 Committee Meeting Minutes.
- IV. Presentation by Lindle Hatton of Hatton Management Consultants Regarding Strategic Planning Process.
- V. Discussion and Possible Action on Increasing Portability of Licensure for Marriage and Family Therapists.
- VI. Discussion and Possible Action to Repeal Business and Professions Code Section 4980.40(i).
- VII. Presentation by Stephanie Clendenin of the Health Professions Education Foundation.
- VIII. Discussion of Fee Reduction Alternatives and Funding for Loan Repayment Program.
- IX. Discussion and Possible Action on Legislative Proposal for Licensure of Professional Counselors.
- X. Discussion and Possible Action to Revise Board Policy on Succession of Officers.
- XI. Update on Results from the Board's Demographic Survey.
- XII. Review of Progress on Strategic Plan Objectives.

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

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

- B. Objective 2.2 -- Reduce average application processing time by 33% by December 30, 2006.
- C. Objective 2.3 -- Increase staff training hours by 15% by June 30, 2010.
- D. Objective 2.4 -- Joint participation by executive staff and board members in 20 external events (non-board meeting) by June 30, 2010.

Goal #4

- A. Objective 4.1 -- Participate in 15 public policy forums throughout the State addressing access to mental health services by June 30, 2010.
- B. 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.
- C. Objective 4.3 -- Advocate for 5 laws that expand access to mental health services by June 30, 2010.

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

- A. Objective 5.1 -- Provide the ability to accept electronic payments by June 30, 2008.
- B. Objective 5.2 -- Process 70% of all renewal applications on-line by June 30, 2009.
- C. Objective 5.3 -- Process 33% of all new applications on-line by June 30, 2010.
- D. Objective 5.4 -- Provide the ability to check the status of all applications online by June 30, 2010.

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

- A. Objective 6.1 -- Increase licensing staff productivity 13% by June 30, 2010.
- B. Objective 6.2 -- Increase enforcement staff productivity in processing consumer complaints 29% by June 30, 2010.
- C. Objective 6.3 -- Increase examination staff productivity 15% by June 30, 2010.

XIII. Budget Update

XIV. Legislation Update

XV. Rulemaking Update

XVI. Future Meeting Dates

XVII. Suggestions for Future Agenda Items

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Items will be considered in the order listed. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

THIS AGENDA AS WELL AS BOARD MEETING MINUTES CAN BE FOUND ON THE BOARD OF BEHAVIORAL SCIENCES WEBSITE AT www.bbs.ca.gov

NOTICE: The meeting facilities are accessible to persons with disabilities. Please make requests for accommodations to the attention of Christina Kitamura at the Board of Behavioral Sciences, 1625 N. Market Boulevard, Suite S-200, Sacramento, CA 95834, or by phone at 916-574-7835, no later than one week prior to the meeting. If you have any questions please contact the Board at (916) 574-7830.

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Draft Meeting Minutes

Budget and Efficiency Committee June 21, 2006

9:30 a.m. to 11:30 p.m.

Department of Consumer Affairs
1625 North Market Blvd., Suite S-200
El Dorado Conference Room
Sacramento, CA 95834

Committee Members Present:

Victor Law, Chair
Donna DiGiorgio

Staff Present:

Paul Riches
Mona Maggio
Christy Berger
Christina Kitamura
Lorie Kiley

Meeting began at 9:31 a.m.
Roll called and quorum established

Item I. Introductions

Item II. Approval of January 27, 2006 Committee Meeting Minutes

The Committee approved the January 27, 2006 Meeting Minutes.

Item III. Approval of April 17, 2006 Committee Meeting Minutes

The Committee approved the April 17, 2006 Meeting Minutes as amended to note Mr. Law as Chair of the Committee.

Item IV. Strategic Plan Goals 2, 5 & 6 – Report on Progress

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

Mr. Riches provided a report to the committee regarding progress on strategic plan goal #2 as outlined in the meeting materials. In addition, Mr. Riches indicated that the staff is working on reducing the number of deficient applications. A staff study of common

deficiencies indicated significant problems with applicants complying with supervision requirements. Staff is reviewing forms and the Communications Committee is developing a chart to summarize the various supervision requirements for both Marriage and Family Therapist Interns and Associate Clinical Social Workers.

Goal 5: Utilize technology to improve and expand services.

Mr. Riches provided a report to the committee regarding progress on strategic plan goal #5 as outlined in the meeting materials. Mr. Riches provided an update on the status of the Department of Consumer Affairs iLicensing system budget request. The request has been included in the budget adopted by both houses of the Legislature and will be part of the 2006-07 Budget Act when it is adopted. The request includes approximately \$35,000 in additional funds appropriated to the Board for the 2006-07 fiscal year to pay the Board's share of the first year costs. It is expected that additional appropriations will be made in future years to cover the costs of implementation and operation of the iLicensing system. If fully implemented, the iLicensing system would satisfy most if not all of the objectives under goal #5.

Mr. Janlee Wong, representing the National Association of Social Workers, California Chapter, stated that it would be desirable if the new system could permit the electronic transmission of continuing education certificates from approved continuing education providers to the board.

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

Mr. Riches provided a report to the Committee regarding progress on strategic plan goal #6 as outlined in the meeting materials.

Item V. Report on Government Accounting Standards Board (GASB) Rule 45 Regarding Retiree Health Benefits

Mr. Riches provided an overview of the GASB Rule 45 that requires governmental agencies to begin accounting for post-employment benefits. For state employees the two primary post-employment benefits are a pension and retirement health benefits. The pension obligation is substantially pre-funded through contributions from both employees and the state during the course of employment. However, retirement health benefits are not subject to such a pre-funding arrangement and a preliminary estimate from the Legislative Analyst Office indicates that the state has an unfunded obligation of \$60-70 billion. The accounting rule does not take effect until next year for California.

Mr. Riches indicated that the magnitude of this obligation will attract substantial political attention and may create pressure to begin pre-funding some part of this obligation. It is unclear how this will affect special fund agencies such as the Board.

Ms. Mary Riemersma, representing the California Association of Marriage and Family Therapists, questioned if this obligation would be characterized as a liability.

Mr. Riches indicated that it would and that such accounting is performed by the Department of Consumer Affairs and the Controller's office. Accounting for this liability may cause the use of some or all of the \$6 million General Fund loan that is outstanding to address the liability allocated to the Board.

Mr. Law inquired regarding the nature of the retirement health benefit for state employees.

Mr. Riches indicated that state employees are eligible for early retirement at age 50 and generally receive 5% of their retirement health coverage for each year of service. Thus, an employee with 20 years of service receives full health coverage upon retirement. Mr. Wong inquired if this could affect fees in the future.

Mr. Riches indicated that this is unlikely to affect fees given the substantial balance in the Board fund and outstanding loans from that fund.

Item VI. Report and Possible Action on Granting Continuing Education Credits for Attending Board Meetings

Mr. Riches provided a brief outline of the committee materials discussing the provision of continuing education credits for attending board meetings. Mr. Riches indicated that this question was discussed in 2005 but the Board did not proceed with any action. Staff performed some research and after discussions with counsel found that providing continuing education credit would require a regulation change. Accordingly, it is unlikely that credits may be granted until sometime in 2007.

Mr. Law and Ms. DiGiorgio indicated support for the proposal.

Ms. Riemersma indicated support for the proposal and stated that it would encourage attendance at the board's meetings which are highly educational. However, Ms. Riemersma stated that the board would need legislation to grant authority to the board to issue continuing education credits.

Mr. Wong suggested that the board partner with a school or other state agency to issue the credits and avoid the problem.

The Committee recommended that the staff bring a proposal to the July board meeting for consideration.

Item VII. Report and Possible Action on Establishing Delinquency Fees for Continuing Education Providers

Mr. Riches provided an overview of the continuing education provider approval and renewal process. Providers are given a two-year approval that must be renewed prior to its expiration date. If the renewal is not received prior to the expiration date, the approval is cancelled and the provider must reapply for a new approval. Establishing a delinquency process will eliminate a significant number of the new provider applications received each year. Staff research indicated that nearly one-third of the new provider applications were from providers whose approvals had been canceled by failing to renew on time.

Mr. Law asked how much notice providers received for their renewals.

Ms. Kiley indicated that renewal notices were mailed 120 days in advance. Many of the problems result from staff changes at the agencies or agencies that move and do not update their address with the board.

Mr. Riches stated that we do find that the providers have offered courses with expired approvals. Most of these are discovered during continuing education audits of licensees.

Ms. Reimersma stated that the regulation should be clarified to emphasize that no courses can be provided with a delinquent approval. This is a severe burden to individuals who took the course in good faith and then are cited by the board.

Mr. Riches stated that individual licensees are not cited in this situation if they can complete a course to make up the units. This is not a situation where we want to punish the licensee and that the provider was typically unaware of the situation as well.

Mr. Wong proposed that providers should be required to notify attendees who took courses when the approval was expired.

Ms. Riemersma requested a clarification regarding the language for change of ownership.

Ms. Kiley indicated that provider approvals are not transferable. The language indicated by Ms. Riemersma is designed to require the payment of the delinquency fee rather than simply reapplying which has a lower fee associated with it. The delinquency process will reduce workload and allow providers to retain their provider numbers which is a priority for many providers.

Ms. DiGiorgio asked how much time is needed for a typical renewal.

Ms. Kiley indicated that it takes 4-6 weeks to renew an approval.

The committee recommended that the proposal with additions to clarify that courses may not be offered with a delinquent approval and requiring providers to notify attendees of any course provided with a delinquent or cancelled provider approval be adopted by the board.

Item VIII. Report and Possible Action on Revising Fee Statutes and Regulations.

Ms. Berger provided an overview of the fee proposal included in the meeting materials. The amendments are technical and designed to reduce confusion regarding different applications. Particular attention was paid to resolving confusion in provisions related to delinquent licenses.

Ms. Riemersma pointed out that proposed Section 4984.7(a)(8) fails to state that the inactive renewal fee is a "maximum" and is therefore inconsistent with Sections 4984.7(a)(7) and 4984.8.

The committee recommended that the proposal, including the changes suggested by Ms. Riemersma, be adopted by the board.

Item IX. Budget Update

Mr. Riches provided an overview of the budget as outlined in the meeting materials. Mr. Riches noted that the first round of contracting for exam administration services returned a price that was essentially the same as the prior contract which would eliminate one threat to future budgets. The contract is being re-bid at this time and we expect it to be completed in 2006.

Mr. Law asked about how the budget is regarding employee raises.

Mr. Riches indicated that the Governor and the unions had reached an agreement on a pay raise package. Typically budgets are augmented to pay the cost of raises in new

collective bargaining agreements so it presents no threat to the budget at this time. Even if the Board budget wasn't augmented for the pay raise, the costs could be absorbed.

Mr. Riches indicated that staff met with the Department of Consumer Affairs budget staff regarding the temporary fee reduction and increase to the loan repayment program. DCA staff indicated a strong resistance from the Department of Finance on temporary fee reductions and there are potential legal issues regarding a direct appropriation to the loan repayment program. Staff will continue to work with counsel to develop alternatives for the next committee meeting.

Item X. Suggestions for Future Agenda Topics

Meeting adjourned at 10:30 a.m.

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have been gained within the 6-year period prior to applying for MFT licensure in California. This change would preserve the requirement that experience be substantially equivalent to California requirements.

3. Current law allows out-of-state applicants to make up coursework or units in the MFT core curriculum as defined in 4980.40(a). The core MFT courses, including practicum units, should be required as part of any qualifying degree, but any other units should be permitted to be made up. A change that would permit that flexibility for out-of-state applicants is proposed for required units or coursework other than the core MFT curriculum.

4. Staff will work on a proposal for a method to consider documented practice experience while licensed in another state that will count in place of supervised experience requirements. This will be of help to those who are unable to document supervised experience. This proposal has not yet been developed, so has not been included in the attachments.

Attachment

Proposed Language

Related Statutes

**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE – MFT PORTABILITY**

§4980.80. RECIPROcity; EQUIVALENT REQUIREMENTS; PAYMENT OF FEES; FURTHER CONDITIONS

The board may issue a license to any person who, at the time of application, has held for at least two years a valid license issued by a board of marriage counselor examiners, marriage therapist examiners, or corresponding authority of any state, if the education and supervised experience requirements are substantially the equivalent of this chapter and the person successfully completes the board administered licensing examinations as specified by subdivision (g) of Section 4980.40 and pays the fees specified. Issuance of the license is further conditioned upon the person's completion of the following coursework or training:

~~(a) 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.~~

(a) Applicants who completed a two semester or three quarter unit course in law and professional ethics for marriage and family therapists that included areas of study as specified in Section 4980.41 as part of their qualifying degree shall complete an 18 hour course in California law and professional ethics that includes, but is not limited to, the following subjects:

(1) Advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, HIPAA, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to patients.

(b) Applicants who have not completed a two semester or three quarter unit course in law and professional ethics for marriage and family therapists that included areas of study as specified in Section 4980.41 as part of their qualifying degree shall complete a two semester or three quarter unit course in California law and professional ethics that includes, at minimum, the areas of study specified in Section 4980.41.

~~(b) (c) 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.~~

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

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

~~(e) (f) (1) Instruction in spousal or partner abuse assessment, detection, and intervention. This instruction may be taken either in fulfillment of other requirements for licensure or in a separate course.~~

(2) 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.

~~(f) (g) 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.~~

~~(g)~~ (h) 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.

~~(h)~~ (i) 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.

§4980.90. EXAMINATION; PERSONS WITH EDUCATION AND EXPERIENCE WHILE RESIDING OUTSIDE OF CALIFORNIA

(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. The Board shall consider hours of experience gained in the 6-year period prior to the issuance of the applicant's original MFT license in another state.

(b) Education gained 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.~~

(c) For purposes of this section, the board may, in its discretion, accept education as substantially equivalent when:

(1) The applicant has been granted a degree in a single integrated program primarily designed to train marriage and family therapists.

(2) The applicant's education meets the requirements of Sections 4980.37 and 4980.40.

(A) The degree title need not be identical to that required by subdivision (a) of Section 4980.40.

(B) If the applicant's degree does not contain the content required by Section 4980.37 or the overall 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:

(i) The applicant's degree contains the required number of practicum units and coursework required in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment as specified in Section 4980.40.

(ii) The applicant remediates his or her specific deficiency by completing the course content required by Section 4980.37 or units required by subdivision (a) of Section 4980.40.

(iii) The applicant's degree otherwise complies with this section.

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BOARD OF BEHAVIORAL SCIENCES
MFT Portability Proposal - Related Statute

§4980.37.

(a) In order to provide an integrated course of study and appropriate professional training, while allowing for innovation and individuality in the education of marriage and family therapists, a degree program which meets the educational qualifications for licensure shall include all of the following:

(1) Provide an integrated course of study that trains students generally in the diagnosis, assessment, prognosis, and treatment of mental disorders.

(2) Prepare students to be familiar with the broad range of matters that may arise within marriage and family relationships.

(3) Train students specifically in the application of marriage and family relationship counseling principles and methods.

(4) Encourage students to develop those personal qualities that are intimately related to the counseling situation such as integrity, sensitivity, flexibility, insight, compassion, and personal presence.

(5) Teach students a variety of effective psychotherapeutic techniques and modalities that may be utilized to improve, restore, or maintain healthy individual, couple, and family relationships.

(6) Permit an emphasis or specialization that may address any one or more of the unique and complex array of human problems, symptoms, and needs of Californians served by marriage and family therapists.

(7) Prepare students to be familiar with cross-cultural mores and values, including a familiarity with the wide range of racial and ethnic backgrounds common among California's population, including, but not limited to, Blacks, Hispanics, Asians, and Native Americans.

(b) Educational institutions are encouraged to design the practicum required by subdivision (b) of Section 4980.40 to include marriage and family therapy experience in low-income and multicultural mental health settings.

§4980.40.

To qualify for a license, an applicant shall have all the following qualifications:

(a) Applicants shall possess a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary and Vocational Education. 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 accreditation or approval. In order to qualify for licensure pursuant to this subdivision, a doctor's or master's degree program shall be a single, integrated program primarily designed to train marriage and family therapists and shall contain no less than 48 semester or 72 quarter units of instruction. The instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment.

The coursework shall include all of the following areas:

(1) The salient theories of a variety of psychotherapeutic orientations directly related to marriage and family therapy, and marital and family systems approaches to treatment.

(2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.

(3) Developmental issues and life events from infancy to old age and their effect upon individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, and geropsychology.

(4) A variety of approaches to the treatment of children. The board shall, by regulation, set forth the subjects of instruction required in this subdivision.

(b) (1) In addition to the 12 semester or 18 quarter units of coursework specified above, the doctor's or master's degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic techniques, assessment, diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage and family therapist.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(c) As an alternative to meeting the qualifications specified in subdivision (a), the board shall accept as equivalent degrees, those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(d) All applicants shall, in addition, complete the coursework or training specified in Section 4980.41.

(e) All applicants shall be at least 18 years of age.

(f) All applicants shall have at least two years experience that meet the requirements of Section 4980.43.

(g) The applicant shall pass a board administered written or oral examination or both types of examinations, except that an applicant who passed a written examination and who has not taken and passed an oral examination shall instead be required to take and pass a clinical vignette written examination.

(h) The applicant shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

(i) (1) An applicant applying for intern registration who, prior to December 31, 1987, met the qualifications for registration, but who failed to apply or qualify for intern registration may be granted an intern registration if the applicant meets all of the following criteria:

(A) The applicant possesses a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, counseling with an emphasis in marriage, family, and child counseling, or social work with an emphasis in clinical social work obtained from a school, college, or university currently conferring that degree that, at the time the degree was conferred, was accredited by the Western Association of Schools and Colleges, and where the degree conferred was, at the time it was conferred, specifically intended to satisfy the educational requirements for licensure by the Board of Behavioral Sciences.

(B) The applicant's degree and the course content of the instruction underlying that degree have been evaluated by the chief academic officer of a school, college, or university accredited by the Western Association of Schools and Colleges to determine the extent to which the applicant's degree program satisfies the current educational requirements for licensure, and the chief academic officer certifies to the board the amount and type of instruction needed to meet the current requirements.

(C) The applicant completes a plan of instruction that has been approved by the board at a school, college, or university accredited by the Western Association of Schools and Colleges that the chief academic officer of the educational institution has, pursuant to subparagraph (B), certified will meet the current educational requirements when considered in conjunction with the original degree.

(2) A person applying under this subdivision shall be considered a trainee, as that term is defined in Section 4980.03, once he or she is enrolled to complete the additional coursework necessary to meet the current educational requirements for licensure.

(j) An applicant for licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau of Private Postsecondary and Vocational Education. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and shall provide any other documentation the board deems necessary.

§4980.41

All applicants for licensure shall complete the following coursework or training in order to be eligible to sit for the licensing examinations as specified in subdivision (g) of Section 4980.40:

(a) A two semester or three quarter unit course in California law and professional ethics for marriage and family therapists, which shall include, but not be limited to, the following areas of study:

(1) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the profession's scope of practice.

(2) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including family law.

- (3) The current legal patterns and trends in the mental health profession.
- (4) The psychotherapist/patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.
- (5) A recognition and exploration of the relationship between a practitioner's sense of self and human values and his or her professional behavior and ethics.

This course may be considered as part of the 48 semester or 72 quarter unit requirements contained in Section 4980.40.

(b) 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.

(c) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.40.

(d) For persons who began graduate study on or after January 1, 1986, a master's or doctor's degree qualifying for licensure shall include specific instruction in alcoholism and other chemical substance dependency as specified by regulation. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement contained in Section 4980.40.

(e) For persons who began graduate study during the period commencing on January 1, 1995, and ending on December 31, 2003, a master's or doctor's degree qualifying for licensure shall include coursework in spousal or partner abuse assessment, detection, and intervention. For persons who began graduate study on or after January 1, 2004, a master's or doctor's degree qualifying for licensure shall include a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. Coursework required under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. The requirement for coursework shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.

(f) For persons who began graduate study on or after January 1, 2001, an applicant shall complete a minimum of a two semester or three quarter unit survey course in psychological testing. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it may be considered as part of the 48 semester or 72 quarter unit requirement of Section 4980.40.

(g) For persons who began graduate study on or after January 1, 2001, an applicant shall complete a minimum of a two semester or three quarter unit survey course in psychopharmacology. When coursework in a master's or doctor's degree program is acquired to satisfy this requirement, it may be considered as part of the 48 semester or 72 quarter unit requirement of Section 4980.40.

(h) The requirements added by subdivisions (f) and (g) are intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice, and are not intended in any way to expand or restrict the scope of licensure for marriage and family therapists.

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BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE
Business and Professions Code Sections 4980.38 and 4980.40

Amend § 4980.38 as follows:

(a) Each educational institution preparing applicants to qualify for licensure shall notify each of its students by means of its public documents or otherwise in writing that its degree program is designed to meet the requirements of Sections 4980.37 and 4980.40, and shall certify to the board that it has so notified its students.

(b) In addition to all of the other requirements for licensure, each applicant shall submit to the board a certification by the chief academic officer, or his or her designee, of the applicant's educational institution that the applicant has fulfilled the requirements enumerated in Sections 4980.37 and 4980.40, and subdivisions (d) and (e) of Section 4980.41.

~~(c) An applicant for an intern registration who has completed a program to update his or her degree in accordance with paragraph (1) of subdivision (i) of Section 4980.40 shall furnish to the board certification by the chief academic officer of a school, college, or university accredited by the Western Association of Schools and Colleges, or from a school, college, or university meeting accreditation standards comparable to those of the Western Association of Schools and Colleges, that the applicant has successfully completed all academic work necessary to comply with the current educational requirements for licensure as a marriage and family therapist.~~

Amend § 4980.40 as follows:

To qualify for a license, an applicant shall have all the following qualifications:

(a) Applicants shall possess a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary and Vocational Education. 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 accreditation or approval. In order to qualify for licensure pursuant to this subdivision, a doctor's or master's degree program shall be a single, integrated program primarily designed to train marriage and family therapists and shall contain no less than 48 semester or 72 quarter units of instruction. The instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment.

The coursework shall include all of the following areas:

(1) The salient theories of a variety of psychotherapeutic orientations directly related to marriage and family therapy, and marital and family systems approaches to treatment.

(2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.

(3) Developmental issues and life events from infancy to old age and their effect upon individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that

arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, and geropsychology.

(4) A variety of approaches to the treatment of children. The board shall, by regulation, set forth the subjects of instruction required in this subdivision.

(b) (1) In addition to the 12 semester or 18 quarter units of coursework specified above, the doctor's or master's degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic techniques, assessment, diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage and family therapist.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(c) As an alternative to meeting the qualifications specified in subdivision (a), the board shall accept as equivalent degrees, those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(d) All applicants shall, in addition, complete the coursework or training specified in Section 4980.41.

(e) All applicants shall be at least 18 years of age.

(f) All applicants shall have at least two years experience that meet the requirements of Section 4980.43.

(g) The applicant shall pass a board administered written or oral examination or both types of examinations, except that an applicant who passed a written examination and who has not taken and passed an oral examination shall instead be required to take and pass a clinical vignette written examination.

(h) The applicant shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480. The board shall not issue a registration or license to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

~~(i) (1) An applicant applying for intern registration who, prior to December 31, 1987, met the qualifications for registration, but who failed to apply or qualify for intern registration may be granted an intern registration if the applicant meets all of the following criteria:~~

~~(A) The applicant possesses a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, counseling with an emphasis in marriage, family, and child counseling, or social work with an emphasis in clinical social work obtained from a school, college, or university currently conferring that degree that, at the time the degree was conferred, was accredited by the Western Association of Schools and Colleges, and where the degree conferred was, at the time~~

~~it was conferred, specifically intended to satisfy the educational requirements for licensure by the Board of Behavioral Sciences.~~

~~(B) The applicant's degree and the course content of the instruction underlying that degree have been evaluated by the chief academic officer of a school, college, or university accredited by the Western Association of Schools and Colleges to determine the extent to which the applicant's degree program satisfies the current educational requirements for licensure, and the chief academic officer certifies to the board the amount and type of instruction needed to meet the current requirements.~~

~~(C) The applicant completes a plan of instruction that has been approved by the board at a school, college, or university accredited by the Western Association of Schools and Colleges that the chief academic officer of the educational institution has, pursuant to subparagraph (B), certified will meet the current educational requirements when considered in conjunction with the original degree.~~

~~(2) A person applying under this subdivision shall be considered a trainee, as that term is defined in Section 4980.03, once he or she is enrolled to complete the additional coursework necessary to meet the current educational requirements for licensure.~~

(j) An applicant for licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau of Private Postsecondary and Vocational Education. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and shall provide any other documentation the board deems necessary.

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**State of California
Board of Behavioral Sciences**

Memorandum

To: Board Members **Date:** December 18, 2006
From: Christy Berger **Telephone:** (916) 574-7847
Legislation Analyst
Subject: VII. Presentation by Stephanie Clendenin of the Health Professions Education Foundation

Background

The Licensed Mental Health Service Provider Education Program is a program run by the Health Professions Education Foundation, a nonprofit public benefit corporation established by the Office of Statewide Health Planning and Development. The mission of the Foundation is to increase the supply of health care providers who are willing to practice in underserved areas of California. The Foundation accomplishes its mission by awarding educational loan repayment grants to those who commit to practicing in rural and urban underserved areas.

The Board of Behavioral Sciences (as mandated by Assembly Bill 938 (Yee, Stats. 2004)) collects an additional \$10.00 from Licensed Clinical Social Workers and Marriage and Family Therapists upon license renewal. These funds are transferred to the Mental Health Practitioner Education Fund for purposes of funding Program grants. As of February 28, 2006 approximately \$525,000 was in the fund and approximately \$22,000 had been billed to fund to cover the administrative costs associated with the fund. No further updates regarding balances have been received.

History

In late 2005, Board staff made several unsuccessful attempts to contact the Foundation in an effort to find out the status of the Program, which had not yet been implemented. At its February 2006 meeting, the Board directed staff to draft a letter to the Foundation urging speedy implementation of the program. On February 17, 2006, Robin Boyer was appointed as the executive director of the Foundation (a position that had been vacant for an extended period). Ms. Boyer expressed her commitment to implementing this program as soon as possible, and due to her assurances the Board decided not to send the letter.

Board staff worked with the Foundation and the Board of Psychology to prepare the regulations required to implement the program. During this time staff realized that only licensees were currently eligible for educational loan repayment. Marriage and family therapist interns (MFT interns) and associate clinical social workers (ASW) were not eligible. The Board decided to sponsor legislation (AB1852 (Yee, Stats. 2006)) to define MFT interns and ASWs as eligible for the Program. This bill also made some technical cleanup to the language of the Program's statute. This bill was signed by the Governor and takes effect January 1, 2007.

Publication of the regulations was anticipated in mid-2006, and when this did not happen, staff contacted the Program and learned that Robin Boyer was no longer with the Foundation. Staff met with the new Interim Executive Director who agreed to make the regulations a priority, but staff has learned that a new Interim Executive Director, Stephanie Clendenin has been named. Ms. Clendenin forwarded some draft text for proposed regulations, which staff is currently reviewing. Ms. Clendenin will make a presentation to the Policy and Advocacy Committee at its January 2007 meeting.

Attachments

AB 938
AB 1852

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Assembly Bill No. 938

CHAPTER 437

An act to add Sections 2987.2, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions.

[Approved by Governor September 20, 2003. Filed with Secretary of State September 22, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 938, Yee. Mental health professions: educational loan reimbursement: funding.

Existing law requires the Office of Statewide Health Planning and Development to establish a nonprofit public benefit corporation known as the Health Professions Education Foundation to perform various duties with respect to implementing health professions scholarship and loan programs.

Existing law provides for the Registered Nurse Education Program within the foundation under which persons who agree in writing prior to graduation to serve in an eligible county health facility, an eligible state-operated health facility, or a health manpower shortage area are eligible for scholarship and loan repayment. Existing law establishes in the State Treasury the Registered Nurse Education Fund and provides for the appropriation of money in the fund annually in the Budget Act for purposes of the Registered Nurse Education Program.

This bill would similarly establish the Licensed Mental Health Service Provider Education Program. The bill would require the foundation to develop the program, as prescribed, to provide grants to licensed mental health service providers, as defined, who provide direct patient care in a publicly funded facility or a mental health professional shortage area, as defined.

Existing law provides for the licensure and regulation of psychologists by the Board of Psychology and marriage and family therapists and licensed clinical social workers by the Board of Behavioral Sciences. Existing law requires these regulatory boards to charge license renewal fees.

This bill would require these boards to charge these licensees, at the time of license renewal, an additional specified assessment fee. It would require the boards to transfer the fee amounts to the Controller for deposit in the Mental Health Practitioner Education Fund established



under the bill. Moneys in the fund would be available, upon appropriation by the Legislature, for expenditure by the office for the purposes of the Licensed Mental Health Provider Education Program.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) An adequate supply of licensed mental health service providers is critical to ensuring the health and well-being of the citizens of California, particularly those who live in multicultural, linguistically diverse, and medically underserved areas.

(b) The California Mental Health Planning Council has identified the shortage of human resources at all levels as one of the most urgent issues facing the mental health system. The shortage is most acute for child psychiatrists, licensed clinical social workers, and especially for multilingual and multicultural staff in all mental health occupations.

(c) In an effort to address the crisis facing the mental health system, the California Mental Health Planning Council developed the Human Resources Project that is directed by its Human Resources Committee. Beginning in 2001, the project convened focus groups targeting social workers from three of the most prevalent ethnic communities: Latino, Asian/Pacific Islander, and African-American. The focus groups were conducted in collaboration with the California Institute for Mental Health and funded by the State Department of Mental Health and the Zellerbach Family Fund.

(d) The Human Resources Project's September 2002 report entitled "Human Resources Pilot Ethnic Focus Group Project: Summary of Recommendations" found that financial barriers to practice was the primary reason cited by the participants. All participant groups indicated that they had encountered serious difficulty in meeting the expenses of graduate school while struggling with living and child care expenses. All groups advocated for additional forms of financial assistance, like the loan forgiveness programs currently available to doctors and nurses.

SEC. 2. Section 2987.2 is added to the Business and Professions Code, to read:

2987.2. In addition to the fees charged pursuant to Section 2987 for the biennial renewal of a license, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 3. Section 4984.75 is added to the Business and Professions Code, to read:



4984.75. In addition to the fees charged pursuant to Section 4984.7 for the biennial renewal of a license pursuant to Section 4984, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 4. Section 4996.65 is added to the Business and Professions Code, to read:

4996.65. In addition to the fees charged pursuant to Section 4996.6 for the biennial renewal of a license, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 5. Article 4 (commencing with Section 128454) is added to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, to read:

Article 4. Licensed Mental Health Service Provider Education Program

128454. (a) There is hereby created the Licensed Mental Health Service Provider Education Program within the Health Professions Education Foundation.

(b) For purposes of this article, the following definitions shall apply:

(1) "Licensed mental health service provider" means a psychologist, marriage and family therapist, and licensed clinical social worker.

(2) "Mental health professional shortage area" means an area designated as such by the Health Resources and Services Administration (HRSA) of the United States Department of Health and Human Services.

(c) Commencing January 1, 2005, any licensed mental health service provider who provides direct patient care in a publicly funded facility or a mental health professional shortage area may apply for grants under the program to reimburse his or her educational loans related to a career as a licensed mental health service provider.

(d) The Health Professions Education Foundation shall make recommendations to the director of the office concerning all of the following:

(1) A standard contractual agreement to be signed by the director and any licensed mental health service provider who is serving in a publicly funded facility or a mental health professional shortage area that would require the licensed mental health service provider who receives a grant under the program to work in the publicly funded facility or a mental health professional shortage area for at least one year.



(2) The maximum allowable total grant amount per individual licensed mental health service provider.

(3) The maximum allowable annual grant amount per individual licensed mental health service provider.

(e) The Health Professions Education Foundation shall develop the program, which shall comply with all of the following requirements:

(1) The total amount of grants under the program per individual licensed mental health service provider shall not exceed the amount of educational loans related to a career as a licensed mental health service provider incurred by that provider.

(2) The program shall keep the fees from the different licensed providers separate to ensure that all grants are funded by those fees collected from the corresponding licensed provider groups.

(3) A loan forgiveness grant may be provided in installments proportionate to the amount of the service obligation that has been completed.

(4) The number of persons who may be considered for the program shall be limited by the funds made available pursuant to Section 128458.

128456. In developing the program established pursuant to this article, the Health Professions Education Foundation shall solicit the advice of representatives of the Board of Behavioral Science Examiners, the Board of Psychology, the State Department of Mental Health, the California Mental Health Directors Association, the California Mental Health Planning Council, professional mental health care organizations, the California Healthcare Association, the Chancellor of the California Community Colleges, and the Chancellor of the California State University. The foundation shall solicit the advice of representatives who reflect the demographic, cultural, and linguistic diversity of the state.

128458. There is hereby established in the State Treasury the Mental Health Practitioner Education Fund. The moneys in the fund, upon appropriation by the Legislature, shall be available for expenditure by the Office of Statewide Health Planning and Development for purposes of this article.



Assembly Bill No. 1852

CHAPTER 557

An act to amend Sections 128454 and 128456 of the Health and Safety Code, relating to mental health.

[Approved by Governor September 28, 2006. Filed with
Secretary of State September 28, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1852, Yee. Licensed Mental Health Service Provider Education Program.

Existing law requires the Office of Statewide Health Planning and Development to establish a nonprofit public benefit corporation known as the Health Professions Education Foundation to perform various duties with respect to implementing health professions scholarship and loan programs.

Existing law establishes the Licensed Mental Health Service Provider Education Program, and requires the foundation to develop the program to provide grants to licensed mental health service providers, as defined, who provide direct patient care in a publicly funded facility or a mental health professional shortage area, as defined.

Existing law requires the foundation to solicit the advice of representatives of specified agencies and officials, including, but not limited to, the Board of Behavioral Sciences.

This bill would revise the definition of "licensed mental health care service provider" for this purpose to, among other things, additionally include a registered psychologist, postdoctoral psychological assistant, postdoctoral psychology trainee employed in an exempt setting or employed pursuant to a State Department of Mental Health waiver, marriage and family therapist intern, and an associate clinical social worker, and would make a technical, nonsubstantive change. The bill would also specify that "licensed mental health service provider" includes a mental health service provider who is employed at a publicly funded mental health facility or a public or nonprofit private mental health facility that contracts with a county mental health entity or facility to provide mental health services.

The people of the State of California do enact as follows:

SECTION 1. Section 128454 of the Health and Safety Code is amended to read:

128454. (a) There is hereby created the Licensed Mental Health Service Provider Education Program within the Health Professions Education Foundation.

(b) For purposes of this article, the following definitions shall apply:

(1) “Licensed mental health service provider” means a psychologist licensed by the Board of Psychology, registered psychologist, postdoctoral psychological assistant, postdoctoral psychology trainee employed in an exempt setting pursuant to Section 2910 of the Business and Professions Code, or employed pursuant to a State Department of Mental Health waiver pursuant to Section 5751.2 of the Welfare and Institutions Code, marriage and family therapist, marriage and family therapist intern, licensed clinical social worker, and associate clinical social worker.

(2) “Mental health professional shortage area” means an area designated as such by the Health Resources and Services Administration (HRSA) of the United States Department of Health and Human Services.

(c) Commencing January 1, 2005, any licensed mental health service provider, including a mental health service provider who is employed at a publicly funded mental health facility or a public or nonprofit private mental health facility that contracts with a county mental health entity or facility to provide mental health services, who provides direct patient care in a publicly funded facility or a mental health professional shortage area may apply for grants under the program to reimburse his or her educational loans related to a career as a licensed mental health service provider.

(d) The Health Professions Education Foundation shall make recommendations to the director of the office concerning all of the following:

(1) A standard contractual agreement to be signed by the director and any licensed mental health service provider who is serving in a publicly funded facility or a mental health professional shortage area that would require the licensed mental health service provider who receives a grant under the program to work in the publicly funded facility or a mental health professional shortage area for at least one year.

(2) The maximum allowable total grant amount per individual licensed mental health service provider.

(3) The maximum allowable annual grant amount per individual licensed mental health service provider.

(e) The Health Professions Education Foundation shall develop the program, which shall comply with all of the following requirements:

(1) The total amount of grants under the program per individual licensed mental health service provider shall not exceed the amount of educational loans related to a career as a licensed mental health service provider incurred by that provider.

(2) The program shall keep the fees from the different licensed providers separate to ensure that all grants are funded by those fees collected from the corresponding licensed provider groups.

(3) A loan forgiveness grant may be provided in installments proportionate to the amount of the service obligation that has been completed.

(4) The number of persons who may be considered for the program shall be limited by the funds made available pursuant to Section 128458.

SEC. 2. Section 128456 of the Health and Safety Code is amended to read:

128456. In developing the program established pursuant to this article, the Health Professions Education Foundation shall solicit the advice of representatives of the Board of Behavioral Sciences, the Board of Psychology, the State Department of Mental Health, the California Mental Health Directors Association, the California Mental Health Planning Council, professional mental health care organizations, the California Healthcare Association, the Chancellor of the California Community Colleges, and the Chancellor of the California State University. The foundation shall solicit the advice of representatives who reflect the demographic, cultural, and linguistic diversity of the state.

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State of California

M e m o r a n d u m

To: Policy and Advocacy Committee

Date: December 22, 2006

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: VIII. Fee Reductions

Background

The board is financed by fees charged to its applicants and licensees. The board is not supported by any general tax revenue. In the 2005-06 Fiscal Year the board collected revenues of approximately \$5.5 million and had expenditures of approximately \$4.3 million. The board had a reserve of approximately \$5.4 million at the end of the 2005-06 Fiscal Year which would fund board operations for slightly more than 13 months based on projected expenditures. In addition, the board's fund made a \$6 million loan to the state General Fund in the 2002-03 Fiscal Year which represents an additional 17 months of operating reserves. Business and Professions Code 128.5 (attached) requires boards to reduce fees when the reserve exceeds 2 years of expenditures. At present the board's reserve would have to exceed \$9.5 million to trigger this requirement. The General Fund loan is not accounted for in the fund condition analysis and accordingly the board is still well below the 24 month level specified in this statute. However, if current trends continue the board will reach the 24 month threshold in approximately four years.

Board fees are set by one of two mechanisms:

- Established at a particular level in statute [example: examination fees]
- Established in board regulations within a range set in statute [example: license renewal fees]

The board only has direct control over those fees which establish a range in statute. The most notable of these is the license renewal fee. Renewal fee ranges are established as follows:

License Type	Minimum	Maximum	Current
Marriage and Family Therapist	\$0	\$180	\$130
Licensed Clinical Social Worker	\$0	\$155	\$100
Licensed Educational Psychologist	\$0	\$150	\$80

Approximately 70% of the board's revenue is derived from renewal fees.

Staff presented a proposal at the May 2006 board meeting to temporarily reduce fees in concert with a comparable increase in the license renewal surcharge for the Licensed Mental Health Services Provider Education Program (program). The net effect of that proposal was to decrease board revenue by \$3.6 million over a two year period and redirect that revenue to the program. At the conclusion of that period, fees would revert to their prior levels and the license renewal surcharge that funds the program would revert to the \$10 current charged. However, preliminary discussions with the administration indicated that such temporary fee reductions

were not acceptable. Accordingly, staff revisited the issue and has developed an alternative proposal outlined below.

Proposal

In order to address the increasing fund balance, staff has developed some preliminary estimates regarding the magnitude and duration of a fee reduction program that would reduce the fund balance to an acceptable range (3-6 months operating reserve) without triggering repayment of the general fund loan. License renewal and license issuance fees would be reduced by \$40 across the board permanently.

These reductions would reduce revenue over a ten-year period by approximately \$10 million and leave the board with a 3.8 month reserve at the close of the 15-16 fiscal year. At that time the board would still have \$6 million (plus accumulated interest) available from the General Fund loan which is approximately 17 months of additional reserve under current spending trends. These estimates are based on 2% annual increase in workload (number of licenses issued or renewed) and expenditures which is in line with out budget history.

Any such reductions would have to be made in regulation by the board.

Given the timeframes required for passing a regulation (which is necessary to make the fee changes) and the administrative efforts required to implement a fee reduction, staff does not anticipate a fee reduction could occur until January 1, 2008.

Licensed Mental Health Services Provider Education Program

Staff suggests that during this period of fee reduction the surcharge assessed to license renewals be increased to entirely or partially offset the reduced licensing fees. This would provide significantly greater revenue to the program and enable it to support more future professionals. This would require a legislative change as the surcharge provision is in statute, not board regulations.

Recommendations

- That the committee recommend that the board direct staff to prepare a draft fee reduction regulation.
- The committee recommends that the board to sponsor legislation that would increase the license renewal surcharge by \$40.

Attachments

Text of AB 938

Text of Business and Professions Code Sections and Board Regulations Relating to Fees

Current and Projected Fund Condition Analyses

Proposed Fee Revenue Analysis

Attachment A

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Assembly Bill No. 938

CHAPTER 437

An act to add Sections 2987.2, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions.

[Approved by Governor September 20, 2003. Filed with Secretary of State September 22, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 938, Yee. Mental health professions: educational loan reimbursement: funding.

Existing law requires the Office of Statewide Health Planning and Development to establish a nonprofit public benefit corporation known as the Health Professions Education Foundation to perform various duties with respect to implementing health professions scholarship and loan programs.

Existing law provides for the Registered Nurse Education Program within the foundation under which persons who agree in writing prior to graduation to serve in an eligible county health facility, an eligible state-operated health facility, or a health manpower shortage area are eligible for scholarship and loan repayment. Existing law establishes in the State Treasury the Registered Nurse Education Fund and provides for the appropriation of money in the fund annually in the Budget Act for purposes of the Registered Nurse Education Program.

This bill would similarly establish the Licensed Mental Health Service Provider Education Program. The bill would require the foundation to develop the program, as prescribed, to provide grants to licensed mental health service providers, as defined, who provide direct patient care in a publicly funded facility or a mental health professional shortage area, as defined.

Existing law provides for the licensure and regulation of psychologists by the Board of Psychology and marriage and family therapists and licensed clinical social workers by the Board of Behavioral Sciences. Existing law requires these regulatory boards to charge license renewal fees.

This bill would require these boards to charge these licensees, at the time of license renewal, an additional specified assessment fee. It would require the boards to transfer the fee amounts to the Controller for deposit in the Mental Health Practitioner Education Fund established



under the bill. Moneys in the fund would be available, upon appropriation by the Legislature, for expenditure by the office for the purposes of the Licensed Mental Health Provider Education Program.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) An adequate supply of licensed mental health service providers is critical to ensuring the health and well-being of the citizens of California, particularly those who live in multicultural, linguistically diverse, and medically underserved areas.

(b) The California Mental Health Planning Council has identified the shortage of human resources at all levels as one of the most urgent issues facing the mental health system. The shortage is most acute for child psychiatrists, licensed clinical social workers, and especially for multilingual and multicultural staff in all mental health occupations.

(c) In an effort to address the crisis facing the mental health system, the California Mental Health Planning Council developed the Human Resources Project that is directed by its Human Resources Committee. Beginning in 2001, the project convened focus groups targeting social workers from three of the most prevalent ethnic communities: Latino, Asian/Pacific Islander, and African-American. The focus groups were conducted in collaboration with the California Institute for Mental Health and funded by the State Department of Mental Health and the Zellerbach Family Fund.

(d) The Human Resources Project's September 2002 report entitled "Human Resources Pilot Ethnic Focus Group Project: Summary of Recommendations" found that financial barriers to practice was the primary reason cited by the participants. All participant groups indicated that they had encountered serious difficulty in meeting the expenses of graduate school while struggling with living and child care expenses. All groups advocated for additional forms of financial assistance, like the loan forgiveness programs currently available to doctors and nurses.

SEC. 2. Section 2987.2 is added to the Business and Professions Code, to read:

2987.2. In addition to the fees charged pursuant to Section 2987 for the biennial renewal of a license, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 3. Section 4984.75 is added to the Business and Professions Code, to read:



4984.75. In addition to the fees charged pursuant to Section 4984.7 for the biennial renewal of a license pursuant to Section 4984, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 4. Section 4996.65 is added to the Business and Professions Code, to read:

4996.65. In addition to the fees charged pursuant to Section 4996.6 for the biennial renewal of a license, the board shall collect an additional fee of ten dollars (\$10) at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 5. Article 4 (commencing with Section 128454) is added to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, to read:

Article 4. Licensed Mental Health Service Provider Education Program

128454. (a) There is hereby created the Licensed Mental Health Service Provider Education Program within the Health Professions Education Foundation.

(b) For purposes of this article, the following definitions shall apply:

(1) "Licensed mental health service provider" means a psychologist, marriage and family therapist, and licensed clinical social worker.

(2) "Mental health professional shortage area" means an area designated as such by the Health Resources and Services Administration (HRSA) of the United States Department of Health and Human Services.

(c) Commencing January 1, 2005, any licensed mental health service provider who provides direct patient care in a publicly funded facility or a mental health professional shortage area may apply for grants under the program to reimburse his or her educational loans related to a career as a licensed mental health service provider.

(d) The Health Professions Education Foundation shall make recommendations to the director of the office concerning all of the following:

(1) A standard contractual agreement to be signed by the director and any licensed mental health service provider who is serving in a publicly funded facility or a mental health professional shortage area that would require the licensed mental health service provider who receives a grant under the program to work in the publicly funded facility or a mental health professional shortage area for at least one year.



(2) The maximum allowable total grant amount per individual licensed mental health service provider.

(3) The maximum allowable annual grant amount per individual licensed mental health service provider.

(e) The Health Professions Education Foundation shall develop the program, which shall comply with all of the following requirements:

(1) The total amount of grants under the program per individual licensed mental health service provider shall not exceed the amount of educational loans related to a career as a licensed mental health service provider incurred by that provider.

(2) The program shall keep the fees from the different licensed providers separate to ensure that all grants are funded by those fees collected from the corresponding licensed provider groups.

(3) A loan forgiveness grant may be provided in installments proportionate to the amount of the service obligation that has been completed.

(4) The number of persons who may be considered for the program shall be limited by the funds made available pursuant to Section 128458.

128456. In developing the program established pursuant to this article, the Health Professions Education Foundation shall solicit the advice of representatives of the Board of Behavioral Science Examiners, the Board of Psychology, the State Department of Mental Health, the California Mental Health Directors Association, the California Mental Health Planning Council, professional mental health care organizations, the California Healthcare Association, the Chancellor of the California Community Colleges, and the Chancellor of the California State University. The foundation shall solicit the advice of representatives who reflect the demographic, cultural, and linguistic diversity of the state.

128458. There is hereby established in the State Treasury the Mental Health Practitioner Education Fund. The moneys in the fund, upon appropriation by the Legislature, shall be available for expenditure by the Office of Statewide Health Planning and Development for purposes of this article.



Attachment B

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Statutes and Regulations Relating to BBS Fees

Business and Professions Code

128.5. (a) Notwithstanding any other provision of law, if at the end of any fiscal year, an agency within the Department of Consumer Affairs, except the agencies referred to in subdivision (b), has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

(b) Notwithstanding any other provision of law, if at the end of any fiscal year, the California Architects Board, the Board of Behavioral Science Examiners, the Veterinary Medical Board, the Court Reporters Board of California, the Medical Board of California, the Board of Vocational Nursing and Psychiatric Technicians, or the Bureau of Security and Investigative Services has unencumbered funds in an amount that equals or is more than the agency's operating budget for the next two fiscal years, the agency shall reduce license or other fees, whether the license or other fees be fixed by statute or may be determined by the agency within limits fixed by statute, during the following fiscal year in an amount that will reduce any surplus funds of the agency to an amount less than the agency's operating budget for the next two fiscal years.

205. (a) There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

- (1) Accountancy Fund.
- (2) California Board of Architectural Examiners' Fund.
- (3) Athletic Commission Fund.
- (4) Barbering and Cosmetology Contingent Fund.
- (5) Cemetery Fund.
- (6) Contractors' License Fund.
- (7) State Dentistry Fund.
- (8) State Funeral Directors and Embalmers Fund.
- (9) Guide Dogs for the Blind Fund.
- (10) Bureau of Home Furnishings and Thermal Insulation Fund.
- (11) California Board of Architectural Examiners-Landscape Architects Fund.
- (12) Contingent Fund of the Medical Board of California.
- (13) Optometry Fund.
- (14) Pharmacy Board Contingent Fund.
- (15) Physical Therapy Fund.
- (16) Private Investigator Fund.
- (17) Professional Engineers' and Land Surveyors' Fund.
- (18) Consumer Affairs Fund.
- (19) Behavioral Sciences Fund.**
- (20) Licensed Midwifery Fund.
- (21) Court Reporters' Fund.
- (22) Structural Pest Control Fund.
- (23) Veterinary Medical Board Contingent Fund.
- (24) Vocational Nurses Account of the Vocational Nursing and Psychiatric Technicians Fund.
- (25) State Dental Auxiliary Fund.
- (26) Electronic and Appliance Repair Fund.
- (27) Geology and Geophysics Fund.
- (28) Dispensing Opticians Fund.
- (29) Acupuncture Fund.
- (30) Hearing Aid Dispensers Fund.
- (31) Physician Assistant Fund.

- (32) Board of Podiatric Medicine Fund.
- (33) Psychology Fund.
- (34) Respiratory Care Fund.
- (35) Speech-Language Pathology and Audiology Fund.
- (36) Board of Registered Nursing Fund.
- (37) Psychiatric Technician Examiners Account of the Vocational Nursing and Psychiatric Technicians Fund.
- (38) Animal Health Technician Examining Committee Fund.
- (39) Structural Pest Control Education and Enforcement Fund.
- (40) Structural Pest Control Research Fund.

(b) For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each account or fund shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

Title 16, California Code of Regulations

§1816. RENEWAL FEES

(a) The biennial renewal fee for a marriage and family therapist is one hundred fifty dollars (\$150.00). For those persons whose license expires on or after July 1, 1998, the biennial renewal fee shall be one hundred thirty dollars (\$130.00) except for the period of time in subsection (h).

(b) The biennial renewal fee for a licensed clinical social worker is one hundred fifty dollars (\$150.00). For those persons whose license expires on or after July 1, 1998, the biennial renewal fee shall be one hundred dollars (\$100.00) except for the period of time in subsection (i).

(c) The biennial renewal fee for a licensed educational psychologist is eighty dollars (\$80.00) for each person whose license expires on or after July 1, 1998 except for the period of time in subsection (j).

(d) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).

(e) The annual renewal fee for intern registration is seventy-five dollars (\$75.00).

(f) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).

(g) The fee for associate clinical social worker extension is fifty dollars (\$50.00).

(h) For the period of January 1, 2001 through December 31, 2002, the biennial renewal fee for a marriage and family therapist is twenty-five dollars (\$25.00).

(i) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed clinical social worker is twenty-five dollars (\$25.00).

(j) For the period of January 1, 2001 through December 31, 2002, The biennial renewal fee for a licensed educational psychologist is twenty-five dollars (\$25.00).

§1816.1. INITIAL LICENSE AND REGISTRATION FEES

(a) On or after July 1, 1998, the fee for issuance of the initial marriage and family therapist license shall be one hundred thirty dollars (\$130.00).

(b) On or after July 1, 1998, the fee for issuance of the initial clinical social worker license shall be one hundred dollars (\$100.00).

(c) On or after July 1, 1998, the fee for issuance of the initial educational psychologist license shall be eighty dollars (\$80.00).

(d) The fee for issuance of the initial intern registration shall be seventy-five dollars (\$75.00).

(e) The fee for issuance of the initial associate clinical social worker registration shall be seventy-five dollars (\$75.00).

§1816.2. WRITTEN EXAMINATION AND RE-EXAMINATION FEES

(a) The examination and re-examination fee for the standard written examination of the licensed clinical social worker shall be one hundred dollars (\$100.00).

(b) The examination and re-examination fee for the written clinical vignette examination of the licensed clinical social worker shall be one hundred dollars (\$100.00).

(c) The examination and re-examination fee for the standard written examination of the marriage and family therapist shall be one hundred dollars (\$100.00).

(d) The examination and re-examination fee for the written clinical vignette examination of the marriage and family therapist shall be one hundred dollars (\$100.00).

(e) The examination and re-examination fee for the written examination of the licensed educational psychologist shall be one hundred dollars (\$100.00).

§1816.3. EXAMINATION RESCORING FEES

The fee for rescoring any marriage and family therapist, licensed clinical social worker, or licensed educational psychologist written examination shall be twenty dollars (\$20.00).

§1816.4. EXAMINATION APPLICATION FEES

(a) The examination application fee for the marriage and family therapist shall be one hundred dollars (\$100.00).

(b) The examination application fee for the licensed clinical social worker shall be one hundred dollars (\$100.00).

(c) The examination application fee for the licensed educational psychologist shall be one hundred dollars (\$100.00).

§1816.5. REPLACEMENT AND CERTIFICATION FEES

(a) The fee for issuance of any replacement registration, license, or certificate shall be twenty dollars (\$20.00).

(b) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25.00).

§1816.6. INACTIVE LICENSE FEES

(a) The fee for issuance of the inactive marriage and family therapist license shall be sixty-five dollars (\$65.00) except for the period of time in subsection (d).

(b) The fee for issuance of the inactive licensed clinical social worker license shall be fifty dollars (\$50.00) except for the period of time in subsection (e).

(c) The fee for issuance of the inactive licensed educational psychologist license shall be forty dollars (\$40.00) except for the period of time in subsection (f).

(d) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive marriage and family therapist license shall be twelve dollars and fifty cents (\$12.50).

(e) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive licensed clinical social worker license shall be twelve dollars and fifty cents (\$12.50).

(f) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive licensed educational psychologist license shall be twelve dollars and fifty cents (\$12.50).

§1816.7. DELINQUENT LICENSE FEES

(a) The delinquency fee for the marriage and family therapist license shall be sixty-five dollars (\$65.00) except for the period of time in subsection (d).

(b) The delinquency fee for the licensed clinical social worker license shall be fifty dollars (\$50.00) except for the period of time in subsection (e).

(c) The delinquency fee for the licensed educational psychologist license shall be forty dollars (\$40.00) except for the period of time in subsection (f).

(d) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the marriage and family therapist license shall be twenty-five dollars (\$25.00).

(e) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed clinical social worker license shall be twenty-five dollars (\$25.00).

(f) For the period of January 1, 2001 through December 31, 2002, the delinquency fee for the licensed educational psychologist license shall be twenty-five dollars (\$25.00).

§1819.1. CONTINUING EDUCATION PROVIDER FEES

The application fee for board approval as a continuing education provider is two hundred dollars (\$200.00). This fee also covers the issuance of the initial two-year continuing education provider approval.

**BOARD OF BEHAVIORAL SCIENCES
ANALYSIS OF PROPOSED FEE DECREASE**

at CURRENT fee level

	FEES	Actual	Estimated Workload									
		2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
<u>MFT</u>												
Initial License - MFT	\$130.00	908	926	945	964	983	1,003	1,023	1,043	1,064	1,085	1,107
Biennial Renewal	\$130.00	10,386	10,594	10,806	11,022	11,242	11,467	11,696	11,930	12,169	12,412	12,660
Inactive Renewal	\$65.00	2,302	2,348	2,395	2,443	2,492	2,542	2,592	2,644	2,697	2,751	2,806
<u>LCSW</u>												
Initial License - LCS	\$100.00	507	517	527	538	549	560	571	582	594	606	618
Biennial Renewal	\$100.00	6,255	6,380	6,508	6,638	6,771	6,906	7,044	7,185	7,329	7,475	7,625
Inactive Renewal	\$50.00	1,218	1,242	1,267	1,293	1,318	1,345	1,372	1,399	1,427	1,456	1,485
<u>LEP</u>												
Initial License - LEP	\$80.00	51	52	53	54	55	56	57	59	60	61	62
Biennial Renewal	\$80.00	749	764	779	795	811	827	843	860	878	895	913
Inactive Renewal	\$40.00	118	120	123	125	128	130	133	136	138	141	144

Note: Assumes a 2% increase in Workload.

at CURRENT fees

	FEES	Actual	Estimated Revenue									
		2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
<u>MFT</u>												
Initial License - MFT		\$ 118,040	\$ 120,401	\$ 122,809	\$ 125,265	\$ 127,770	\$ 130,326	\$ 132,932	\$ 135,591	\$ 138,303	\$ 141,069	\$ 143,890
Biennial Renewal		\$ 1,350,180	\$ 1,377,184	\$ 1,404,727	\$ 1,432,822	\$ 1,461,478	\$ 1,490,708	\$ 1,520,522	\$ 1,550,932	\$ 1,581,951	\$ 1,613,590	\$ 1,645,862
Inactive Renewal		\$ 149,630	\$ 152,623	\$ 155,675	\$ 158,789	\$ 161,964	\$ 165,204	\$ 168,508	\$ 171,878	\$ 175,315	\$ 178,822	\$ 182,398
<u>LCSW</u>												
Initial License - LCS		\$ 50,700	\$ 51,714	\$ 52,748	\$ 53,803	\$ 54,879	\$ 55,977	\$ 57,096	\$ 58,238	\$ 59,403	\$ 60,591	\$ 61,803
Biennial Renewal		\$ 625,500	\$ 638,010	\$ 650,770	\$ 663,786	\$ 677,061	\$ 690,603	\$ 704,415	\$ 718,503	\$ 732,873	\$ 747,530	\$ 762,481
Inactive Renewal		\$ 60,900	\$ 62,118	\$ 63,360	\$ 64,628	\$ 65,920	\$ 67,239	\$ 68,583	\$ 69,955	\$ 71,354	\$ 72,781	\$ 74,237
<u>LEP</u>												
Initial License - LEP		\$ 4,080	\$ 4,162	\$ 4,245	\$ 4,330	\$ 4,416	\$ 4,505	\$ 4,595	\$ 4,687	\$ 4,780	\$ 4,876	\$ 4,973
Biennial Renewal		\$ 59,920	\$ 61,118	\$ 62,341	\$ 63,588	\$ 64,859	\$ 66,157	\$ 67,480	\$ 68,829	\$ 70,206	\$ 71,610	\$ 73,042
Inactive Renewal		\$ 4,720	\$ 4,814	\$ 4,911	\$ 5,009	\$ 5,109	\$ 5,211	\$ 5,315	\$ 5,422	\$ 5,530	\$ 5,641	\$ 5,754
REVENUE		\$ 2,423,670	\$ 2,472,143	\$ 2,521,586	\$ 2,572,018	\$ 2,623,458	\$ 2,675,928	\$ 2,729,446	\$ 2,784,035	\$ 2,839,716	\$ 2,896,510	\$ 2,954,440

Fee Reduction - 10-years		Actual	Estimated Workload									
REVENUE CATEGORIES	FEES	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
<u>MFT</u>												
Initial License - MFT	\$90.00	908	926	945	964	983	1,003	1,023	1,043	1,064	1,085	1,107
Biennial Renewal	\$90.00	10,386	10,594	10,806	11,022	11,242	11,467	11,696	11,930	12,169	12,412	12,660
Inactive Renewal	\$25.00	2,302	2,348	2,395	2,443	2,492	2,542	2,592	2,644	2,697	2,751	2,806
<u>LCSW</u>												
Initial License - LCS	\$60.00	507	517	527	538	549	560	571	582	594	606	618
Biennial Renewal	\$60.00	6,255	6,380	6,508	6,638	6,771	6,906	7,044	7,185	7,329	7,475	7,625
Inactive Renewal	\$10.00	1,218	1,242	1,267	1,293	1,318	1,345	1,372	1,399	1,427	1,456	1,485
<u>LEP</u>												
Initial License - LEP	\$40.00	51	52	53	54	55	56	57	59	60	61	62
Biennial Renewal	\$40.00	749	764	779	795	811	827	843	860	878	895	913
Inactive Renewal	\$0.00	118	120	123	125	128	130	133	136	138	141	144

Note: Assumes a 2% increase in Workload.

Fee Reduction - 10 years		Actual	Estimated Revenue									
REVENUE CATEGORIES		2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
<u>MFT</u>												
Initial License - MFT			\$83,354	\$85,021	\$86,722	\$88,456	\$90,225	\$92,030	\$93,871	\$95,748	\$97,663	\$99,616
Biennial Renewal			\$953,435	\$972,503	\$991,954	\$1,011,793	\$1,032,028	\$1,052,669	\$1,073,722	\$1,095,197	\$1,117,101	\$1,139,443
Inactive Renewal			\$58,701	\$59,875	\$61,073	\$62,294	\$63,540	\$64,811	\$66,107	\$67,429	\$68,778	\$70,153
<u>LCSW</u>												
Initial License - LCS		\$	31,028	\$ 31,649	\$ 32,282	\$ 32,928	\$ 33,586	\$ 34,258	\$ 34,943	\$ 35,642	\$ 36,355	\$ 37,082
Biennial Renewal		\$	382,806	\$ 390,462	\$ 398,271	\$ 406,237	\$ 414,362	\$ 422,649	\$ 431,102	\$ 439,724	\$ 448,518	\$ 457,489
Inactive Renewal		\$	12,424	\$ 12,672	\$ 12,926	\$ 13,184	\$ 13,448	\$ 13,717	\$ 13,991	\$ 14,271	\$ 14,556	\$ 14,847
<u>LEP</u>												
Initial License - LEP		\$	2,081	\$ 2,122	\$ 2,165	\$ 2,208	\$ 2,252	\$ 2,297	\$ 2,343	\$ 2,390	\$ 2,438	\$ 2,487
Biennial Renewal		\$	30,559	\$ 31,170	\$ 31,794	\$ 32,430	\$ 33,078	\$ 33,740	\$ 34,415	\$ 35,103	\$ 35,805	\$ 36,521
Inactive Renewal		\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUE		\$0	\$1,554,388	\$1,585,476	\$1,617,185	\$1,649,529	\$1,682,520	\$1,716,170	\$1,750,494	\$1,785,503	\$1,821,214	\$1,857,638
Estimated Annual Revenue Decrease		\$	917,755	\$ 936,110	\$ 954,833	\$ 973,929	\$ 993,408	\$ 1,013,276	\$ 1,033,541	\$ 1,054,212	\$ 1,075,296	\$ 1,096,802

BOARD OF BEHAVIORAL SCIENCE

Analysis of Fund Condition (10- Year Gradual Fee Reduction)

	Actual 2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
BEGIN. RESERVE, JULY 1	3,008,000	4,090,000	5,368,000	5,084,965	4,784,748	4,470,489	4,141,745	3,798,064	3,438,979	3,064,010	2,672,668	2,264,446
PRIOR YEAR ADJUSTMENTS	184,000	47,000										
TOTAL ADJUSTED RESERVES	3,192,000	4,137,000	5,368,000	5,084,965	4,784,748	4,470,489	4,141,745	3,798,064	3,438,979	3,064,010	2,672,668	2,264,446
REVENUE												
Fees	4,984,000	5,286,000	5,391,720	5,499,554	5,609,545	5,721,736	5,836,171	5,952,895	6,071,952	6,193,391	6,317,259	6,443,605
Proposed Fee Reduction			-917,755	-936,110	-954,833	-973,929	-993,408	-1,013,276	-1,033,541	-1,054,212	-1,075,296	-1,096,802
Interest	92,000	205,000	111,000	101,699	95,695	89,410	82,835	75,961	68,780	61,280	53,453	45,289
Transfers-In (TEALE)	6,000											
TOTAL REV. AND TRANSFERS	5,082,000	5,491,000	4,584,965	4,665,143	4,750,408	4,837,217	4,925,598	5,015,580	5,107,191	5,200,459	5,295,416	5,392,091
TOTAL RESOURCES	8,274,000	9,628,000	9,952,965	9,750,108	9,535,156	9,307,706	9,067,344	8,813,644	8,546,169	8,264,470	7,968,084	7,656,537
EXPENDITURES												
Program Expenditures	4,184,000	4,260,000	4,868,000	4,965,360	5,064,667	5,165,961	5,269,280	5,374,665	5,482,159	5,591,802	5,703,638	5,817,711
Equity Claims (State Operations)	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES	4,184,000	4,260,000	4,868,000	4,965,360	5,064,667	5,165,961	5,269,280	5,374,665	5,482,159	5,591,802	5,703,638	5,817,711
RESERVE, JUNE 30	4,090,000	5,368,000	5,084,965	4,784,748	4,470,489	4,141,745	3,798,064	3,438,979	3,064,010	2,672,668	2,264,446	1,838,827
MONTHS IN RESERVE	11.5	13.2	12.3	11.3	10.4	9.4	8.5	7.5	6.6	5.6	4.7	3.8

NOTES:

A. WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED (2%)

B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING 06/07

**BOARD OF BEHAVIORAL SCIENCES
ANALYSIS OF REVENUE FROM SURCHARGE**

Actual Revenue from \$10 Surcharge To Date		Estimate		
REVENUE CATEGORIES	FEES	Actual Revenue 2003/04	Actual Revenue 2004/05	Actual Revenue 2005/06
<u>MFT</u>				
Biennial Renewal	\$10.00	\$58,690	\$132,450	
<u>LCSW</u>				
Biennial Renewal	\$10.00	\$35,770	\$75,780	
Total Collected		\$94,460	\$208,230	\$210,000

Estimated Future Workload on Renewals		Estimated Workload									
REVENUE CATEGORIES		2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
<u>MFT</u>											
Biennial Renewal		10,594	10,806	11,022	11,242	11,467	11,697	11,931	12,169	12,413	12,661
Inactive Renewal		2,348	2,395	2,443	2,492	2,542	2,592	2,644	2,697	2,751	2,806
<u>LCSW</u>											
Biennial Renewal		6,380	6,508	6,638	6,771	6,906	7,044	7,185	7,329	7,475	7,625
Inactive Renewal		1,242	1,267	1,292	1,318	1,344	1,371	1,399	1,427	1,455	1,484
<u>LEP</u>											
Biennial Renewal		749	764	779	795	811	827	843	860	878	895
Inactive Renewal		118	120	123	125	128	130	133	136	138	141

Note: Assumes a 2% increase in Workload.

Estimated Future Revenue on \$10 Surcharge

REVENUE CATEGORIES	FEES	Estimated Revenue									
		2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
<u>MFT</u>											
Biennial Renewal	\$10.00	\$ 105,940	\$108,059	\$ 110,220	\$ 112,424	\$ 114,673	\$ 116,966	\$ 119,306	\$ 121,692	\$ 124,126	\$ 126,608
Inactive Renewal	\$10.00	\$ 23,480	\$ 23,950	\$ 24,429	\$ 24,917	\$ 25,416	\$ 25,924	\$ 26,442	\$ 26,971	\$ 27,511	\$ 28,061
<u>LCSW</u>											
Biennial Renewal	\$10.00	\$ 63,800	\$ 65,076	\$ 66,378	\$ 67,705	\$ 69,059	\$ 70,440	\$ 71,849	\$ 73,286	\$ 74,752	\$ 76,247
Inactive Renewal	\$10.00	\$ 12,420	\$ 12,668	\$ 12,922	\$ 13,180	\$ 13,444	\$ 13,713	\$ 13,987	\$ 14,267	\$ 14,552	\$ 14,843
REVENUE		\$205,640	\$209,753	\$213,948	\$218,227	\$222,591	\$227,043	\$231,584	\$236,216	\$240,940	\$245,759

Estimated Future Revenue on Fee Reduction

REVENUE CATEGORIES	FEES	Estimated Revenue									
		2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
<u>MFT</u>											
Biennial Renewal	\$40.00	\$ 423,760	\$ 432,235	\$ 440,880	\$ 449,698	\$ 458,691	\$ 467,865	\$ 477,223	\$ 486,767	\$ 496,502	\$ 506,432
Inactive Renewal	\$40.00	\$ 93,920	\$ 95,798	\$ 97,714	\$ 99,669	\$ 101,662	\$ 103,695	\$ 105,769	\$ 107,885	\$ 110,042	\$ 112,243
<u>LCSW</u>											
Biennial Renewal	\$40.00	\$ 255,200	\$ 260,304	\$ 265,510	\$ 270,820	\$ 276,237	\$ 281,761	\$ 287,397	\$ 293,145	\$ 299,007	\$ 304,988
Inactive Renewal	\$40.00	\$ 49,680	\$ 50,674	\$ 51,687	\$ 52,721	\$ 53,775	\$ 54,851	\$ 55,948	\$ 57,067	\$ 58,208	\$ 59,372
<u>LEP</u>											
Biennial Renewal	\$40.00	\$ 29,960	\$ 30,559	\$ 31,170	\$ 31,794	\$ 32,430	\$ 33,078	\$ 33,740	\$ 34,415	\$ 35,103	\$ 35,805
Inactive Renewal	\$40.00	\$ 4,720	\$ 4,814	\$ 4,911	\$ 5,009	\$ 5,109	\$ 5,211	\$ 5,315	\$ 5,422	\$ 5,530	\$ 5,641
REVENUE		\$857,240	\$874,385	\$891,872	\$909,710	\$927,904	\$946,462	\$965,391	\$984,699	\$1,004,393	\$1,024,481

Estimated Surcharge Revenue

Revenue Generated (to-date) from \$10 Surcharge \$512,690
 Projected Future Revenue from \$10 Surcharge \$2,251,701
 Projected Future Revenue From Fee Reduction \$9,386,539

ESTIMATED FUTURE REVENUE FOR LOAN FUND \$12,150,929

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**State of California
Board of Behavioral Sciences**

M e m o r a n d u m

To: Policy and Advocacy Committee

Date: December 26, 2006

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Subject: IX. Discussion and Possible Action on Legislative Proposal for Licensure of Professional Counselors

Background

Legislation proposing the licensure of professional counselors (LPC) has been attempted for a number of years, most recently in 2005 (AB 894, LaSuer). The Board took an "oppose" position on that bill mainly due to concerns about certain grandparenting provisions and confusion regarding the types of counselors the bill was intending to regulate.

Discussion

The California Coalition for Counselor Licensure (CCCL), the sponsor of AB 894, plans to introduce legislation again in 2007. Staff is working with the CCCL on the bill's text in order to ensure the proposal is generally technically sound. A draft bill was provided to staff by CCCL, and an analysis has been performed and is attached. See the attached analysis for a complete discussion of potential issues. A list of amendments desired by staff is as follows:

1. Delete "career development" from the scope of practice, Section 4989.12. (See Comment item #3 in bill analysis).
2. Change all instances of "professional counselor intern" to "counselor intern" and change "professional counselor trainee" in Section 4989.16 to "counselor trainee." (See Comment item #4 in bill analysis).
3. Delete Licensed Educational Psychologists from the list of those authorized to supervise interns as proposed Section 4989.4(i)(1). (See Comment item #6 in bill analysis).
4. Delete the Certified Rehabilitation Counselors Examination (CRCE) from the grandparenting provisions. (See Comment item #7A in bill analysis).
5. Delete the degree titles specified in the grandparenting provisions, Section 4989.38(a)(1). (See Comment item #7B in bill analysis).
6. Add a section that requires persons grandparented under Section 4989.38(a) to be recertified after a 6-year period by taking current licensing examinations. (See Comment item #7C in bill analysis).
7. Add the following as a new section under "Revenue": (See Comment item #8 in bill analysis).
 - Describe where the program's startup funds will originate.
 - State that the Board does not have to implement the program unless funds have been appropriated.

8. Build in staggered timelines for implementation of program components. (See Comment item #9 in bill analysis).
9. Technical Amendments (See Comment item #10 in bill analysis).
 - Change the proposed chapter number (13.5) to one that is not already in use.
 - Update incorrect section numbers proposed to be amended.
 - Update the proposed sunset dates.
 - Make some minor changes for clarity.
 - Section 4989.38(a)(1) **permits** a person with a degree deficient in coursework to be grandparented by providing documentation of completion of required coursework post-degree. This provision is written in the permissive and should instead be written as a requirement.
 - Change the five-year license cancellation period to three years in Section 4989.80.

Recommendation

At this time, staff is recommending that the Committee take a position of “oppose unless amended.”

Attachments

Draft Bill

Bill Analysis

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES

BILL ANALYSIS

BILL NUMBER: NOT YET ASSIGNED **VERSION:** TO BE INTRODUCED IN 2007
AUTHOR: NONE YET **SPONSOR:** CALIFORNIA COALITION FOR COUNSELOR LICENSURE
RECOMMENDED POSITION: OPPOSE UNLESS AMENDED
SUBJECT: LICENSED PROFESSIONAL COUNSELORS

Existing Law:

- 1) Defines unprofessional conduct for each of the license types authorized to perform psychotherapy.
- 2) Generally establishes the following requirements for licensure of psychotherapists:
 - A graduate degree from an accredited school in a related clinical field
 - Extensive hours of supervised experience gained over two years
 - Registration with the regulatory Board while gaining the supervised experience
 - Standard and Clinical Vignette licensing examinations
- 3) Defines professions authorized to perform psychotherapy as Licensed Clinical Social Workers (LCSW), Marriage and Family Therapists (MFT), Psychologists, and Physicians and Surgeons.
- 4) Requires the author or sponsor of legislation proposing a new category of licensed professional to develop a plan that includes specific information and data. The plan must be provided to the legislature with the initial legislation, and forwarded to the appropriate policy committees. The plan must include the following: (GC § 9148.4)
 - The source of revenue and funding.
 - The problem that the new category of licensed professional would address, including evidence of need for the state to address the problem.
 - Why the new category of licensed professional was selected to address the problem, the alternatives considered and why each alternative was not selected. Alternatives to be considered include:
 - No action taken.
 - A category of licensed professional to address the problem currently exists. Include any changes to the mandate of the existing category of licensed professional.
 - The levels of regulation or administration available to address the problem.
 - Addressing the problem by federal or local agencies.
 - The public benefit or harm that would result from establishing a new category of licensed professional, how a new category of licensed professional would achieve this benefit, and the standards of performance to review the professional practice.
- 5) Permits the chairpersons of the appropriate policy committees of the Legislature to refer to the Joint Committee on Boards, Commissions, and Consumer Protection (JCBCCP) for review of any legislative issues, plans, or proposals to create new regulatory categories. Requires evaluations prepared by the JCBCCP to be provided to the respective policy and fiscal committees. (B&P Code § 473.6, GC 9148.8)

- 6) Prohibits a healing arts licensing Board under the Department of Consumer Affairs to require an applicant for licensure to be registered by or otherwise meet the standards of a private voluntary association or professional society. (B&P Code § 850).

This Bill:

- 1) Requires the licensing and regulation of Licensed Professional Counselors (LPC) and professional counselor interns by the BBS.
- 2) Adds LPCs to the list of licensees to whom a licensed health care facility, clinic, or their staff must report should the licensee's application for staff privileges or membership be rejected, revoked or suspended, or whose employment is terminated or suspended, for a medical disciplinary reason. (B&P Code § 805)
- 3) Defines "Applicant" as an unlicensed person who has completed the qualifying degree program and is described by one of the following: (B&P Code § 4989.4(d))
 - Whose application for registration as a professional counselor intern is pending.
 - Is in the examination process.
 - Has completed the requirements for licensure, is no longer registered as an intern, and is in the examination process.
- 4) Defines "Examination" as a national examination such as the National Counselor Examination for Licensure and Certification (NCE) unless otherwise specified. (B&P Code § 4989.4(e))
- 5) Defines "Trainee" as an unlicensed person who is enrolled in a degree program that qualifies for LPC licensure and who has completed a minimum of 12 semester or 18 quarter units of coursework. (B&P Code § 4989.4(h))
- 6) Defines "Approved Supervisor" as an individual who has two years of clinical experience as any one of the following licensees: (B&P Code § 4989.4(i))
 - LPC
 - Marriage and family therapist (MFT)
 - Clinical psychologist
 - Clinical social worker (LCSW)
 - Physician certified in psychiatry by the American Board of Psychiatry and Neurology
 - Educational psychologist (LEP)
- 7) Defines "Professional enrichment activities" as any of the following: (B&P Code § 4989.4(j))
 - Supervisor-approved workshops, seminars, training sessions, or conferences directly related to professional counseling.
 - Participation in group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional.
- 8) Defines "advertising" or "advertise" as including: (B&P Code § 4989.4(k))
 - The issuance of any card, sign, or device to any person.
 - The causing, or allowing of any sign or marking on or in any building or structure, or in any printed matter whatsoever.
 - Business solicitations communicated by radio or television broadcasting.
 - Does not include signs within church buildings or notices in church bulletins mailed to a congregation.
- 9) Defines "Assessment" as selecting, administering, scoring, and interpreting psychological and educational instruments, and the use of methods and techniques for understanding human behavior. (B&P Code § 4989.4(l))

- 10) Defines “Consulting” as the application of scientific principles and procedures in counseling and human development to provide assistance in understanding and solving problems in relation to a third party. (B&P Code § 4989.4(m))
- 11) Defines “Counseling interventions” as the application of counseling strategies that reflect a diverse society, a variety of counseling theories and approaches, and include principles of development, wellness, and pathology. (B&P Code § 4989.4(n))
- 12) Defines “Referral” as evaluating and identifying the needs of a client to determine the need for referral to other specialists and communicating with referral sources. (B&P Code § 4989.4(o))
- 13) Defines “Research” as a systematic effort to collect, analyze, and interpret data that describes the interaction between social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations. (B&P Code § 4989.4(p))
- 14) Defines “Professional counseling” as the application of mental health, psychotherapeutic, and human development principles consistent with required coursework and training in order to: (B&P Code § 4989.12)
 - Provide counseling interventions for mental, emotional, or behavioral issues
 - Promote development and adjustment throughout the life span
 - Provide individual and group counseling
 - Conduct assessments as a foundation for planning counseling interventions
 - Identify issues which require referral to another professional
- 15) Clarifies that LPC laws do not apply to the following (B&P Code § 4989.14(a)):
 - Those who do not practice or engage in professional counseling
 - Those who do not practice psychotherapy
 - Those who do not use the title “professional counselor”
 - Those who do not represent themselves as a professional counselor
- 16) Clarifies that LPC laws would not limit medical, social work, nursing, psychology, or marriage and family therapy licensing laws. (B&P Code § 4989.14(b)):
- 17) Clarifies that LPC laws would not apply to (B&P Code § 4989.14(c)):
 - Any priest, rabbi, or minister any religious denomination who performs counseling services as part of his or her pastoral or professional duties.
 - Any person who is admitted to practice law in California who provides counseling services as part of his or her professional practice.
 - Any person who is licensed to practice medicine who provides counseling services as part of his or her professional practice.
- 18) Clarifies that LPC laws would not apply to an employee of a governmental entity or of a school, college or university, or of an institution both nonprofit and charitable if the practice is performed under the employer’s supervision. (B&P Code § 4989.14(d))
- 19) Clarifies that LPC laws do not restrict activities of a psychotherapeutic nature on the part of persons employed by the following entities engaged in the training of graduate students or professional counselor trainees provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by a title that clearly indicates the status appropriate to the level of training: (B&P Code § 4989.16)
 - Accredited or state-approved academic institution
 - Public school
 - Government agency

- Nonprofit institution

20) Prohibits a person from practicing or advertising the performance of professional counseling services without a license issued by the Board. (B&P Code § 4989.20)

21) Requires the following educational qualifications for licensure as a LPC: (B&P Code § 4989.22)

- A master's or doctor's degree from an accredited or state-approved school in counseling or a closely related degree.
- A minimum of 48 semester or 72 quarter graduate units of instruction.
 - Effective January 1, 2013, a minimum of 60 semester or 90 quarter graduate units is required, including a 48 semester or 72 quarter unit master's degree.
 - A person deficient in overall units may satisfy the requirement by completing coursework at an accredited or state-approved institution in counseling modalities and/or treatment with special populations. (B&P Code § 4989.22(c)(3))
- The equivalent of at least three semester or four and one-half quarter units included within the 48 semester or 72 quarter units, in each of the following areas: (B&P Code § 4989.22(c)(1))
 1. Counseling and psychotherapeutic theories and techniques
 2. Human growth and development across the lifespan, including normal and abnormal behavior
 3. Career development theories and techniques
 4. Group counseling theories and techniques
 5. Assessment and testing of individuals
 6. Multicultural counseling theories and techniques
 7. Principles of diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior including the use of the Diagnostic and Statistical Manual of Mental Disorders (DSM).
 8. Research and evaluation
 9. Professional ethics and law in counseling
- The degree must contain the required units in 7 of the above 9 subject areas, but the applicant must have all 9 areas upon application by completing post-degree coursework at an accredited or approved institution consisting of the equivalent of three semester or four and one-half quarter units in each deficient area. (B&P Code § 4989.22(c)(3))
- Additional coursework including special treatment issues and special population issues.
- A minimum of six semester or nine quarter units or the equivalent of supervised practicum or field study experience, or the equivalent, as follows: (B&P Code § 4989.22(c)(4))
 - A minimum of 150 hours of face-to-face supervised experience counseling individuals, families, or groups. Minimum increases to 280 hours on January 1, 2013.
 - Applied psychotherapeutic techniques
 - Assessment and diagnosis
 - Prognosis and treatment
 - Development, adjustment and maladjustment
 - Health and wellness promotion
 - Other recognized counseling interventions

- 22) Sets forth the following requirements regarding persons gaining practicum and field experience: (B&P Code § 4989.22(c))
- Must be designated as a “trainee.”
 - May provide services provided that the activities and services constitute part of the trainee’s supervised course of study.
 - May be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.
 - Must inform clients prior to performing any professional services that he or she is unlicensed and under supervision.
 - Prohibits trainee hours from counting toward the 3,000 hours of post-degree experience.
 - Requires each trainee to receive at least one hour of individual and/or triadic supervision, and 1.5 hours of group supervision for each week the trainee sees clients, for a total of 2.5 hours per week.
 - Defines “individual supervision” for trainees as one hour of face-to-face contact with a supervisor alone.
 - Defines “triadic supervision” for trainees as one hour of face-to-face contact with a supervisor and one other trainee.
 - Defines “group supervision” for trainees as one and one-half hours of face-to-face contact with a supervisor in a group of not more than ten persons.
- 23) Sets forth the following requirements regarding work sites providing practicum and field experience: (B&P Code § 4989.22(c))
- Services must be performed in a clinical or counseling setting that meets the following requirements
 - Lawfully and regularly provides counseling or psychotherapy
 - Provides oversight to ensure that the trainee’s work meets the practicum and field study requirements and is within the scope of practice
 - Is not a private practice
 - Hours must be coordinated between the school and work site.
 - School must approve each site and have a written agreement with each site that details each party’s responsibilities which provides for detail regarding supervision methods and regular progress reports of the trainee’s performance.
- 24) Requires an applicant who has gained practicum and field study hours while enrolled in an institution other than the one that confers the qualifying degree to provide satisfactory evidence that those hours were gained in compliance with LPC law. (B&P Code § 4989.22(c)(9))
- 25) Requires supervision to include all of the following: (B&P Code § 4989.22(c)(14), 4989.30(f))
- Ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised.
 - Reviewing client or patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions.
 - Monitoring and evaluating the ability of the intern or trainee to provide services to the particular clientele at the site or sites where he or she will be practicing.
 - Ensuring compliance with laws and regulations governing the practice of professional counseling.
 - Direct observation, or review of audio or videotapes of therapy.
- 26) Requires applicants to complete all of the following coursework or training prior to licensure: (B&P Code § 4989.23)
- Alcoholism and other chemical substance dependency for those who began graduate study on or after January 1, 1986. No minimum hours or units specified.

- Human sexuality. Minimum of 10 hours required.
 - Psychological testing for those who began graduate study on or after January 1, 2001. Minimum of two semester or three quarter units required.
 - Psychopharmacology for those who began graduate study on or after January 1, 2001. Minimum of two semester or three quarter units required.
 - Spousal or partner abuse assessment, detection, and intervention strategies for those who began graduate study on or after January 1, 1995. For those who began graduate study on or after January 1, 2004, a minimum of 15 hours is required. Otherwise, there is no minimum number of hours required.
 - Child abuse assessment and reporting. Minimum of seven hours required.
 - California law and professional ethics for professional counselors. Minimum of two semester or three quarter units required.
 - Aging and long-term care for those who began graduate study on or after January 1, 2004. Minimum of 10 hours required.
- 27) Allows the Board the authority to make the final determination as to whether a degree meets all requirements, including but not limited to, course requirements regardless of accreditation or approval. (B&P Code § 4989.23(a))
- 28) Requires education obtained outside of the United States to be equivalent to a degree earned from a regionally accredited institution in the United States or that is state-approved, as determined by the Board, in order to qualify for professional counselor intern registration or licensure. Requires the applicant to submit a comprehensive evaluation of the degree performed by a foreign credential evaluation service. (B&P Code § 4989.24(b))
- 29) Requires the following qualifications for registration as a professional counselor intern: (B&P Code § 4989.26)
- Has earned a master's degree which meets all qualifications required by law.
 - Has not committed acts constituting grounds for denial of licensure.
 - Has not been convicted of a crime that involves sexual abuse of children and is not required to register as a sex offender.
- 30) Requires professional counselor interns to gain required experience as an employee or volunteer in any setting that lawfully and regularly provides counseling or psychotherapy and provides oversight to ensure that the intern's work meets experience and supervision requirements and is within the scope of practice. (B&P Code § 4989.28)
- 31) Prohibits applicants or trainees from being employed or volunteering in a private practice until registered as an intern. (B&P Code § 4989.28)
- 32) Requires interns to gain experience only within each position for which he or she volunteers or is employed. (B&P Code § 4989.28)
- 33) Requires applicants to complete 3,000 hours of post-degree experience completed in a minimum of 104 weeks which meets the following requirements: (B&P Code § 4989.30)
- Performed under the supervision of an approved supervisor.
 - Performed within the six years immediately preceding the application for licensure.
 - Includes a maximum of 40 hours in any seven consecutive days.
 - Includes a minimum of 1750 hours of direct counseling with individuals or groups in a clinical or counseling setting.
 - Includes a maximum of 1000 hours of direct supervision and professional enrichment activities.
 - Includes a maximum of 500 hours providing group therapy or group counseling.

- Includes a maximum of 250 hours providing counseling or crisis counseling on the telephone .
- 34) Requires all applicants and interns to be under supervision at all times. (B&P Code § 4989.30(d))
- 35) Prohibits a supervisor from supervising more than two professional counselor interns. (B&P Code § 4989.30(d))
- 36) Requires supervision of interns to meet all of the following requirements: (B&P Code § 4989.30(e))
- Includes at least one hour of direct supervisor contact during each week and for each work setting in which experience is claimed.
 - A maximum of five hours of supervision will be credited during any week.
 - One hour of direct supervisor contact means face-to-face contact on an individual basis, or two hours of face-to-face contact in a group of not more than eight.
 - Interns must receive an average of one hour of direct supervisor contact for every 10 hours of client contact in each setting.
- 37) Requires the Board to adopt regulations regarding the supervision of professional counselor interns and trainees, including but not limited to: (B&P Code § 4989.32)
- Supervisor qualifications.
 - Continuing education requirements for supervisors.
 - Registration or licensing of supervisors.
 - General responsibilities of supervisors.
 - The Board's authority in cases of supervisor noncompliance or negligence.
- 38) Permits the Board to issue a LPC license to any person who meets all of the following requirements: (B&P Code § 4989.34)
- Has received a qualifying master's or doctor's degree.
 - Has completed the required 3,000 hours of supervised post-degree experience.
 - Provides evidence of a passing score on examination(s) approved by the Board.
 - Meets the Board's regulatory requirements for licensure.
 - Has not committed acts or crimes constituting grounds for denial of licensure.
 - Has not been convicted of a crime in this or another state or territory of the United States that involves sexual abuse of children
 - Is not required to register as a sex offender.
 - Has passed a fingerprint check.
- 39) Permits the Board to issue a LPC license to any person who has held for at least two years a valid license as a professional counselor, or an equivalent title in another jurisdiction of the United States, if: (B & P Code § 4989.34(b))
- The education and supervised experience requirements are substantially equivalent.
 - The person has passed examination(s) required by the Board.
 - The person has paid the required fees.
- 40) Requires the Board to evaluate various national examinations to determine whether they: (B&P Code § 4989.36(c))
- Meet the prevailing standards for the validation and use of licensing and certification tests in California, as determined by the Office of Examination Resources.
 - Measure knowledge and abilities demonstrably important to safe, effective LPC practice.

- Should a national examination not meet the above standards, the Board may develop and require a supplemental examination in addition to a national examination.
- 41) Permits the Board, during the first 12 months following January 1, 2009, to issue a LPC license to any person who meets one of the following sets of criteria (A or B): (B&P Code § 4989.38)
- A. Meets the following four requirements:
1. Possesses a qualifying degree in counseling or a related degree
 - Related degrees include but are not limited to community counseling, mental health counseling, rehabilitation counseling, school counseling, psychology, creative arts therapies such as art therapy, etc.)
 - If issued prior to 1996, the degree must include a minimum of 30 semester or 45 quarter units and must include at least five of the nine required courses.
 - If issued in 1996 or after, the degree must include a minimum of 48 semester or 72 quarter units and must include at least seven of the nine required courses.
 - If the degree does not include the equivalent of three semester units or 45 contact hours in each of the nine required subject areas, documentation of post-degree course completion can be provided.
 2. Must complete post-degree coursework required by Section 4989.23 such as child abuse assessment and reporting, human sexuality, etc.
 3. Has two years full time of post-degree counseling experience that includes at least 1,000 hours of direct client contact supervised by a licensed mental health professional or a certified master's level counselor or therapist.
 3. Has a passing score on one of the following examinations:
 - National Certified Counselor Examination for Licensure and Certification (NCE)
 - National Clinical Mental Health Counselor Examination (NCMHCE)
 - Certified Rehabilitation Counselor Examination (CRCE)
- B. Meets the following two requirements:
1. Is licensed as a Marriage and Family Therapist (MFT) in California
 2. Meets LPC coursework requirements
- 42) Requires counselor interns to inform each client prior to performing any professional services that he or she is unlicensed and under supervision. (B&P Code § 4989.40(c))
- 43) Requires an applicant to be registered with the Board as a professional counselor intern prior to performing any duties other than those provided by counselor trainees. (B&P Code § 4989.40(a))
- 44) Requires professional counselor interns to file for renewal yearly for a maximum of five years after initial registration. (B&P Code § 4989.40(d))
- 45) Requires employment as a professional counselor intern to cease after six years, unless the applicant obtains a new intern registration and meets current educational requirements. (B&P Code § 4989.40(e),(f))
- Permits an applicant issued a subsequent intern registration to be employed or volunteer in any allowable work setting except private practice.
- 46) Prohibits counselor trainees and interns from working as independent contractors. (B&P Code § 4989.42(a))

- 47) Prohibits counselor applicants, trainees, and interns from receiving any remuneration directly from patients or clients, and encourages employers to provide fair remuneration. (B&P Code § 4989.42(b),(c))
- 48) Requires counselor applicants, trainees, and interns to perform services only at the location where their employer regularly conducts business and services, which may include other locations as long as the services are performed under the direction and control of the employer and supervisor. (B&P Code § 4989.42(f))
- 49) Prohibits counselor trainees and interns from having a proprietary interest in the employer's business. (B&P Code § 4989.42(f))
- 50) Requires LPCs to provide each client with a document containing all of the following: (B&P Code § 4989.54)
- The fee schedule listed by type of service or hourly rate.
 - An explanation of the limits of confidentiality.
 - Information regarding the BBS.
- 51) Requires LPCs to complete 36 contact hours of continuing education in a related field by an approved provider every two years. (B&P Code § 4989.56)
- 52) Requires the continuing education to be obtained from one of the following approved providers: (B&P Code § 4989.56(d))
- School, college, or university that offers a qualifying LPC degree program.
 - Professional counseling association
 - Licensed health facility
 - Governmental entity
 - Continuing education unit of an accredited or state-approved four-year educational institution
 - Mental health professional association
- 53) Requires the Board to establish by regulation a procedure for approving continuing education providers. (B&P Code § 4989.56(e))
- 54) Requires continuing education to contain one or more of the following: (B&P Code § 4989.56(f))
- Aspects of professional counseling that are fundamental to the understanding or practice of professional counseling.
 - Recent developments in professional counseling.
 - Aspects of other disciplines that enhance the understanding or practice of professional counseling.
- 55) Requires the Board to fund the administration of its continuing education program through continuing education provider fees. (B&P Code § 4989.56(h))
- 56) Permits the Board to deny a LPC license for any of the following reasons: (B&P Code § 4989.60(c))
- The applicant knowingly made a false statement of fact required in the application.
 - The applicant has been convicted of a crime substantially related to the qualifications, functions or duties of LPC practice.
 - The applicant has committed an act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another, substantially related to the qualifications, functions or duties of LPC practice.

- The applicant has committed an act which would be grounds for suspension or revocation of license.
- 57) Permits the Board to deny, suspend or revoke a LPC license for any of the following reasons: (B&P Code § 4989.60(c))
- Violation of examination security requirements
 - A license was secured by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact.
 - In support of another person's application for license, a licensee knowingly made a false statement or knowingly omitted to state a fact to the Board regarding the application.
- 58) Prohibits persons from engaging in the following acts: (B&P Code § 4989.62)
- Engaging in LPC practice without holding a valid license.
 - Representing themselves as an LPC without being licensed.
 - Using any title, words, letters, or abbreviations which may reasonably be confused with a standard of professional competence without being licensed.
 - Refusing to furnish the Board with information or records required or requested.
- 59) Establishes the intent of the Legislature that any communication made by a client to a LPC is a privileged communication. (B&P Code § 4989.64)
- 60) Establishes that any person who violates any of the provisions of LPC law is guilty of a misdemeanor punishable by imprisonment in the county jail for up to six months, or by a fine of up to \$2,500, or by both. (B&P Code § 4989.66)
- 61) Permits the superior court to issue an injunction or other order to restrain conduct upon request of the Board, the Attorney General, or the district attorney of the county, when any person has or is about to engage in any acts or practices which constitute an offense against LPC law. (B&P Code § 4989.68)
- 62) Permits the Board to refuse to issue any registration or license, or to suspend or revoke a registration or license of any professional counselor intern or licensed professional counselor if he or she has been guilty of unprofessional conduct. (B&P Code § 4989.70)
- 63) Defines unprofessional conduct as including, but not being limited to, any of the following: (B&P Code § 4989.70)
- The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant.
 - The Board may inquire into the circumstances surrounding the commission of the crime.
 - Securing a license or registration by fraud or deceit
 - Misrepresentation by the applicant, or a licensee in support of the applicant, on any application for licensure or registration.
 - Administering to himself or herself any controlled substance, dangerous drug, or alcoholic beverage in a manner which is dangerous or injurious to the person who is applying for or holding a license or registration, or to any other person, or to the extent that use impairs ability to safely practice as a LPC.
 - The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any controlled substance, dangerous drug, or alcoholic beverage.
 - Gross negligence or incompetence in the performance of LPC services.
 - Violating, attempting to violate, or conspiring to violate any of the laws pertaining to professional counseling.
 - Misrepresentation as to the type or status of a license or registration held.

- Misrepresentation or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations.
- Impersonation of another by any licensee, registrant, applicant for a license, or registrant, or allowing another person to use his or her license or registration.
- Assisting or employing, directly or indirectly, any unlicensed or unregistered person to engage in practice for which a license or registration is required.
- Intentionally or recklessly causing physical or emotional harm to any client.
- The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.
- Engaging in sexual relations with a client or a former client within two years following termination of therapy.
- Soliciting sexual relations with a client or committing an act of sexual abuse or misconduct with a client.
- Committing an act punishable as a sexually related crime if that act is substantially related to the qualifications, functions, or duties of a LPC.
- Performing or holding oneself out as able to perform, or offering to perform, or permitting any supervisee to perform any professional services beyond the scope of the license.
- Failure to maintain confidentiality except as otherwise permitted by law.
- Prior to the commencement of treatment, failing to disclose to the client the fee to be charged or the basis upon which the fee will be computed.
- Paying, accepting, or soliciting any consideration or compensation, whether monetary or otherwise, for the referral of clients.
- Advertising in a manner that is false, misleading, or deceptive.
- Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, in ways that might invalidate the test or device.
- Any conduct in the supervision of an intern or trainee that violates LPC law.
- Performing or holding oneself out as able to perform professional services beyond the scope of one's competence.
- Permitting a supervisee to hold himself or herself out as competent to perform professional services beyond the supervisee's scope of competence.
- The violation of any law governing the gaining and supervision of experience.
- Failure to keep records consistent with sound clinical judgment.
- Failure to comply with child, elder, or dependent adult abuse reporting requirements.
- Repeated acts of negligence.

64) Requires a professional counselor intern to do all of the following in order to renew: (B&P Code § 4989.76(b))

- Apply for renewal on a Board-issued form
- Pay the required renewal fee
- Notify the Board whether he or she has been convicted of a misdemeanor or felony or whether any disciplinary action has been taken by any other regulatory or licensing Board since the last renewal.

65) Requires a LPC license to expire no more than 24 months after the issue date. (B&P Code § 4989.78(a))

66) Requires a LPC to do the following in order to renew an unexpired license: (B&P Code § 4989.78(b))

- Apply for renewal on a Board-issued form
- Pay the required renewal fee
- Certify compliance with continuing education requirements

- Notify the Board whether he or she has been convicted of a misdemeanor or felony or whether any disciplinary action has been taken by any other regulatory or licensing Board since the last renewal.
- 67) Requires the licensee to do the following in order to renew an expired LPC license: (B&P Code § 4989.80)
- Apply for renewal on a Board-issued form
 - Pay the renewal fees that would have been paid if the license had not been delinquent
 - Pay all delinquency fees
 - Certify compliance with continuing education requirements
 - Notify the Board whether he or she has been convicted of a misdemeanor or felony or whether any disciplinary action has been taken by any other regulatory or licensing Board since the last renewal.
- 68) Allows a LPC license to be renewed at any time within five years of expiration. Prohibits a license not renewed within that time frame from being renewed, restored, reinstated or reissued. Permits a former licensee to apply for and obtain a new license if he or she complies with all of the following: (B&P Code §§ 4989.80, 4989.82)
- No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.
 - He or she takes and passes the current licensing examination.
 - He or she submits an application for licensure.
- 69) Establishes that a suspended license is subject to expiration and must be renewed as required, and that the renewal does not entitle the licensee to practice or engage in prohibited conduct while it remains suspended. (B&P Code § 4989.84)
- 70) Establishes that a revoked license is subject to expiration but may not be renewed. If it is reinstated after expiring, the licensee must pay a reinstatement fee equal to the last renewal fee plus any delinquency fee owing at the time of revocation. (B&P Code § 4989.86)
- 71) Permits a LPC to apply to the Board to request his or her license be placed on inactive status. (B&P Code § 4989.88(a))
- 72) Requires a licensee on inactive status to do all of the following: (B&P Code § 4989.88(a))
- Pay a biennial fee of half of the active renewal fee.
 - Be exempt from continuing education requirements.
 - Not engage in LPC practice in California.
 - Be subject to LPC-related laws.
- 73) Permits reactivation of an inactive license by: (B&P Code § 4989.88(b))
- Submitting a request to the Board
 - Certifying that he or she has not committed any acts or crimes constituting grounds for denial of licensure.
 - Paying the remaining half of the renewal fee.
 - Showing proof of completion of 18 hours of continuing education within the past two years if the license will expire in less than one year.
 - Showing proof of completion of 36 hours of continuing education within the past two years if the license will expire in more than one year.
- 74) Requires the Board to report each month to the Controller the amount and source of all revenue received under the LPC chapter and deposit the entire amount in the State Treasury for credit to the Behavioral Sciences Fund. (B&P Code § 4989.90)

- 75) Requires the Board to assess fees for the registration of interns and for issuance and renewal of licenses to cover related administrative and operating expenses. (B&P Code § 4989.96)
- 76) Requires the Governor to appoint two LPCs to the Board, and two additional public members. (B&P Code § § 4990.1, 4990.3)

Comment:

- 1) **Author's Intent.** According to the sponsor, licensure of professional counselors is needed in California for several reasons:
- To keep California competitive, as licensure exists in 48 other states
 - Without title protection and a legal definition provided by law, anyone can claim to be a professional counselor
 - MFTs are licensed, but there are thousands of professional counselors in California with master's degrees who have diverse specializations.

The sponsor believes there are benefits of licensure to counselors and consumers:

- Provides consumers with a wider range of therapists competent to work with diverse populations, issues, and programs
 - Allows portability of credentials from state to state
 - Third party payments can provide financial support to consumers for services provided by LPCs.
 - Provides professional counselors and their programs favorable review when applying for federal grants or competitive awards
- 2) **Sunrise Questionnaire.** The author or sponsor of legislation proposing a new license type is required to respond to a "sunrise" questionnaire, which is forwarded to the appropriate legislative policy committees. The questionnaire requires the author or sponsor to justify the need for a new license type by:
- Identifying whether unregulated practice will harm or endanger the public
 - Addressing whether existing protections are insufficient
 - Discussing whether alternatives to regulation will adequately protect the public
 - Identifying whether the occupation is clearly distinguishable from others already regulated

Once the author or sponsor completes the questionnaire, the Board will be provided with a copy and at that time any further issues will be discussed.

- 3) **Scope of Practice.** The inclusion of "career development" within the scope of practice for LPCs raises several questions. For example, career development is not closely related to psychotherapy, and the Board has no experience regulating this type of activity. Additionally, will this create a requirement for career counselors to be licensed? Staff is unsure of the sponsor's intent because career counseling is currently unregulated therefore properly trained LPCs would be able to perform this activity even without its mention within the scope of practice.

- **Suggested Amendment.** Delete "career development" from Section 4989.12.

- 4) **Registration.** This bill defines an intern as a "professional counselor intern" and suggests that trainees be titled, "professional counselor trainee." The use of "professional" in the title may be somewhat confusing to clients when making a distinction between a licensee, registrant or student.

- **Suggested Amendment.** Change all instances of “professional counselor intern” to “counselor intern” and change “professional counselor trainee” in Section 4989.16 to “counselor trainee.”
- 5) **Educational Requirements.** The educational requirements are comparable to those requirements for MFT licensure, including acceptance of degrees issued by schools approved by the Bureau for Private Postsecondary and Vocational Education (BPPVE). It has come to the Board’s attention that the BPPVE and its statutes will cease to exist effective July 1, 2007. The Board’s understanding is that this will effectively cause all BPPVE-approved schools to lose their “approval.” The Governor has stated his intent to introduce urgency legislation to address this situation. Changes resulting from any such legislation may need to be amended into this bill.
- 6) **Supervised Experience Requirements.** The supervised experience requirements are somewhat of a hybrid between requirements for LCSW and MFT licensure. The requirement is for 3,000 hours, but all must be gained post-degree. Supervision requirements are comparable to that of MFTs, except that the bill would allow licensed educational psychologists (LEPs) to supervise professional counselor interns. The LEP scope of practice is somewhat narrower than that proposed for LPCs.
- **Suggested Amendment.** Delete LEPs from proposed Section 4989.4(i)(1).
- 7) **Grandparenting Provisions.** This bill includes two different methods by which a person could be granted a license via grandparenting during the first year. Staff has some concerns regarding certain provisions, as follows:
- A. **Examinations.** One of the qualification methods requires passing of one of three different national examinations. This would result in two problems:
- MFTs and LCSWs are required to pass two written examinations for licensure (standard and clinical vignette), the standard in California. Additionally, this bill proposes both a standard and clinical examination for LPCs qualifying under the regular licensing method. Requiring only one examination for grandparenting is a lower standard and poses a risk to consumer protection.
 - By requiring one of three different examinations, applicants would be held to different standards of competency depending on which examination was taken. Each examination is based on a different content outline derived from different national occupational analyses. The sponsor states that the Department of Rehabilitation has asked for the Certified Rehabilitation Counselors Examination (CRCE) to be included. Staff performed a cursory review of the content outline for the CRCE, and it does not appear to have comparable clinical content to the other two. It is essential to any licensure program that all applicants be held to a comparable standard of competency.
- **Suggested Amendment.** Delete the CRCE examination from the grandparenting provisions.
- B. **Degrees Accepted.** The grandparenting provisions require a master’s or doctoral degree in counseling, or a related degree. The titles of the “related degrees” are specified for grandparenting, but not in the general licensure section. This significant difference is likely a drafting error, and would possibly create confusion.
- **Suggested Amendment.** Delete the degree titles specified in Section 4989.38(a)(1).

C. **Recertification.** This bill would grandparent applicants into an already occupied field and under one qualifying method, the applicant only has to pass one examination. In order to maintain high consumer protection standards, a 6-year recertification should be required of those licensed under grandparenting provisions. This recertification would consist of passing the licensing examinations required at the time of recertification.

- **Suggested Amendment.** Add a section that requires persons grandparented under Section 4989.38(a) to be recertified after a 6-year period, consisting of taking current licensing examinations.

8) **Funding.** There is an issue of where the startup funds for this program will originate, since a general fund loan is not possible. The two possible options are a reserve loan, which would require support of the other professions regulated by the Board, or to collect fees in advance, with fiscal provisions in the bill becoming operative January 1, and other provisions becoming operative at later dates. Additionally, this bill does not include a provision which states that the board does not have to implement the program unless the funds have been appropriated.

- **Suggested Amendment.** Add a section under “Revenue” that describes where the startup funds will originate and that the Board does not have to implement the program unless the funds have been appropriated.

9) **Timelines for Implementation.** The entire bill (should it pass) would become effective January 1, 2008. This would include accepting and processing applications for intern registration and licensure. However, implementation dates for different areas need to be staggered to allow the Board time to obtain spending authority, hire staff, perform an occupational analysis, audit a national examination, and should a supplemental examination be needed, time to develop and implement the supplemental examination. The best case scenario for full implementation of the program is three years. The worst case scenario is five years. A program task schedule with specific dates is attached.

10) **Suggested Technical Amendments.** The following technical amendments are suggested:

- Effective January 1, 2007, Chapter 13.5, the chapter proposed for LPC laws, has been assigned to Licensed Educational Psychologists. Chapters 13.1-13.4 are available.
- Effective January 1, 2007, Sections 4990.1, 4990.3 and 4990.5 have been reorganized. All three of these sections are now contained in Section 4990.
- The proposed amendment to Section 4990.1 references sunset dates of July 1, 2008 and January 1, 2009. These dates should be moved one year ahead to July 1, 2009, and January 1, 2010, as the bill, if passed, would not take effect until January 1, 2008.
- Section 4989.38(a)(1)(B) would read better as follows: “Degrees issued in 1996 and after (minimum of 48 semester units or 72 quarter units) ~~and after~~ must include at least seven of the nine courses.
- Section 4989.38(a)(1) describes how a person with a degree that is deficient in coursework **can** provide documentation that he or she has completed the required coursework post-degree in order to be grandparented as a LPC. This text is written in the permissive and should instead read, “shall provide documentation” to ensure that persons with deficient degrees are not grandparented.
- Section 4989.38(a)(2) states, “as required by the Board of Behavioral Sciences.” For clarity, this would be better stated, “as required by Section 4989.22” or “as required by this chapter.”

- Section 4989.80 permits an expired license to be renewed within five years. This provision is based on the Board's other three license types. The Board is proposing legislation in 2007 to change this time period to three years, so it would make sense to change it here as well.

11) Support and Opposition.

Not known at this time.

Professional Counselor Licensure Bill
Proposed by the California Coalition for Counselor Licensure
2007 Legislative Session

An act to amend Sections 728, 805, 4990.1, 4990.3, and 4990.5 of, and to add Chapter 13.5 (commencing with Section 4989.2) to Division 2 of, the Business and Professions Code, relating to professional counselors, and making an appropriation therefore.

The people of the State of California do enact as follows:

SECTION 1. Section 728 of the Business and Professions Code is amended to read:

728. (a) Any psychotherapist or employer of a psychotherapist who becomes aware through a patient that the patient had alleged sexual intercourse or alleged sexual contact with a previous psychotherapist during the course of a prior treatment, shall provide to the patient a brochure promulgated by the department that delineates the rights of, and remedies for, patients who have been involved sexually with their psychotherapist. Further, the psychotherapist or employer shall discuss with the patient the brochure prepared by the department.

(b) Failure to comply with this section constitutes unprofessional conduct.

(c) For the purpose of this section, the following definitions apply:

(1) "Psychotherapist" means a physician and surgeon specializing in the practice of psychiatry or practicing psychotherapy, a psychologist, a clinical social worker, a marriage and family therapist, a professional counselor, a psychological assistant, a marriage and family therapist registered intern or trainee, a professional counselor intern or trainee, or an associate clinical social worker.

(2) "Sexual contact" means the touching of an intimate part of another person.

(3) "Intimate part" and "touching" have the same meaning as defined in subdivisions (f) and (d), respectively, of Section 243.4 of the Penal Code.

(4) "The course of a prior treatment" means the period of time during which a patient first commences treatment for services that a psychotherapist is authorized to provide under his or her scope of practice, or that the psychotherapist represents to the patient as being within his or her scope of practice, until the psychotherapist-patient relationship is terminated.

SEC. 2. Section 805 of the Business and Professions Code is amended to read:

805. (a) As used in this section, the following terms have the following definitions:

(1) "Peer review body" includes:

(A) A medical or professional staff of any health care facility or clinic licensed under Division 2 (commencing with Section 1200) of the Health and Safety Code or of a facility certified to participate in the federal Medicare program as an ambulatory surgical center.

(B) A health care service plan registered under Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code or a disability insurer that contracts with licentiates to provide services at alternative rates of payment pursuant to Section 10133 of the Insurance Code.

(C) Any medical, psychological, marriage and family therapy, social work, professional counseling, dental, or podiatric professional society having as members at least 25 percent of the eligible licentiates in the area in which it functions (which must include at least one county), which is not organized for profit and which has been determined to be exempt from taxes pursuant to Section 23701 of the Revenue and Taxation Code.

(D) A committee organized by any entity consisting of or employing more than 25 licentiates of the same class that functions for the purpose of reviewing the quality of professional care provided by members or employees of that entity.

(2) "Licentiate" means a physician and surgeon, podiatrist, clinical psychologist, marriage and family therapist, clinical social worker, *professional counselor*, or dentist. "Licentiate" also

includes a person authorized to practice medicine pursuant to Section 2113.

(3) "Agency" means the relevant state licensing agency having regulatory jurisdiction over the licentiates listed in paragraph (2).

(4) "Staff privileges" means any arrangement under which a licentiate is allowed to practice in or provide care for patients in a health facility. Those arrangements shall include, but are not limited to, full staff privileges, active staff privileges, limited staff privileges, auxiliary staff privileges, provisional staff privileges, temporary staff privileges, courtesy staff privileges, locum tenens arrangements, and contractual arrangements to provide professional services, including, but not limited to, arrangements to provide outpatient services.

(5) "Denial or termination of staff privileges, membership, or employment" includes failure or refusal to renew a contract or to renew, extend, or reestablish any staff privileges, if the action is based on medical disciplinary cause or reason.

(6) "Medical disciplinary cause or reason" means that aspect of a licentiate's competence or professional conduct that is reasonably likely to be detrimental to patient safety or to the delivery of patient care.

(7) "805 report" means the written report required under subdivision (b).

(b) The chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic shall file an 805 report with the relevant agency within 15 days after the effective date of any of the following that occur as a result of an action of a peer review body:

(1) A licentiate's application for staff privileges or membership is denied or rejected for a medical disciplinary cause or reason.

(2) A licentiate's membership, staff privileges, or employment is terminated or revoked for a medical disciplinary cause or reason.

(3) Restrictions are imposed, or voluntarily accepted, on staff privileges, membership, or employment for a cumulative total of 30 days or more for any 12-month period, for a medical disciplinary cause or reason.

(c) The chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic shall file an 805 report with the relevant agency within 15 days after any of the following occur after notice of either an impending investigation or the denial or rejection of the application for a medical disciplinary cause or reason:

(1) Resignation or leave of absence from membership, staff, or employment.

(2) The withdrawal or abandonment of a licentiate's application for staff privileges or membership.

(3) The request for renewal of those privileges or membership is withdrawn or abandoned.

(d) For purposes of filing an 805 report, the signature of at least one of the individuals indicated in subdivision (b) or (c) on the completed form shall constitute compliance with the requirement to file the report.

(e) An 805 report shall also be filed within 15 days following the imposition of summary suspension of staff privileges, membership, or employment, if the summary suspension remains in effect for a period in excess of 14 days.

(f) A copy of the 805 report, and a notice advising the licentiate of his or her right to submit additional statements or other information pursuant to Section 800, shall be sent by the peer review body to the licentiate named in the report. The information to be reported in an 805 report shall include the name and license number of the licentiate involved, a description of the facts and circumstances of the medical disciplinary cause or reason, and any other relevant information deemed appropriate by the reporter. A supplemental report shall also be made within 30 days following the date the licentiate is deemed to have satisfied any terms, conditions, or sanctions imposed as disciplinary action by the reporting peer review body. In performing its dissemination functions required by Section 805.5, the agency shall include a copy of a supplemental report, if any, whenever it furnishes a copy of the original 805 report. If another peer review body is required to file an 805 report, a health care service plan is not required to file a separate report with respect to action attributable to the same medical

disciplinary cause or reason. If the Medical Board of California or a licensing agency of another state revokes or suspends, without a stay, the license of a physician, a peer review body is not required to file an 805 report when it takes an action as a result of the revocation or suspension.

(g) The reporting required by this section shall not act as a waiver of confidentiality of medical records and committee reports. The information reported or disclosed shall be kept confidential except as provided in subdivision (c) of Section 800 and Sections 803.1 and 2027, provided that a copy of the report containing the information required by this section may be disclosed as required by Section 805.5 with respect to reports received on or after January 1, 1976.

(h) The Medical Board of California, the Osteopathic Medical Board of California, and the Dental Board of California shall disclose reports as required by Section 805.5.

(i) An 805 report shall be maintained by an agency for dissemination purposes for a period of three years after receipt.

(j) No person shall incur any civil or criminal liability as the result of making any report required by this section.

(k) A willful failure to file an 805 report by any person who is designated or otherwise required by law to file an 805 report is punishable by a fine not to exceed one hundred thousand dollars (\$100,000) per violation. The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the person regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file an 805 report is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California.

The fine shall be paid to that agency but not expended until appropriated by the Legislature. A violation of this subdivision may constitute unprofessional conduct by the licentiate. A person who is alleged to have violated this subdivision may assert any defense available at law. As used in this subdivision, "willful" means a voluntary and intentional violation of a known legal duty.

(l) Except as otherwise provided in subdivision (k), any failure by the administrator of any peer review body, the chief executive officer or administrator of any health care facility, or any person who is designated or otherwise required by law to file an 805 report, shall be punishable by a fine that under no circumstances shall exceed fifty thousand dollars (\$50,000) per violation. The fine may be imposed in any civil or administrative action or proceeding brought by or on behalf of any agency having regulatory jurisdiction over the person regarding whom the report was or should have been filed. If the person who is designated or otherwise required to file an 805 report is a licensed physician and surgeon, the action or proceeding shall be brought by the Medical Board of California. The fine shall be paid to that agency but not expended until appropriated by the Legislature. The amount of the fine imposed, not exceeding fifty thousand dollars (\$50,000) per violation, shall be proportional to the severity of the failure to report and shall differ based upon written findings, including whether the failure to file caused harm to a patient or created a risk to patient safety; whether the administrator of any peer review body, the chief executive officer or administrator of any health care facility, or any person who is designated or otherwise required by law to file an 805 report exercised due diligence despite the failure to file or whether they knew or should have known that an 805 report would not be filed; and whether there has been a prior failure to file an 805 report. The amount of the fine imposed may also differ based on whether a health care facility is a small or rural hospital as defined in Section 124840 of the Health and Safety Code.

(m) A health care service plan registered under Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code or a disability insurer that negotiates and enters into a contract with licentiates to provide services at alternative rates of payment pursuant to Section 10133 of the Insurance Code, when determining participation with the plan or insurer, shall evaluate, on a case-by-case basis, licentiates who are the subject of an 805 report, and not automatically exclude or deselect these licentiates.

SEC. 3. Chapter 13.5 (commencing with Section 4989.2) is added to Division 2 of the Business and Professions Code, to read:

Chapter 13.5. Licensed Professional Counselors

Article 1. Administration

4989.2. This chapter constitutes, and may be cited as, the Licensed Professional Counselor Act.

4989.4. For purposes of this chapter, the following terms have the following meanings:

- (a) "Board" means the Board of Behavioral Sciences.
- (b) "Accredited" means a school, college, or university accredited by the Western Association of Schools and Colleges, or its equivalent regional accrediting association.
- (c) "Approved by the Bureau for Private Postsecondary and Vocational Education" means unconditional approval existing at the time of the applicant's graduation from the school, college, or university.
- (d) "Applicant" means an unlicensed person who has completed a master's or doctoral degree program, as specified in Section 4989.22, and whose application for registration as a *professional counselor* intern is pending or who is in the examination process, or an unlicensed person who has completed the requirements for licensure specified in this chapter, is no longer registered with the board as a professional counselor intern, and is currently in the examination process.
- (e) "Examination," as used in this chapter, means a national licensing examination, such as the National Counselor Examination for Licensure and Certification (NCE) and the National Clinical Mental Health Counselor Examination (NCMHCE) unless the context requires otherwise.
- (f) "Licensed professional counselor" or "LPC" means a person licensed under this chapter to practice professional counseling, as defined in Section 4989.12.
- (g) "Professional Counselor Intern" or "Intern" means an unlicensed person who meets the requirements of Section 4989.26 and is registered with the board.
- (h) "Trainee" means an unlicensed person who is currently enrolled in a master's or doctoral degree program, as specified in Section 4989.22, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.
- (i) "Approved Supervisor" means an individual who meets the following requirements:
 - (1) Has documented two years of clinical experience as a licensed professional counselor, licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, licensed physician who is certified in psychiatry by the American Board of Psychiatry and Neurology, or licensed educational psychologist.
 - (2) Has received professional training in supervision.
 - (3) Has not provided therapeutic services to the trainee or the professional counselor intern.
 - (4) Has a current and valid license that is not under suspension or probation.
- (j) "Professional enrichment activities," as used in this chapter, includes the following:
 - (1) Workshops, seminars, training sessions, or conferences directly related to professional counseling attended by the applicant *and* approved by the applicant's supervisor.
 - (2) Participation by the applicant in group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional.
- (k) "Advertising," or "advertise" as used in this chapter, includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting. Signs within church buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.
- (l) "Assessment" means selecting, administering, scoring, and interpreting psychological and educational instruments designed to assess an individual's attitudes, abilities, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral disorders

and the use of methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations.

(m) "Consulting" means the application of scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the consultee may have in relation to a third party, be it an individual, a group, or an organization.

(n) "Counseling interventions" means the application of cognitive, affective, behavioral, or holistic counseling strategies that include principles of development, wellness, and pathology that reflect a pluralistic society. Such interventions are specifically implemented in the context of a professional counseling relationship and use a variety of counseling theories and approaches.

(o) "Referral" means evaluating and identifying the needs of a client to determine whether it is advisable to refer the client to other specialists, informing the client of that judgment, and communicating that determination as requested or deemed appropriate to referral sources.

(p) "Research" means a systematic effort to collect, analyze, and interpret quantitative and qualitative data that describes how social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations interact.

4989.6. The board shall do all of the following:

(a) Communicate information about its activities, the requirements and qualifications for licensure and the practice of professional counseling to the relevant educational institutions, supervisors, professional associations, applicants, trainees, professional counselor interns and the public.

(b) Develop policies and procedures to assist educational institutions in meeting the educational qualifications of Section 4989.22.

Article 2. Scope of Practice

4989.12. Professional counseling means the application of psychotherapeutic techniques and mental health or human developmental principles through assessment, cognitive, affective, behavioral, verbal or non-verbal, or systemic intervention strategies, consistent with scope and coursework and training required in subdivision (c) of Section 4989.22, Section 4989.23, and Section 4989.30 that address wellness, personal growth, adjustment to disability, career development, crisis intervention, as well as pathology, and empower individuals to deal adequately with life situations, reduce stress, experience growth, and make well-informed, rational decisions.

Professional counselors are restricted to the use of specific methods, techniques, or modalities for which they have the appropriate education and training. Professional counselors are obligated to refer clients to other mental health professionals, when they identify issues beyond their own scope of education, training, supervision and experience.

4989.14. (a) Nothing in this article shall prevent qualified persons from doing work of a psychosocial nature consistent with the standards and ethics of their respective professions. However, they shall not hold themselves out to the public by any title or description of services incorporating the words professional counselor, shall not state that they are licensed to practice professional counseling, and shall not practice or engage in psychotherapy, as determined by the Board of Behavioral Sciences.

(b) Nothing in this chapter shall be construed to constrict, limit, or withdraw provisions of the Medical Practice Act, the Social Work Licensing Law, the Nursing Practice Act, the Psychology Licensing Law, or marriage and family therapy licensing laws.

(c) This chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination who performs counseling services as part of his or her pastoral or professional duties, or to any person who is admitted to practice law in the state, or who is licensed to practice medicine, who provides counseling services as part of his or her professional practice.

(d) This chapter shall not apply to an employee of a governmental entity or of a school, college, or university, or of an institution both nonprofit and charitable, if his or her practice is performed solely under the supervision of the entity, school, or organization by which he or she is employed, and if he or she performs those functions as part of the position for which he or she is employed.

(e) All persons registered as professional counselor interns or licensed under this chapter shall not be exempt from this chapter or the jurisdiction of the board.

4989.16. Nothing in this article shall restrict or prevent activities of a psychotherapeutic nature on the part of persons employed by accredited or state-approved academic institutions, public schools, government agencies, or nonprofit institutions engaged in the training of graduate students or professional counselor trainees pursuing a course of study leading to a degree that qualifies for professional counselor licensure at an accredited or state-approved college or university, or working in a recognized training program, provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by a title such as “professional counselor trainee” or other title clearly indicating the training status appropriate to the level of training.

Article 3. Licensure

4989.20. Except as otherwise provided in this chapter, a person shall not practice or advertise the performance of professional counseling services without a license issued by the board, and shall pay the license fee required by this chapter.

4989.22. The educational qualifications for licensure as a professional counselor include all of the following:

(a) A master’s or doctoral degree in counseling, or a closely related degree, obtained from a school, college, or university accredited by the Western Association of Schools and Colleges, or its equivalent regional accrediting association, or approved by the Bureau for Private Postsecondary and Vocational Education.

(b) Not less than 48 graduate semester units or 72 graduate quarter units of instruction. On January 1, 2013, the minimum number of graduate units required shall increase to 60 semester units or 90 quarter units, and shall include a 48-graduate semester-unit or 72-graduate quarter-unit master’s or doctoral degree.

(c) The 48 graduate semester units or 72 graduate quarter units shall include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in each of following areas:

(A) Counseling and psychotherapeutic theories and techniques.

(B) Human growth and development across the lifespan, including normal and abnormal behavior.

(C) Career development theories and techniques.

(D) Group counseling theories and techniques.

(E) Assessment, appraisal and testing of individuals.

(F) Multicultural counseling theories and techniques.

(G) Principles of diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior, including use of the American Psychiatric Association’s “Diagnostic and Statistical Manual of Mental Disorders.”

(H) Research and evaluation.

(I) Professional orientation, ethics, and law in counseling.

(2) Additional coursework includes special treatment issues and special population issues, as well as supervised clinical practicum and field study experience, as defined in paragraph (4).

(3) The master’s or doctoral degree must contain at least seven of the nine required courses listed in subparagraphs (A) through (I) of paragraph (1). An applicant whose degree is deficient in the required areas of study or in the required units pursuant to this section may satisfy the

requirements by successfully completing post-master's or post-doctoral degree coursework at an institution accredited by the Western Association of Schools and Colleges, or its equivalent regional accrediting association, or approved by the Bureau for Private Postsecondary and Vocational Education. Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) through (I) of paragraph (1) must be the equivalent of three semester or four and one half quarter units of study. Coursework taken beyond the required areas of study listed in subparagraphs (A) through (I) of paragraph (1) shall include counseling modalities and/or treatment with special populations.

(4) Not less than six semester or nine quarter units of supervised practicum or field study experience, or the equivalent, in a clinical or counseling setting that provides experience within the scope of practice of professional counselors, including the following:

- (A) Applied psychotherapeutic techniques.
- (B) Assessment.
- (C) Diagnosis.
- (D) Prognosis.
- (E) Treatment.
- (F) Issues of development, adjustment, and maladjustment.
- (G) Health and wellness promotion.
- (H) Other recognized counseling interventions.

(I) A minimum of 150 hours of face-to-face supervised experience counseling individuals, families or groups. On January 1, 2013, the minimum number of hours of face-to-face experience shall increase to 280 hours.

(5) A trainee may be credited with pre-degree supervised practicum and field study experience completed in any setting that meets all of the following requirements:

- (A) Lawfully and regularly provides counseling or psychotherapy.
- (B) Provides oversight to ensure that the trainee's work at the setting meets the practicum and field study requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4989.12.
- (C) Is not a private practice.

(6) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.

(7) Trainees may perform services provided that the activities and services constitute part of the trainee's supervised course of study and that the person is designated by the title "trainee."

(8) All practicum and field study hours gained as a trainee shall be coordinated between the school and the site where hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site.

(9) If an applicant has gained practicum and field study hours while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those practicum and field study hours were gained in compliance with this section.

(10) A trainee shall inform each client or patient, prior to performing any professional services, that he or she is unlicensed and under supervision.

(11) No hours earned while a trainee may count toward the 3,000 hours of post-degree internship hours.

(12) A trainee shall receive at least one hour of individual and/or triadic supervision and 1.5 hours of group supervision for each week the trainee sees clients, for a total of 2.5 hours of supervision per week.

(13) For purposes of this section, "individual supervision" means one hour of face-to-face contact with supervisor alone; "triadic supervision" means one hour of face-to-face contact with supervisor and one other trainee; and "group supervision" means one and one-half hours of face-to-face contact with supervisor in a group of not more than ten persons.

(14) The term "supervision," as used in this chapter, includes the following:

- (A) Ensuring that the extent, kind, and quality of counseling performed is consistent with

the education, training, and experience of the person being supervised.

(B) Reviewing client or patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the trainee.

(C) Monitoring and evaluating the ability of the intern or trainee to provide services to the particular clientele at the site or sites where he or she will be practicing.

(D) Ensuring compliance with laws and regulations governing the practice of professional counseling.

(E) That amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor.

4989.23. In addition to the educational requirements of Section 4989.22, all-applicants shall complete the following coursework or training prior to licensure:

(a) Instruction in alcoholism and other chemical substance dependency as specified by regulation. When coursework in a master's or doctoral degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement in subdivision (b) of Section 4989.22. This subdivision applies to those individuals who began graduate study on or after January 1, 1986.

(b) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder. When coursework in a master's or doctoral degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester or 72 quarter unit requirement in subdivision (b) of Section 4989.22

(c) A minimum of a two semester or three quarter unit survey course in psychological testing. This subdivision applies to individuals who began graduate study on or after January 1, 2001. The requirement added by this subdivision is intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice, and is not intended in any way to expand or restrict the scope of licensure for professional counselors.

(d) A two semester or three quarter unit survey course in psychopharmacology. This subdivision applies to individuals who began graduate study on or after January 1, 2001. The requirement added by this subdivision is intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice, and is not intended in any way to expand or restrict the scope of licensure for professional counselors.

(e) Coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. This subdivision shall apply to individuals who began graduate study on or after January 1, 1995. Applicants who began graduate study on or after January 1, 2004 shall complete a minimum of 15 contact hours of coursework to satisfy this requirement.

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

(g) A minimum of two semester or three quarter units in California law and professional ethics for professional counselors, which shall include, but not be limited to, the following areas of study:

(1) Contemporary professional ethics and statutory, regulatory, and decisional law that delineates the profession's scope of practice.

(2) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of professional counseling.

(3) The current legal patterns and trends in the mental health profession.

(4) The psychotherapist-patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.

(5) A recognition and exploration of the relationship between a practitioner's sense of self and human values and his or her professional behavior and ethics.

(h) A minimum of 10 contact hours of coursework in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging.

(1) Coursework taken in fulfillment of other educational requirements for licensure as a professional counselor, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this subdivision.

(2) This subdivision shall apply to individuals who began graduate study on or after January 1, 2004.

(i) 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 accreditation.

4989.24. (a) Each educational institution preparing applicants to qualify for licensure shall notify each of its students by means of its public documents or otherwise in writing that its degree program is designed to meet the requirements of Section 4989.22 and shall certify to the board that it has so notified its students.

(b) An applicant trained at an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from an institution of higher education that is regionally accredited in the United States, or that is approved by the Bureau for Private Postsecondary and Vocational Education. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) and shall provide any other documentation the board deems necessary.

4989.26. To qualify for registration as a professional counselor intern, an applicant shall have all of the following qualifications:

(a) Has earned a master's or doctoral degree as specified in Section 4989.22.

(b) The applicant shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

(c) The board shall not issue a registration to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

4989.28. (a) A professional counselor intern may be credited with supervised experience completed in any setting that meets all of the following requirements:

(1) Lawfully and regularly provides counseling or psychotherapy

(2) Provides oversight to ensure that the professional counselor intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4989.12.

(3) Experience may be gained by the professional counselor intern solely as part of the position for which the intern volunteers or is employed.

(4) A professional counselor intern shall not be employed or volunteer in a private practice until registered as an intern.

4989.30. (a) Each applicant shall complete experience under the general supervision of an approved supervisor as defined in Section 4989.4.

(b) The experience shall include the following:

(1) A minimum of 3,000 hours post-degree supervised experience related to the practice of professional counseling, performed over a period of not less than two years (104 weeks) which shall include:

(A) Not more than 40 hours in any seven consecutive days.

(B) No hours of experience may be gained more than six years prior to the date the application for licensure was filed.

(C) Not less than 1,750 hours of direct counseling with individuals or groups in a clinical or counseling setting using a variety of psychotherapeutic techniques and recognized counseling interventions within the scope of practice of professional counselors.

(D) Not more than 1,000 hours of direct supervisor contact and professional enrichment activities.

(E) Not more than 500 hours of experience providing group therapy or group counseling.

(F) Not more than 250 hours of experience administering and evaluating psychological

tests of counselees, writing clinical reports, writing progress notes, or writing process notes.

(G) Not more than 250 hours of experience providing counseling or crisis counseling on the telephone.

(c) An applicant shall register with the board as a professional counselor intern in order to be credited for post-degree hours of experience toward licensure. Post-degree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is registered as a professional counselor intern by the board.

(d) All applicants and professional counselor interns shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of professional counseling. At no time shall a supervisor supervise more than two interns.

(e) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one hour of direct supervisor contact. No more than five hours of supervision, whether individual or group, shall be credited during any single week.

(2) A professional counselor intern shall receive an average of at least one hour of direct supervisor contact for every 10 hours of client contact in each setting.

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons.

(f) The term "supervision," as used in this chapter, includes the following:

(1) Ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised.

(2) Reviewing client or patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern.

(3) Monitoring and evaluating the ability of the intern to provide services to the particular clientele at the site or sites where he or she will be practicing.

(4) Ensuring compliance with laws and regulations governing the practice of professional counseling.

(5) That amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor.

4989.32. The board shall adopt regulations regarding the supervision of interns which may include, but not be limited to, the following:

(a) Supervisor qualifications.

(b) Continuing education requirements of supervisors.

(c) Registration or licensing of supervisors, or both.

(d) General responsibilities of supervisors.

(e) The board's authority in cases of noncompliance or negligence by supervisors.

4989.34. (a) The board may issue a license in professional counseling to any person who meets all of the following requirements:

(1) He or she has received a master's or doctoral degree in counseling, or a related degree, from an institution of higher education that is accredited as described in subdivision (a) of Section 4989.22, or that is approved by the Bureau for Private Postsecondary and Vocational Education as defined in Section 4989.4.

(2) He or she has completed 3,000 hours of supervised experience in the practice of professional counseling as defined in Section 4989.12.

(3) He or she provides evidence of a passing score, as determined by the board, on examinations approved by the board.

(4) He or she meets the board's regulatory requirements for professional counselor licensure, including the following:

(A) The applicant has not committed acts or crimes constituting grounds for denial of licensure under Section 480.

(B) The board shall not issue a license to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the Penal Code or the equivalent in another state or territory.

(C) He or she has passed a fingerprint check.

(b) The board may issue a license to any person who, at the time of application, has held for at least two years, a valid license as a professional counselor, or an equivalent title, in another jurisdiction of the United States, if the education and supervised experience requirements are substantially equivalent to this chapter, and the person has successfully completed an examination as specified in paragraph (3) of subdivision (a) and has paid the required fees.

4989.36. (a) Every applicant for a license as a professional counselor shall be examined by the board pursuant to paragraph (3) of subdivision (a) of Section 4989.34. The board shall examine the candidate with regard to his or her knowledge and professional skills and his or her judgment in the utilization of appropriate techniques and methods.

(b) The examination shall be given at least twice a year at a time and place and under supervision as the board may determine.

(c) (1) It is the intent of the Legislature that national licensing examinations, such as the National Counselor Examination for Licensure and Certification (NCE) and the National Clinical Mental Health Counselor Examination (NCMHCE), be evaluated by the board as a requirement for licensure as a professional counselor.

(2) The board shall evaluate various national examinations in order to determine whether they meet the prevailing standards for the validation and use of licensing and certification tests in California, as determined by the Office of Examination Resources of the Department of Consumer Affairs.

(3) Examinations shall measure knowledge and abilities demonstrably important to the safe, effective practice of the profession.

(4) If national examinations do not meet the standards specified in paragraph (2), then the board may develop and require a supplemental examination in addition to national examinations. Under these circumstances, national examinations, as well as a supplemental examination developed by the board, are required for licensure as a professional counselor pursuant to paragraph (3) of subdivision (a) of Section 4989.34 and this section.

(d) The board shall not deny any applicant who has submitted a complete application for examination admission to the licensure examination required by this section if the applicant meets the educational and experience requirements of this chapter, and has not committed any acts or engaged in any conduct that would constitute grounds to deny licensure.

(e) The board shall not deny any applicant whose application for licensure is complete, admission to the examination, nor shall the board postpone or delay any applicant's examination or delay informing the candidate of the results of the examination, solely upon the receipt by the board of a complaint alleging acts or conduct that would constitute grounds to deny licensure.

(f) If an applicant for examination is the subject of a complaint or is under board investigation for acts or conduct that, if proven to be true, would constitute grounds for the board to deny licensure, the board shall permit the applicant to take the examination, but may notify the applicant that licensure will not be granted pending completion of the investigation.

(g) Notwithstanding Section 135, the board may deny any applicant who has previously failed an examination permission to retake that examination pending completion of the investigation of any complaints against the applicant.

(h) Nothing in this section shall prohibit the board from denying an applicant admission to any examination, withholding the results, or refusing to issue a license to any applicant when an accusation or statement of issues has been filed against the applicant pursuant to Section

11503 or 11504 of the Government Code, respectively, or the applicant has been denied in accordance with subdivision (b) of Section 485.

(i) Notwithstanding any other provision of law, the board may destroy all examination materials two years following the date of an examination.

(j) An applicant who has satisfied the requirements of this chapter shall be issued a license as a professional counselor in the form that the board may deem appropriate.

4989.38. During the first 12 months following January 1, 2009, the board may issue a license to any person who applies for a license provided that he or she meets one of the following sets of criteria:

(a) He or she meets all of the following requirements:

(1) Has a master's or doctoral degree in counseling (including specific degree titles such as community counseling, mental health counseling, rehabilitation counseling, school counseling, etc.), or a related degree, from a school, college, or university as specified in subdivision (a) of Section 4989.22. Related degrees include, but are not limited to psychology and the creative arts therapies (art therapy, dance/movement therapy, music therapy, etc.). If the person's degree does not include graduate coursework (equivalent to three semester units, four and one-half quarter units or 45 contact hours) in all nine subject areas required by paragraph (1) of subdivision (c) of Section 4989.22, a person can provide documentation that he or she has completed the required coursework post-degree.

(A) Degrees issued prior to 1996 (minimum of 30 semester units or 45 quarter units) must include at least five of the nine required courses.

(B) Degrees issued in 1996 (minimum of 48 semester units or 72 quarter units) and after must include at least seven of the nine courses.

(2) Coursework required outside the degree program, as required by the Board of Behavioral Sciences.

(3) Has at least two years, full time or the equivalent, post-degree counseling experience, that includes at least 1,000 hours of direct client contact experience supervised by a licensed mental health professional, or a certified master's level counselor or therapist.

(4) Has a passing score on the National Certified Counselor Examination for Licensure and Certification (NCE), or the National Clinical Mental Health Counselor Examination (NCMHCE) or the Certified Rehabilitation Counselor Examination (CRCE).

(b) Is currently licensed as a marriage and family therapist in the State of California and meets the coursework requirements described in paragraph (1) of subdivision (a) of 4989.38.

Article 4. Licensed Professional Counselor Field Training

4989.40. A professional counselor intern employed under this chapter shall:

(a) Not perform any duties, except for those services provided as a trainee, until registered as an intern.

(b) Not be employed or volunteer in a private practice until registered as an intern.

(c) Inform each client prior to performing any professional services that he or she is unlicensed and under supervision.

(d) File for renewal annually for a maximum of five years after initial registration with the board.

(e) Cease continued employment as an intern after six years unless the requirements of subdivision (f) are met.

(f) When no further renewals are possible, an applicant may apply for and obtain a new intern registration if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration. An applicant issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

4989.42. (a) Trainees, professional counselor interns, and applicants shall perform services as an employee or as a volunteer, not as an independent contractor. The requirements of this

chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers.

(b) Trainees, interns and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.

(c) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

(d) Trainees, interns and applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, and applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor.

(e) The board may audit applicants who receive reimbursement for expenses and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(f) Trainees, interns and applicants shall only perform services at the place where their employers regularly conduct business and services, which may include other locations, as long as the services are performed under the direction and control of their employer and supervisor in compliance with the laws and regulations pertaining to supervision. Trainees and interns shall have no proprietary interest in the employer's business.

(g) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

Article 5. Practice Requirements

4989.50. A licensee shall display his or her license in a conspicuous place in his or her primary place of practice.

4989.52. Any licensed professional counselor who conducts a private practice under a fictitious business name shall not use any name which is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, the name and license designation of the owner or owners of the practice.

4989.54. Licensed professional counselors shall provide to each client an accurate and informative document containing all of the following:

- (a) The fee schedule listed by type of service or hourly rate.
- (b) An explanation of the limits of confidentiality.
- (c) The words "This information is required by the Board of Behavioral Sciences which regulates all licensed professional counselors."
- (d) The name, address, and telephone number of the board.

4989.56. (a) Except as provided in subdivision (c), the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of professional counseling in the preceding two years, as determined by the board.

(b) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completed continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request.

(c) The board may establish exceptions from the continuing education requirement of this section for good cause, as defined by the board.

(d) The continuing education shall be obtained from one of the following sources:

(1) A school, college, or university that meets the requirements set forth in subdivision (a) of Section 4989.22. Nothing in this paragraph shall be construed as requiring coursework to be offered as part of a regular degree program.

(2) Other continuing education providers, including, but not limited to, a professional counseling association, a licensed health facility, a governmental entity, a continuing education unit of a four-year institution of higher learning that is accredited, or approved by the Bureau for Private Postsecondary and Vocational Education, or a mental health professional association, approved by the board.

(e) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education, as described in paragraphs (1) and (2) of subdivision (d), shall adhere to procedures established by the board. The board may revoke or deny the right of a provider to offer continuing education coursework pursuant to this section for failure to comply with the requirements of this section or any regulation adopted pursuant to this section.

(f) Training, education, and coursework by approved providers shall incorporate one or more of the following:

(1) Aspects of the discipline that are fundamental to the understanding or the practice of professional counseling.

(2) Significant recent developments in the discipline of professional counseling.

(3) Aspects of other disciplines that enhance the understanding or the practice of professional counseling.

(g) A system of continuing education for licensed professional counselors shall include courses directly related to the diagnosis, assessment, and treatment of the client population being served.

(h) The board shall, by regulation, fund the administration of this section through continuing education provider fees to be deposited in the Behavioral Sciences Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section. For the purposes of this subdivision, a provider of continuing education as described in paragraph (1) of subdivision (d) shall be deemed to be an approved provider.

(i) The continuing education requirements of this section shall fully comply with the guidelines for mandatory continuing education established by the Department of Consumer Affairs pursuant to Section 166.

Article 6. Enforcement

4989.60. In order to carry out the provisions of this chapter, the board shall do all of the following:

(a) Enforce laws designed to protect the public from incompetent, unethical, or unprofessional practitioners.

(b) Investigate complaints concerning the conduct of any licensed professional counselor.

(c) Revoke, suspend, or fail to renew a license that it has authority to issue for just cause, as enumerated in rules and regulations of the board. The Board may deny, suspend or revoke any license granted under this chapter pursuant to Section 480, 481, 484, 496, 498, or 499.

4989.62. It shall be unlawful for any person to engage in any of the following acts.

(a) Engage in the practice of professional counseling, as defined in Section 4989.12, without first having complied with the provisions of this chapter and without holding a valid license as required by this chapter.

(b) Represent themselves by the title "licensed professional counselor," "LPC," or "licensed counselor" without being duly licensed according to the provisions of this chapter.

(c) Make any use of any title, words, letters, or abbreviations, which may reasonably be

confused with a designation provided by this chapter to denote a standard of professional or occupational competence without being duly licensed.

(d) Materially refuse to furnish the board information or records required or requested pursuant to this chapter.

4989.64. It is the intent of the Legislature that any communication made by a person to a licensed professional counselor in the course of professional services shall be deemed a privileged communication.

4989.66. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both.

4989.68. In addition to other proceedings provided in this chapter, whenever any person has engaged, or is about to engage, in any acts or practices which constitute, or will constitute, an offense against this chapter, the superior court in and for the county wherein the acts or practices take place, or are about to take place, may issue an injunction, or other appropriate order, restraining such conduct on application of the board, the Attorney General, or the district attorney of the county. The proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

4989.70. The board may refuse to issue any registration or license, or may suspend or revoke the registration or license of any professional counselor intern or licensed professional counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing licensed professional counseling services.

(d) Gross negligence or incompetence in the performance of licensed professional counseling services.

(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.

(g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee or registrant, allowing any other person to use his or her license or registration.

(h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(i) Intentionally or recklessly causing physical or emotional harm to any client.

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a licensed professional counselor.

(l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee or professional counselor intern under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

(m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client which is obtained from tests or other means.

(n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).

(p) Advertising in a manner that is false, misleading, or deceptive.

(q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.

(r) Any conduct in the supervision of any intern or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.

(s) Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(t) Permitting a trainee or an intern under one's supervision or control to perform, or permitting the trainee or intern to hold himself or herself out as competent to perform, professional services beyond the trainee's or intern's level of education, training, or experience.

(u) The violation of any statute or regulation the standards of the profession, and the nature of the services being rendered governing the gaining and supervision of experience required by this chapter.

(v) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(w) Failure to comply with the child abuse reporting requirements of Penal Code Section 11166.

(x) Failing to comply with the elder and dependent adult abuse reporting requirements of

Welfare and Institutions Code Section 15630.

(y) Repeated acts of negligence.

Article 7. Revenue

4989.76. (a) A professional counselor intern registration shall expire one year from the last day of the month in which it was issued.

(b) To renew a registration, the registrant shall, on or before the expiration date of the registration, do the following:

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

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

(3) 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 registrant's last renewal.

4989.78. (a) 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.

(b) To renew an unexpired license, the licensee, on or before the expiration date of the license, shall do all of 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 4989.56.

(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.

4989.80. A license that has expired may be renewed at any time within five years of expiration. To renew an expired license, the licensee shall do all of the following:

(a) File an application for renewal on a form prescribed by the board.

(b) Pay all fees that would have been paid if the license had not become delinquent.

(c) Pay all delinquency fees.

(d) Certify compliance with the continuing education requirements set forth in Section 4989.56.

(e) 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.

4989.82. A license that is not renewed within five years after its expiration may not be renewed, restored, reinstated, or reissued, except that a former licensee may apply for and obtain a new license if he or she complies with all of 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 takes and passes the current examination required for licensing.

(c) He or she submits an application for initial licensure.

4989.84. A suspended license is subject to expiration and shall be renewed as provided in this article, but that renewal does not entitle the licensee, while it remains suspended and until it is reinstated, to engage in the activity to which the license relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

4989.86. A revoked license is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the licensee shall, as a condition precedent to its reinstatement, pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if

any, accrued at the time of its revocation.

4989.88. (a) A licensed professional counselor may apply to the board to request that his or her license be placed on inactive status. A licensee who holds an inactive license shall do all of the following:

- (1) Pay a biennial fee of half of the active renewal fee.
- (2) Be exempt from continuing education requirements.
- (3) Not engage in the practice of professional counseling in this state.
- (4) Otherwise be subject to this chapter.

(b) A licensee on inactive status may have his or her license reactivated by complying with all of the following:

- (1) Submitting a request to the board.
- (2) Certifying that he or she has not committed any acts or crimes constituting grounds for denial of licensure.

- (3) Paying the remaining half of the renewal fee.
- (4) Completing the following continuing education requirements.

(A) 18 hours of continuing education is required within the two years preceding the date of the request for reactivation if the license will expire less than one year from the date of the request for reactivation.

(B) 36 hours of continuing education is required within the two years preceding the date of the request for reactivation if the license will expire more than one year from the date of the request for reactivation.

4989.90. The board shall report each month to the Controller the amount and source of all revenue received pursuant to this chapter and at the same time deposit the entire amount thereof in the State Treasury for credit to the Behavioral Sciences Fund.

4989.92. (a) Notwithstanding Section 13340 of the Government Code and except as otherwise provided in Section 207 of this code, the moneys credited to the Behavioral Sciences Fund under Section 4989.90 are continuously appropriated, without regard to fiscal years, to the Board of Behavioral Sciences for carrying out and enforcing the provisions of this chapter.

(b) The board shall keep records that will reasonably ensure that funds expended in the administration of each licensing or registration category bear a reasonable relation to the revenue derived from each category, and shall so notify the department no later than May 31 of each year.

(c) Surpluses, if any, may be used in a way so as to bear a reasonable relation to the revenue derived from each category, and may include, but not be limited to, expenditures for education and research related to each of the licensing or registration categories.

4989.94. A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice.

4989.96. The board shall assess fees for the registration of professional counselor interns and the issuance and renewal of licenses to cover administrative and operating expenses of the board related to this chapter.

SEC. 4. Section 4990.1 of the Business and Professions Code is amended to read:

4990.1. There is in the Department of Consumer Affairs a Board of Behavioral Sciences which consists of 44 15 members.

This section shall become inoperative in July 1, 2008, and, as of January 1, 2009, is repealed,

unless a later enacted statute, which becomes effective on or before January 1, 2009, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 5. Section 4990.3 of the Business and Professions Code is amended to read:

4990.3. Two members of the board shall be state-licensed clinical social workers, one shall be a licensed educational psychologist, two shall be state-licensed marriage and family *therapists*, *two shall be state-licensed professional counselors*, and six eight shall be public members. Each member, except the six eight public members, shall hold at least a master's degree from an accredited college or university and shall have at least two years of experience in his or her profession.

SEC. 6. Section 4990.5 of the Business and Professions Code is amended to read:

4990.5. Each member of the board, except the members first appointed, shall be appointed for a term of four years and shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term.

The Governor shall appoint six of the public members and the *seven* licensed members qualified as provided in Section 4990.3 with the advice and consent of the Senate. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies which occur on or after January 1, 1983.

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State of California

M e m o r a n d u m

To: Budget and Efficiency Committee

Date: December 22, 2006

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: X. Succession of Officers

Background:

In February 2005, the board adopted a policy (B-05-1) addressing the succession of board officers. In the prior year, the Chair's term expired without reappointment and there were questions regarding how to handle succession. The policy adopted in 2005 specifies that when the Chair is no longer able to serve, the Vice-Chair assumes the office of chair and serves until the next regular election of officers. A Vice-Chair is then selected at the next regularly scheduled meeting.

The policy specifically references a statutory requirement that the board elect officers before March 1 of every year. That provision was changed in Senate Bill 1475 (Chapter 659, Statutes of 2006) to require election of officers before June 1 of each year. This change aligns the election of officers with the expiration of board terms. The misalignment in the prior law, caused the board to lose three consecutive chairs due to reappointment issues.

Recommendation:

Amend the policy as attached to reflect the new date for electing officers.

Attachments:

Existing policy B-05-1
Proposed policy B-07-1

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**BOARD OF BEHAVIORAL SCIENCES**

400 R Street, Suite 3150, Sacramento, CA 95814-6240
 Telephone (916) 445-4933
 TDD (916) 322-1700
 Website Address: <http://www.bbs.ca.gov>



SUBJECT: Succession of Officers	POLICY # B-05-1	DATE ADOPTED: February 17, 2005
	SUPERSEDES: N/A	PAGE: 1 OF 1
DISTRIBUTE TO: All Board Members	APPROVED BY:	BOARD OF BEHAVIORAL SCIENCES

The Board of Behavioral Sciences takes its mandate to protect the public with the utmost seriousness. Each member recognizes it is a privilege and an honor to serve as a member of the Board of Behavioral Sciences. It is the policy of the Board to adopt a policy that clearly states the appropriate succession of officers.

SUCCESSION OF OFFICERS:

If for any reason the Chairperson of the Board is unable to continue in his/her role as Chairperson, the Vice-Chairperson shall immediately assume the duties of Chairperson until the next election of officers.

Nominations to fill the position of Vice-Chairperson may be made and voted on at the next scheduled Board Meeting.

BACKGROUND: Business and Professions Code Section 4990.6 states “Not later than the first of March of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.” The law does not address a sudden or unexpected departure of the Chairperson and the Board requested a policy be in place to address the situation.

IMPLEMENTATION: Effective Immediately

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SUBJECT:	POLICY # B-07-1	DATE ADOPTED:
Succession of Officers	SUPERSEDES: B-05-1	PAGE: 1 OF 1
DISTRIBUTE TO: All Board Members	APPROVED BY: BOARD OF BEHAVIORAL SCIENCES	

The Board of Behavioral Sciences takes its mandate to protect the public with the utmost seriousness. Each member recognizes it is a privilege and an honor to serve as a member of the Board of Behavioral Sciences. It is the policy of the Board to adopt a policy that clearly states the appropriate succession of officers.

SUCCESSION OF OFFICERS:

If for any reason the Chairperson of the Board is unable to continue in his/her role as Chairperson, the Vice-Chairperson shall immediately assume the duties of Chairperson until the next election of officers.

Nominations to fill the position of Vice-Chairperson may be made and voted on at the next scheduled Board Meeting.

BACKGROUND: Business and Professions Code Section 4990 (g) states “Not later than the first of June of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.” The law does not address a sudden or unexpected departure of the Chairperson and the Board requested a policy be in place to address the situation.

IMPLEMENTATION: Effective Immediately

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State of California

Memorandum

To: Policy and Advocacy Committee

Date: December 21, 2006

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: XI. Demographic Survey

Background

At the February 2006 meeting, the board directed staff to complete a demographic survey of its licensees to inform its deliberations on current and future workforce issues. Staff developed the survey instrument and mailed it to approximately 65,000 registrants and licensees (a copy of the survey is attached for your reference).

Mailing occurred in October and the board has been receiving responses in large numbers. At this time, the board has received over 24,000 responses. This response rate (38%) is much higher than anticipated and data entry is progressing. About one-half of the responses have been entered into the database.

Attached to this memo is a summary of the data entered thus far. This represents nearly 12,000 responses which is a healthy sample, and I do not expect to see dramatic changes in the results when all the responses are entered. The proportion of responses based on license/registration type are in line with the proportion in our licensing database.

Staff will be performing more detailed analysis of the data for future meetings, but we wanted to share the results thus far for your information.

Also attached for your information are excerpts from the March 2005 Current Population Survey for California. These excerpts provide detailed demographic breakdowns of California's population that put our the board's survey results in context.

Attachments

Survey Instrument
Summary Statistics
Excerpts from 2005 Current Population Survey Results

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Demographic Survey Stats as of 12/19/2006

Race and Ethnicity	Responses	CA Estimate*	Difference
Non-Hispanic White	74.70%	44.40%	30.30%
Hispanic Latino	7.90%	35.30%	-27.40%
Multi Race/Other	6.40%	1.70%	4.70%
Asian	4.60%	11.50%	-6.90%
American Indian/Alaska Native	0.80%	0.30%	0.50%
Pacific Islander	0.40%	0.50%	-0.10%

Composition of Respondents	
MFT	50.00%
LCSW	29.00%
IMF	9.80%
ASW	8.60%
LEP	2.30%

Median Age of Respondents (in years)	CA Median Age*	Difference
53	34	19

Gender		CA Estimate*	Difference
Female	78.20%	50.2%	28.00%
Male	21.20%	49.7%	-28.50%
No Response	0.60%		

<i>Total Surveys Sent</i>	64,015
<i>Total Responses Received</i>	24,520
<i>Response Rate</i>	38.3%

Total Responses Entered: 11,260 46%

* - Based on March Current Population Survey, March 2005

Language Fluency (Excluding English)		CA Estimate**	Difference
Spanish	11.40%	25.8%	-14.40%
Chinese	1.20%	2.6%	-1.40%
Korean	0.40%	0.9%	-0.55%
Vietnamese	0.40%	1.3%	-0.90%
Tagalog	0.30%	2.0%	-1.69%
Total	13.70%	32.6%	-18.93%

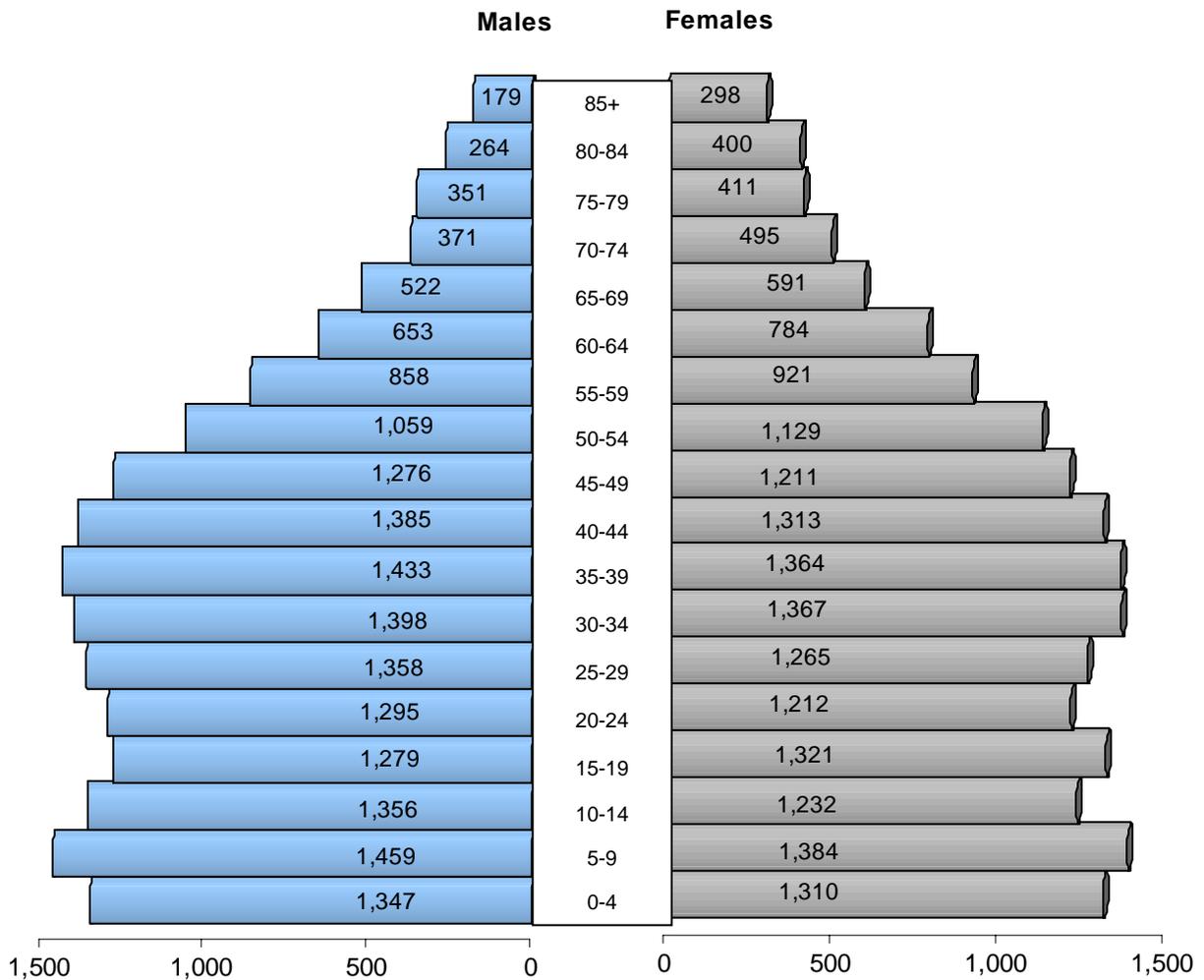
Primary Practice Setting	
Private Practice	40.50%
Non Profit/Charitable	19.40%
County/Municipal Agency	12.10%
Licensed Health Care Facility	9.30%
Other	7%
Schools	4.90%
State/Federal Agency	3.50%
College or University	2%
No Response	1.30%

Years in Practice	
	12.3

Past/Current SMEs	
Yes	2.40%

** - Based on 2000 Census data Responses to Census Item -- "Does this person speak a language other than English at home?"

California Current Population Survey Report March 2005



California 2005
(Population in thousands)

Demographic Research Unit
915 L Street
Sacramento, CA 95814
<http://www.dof.ca.gov>

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I. General Population Characteristics

In 2005 there were more than 35.8 million people in California. Almost half of the State's population was White, a little more than one-third were Hispanics, and the remainder were Asians, Blacks, American Indians, Hawaiian/Pacific Islanders, or two or more races (see Table 1). As shown in Figure 1, between 2004 and 2005, the State's White population has declined by more than half a million while the Hispanic population has increased by more than a million.

Just over a quarter of the State's population were children under 18. Hispanics represented the largest child population in the State (47 percent), followed by Whites (33.5 percent). The population in the working age group (18-64) accounted for 62.4 percent of the State's population. Among the working age group, Whites had the highest proportion (45.3 percent), followed by Hispanics (33.7 percent). The population over 65 was about 10.8 percent. Whites made up almost two-thirds (66.0 percent) of the State's aging population. Overall, 20.2 percent of Whites were under 18 and 16.1 percent were 65 and over; 22.2 percent of Asians were under 18 and 11.2 percent were 65 and over; Hispanics had 35.6 percent under 18 and only 4.8 percent 65 and over; Blacks had 28.6 percent under 18 and 9.4 percent 65 and over (see Table 2).

The age-sex composition of the population revealed a modest dominance of males until age 50. After 50, females slightly outnumbered males (see Table 2). The overall sex ratio of the population was 49.8 percent male and 50.2 percent female. However, the male-female sex ratio was highest for Hispanics (106 males for every 100 females) and lowest for Blacks and Asians (90 males for every 100 females). The median age ranged from 26 years for Hispanics to 41 years for Whites (see Figure 2).

In 2005, over two-thirds of persons 15 years and older reported having ever been married. Married persons accounted for 74.8 percent of the population ever married; divorced represented 13.6 percent; widowed 8.4 percent, and separated 3.2 percent. While men accounted for 46.1 percent of the ever married and 56 percent of the never married, women accounted for 53.9 percent of the ever married and 44 percent of the never married (see Table 3).

As shown in Table 4, Whites had the highest proportion ever married (71.1 percent) while Blacks had the highest proportion never married (42.2 percent). Among persons between 15 and 44 years, the chance of remaining single was higher for males than for females (see Table 5). For people 65 years and over, the proportion widowed was 13.1 percent for men and 43 percent for women (see Table 6).

The estimated number of households for California in March 2005 was 12.8 million. During that year, the average household size for the state was 2.8 persons. Over a quarter of Hispanics (25.7 percent) lived in households with six or more persons, compared with 14.7 percent of Asians, 11.1 percent of Blacks, and 6.2 percent of Whites (see Table 7). The average household size was highest for Hispanic households (3.8 persons per household) and lowest for Whites (2.3 persons per household).

In 2005, the most common living arrangement for people aged 65 years and over was living in households of two persons (see Table 8). The proportion of women 75 years and over living in households with three or more persons was significantly higher (59.2 percent) compared with the proportion for 65-74 years old, 52.4 percent (see Table 8).

Between 2004 and 2005, of all households, the percentage of owner-occupied and renter-occupied households changed very little. Owner-occupied households increased from 59.2 to 59.7 percent of all households and, conversely, renter-occupied households decreased from 40.8 to 40.3 percent of all households. The average household size for owner- and renter-occupied households was 2.9 and 2.7 persons, respectively (see Table 10).

In 2005, family households with two or more related persons accounted for 68.5 percent and nonfamily households accounted for 31.5 percent of all households. Just under three-fourths (72.6 percent) of family households were married-couple families, 19.0 percent were female householders with no husband present, and only 8.4 percent were male householders with no wife present (see Table 11).

In 2005, there were 9.6 million children under 18 reported living in California. More than two-thirds of these children (68.6 percent) were living with both parents; over a quarter (26.8 percent) were living with a single parent; and 4.5 percent were living with neither parent. Among those living with a single parent, 79.7 percent were living with their mothers (see Table 12).

Table 1. Persons by Race/Ethnicity

Race/Ethnicity	Number	Percent
White	15,915,737	44.4%
Hispanic	12,664,639	35.3%
Asian	4,121,895	11.5%
Black	2,252,215	6.3%
American Indian	106,095	0.3%
Hawaiian/Pacific Islander	163,466	0.5%
Two or More	625,753	1.7%
Total*	35,849,801	100.0%

* Total civilian non-institutional population. Includes members of armed forces living off military bases or living in civilian housing on base.

Figure 1. 2004 and 2005 Population Changes by Race/Ethnicity

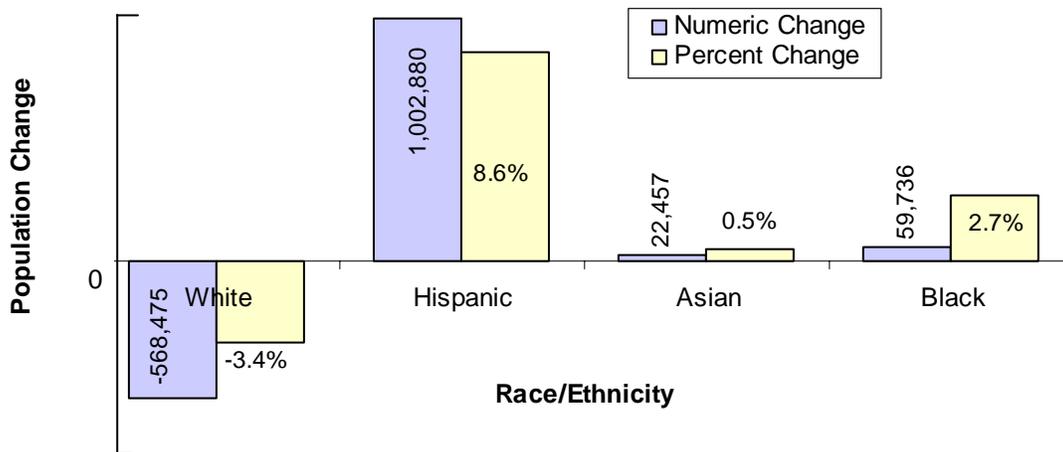


Table 2. Persons by Age, Race/Ethnicity, and Sex

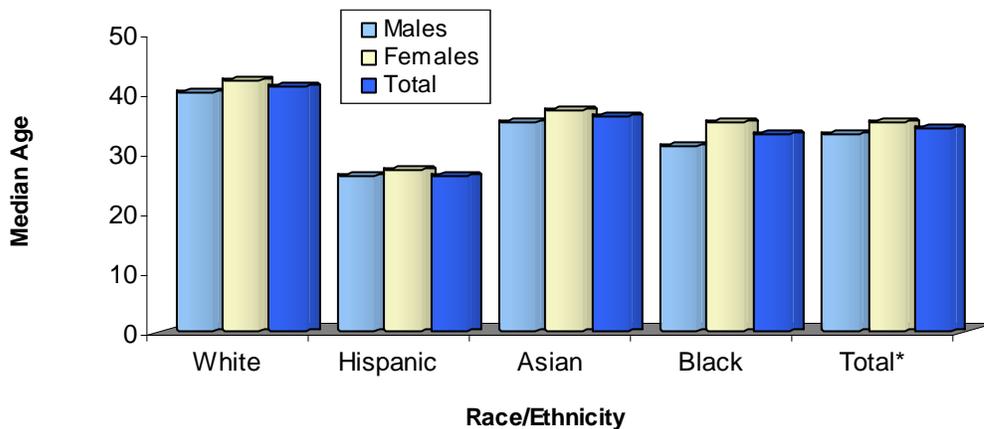
Age Group	White			Hispanic			Asian		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Under 18	1,690,560	1,524,029	3,214,589	2,328,683	2,179,742	4,508,425	451,033	464,512	915,545
18-34	1,539,547	1,668,669	3,208,216	1,963,001	1,717,416	3,680,417	502,180	526,121	1,028,301
35-49	1,992,041	1,833,784	3,825,825	1,391,846	1,273,525	2,665,371	500,145	553,104	1,053,249
50-64	1,507,264	1,597,296	3,104,560	571,488	628,294	1,199,782	298,756	364,088	662,844
65+	1,110,540	1,452,007	2,562,547	265,524	345,120	610,644	204,563	257,394	461,957
Total	7,839,952	8,075,785	15,915,737	6,520,542	6,144,097	12,664,639	1,956,677	2,165,218	4,121,895
Median Age	40	42	41	26	27	26	35	37	36

---- Table 2. Continued ----

Age Group	Black			Total*		
	Males	Females	Total	Males	Females	Total
Under 18	332,377	311,574	643,951	4,963,813	4,632,862	9,596,675
18-34	265,336	265,401	530,737	4,405,538	4,302,586	8,708,124
35-49	242,776	297,520	540,296	4,214,914	4,044,279	8,259,193
50-64	142,088	184,396	326,484	2,569,094	2,833,727	5,402,821
65 +	86,577	124,170	210,747	1,688,437	2,194,551	3,882,988
Total	1,069,154	1,183,061	2,252,215	17,841,795	18,008,006	35,849,801
Median Age	31	35	33	33	35	34

* Total includes all race/ethnic groups.

Figure 2. Median Age by Race/Ethnicity and Sex



* Total includes all race/ethnic groups.

Figure 3. Distribution of Persons by Age, Sex, and Race/Ethnicity

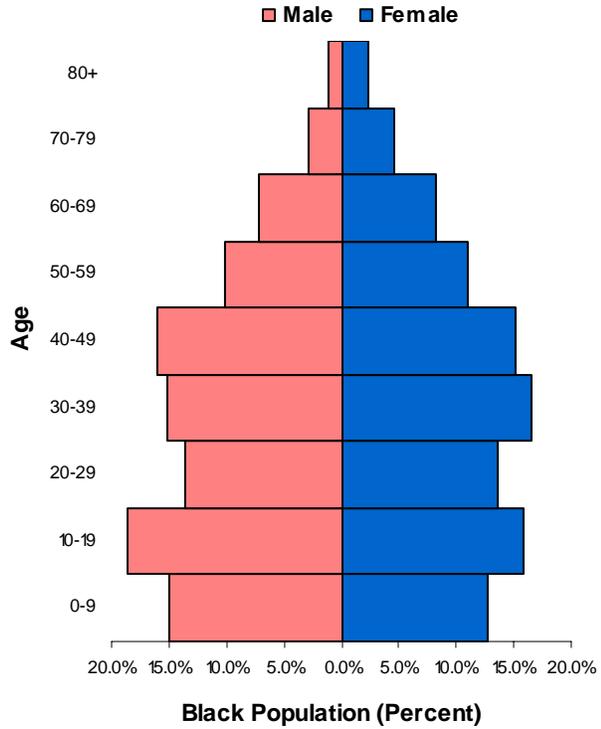
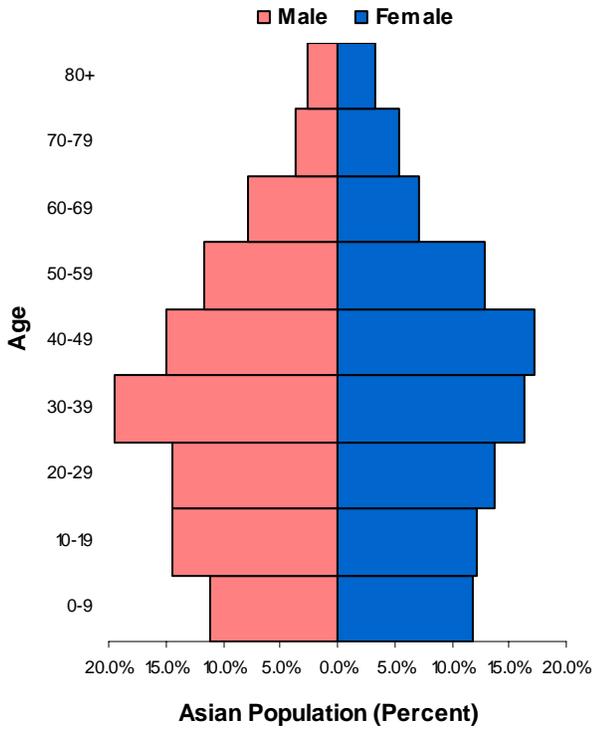
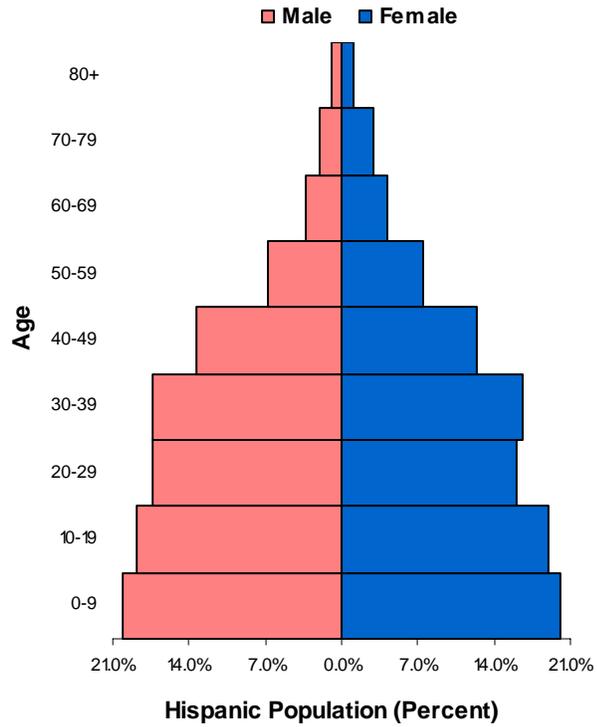
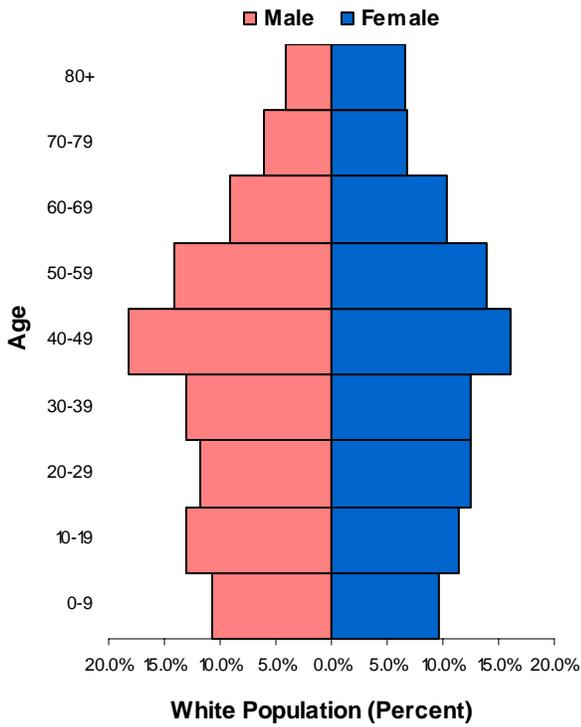
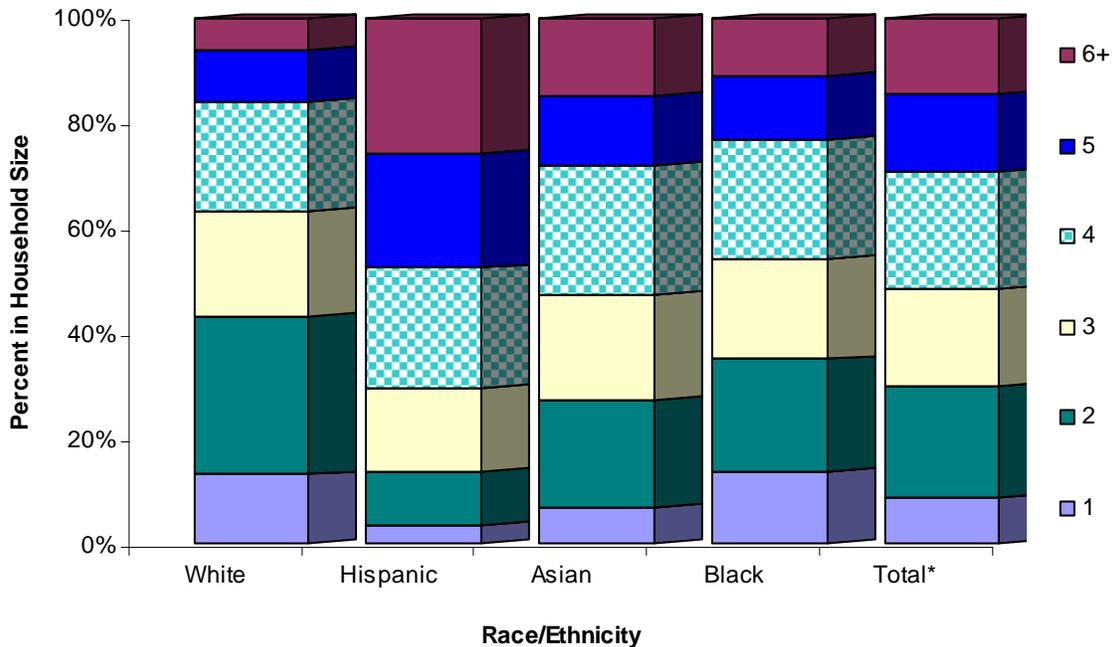


Table 7. Persons by Household Size and Race/Ethnicity

Household Size	White	Hispanic	Asian	Black	Total*
1	2,091,361	452,561	281,612	307,746	3,205,777
2	4,793,353	1,265,303	839,632	482,060	7,584,645
3	3,154,614	2,045,028	828,549	432,635	6,642,652
4	3,313,464	2,878,346	1,019,298	510,337	7,930,941
5	1,582,676	2,764,895	544,897	270,029	5,270,124
6+	980,269	3,258,505	607,907	249,407	5,215,662
Total Persons	15,915,737	12,664,639	4,121,895	2,252,215	35,849,801
Total Households	6,887,170	3,359,833	1,408,110	872,399	12,826,138
Mean Household Size	2.3	3.8	2.9	2.6	2.8

* Total includes all race/ethnic groups.

Figure 6. Distribution of Persons by Household Size and Race/Ethnicity



* Total includes all race/ethnic groups.

Figure 7. Mean Household Size by Race/Ethnicity

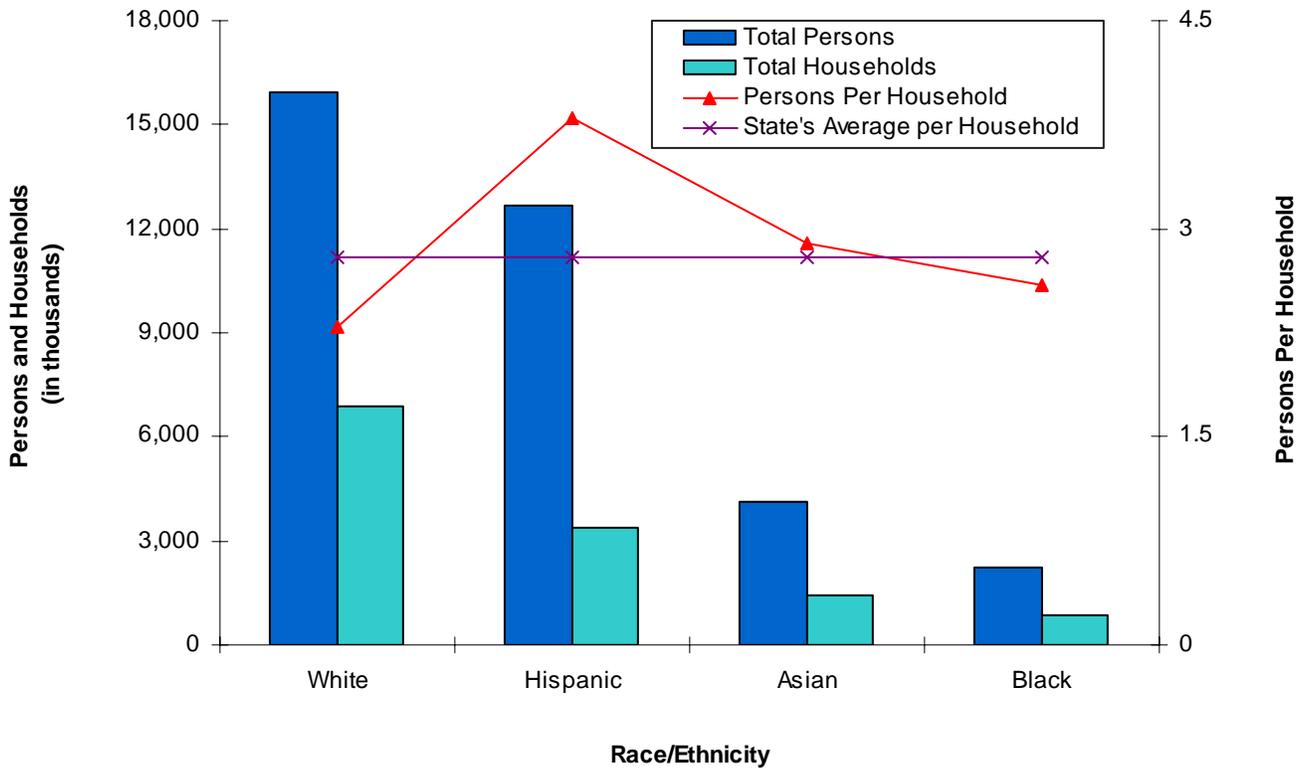


Table 8. Persons (65+) by Age, Sex, and Household Size

Age Group	Sex	Household Size			
		1	2	3+	Total
65-74	Males	111,444	515,650	265,973	893,067
	Females	288,829	504,442	292,750	1,086,021
	% Females	72.2%	49.5%	52.4%	54.9%
75+	Males	195,160	431,934	168,276	795,370
	Females	428,062	436,124	244,345	1,108,531
	% Females	68.7%	50.2%	59.2%	58.2%
Total		1,023,494	1,888,151	971,343	3,882,988

Table 9. Households and Persons by Household Size

Household Size	Households		Persons	
	Number	Percent	Number	Percent
1	3,205,777	25.0%	3,205,777	8.9%
2	3,719,366	29.0%	7,584,645	21.2%
3	2,158,643	16.8%	6,642,652	18.5%
4	1,946,192	15.2%	7,930,941	22.1%
5	1,039,901	8.1%	5,270,124	14.7%
6+	756,259	5.9%	5,215,662	14.5%
Total	12,826,138	100.0%	35,849,801	100.0%

Figure 8. Distribution of Households and Persons by Household Size

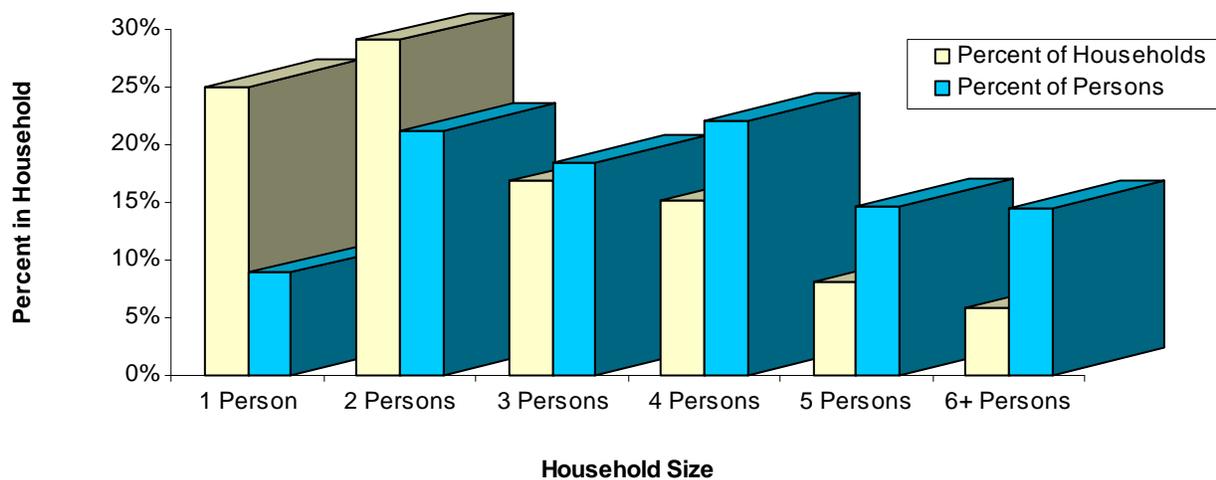


Table 10. Households by Housing Tenure and Household Size

Housing Tenure	Household Size						Total	Mean
	1	2	3	4	5	6+		
Owner-Occupied	1,609,539	2,454,640	1,303,954	1,207,596	627,298	447,936	7,650,964	2.9
Renter-Occupied	1,596,237	1,264,726	854,689	738,596	412,603	308,324	5,175,174	2.7
Total	3,205,777	3,719,366	2,158,643	1,946,192	1,039,901	756,259	12,826,138	2.8

IV. Foreign Born

In March 2005, 27.8 percent (about 10 million) of the State's population were foreign-born. Over three quarters of the foreign born (78.5 percent) were between the ages of 20 and 64 while only half of the natives (52.4 percent) were in this age group. Relatively few foreign born were under 20 (10.8 percent), compared with 36.7 percent natives. As shown in Table 25, there was no noticeable difference in the sex ratio of foreign born and native persons, 101 male foreign born for every 100 female foreign born compared with 98 male natives for every 100 female natives. Hispanics accounted for 56.7 percent of the foreign born while Asians represented over a quarter (25.8 percent) of the foreign born (see Table 26). These two racial groups accounted for 82.5 percent of the State's foreign born population but only a third of the State's native population (33 percent). The majority of the foreign born (60.2 percent) have been in the U.S. for less than 20 years (since 1986) while 39.8 percent have been here for 20 years or more. As of March 2005, 37.5 percent of the foreign born were naturalized. As noted in Table 27, the year of entry to the U.S. and the likelihood of becoming a naturalized citizen were positively correlated. Over 70 percent of the foreign born who entered the U.S. prior to 1975 became naturalized citizens but only 14.3 percent of those who entered the U.S. between 1990 and 2005 did so (see Table 27). Mexico was the leading country of birth of the foreign born. As shown in Figure 13, of the estimated 10 million foreign born in the State, 46.1 percent were born in Mexico.

Table 25. Persons by Age, Sex, and Nativity

Age Group	Foreign Born			Native		
	Males	Females	Total	Males	Females	Total
0-9	132,014	153,242	285,256	2,491,328	2,367,751	4,859,079
10-19	440,725	351,690	792,415	2,373,985	2,264,773	4,638,758
20-29	883,717	788,018	1,671,735	1,689,545	1,745,260	3,434,805
30-39	1,268,803	1,121,366	2,390,169	1,486,743	1,510,806	2,997,549
40-49	1,014,183	1,010,880	2,025,063	1,803,222	1,665,943	3,469,165
50-59	626,150	685,665	1,311,815	1,290,097	1,363,978	2,654,075
60-69	355,604	424,631	780,235	819,040	950,869	1,769,909
70-79	191,167	263,539	454,706	531,569	642,043	1,173,612
80 and Over	115,166	157,219	272,385	328,739	540,334	869,073
Total	5,027,527	4,956,249	9,983,777	12,814,268	13,051,756	25,866,024

Figure 11. Distribution of Persons by Age, Sex, and Nativity

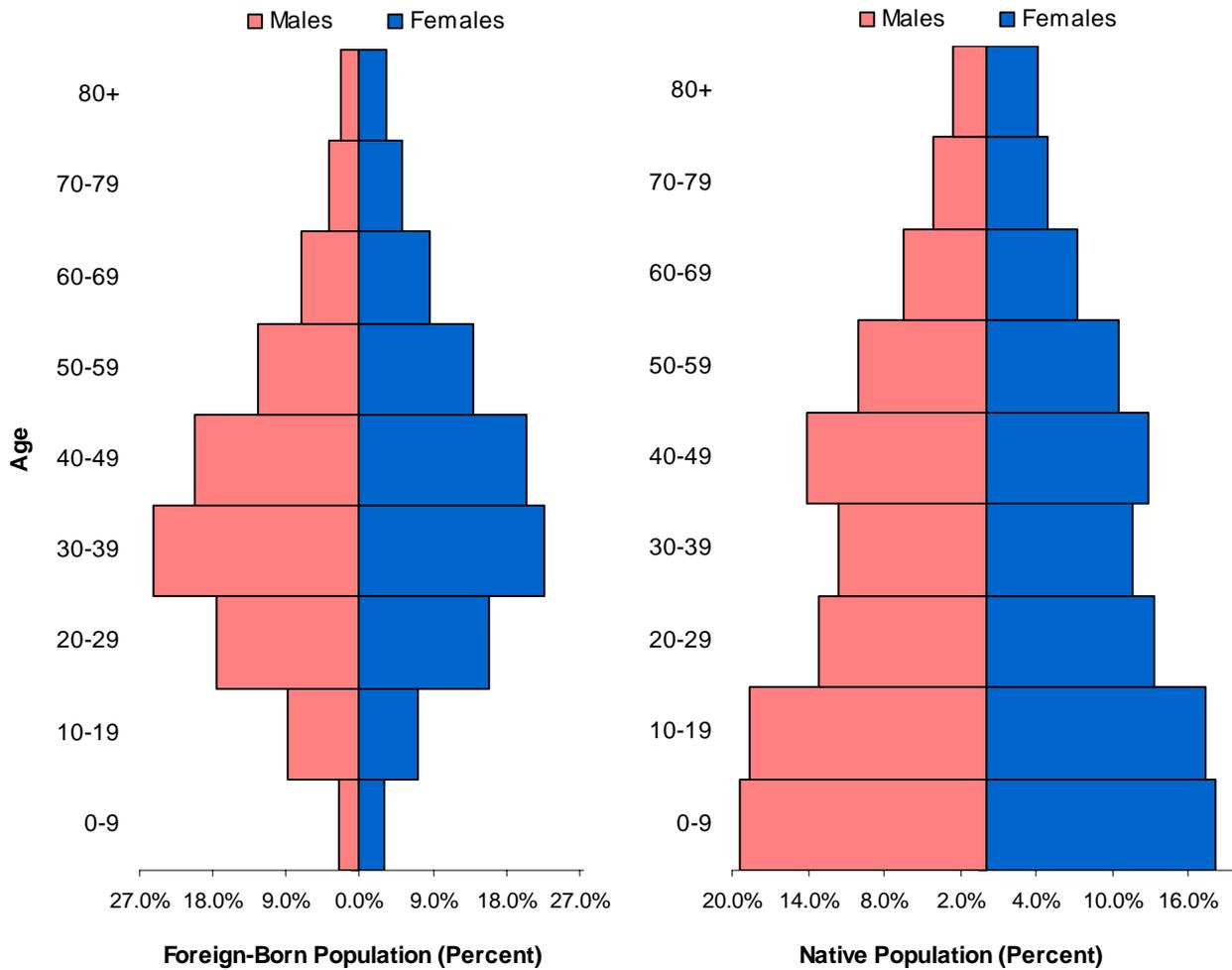


Table 26. Persons by Race/Ethnicity and Nativity

Race/Ethnicity	Native	Foreign Born		Total
		Naturalized	Non Citizen	
White	14,395,945	818,654	701,138	15,915,737
Hispanic	6,999,043	1,278,887	4,386,709	12,664,639
Asian	1,548,634	1,531,911	1,041,350	4,121,895
Black	2,115,048	82,388	54,780	2,252,215
Total*	25,866,024	3,747,750	6,236,027	35,849,801

* Total includes all race/ethnic groups.

Figure 12. Race/Ethnicity for the Foreign Born and Natives

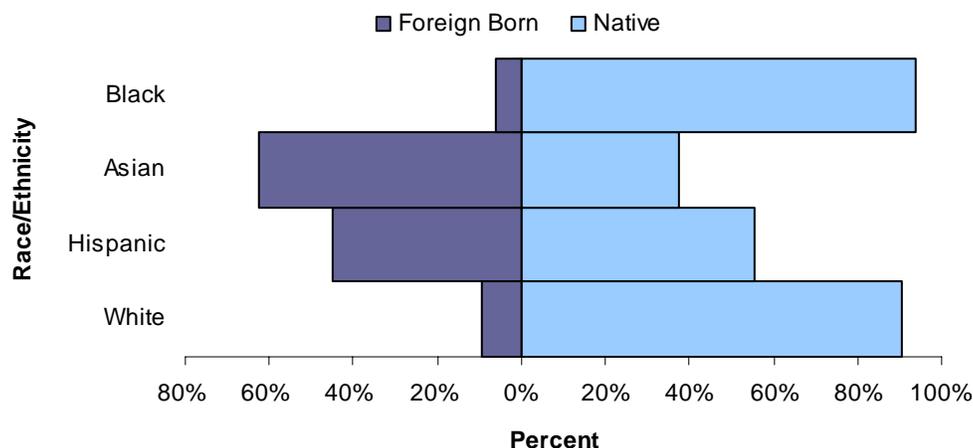


Table 27. Foreign-Born Persons by Year of Entry and Citizenship Status

Year of Entry	Naturalized		Non Citizen	Total Foreign Born
	Number	Percent		
Before 1975	1,166,443	70.5%	488,953	1,655,396
1975 – 1979	587,103	67.4%	284,592	871,694
1980 – 1985	822,804	56.8%	626,535	1,449,339
1986 – 1989	482,970	40.0%	724,083	1,207,053
1990 – 1995	477,131	26.3%	1,338,291	1,815,422
1996 – 1999	135,325	11.5%	1,040,751	1,176,076
2000 – 2005*	75,975	4.2%	1,732,821	1,808,796
Total	3,747,750	37.5%	6,236,027	9,983,777

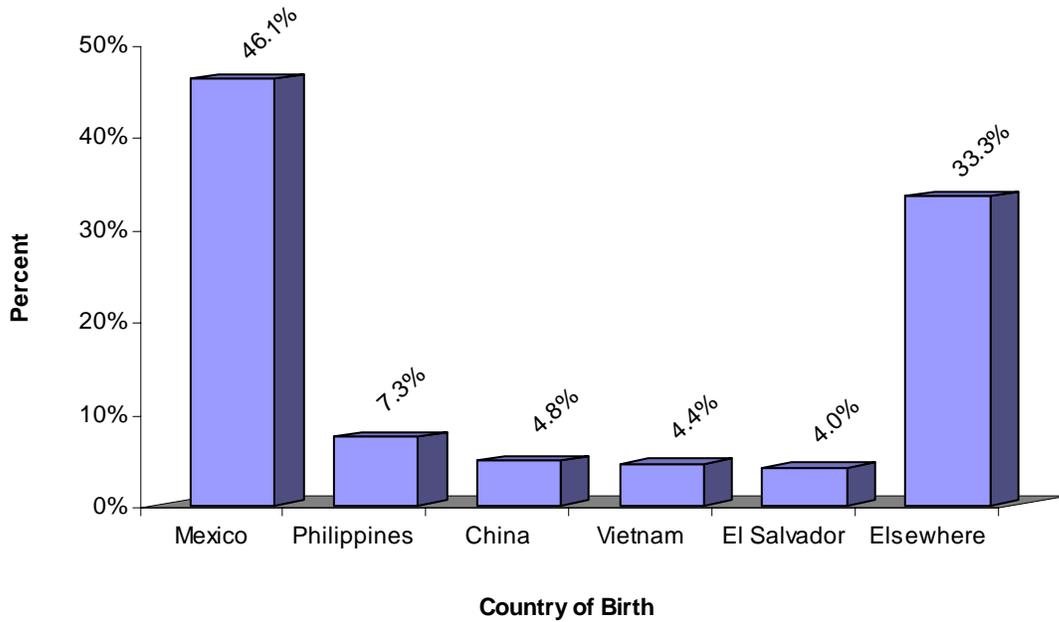
* Through March 2005

Table 28. Foreign-Born Persons by Country of Birth* and Citizenship Status

Country of Birth*	Naturalized		Non Citizen	Total Foreign Born
	Number	Percent		
Mexico	910,311	19.8%	3,688,194	4,598,505
Philippines	451,905	61.6%	281,797	733,701
El Salvador	145,248	30.3%	333,824	479,072
China	286,866	64.7%	156,370	443,236
Vietnam	255,640	63.8%	145,288	400,928
Elsewhere	1,697,780	51.0%	1,630,554	3,328,334
Total	3,747,750	37.5%	6,236,027	9,983,777

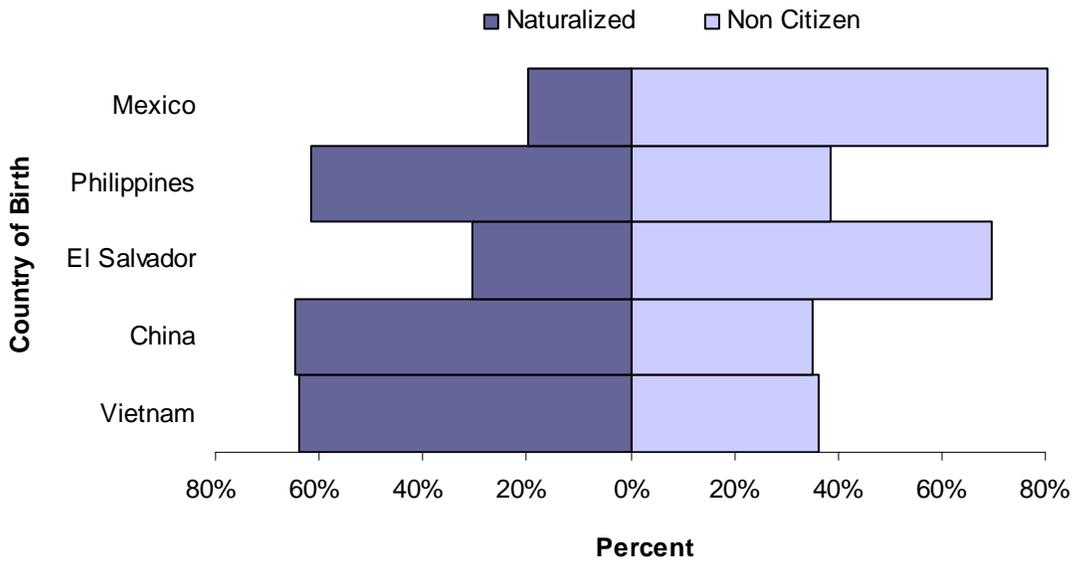
* Top five countries

Figure 13. Distribution of Foreign-Born Persons by Country of Birth*



* Top five countries

Figure 14. Distribution of Foreign-Born Persons by Country of Birth* and Citizenship Status



* Top five countries

V. Educational Attainment

In March 2005, over four-fifths (80.3 percent) of Californians 25 years and over had at least a high school diploma and 30.4 percent had a bachelor's degree or higher. During the year, significant differences in educational attainment were reported by race/ethnicity and nativity (see Figures 15 and 16). As shown in Figure 15, Whites had the highest percentage of persons with at least a high school diploma (93.5 percent) and Asians had the highest percentage of persons with a bachelor's degree or higher, 49.8 percent. Hispanics were more likely than any other race to lack a high school education (47.7 percent).

Among persons 25 years and over, the majority of noncitizens (51.9 percent) and about a quarter of naturalized citizens (23.6 percent) had less than a high school education. In contrast, only 8.2 percent of natives had less than a high school education. Nine out of ten natives (91.8 percent) had at least a high school diploma but only three-quarters of naturalized citizens (76.4 percent) and less than half of noncitizens (48.1 percent) had the same level of education (see Figure 16). Gender differences in the high school completion rate were negligible—80.3 percent of males versus 80.2 percent of females (see Table 31). However, the proportion of males with a BA/BS degree or higher was higher than that of females, 32.2 percent for males compared with 28.7 percent for females (see Table 32).

As shown in Figure 17, there was a strong correlation between personal income and educational attainment. Persons that had earned a BA/BS degree or higher had the greatest payoff during the year. The majority of persons with master's degrees or higher (51.9 percent) and close to one-third of those with a BA/BS degree (31.3 percent) had incomes of \$60,000 or more a year. In contrast, only 9.6 percent of persons with high school diploma and 2 percent of those with less than high school education had the same level of income. In the meantime, 41.6 percent of persons with less than a high school education and 28.3 percent of those with a high school diploma had a low level of income, less than \$10,000 a year. Only 11.4 percent of persons with master's degrees or higher and 18.3 percent of those with BA/BS degrees had the same level of income. Regardless of race/ethnicity and sex, median personal income generally increased with ascending educational attainment (see Figures 18 and 19).

Table 29. Persons (25+) by Educational Attainment and Race/Ethnicity

Educational Attainment	White	Hispanic	Asian	Black	Total*
Not a High School Graduate	729,912	3,188,748	330,418	172,699	4,475,796
High School Graduate	2,647,105	1,605,886	526,200	414,871	5,309,123
Some College or AA	3,460,816	1,294,058	568,488	487,849	5,988,972
BA/BS	2,758,432	426,623	1,057,854	214,772	4,535,914
Master's or Higher	1,707,356	172,525	358,196	99,896	2,364,991
Total	11,303,621	6,687,841	2,841,156	1,390,087	22,674,794
Median Years Completed	13.9	11.8	14.4	12.9	13.4
Average Years Completed	14.3	10.2	14.1	13.3	13.0

* Total includes all race/ethnic groups.

Figure 15. Distribution of Persons (25+) by Educational Attainment and Race/Ethnicity

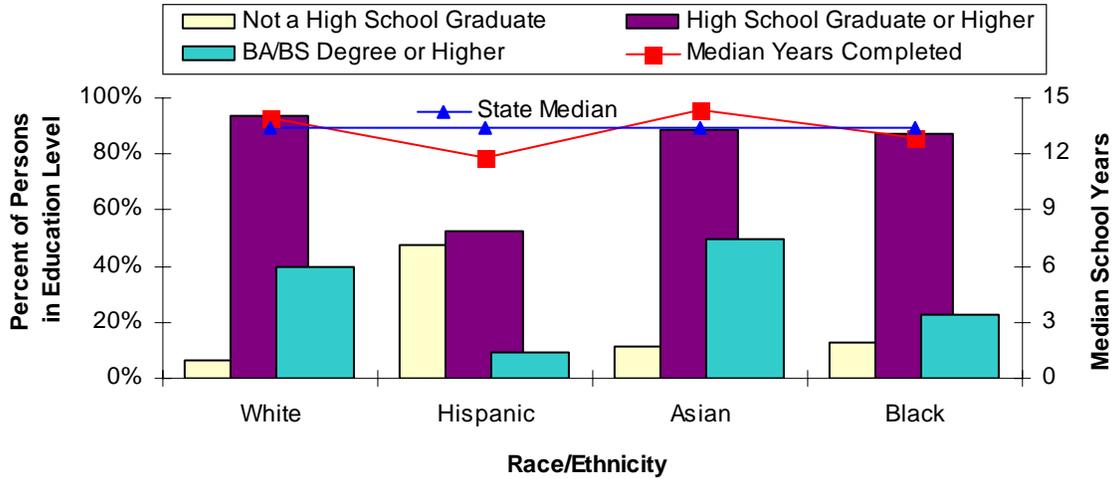


Table 30. Persons (25+) by Educational Attainment and Nativity

Educational Attainment	Native	Foreign-Born		Total
		Naturalized	Non Citizen	
Not a High School Graduate	1,187,023	826,538	2,462,235	4,475,796
High School Graduate	3,602,760	776,342	930,021	5,309,123
Some College or AA	4,717,190	743,717	528,065	5,988,972
BA/BS	3,159,754	784,512	591,647	4,535,914
Master's or Higher	1,760,908	370,151	233,931	2,364,991
Total	14,427,634	3,501,260	4,745,900	22,674,794
Median Years Completed	13.6	13.7	11.9	13.4
Average Years Completed	14.0	12.7	10.0	13.0

Figure 16. Distribution of Persons (25+) by Educational Attainment and Nativity

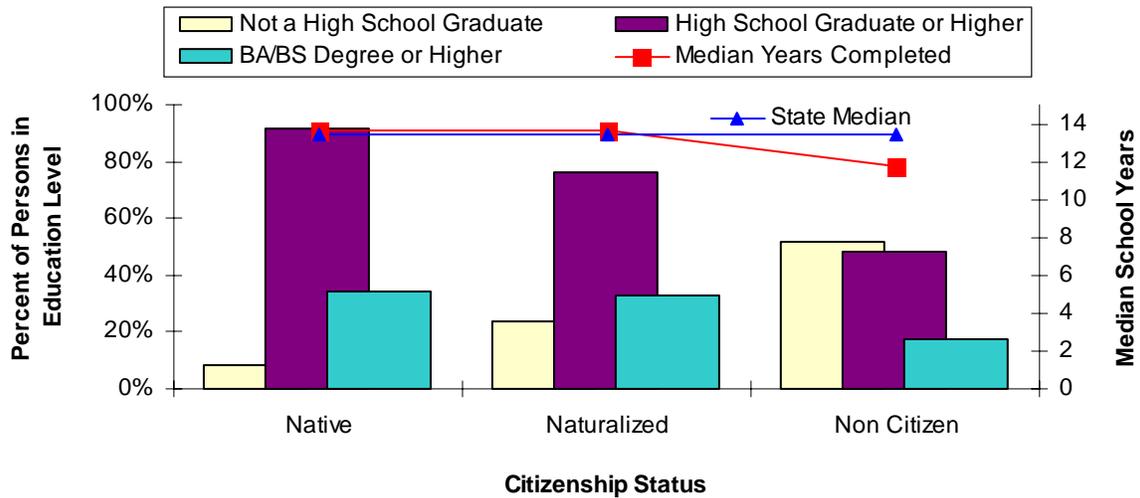


Table 31. Persons (25+) Reporting a High School Diploma or Higher by Age and Sex

Age Group	Males	Percent of Age	Females	Percent of Age	Total	Percent of Age
25-34	2,051,506	77.3%	1,951,916	78.8%	4,003,422	78.0%
35-49	3,380,145	80.2%	3,306,333	81.8%	6,686,478	81.0%
50-64	2,155,383	83.9%	2,387,186	84.2%	4,542,569	84.1%
65+	1,345,642	79.7%	1,620,887	73.9%	2,966,530	76.4%
Total	8,932,676	80.3%	9,266,323	80.2%	18,198,999	80.3%

Table 32. Persons (25+) Reporting a BA/BS Degree or Higher by Age and Sex

Age Group	Males	Percent of Age	Females	Percent of Age	Total	Percent of Age
25-34	739,857	27.9%	790,415	31.9%	1,530,272	29.8%
35-49	1,273,174	30.2%	1,263,828	31.2%	2,537,002	30.7%
50-64	978,589	38.1%	846,955	29.9%	1,825,544	33.8%
65+	590,514	35.0%	417,573	19.0%	1,008,087	26.0%
Total	3,582,134	32.2%	3,318,770	28.7%	6,900,904	30.4%

Table 33. Persons (25+) with a BA/BS Degree or Higher by Degree Type and Sex

Highest Degree Attained	Males	Females	Total
Bachelor's (BA, BS, AB, etc.)	2,217,633	2,318,281	4,535,914
Master's (MA, MS, MBA, etc.)	919,076	768,872	1,687,948
Professional or Doctorate (PhD, Md, LLB, etc.)	445,425	231,618	677,043
Total	3,582,134	3,318,770	6,900,904

**State of California
Board of Behavioral Sciences**

Memorandum

To: Policy and Advocacy Committee

Date: December 22, 2006

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: XII. Strategic Plan Update

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.
9. *November 2006* Presentation at Human Options agency [Sean O'Connor and Joan Walmsley]

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 MHSA 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 has been completed. Staff is continuing work on data entry. Preliminary results are included in this packet under Item XI. Results from 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.

This project is underway and is in the early planning stages. Board staff is participating in the development of business requirements for the system. Current schedules anticipate deployment for the board in 2009.

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

Memorandum

To: Budget and Efficiency Committee

Date: December 22, 2006

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: XIII. Budget Update

2005-06 Budget

The 2005-06 fiscal year ended on June 30, 2006. For the 2005-06 fiscal year the board had a year end balance of \$442,901 based on a budget authority of approximately \$4.8 million (9.2% of budget authority).

2006-07 Budget

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.

Current projections indicate a year end balance of approximately \$84,000 (1.7% of budget authority). This is a significant reduction (7.5%) from prior years. This change is attributed to a number of factors:

1. Increased contracts for consulting and professional services. The board has several significant contracts including the communications audit and program development by BPCubed, supplemental psychometric services by Comira Inc., and strategic planning services by Hatton Management Consultants. The communications audit and program development is a one-time contract expense that will be mostly completed in the current fiscal year. The contracts for psychometric services and strategic planning span multiple fiscal years.
2. Increase interagency contracts for examination services. The board signed an agreement with the Office of Examination Resources to conduct an occupational analysis for marriage and family therapist examinations. This is a one-time expense (repeated every five years) that will mostly completed in the current fiscal year.
3. Increase costs from the Office of Administrative Hearings. This expense is largely caseload driven and the board has approximately doubled its caseload for disciplinary proceedings.
4. Increased costs for examination administration. The board pays Thomson Prometric to administer its examinations. These payments are on a per examination basis. As exam volumes increase (as they have in recent years) costs go up proportionately. The board has consistently had exam administration costs in excess of budgeted amounts in recent years. Projections for 2006-07 continue this trend.

Please see the attached expenditure reports and fund conditions for more detailed information.

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 in January.

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
BEGINNING BALANCE	\$ 4,090	\$ 5,368	\$ 5,651	\$ 5,874
Prior Year Adjustment	\$ 47	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,137	\$ 5,368	\$ 5,651	\$ 5,874
REVENUES AND TRANSFERS				
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
EXPENDITURES				
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
FUND BALANCE				
Reserve for economic uncertainties	\$ 5,368	\$ 5,651	\$ 5,874	\$ 6,000
Months in Reserve	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

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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 11/30/06	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES					
Salary & Wages (Civ Svc Perm)	1,045,321	1,213,252	486,611	1,100,000	113,252
Salary & Wages (Stat Exempt)	85,132	85,488	35,620	86,000	(512)
Temp Help (907)(Seasonals)	29,210	14,105	21,550	45,000	(30,895)
Temp Help (915)(Proctors)	0	19,444	0	0	19,444
Board Memb (Per Diem)	9,500	12,900	3,100	10,000	2,900
Overtime	6,203	7,533	2,192	6,500	1,033
Totals Staff Benefits	471,626	497,184	201,136	500,000	(2,816)
Salary Savings		(54,514)			(54,514)
TOTALS, PERSONAL SERVICES	1,645,992	1,795,392	750,209	1,747,500	47,892
OPERATING EXP & EQUIP					
Fingerprint Reports	4,394	36,954	1,164	5,000	31,954
General Expense	80,090	24,643	15,694	55,000	(30,357)
Printing	79,402	90,184	22,891	80,000	10,184
Communication	17,051	25,837	1,193	8,000	17,837
Postage	103,109	103,459	84,993	120,000	(16,541)
Travel, In State	63,898	57,127	6,198	65,000	(7,873)
Travel, Out-of-State	0	2,700	0	2,700	0
Training	21,767	16,149	5,842	22,000	(5,851)
Facilities Operations	178,368	187,951	66,530	187,951	0
C&P Services - Interdept.	0	27,287	0	0	27,287
C&P Services-External Contracts	8,405	9,632	11,016	155,473	(145,841)
DEPARTMENTAL PRORATA					
DP Billing	252,057	285,319	104,170	285,319	0
Indirect Distribution Costs	279,793	264,656	110,274	264,656	0
Communication/Educ. Division	16,539	10,030	4,180	10,030	0
D of I Prorata	7,880	7,987	3,316	7,987	0
Consumer Relations Division		10,685	4,451	10,685	0
Interagency Services (OER IACs)	196,680	0	0	270,568	(270,568)
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	70,986	141,971	0
EXAM EXPENSES					
Exam Site Rental	65,403	202,894	24,726	75,000	127,894
Exam Contract (Thomson) (404.00)	375,496	293,382	152,465	395,000	(101,618)
Expert Examiners (404.01)	255,957	473,460	142,686	275,000	198,460
ENFORCEMENT					
Attorney General	341,213	560,542	176,973	400,000	160,542
Office of Admin. Hearing	36,859	157,834	42,750	85,000	72,834
Court Reporters	2,623	0	8,136	15,000	(15,000)
Evidence/Witness Fees	42,462	62,583	9,319	45,000	17,583
Division of Investigation	43,063	78,623	32,645	78,623	0
Minor Equipment (226)	26,397	0	3,089	25,000	(25,000)
Major Equipment	448	0	0	2,000	(2,000)
TOTAL, OE&E	2,673,538	3,157,909	1,105,687	3,112,963	44,946
TOTAL EXPENDITURES	\$4,319,530	\$4,953,301	\$1,855,896	\$4,860,463	\$92,838
Fingerprints	4,494	(24,000)	1,074	(5,000)	(19,000)
Other Reimbursement	14,545	(26,000)	10,040	(18,000)	(8,000)
Unscheduled Reimbursements	17,903	0	7,151	(19,000)	19,000
Total Reimbursements	36,942	(50,000)	18,265	(42,000)	(8,000)
NET APPROPRIATION	\$4,356,472	\$4,903,301	\$1,874,161	\$4,818,463	\$84,838

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**State of California
Board of Behavioral Sciences**

Memorandum

To: Policy and Advocacy Committee

Date: December 20, 2006

From: Christy Berger
Legislation Analyst

Telephone: (916) 574-7847

Subject: XIV. Legislation Update

Board-Proposals for 2007

The Board of Behavioral Sciences has proposed the following statutory changes for 2007:

Unprofessional Conduct

The Board proposes several changes to its unprofessional conduct statute, as follows:

- Add a willful violation of the Health and Safety Code (HSC) pertaining to release of records (Division 106, Part 1, Chapter 1) as unprofessional conduct. The Board receives complaints regarding licensees who decline to provide client records in compliance with the HSC. Although the Board attempts to assist clients, there is little recourse for noncompliance
- Add a violation of Business and Professions Code (BPC) Section 2290.5 pertaining to telemedicine as unprofessional conduct.
 - Both of the above laws that would be referenced (HSC and BPC § 2290.5) contain provisions regarding unprofessional conduct. However, it is difficult for the Board to take enforcement action under any provision that is not directly part of the Board's law.
- List all instances of potential unprofessional conduct in one place and make minor editorial changes.

Eliminate Extensions for Associate Clinical Social Worker Registrations

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 if he or she applies for extension prior to the final expiration date of the registration. Otherwise, the ASW can obtain a new registration, which can be retained for another six years.

In the past, MFT Interns were also permitted three one-year registration extensions. Effective January 1, 1999, legislation (AB 610, Stats. 1995, Ch. 327) deleted the extension provision for Interns (Interns are also permitted to apply for a new registration).

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.

Out-of-State MFT Education

The Board proposes a small change in statute that would help to preserve the integrity of California MFT education. The Board is required to accept education gained toward becoming a MFT obtained outside of California when it is found to be substantially equivalent to education obtained in California (BPC Section 4980.90).

However, 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 outside and attend school outside of California, which is, 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.

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.

Reduce License Delinquency Period to Three Years

The Board proposes to decrease the amount of time a license can remain delinquent from five years to three years. A LCSW, LEP, or MFT license becomes “cancelled” when it is not renewed within five years from the expiration date. Allowing a license to become “cancelled” is the only way for a person to “give up” their license other than a voluntary surrender, which involves a number of enforcement processes. Although a license can be placed on “inactive” status, this requires renewing the inactive license every two years. A cancelled license does not incur fees and cannot be reactivated. A person whose license has been cancelled may obtain a new license when:

- If the license were issued, nothing would justify its revocation or suspension.
- He or she applies for and passes the current licensing examinations.

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 anyway, and significant numbers of licenses are inactive prior to becoming cancelled.

Fictitious Business Names

BPC Section 4980.46 addresses fictitious business names for MFTs in private practice. However, the BPC does not address the use of fictitious business names for LCSWs in private practice. This has posed a problem in the past when a consumer files a complaint and the Board cannot find a record of the licensee in our files. The complaint may be opened as “unlicensed” until further investigation finds that the person actually is licensed but uses a fictitious business name.

Fee Statutes and Regulations

The Board proposes a number of technical and structural changes related to its fee statutes in order to ensure consistency and user-friendliness for staff, applicants, licensees, and registrants. A summary of the proposed changes are as follows:

- Move all fees to the “Fee Schedule” and list those fees in a more logical order
- Add a statement to the fee schedule that clarifies who is subject to a renewal delinquency fee
- Rename the “examination application fee” to “examination eligibility fee.”
- Better organize license renewal statutes
- Clarify the steps required to renew a license
- Revise inactive license requirements for consistency with recent changes to the LEP statutes
- Clarify the actual fee required to renew an inactive license

Continuing Education Credit for Attending Board Meetings

Marriage and Family Therapists (MFT) and Licensed Clinical Social Workers (LCSW) are required to complete 36 hours of continuing education (CE) in each 2-year renewal cycle. Recent legislation requires most Licensed Educational Psychologists (LEP) to complete continuing education as well. In order to increase attendance at Board meetings, the Board proposes that such licensees be awarded 6 hours of CE credit for attending one full day board meeting per renewal cycle.

incorporate minor modifications into the language and will present the modified language to the Board for final approval at its February 2007 meeting.

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 completed the required regulatory documents and the notice was published by OAL on September 29, 2006. The required regulatory documents were also mailed to the Board's interested party list and posted on the Board's web site; the Board received written comments regarding the proposal. The regulatory hearing was held on November 16, 2006; no public comments were received. Staff will distribute a 15-day notice to the public to incorporate minor modifications into the language and will present the modified language to the Board for final approval at its February 2007 meeting.

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 two years 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 completed the required regulatory documents and the notice was published by OAL on September 29, 2006. The required regulatory documents were also mailed to the Board's interested party list and posted on the Board's web site; the Board received written comments regarding the proposal. The regulatory hearing was held on November 16, 2006; no public comments were received. Staff will distribute a 15-day notice to the public to incorporate minor modifications into the language and will present the modified language to the Board for final approval at its February 2007 meeting.

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 completed the required regulatory documents and the notice was published by OAL on September 29, 2006. The required regulatory documents were also mailed to the Board's interested party list and posted on the Board's web site; the Board received written comments regarding the proposal. The regulatory hearing was held on November 16, 2006; no public comments were received. Staff will mail a 15-day notice to the public to incorporate minor modifications to the language and will present the modified language to the Board for final approval at its February 2007 meeting.

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

Licensees 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. The original intent of this proposal was to delete the

definition of a “self-study course” and delete the limitations regarding self-study hours. The Consumer Protection Committee approved this proposal at its September 20, 2006 meeting. The proposal went before the Board for preliminary approval at its November 16, 2006 meeting; however, the Board recommended modifications to the proposed language – to retain the definition of a “self-study course” and to increase the self-study course limitations to one-half of the total required CE hours. Staff has completed the required regulatory documents for noticing which were submitted to OAL on December 18, 2006. The notice will be published on December 29, 2006, which will initiate the 45-day public comment period. A public hearing will then be held at the Board’s next meeting on February 15, 2007.

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.

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**State of California
Board of Behavioral Sciences**

M e m o r a n d u m

To: Policy and Advocacy Committee

Date: December 22, 2006

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: XVI. Future Meeting Dates

In the interest of easing scheduling for both committee members and public participants, it would be useful to set future meeting dates for the committee. Meetings should occur approximately halfway between regularly scheduled board meetings.

Meetings will occur in various locations much as board meetings are held in various locations around the state to maximize opportunities for public participation. The following dates are suggested and fit the prior pattern of scheduling meetings.

Wednesday, April 4, 2007
Wednesday, June 20, 2007
Wednesday, September 19, 2007

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