

**State of California
Board of Behavioral Sciences**

Memorandum

To: Board Members
From: Justin Sotelo
Regulations Analyst
Date: January 29, 2007
Telephone: (916) 574-7836
Subject: **Agenda Item X. Review and Possible Action on Proposed Amendments to Sections 1833.1 & 1870 Regarding Supervisor Qualifications**

Background

Section 1833.1 of the Board's regulations sets forth the requirements for supervisors of Marriage and Family Therapist (MFT) Interns and Trainees, including a requirement that the supervisor "...has practiced psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision and has averaged at least five (5) patient/client contact hours per week."

Section 1870 of the Board's regulations sets forth the requirements for supervisors of Associate Clinical Social Workers (ASW), including a requirement that the supervisor "...has practiced psychotherapy as part of his/her clinical experience for at least two (2) years within the last five (5) years immediately preceding supervision."

The Board currently interprets supervision of an MFT Trainee, MFT Intern, or ASW to be "psychotherapy" for the purposes of meeting the practice requirements under Sections 1833.1 and 1870. However, this proposal would make this interpretation explicit in the regulations. It would also delete the requirement that supervisors of MFT Interns or Trainees average at least five (5) patient/client contact hours per week.

At its February 2003 meeting, the Board approved this proposal. However, the rulemaking process was never initiated for these changes. The proposed changes and recent revisions to the proposed language were taken up for review again at the Board's Policy and Advocacy Committee meeting in January 2006; however, the Committee declined to take action until receiving the results of the supervision survey.

At its April 2006 meeting, the Committee recommended that the Board pursue the proposed language. However, at the Board's May 2006 meeting, several board members expressed concern that some licensees would become supervisors after only two (2) years of licensure, never see clients again, but remain supervisors for the rest of their professional careers. There were also concerns expressed by stakeholders that the current restrictions are decreasing the number of licensees that are qualified to supervise. The Board decided to return this proposal to the Committee for further review and discussion.

At its June 28, 2006 meeting, the Committee reviewed the item, again recommended that the Board pursue the originally proposed language, and, additionally, recommended to delete the requirement that supervisors of MFT Interns or Trainees average at least five (5) hours of patient/client contact per week for at least two (2) years within the five (5) year period immediately preceding supervision.

At its July 27, 2006 meeting, the Board provided preliminary approval to the originally proposed language (attached). The proposed changes in the regulations were noticed on September 29, 2006 and comments regarding these proposed changes were received from the California Association of Marriage and Family Therapists (also attached). Based on these comments, staff incorporated minor modifications into the language.

On November 15, 2006, a public hearing was held and the Board provided approval for staff to proceed with noticing the Modified Text. The 15-day comment period for the Modified Text ended on January 12, 2007 and no comments were received.

Recommendation

Staff recommends the adoption of this regulatory proposal. The Board is asked to provide final approval to this proposal so that staff may complete the regulatory change process.

Attachments

BOARD OF BEHAVIORAL SCIENCES
Modified Text

Changes to the originally proposed language are shown by double underline for new text and double strikethrough for deleted text.

Amend Section 1833.1 of Division 18 of Title 16 of the California Code of Regulations to read as follows:

1833.1. REQUIREMENTS FOR SUPERVISORS

~~(a) Any person supervising a trainee or an intern or trainee (hereinafter "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" revised 2-05 requiring that: below.~~

(a) Prior to the commencement of supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" revised 12-05 requiring that:

(1) The supervisor possess and maintains a current valid California license as either a marriage and family therapist, licensed clinical social worker, licensed psychologist, or physician who is certified in psychiatry as specified in Section 4980.40 ~~(f)~~ 4980.03 (g) of the Code and has been so licensed in California for at least two years prior to commencing any supervision; or

(A) Provides supervision only to trainees at an academic institution that offers a qualifying degree program as specified in Section 4980.40 (a) of the Code; and

(B) Has been licensed in California as specified in Section 4980.40 ~~(f)~~ 4980.03 (g) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.

~~(2) If such supervisor is A supervisor who is not licensed as a marriage and family therapist, ~~he~~ or ~~she~~ shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.~~

(3) The supervisor keeps himself or herself informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

(4) The supervisor has and maintains a current license in good standing and will immediately notify the trainee or intern ~~or trainee~~ of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure, that affects the supervisor's ability or right to supervise.

(5) The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, or associate clinical social workers who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision ~~and has averaged at least~~

five (5) patient/client contact hours per week.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns.

(A) ~~Effective January 1, 2000, supervisors~~ Supervisors who are Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework ~~every two (2) years in each renewal period while providing supervision~~. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code.

~~(B) Supervisors who are licensed by the board who have completed a minimum of six (6) hours of supervision training or coursework between January 1, 1997, and December 31, 1999, may apply that training towards the requirement described in subsection (A).~~

~~(C) (B) Supervisors who are~~ Persons licensed by the board who provide supervision and who commence supervision on and after January 1, 2000, and have not met requirements of subsection paragraph (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a marriage and family therapist.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the trainee or intern ~~or trainee~~.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the trainee or intern ~~or trainee~~ by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the trainee or intern ~~or trainee~~ the manner in which emergencies will be handled.

(b) Each supervisor shall provide the trainee or intern ~~or trainee~~ with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 prior to the commencement of any counseling or supervision. ~~The intern~~ Trainees and interns shall provide the board with ~~his or her~~ the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 from each supervisor upon application for licensure. ~~The trainee shall provide the board with his or her signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 from each supervisor upon application for internship.~~

(c) A supervisor shall give at least one (1) week's prior written notice to ~~an~~ a trainee or intern ~~or trainee~~ of the supervisor's intent not to certify sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(d) The supervisor shall obtain from ~~any~~ each trainee or intern ~~or trainee~~ for ~~which~~ whom supervision will be provided, the name, address, and telephone number of the trainee's or intern's ~~or trainee's~~ most recent supervisor and employer.

(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where ~~an~~ a trainee or intern ~~or trainee~~ will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in ~~this~~ section 4980.43 of the Code.

(f) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

~~(g) The supervisor responsibility statement required by this section shall be used for supervisorial relationships commencing on or after 1-1-98.~~

~~(h)~~ (g) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in ~~subsection (a) (6)~~ subparagraph (a)(6)(A).

NOTE: Authority cited: Section 4980.35, 4980.40(f) and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), 4980.42 through 4980.45, 4980.54 and 4996.22, Business and Professions Code.

BOARD OF BEHAVIORAL SCIENCES
Modified Text

Changes to the originally proposed language are shown by double underline for new text and double strikethrough for deleted text.

Amend Section 1870 of Division 18 of Title 16 of the California Code of Regulations to read as follows:

1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS

~~(a) Any person supervising an associate clinical social worker registered with the board on and after May 10, 1999, (hereinafter called "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 07/05), which requires that: below.~~

(a) Prior to the commencement of supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 12/05), which requires that:

(1) The supervisor possesses and will maintain a current valid California license as either a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in ~~Section 4996.21(a) of the Code and Section 1874 of California Code of Regulations.~~

(2) The supervisor has and will maintain a current license in good standing and will immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to supervise.

(3) The supervisor has practiced psychotherapy or provided direct supervision of associates, or marriage and family therapist interns or trainees who perform psychotherapy as part of his/her ~~clinical experience~~ for at least two (2) years within the last five (5) years immediately preceding supervision.

(4) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. ~~Effective January 1, 2001, supervisors who are licensed by the board shall have:~~

(A) A-Effective January 1, 2001, supervisors who are Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code. The content of such training shall include, but not be limited to:

~~1. familiarity~~ (i) Familiarity with supervision literature through reading assignments specified by course instructors;

- ~~2. facilitation~~ (ii) Facilitation of therapist-client and supervisor-therapist relationships;
- ~~3. evaluation~~ (iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;
- ~~4. structuring~~ (iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;
- ~~5. knowledge~~ (v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and
- ~~6. the~~ (vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.

(5) The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

~~(6) The supervisor shall ensure that the extent, kind and quality of clinical social work performed is consistent with the training and experience of the person being supervised and shall review client/patient records, monitor and evaluate assessment and treatment decisions of the associate clinical social worker, and monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served, and ensure compliance with all laws and regulations governing the practice of clinical social work.~~

(6) The supervisor shall do all of the following:

(A) Ensure that the extent, kind and quality of clinical social work performed by the associate is consistent with the training and experience of the person being supervised.

(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.

(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.

(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.

~~(7) Effective January 1, 1999, the~~ The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1 ~~of the California Code of Regulations. This~~ The associate shall submit the original signed plan for each supervisor shall be submitted to the board upon application for licensure.

(8) The supervisor shall provide the ~~board~~ associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 12-05), ~~within 30 days of prior to commencement of any supervision. A copy of this form shall be provided to the associate by the supervisor.~~ The associate shall provide the board with the original signed form for each supervisor upon application for licensure.

(9) A supervisor shall give at least one (1) week's written notice to an associate of the

supervisor's intent not to certify any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(10) ~~Effective January 1, 1999, the~~ The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

(11) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subparagraph (a)(4)(A).

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: ~~Section~~ Sections 4980.54, 4996.21, 4996.22, and 4996.23, Business and Professions Code.

AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) has proposed modifications to the text of Sections 1833.1 and 1870 in Title 16 of the California Code of Regulations which were the subject of a regulatory hearing on November 16, 2006. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before January 12, 2007 to the following:

Contact Person: Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd Suite S200
Sacramento CA 95834
Telephone: (916) 574-7836
Fax: (916) 574-8625
Email: Justin_Sotelo@dca.ca.gov

DATED: December 20, 2006

Paul Riches, Executive Officer

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**TITLE 16 DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA, 94102 on **November 16, 2006 at 1:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **November 15, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.35, 4980.40(f), 4980.60, and 4990.14 of the Business and Professions Code, and to implement, interpret, or make specific Sections 4980.35, 4980.40(f), 4980.42 through 4980.45, 4980.54, 4996.21, 4996.22, and 4996.23 of the Business and Professions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Amend Section 1833.1 – Requirements for Supervisors

Amend Section 1870 – Requirements for Associate Clinical Social Worker Supervisors

Section 1833.1 sets forth the requirements for supervisors of MFT Interns and Trainees, including a requirement that the supervisor "...has practiced psychotherapy for at least two years in the five year period immediately preceding any supervision and has averaged at least five patient/client contact hours per week."

Section 1870 sets forth the requirements for supervisors of Associate Clinical Social Workers (ASW), including a requirement that the supervisor "...has practiced psychotherapy as part of his/her clinical experience for at least two years within the last five years immediately preceding supervision."

The Board currently interprets supervision of an MFT Intern, MFT Trainee, or ASW to be "psychotherapy" for the purposes of meeting the practice requirements in Sections 1833.1 and 1870. This proposal would make this interpretation explicit in the regulations. It would also delete the requirement that supervisors of MFT Interns or Trainees average five patient/client contact hours per week.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:
N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses. This proposal would add clarification to the Board's regulations pertaining to requirements for supervisors.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Justin Sotelo
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7836
Fax: 916-574-8625
Email: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Christy Berger
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7847
Fax: 916-574-8625
Email: Christy_Berger@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

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**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

HEARING DATE: November 16, 2006

SUBJECT MATTER OF PROPOSED REGULATIONS: Requirements for Supervisors;
Requirements for Associate Clinical Social Worker Supervisors

SECTIONS AFFECTED: Sections 1833.1 and 1870 of Division 18 of Title 16 of the California Code of Regulations

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

The specific purpose of this proposal is to make clarifying changes to Sections 1833.1 and 1870. The Board currently interprets supervision of an MFT Intern, MFT Trainee, or ASW to be “psychotherapy” for the purposes of meeting the practice requirements in Sections 1833.1 and 1870. This proposal would make this interpretation explicit in the regulations. It would also delete the requirement that supervisors of MFT Interns or Trainees average five patient/client contact hours per week.

FACTUAL BASIS/RATIONALE

This proposal is reasonably necessary in order to more explicitly set forth the requirements for supervisors of MFT Interns and Trainees and supervisors of Associate Clinical Social Workers.

UNDERLYING DATA

None

BUSINESS IMPACT

This proposal will not have a significant adverse economic impact on businesses. This proposal pertains to requirements for supervisors of MFT Interns and Trainees and supervisors of Associate Clinical Social Workers.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

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BOARD OF BEHAVIORAL SCIENCES
Proposed Language

Amend Section 1833.1 of Division 18 of Title 16 as follows:

1833.1. REQUIREMENTS FOR SUPERVISORS

~~(a) Any person supervising a trainee or an intern or trainee (hereinafter "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" revised 2-05 requiring that: below.~~

(a) Prior to the commencement of supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" revised 12-05 requiring that:

(1) The supervisor possess and maintains a current valid California license as either a marriage and family therapist, licensed clinical social worker, licensed psychologist, or physician who is certified in psychiatry as specified in Section ~~4980.40 (f)~~ 4980.03 (g) of the Code and has been so licensed in California for at least two years prior to commencing any supervision; or

(A) Provides supervision only to trainees at an academic institution that offers a qualifying degree program as specified in Section 4980.40 (a) of the Code; and

(B) Has been licensed in California as specified in Section ~~4980.40 (f)~~ 4980.03 (g) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.

~~(2) If such supervisor is~~ A supervisor who is not licensed as a marriage and family therapist, ~~he or she~~ shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.

(3) The supervisor keeps himself or herself informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

(4) The supervisor has and maintains a current license in good standing and will immediately notify the trainee or intern or trainee of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure, that affects the supervisor's ability or right to supervise.

(5) The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, or associate clinical social workers who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision ~~and has averaged at least five (5) patient/client contact hours per week.~~

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns.

(A) ~~Effective January 1, 2000, supervisors~~ Supervisors who are licensed by the board shall complete a minimum of six (6) hours of supervision training or coursework every two (2) years.

This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code.

~~(B) Supervisors who are licensed by the board who have completed a minimum of six (6) hours of supervision training or coursework between January 1, 1997, and December 31, 1999, may apply that training towards the requirement described in subsection (A).~~

~~(C)~~ (B) Supervisors who are licensed by the board who commence supervision on and after January 1, 2000, and have not met requirements of subsection paragraph (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a marriage and family therapist.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the trainee or intern ~~or trainee~~.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the trainee or intern ~~or trainee~~ by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the trainee or intern ~~or trainee~~ the manner in which emergencies will be handled.

(b) Each supervisor shall provide the trainee or intern ~~or trainee~~ with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 prior to the commencement of any counseling or supervision. The intern Trainees and interns shall provide the board with ~~his or her~~ the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 from each supervisor upon application for licensure. ~~The trainee shall provide the board with his or her signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 12-05 from each supervisor upon application for internship.~~

(c) A supervisor shall give at least one (1) week's written notice to ~~an~~ a trainee or intern ~~or trainee~~ of the supervisor's intent not to certify any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(d) The supervisor shall obtain from ~~any~~ each trainee or intern ~~or trainee~~ for ~~which~~ whom supervision will be provided, the name, address, and telephone number of the trainee's or intern's ~~or trainee's~~ most recent supervisor and employer.

(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where ~~an~~ a trainee or intern ~~or trainee~~ will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of marriage and family therapy; and (2) the experience is in compliance with the requirements set forth in this section.

(f) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

~~(g) The supervisor responsibility statement required by this section shall be used for supervisorial relationships commencing on or after 1-1-98.~~

~~(h)-(g) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in ~~subsection (a) (6)~~ subparagraph (a)(6)(A).~~

NOTE: Authority cited: Section 4980.35, 4980.40(f) and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), 4980.42 through 4980.45, 4980.54 and 4996.22, Business and Professions Code.

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BOARD OF BEHAVIORAL SCIENCES
Proposed Language

Amend Section 1870 of Division 18 of Title 16 as follows:

1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS

~~(a) Any person supervising an associate clinical social worker registered with the board on and after May 10, 1999, (hereinafter called "supervisor") within California shall comply with the requirements set forth below and shall, prior to the commencement of such supervision, sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 07/05), which requires that: below.~~

(a) Prior to the commencement of supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 12/05), which requires that:

(1) The supervisor possesses and will maintain a current valid California license as either a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in ~~Section 4996.21(a) of the Code and Section 1874 of California Code of Regulations.~~

(2) The supervisor has and will maintain a current license in good standing and will immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to supervise.

(3) The supervisor has practiced psychotherapy or provided direct supervision of associates, or marriage and family therapist interns or trainees who perform psychotherapy as part of his/her ~~clinical experience~~ for at least two (2) years within the last five (5) years immediately preceding supervision.

(4) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. ~~Effective January 1, 2001, supervisors who are licensed by the board shall have:~~

(A) A-Effective January 1, 2001, supervisors who are licensed by the board shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections 4980.54 and 4996.22 of the Code. The content of such training shall include, but not be limited to:

~~1. familiarity~~ (i) Familiarity with supervision literature through reading assignments specified by course instructors;

~~2. facilitation~~ (ii) Facilitation of therapist-client and supervisor-therapist relationships;

~~3. evaluation~~ (iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;

~~4. structuring (iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;~~

~~5. knowledge (v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and~~

~~6. the (vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.~~

(5) The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

~~(6) The supervisor shall ensure that the extent, kind and quality of clinical social work performed is consistent with the training and experience of the person being supervised and shall review client/patient records, monitor and evaluate assessment and treatment decisions of the associate clinical social worker, and monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served, and ensure compliance with all laws and regulations governing the practice of clinical social work.~~

(6) The supervisor shall do all of the following:

(A) Ensure that the extent, kind and quality of clinical social work performed by the associate is consistent with the training and experience of the person being supervised.

(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.

(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.

(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.

~~(7) Effective January 1, 1999, the~~ The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1 of the California Code of Regulations. This ~~The associate shall submit the original signed plan for each supervisor shall be submitted to the board upon application for licensure.~~

(8) The supervisor shall provide the ~~board~~ associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 12-05), ~~within 30 days of prior to commencement of any supervision. A copy of this form shall be provided to the associate by the supervisor. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.~~

(9) A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to certify any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(10) ~~Effective January 1, 1999, the~~ The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at

least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

(11) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subparagraph (a)(4)(A).

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: ~~Section~~ Sections 4980.54, 4996.21, 4996.22, and 4996.23, Business and Professions Code.

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We're here for You!

CAMFT is dedicated to the advancement and understanding of the profession of marriage and family therapy as both an art and a science, to maintaining high standards of professional ethics and qualifications, and to expanding the recognition and utilization of the profession.

California Association
of Marriage and
Family Therapists

7901 Raytheon Road
San Diego, CA 92111
P: (858) 292-2638
F: (858) 292-2666
www.camft.org

BOARD OF
BEHAVIORAL SCIENCES

2006 OCT 19 PM 12:00

October 20, 2006

Justin Sotelo
Christy Berger
Board of Behavioral Sciences
1625 North Market Street, Suite S200
Sacramento, CA 95834
Justin_Sotelo@dca.ca.gov
Christy_Berger@bbs.ca.gov

RE: Proposed Regulations Regarding Requirements for Supervisors, CCR 1833.1
Proposed Regulations Regarding Delinquency Fees, CCR 1816.7
Proposed Regulations Regarding Board Approved Providers, CCR1887.7
and 1887.75
Proposed Regulations Regarding Applications, CCR 1805
Proposed Regulations Regarding Examination Application Fees, CCR 1816.4
Proposed Regulations Regarding Inactive License Fees, CCR 1816.6

Dear Justin and Christy:

We appreciate the opportunity to comment on the various proposed changes to the Regulations of the Board of Behavioral Sciences. Most of our recommendations are intended to clarify the intent and understanding of the Regulations.

Requirements for Supervisors, CCR 1833.1(a)(6)(A)

We recommend changes as follows: "Persons licensed by the Board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. . ."

Since supervisors are not licensed as "supervisors" by the Board, we request the clarification provided above. Additionally, we believe that the CE requirement for supervisors should be tied to the renewal period and not to a two year period. Further, such a change would facilitate audits to determine whether or not the requirement has been complied with.

CCR 1833.1(c)

We recommend changes as follows: "A supervisor shall give at least one (1) week's prior written notice to a trainee or intern of the supervisor's intent not to sign for any further hours of experience for such person. . ."

These suggested changes would clarify intent and accurately reflect that a supervisor signs for hours, but does not certify them.

CCR 1833.1(e)

We recommend changes as follows: "In any setting that is not a private practice, a supervisor shall evaluate the site(s) when a trainee or intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provide(s) experience that is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in this section. . . ."

Number (1) above does not identify the intended "scope," e.g., scope of practice or license, scope of competence, etc. Since "this section" does not provide experience requirements, the appropriate section(s) should be identified or (2) should be omitted.

Board Approved Providers, CCR1887.7

We recommend that the regulations specifically state that the Board has a responsibility to send renewal notices to Board Approved Providers of Continuing Education that would specify as follows:

"The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider."

CCR 1887.75(d)

We recommend changes as follows: "Submission of a letter stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall state that all participants have been notified that the course was not valid for continuing education credit for licensees of the Board of Behavioral provider's approval status at the time of the completion of the continuing education was expired.

We would also recommend that this letter contain a sentence something like: The letter shall also advise the participant that the continuing education hours will not be disallowed by the BBS solely because of the expired approval status of the provider.

We have concerns about the Board disallowing continuing education that was gained in good faith by a licensee from a provider that he/she believed to be, and who he/she may even have verified with the BBS to be, an appropriately approved CE provider. The educational information delivered and acquired would have been the same had it been taken from a provider whose approval status was current vs. a provider whose approval status expired. The provider should suffer the consequences, not the licensee who acted

in good faith and relied upon the representations made by the provider in advertising (BBS provider number displayed in CE promotional information) and otherwise.

Applications, CCR 1805(b)

We have concerns about the proposal to require a 180-day waiting period between examinations for any applicant retaking an examination. The Board needs to have the latitude to allow for a lesser period of time when there may be reasons for such that are beyond the control of the applicant. For example, if an applicant has taken an exam that proved to be faulty but not due to the fault of the examinee, that person should not be expected to wait 180 days to take a new exam. Such person has already been disadvantaged and should be permitted to take the examination as soon as a new version of the exam is available.

Examination Application Fees, CCR 1816.4

The application form identified in this section should bear the same title used for the same form in other parts of the licensing law and regulations. Elsewhere, this application is referred to as the "MFT Request for Examination."

Inactive License Fees, CCR 1816.6

Regarding (d), (e), and (f) of this section, we are curious why there is no delinquency fee charged for the delinquent inactive license?

Delinquency Fees, CCR 1816.7

The title of this section should be changed from Delinquent Fees to "Delinquency Fees" since the fees are referred to as delinquency fees throughout the section.

We respectfully request that the Board give thoughtful consideration to our proposed changes, requests for consideration, and questions with regard to these various proposed regulations. We thank you for considering our recommendations to clarify the regulations and to make them more understandable.

Sincerely,



Mary Riemersma
Executive Director

MR/

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Board of Behavioral Sciences
Requirements for Supervisors
 45-Day Comments

Comment Re:	Summary of Comment	Staff Response	Modification Needed?	Section/Area
1833.1(a)(6)(A)	CAMFT* recommends substituting the language “persons licensed by the Board who provide supervision” for “supervisors who are licensed by the board.” Explanation – supervisors are not licensed as “supervisors” by the Board.	AGREE	YES – Modify 1833.1(a)(6)(A), 1833.1(a)(6)(B), and 1870(a)(4)(A) in order to clarify the language	1833.1(a)(6)(A) 1833.1(a)(6)(B) 1870(a)(4)(A)
1833.1(a)(6)(A)	CAMFT* recommends that the six (6) hours of supervision training or coursework be tied to the supervisor’s renewal period and not to a two-year period. Explanation – such a change could facilitate audits to determine whether or not the requirement has been complied with.	AGREE	YES – Modify 1833.1(a)(6)(A) in order to have the ability to facilitate audits, if necessary.	1833.1(a)(6)(A)
1833.1(c)	CAMFT* recommends that the proposed language be modified as follows: “A supervisor shall give at least one (1) week’s <u>prior</u> written notice to a trainee or intern of the supervisor’s intent not to <u>certify sign for</u> any further hours of experience for such person...” Explanation – the recommended modification would clarify intent and accurately reflect that a supervisor <u>signs</u> for hours, but does not <u>certify</u> them.	AGREE	YES – Modify 1833.1(c) in order to clarify that supervisors <u>sign</u> for hours of experience.	1833.1(c)
1833.1(e)	CAMFT* recommends that the proposed language be modified to identify the intended “scope,” e.g., scope of practice or license, etc.	AGREE	YES – Modify 1833.1(e) in order to indicate “scope of <u>practice of a marriage and family therapist</u> ”	1833.1(e)
1833.1(e)	CAMFT* recommends that the specific section of law be cited that addresses experience requirements for MFT Interns or Trainees.	AGREE	YES – Modify 1833.1(e) in order to reference BPC 4980.43.	1833.1(e)

*California Association of Marriage and Family Therapists

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**State of California
Board of Behavioral Sciences**

Memorandum

To: Board Members **Date:** January 29, 2007
From: Justin Sotelo
Regulations Analyst **Telephone:** (916) 574-7836
Subject: **Agenda Item XI. Review and Possible Action on Proposed Amendments to Sections 1816.7, 1887.7, 1887.75, and 1887.77 Regarding Continuing Education Providers**

Background

On July 27, 2006, the Board approved proposed changes in the regulations that would amend 16 CCR Sections 1816.7 and 1887.7 and adopt Sections 1887.75 and 1887.77. These proposed changes were recommended by the Budget and Efficiency Committee at its meeting on June 21, 2006.

This purpose of this proposal is to: 1) implement a \$100 delinquency fee for continuing education providers who renew an expired approval (at any time within one year after its expiration) in order to reduce the processing of new provider applications; 2) prevent a provider from applying for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership; 3) prevent courses from being presented for continuing education credit when a provider's approval is expired; 4) set forth requirements for renewal of an expired approval (under Section 1887.75); and 5) set forth a one-year time limit for renewal of an expired approval.

The proposed changes in the regulations were noticed on September 29, 2006 and comments regarding these proposed changes were received from the California Association of Marriage and Family Therapists (attached). Based on these comments, staff incorporated minor modifications into the language.

On November 15, 2006, a public hearing was held and the Board provided approval for staff to proceed with noticing the Modified Text. The 15-day comment period for the Modified Text ended on January 12, 2007 and no comments were received.

Recommendation

Staff recommends the adoption of this regulatory proposal. The Board is asked to provide final approval to this proposal so that staff may complete the regulatory change process.

Attachments

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Board of Behavioral Sciences
Modified Text

Changes to the originally proposed language are shown by double underline for new text and double strikethrough for deleted text.

(1) Amend Section 1816.7 of Division 18 of Title 16 of the California Code of Regulations to read as follows:

1816.7 ~~Delinquent License~~ Delinquency 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)~~ (e).

(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)~~ (f).

(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)~~ (g).

(d) The delinquency fee for the continuing education provider approval shall be one hundred dollars (\$100).

~~(d)~~ (e) 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)~~ (f) 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)~~ (g) 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).

NOTE: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4984.7, 4986.80, and 4996.6, Business and Professions Code.

(2) Amend Section 1887.7 of Division 18 of Title 16 of the California Code of Regulations to read as follows:

1887.7 Board Approved Providers

(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.

(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 37A-633, new 5/97) hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.

(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.

~~(c)~~ (d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.

~~A provider approval which is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.~~

(e) When a provider's approval is expired, no course may be presented for continuing education credits for licensees of the Board of Behavioral Sciences.

~~(d)~~ (f) Board-approved provider status is numbers are non-transferable.

(g) The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

(3) Adopt Section 1887.75 Division 18 of Title 16 of the California Code of Regulations to read as follows:

1887.75 Renewal of Expired Approval

A provider approval that has expired may be renewed at any time within one (1) year after its expiration upon all of the following:

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

(b) Payment of the renewal fee in effect on the last regular renewal date.

(c) Payment of the delinquency fee in effect on the last regular renewal date.

(d) Submission of a letter ~~certifying~~ stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall ~~certify~~ state that all participants have been notified that the ~~course was not valid for continuing education credit for licensees of the Board of Behavioral Sciences~~ provider's approval status at the time of completion of the continuing education was expired and that continuing education hours will not be disallowed by the Board if the provider renews within one (1) year after its expiration.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

(4) Adopt § 1887.77 of Division 18 of Title 16 of the California Code of Regulations to read as follows:

1887.77 Time Limit for Renewal of Approval After Expiration; New Approval

A provider approval that is not renewed within one year of its expiration date may not be renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:

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

(b) The applicant pays the fees that would be required if applying for approval for the first time.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

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AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) has proposed modifications to the text of Sections 1816.7, 1887.7, and 1887.75 in Title 16 of the California Code of Regulations which were the subject of a regulatory hearing on November 16, 2006. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before January 12, 2007 to the following:

Contact Person: Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd Suite S200
Sacramento CA 95834
Telephone: (916) 574-7836
Fax: (916) 574-8625
Email: Justin_Sotelo@dca.ca.gov

DATED: December 20, 2006

Paul Riches, Executive Officer

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**TITLE 16 DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA, 94102 on **November 16, 2006 at 1:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **November 15, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.60 and 4990.14 of the Business and Professions Code, and to implement, interpret, or make specific Sections 4980.54, 4984.7, 4986.80, 4996.22, and 4996.6 of the Business and Professions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Business and Professions Code Section 4980.60 authorizes the Board to adopt rules and regulations as may be necessary to enable it to carry into effect the provisions of Chapter 13 (Marriage and Family Therapists / Licensed Educational Psychologists). Business and Professions Code Section 4990.14 authorizes the Board to make such rules and regulations as may be necessary for the enforcement of Chapter 14 (Social Workers).

Amend Section 1816.7 – Delinquent Fees

The existing regulation sets forth delinquency fees for the licenses that the Board issues.

This proposal would add a delinquency fee for continuing education provider approval in order to reduce the processing of new provider applications. Currently, if a provider fails to renew its approval before its expiration, submittal of another new provider application is required.

Amend Section 1887.7 – Board Approved Providers

The existing regulation sets forth requirements for Board Approved Providers.

This proposal would delete the provision requiring a provider to apply for a new approval after the expiration date. In addition, the proposal would add the following provisions:

- A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership
- When a provider's approval is expired, no course may be presented for continuing education credits for licensees of the Board of Behavioral Sciences

Adopt Section 1887.75 – Renewal of Expired Approval

This proposal would set forth requirements for renewal of an expired approval.

Adopt Section 1887.77 – Time Limit for Renewal of Approval After Expiration; New Approval

This proposal would set forth a one-year time limit for renewal of an expired approval. Beyond one year from a provider's approval expiration, that provider would be required to apply for a new approval with the Board.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:
N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses. This proposal would establish delinquent fees for Continuing Education Providers.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Justin Sotelo
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7836
Fax: 916-574-8625
Email: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Christy Berger
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7830
Fax: 916-574-8625
Email: Christy_Berger@bbs.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

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**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

HEARING DATE: November 16, 2006

SUBJECT MATTER OF PROPOSED REGULATIONS: Delinquent Fees, Board Approved Providers, Renewal of Expired Approval, and Time Limit for Renewal of Approval After Expiration; New Approval

SECTIONS AFFECTED: Sections 1816.7, 1887.7, 1887.75, and 1887.77 of Division 18 of Title 16 of the California Code of Regulations

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

The specific purpose of this proposal is to: 1) add a delinquency fee for continuing education provider approval in order to reduce the processing of new provider applications; 2) prevent a provider from applying for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership; 3) prevent courses from being presented for continuing education credit when a provider's approval is expired; 4) set forth requirements for renewal of an expired approval; and 5) set forth a one-year time limit for renewal of an expired approval.

FACTUAL BASIS/RATIONALE

Staff research indicated that nearly one-third of the new provider applications that it receives are from providers whose approvals have been cancelled by failing to renew on time. Therefore, this proposal is reasonably necessary, as it would: reduce the number of new provider applications received each year; set forth a reasonable time period for renewal of an expired approval, establish a delinquency fee which would encourage providers to not let their approval expire, and explicitly state that the Board is not able to grant continuing education credit to a licensee when a provider's approval is expired.

UNDERLYING DATA

None

BUSINESS IMPACT

The proposed regulations will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

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**Board of Behavioral Sciences
Proposed Language**

**Title 16, California Code of Regulations
Sections 1816.7, 1887.7, 1887.75, and 1887.77**

Amend

§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)~~ (e).

(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)~~ (f).

(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)~~ (g).

(d) The delinquency fee for the continuing education provider approval shall be one hundred dollars (\$100).

~~(d)~~ (e) 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)~~ (f) 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)~~ (g) 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).

NOTE: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4984.7, 4986.80, and 4996.6, Business and Professions Code.

Amend

§1887.7 Board Approved Providers

(a) A continuing education provider must meet the board's course content and instructor qualifications criteria, as provided under this article, to qualify to become a board-approved provider.

(b) A continuing education provider shall submit a completed Continuing Education Provider Application (Form no. 37A-633, new 5/97) hereby incorporated by reference, remit the appropriate fees, and obtain a continuing education provider number from the board to become a board-approved provider.

(c) A provider may not apply for a new provider approval number within one year of an existing approval's expiration unless the provider has undergone a change of ownership.

~~(e)~~ (d) A provider approval issued under this section shall expire on the last day of the twenty-fourth month after the approval issue date. To renew an unexpired provider approval, the provider shall, on or before the expiration date of the approval, pay the two-year renewal fee set forth in Section 1816 of these regulations.

~~A provider approval which is not renewed by the expiration date may not be renewed, restored, reinstated, or reissued thereafter, but the provider may apply for a new approval.~~

(e) When a provider's approval is expired, no course may be presented for continuing education credits for licensees of the Board of Behavioral Sciences.

(d) (f) Board-approved provider status is numbers are non-transferable.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

Adopt

§1887.75 Renewal of Expired Approval

A provider approval that has expired may be renewed at any time within one (1) year after its expiration upon all of the following:

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

(b) Payment of the renewal fee in effect on the last regular renewal date.

(c) Payment of the delinquency fee in effect on the last regular renewal date.

(d) Submission of a letter certifying that no courses were presented while the provider's approval was expired. If a course was presented during that time, the letter shall certify that all participants have been notified that the course was not valid for continuing education credit for licensees of the Board of Behavioral Sciences.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

Adopt

§1887.77 Time Limit for Renewal of Approval After Expiration; New Approval

A provider approval that is not renewed within one year of its expiration date may not be renewed, reinstated, or reissued thereafter, but the provider may apply for and obtain a new approval if:

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

(b) The applicant pays the fees that would be required if applying for approval for the first time.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

Comments cited from the California Association of Marriage and Family Therapists' letter to the Board of Behavioral Sciences, dated October 20, 2006:

16 CCR Section 1816.7, Delinquent Fees

"...The title of this section should be changed from Delinquent Fees to 'Delinquency Fees' since the fees are referred to as delinquency fees throughout the section..."

16 CCR Section 1887.7, Board Approved Providers

"...We recommend that the regulations specifically state that the Board has a responsibility to send renewal notices to Board Approved Providers of Continuing Education that would specify as follows:

'The Board shall send a renewal notice, at least thirty (30) days prior to the expiration, to any continuing education provider approved by the Board, to the address of record for such provider.'...

16 CCR Section 1887.75(d), Renewal of Expired Approval

"...We recommend changes as follows: 'Submission of a letter stating that no courses were presented while the provider's approval status was expired. If a course was presented during that time, the letter shall state that all participants have been notified that the ~~course was not valid for continuing education credit for licensees of the Board of Behavioral Sciences~~ provider's approval status at the time of the completion of the continuing education was expired.'..."

"...We would also recommend that this letter contain a sentence something like: The letter shall also advise the participant that the continuing education hours will not be disallowed by the BBS solely because of the expired approval status of the provider."

Board of Behavioral Sciences
Delinquency Fees for Continuing Education Providers
 45-Day Comments

Comment Re:	Summary of Comment	Staff Response	Modification Needed?	Section/Area
1816.7	CAMFT* recommends that the title of this section be changed from "Delinquent Fees" to "Delinquency Fees" since the fees are referred to as delinquency fees throughout the section.	AGREE	YES – Change title of 1816.7 to "Delinquency Fees."	1816.7
1887.7	CAMFT* recommends that the regulation specifically state that the Board has a responsibility to send renewal notices to Board Approved Providers of Continuing Educations at least thirty (30) days prior to their approval expirations.	AGREE	YES – Modify 1887.7 in order to state that the Board has a responsibility to send renewal notices at least thirty (30) days prior to expiration.	1887.7
1887.75(d)	CAMFT* recommends that the proposed language be modified as follows: "Submission of a letter certifying <u>stating</u> that no courses were presented while the provider's approval <u>status</u> was expired."	AGREE	YES – Modify 1887.75(d) in order to indicate that the letter <u>states</u> instead of <u>certifies</u> .	1887.75(d)
1887.75(d)	CAMFT* recommends that the proposed language be modified to delete language stating that the letter shall certify that "all participants have been notified that the course was not valid for continuing education credit for licensees..."	NOTED	YES – Modify 1887.75(d) in order to indicate that CE credit will be granted to a participant if the provider renews its approval status within one year of its expiration.	1887.75(d)
1887.75(d)	CAMFT* recommends that the letter contain a sentence advising the participant that the continuing education hours will not be disallowed by the Board solely because of the expired approval status of the provider.	NOTED	YES – Modify 1887.75(d) in order to indicate that CE credit will be granted to a participant if the provider renews its approval status within one year of its expiration.	1887.75(d)

*California Association of Marriage and Family Therapists

**State of California
Board of Behavioral Sciences**

Memorandum

To: Board Members
From: Justin Sotelo
Regulations Analyst
Date: January 29, 2007
Telephone: (916) 574-7836
Subject: **Agenda Item XII. Review and Possible Action on Proposed Amendments to Sections 1805, 1806, 1833.3, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1854, 1855, 1856, 1857, & 1858 Regarding Application Files, Fees, and Licensed Educational Psychologists**

Background

On July 27, 2006, the Board approved proposed changes in the regulations that would do the following:

Amend Section 1805 in order to - delete language referring the oral examination which is no longer administered by the Board; and, establish a 180-day waiting period between examinations for any applicant retaking an examination in order to ensure that the applicant take a different version of the examination.

Amend Section 1806 & Repeal Section 1833.3 in order to - resolve the discrepancy between the two regulations, providing all candidates with a one-year period in which to take an examination to avoid abandonment of their application.

Amend Sections 1816, 1816.1, 1816.2, 1816.4, and 1816.6 in order to - implement non-substantive changes that would restructure the regulations or make text revisions in order to: provide clarity; improve structure and order; provide consistency across the practice acts; and remove duplicative, outdated, or unnecessary language.

Amend Section 1854 in order to - provide language that is consistent with language under SB 1475, which would adopt BPC Section 4989.20 and instead reference "educational institution approved by the board..." under that new statute.

Amend Section 1856 and Repeal Sections 1855 and 1857 in order to - delete/repeal outdated grandparenting provisions.

Amend Section 1858 in order to - delete provisions that will instead fall under BPC 4989.54 (SB 1475).

The proposed changes in the regulations were noticed on September 29, 2006 and comments regarding these proposed changes were received from the California Association of Marriage and Family Therapists (attached). Based on these comments, staff incorporated minor modifications into the language.

On November 15, 2006, a public hearing was held and the Board provided approval for staff to proceed with noticing the Modified Text. The 15-day comment period for the Modified Text ended on January 12, 2007 and no comments were received.

Recommendation

Staff recommends the adoption of this regulatory proposal. The Board is asked to provide final approval to this proposal so that staff may complete the regulatory change process.

Attachments

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BOARD OF BEHAVIORAL SCIENCES
Modified Text

Changes to the originally proposed language are shown by double underline for new text and double strikethrough for deleted text.

(1) Amend Section 1805 of Division 18 of Title 16 of the California Code of Regulations to read as follows:

1805. Applications.

(a) Applications submitted to the board for registration or licensure shall be on a form prescribed by the board.

~~(b) The board may issue final filing dates for all examinations not to exceed ninety (90) days prior to any examination. An applicant who fails to submit a complete examination application to the board by a final filing date shall not be eligible for that examination and his or her application shall be considered abandoned if it meets the criteria in Section 1806(c).~~

(b) A 180-day waiting period is required between examinations for any applicant retaking an examination. In the event special or unusual circumstances occur that impact the examination, the Board's Executive Officer may allow for a lesser period of time, as long as the integrity of the examination or examination security is not compromised.

Note: Authority Cited: Sections 4980.60, 4988.2, and 4990.14, Business and Professions Code. Reference: Sections 4980.30, 4980.40, 4986.20, 4987.6, 4992, and 4996.2, Business and Professions Code.

(2) Amend Section 1806 of Division 18 of Title 16 of the California Code of Regulations to read as follows:

1806. Abandonment of Application.

An application shall be deemed abandoned ~~if~~ under any of the following circumstances:

(a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the ~~board;~~ or board.

(b) The applicant does not submit information ~~that he or she has corrected~~ required in order to correct the deficiencies specified in a deficiency letter within one (1) year from the date of the deficiency ~~letter;~~ or letter.

(c) The applicant fails to sit for the standard written examination within one (1) year after being notified of ~~eligibility;~~ or initial eligibility to take the standard written examination.

(d) The applicant fails to sit for the clinical vignette examination within one year of being notified of passing the standard written examination.

(e) An applicant fails to retake an examination within one year from the date the applicant was notified of failing an examination.

~~(d) (f)~~ The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

An application submitted ~~subsequent to the abandonment of a prior application~~ after an application has been abandoned shall be treated as a new application, including any fees required, and current requirements.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.30, 4980.35, 4984.7, 4986.20, 4986.80, 4992, and 4996.3, Business and Professions Code.

(3) Section 1833.3 of Division 18 of Title 16 of the California Code of Regulations is repealed:

~~1833.3. Reexamination.~~

~~An applicant who fails any examination may within one (1) year from the date of that failure retake that examination as regularly scheduled without further application upon payment of the required examination fees. Thereafter, the applicant shall not be eligible for further examination unless a new application is filed, meeting all requirements, and required fees are paid.~~

~~Note: Authority Cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.40 and 4980.50, Business and Professions Code.~~

BOARD OF BEHAVIORAL SCIENCES
Modified Text

Changes to the originally proposed language are shown by double underline for new text and double strikethrough for deleted text.

Amend §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).¹~~

~~(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).²~~

~~(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).³~~

~~(d) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).⁴~~

~~(e) The annual renewal fee for intern registration is seventy-five dollars (\$75.00).⁵~~

~~(f) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).⁶~~

~~(g) The fee for associate clinical social worker extension is fifty dollars (\$50.00).⁷~~

~~(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).⁸~~

~~(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).⁹~~

~~(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).¹⁰~~

(a) The annual renewal fee for marriage and family therapist intern registration is seventy-five dollars (\$75.00).

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

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

(d) The biennial active renewal fee for a marriage and family therapist is one hundred thirty dollars (\$130.00).

(e) The biennial active renewal fee for a licensed educational psychologist is eighty dollars (\$80.00).

(f) The biennial active renewal fee for a licensed clinical social worker is one hundred dollars (\$100.00).

¹ Outdated.

² Moved to (f) and updated.

³ Moved to (e) and updated.

⁴ Moved to (g)

⁵ Remains in (a)

⁶ Remains in (b)

⁷ Remains in (c)

⁸ Remains in (h)

⁹ Moved to (j)

¹⁰ Moved to (i)

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

(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 educational psychologist 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 clinical social worker is twenty-five dollars (\$25.00).

Note: Authority Cited: Sections 4980.54, 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4980.54, 4984.7, 4986.80, 4994.1, 4996.6, 4996.18, and 4996.22, Business and Professions Code.

Amend §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).¹¹~~

~~(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).¹²~~

~~(c) On or after July 1, 1998, the fee for issuance of the initial educational psychologist license shall be eighty dollars (\$80.00).¹³~~

~~(d) The fee for issuance of the initial intern registration shall be seventy-five dollars (\$75.00).¹⁴~~

~~(e) The fee for issuance of the initial associate clinical social worker registration shall be seventy-five dollars (\$75.00).¹⁵~~

(a) The fee for initial issuance of the marriage and family therapist license shall be one hundred thirty dollars (\$130.00).

(b) The fee for initial issuance of the licensed educational psychologist license shall be eighty dollars (\$80.00).

(c) The fee for initial issuance of the licensed clinical social worker license shall be one hundred dollars (\$100.00).

Note: Authority Cited: Sections 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4994.1, 4996.3, and 4996.18, Business and Professions Code.

Amend §1816.2. WRITTEN EXAMINATION AND RE-EXAMINATION FEES

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

~~(b) The examination and re-examination fee for the licensed clinical social worker written vignette examination of the licensed clinical social worker fee shall be one hundred dollars (\$100).~~

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

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

~~(e) The examination and re-examination fee for the licensed educational psychologist written examination of the licensed educational psychologist fee shall be one hundred dollars (\$100.00).¹⁶~~

¹¹ Moved to (c) and updated.

¹² Moved to (e) and updated.

¹³ Moved to (d) and updated.

¹⁴ The board does not charge such a fee.

¹⁵ The board does not charge such a fee.

Note: Authority Cited: 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4996.3(a), and 4996.4, Business and Professions Code.

Amend §1816.4. EXAMINATION LICENSE FEES

- (a) The ~~examination application~~ fee for the marriage and family therapist examination eligibility application shall be one hundred dollars (\$100.00).
- (b) The ~~examination application~~ fee for the licensed clinical social worker examination eligibility application shall be one hundred dollars (\$100.00).
- (c) The ~~examination application~~ fee for the licensed educational psychologist examination eligibility application shall be one hundred dollars (\$100.00).¹⁷

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, and 4996.3, Business and Professions Code.

Amend §1816.6. INACTIVE LICENSE FEES

- (a) The fee for issuance or renewal¹⁸ of the an inactive marriage and family therapist license shall be sixty-five dollars (\$65.00) ~~except for the period of time in subsection (d).~~¹⁹
 - (b) The fee for issuance or renewal²⁰ of the an inactive licensed clinical social worker license shall be fifty dollars (\$50.00) ~~except for the period of time in subsection (e).~~²¹
 - (c) The fee for issuance or renewal²² of the an inactive licensed educational psychologist license shall be forty dollars (\$40.00) ~~except for the period of time in subsection (f).~~²³
 - (d) ~~For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive marriage, family, and child counselor 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).~~²⁴
- (d) The delinquency fee for renewal of a delinquent an expired inactive marriage and family therapist license is sixty-five dollars (\$65.00).
- (e) The delinquency fee for renewal of a delinquent an expired inactive licensed clinical social worker license is fifty dollars (\$50.00).
- (f) The delinquency fee for renewal of a delinquent an expired inactive licensed educational psychologist license is forty dollars (\$40.00).²⁵

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.8, 4986.82, and 4997, Business and Professions Code.

¹⁶ Re-examination fee is the same as the examination fee – not necessary.

¹⁷ Changed to better reflect the purpose of the fee and proposed application title.

¹⁸ § 4984.8 states inactive licensees pay a biennial fee of half the active renewal fee.

¹⁹ Outdated.

²⁰ § 4997 states inactive licensees pay a biennial fee of half the active renewal fee.

²¹ Outdated.

²² § 4986.82 states inactive licensees pay a biennial fee of half the active renewal fee.

²³ Outdated.

²⁴ Outdated.

²⁵ § 1816.7 specifies delinquent license fees in general. Specified here in order to restructure and clarify.

BOARD OF BEHAVIORAL SCIENCES
Modified Text

Amend §1854. EQUIVALENT DEGREES

~~Degrees deemed equivalent to those specified in Section 4986.20(a) of the Code shall include a master's degree or its equivalent obtained from a college or university accredited by one of the following agencies: Educational institutions approved by the board are defined as a college or university accredited by one of the following agencies:~~

- (a) Western Association of Schools and Colleges.
- (b) Northwest Association of Secondary and Higher Schools.
- (c) Middle States Association of Colleges and Secondary Schools.
- (d) New England Association of Colleges and Secondary Schools.
- (e) North Central Association of Colleges and Secondary Schools.
- (f) Southern Association of Colleges and Schools.
- (g) The Credentials Evaluation Service of the International Education Research Foundation, Inc., where it evaluates the foreign degree as being equivalent to the required degree or degrees.

Authority cited: ~~Section 4980.60~~ 4990.20(a), Business and Professions Code. Reference: ~~Section 4986.20(a)~~ 4989.20(a)(1), Business and Professions Code.

Repeal §1855. EQUIVALENT EXPERIENCE IN PUPIL PERSONNEL SERVICES

~~Semester hours in instructing a course in pupil personnel services approved by the board and offered by an institution accredited by one of the accrediting agencies set forth in Section 1854 above shall be deemed equivalent, within the meaning of Section 4986.20(d) of the Code, to semester hours of postgraduate work devoted to pupil personnel services under the following conditions:~~

- ~~(1) The applicant has instructed the particular course for at least two semesters;~~
- ~~(2) The particular course has not been submitted by the applicant for credit as a postgraduate course; and~~
- ~~(3) The particular course is not a practicum or field work course. In addition to the above, the board may, in its discretion, recognize other experience as equivalent to semester hours of postgraduate work devoted to pupil personnel services.~~

~~Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4986.20, Business and Professions Code.~~

Amend §1856. EXPERIENCE EQUIVALENT TO THREE (3) YEARS FULL-TIME EXPERIENCE AS CREDENTIALLED SCHOOL PSYCHOLOGIST

- (a) No more than one year of experience will be granted for any 12 month period.
- (b) Part time experience may be accumulated provided that the experience is obtained within six (6) calendar years.

(c) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, be deemed equivalent to experience as a credentialed school psychologist in the public schools.

~~(d) Persons meeting this requirement must verify this experience by written statements from their sponsors as specified in Section 4986.20 of the Code. These statements shall include information regarding the applicant's:~~

~~(1) Skill in the administration of standardized individual tests for subjects varying from three (3) to twenty-one (21) years of age.~~

~~(2) Skill in the interpretation of results to parents, teachers, administrators, admissions committees, or other appropriate parties.~~

~~(3) Skill in the classification of subjects for special programming based on existing legislation.~~

~~(4) Recognition and diagnosis of learning problems with recommendations for solution of the problems.~~

~~(5) Recognition and amelioration of behavior problems.~~

~~(6) Interpretation of scores of standardized group tests.~~

~~(7) Skills in the use of psychological counseling or other therapeutic techniques with children and parents.~~

Authority cited: Section ~~4980.60~~ 4990.20(a), Business and Professions Code. Reference: Section ~~4986.20~~ 4989.30(e), Business and Professions Code.

~~Repeal §1857. EXPERIENCE EQUIVALENT TO ONE YEAR OF SUPERVISED PROFESSIONAL EXPERIENCE~~

~~(a) An applicant who has completed a minimum of seven hundred and twenty (720) clock hours under professional supervision as specified herein in the following experiences shall be deemed to have suitable experience equivalent to one year of supervised professional experience in an accredited school psychology program, or under the direction of a licensed psychologist:~~

~~(1) Utilization of all instruments presented within the prescribed course of study in the educational institution attended, with a wide variety of subjects (generally inclusive of WAIS, WISC, Binet, and group tests).~~

~~(2) Administration of additional tests commonly employed in the field by school psychologists.~~

~~(3) Consulting with teachers concerning learning and behavior problems of children enrolled in special education programs.~~

~~(4) Referral to and use of community agencies.~~

~~(5) Oral and written communication of results in accordance with the local supervisor's requirements.~~

~~(b) The local supervisor shall consult with the intern at least once weekly during the period of internship and shall:~~

- ~~(1) Possess a valid credential in school psychology; and~~
- ~~(2) Have a minimum of two (2) years experience in the field of school psychology.~~
- ~~(c) The general supervisor shall arrange for and coordinate intern placement with the local supervisor, and shall consult with the intern and/or the local supervisor at least three times during the period of internship. A general supervisor shall be qualified as one of the following:~~
 - ~~(1) A credentialed school psychologist;~~
 - ~~(2) A licensed psychologist;~~
 - ~~(3) A licensed educational psychologist;~~
 - ~~(4) A state or accredited training institution designated supervisor of school psychology trainees.~~

~~Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4980.20, Business and Professions Code.~~

Amend §1858. UNPROFESSIONAL CONDUCT

The Board may suspend or revoke the license of a licensee who:

- ~~(a) Misrepresents the type or status of license held by the licensee.~~
- ~~(b) (a) Impersonates a licensee or who allows another person to use his or her license.~~
- ~~(c) Aids or abets an unlicensed person to engage in conduct requiring a license.~~
- ~~(d) Intentionally or recklessly causes physical or emotional harm to a client.~~
- ~~(e) Commits any dishonest, corrupt, or fraudulent act which is substantially related to the qualifications, functions or duties of a licensee.~~
- ~~(f) When employed by another person or agency, encourages, either orally or in writing, the employer's or agency's clientele to utilize his or her private practice for further counseling without the approval of the employing agency or administration.~~
- ~~(g) Misrepresents or permits the misrepresentation of his or her professional qualifications, affiliations, or purposes.~~
- ~~(h) Has sexual relations with a client, or who solicits sexual relations with a client, or who commits an act of sexual abuse, or who commits an act of sexual misconduct, or who commits an act punishable as a sexual related crime if such act or solicitation is substantially related to the qualifications, functions or duties of an educational psychologist.~~
- ~~(i) Performs or holds himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.~~
- ~~(j) (b) Permits a person under his or her supervision or control to perform or permits such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.~~

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

~~(l) Prior to the commencement of treatment, fails to disclose to the client, or prospective client, the fee to be charged for the professional services, or the basis upon which such fee will be computed.~~

~~(m) Advertises in a manner which is false or misleading.~~

~~(n) Reproduces or describes in public or in publications subject to general public distribution, 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 such test or device. An Educational Psychologist shall limit access to such test or device to persons with professional interests who can be expected to safeguard their use.~~

~~(o) Fails to comply with the child abuse reporting requirements of Penal Code Section 11166.~~

~~(p) Fails to comply with the elder and adult dependent abuse reporting requirements of Welfare and Institution Code Section 15630.~~

Authority cited: Section ~~4987~~ 4989.18, Business and Professions Code. Reference: Sections ~~730, 4986.70~~ 4989.54, ~~4986.71,~~ and ~~4987~~ 4989.18, Business and Professions Code; and Section ~~11166~~, Penal Code, and Section ~~15630~~, Welfare and Institutions Code.

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AVAILABILITY OF MODIFIED TEXT

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) has proposed modifications to the text of Sections 1805 and 1816.6 in Title 16 of the California Code of Regulations which were the subject of a regulatory hearing on November 16, 2006. A copy of the modified text is enclosed. Any person who wishes to comment on the proposed modifications may do so by submitting written comments on or before January 12, 2007 to the following:

Contact Person: Justin Sotelo
Board of Behavioral Sciences
1625 North Market Blvd Suite S200
Sacramento CA 95834
Telephone: (916) 574-7836
Fax: (916) 574-8625
Email: Justin_Sotelo@dca.ca.gov

DATED: December 20, 2006

Paul Riches, Executive Officer

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**TITLE 16 DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
NOTICE OF PROPOSED CHANGES IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA, 94102 on **November 16, 2006 at 1:00 p.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **November 15, 2006** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4980.54, 4980.60, 4987, 4988.2, 4990.14, and 4994.1 of the Business and Professions Code, and to implement, interpret, or make specific Sections 730, 4980.03, 4980.20, 4980.30, 4980.35, 4980.40, 4980.44, 4980.50, 4980.54, 4984.7, 4984.8, 4986.20, 4986.70, 4986.71, 4986.80, 4986.82, 4987, 4987.6, 4992, 4994.1, 4996.2, 4996.3, 4996.4, 4996.6, 4996.18, 4996.22, and 4997 of the Business and Professions Code, Section 11166 of the Penal Code, and Section 15630 of the Welfare and Institutions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Amend Section 1805 - Applications

The existing regulation sets forth the requirement that applications submitted to the Board for registration or licensure shall be on a form prescribed by the Board. Under subdivision (b), the regulation further sets forth the provision that the Board may issue final filing dates for all examinations not to exceed ninety (90) days prior to any examination.

Because the Board no longer administers an oral examination, this proposal would delete the current language under subdivision (b). However, because the current examination is administered on a continuous basis and the fact that a new version is implemented approximately once every six months, this proposal would establish a 180-day waiting period between examinations for any applicant retaking an examination in order to ensure that the applicant take a different version of the examination.

**Amend Section 1806 – Abandonment of Application
Repeal Section 1833.3 – Re-Examination**

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 discrepancy between these two regulations, providing all candidates with a one-year period in which to take an examination to avoid abandonment of their application.

Amend Section 1816 – Renewal Fees

Amend Section 1816.1 – Initial License and Registration Fees

Amend Section 1816.2 – Written Examination and Re-Examination Fees

Amend Section 1816.4 – Examination Application Fees

Amend Section 1816.6 – Inactive License Fees

The existing regulations set forth the Board's fees for the respective items.

This proposal would set forth non-substantive changes that would restructure the regulations or make text revisions in order to: provide clarity; improve structure and order; provide consistency across the practice acts; and remove duplicative, outdated, or unnecessary language. The proposed changes under these regulations would be more user-friendly for staff, applicants, licensees, and registrants.

The following proposed regulatory changes are technical and/or editorial in nature and are in line with statutory changes proposed under SB 1475, Committee on Business, Professions and Economic Development (2005-2006).

Amend Section 1854 – Equivalent Degrees

The existing regulation sets forth degrees deemed equivalent to those specified in Section 4986.20(a) of the Business and Professions Code (BPC).

Consistent with the proposed language under SB 1475 which would adopt BPC Section 4989.20, this proposal would instead reference “educational institution approved by the board...” under that new statute.

Repeal Section 1855 – Equivalent Experience in Pupil Personnel Services

This proposal would repeal outdated grandparenting provisions.

Amend Section 1856 – Experience Equivalent to Three (3) Years Full-Time Experience as Credentialed School Psychologist

This proposal would delete outdated grandparenting provisions under subdivision (d).

Repeal Section 1857 – Experience Equivalent to One Year of Supervised Professional Experience

This proposal would repeal outdated grandparenting provisions.

Amend Section 1858 – Unprofessional Conduct

This proposal would delete provisions that would instead fall under BPC 4989.54 (SB 1475).

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:
N/A

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would not affect small businesses. This proposal would make technical and/or editorial changes to the Board's regulations.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Contact Person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Justin Sotelo
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7836
Fax: 916-574-8625
Email: Justin_Sotelo@dca.ca.gov

The backup contact person is:

Name: Christy Berger
Address: Board of Behavioral Sciences
1625 North Market Blvd, Suite S200
Sacramento CA 95834
Telephone: 916-574-7830
Fax: 916-574-8625
Email: Christy_Berger@bbs.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS**

HEARING DATE: November 16, 2006

SUBJECT MATTER OF PROPOSED REGULATIONS: Applications, Abandonment of Application, Re-Examination, Renewal Fees, Initial License and Registration Fees, Written Examination and Re-Examination Fees, Examination Application Fees, Inactive License Fees, Equivalent Degrees, Equivalent Experience in Pupil Personnel Services, Experience Equivalent to Three (3) Years Full-Time Experience as Credentialed School Psychologist, Experience Equivalent to One Year of Supervised Professional Experience, and Unprofessional Conduct

SECTIONS AFFECTED: Sections 1805, 1806, 1833.3, 1816, 1816.1, 1816.2, 1816.4, 1816.6, 1854, 1855, 1856, 1857, and 1858 of Division 18 of Title 16 of the California Code of Regulations

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:

The specific purpose of this proposal is to: 1) establish a 180-day waiting period between examinations for any applicant retaking an examination in order to ensure that the applicant takes a different version of the examination; 2) resolve the discrepancy between 16 CCR Section 1806 and Section 1833.3, providing all candidates with a one-year period in which to take an examination to avoid abandonment of their application; 3) set forth non-substantive changes that would restructure the Board's regulations or make text revisions in order to: provide clarity; improve structure and order; provide consistency across the practice acts; and remove duplicative, outdated, or unnecessary language; 4) reference "educational institution approved by the board..." under BPC Section 4989.20 (SB 1475); 5) repeal and/or delete outdated grandparenting provisions; and 6) delete provisions under the Board's regulations that will instead fall under BPC 4989.54 (SB 1475).

FACTUAL BASIS/RATIONALE

This proposal is reasonably necessary in that it restructures and clarifies the Board's regulations, removes duplicative, outdated, or unnecessary language, and sets forth provisions that are in line with SB 1475.

UNDERLYING DATA

None

BUSINESS IMPACT

The proposed regulations will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

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BOARD OF BEHAVIORAL SCIENCES
Proposed Language

Title 16, California Code of Regulations
Sections 1805, 1806 and 1833.3

Amend § 1805 as follows:

(a) Applications submitted to the board for registration or licensure shall be on a form prescribed by the board.

~~(b) The board may issue final filing dates for all examinations not to exceed ninety (90) days prior to any examination. An applicant who fails to submit a complete examination application to the board by a final filing date shall not be eligible for that examination and his or her application shall be considered abandoned if it meets the criteria in Section 1806(c).~~

(b) A 180-day waiting period is required between examinations for any applicant retaking an examination.

Note: Authority Cited: Sections 4980.60, 4988.2, and 4990.14, Business and Professions Code.
Reference: Sections 4980.30, 4980.40, 4986.20, 4987.6, 4992, and 4996.2, Business and Professions Code.

Amend § 1806 as follows:

An application shall be deemed abandoned if under any of the following circumstances:

(a) The application has not been completed by the applicant within one (1) year after it has been filed. An application shall be deemed complete when all documents and information required have been submitted to the ~~board;~~ or board.

(b) The applicant does not submit information ~~that he or she has corrected~~ required in order to correct the deficiencies specified in a deficiency letter ~~within one (1) year from the date of the deficiency letter;~~ or letter.

(c) The applicant fails to sit for the standard written examination within one (1) year after being notified of ~~eligibility;~~ or initial eligibility to take the standard written examination.

(d) The applicant fails to sit for the clinical vignette examination within one year of being notified of passing the standard written examination.

(e) An applicant fails to retake an examination within one year from the date the applicant was notified of failing an examination.

~~(d)~~ (f) The applicant fails to pay the initial license fee within one (1) year after notification by the board of successful completion of examination requirements.

An application submitted ~~subsequent to the abandonment of a prior application~~ after an application has been abandoned shall be treated as a new ~~application.~~ application, including any fees required, and current requirements.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 4980.30, 4980.35, 4984.7, 4986.20, 4986.80, 4992, and 4996.3, Business and Professions Code.

Repeal § 1833.3 as follows:

~~An applicant who fails any examination may within one (1) year from the date of that failure retake that examination as regularly scheduled without further application upon payment of the required examination fees. Thereafter, the applicant shall not be eligible for further examination unless a new application is filed, meeting all requirements, and required fees are paid.~~

~~Note: Authority Cited: Section 4980.60, Business and Professions Code. Reference: Sections 4980.40 and 4980.50, Business and Professions Code.~~

**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE**

Title 16, California Code of Regulations

Amend §1816.

~~(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).¹~~

~~(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).²~~

~~(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).³~~

~~(d) The biennial renewal fee for a board-approved continuing education provider is two hundred dollars (\$200.00).⁴~~

~~(e) The annual renewal fee for intern registration is seventy-five dollars (\$75.00).⁵~~

~~(f) The annual renewal fee for associate clinical social worker registration is seventy-five dollars (\$75.00).⁶~~

~~(g) The fee for associate clinical social worker extension is fifty dollars (\$50.00).⁷~~

~~(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).⁸~~

~~(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).⁹~~

~~(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).¹⁰~~

(a) The annual renewal fee for marriage and family therapist intern registration is seventy-five dollars (\$75.00).

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

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

(d) The biennial active renewal fee for a marriage and family therapist is one hundred thirty dollars (\$130.00).

(e) The biennial active renewal fee for a licensed educational psychologist is eighty dollars (\$80.00).

(f) The biennial active renewal fee for a licensed clinical social worker is one hundred dollars (\$100.00).

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

¹ Outdated.

² Moved to (f) and updated.

³ Moved to (e) and updated.

⁴ Moved to (g)

⁵ Remains in (a)

⁶ Remains in (b)

⁷ Remains in (c)

⁸ Remains in (h)

⁹ Moved to (j)

¹⁰ Moved to (i)

(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 educational psychologist 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 clinical social worker is twenty-five dollars (\$25.00).

Note: Authority Cited: Sections 4980.54, 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4980.54, 4984.7, 4986.80, 4994.1, 4996.6, 4996.18, and 4996.22, Business and Professions Code.

Amend §1816.1.

~~(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).¹¹~~

~~(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).¹²~~

~~(c) On or after July 1, 1998, the fee for issuance of the initial educational psychologist license shall be eighty dollars (\$80.00).¹³~~

~~(d) The fee for issuance of the initial intern registration shall be seventy-five dollars (\$75.00).¹⁴~~

~~(e) The fee for issuance of the initial associate clinical social worker registration shall be seventy-five dollars (\$75.00).¹⁵~~

(a) The fee for initial issuance of the marriage and family therapist license shall be one hundred thirty dollars (\$130.00).

(b) The fee for initial issuance of the licensed educational psychologist license shall be eighty dollars (\$80.00).

(c) The fee for initial issuance of the licensed clinical social worker license shall be one hundred dollars (\$100.00).

Note: Authority Cited: Sections 4980.60, 4990.14, and 4994.1, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4994.1, 4996.3, and 4996.18, Business and Professions Code.

Amend §1816.2. WRITTEN EXAMINATION AND RE-EXAMINATION FEES

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

~~(b) The examination and re-examination fee for the licensed clinical social worker written clinical vignette examination of the licensed clinical social worker fee shall be one hundred dollars (\$100).~~

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

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

~~(e) The examination and re-examination fee for the licensed educational psychologist written examination of the licensed educational psychologist fee shall be one hundred dollars (\$100.00).¹⁶~~

¹¹ Moved to (c) and updated.

¹² Moved to (e) and updated.

¹³ Moved to (d) and updated.

¹⁴ The board does not charge such a fee.

¹⁵ The board does not charge such a fee.

¹⁶ Re-examination fee is the same as the examination fee – not necessary.

Note: Authority Cited: 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, 4996.3(a), and 4996.4, Business and Professions Code.

Amend §1816.4.

- (a) The ~~examination application~~ fee for the marriage and family therapist examination eligibility application shall be one hundred dollars (\$100.00).
- (b) The ~~examination application~~ fee for the licensed clinical social worker examination eligibility application shall be one hundred dollars (\$100.00).
- (c) The ~~examination application~~ fee for the licensed educational psychologist examination eligibility application shall be one hundred dollars (\$100.00).¹⁷

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.7, 4986.80, and 4996.3, Business and Professions Code.

Amend §1816.6.

- (a) The fee for issuance or renewal¹⁸ of the an inactive marriage and family therapist license shall be sixty-five dollars (\$65.00) ~~except for the period of time in subsection (d).~~¹⁹
- (b) The fee for issuance or renewal²⁰ of the an inactive licensed clinical social worker license shall be fifty dollars (\$50.00) ~~except for the period of time in subsection (e).~~²¹
- (c) The fee for issuance or renewal²² of the an inactive licensed educational psychologist license shall be forty dollars (\$40.00) ~~except for the period of time in subsection (f).~~²³
- ~~(d) For the period of January 1, 2001 through December 31, 2002, the fee for issuance of the inactive marriage, family, and child counselor 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).~~²⁴
- (d) The fee for renewal of a delinquent inactive marriage and family therapist license is sixty-five dollars (\$65.00).
- (e) The fee for renewal of a delinquent inactive licensed clinical social worker license is fifty dollars (\$50.00).
- (f) The fee for renewal of a delinquent inactive licensed educational psychologist license is forty dollars (\$40.00).²⁵

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code. Reference: Sections 4984.8, 4986.82, and 4997, Business and Professions Code.

¹⁷ Changed to better reflect the purpose of the fee and proposed application title.

¹⁸ § 4984.8 states inactive licensees pay a biennial fee of half the active renewal fee.

¹⁹ Outdated.

²⁰ § 4997 states inactive licensees pay a biennial fee of half the active renewal fee.

²¹ Outdated.

²² § 4986.82 states inactive licensees pay a biennial fee of half the active renewal fee.

²³ Outdated.

²⁴ Outdated.

²⁵ § 1816.7 specifies delinquent license fees in general. Specified here in order to restructure and clarify.

**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE
Title 16, California Code of Regulations**

*Amend Sections 1854, 1856, 1858
Delete Sections 1855, 1857*

ARTICLE 5. LICENSED EDUCATIONAL PSYCHOLOGISTS

§1854.

~~Degrees deemed equivalent to those specified in Section 4986.20(a) of the Code shall include a master's degree or its equivalent obtained from a college or university accredited by one of the following agencies: Educational institutions approved by the board are defined as a college or university accredited by one of the following agencies:~~

- (a) Western Association of Schools and Colleges.
- (b) Northwest Association of Secondary and Higher Schools.
- (c) Middle States Association of Colleges and Secondary Schools.
- (d) New England Association of Colleges and Secondary Schools.
- (e) North Central Association of Colleges and Secondary Schools.
- (f) Southern Association of Colleges and Schools.
- (g) The Credentials Evaluation Service of the International Education Research Foundation, Inc., where it evaluates the foreign degree as being equivalent to the required degree or degrees.

Authority cited: Section ~~4980.60~~ 4990.20(a), Business and Professions Code. Reference: Section ~~4986.20(a)~~ 4989.20(a)(1), Business and Professions Code.

§1855.

~~Semester hours in instructing a course in pupil personnel services approved by the board and offered by an institution accredited by one of the accrediting agencies set forth in Section 1854 above shall be deemed equivalent, within the meaning of Section 4986.20(d) of the Code, to semester hours of postgraduate work devoted to pupil personnel services under the following conditions:~~

- ~~(1) The applicant has instructed the particular course for at least two semesters;~~
- ~~(2) The particular course has not been submitted by the applicant for credit as a postgraduate course; and~~
- ~~(3) The particular course is not a practicum or field work course. In addition to the above, the board may, in its discretion, recognize other experience as equivalent to semester hours of postgraduate work devoted to pupil personnel services.~~

~~Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4986.20, Business and Professions Code.~~

§1856.

(a) No more than one year of experience will be granted for any 12 month period.

(b) Part time experience may be accumulated provided that the experience is obtained within six (6) calendar years.

(c) Experience as a credentialed school psychologist employed by a parochial or private school may, at the board's discretion, be deemed equivalent to experience as a credentialed school psychologist in the public schools.

~~(d) Persons meeting this requirement must verify this experience by written statements from their sponsors as specified in Section 4986.20 of the Code. These statements shall include information regarding the applicant's:~~

~~(1) Skill in the administration of standardized individual tests for subjects varying from three (3) to twenty-one (21) years of age.~~

~~(2) Skill in the interpretation of results to parents, teachers, administrators, admissions committees, or other appropriate parties.~~

~~(3) Skill in the classification of subjects for special programming based on existing legislation.~~

~~(4) Recognition and diagnosis of learning problems with recommendations for solution of the problems.~~

~~(5) Recognition and amelioration of behavior problems.~~

~~(6) Interpretation of scores of standardized group tests.~~

~~(7) Skills in the use of psychological counseling or other therapeutic techniques with children and parents.~~

Authority cited: Section 4980.60 4990.20(a), Business and Professions Code. Reference: Section 4986.20 4989.30(e), Business and Professions Code.

~~§1857.~~

~~(a) An applicant who has completed a minimum of seven hundred and twenty (720) clock hours under professional supervision as specified herein in the following experiences shall be deemed to have suitable experience equivalent to one year of supervised professional experience in an accredited school psychology program, or under the direction of a licensed psychologist:~~

~~(1) Utilization of all instruments presented within the prescribed course of study in the educational institution attended, with a wide variety of subjects (generally inclusive of WAIS, WISC, Binet, and group tests).~~

~~(2) Administration of additional tests commonly employed in the field by school psychologists.~~

~~(3) Consulting with teachers concerning learning and behavior problems of children enrolled in special education programs.~~

~~(4) Referral to and use of community agencies.~~

~~(5) Oral and written communication of results in accordance with the local supervisor's requirements.~~

~~(b) The local supervisor shall consult with the intern at least once weekly during the period of internship and shall:~~

~~(1) Possess a valid credential in school psychology; and~~

~~(2) Have a minimum of two (2) years experience in the field of school psychology.~~

~~(c) The general supervisor shall arrange for and coordinate intern placement with the local supervisor, and shall consult with the intern and/or the local supervisor at least three times during the period of internship. A general supervisor shall be qualified as one of the following:~~

~~(1) A credentialed school psychologist;~~

~~(2) A licensed psychologist;~~

~~(3) A licensed educational psychologist;~~

~~(4) A state or accredited training institution designated supervisor of school psychology trainees.~~

~~Authority cited: Section 4980.60, Business and Professions Code. Reference: Section 4980.20, Business and Professions Code.~~

§1858.

The Board may suspend or revoke the license of a licensee who:

~~(a) Misrepresents the type or status of license held by the licensee.~~

~~(b) (a) Impersonates a licensee or who allows another person to use his or her license.~~

~~(c) Aids or abets an unlicensed person to engage in conduct requiring a license.~~

~~(d) Intentionally or recklessly causes physical or emotional harm to a client.~~

~~(e) Commits any dishonest, corrupt, or fraudulent act which is substantially related to the qualifications, functions or duties of a licensee.~~

~~(f) When employed by another person or agency, encourages, either orally or in writing, the employer's or agency's clientele to utilize his or her private practice for further counseling without the approval of the employing agency or administration.~~

~~(g) Misrepresents or permits the misrepresentation of his or her professional qualifications, affiliations, or purposes.~~

~~(h) Has sexual relations with a client, or who solicits sexual relations with a client, or who commits an act of sexual abuse, or who commits an act of sexual misconduct, or who commits an act punishable as a sexual related crime if such act or solicitation is substantially related to the qualifications, functions or duties of an educational psychologist.~~

~~(i) Performs or holds himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.~~

~~(j) (b) Permits a person under his or her supervision or control to perform or permits such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.~~

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

~~(l) Prior to the commencement of treatment, fails to disclose to the client, or prospective client, the fee to be charged for the professional services, or the basis upon which such fee will be computed.~~

~~(m) Advertises in a manner which is false or misleading.~~

~~(n) Reproduces or describes in public or in publications subject to general public distribution, 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 such test or device. An Educational Psychologist shall limit access to such test or device to persons with professional interests who can be expected to safeguard their use.~~

~~(o) Fails to comply with the child abuse reporting requirements of Penal Code Section 11166.~~

~~(p) Fails to comply with the elder and adult dependent abuse reporting requirements of Welfare and Institution Code Section 15630.~~

Authority cited: Section ~~4987~~ 4989.18, Business and Professions Code. Reference: Sections ~~730~~, ~~4986.70~~ 4989.54, ~~4986.71~~, and ~~4987~~ 4989.18, Business and Professions Code; and Section ~~11166~~, Penal Code, and Section ~~15630~~, Welfare and Institutions Code.

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Comments cited from the California Association of Marriage and Family Therapists' letter to the Board of Behavioral Sciences, dated October 20, 2006:

16 CCR Section 1805(b), Applications

"...We have concerns about the proposal to require a 180-day waiting period between examinations for any applicant retaking an examination. The Board needs to have the latitude to allow for a lesser period of time when there may be reasons for such that are beyond the control of the applicant. For example, if an applicant has taken an exam that proved to be faulty but not due to the fault of the examinee, that person should not be expected to wait 180 days to take a new exam. Such person has already been disadvantaged and should be permitted to take the examination as soon as a new version of the exam is available..."

16 CCR Section 1816.4, Examination Application Fees

"...The application form identified in this section should bear the same title used for the same form in other parts of the licensing law and regulations. Elsewhere, this application is referred to as the 'MFT Request for Examination.'..."

16 CCR Section 1816.6, Inactive License Fees

"...Regarding (d), (e), and (f) of this section, we are curious why there is no delinquency fee charged for the delinquent inactive license?..."

Board of Behavioral Sciences
Notice #3
 45-Day Comments

Comment Re:	Summary of Comment	Staff Response	Modification Needed?	Section/Area
1805(b)	Re: the proposed 180-day waiting period between examinations, CAMFT* recommends that "...the Board have the latitude to allow for a lesser period of time when there may be reasons for such that are beyond the control of the applicant."	AGREE	YES – modify 1805(b) in order to have the latitude to allow for a lesser period of time, if necessary.	1805(b)
1816.4	CAMFT* recommends that the application form identified in this section bear the same title used for the same form in other parts of the licensing law and regulations.	AGREE	YES – Modify 1816.4 in order to have the application form identified in this section bear the title, "MFT Request for Examination."	1816.4
1816.6	CAMFT* asks: "Regarding (d), (e), and (f) of this section, we are curious why there is no delinquency fee charged for the delinquent inactive license?"	Noted that a clarification in the proposal is needed.	YES – Modify 1816.6(d), (e), and (f) in order to clarify that delinquency fees are paid in addition to renewal fees.	1816.6(d), 1816.6(e), 1816.6(f)

*California Association of Marriage and Family Therapists

**State of California
Board of Behavioral Sciences**

Memorandum

To: Board Members
From: Paul Riches
Executive Officer
Date: January 29, 2007
Telephone: (916) 574-7840
Subject: Agenda Item XIII. Qualifying Degrees for Marriage and Family Therapy

Background

Current law recognizes three separate entities for approving/accrediting marriage and family therapy degree programs including the Western Association of Schools and Colleges (WASC), Commission on Accreditation of Marriage and Family Therapy Education (COAMFTE), and the Bureau of Private Postsecondary and Vocational Education (BPPVE). In order to qualify for registration as a marriage and family therapist intern or a licensed marriage and family therapist, the candidate must have a qualifying degree from a program approved/accredited by one of these three organizations.

On September 30, 2006 the Governor vetoed Assembly Bill 2810 (Liu). This bill, among other elements, extended the sunset date for the Bureau of Private Postsecondary and Vocational Education for one year to July 1, 2008. The veto of this legislation has the effect of repealing both the BPPVE and the underlying statutes that govern the approval of thousands of educational institutions including 21 programs offering degrees in marriage and family therapy (list of programs attached).

Absent further legislative action the board will be unable to accept degrees conferred by these 21 programs on or after July 1, 2007 (legal opinion attached). The administration and legislative leadership are working on reform proposals to establish a new law and administrative entity to succeed the BPPVE but no written proposals were available at this writing.

Also attached to this memo is a brochure produced by the Council for Higher Education Accreditation that provides a useful overview of how accreditation works for colleges and universities in the United States.

Proposal

Attached is a staff proposal for legislation to provide some relief to candidates attending BPPVE approved schools. The proposal does two things:

- 1) Allows the board to recognize degrees from BPPVE approved schools for a limited period of time. The BPPVE grants approvals/renewals for degree granting institutions that generally last from three to five years. The staff proposal would allow the BBS to accept degrees granted within the time frame of the most recent approval/renewal granted to the degree program. For instance, the California Graduate Institute has a current approval that expires on December 31, 2008 and the BBS would continue to accept degrees conferred by the California Graduate Institute on or before December 31, 2008.

2) Allows the board to recognize degrees granted by universities accredited by other regional accrediting bodies. Current law only allows the board to accept degrees from programs accredited by the Western Association of Schools and Colleges which accredits programs in California and other western states. Comparable accrediting bodies perform the same task in other regions of the country (e.g. Middle States Commission on Higher Education, New England Association of Schools and Colleges, etc.). Some programs in California are branches of universities that are accredited by one of these other accrediting bodies in another state. Current law requires that those programs be approved by the BPPVE. This change would eliminate that requirement. Currently staff is aware of two program (Antioch University and Argosy University) that falls into this category, but there may well be others.

While this proposal will provide some relief in the near term, it does not provide a final resolution to this problem. Approvals by the BPPVE start expiring in late 2007 and no program has an approval that lasts beyond the end of 2010. Staff hopes that this proposal will provide some breathing room while the principal stakeholders in this debate work on a more permanent resolution. Staff will monitor that process to assess whether any resulting reform proposal addresses the board's concerns.

Staff Recommendation

That the board sponsor urgency legislation consistent with the proposal outlined above. Staff has had preliminary discussions with the administration, legislative leadership, and key stakeholders regarding these proposals. The proposal was received positively in all those discussions.

Attachments

List of Approved Programs
Legal Opinion
Draft Legislation
CHEA Brochure
BBS Letter to Approved Schools

Approved Schools

Approval Expires

1. Trinity College of Graduate Studies	12/31/06
2. California Graduate Institute	12/31/08
3. Argosy University	12/31/08
4. Professional School of Psychology	12/31/08
5. Ryokan College	12/31/08
6. Western Institute for Social Research	6/30/07
7. World University of America	3/21/08
8. Institute of Imaginal Studies	12/31/07
9. Western Seminary	12/31/09
10. University of Phoenix, San Diego	extended per CEC 94905
11. Southern California Seminary	extended per CEC 94842
12. University of Phoenix, Sacramento	extended per CEC 94842
13. University of Santa Monica	12/31/08
14. Antioch University, LA	6/30/08
15. Antioch University, Santa Barbara	6/30/08
16. San Diego University for Integrative Studies	12/31/10
17. Santa Barbara Graduate Institute	3/1/09
18. Southern California University for Prof. Studies	extended per CEC 94842
19. HIS University	9/30/10
20. Webster University	extended per CEC 94905
21. Church of God Theological Seminary	12/27/09

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Memorandum

TO: Paul Riches, Executive Officer
Board of Behavioral Sciences

FROM: George P. Ritter
Senior Staff Counsel

SUBJ: Impact of Sunset of BPPVE on
Institutions Offering MFT Degrees

Date: Jan. 12, 2007

Tel.: (916) 574 8243

Fax: (916) 574 8623

A. Background

A person seeking to be licensed as a Marriage and Family Therapist (MFT) must graduate from either an accredited institution or one that is “approved by the Bureau for Private Postsecondary and Vocational Education (BPPVE or Bureau).” (B. & P. Code § 4980.40(a).) Currently, the Board of Behavioral Sciences licenses graduates from approximately 21 institutions that are not accredited, but approved by the Bureau. The Bureau is scheduled to sunset on July 1, 2007. Legislation to extend this date was vetoed by Governor Schwarzenegger during the last session. Unless urgency legislation extending the sunset date is enacted on or before June 30th, both the Bureau and its enabling laws will become inoperative.

B. Issue

What impact would the sunset of the Postsecondary Act have on approved institutions that currently train persons to become licensed as MFTs?

C. Conclusion

If the Postsecondary Act becomes inoperative, approvals currently held by these institutions would no longer be legally valid.

D. Discussion

1. Impact of a Statutory Repeal

The Bureau is an administrative agency within the Department of Consumer Affairs. It was created with the enactment of the 1997 version of the Postsecondary Act known as the Wright Bill. (Stats. 1997, ch. 78 (AB 71); B. & P. Code § 94770.) Its delegated powers and authority are derived from

that statute. If that statute is repealed or becomes inoperative, then the power to enforce it is also extinguished. It is well settled that repeal of an agency's enabling laws withdraws "from [it] the power previously conferred." (*Eberhardy v. Circuit Court for Wood County*, 102 Wis. 2d 539, 560, 307 N.W. 2d 881, 890 (1981).) In addition:

[T]he repeal of the power to levy the license tax . . . was to destroy all right to collect a license tax under the ordinance even though due before the repeal took effect. (*Wheeler v. Plumas County*, 149 Cal. 782, 87 P. 802, 803 (1906).)

'The repeal, without a saving clause or provision, of a statute imposing a license tax or fee taxes away the right to collect an unpaid tax which is due even though a suit to collect the tax is pending.' (*United Business Com'n v. City of San Diego*, 91 Cal. App. 3d 156, 171, 154 Cal. Rptr. 263 (1979).)

2. Repeal of Licensing Laws

Similarly, repeal of a licensing statute not only extinguishes the power of the agency but also existing licenses as well. In *Nampa Lodge No. 1389 of B.P.O.E. v Smylie*, 71 Idaho 212, 229 P.2d 991 (1951), the voters enacted an ordinance prohibiting serving liquor "by the drink." The Elks Lodge contended that this did not invalidate its preexisting license to serve drinks. The Idaho Supreme Court disagreed. It held that:

A license to sell intoxicating liquors . . . is . . . subject to the authority vested in such municipality by statute to prohibit the sale of intoxicating liquors . . . [T]hus one who procures a . . . license takes it subject to the provisions of the statute under which the license is granted.

. . . . [A] license to sell liquor is revoked or annulled by repeal of the law authorizing the grant of such license. (229 P.2d at 993.)

The same result was reached in *Rutherford Lodge No. 547 B.P.O.E. v. Hock*, 1 N.J. Super. 223, 63 A.2d 893 (1949).

Appellants argue that the referendum election [prohibiting serving liquor "by the glass"] could not void the licenses issued to them This argument has no substance. Such a license is subject, of course, to all of the risks which may legally attach thereto, including the possibility of an adverse referendum election such as occurred in the instant case. (63 A.2d at 896.)

If the licensing agency is abolished, then the issue of whether a business can qualify for licensure becomes moot. *Proco v. State Bd. of Barber Examiners*, 73 P. 168 (Cal. 1903), involved a petition for a writ of mandamus to compel the issuance of a license. Subsequently, the Board's enabling legislation was repealed. The Court dismissed the case noting that:

[T]he act in question has been repealed . . . and the defendant [Board] has thus ceased to exist, leaving no successor in interest or in obligation. It follows that the action . . . was thereby abated (*Id.*)

3. Repeal of the Bureau’s Enabling Legislation

Unlike intoxicating beverages or controlled substances, there is nothing inherently illegal about operating a postsecondary institution without a license. That activity, however, is currently *made illegal by the Postsecondary Act*. Ed. Code § 94831 provides that:

No institution . . . shall . . . :

(a) Operate in this state a postsecondary educational institution not exempted from this chapter, unless the institution is currently approved to operate pursuant to this chapter.

The term “approval” means that:

[T]he [Bureau] has determined and certified that an institution meets minimum standards (Ed. Code § 94718.)

If the Bureau no longer exists, approvals could neither be issued nor revoked. In addition, the minimum statutory and regulatory standards which an institution must meet would be abolished. An “approval” issued by an agency that no longer exists would then become both meaningless and a legal nullity. It would be a label lacking any legal force or substance. That is one of the primary reasons why a license is extinguished with the repeal of the statute which authorized its grant by a State agency.

Without Bureau approvals, one of the major pathways for MFT licensure would be foreclosed. Only graduates from accredited institutions would be eligible.

And without State licensing laws and an enforcement agency, the private postsecondary industry would essentially revert to an unregulated state. The situation is similar to the one faced by the Pennsylvania Liquor Control Board in 1986. It was scheduled to sunset in 1987. In sorting out the associated legal issues, the Commonwealth Court of Pennsylvania noted that:

Unless the legislature is called upon by the Governor to consider a bill of reestablishment or on its own enacts appropriate legislation, June 30, 1987 will hear the death knell of this Commonwealth’s control over the alcoholic beverage industry and all the attendant and related consequences. (*Cloonan v. Thornburgh*, 103 Pa. Cmwlt. 1, 519 A.2d 1040, 1049 (1986).)

4. Use of Urgency Legislation

Virtually the same situation existed ten years ago. In 1996, Governor Wilson vetoed legislation extending the sunset date for the Council for Private Postsecondary and Vocational Education. As with the Bureau, the Council was scheduled to sunset on July 1 of the following year.

The only solution was urgency legislation. Two eleventh hour bills were enacted. On June 30, 1997, AB 1164 extended the July 1 sunset date to July 18th.¹ On July 18th, SB 831 then extended the sunset date until December 31, 1997. Simultaneously, AB 71 re-enacting and reorganizing the substantive provisions of the Postsecondary Act was passed. It took effect on January 1, 1998.

Two provisions in these acts are worthy of note. AB 71 included a transition provision which provided in part that:

Any institution operating on December 31, 1997, with a full, conditional, or temporary approval to operate, may continue to operate under the terms of that approval until that . . . approval to operate expires or a subsequent action is taken by the [B]ureau that affects that approval to operate, whichever comes first. (Ed. Code § 94760.)

In addition, AB 71 only became operative on January 1, 1998 if there was companion urgency legislation (i.e. SB 819) extended the sunset date until December 31, 1997. That legislation had to be enacted on or before July 18, 1997. On that very date, Governor Wilson signed SB 819 into law. (See § 6.5 of AB 71.)

Throughout this period, those laboring to craft this legislation had to contend with a legal opinion of Legislative Counsel. She took the position that extending the Council's sunset date was a violation of Article IV, § 8(d) of the California Constitution which prohibits creating or abolishing offices using urgency legislation.

That position is not legally sound. Extending a sunset date is not "creating or abolishing" an office. In 1997, I prepared a memorandum analyzing the fallacies of the Leg. Counsel opinion. Legal aid attorneys also voiced their criticism. The urgency legislation continuing the existence of the Council was enacted and no legal challenges followed. Because the subject resurfaced when the Bureau's sunset extension was vetoed, an updated version of my earlier memorandum was reproduced as a DCA Legal Opinion. A copy is attached.

In addition, the Board of Behavioral Sciences might wish to consider sponsoring legislation that would continue the recognition of currently approved institutions offering MFT degrees. The legislation could authorize these approvals to extend beyond the Bureau's sunset until either their expiration or until a successor agency was appointed and able to review the next round of renewal applications.

¹ . The reason for this short extension can only be explained by the unique "politics" of the situation.

§4980.40. QUALIFICATIONS

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 a regional accrediting agency recognized by the United States Department of Education the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary and Vocational Education, or accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

The board may accept degrees conferred by a school, college or university approved by the Bureau for Private Postsecondary and Vocational Education prior to July 1, 2007 for the duration of the approval, or renewal of approval, granted to that school, college or university.

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

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

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

~~(g)~~ (f) 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)~~ (g) 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)~~ (h) (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.

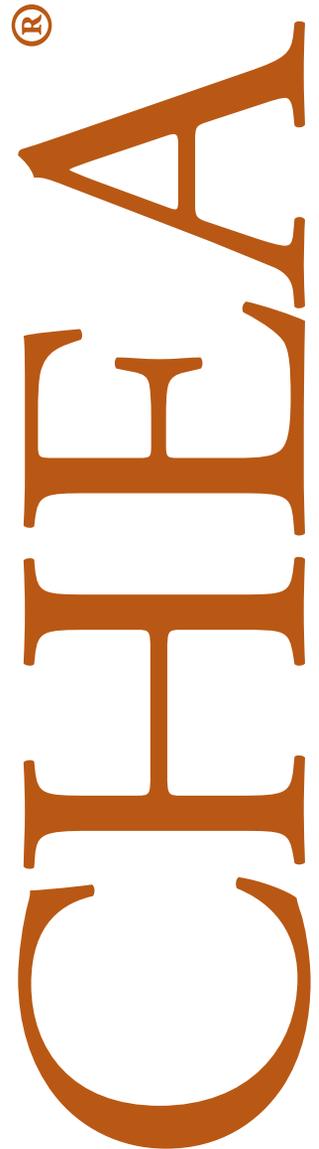
~~(j)~~ (i) An applicant for licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is equivalent to a degree earned from a school, college, or university accredited by the Western 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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**Council for
Higher Education
Accreditation**

**An Overview of
U.S. Accreditation**

Judith S. Eaton



Revised June 2006

The Council for Higher Education Accreditation Mission Statement

The Council for Higher Education Accreditation will serve students and their families, colleges and universities, sponsoring bodies, governments, and employers by promoting academic quality through formal recognition of higher education accrediting bodies and will coordinate and work to advance self-regulation through accreditation.

(1996)

The Council for Higher Education Accreditation (CHEA) is a private, nonprofit national organization that coordinates accreditation activity in the United States. CHEA represents more than 3,000 colleges and universities and 60 national, regional and specialized accreditors.

Accreditation

Judith S. Eaton

President, Council for Higher Education Accreditation

Accreditation is a process of external quality review created and used by higher education to scrutinize colleges, universities and programs for quality assurance and quality improvement. Accreditation in the United States is more than 100 years old, emerging from concerns to protect public health and safety and to serve the public interest.

In the United States, accreditation is carried out by private, nonprofit organizations designed for this specific purpose. External quality review of higher education is a non-governmental enterprise. The U.S. accreditation structure is decentralized and complex, mirroring the decentralization and complexity of American higher education. The higher education enterprise is made up of degree-granting and non-degree-granting institutions. These may be public or private, two- or four-year, nonprofit or for-profit. They spend more than \$250 billion (US) per year, enroll more than 16 million credit students and employ approximately 3.1 million full- and part-time people.*

In the U.S., accreditation is carried out by private, nonprofit organizations designed for this specific purpose.

U.S. accreditors review colleges and universities in 50 states and 95 other countries. They review many thousands of programs in a range of professions and specialties including law, medicine, business, nursing, social work, pharmacy, arts and journalism.

Both federal and state government consider accreditation to be a reliable authority on academic quality. The federal government relies on accreditation to assure the quality of institutions and programs for which the government provides federal funds and for which the government provides federal aid to students. Most state governments will initially license institutions and programs without accreditation. However, states will subsequently require accreditation to make state funds available

**The Chronicle of Higher Education Almanac Issue 2005-2006*, Volume LII, Number 1, August 26, 2005.

Also published in *Higher Education in the World 2007, Accreditation for Quality Assurance: What is at stake?* of the Global University Network for Innovation (GUNI), Basingstoke: Palgrave-Macmillan (forthcoming).

to institutions and students. States often require that individuals who sit for state licensure in various professions have graduated from accredited institutions and programs.

TYPES OF U.S. ACCREDITING ORGANIZATIONS

There are four types of accrediting organizations:

- **Regional accreditors.** Accredit public and private, mainly nonprofit and degree-granting, two- and four-year institutions.
- **Faith-based accreditors.** Accredit religiously affiliated and doctrinally based institutions, mainly nonprofit and degree-granting.
- **Private career accreditors.** Accredit mainly for-profit, career-based, single-purpose institutions, both degree and non-degree.
- **Programmatic accreditors.** Accredit specific programs, professions and free-standing schools, e.g., law, medicine, engineering and health professions.

Accreditation is the primary means by which colleges, universities and programs assure quality to students and the public.

HOW U.S. ACCREDITATION IS ORGANIZED

Approximately 80 recognized institutional and programmatic accrediting organizations operate in the United States.* Accrediting organizations derive their legitimacy from the colleges, universities and programs that created accreditation, not government. In 2004-2005, accrediting organizations employed approximately 650 paid full- and part-time staff and worked with more than 16,000 volunteers.**

THE ROLES OF ACCREDITATION

Accreditation carries out the following roles:

- **Assuring quality.** Accreditation is the primary means by which colleges, universities and programs assure quality to students and the public. Accredited status is a signal to students and the public that an institution or program meets at least threshold standards for, e.g., its faculty, curriculum, student services and libraries. Accredited status is conveyed only if institutions and programs provide evidence of fiscal stability.

*2005 CHEA Almanac of External Quality Review. The number of recognized accreditors varies depending on whether an existing accreditor maintains recognition or a new accreditor earns recognition. These variations have been modest, perhaps one or two per year.

**2005 CHEA Almanac of External Quality Review.

- ***Access to federal and state funds.*** Accreditation is required for access to federal funds such as student aid and other federal programs. Federal student aid funds are available to students only if the institution or program they are attending is accredited by a recognized accrediting organization. The federal government awarded \$69 billion (US) in student grants and loans in 2002 alone. State funds to institutions and students are contingent on accredited status.
- ***Engendering private sector confidence.*** Accreditation status of an institution or program is important to employers when evaluating credentials of job applicants and when deciding whether to provide tuition support for current employees seeking additional education. Private individuals and foundations look for evidence of accreditation when making decisions about private giving.
- ***Easing transfer.*** Accreditation is important to students for smooth transfer of courses and programs among colleges and universities. Receiving institutions take note of whether or not the credits a student wishes to transfer have been earned at an accredited institution. Although accreditation is but one among several factors taken into account by receiving institutions, it is viewed carefully and is considered an important indicator of quality.

Accreditation status of an institution or program is important to employers when evaluating credentials of job applicants and when deciding whether to provide tuition support for current employees seeking additional education.

VALUES AND BELIEFS OF ACCREDITATION

U.S. accreditation is built upon a core set of traditional academic values and beliefs. These are described by the following statements:

- Higher education institutions have primary responsibility for academic quality; colleges and universities are the leaders and the key sources of authority in academic matters.
- Institutional mission is central to judgments of academic quality.
- Institutional autonomy is essential to sustaining and enhancing academic quality.
- Academic freedom flourishes in an environment of academic leadership of institutions.
- The higher education enterprise and our society thrive on decentralization and diversity of institutional purpose and mission.

HOW U.S. ACCREDITATION IS FUNDED

Accrediting organizations are funded primarily by annual dues from institutions and programs that are accredited and fees that institutions and programs pay for accreditation reviews. In some instances, an accrediting organization may receive financial assistance from sponsoring organizations. Accrediting organizations sometimes obtain funds for special initiatives from government or from private foundations. Accrediting organizations report that they spent approximately \$70 million (US) in 2004-2005.*

THE OPERATION OF U.S. ACCREDITATION

Accreditation of institutions and programs takes place on a cycle that may range from every few years to as many as ten years. Accreditation is ongoing; the initial earning of accreditation is not entry to indefinite accredited status. Periodic review is a fact of life for accredited institutions and programs. Self-accreditation is not an option.

An institution or program seeking accreditation must go through a number of steps stipulated by an accrediting organization. These steps involve a combination of several tasks: preparation of evidence of accomplishment by the institution or program, scrutiny of this evidence and a site visit by faculty and administrative peers and action to determine accreditation status by the accrediting organization.

- **Self-study.** Institutions and programs prepare a written summary of performance, based on accrediting organizations' standards.
- **Peer review.** Accreditation review is conducted primarily by faculty and administrative peers in the profession. These colleagues review the self-study and serve on visiting teams that review institutions and programs after the self-study is completed. Peers constitute the majority of members of the accrediting commissions or boards that make judgments about accrediting status.
- **Site visit.** Accrediting organizations normally send a visiting team to review an institution or program. The self-study provides the foundation for the team visit. Teams, in addition to the peers described above, may also include public members (non-academics who have an interest in higher education). All team members are volunteers and are generally not compensated.

*2005 CHEA Almanac of External Quality Review.

- ***Judgment by accrediting organization.*** Accrediting organizations have decision-making bodies (commissions) made up of administrators and faculty from institutions and programs as well as public members. These commissions may affirm accreditation for new institutions and programs, reaffirm accreditation for ongoing institutions and programs and deny accreditation to institutions and programs.
- ***Periodic external review.*** Institutions and programs continue to be reviewed over time. They normally prepare a self-study and undergo a site visit each time.

Accreditation is a trust-based, standards-based, evidence-based, judgment-based, peer-based process.

HOLDING ACCREDITORS ACCOUNTABLE: “RECOGNITION” OF ACCREDITING ORGANIZATIONS

In the United States, accreditors are accountable to the institutions and programs they accredit. They are accountable to the public and government that have invested heavily in higher education and expect quality. Accreditors undertake an organizational self-assessment on a routine basis and are required to have internal complaint procedures.

Accreditors also undergo a periodic external review of their organizations known as “recognition.” Recognition is carried out either by another private organization, the Council for Higher Education Accreditation (CHEA, a national coordinating body for national, regional, and specialized accreditation) or the United States Department of Education (USDE). Although accreditation is strictly a nongovernmental activity, recognition is not.

HOW RECOGNITION OPERATES

The process of recognition is similar to accreditation in a number of ways:

- CHEA and USDE each develop standards that must be met by an accrediting organization in order to be recognized.
- An accrediting organization undertakes self-evaluation based on recognition standards.

- CHEA or USDE may require a staff site visit to the accreditor and staff report on the visit.
- CHEA and USDE award (or do not award) recognition status.
- An accrediting organization undergoes periodic review to maintain recognition.

As of 2005, 19 institutional accrediting organizations were or had been recognized by either CHEA or USDE or both. These organizations accredit approximately 7,000 institutions that make up U.S. higher education. Sixty-one (61) programmatic accrediting organizations were or had been recognized and accredit more than 18,000 programs, as indicated above.*

COUNCIL FOR HIGHER EDUCATION ACCREDITATION (CHEA)

CHEA has six recognition standards by which it reviews accrediting organizations for recognition. The standards place primary emphasis on academic quality assurance and improvement for an institution or program. They require accreditors to advance academic quality, demonstrate accountability, encourage purposeful change and needed improvement, employ appropriate and fair procedures in decision making, continually reassess accreditation practices and sustain fiscal stability.

CHEA accreditors are normally reviewed on a 10-year cycle with two interim reports. The review is carried out by the CHEA Committee on Recognition, a group of institutional representatives, accreditors and public members who scrutinize accreditors for their eligibility for CHEA recognition and review accreditors based on an accreditor self-evaluation. The review may also include a site visit. The Committee on Recognition makes recommendations to the CHEA governing board to affirm or deny recognition to an accreditor.

CHEA (NONGOVERNMENTAL) RECOGNITION STANDARDS**

- ***Advance academic quality.*** Accreditors have a clear description of academic quality and clear expectations that the institutions or programs they accredit have processes to determine whether quality standards are being met.
- ***Demonstrate accountability.*** Accreditors have standards that call for institutions and programs to provide consistent, reliable information about academic quality and student achievement to foster continuing public confidence and investment.

*2005 CHEA Almanac of External Quality Review.

**As of January 2006. This language illustrates the recognition standards and is not the full or official CHEA policy statement.

- ***Encourage, where appropriate, self scrutiny and planning for change and needed improvement.*** Accreditors encourage self scrutiny for change and needed improvement through ongoing self-examination in institutions and programs.
- ***Employ appropriate and fair procedures in decision making.*** Accreditors maintain appropriate and fair organizational policies and procedures that include effective checks and balances.
- ***Demonstrate ongoing review of accreditation practice.*** Accreditors undertake self scrutiny of their accrediting activities.
- ***Possess sufficient resources.*** Accreditors have and maintain predictable and stable resources.

UNITED STATES DEPARTMENT OF EDUCATION (USDE)

USDE recognition standards place primary emphasis on whether an institution or program is of sufficient quality to qualify for federal funds for student financial aid and other federal programs. These standards require accreditors to maintain criteria or standards in specific areas: student achievement, curricula, faculty, facilities (includes equipment and supplies), fiscal and administrative capacity, student support services, recruiting and admissions practices, measures of the degree and objectives of degrees or credentials offered, record of student complaints and record of compliance with program responsibilities for student aid as required by the 1965 federal Higher Education Act (Title IV) as amended.

USDE recognition review normally takes place every five years. USDE staff conduct the review based on communication with the accreditor, a written report from the accreditor and, from time to time, a visit to the accreditor. USDE staff make recommendations to the National Advisory Committee on Institutional Quality and Integrity (NACIQI), an appointed group of educators and public members, to recognize or not recognize an accrediting organization. The committee, in turn, recommends action to the U.S. Secretary of Education.

FEDERAL (GOVERNMENTAL) RECOGNITION STANDARDS*

- Success with respect to student achievement in relation to the institution's mission, including as appropriate, consideration of course completion, State licensing examination and job placement rates
- Curricula
- Faculty
- Facilities, equipment and supplies
- Fiscal and administrative capacity as appropriate to the specified scale of operations
- Student support services
- Recruiting and admissions practices, academic calendars, catalogs, publications, grading and advertising
- Measures of program length and the objectives of the degrees or credentials offered
- Record of student complaints received by, or available to, the agency
- Record of compliance with the institution's program responsibilities under Title IV of the Act, based on the most recent student loan default rate data provided by the Secretary, the results of financial or compliance audits, program reviews and any other information that the Secretary may provide to the agency.

CHEA and USDE recognize many of the same accrediting organizations, but not all. Accreditors seek CHEA or USDE recognition for different reasons. CHEA recognition confers an academic legitimacy on accrediting organizations, helping to solidify the place of these organizations and their institutions and programs in the national higher education community. USDE recognition is required for accreditors whose institutions or programs seek eligibility for federal student aid funds.

HOW RECOGNITION IS FUNDED

CHEA funds its recognition activity through annual fees charged to its institutional members. The federal government funds its recognition activity through a budget allocation from Congress to USDE.

*As of July 2000.

SUMMARY

Accreditation in the United States is about quality assurance and quality improvement. It is a process to scrutinize higher education institutions and programs. Accreditation is private (nongovernmental) and nonprofit – an outgrowth of the higher education community and not of government. It is funded primarily by the institutions and programs that are accredited. Accreditation has a complex relationship with government, especially in relation to funding higher education. It adds value to society through assuring quality, enabling government to make sound judgments about the use of public funds, aiding the private sector in decisions about financial support and easing transfer of credit.

Recognition in the United States is about scrutiny of the quality and effectiveness of accrediting organizations. It is carried out by the higher education enterprise through CHEA, a private body, and by government (USDE). CHEA recognition is funded by institutional dues; USDE recognition is funded by the U.S. Congress. The goals of the two recognition processes are different:

- **CHEA:** Assuring that accrediting organizations contribute to maintaining and improving academic quality
- **USDE:** Assuring that accrediting organizations contribute to maintaining the soundness of institutions and programs that receive federal funds.

The two recognition processes are similar: self-evaluation based on standards, site visit and report, award of recognition status. Recognition adds value to society as a vital part of accreditation accountability or “accrediting the accreditors.”

REFERENCES

Council for Higher Education Accreditation. *2005 CHEA Almanac of External Quality Review*, Council for Higher Education Accreditation: Washington, DC, 2006.

The Chronicle of Higher Education Almanac Issue 2005-2006 52, August 26, 2005.

For additional information, visit the Council for Higher Education Accreditation Website at www.chea.org and the United States Department of Education Website at www.ed.gov.

CHEA[®]

Council for Higher Education Accreditation

One Dupont Circle, NW, Suite 510

Washington, DC 20036-1135

tel: (202) 955-6126

fax: (202) 955-6129

e-mail: chea@chea.org

www.chea.org

**State of California
Board of Behavioral Sciences**

Memorandum

To: Board Members
From: Paul Riches
Executive Officer
Date: January 30, 2007
Telephone: (916) 574-7840
Subject: **Agenda Item XIV. Policy and Advocacy Committee Report**

Action Items Recommended by the Committee

#1 – Amend Section 4980.80 and 4980.90 Related to Portability of Marriage and Family Therapist Licenses.

The committee recommends that the board sponsor legislation to increase portability of marriage and family therapist licenses.

#2 – Repeal Section 4980.40(i) Related to Marriage and Family Therapist Interns.

The committee recommends that the board sponsor legislation to update current law relating to marriage and family therapist interns.

#3 – Sponsor Legislation and Regulation Changes to Redirect \$40 from Renewal Fees for Licensed Clinical Social Workers and Marriage and Family Therapists to the Health Professions Education Foundation.

#4 – Amend Board Policy Relating to the Succession of Officers.

The committee recommends amending the policy consistent with changes made in SB 1475 (Chapter 659, Statutes of 2006).

#5 – Establish a Board Position on Legislation Regarding Licensure for Professional Counselors.

The committee recommends that the board support the proposal for licensing professional counselors if the sponsors resolve the concerns raised by staff in the analysis.

Other Committee Items

The Policy and Advocacy Committee met on Wednesday, January 3, 2007 in Burbank.

In addition to the action items above, the committee:

- Conducted a review of progress on achieving the strategic objectives under Goals 2, 4, 5 & 6.
- Received an update on current legislative activity.
- Received an update on current rulemaking activity.
- Discussed preliminary report on demographic survey results.
- Received an update on the board budget.
- Established meeting dates for 2007.

- Received a briefing on the strategic planning process.

For more detailed information on these items see the attached draft minutes from the committee meeting.

The next meeting of the committee is scheduled for April 4, 2007 in Sacramento.

**State of California
Board of Behavioral Sciences**

Memorandum

To: Board Members
From: Christy Berger
Legislation Analyst
Date: January 29, 2007
Telephone: (916) 574-7847
Subject: **Agenda Item XIV. A. Recommendation #1 – Amend Sections 4980.80 and 4980.90 to Increase Portability of Marriage and Family Therapist Licenses**

Background

At its April 2006 meeting, the Policy and Advocacy Committee recommended language to the Board designed to improve portability of licensure for out-of-state licensed clinical social workers. The Board approved this language at its May 2006 meeting, the legislation was signed by the Governor, and takes effect January 1, 2007. At the May 2006 Board meeting, Olivia Loewy, Executive Director of the American Association of Marriage and Family Therapists (AAMFT) California Division requested the same be done for Marriage and Family Therapists (MFT).

The Board placed this topic on the agenda for the June 2006 Policy and Advocacy Committee meeting. For the meeting of the Committee, staff prepared a report regarding MFT licensure requirements across the country, which showed the variations in experience and educational requirements. AAMFT felt that the report did not accurately characterize the educational or post-degree experience requirements of other states. The Committee then asked AAMFT to bring forth a specific proposal for statutory or regulatory changes that they would support.

AAMFT-CA submitted a proposal that recommended specific requirements for applicants who hold a clinical MFT license in another state. The proposal was discussed at the September 2006 meeting of the Committee. Board staff expressed concern that certain aspects of the proposal would lead to decreased consumer protection. Mary Riemersma, Executive Director of the California Association of Marriage and Family Therapists (CAMFT) urged the Board not to support the proposal for similar reasons. The Committee directed staff to work with Ms. Loewy and Ms. Riemersma to come up with a proposal that would be supported by both stakeholders.

Proposal

The following proposal resulted from staff working with stakeholders:

1. Modify the statutory requirement for two semester or three quarter unit course in California law and ethics. This modification would allow out-of-state applicants who have completed a course in law and ethics as part of their qualifying degree to take a continuing education course specifically designed to address legal and ethical issues particular to California MFTs. CAMFT has proposed that the course be an 18-hour requirement. This is currently under consideration by AAMFT.
2. Clarify in statute that the Board will consider hours of supervised experience gained in the 6-year period prior to the issuance of the applicant's original MFT license from another state. This is current Board practice. However, current law could be interpreted as requiring such hours to

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.

Recommendation

At its January 3, 2007 meeting, the Policy and Advocacy Committee voted to recommend that the Board pursue this proposal.

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.

**State of California
Board of Behavioral Sciences**

Memorandum

To: Board Members
From: Christy Berger
Legislation Analyst
Date: January 25, 2007
Telephone: (916) 574-7847
**Subject: XIV. B. Recommendation #2: Repeal Section 4980.40(i) Relating to
Registration as a Marriage and Family Therapist Intern**

Background

On January 1, 1988, the educational requirements for registration as a Marriage and Family Therapist (MFT) Intern and for licensure as a MFT changed significantly. Business and Professions Code (BPC) Section 4980.40(i) addresses applicants who, prior to December 31, 1987, met the qualifications for registration as a MFT Intern but failed to apply for registration prior to that date. It permits such an applicant to be granted an intern registration if he or she has a degree title specified in 4980.40(i)(1)(A) and completes a plan of instruction intended to fulfill current requirements at an accredited school.

Discussion

The Board has had only one application asking for consideration under this statute in the past 5 years, and possibly longer. For this reason, staff believes this law is outdated.

Recommendation

At its meeting on January 3, 2007, the Policy and Advocacy Committee voted to recommend that the Board sponsor legislation to eliminate this alternative qualifying method for registration as a MFT Intern.

Attachments

Proposed Language

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BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE
MFT Intern Registration
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**

M e m o r a n d u m

To: Board Members

Date: January 30, 2007

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: Agenda Item XIV. C. 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. Estimates prepared prior to this meeting indicated that a \$40 fee reduction for license renewals could be accommodated leaving a reserve of 3.8 months. This total did not account for the possible repayment of an outstanding \$6 million loan to the General Fund. However, the Governor's budget released on January 10, 2007 reflects a significant increase in the board's expenditure authority for the 2007-08 fiscal year (approximately \$600,000 in added spending authority). This increase was not anticipated by board staff and primarily reflects a mix of price increases from recent labor contracts and significant increases in costs from the Division of Investigation. Accordingly, staff has prepared two alternate scenarios for the board's consideration.

1. *Preserve the \$40 reduction in fees proposed earlier.* This option would trigger repayment of the General Fund Loan beginning in the 2011-12 fiscal year. We have assumed repayment over a three year period. Such action would, based on current assumptions, require action to raise fees modestly beginning in the 2015-16 fiscal year to bring revenues into balance with expenditures. Such a fee increase would need to close a budget gap of \$300,000 - \$400,000 annually. This option will produce approximately \$1 million per year that would be available to redirect to the Licensed Mental Health Services Provider Education Program from BBS sources.

2. *Propose a \$20 reduction in fees.* This option would reduce the board's reserve to 1.6 months in 2013-14 and trigger a repayment of the General Fund loan. This action would result in the board not anticipating a fee increase until the 2019-20 fiscal year. Such projections are highly speculative, but do indicate that there is little foreseeable risk to the board's fund from such an action. This option will produce approximately \$500,000 per year that would be available to redirect to the Licensed Mental Health Services Provider Education Program from BBS sources.

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 fee 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 July 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

The committee recommends the following actions:

- Direct staff to prepare a draft fee reduction regulation reducing renewal fees for Licensed Clinical Social Workers and Marriage and Family Therapists by \$40.
- The committee recommends that the board to sponsor legislation that would increase the license renewal surcharge by \$40.

These recommendations were made before the recent changes in the board's budget were known. As such, a discussion by the full board of these, and other options, would be appropriate.

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

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BOARD OF BEHAVIORAL SCIENCES

Analysis of Fund Condition (10- Year \$40 Fee Reduction)

	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
BEGIN. RESERVE, JULY 1	5,368,000	5,800,000	4,800,600	3,746,664	2,648,650	1,505,217	314,988	(923,453)	(2,211,558)	(3,550,817)	(4,942,762)
PRIOR YEAR ADJUSTMENTS											
TOTAL ADJUSTED RESERVES	5,368,000	5,800,000	4,800,600	3,746,664	2,648,650	1,505,217	314,988	(923,453)	(2,211,558)	(3,550,817)	(4,942,762)
REVENUE											
Fees	5,378,000	5,409,000	5,517,180	5,627,524	5,740,074	5,854,876	5,971,973	6,091,413	6,213,241	6,337,506	6,464,256
Proposed Fee Reduction		-911,400	-929,628	-948,221	-967,185	-986,529	-1,006,259	-1,026,384	-1,046,912	-1,067,850	-1,089,207
Interest	117,000	128,000	96,012	74,933	52,973	30,104	6,300	(18,469)	-44,231	(71,016)	(98,855)
General Fund Payback											
TOTAL REV. AND TRANSFERS	5,495,000	4,625,600	4,683,564	4,754,236	4,825,862	4,898,451	4,972,014	5,046,559	5,122,098	5,198,639	5,276,193
TOTAL RESOURCES	10,863,000	10,425,600	9,484,164	8,500,900	7,474,512	6,403,669	5,287,001	4,123,106	2,910,540	1,647,822	333,431
EXPENDITURES											
Program Expenditures	5,060,000	5,625,000	5,737,500	5,852,250	5,969,295	6,088,681	6,210,455	6,334,664	6,461,357	6,590,584	6,722,396
Equity Claims (State Operations)	3,000	0	0	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES	5,063,000	5,625,000	5,737,500	5,852,250	5,969,295	6,088,681	6,210,455	6,334,664	6,461,357	6,590,584	6,722,396
RESERVE, JUNE 30	5,800,000	4,800,600	3,746,664	2,648,650	1,505,217	314,988	(923,453)	(2,211,558)	(3,550,817)	(4,942,762)	(6,388,965)
MONTHS IN RESERVE	12.4	10.0	7.7	5.3	3.0	0.6	(1.7)	(4.1)	(6.5)	(8.8)	(12.9)

NOTES:

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

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

BOARD OF BEHAVIORAL SCIENCES

Analysis of Fund Condition (10- Year \$40 Fee Reduction) with \$6M General Fund Loan Payback

	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
BEGIN. RESERVE, JULY 1	5,368,000	5,800,000	4,800,600	3,746,664	2,648,650	1,505,217	2,314,988	3,116,547	3,909,242	2,692,399	1,425,318
PRIOR YEAR ADJUSTMENTS											
TOTAL ADJUSTED RESERVES	5,368,000	5,800,000	4,800,600	3,746,664	2,648,650	1,505,217	2,314,988	3,116,547	3,909,242	2,692,399	1,425,318
REVENUE											
Fees	5,378,000	5,409,000	5,517,180	5,627,524	5,740,074	5,854,876	5,971,973	6,091,413	6,213,241	6,337,506	6,464,256
Proposed Fee Reduction		-911,400	-929,628	-948,221	-967,185	-986,529	-1,006,259	-1,026,384	-1,046,912	-1,067,850	-1,089,207
Interest	117,000	128,000	96,012	74,933	52,973	30,104	46,300	62,331	78,185	53,848	28,506
General Fund Payback						2,000,000	2,000,000	2,000,000			
TOTAL REV. AND TRANSFERS	5,495,000	4,625,600	4,683,564	4,754,236	4,825,862	6,898,451	7,012,014	7,127,359	5,244,514	5,323,503	5,403,555
TOTAL RESOURCES	10,863,000	10,425,600	9,484,164	8,500,900	7,474,512	8,403,669	9,327,001	10,243,906	9,153,756	8,015,902	6,828,873
EXPENDITURES											
Program Expenditures	5,060,000	5,625,000	5,737,500	5,852,250	5,969,295	6,088,681	6,210,455	6,334,664	6,461,357	6,590,584	6,722,396
Equity Claims (State Operations)	3,000	0	0	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES	5,063,000	5,625,000	5,737,500	5,852,250	5,969,295	6,088,681	6,210,455	6,334,664	6,461,357	6,590,584	6,722,396
RESERVE, JUNE 30	5,800,000	4,800,600	3,746,664	2,648,650	1,505,217	2,314,988	3,116,547	3,909,242	2,692,399	1,425,318	106,477
MONTHS IN RESERVE	12.4	10.0	7.7	5.3	3.0	4.5	5.9	7.3	4.9	2.5	0.2

NOTES:

- A. WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED (2%)
- B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING 06/07

BOARD OF BEHAVIORAL SCIENCES
Analysis of Fund Condition (10- Year \$20 Fee Reduction)

	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
BEGIN. RESERVE, JULY 1	5,368,000	5,800,000	5,193,750	4,548,690	3,875,750	3,174,073	2,442,779	1,680,963	887,698	62,029	(797,021)	(1,632,848)
PRIOR YEAR ADJUSTMENTS												
TOTAL ADJUSTED RESERVES	5,368,000	5,800,000	5,193,750	4,548,690	3,875,750	3,174,073	2,442,779	1,680,963	887,698	62,029	(797,021)	(1,632,848)
REVENUE												
Fees	5,378,000	5,409,000	5,517,180	5,627,524	5,740,074	5,854,876	5,971,973	6,091,413	6,213,241	6,337,506	6,464,256	6,593,541
Proposed Fee Reduction		-518,250	-528,615	-539,187	-549,971	-560,970	-572,190	-583,634	-595,306	-607,212	-561,746	-561,746
Interest	117,000	128,000	103,875	90,974	77,515	63,481	48,856	33,619	17,754	1,241	(15,940)	(32,657)
Transfers-In												
TOTAL REV. AND TRANSFERS	5,495,000	5,018,750	5,092,440	5,179,310	5,267,618	5,357,387	5,448,639	5,541,398	5,635,688	5,731,534	5,886,569	5,999,138
TOTAL RESOURCES	10,863,000	10,818,750	10,286,190	9,728,000	9,143,368	8,531,460	7,891,418	7,222,361	6,523,386	5,793,563	5,089,548	4,366,290
EXPENDITURES												
Program Expenditures	5,060,000	5,625,000	5,737,500	5,852,250	5,969,295	6,088,681	6,210,455	6,334,664	6,461,357	6,590,584	6,722,396	6,856,844
Equity Claims (State Operations)	3,000	0	0	0	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES	5,063,000	5,625,000	5,737,500	5,852,250	5,969,295	6,088,681	6,210,455	6,334,664	6,461,357	6,590,584	6,722,396	6,856,844
RESERVE, JUNE 30	5,800,000	5,193,750	4,548,690	3,875,750	3,174,073	2,442,779	1,680,963	887,698	62,029	(797,021)	(1,632,848)	(2,490,553)
MONTHS IN RESERVE	12.4	10.9	9.3	7.8	6.3	4.7	3.2	1.6	0.1	(1.4)	(3.0)	(4.6)

NOTES:

- A. WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED (2%)
- B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING 06/07

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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.



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.

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: Board Members

Date: January 30, 2007

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: Agenda Item XIV. D. 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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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:	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
Board of Behavioral Sciences**

Memorandum

To: Board Members **Date:** February 1, 2007
From: Christy Berger **Telephone:** (916) 574-7847
Legislation Analyst
**Subject: Agenda Item XIV. E. Recommendation #5 – Establish a Board Position on
Legislation to Establish Licensure for 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 was performed for the Policy and Advocacy Committee. This included a list of desired amendments, many of which have now been addressed by the sponsor in amendments. They are as follows:

1. The term “career development” was deleted from the scope of practice.
2. Licensed Educational Psychologists were deleted from the list of those authorized to supervise interns.
3. Made the educational requirements for receiving a license through grandparenting more consistent with regular LPC licensure.
4. Added a section describing where the program’s startup funds will originate.
5. Made several technical amendments.

A new analysis has been performed based on the amended bill. See the attached analysis for a complete discussion of potential issues. A list of amendments still desired by staff is as follows:

1. Delete the definition of “Examination” in Section 4989.4(e) (See Comment item #3 in bill analysis).
2. Possible need for language to address the sunset of the Bureau for Private, Postsecondary and Vocational Education (See Comment item #4 in bill analysis).
3. Add the following under “Revenue”: (See Comment item #7 in bill analysis).
 - o State that the Board does not have to implement the program unless funds have been appropriated.

- Add authority for the board to establish fees.
 - Establish fees for grandparenting.
4. Build in staggered timelines for implementation of program components. (See Comment item #8 in bill analysis).
 5. Make one technical amendment (See Comment item #9 in bill analysis).

Grandparenting Provisions

This bill includes two different methods by which a person could be granted a license via grandparenting during the first year. One of the methods requires possession of a MFT license and a degree that meets LPC coursework requirements. The other method requires all of the following:

- A 48 unit qualifying degree that meets the same requirements as for regular LPC licensure, including a complete practicum. The applicant must have completed all core curriculum.
- Two years of full time post-degree counseling experience that includes at least 1,000 hours of supervised direct client contact.
- Passage of examination(s).

The following issues related to grandparenting are still outstanding:

- The Board will not have a chance to have a psychometrician evaluate examination(s) required for grandparenting prior to the grandparenting period. Staff believe that persons licensed through grandparenting should be recertified after a 6-year period by taking current licensing examinations. (See Comment item #6A in bill analysis).
- Determine whether the Board will accept the Certified Rehabilitation Counselors Examination (CRCE) along with the National Clinical Mental Health Counselor Examination (NCMHCE) for meeting grandparenting examination requirements. (See Comment item #6B in bill analysis).

Action Items

- The Board needs to determine whether it will accept the CRCE and NCMHCE examinations for grandparenting.
- At its January 3, 2007 meeting, the Policy and Advocacy Committee voted to recommend that the Board take a position of “support” if all staff concerns are addressed.

Attachments

Draft Bill
Bill Analysis
LPC Handouts #1-15

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

An act to amend Sections 728, 805, and 4990 of, and to add Chapter 13.x (commencing with Section 4989.2) to Division 2 of, the Business and Professions Code, relating to professional counselors, and making an appropriation therefore.

LEGISLATIVE COUNSEL'S DIGEST

Existing law provides for the licensing and regulation of marriage and family therapists and social workers by the Board of Behavioral Science, in the Department of Consumer Affairs. Under existing law, the Board of Behavioral Sciences consists of 11 members.

This bill would provide for the licensing or registration and regulation of professional counselors and professional counselor interns by the Board of Behavioral Sciences. The bill would add 4 additional persons to the board and it would require the Governor to appoint 2 these 4 additional persons to the board. The bill would enact various related provisions on the practice of professional counselors and professional counselor interns, including, but not limited to, training requirements, practice requirements, and enforcement specifications. The bill would impose specified fees on licensed counselors and professional counselor interns which would be deposited in the Behavioral Sciences Fund and would make a continuous appropriation that fund to the board to carry out the provisions of the bill. Because a violation of the act would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

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.x. 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 an ~~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 an ~~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, **or** 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, **which shall, after January 1, 2013, expand to the equivalent of a three semester unit or four and one half quarter unit course and include the biological basis for behavior.** 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 an ~~an 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) An ~~an 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 less than 150 hours of experience in a hospital or community mental health setting.

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

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

(G) Not more than 250 hours of experience administering and evaluating psychological tests of counselees, writing clinical reports, writing progress notes, or writing process notes.

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

(c) An applicant shall register with the board as ~~an 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 ~~an professional counselor~~ intern by the board.

(d) All ~~professional counselor~~ 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) ~~An 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. The board may issue a license to any person who submits an application for a license ~~during the first 12 months following January 1, 2009, or during the first 12 months following the issuance of the first license, whichever first occurs, provided that all documentation is submitted within 12 months of the board's evaluation of the application, and 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 **closely** related degree, from a school, college, or university as specified in subdivision (a) of Section 4989.22. **Closely** ~~R~~related degrees **are defined as degrees that include the minimum core coursework required in this section.** ~~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 **all the** 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~~ **shall** provide documentation that he or she has completed the required coursework post-degree. **Any qualifying degree must include the practicum as required in 4989.22 (c)(4).**

(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. **The total number of units shall be no less than 48.**

(B) 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.

(2) Coursework required outside the degree program, as required by ~~the Board of Behavioral Sciences. Section 4989.23.~~

(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) **and the National Clinical Mental Health Counselor Examination (NCMHCE).**

(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. ~~An 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) ~~An 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~~ **three** 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.

4989.98. This licensing program shall be supported from fees assessed to applicants, interns and licensees. Start-up funds to implement this license shall be derived, as a loan, from the reserve fund of the Board of Behavioral Sciences, with the approval of the Board and pending an appropriation in a budget act.

SEC. 4. Section 4990 of the Business and Professions Code is amended to read:

4990. (a) There is in the Department of Consumer Affairs, a Board of Behavioral Sciences that consists of ~~44~~ 15 members composed as follows:

- (1) Two state licensed clinical social workers.
- (2) One state licensed educational psychologist.
- (3) Two state licensed marriage and family therapists.
- (4) Two licensed professional counselors

~~(4) (5) Six-Eight~~ public members.

(b) Each member, except the ~~six-eight~~ public members, shall have at least two years of experience in his or her profession.

(c) Each member shall reside in the State of California.

(d) The Governor shall appoint ~~four-six~~ of the public members and the ~~five~~ seven licensed members with the advice and consent of the Senate. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member.

(e) Each member of the board shall be appointed for a term of four years. A member appointed by the Speaker of the Assembly or the Senate Committee on Rules shall hold office until the appointment and qualification of his or her successor or until one year from the expiration date of the term for which he or she was appointed, whichever first occurs. Pursuant to Section 1774 of the Government Code, a member appointed by the Governor shall hold office until the appointment and qualification of his or her successor or until 60 days from the expiration date of the term for which he or she was appointed, whichever first occurs.

(f) A vacancy on the board shall be filled by appointment for the unexpired term by the authority who appointed the member whose membership was vacated.

(g) Not later than the first of June of each calendar year, the board shall elect a chairperson and a vice chairperson from its membership.

(h) Each member of the board shall receive a per diem and reimbursement of expenses as provided in Section 103.

(i) This section shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.

~~4990.1 There is in the Department of Consumer Affairs a Board of Behavioral Sciences which consists of 11 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.~~

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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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: NONE

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 interns working toward professional counselor licensure 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 an 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
- 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)
 - Perform assessments
 - Provide various intervention strategies
 - Address wellness, personal growth, adjustment to disability, crisis intervention, pathology, empowerment to deal with life situations, reduce stress, experience growth, and make well-informed, rational decisions.
 - 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. After January 1, 2013, this course shall expand to the equivalent of a three semester or four and one-half unit course and include the biological basis for behavior.
 - 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 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 an 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 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 minimum of 150 hours of experience in a hospital or community mental health 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 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 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, (or during the first 12 months following the issuance of the first license, whichever first occurs) 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 master's or doctoral degree in counseling or a closely related degree
 - Closely related degrees are defined as degrees that include the minimum core coursework required.
 - 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, for a total number of 48 units.
 - 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 must 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:
 - National Certified Counselor Examination for Licensure and Certification (NCE)
 - National Clinical Mental Health Counselor Examination (NCMHCE)
 - Both the Certified Rehabilitation Counselor Examination (CRCE) and the NCMHCE
- 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 intern prior to performing any duties other than those provided by counselor trainees. (B&P Code § 4989.40(a))
- 44) Requires 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 an 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 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 an 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 three 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 LPC program to be supported from fees assessed to applicants, interns and licensees. (B&P Code § 4989.98)
- 77) Requires start-up funds to implement the program to be derived as a loan from the reserve fund of the BBS with the Board' approval and pending an appropriation in a budget act. (B&P Code § 4989.98)
- 78) Requires the Governor to appoint two LPCs to the Board, and two additional public members. (B&P Code § 4990)

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) **Definitions.** The definition of "examinations" in subdivision (e) of section 4989.4 is not necessary. Section 4989.36 does a good job of providing the detail regarding examinations.

- **Suggested Amendment.** Delete all of section 4989.4(e).

- 4) **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." To address this situation, the Governor has stated his intent to introduce urgency legislation, and the Board's Legal Counsel is working on proposed language that may result in urgency legislation. Such language would need to be amended into this bill.

5) 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.

6) Grandparenting Provisions. This bill includes two different methods by which a person could be granted a license via grandparenting during the first year. One of the methods requires possession of a MFT license and a degree that meets LPC coursework requirements. The other method requires all of the following:

- A 48 unit qualifying degree that meets the same requirements as for regular LPC licensure, including a complete practicum. The applicant must have completed all core curriculum.
- Two years of full time post-degree counseling experience that includes at least 1,000 hours of supervised direct client contact.
- Passage of an examination.

A. Since the Board will not have a chance to have a psychometrician evaluate examinations prior to the grandparenting period, 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. This would help to maintain high consumer protection standards.

- **Suggested Amendment.** Add a section that states the following:

"A license issued under subdivision (a) of Section 4989.38 shall be valid for six years from the issuance date of the initial license. After this six-year period, it will be cancelled by operation of law unless the licensee obtains a recertification. The board shall begin accepting applications for recertification on January 1, 2010. A person applying for recertification shall pass the examinations required for licensure on or after July 1, 2009."

B. The Department of Rehabilitation has asked for the Certified Rehabilitation Counselors Examination (CRCE) to be accepted as meeting grandparenting examination requirements. Upon cursory review, the CRCE does not appear to have comparable clinical content to the NCE. To address this issue, the sponsor has added the National Clinical Mental Health Counselor Examination (NCMHCE) to be taken in conjunction with the CRCE. The NCMHCE is a clinical examination consisting of case vignettes and related items.

7) Funding. 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. The Board must ensure funding is in place prior to administering this program. Additionally, a statement that permits the board to establish fees in regulation is needed. Fees for those applying for grandparenting must be specified in statute, as the regulation process takes approximately one year. The exact fees are still to be determined.

- **Suggested Amendments.**

- Add language to section 4989.98 which states that the Board does not have to implement the program unless the funds have been appropriated.
- Add a section under “Revenue” which reads as follows:
“The board shall establish the amount of fees assessed, including the amount of fees for application, licensure, and renewal.”
- Add a section under “Revenue” which reads as follows:
“The board shall assess the following fees relating to applicants for licensure under Section 4989.38:
(a) The application fee is \$____.
(b) The licensure fee is \$____.”

8) Timelines for Implementation. The entire bill (should it pass) would become effective January 1, 2008. This would include accepting and processing applications for grandparenting, intern registration and licensure. However, implementation dates for different areas need to be staggered to allow the Board time to obtain spending authority, set up IT systems, 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 Board would be able to accept applications for grandparenting and intern registration within one year, but regular licensure applications would not be accepted for between two and four years from the implementation date of the legislation.

• **Suggested Amendments.**

- 4989.26. The board shall begin accepting applications for intern registration on January 1, 2009. To qualify for registration as an intern, an applicant shall have all of the following qualifications:
- 4989.34(a). The board shall begin accepting applications for licensure on *(date to be determined)*. The board may issue a license in professional counseling to any person who meets all of the following requirements:
- 4989.38. The board may issue a license to any person who submits an application for a license ~~during the first 12 months following January 1, 2009, or during the first 12 months following the issuance of the first license, whichever first occurs,~~ between October 1, 2008 and March 31, 2009, provided that all documentation is submitted within 12 months of the board’s evaluation of the application, and provided that he or she meets one of the following sets of criteria:

9) Suggested Technical Amendment. The following technical amendment is suggested:

- **Suggested Amendment.** As has been done in other sections of the bill, change “professional counselor intern” to “intern” in Sections 4989.4(i)(3), 4989.14(e), 4989.28(a)(2)-(4), and 4989.96.

10) Support and Opposition. Not known at this time.

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AMERICAN COUNSELING ASSOCIATION

2006 Mental Health Professions Statistics
(information provided is for the highest level of licensure)

State	Professional Counselors		Marriage & Family Therapists		Social Workers	
	Title	Counts	Title	Counts	Title	Counts
Alabama	LPC	1,486	LMFT	199	LCSW-PIP	549
Alaska	LPC	355	LMFT	89	LCSW	351
Arizona	LPC	2,330	LMFT	396	LCSW	2,862
Arkansas	LPC	665	LMFT	90	LCSW	1,149
California	no licensure	NA	LMFT	28,152	LCSW	16,458
Colorado	LPC	2,993	LMFT	511	LCSW	3,046
Connecticut	LPC	1,330	LMFT	803	LCSW	4,139
Delaware	LPCMH	266	LMFT	5	LCSW	534
D.C.	LPC	1,082	LMFT	9	LICSW	2,674
Florida	LMHC	6,352	LMFT	1,291	LCSW	5,905
Georgia	LPC	3,033	LMFT	595	LCSW	2,406
Hawaii	LMHC	140	LMFT	139	LCSW	353
Idaho	LCPC	530	LMFT	212	LCSW	693
Illinois	LCPC	5,005	LMFT	415	LCSW	8,902
Indiana	LMHC	1,246	LMFT	872	LCSW	3,182
Iowa	LMHC	571	LMFT	163	LISW	1,506
Kansas	LCPC	277	LCMFT	277	LSCSW	1,584
Kentucky	LPCC	621	LMFT	447	LCSW	1,622
Louisiana	LPC	1,750	LMFT	969	LCSW	2,569
Maine	LCPC	803	LMFT	79	LCSW	2,138
Maryland	LCPC	1,600	LCMFT	158	LCSW-C	7,296
Massachusetts	LMHC	3,675	LMFT	749	LICSW	11,264
Michigan	LPC	5,485	LMFT	884	LCSW	14,083
Minnesota	LPC	341	LMFT	879	LICSW	3,006
Mississippi	LPC	841	LMFT	402	LCSW	590
Missouri	LPC	3,214	LMFT	152	LCSW	4,938
Montana	LCPC	830	no licensure	NA	LCSW	434
Nebraska	LPC	967	LMFT	83	CMSW	736
Nevada	no licensure	NA	LMFT	565	LISW	26
New Hampshire	LCMHC	511	LMFT	68	LCSW	873
New Jersey	LPC	3,500	LMFT	800	LCSW	7,548
New Mexico	LPCC	1,301	LMFT	212	LISW	1,318
New York	LMHC	233	LMFT	42	LCSW	3,898
North Carolina	LPC	2,891	LMFT	575	LCSW	3,902
North Dakota	LPCC	137	LMFT	0*	LICSW	185
Ohio	LPCC	3,319	LMFT	129	LISW	5,470
Oklahoma	LPC	2,680	LMFT	498	LCSW	1,039
Oregon	LPC	1,366	LMFT	333	LCSW	2,711
Pennsylvania	LPC	3,104	LMFT	342	LCSW	3,249
Puerto Rico	LPC	1,480	TBD	TBD	TBD	TBD
Rhode Island	CCMH	251	LMFT	73	LICSW	1,389
South Carolina	LPC	1,422	LMFT	220	LISW-CP	896
South Dakota	LPC-MH	122	LMFT	98	LCSW-PIP	184
Tennessee	LPC/MHSP	1,027	LMFT	283	LCSW	1,789
Texas	LPC	13,268	LMFT	3,000	LCSW	5,000
Utah	LPC	402	LMFT	422	LCSW	2,196
Vermont	LCMHC	667	LMFT	44	LCSW	1,127
Virginia	LPC	2,625	LMFT	806	LCSW	4,243
Washington	LMHC	4,183	LMFT	938	LCSW	2,931**
West Virginia	LPC	919	no licensure	NA	LICSW	254
Wisconsin	LPC	2,068	LMFT	447	LCSW	3,446
Wyoming	LPC	588	LMFT	74	LCSW	332

U.S. TOTALS

95,852

48,989

156,044

*Recently established licensure, MFT board has not been established yet.

**Count includes social workers at all levels of licensure.

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WHO ARE LICENSED PROFESSIONAL COUNSELORS

Who are licensed professional counselors?

Licensed professional counselors (or in some states, “licensed clinical professional counselors” or “licensed mental health counselors”) provide mental health and substance abuse care to millions of Americans.

Licensed professional counselors (LPCs) are master’s level mental health service providers, trained to work with individuals, families, and groups in treating mental, behavioral, and emotional problems and disorders. LPCs make up a large percentage of the workforce employed in community mental health centers, agencies, and organizations, and are employed within and covered by managed care organizations and health plans. LPCs also work with active duty military personnel and their families, as well as veterans.

LPC qualifications

More than 90,000 professional counselors are licensed or certified in 48 states and the District of Columbia. LPC education and training standards for licensure are on par with those of the other two master’s level mental health providers - marriage and family therapists and clinical social workers. State licensure requirements for professional counselors typically include:

- possession of a master’s or doctoral degree in counseling from a national or regionally-accredited institution of higher education, including an internship and coursework on human behavior and development, effective counseling strategies, ethical practice,

- and other core knowledge areas;
- completion of a minimum of 3,000 hours of post-master’s supervised clinical experience, performed within two years, and periodic completion of continuing education credits/hours after obtaining licensure;
- passage of the National Counselor Examination (NCE) or a similar state-recognized exam; and
- adherence to a strict Code of Ethics and recognized standards of practice, as regulated by the state’s counselor licensure board.

What do LPCs do?

The practice of professional counseling includes, but is not limited to, the diagnosis and treatment of mental and emotional disorders, including addictions; psychoeducational techniques aimed at the prevention of such disorders; consultation to individuals, couples, families, groups, and organizations; and research into more effective therapeutic treatment modalities. Counselors’ training in the provision of counseling and therapy includes the etiology of mental illness and substance abuse disorders, and the provision of the established, research-based “talk therapies” of cognitive-behavioral, interpersonal, and psychodynamic therapy. Counselors’ education and training is oriented toward the adoption of a truly client-centered, and not primarily illness-centered, approach to therapy.

Licensed professional counselors and members of the other non-physician mental health professions of psychology, clinical social work, marriage and family therapy, and psychiatric



AMERICAN COUNSELING
ASSOCIATION

nursing provide the majority of mental health services in the U.S.

How to Find a Counselor

In order to find a counselor in your community, you can visit the American Counseling Association's website at: www.counseling.org/counselors/Directory.aspx

You can also contact your state's counselor licensing board by visiting: www.counseling.org/Counselors/

By clicking on Licensure & Certification and selecting State Requirements you can find information on how to contact your state's licensing board.

Need for Services

- Mental illnesses rank first among illnesses that cause disability in the United States, Canada, and Western Europe. In any given year, about 5% to 7% of adults have a serious mental illness and a similar percentage of children - about 5% to 9% - have a serious emotional disturbance. — *Achieving the Promise: Transforming Mental Health Care in America*, Executive Summary (President's New Freedom Commission on Mental Health, 2003)
- A recent study found that roughly one in five service members surveyed 3-12 months post-deployment to Iraq met the screening criteria for PTSD, depression, or anxiety. *Testimony before the House Veterans' Affairs Committee* (Col. Charles Hoge, M.D., United States Army Chief of Psychiatry and Behavior Services at the Walter Reed Army Institute of Research, July 27, 2005)

- In 2004, there were an estimated 21.4 million adults aged 18 or older with serious psychological distress; less than half received treatment. — *The 2004 National Survey on Drug Use and Health: National Findings*, Chapter 8 "Prevalence and Treatment of Mental Health Problems" (SAMHSA, 2005)
- Less than half of the children and one-third of the adults who have a diagnosable mental disorder receive treatment in any one year. — *Mental health: A Report of the Surgeon General* (U.S. Department of Health and Human Services, 1999)
- Although prevalence of mental illness is estimated to be about equal in rural and urban areas, about 8 million rural residents lack access to mental health professionals. — *Sorrow Plain and Hollow* (Olsson, Karen, U.S. News and World Report, November 27, 2000)

Effectiveness of Counseling

- "The [President's New Freedom] Commission [on Mental Health] recognizes that thousands of dedicated, caring, skilled providers staff and manage the service delivery system. The Commission does not attribute the shortcomings and failings of the contemporary system to a lack of professionalism or compassion of mental health care workers. . . . In short, the Nation must replace unnecessary institutional care with efficient, effective community services that people can count on." — *Achieving the Promise: Transforming Mental Health Care in America*, Executive Summary (President's New Freedom Commission on Mental Health, 2003)

- A study published in 2002 titled "Family-Based Prevention Counseling for High-Risk Young Adolescents: Immediate Outcomes" found that after family-based counseling was conducted study participants showed significant improvement in self-concept, drug use attitudes, and school anti-social behavior. (Hogue, et al., *Journal of Community Psychology*, Vol. 30, No. 1, 1-22 (2002))
- According to "A Naturalistic Longitudinal Evaluation of Counseling in Primary care", after patients were provided counseling there was a significant reduction in severity of symptoms for anxiety, depression, self-esteem, and quality of life. (Baker, et al., *Counseling Psychology Quarterly*, Vol. 15, No. 4, pp. 359-373(2002))
- 57% of former prisoners who received drug treatment and aftercare remained arrest-free after 42 months, in comparison with only 25% of the control group. (Leukefield, et al., *Treatment of Drug Offenders: Policies and Issues*, pp. 204-216 (2002))

Resources

American Counseling Association
5999 Stevenson Avenue
Alexandria, VA 22304
Toll Free: 800-347-6647
www.counseling.org



AMERICAN COUNSELING
ASSOCIATION

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American Counseling Association

Educational Requirements for Professional Counselor Licensure

Recommended by the American Association for State Counseling Boards

A. CACREP CORE COMPETENCIES

Standards set by the Council for Accreditation of Counseling and Related Educational Programs

Curricular experiences and demonstrated knowledge in each of the eight common core areas are required of all students in a counseling master's program.

1. **PROFESSIONAL ORIENTATION AND ETHICAL PRACTICE** – Professional orientation, ethics and law in counseling) studies that provide an understanding of all of the following aspects of professional functioning:
 - a. history and philosophy of the counseling profession, including significant factors and events;
 - b. professional roles, functions, and relationships with other human service providers;
 - c. professional organizations, primarily ACA, its divisions, branches, and affiliates, including membership benefits, activities, services to members, and current emphases;
 - d. professional credentialing, including certification, licensure, and accreditation practices and standards, and the effects of public policy on these issues;
 - e. the role and process of the professional counselor advocating on behalf of the profession;
 - f. advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients; and
 - g. ethical standards of ACA and related entities, and applications of ethical and legal considerations in professional counseling.

2. **SOCIAL AND CULTURAL DIVERSITY** – (Multicultural counseling theories and techniques) studies that provide an understanding of the cultural context of relationships, issues and trends in a multicultural and diverse society related to such factors as culture, ethnicity, nationality, age, gender, sexual orientation, mental and physical characteristics, education, family values, religious and spiritual values, socioeconomic status and unique characteristics of individuals, couples, families, ethnic groups, and communities including all of the following:
 - a. multicultural and pluralistic trends, including characteristics and concerns between and within diverse groups nationally and internationally;
 - b. attitudes, beliefs, understandings, and acculturative experiences, including specific experiential learning activities;
 - c. individual, couple, family, group, and community strategies for working with diverse populations and ethnic groups;

- d. counselors' roles in social justice, advocacy and conflict resolution, cultural self-awareness, the nature of biases, prejudices, processes of intentional and unintentional oppression and discrimination, and other culturally supported behaviors that are detrimental to the growth of the human spirit, mind, or body; and
 - e. theories of multicultural counseling, theories of identity development, and multicultural competencies.
3. **HUMAN GROWTH AND DEVELOPMENT** – (Human growth and development across the lifespan, including normal and abnormal behavior) studies that provide an understanding of the nature and needs of individuals at all developmental levels, including all of the following:
- a. theories of individual and family development and transitions across the life-span;
 - b. theories of learning and personality development;
 - c. human behavior including an understanding of developmental crises, disability, exceptional behavior, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior;
 - d. theories and etiology of addictions and addictive behaviors; and
 - e. strategies for facilitating optimum development over the life-span.
4. **CAREER DEVELOPMENT** – (Career development theories and techniques) studies that provide an understanding of career development and related life factors, including all of the following:
- a. career development theories and decision-making models;
 - b. career, avocational, educational, occupational and labor market information resources, visual and print media, computer-based career information systems, and other electronic career information systems;
 - c. career development program planning, organization, implementation, administration, and evaluation;
 - d. interrelationships among and between work, family, and other life roles and factors including the role of diversity and gender in career development;
 - e. career and educational planning, placement, follow-up, and evaluation;
 - f. assessment instruments and techniques that are relevant to career planning and decision making; and
 - g. career counseling processes, techniques, and resources, including those applicable to specific populations.
5. **HELPING RELATIONSHIPS** – (Counseling and psychotherapeutic theories and techniques) studies that provide an understanding of the counseling process, including all of the following:

- a. counselor characteristics and behaviors that influence helping processes;
 - b. an understanding of essential interviewing and counseling skills;
 - c. counseling theories that provide the student with consistent models to conceptualize client presentation and select appropriate counseling interventions. Students will be exposed to models of counseling that are consistent with current professional research and practice in the field so that they can begin to develop a personal model of counseling;
 - d. a systems perspective that provides an understanding of family and other systems theories and major models of family and related interventions; and
 - e. a general framework for understanding and practicing consultation.
6. **GROUP WORK** – (Group counseling theories and techniques) studies that provide both theoretical and experiential understandings of group purpose, development, dynamics, counseling theories, group counseling methods and skills, and other group approaches, including all of the following:
- a. principles of group dynamics, including group process components, developmental stage theories, group members' roles and behaviors, and therapeutic factors of group work;
 - b. group leadership or facilitation styles and approaches, including characteristics of various types of group leaders and leadership styles;
 - c. theories of group counseling, including commonalities, distinguishing characteristics, and pertinent research and literature;
 - d. group counseling methods, including group counselor orientations and behaviors, appropriate selection criteria and methods, and methods of evaluation of effectiveness;
 - e. approaches used for other types of group work; and
 - f. to provide direct experiences as a participant in a small group, students meet for a minimum of 10 clock hours over the course of one academic term, in a small-group activity approved by the program.
7. **ASSESSMENT** – (Assessment, appraisal and testing of individuals) studies that provide an understanding of individual and group approaches to assessment and evaluation, including all of the following:
- a. historical perspectives concerning the nature and meaning of assessment;
 - b. basic concepts of standardized and nonstandardized testing and other assessment techniques including norm-referenced and criterion-referenced assessment, environmental assessment, performance assessment, individual and group test and inventory methods, behavioral observations, and computer-managed and computer-assisted methods;

- c. statistical concepts, including scales of measurement, measures of central tendency, indices of variability, shapes and types of distributions, and correlations;
 - d. reliability (i.e., theory of measurement error, models of reliability, and the use of reliability information);
 - e. validity (i.e., evidence of validity, types of validity, and the relationship between reliability and validity);
 - f. social and cultural factors related to the assessment and evaluation of individuals, groups, and specific populations; and
 - g. ethical strategies for selecting, administering, and interpreting assessment and evaluation instruments and techniques in counseling.
8. **RESEARCH AND PROGRAM EVALUATION** - studies that provide an understanding of research methods, statistical analysis, needs assessment, and program evaluation, including all of the following:
- a. the importance of research and opportunities and difficulties in conducting research in the counseling profession;
 - b. research methods such as qualitative, quantitative, single-case designs, action research, and outcome-based research;
 - c. use of technology and statistical methods in conducting research and program evaluation;
 - d. principles, models, and applications of needs assessment, program evaluation, and use of findings to effect program modifications; and
 - e. use of research to improve counseling effectiveness.

B. PSYCHOPATHOLOGY – (Principles of Diagnosis and Treatment) Emotional and mental disorders experienced by persons of all ages; characteristics of disorders; common nosologies of emotional and mental disorders utilized within the U.S. health care system; diagnosis and treatment according to the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, as published by the American Psychiatric Association; preferred treatment approaches for disorders based on research; common medications used by psychiatrists to treat disorders; working with other health care and mental health care professionals in treating individuals with emotional and mental disorders.

C. ADDITIONAL COURSEWORK: Examples of appropriate additional course work would be marriage and family counseling, addictive disorders, treating children and adolescents, play therapy, sexual diversity, geriatric counseling, treatment of other special populations, supervision, designing mental health services that are culturally appropriate to multicultural populations, etc.

COMPARISON of the proposed LPC LICENSURE REQUIREMENTS with those of MFT & LCSW

LICENSED PROFESSIONAL COUNSELOR (LPC) Proposed legislation	LICENSED MARRIAGE FAMILY THERAPIST (MFT) B & P code 4980	LICENSED CLINICAL SOCIAL WORKER (LCSW) B & P code 4996
EDUCATION: 48-unit master’s degree in counseling, or related degree, increasing to 60 units with a 48-unit degree in 5 years	EDUCATION: 48-unit master’s degree in marriage, family and child counseling, or one of six other related degrees	EDUCATION: Master’s degree from an accredited school of social work
Coursework to prepare counselors for the general practice of counseling. Instruction includes a minimum of 29 units in the following core counseling courses:	Single, integrated program primarily designed to train marriage & family therapists. Instruction includes 12 units in marital and family systems approaches to treatment as well as the following:	Council on Social Work Education requirements: All social work programs provide content in the areas specified below. The master’s curriculum addresses the content in greater depth.
Professional orientation, ethics & law in counseling	CA law and professional ethics for marriage & family therapists	Values & ethics
Multicultural counseling theories and techniques	Cross-cultural mores and values	Diversity
Human growth and development across the lifespan, including normal and abnormal behavior	Developmental issues & life events & their effect on family relationships	Human behavior & the social environment
Counseling and psychotherapeutic theories & techniques	Theories of marriage, family, & child therapy	
Assessment, appraisal, & testing of individuals	Psychological testing	
Research and evaluation		Social Work research

Group counseling theories & techniques

Career development theories & techniques

Principles of diagnosis, treatment planning & prevention of mental & emotional disorders & dysfunctional behavior, including use of the DSM (Psychopathology)

Diagnosis, assessment, prognosis, & treatment of mental disorders (Psychopathology)

Psychopharmacology

Psychopharmacology

Additional coursework includes counseling modalities and/or treatment with special populations

Psychotherapeutic orientations directly related to marriage and family therapy
A variety of approaches to treatment of children

Social Work practice
Social welfare policy
Populations at risk & economic justice

Supervised practicum/field work: Minimum of 6 units (150 hours of face-to-face experience, increasing to 280 hours in 5 years)

Supervised practicum: Minimum of 6 units (150 hours of face-to-face experience)

Field education: Total of 900 hours for master's programs

Additional curricular experiences such as alcoholism & chemical abuse, human sexuality, spousal or partner abuse, child abuse, aging, etc. and continuing education, as required by the licensing board

Additional curricular experiences such as alcoholism & chemical abuse, human sexuality, spousal or partner abuse, child abuse, aging, etc. and continuing education, as required by the licensing board

Additional curricular experiences such as alcoholism & chemical abuse, human sexuality, spousal or partner abuse, child abuse, aging, etc. and continuing education, as required by the licensing board

Licensing Exam: General practice counselor exams, such as NCE with NCMHCE

Licensing Exam: Marriage and family therapy exams

Licensing Exam: Social work exams

SUPERVISED EXPERIENCE: 3,000 hours post-degree

SUPERVISED EXPERIENCE: 3,000 hours, 1,300 of which can be earned pre-degree

SUPERVISED EXPERIENCE: 3,200 hours post-degree

San Francisco State University

CORE CURRICULUM

Prerequisites to the program include three foundation psychology courses: Developmental Psychology (at SFSU, PSY 431), Theories of Personality (at SFSU, PSY 451), and Psychopathology (at SFSU, PSY 452). COUN 690 Field of Counseling, may be taken before or during the first semester in attendance.

COURSE	TITLE	UNITS
COUN 700	Theories of Counseling	3
COUN 702	Developmental Foundations for Counselors	3
COUN 703	Psychological Foundations for Counselors	3
COUN 705	Practicum and Internship	2
COUN 706	Counseling Process	3
COUN 715	Assessment in Counseling	3
COUN 735	Counseling Practicum and Fieldwork	2
COUN 736	Advanced Counseling Process	3
COUN 738	Alcohol and Substance Abuse	2
COUN 794	Seminar in Research	3
COUN 811	Group Counseling Process	3
COUN 833	Social and Cultural Foundations in Counseling	3
COUN 857	Law and Ethics in Counseling	3
COUN 858	Couples and Family Counseling	3
COUN 859	Counseling Aspects of Sexuality	2
COUN 890	Integrative Counseling	3
COUN 891	Case Studies and Internship	3
COUN 892	Internship	4
	Specialization Classes (see below)	9
	Minimum Total	60

AREAS OF SPECIALIZATION:

Career Counseling

COURSE	TITLE	UNITS
COUN 720	Career Counseling	3
COUN 721	Computer Applications in Counseling	3
COUN 727	Advanced Career Counseling	3

Gerontological Counseling

COURSE	TITLE	UNITS
COUN 820	Counseling the Older Adult	2
COUN 821	Mental Health Assessment with the Older Adult	1
GERON 705	Gerontology: An Interdisciplinary Synthesis	3
GERON 710	Aging Process	3

School Counseling

COURSE	TITLE	UNITS
COUN 716	Structural Elements	3
COUN 717	Functional Elements	3
COUN 718	Professional Issues	3

Rehabilitation Counseling

CURRICULUM

COURSE	TITLE	UNITS
COUN 700	Theories of Counseling	3
COUN 702	Developmental Foundations for Counselors	3
COUN 703	Psychological Foundations for Counselors	3
COUN 704	Psychological Aspects of Disability	3
COUN 705	Fieldwork Traineeship	3
COUN 706	Counseling Process	3
COUN 715	Assessment in Counseling	3
COUN 735	Fieldwork Traineeship	2
COUN 736	Advanced Counseling Process	3
COUN 738	Alcohol and Substance Abuse	2
COUN 748	Rehabilitation Engineering Technology	3
COUN 762	Seminar on Field of Rehabilitation Counseling	3
COUN 766	Medical-Social Aspects of Rehabilitation Counseling	3
COUN 778	Occupational Info, Dynamics, & Placement in Rehab Counseling	3
COUN 794	Seminar in Research	3
COUN 811	Group Counseling Process	3
COUN 833	Social and Cultural Foundations of Counseling	3
COUN 890	Integrative Counseling	3
COUN 891	Case Studies and Internship Seminar	3
COUN 892	Fieldwork Traineeship	4
	Elective	1
	TOTAL	60

Marriage and Family Therapy Concentration

Prerequisites to the program include three foundation psychology courses: Developmental Psychology (at SFSU, PSY 431), Theories of Personality (at SFSU, PSY 451), and Psychopathology (at SFSU, PSY 452). COUN 690, Field of Counseling, may be taken before or during the first semester in attendance.

CURRICULUM

COURSE	TITLE	UNITS
COUN 700	Theories of Counseling	3
COUN 702	Developmental Foundations for Counselors	3
COUN 703	Psychological Foundations for Counselors	3
COUN 705	Practicum and Internship	2
COUN 706	Counseling Process	3
COUN 715	Assessment in Counseling	3
COUN 720	Career Counseling	1
COUN 735	Counseling Practicum and Fieldwork	2
COUN 736	Advanced Counseling Process	3
COUN 738	Alcohol and Substance Abuse	2
COUN 794	Seminar in Research	3
COUN 811	Group Counseling Process	3
COUN 827	The Consultation Process	1
COUN 833	Social and Cultural Foundations in Counseling	3
COUN 857	Law and Ethics in Counseling	3
COUN 858	Couples and Family Counseling	3
COUN 859	Counseling Aspects of Sexuality	2
COUN 860	Couples and Family Counseling II	3
COUN 861	Seminar on Child Treatment	3
COUN 890	Integrative Counseling	3
COUN 891	Case Studies and Internship	3
COUN 892	Internship	4
COUN 899	Independent Study or Elective	1
	Minimum Total	60

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THE MENTAL HEALTH WORKFORCE:

Who's Meeting California's Needs?

FEBRUARY 2003

Tina McRee MA

Catherine Dower JD

Bram Briggance MA

Jenny Vance

Dennis Keane MPH

Edward H. O'Neil, PhD

A report of the California Workforce Initiative
funded by the California HealthCare Foundation
and The California Endowment



THE CENTER
FOR THE HEALTH PROFESSIONS
University of California, San Francisco

Acknowledgments

This report was made possible through the support of the California HealthCare Foundation and The California Endowment, which jointly fund the California Workforce Initiative. We also acknowledge the valuable contributions of information and consultation from staff of the California Board of Psychology, and the California Institute for Mental Health and California Mental Health Planning Council.

The findings and views contained in this report do not necessarily reflect the views of the California HealthCare Foundation, The California Endowment, the University of California or any contributors to the report.

Design: John Malmquist Design / Berkeley, California

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Suggested citation style: McRee T, Dower C, Briggance B, Vance J, Keane D, O'Neil E. *The Mental Health Workforce: Who's Meeting California's Needs?* San Francisco, CA: California Workforce Initiative at the UCSF Center for the Health Professions. February 2003.

California Workforce Initiative

The California Workforce Initiative, housed at the UCSF Center for the Health Professions and funded by the California HealthCare Foundation and The California Endowment, is designed to explore, promote and advance reform within the California health care workforce. This multi-faceted initiative targets supply and distribution, diversity, skill base and regulation of health workers, utilization of health care workforce and health care workers in transition.



The Center for the Health Professions

The mission of the Center for the Health Professions is to assist health care professionals, health professions schools, care delivery organizations and public policy makers respond to the challenges of educating and managing a health care workforce capable of improving the health and well being of people and their communities.

The Center is committed to the idea that the nation's health will be improved if the public is better informed about the work of health professionals.



California HealthCare Foundation

The California HealthCare Foundation, based in Oakland, is an independent philanthropy committed to improving California's health care delivery and financing systems. Formed in 1996, its goal is to ensure that all Californians have access to affordable, quality health care. For more information, visit us online at www.chcf.org.



The California Endowment

The California Endowment, a private, statewide health foundation, was established to expand access to affordable, quality health care for underserved individuals and communities. The Endowment provides grants to organizations and institutions that directly benefit the health and well-being of the people of California.



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EXECUTIVE SUMMARY

“Healthy individuals and healthy families and healthy relationships are inherently beneficial and crucial to a healthy society, and are our most precious and valuable natural resource.”

— CALIFORNIA BUSINESS AND PROFESSIONS CODE, SECTION 4980 (A)

“The system has gotten so that it’s only capable of dealing with crises, individually and collectively.”

— LEE CARTY, BAZELON CENTER FOR MENTAL HEALTH LAW

Purpose of this study

Over the past two decades there has been a growing chorus of calls for parity between mental and physical health care. Accompanying these moves in private and public policy has been a body of research that calls into question traditional divisions between mental and physical health. We now understand that the promotion of wellness requires that health care adopt a more sophisticated and integrated approach to these two aspects of health. But, over the past 50 years, mental and behavioral health services emerged quite differently from physical health services within the health system. Mental health services have been stigmatized, provided unsystematically, and they came late to the third party reimbursement process. No single profession dominated the field so diagnostic and treatment patterns varied more than in physical health. Today the field is still beset by this variability, and a vast array of often competing practitioners with various degrees of regulation and oversight.

This report presents one of the first comprehensive profiles of the California mental and behavioral health care workforce. To date, even rudimentary definitions and data, including categories of these health care professionals, patterns of practice, numbers of training programs, and rates of graduation have been extremely limited and dispersed among numerous sources. This study is a critical first step in developing a policy framework for understanding mental and behavioral health services and the professionals who provide them.

The 1999 Surgeon General’s report on mental health care in the United States indicated that about 20 percent of the American population experiences a diagnosable mental health condition each year although as few as one-third receive the treatment they need. The report suggested that financing of mental health services, stigma associated with mental health, and access to providers were reasons Americans do not seek help in greater numbers.

The following report looks at the mental and behavioral health workforce in California to better understand the role it plays in access to mental and behavioral health care.

Specifically, this report:

- Calculates estimates of the current and projected supply of mental and behavioral health care workers in California;
- Describes the ecology of mental and behavioral health care work in California;
- Presents data on selected professions of California mental and behavioral health care workforce: marriage and family therapists, licensed clinical social workers, psychologists, psychiatrists, psychiatric nurses and critical allied professions; and
- Offers recommendations regarding study of the state's mental and behavioral health care workforce.

The mental and behavioral health care workforce

While it is acknowledged that primary care physicians provide at least 40 percent of mental health care, this report focuses on California providers whose training and practice is dedicated to mental and behavioral health care. California's licensed mental and behavioral health care workforce, which totals about 63,000, is made up of (numbers in parentheses refer to percent representation within the mental and behavioral health care workforce) marriage and family therapists (37%), licensed clinical social workers (22%), psychologists (18%), psychiatric technicians (15%), psychiatrists (8%), and advanced practice nurses in psychiatric or mental health (1%).

Demographic information on sex and ethnicity of California's mental and behavioral health care workforce is extremely limited; it is often not collected or, if collected, not recorded and made available for analysis. National estimates suggest that over 70 percent of psychologists and social workers (all types) are non-Hispanic whites and that women comprise about 65 percent of these groups.

Information on the geographic distribution of providers is also limited. Nearly 30 percent of licensed mental health personnel are employed in the 10-county Bay Area and 24 percent are employed in Los Angeles County. Those employed in the Central Valley and North County regions of the state together comprise only nine percent of the total workforce.

Forecasting California workforce demand

Based on general workforce data, the demand for mental health professions will grow

significantly over the next decade. To get a more quantitative estimate for California, a simple demand forecast was designed to estimate the number of providers that may be needed by 2010 in the state. Like most demand-based models, this forecast is based on the current structure of care provision and how providers are currently used. These structures may or may not reflect future patient care needs.

Based on our forecast, from 2001 to 2010, overall demand for mental and behavioral health care workers can be expected to grow from 63,000 to between 73,000 and 80,000 (between 16 and 30 percent). This forecast considered that individual professions may grow at relatively faster or slower rates, and that numerous factors unrelated to mere supply of workers entering a profession may affect demand, supply and perceived shortages or oversupply of workers. These factors include expansion of payment for mental health services, changes in the practice model, changes in primary care medical practice and improved integration of mental and behavioral health services.

Ecology of mental and behavioral health care practice in California

Mental and behavioral health care workers provide care within a complex and changing environment. While some of this care is provided within traditional medical practice models, most mental and behavioral health care is provided in systems that are parallel but quite separate from those for physical health care.

Some ways to organize and analyze mental and behavioral health care include by practice setting, by population served, by historical separations based on the conditions treated, or by financing mechanisms. Framing these environmental aspects are the legal, legislative, executive and regulatory decisions that guide, facilitate and delimit mental health care.

Mental and behavioral health care workers provide care in a variety of settings:

- State psychiatric hospitals
- Private or nonprofit psychiatric hospitals
- Psychiatric services in acute care hospitals and specialty hospitals
- County mental health programs
- Community clinics
- Private practice settings
- Criminal justice and correctional facilities
- Schools

Providers' experiences are influenced by the populations they serve:

- Patients from non-white ethnic and cultural backgrounds
- Elderly patients
- Youth
- Rural residents

The experience of mental health work is bounded by parallel and competing structures of care for various conditions:

- Severe mental illness
- Affective conditions
- Neurological or developmental conditions
- Behavioral health conditions
- Substance abuse disorders and dual diagnosis

Mental health care financing and insurance coverage affect the practice ecology:

- Sources of payment
- Public sector pays higher costs
- Cost containment measures
- Realignment

Principle mental and behavioral health care professions

Counseling professions

Nationally recognized counseling professionals working in California include marriage and family therapists, rehabilitation counselors, human development counselors (e.g., student development, career counselors), substance abuse counselors and clinical mental health counselors. Among these counseling professions, marriage and family therapists (MFT) are the only type of master's-level counseling professional currently licensed by the state, although counselors from other recognized specialties are not prohibited from practicing in the state (for a complete list of nationally recognized specialties, see p. 41).

In 2001, there were approximately 23,000 licensed MFTs in California. Nearly 33 percent worked in the Bay Area region and 26 percent in Los Angeles. Growth in counseling professions is estimated to average nearly 40 percent in California over the next decade as a result of changes in the health care system and an aging population. There are 19 training programs for MFTs in California.

Because non-MFT counselors are eligible to work in many county programs without state licensure, and no other data are available to capture the numbers of these professionals in the state's workforce, the authors conducted a telephone survey of county mental health programs. Of the 46 responding counties, 23 employed these counselors. Most were employed in non-supervisory and "registered intern" positions which limit their utilization in client services and their career advancement potential.

Licensed clinical social workers (clinical mental health social workers)

Schools of social work train master's-level social workers (MSW) for several major purposes, including child welfare, agency, medical and public health, mental health and school social work. Mental health social workers with a MSW are licensed in California as licensed clinical social workers (LCSW). In 2001, there were over 13,000 LCSWs in the state. Nearly 31 percent worked in the Bay Area and over 26 percent in Los Angeles. Geographically, LCSWs are more proportionally represented than other mental health professions, but their numbers are still quite low in rural areas. The occupational growth for social workers in California is expected to be faster than that of other professions as a result of shifting demographic and cultural factors in society, growth in criminal justice programs and integrated models of health services.

LCSWs in California may practice independently in solo or group practice, or as part of clinical teams in traditional health care settings, although there is little practice data about them. National estimates suggest that about 40 percent of social workers are employed by public agencies. It is difficult to estimate how many LCSWs actually provide direct clinical or counseling services to clients.

There has been a great deal of policy-related activity around social work professions in California since the late 1990s. Events include: the decision to revert to a state-specific licensing exam (versus the nationally-normed exam previously accepted), legislative hearings to assess potential policy directions, and lobbying to establish a new graduate program in the central area of the state.

Psychologists

In 2001, there were about 11,000 licensed psychologists in California, with 61 percent working in the Bay Area and Los Angeles. Licensed psychologists in California must have completed a PhD program approved by the state in addition to 3,000 hours of residency training. Psychology residents may provide clinical or counseling services

under supervision, and do so to a large extent in publicly funded facilities. County-level analysis suggests that psychologists are concentrated in the wealthiest areas of the state. Occupational indicators such as low projected job growth and declining salaries and productivity levels, suggest California may be facing an oversupply of psychologists.

About 34 percent of new psychology licensees in California are age 45 and older. Approximately 76 percent attended California graduate programs; among these 81 percent attended private universities, over ten percent attended proprietary institutions and just over five percent attended public universities. Though available licensing data do not differentiate California psychologists by sex, over 70 percent of U.S. graduate students in psychology were women in 1999–00. Nationally, about 18 percent of first-year graduate students in psychology are non-white.

Psychiatrists

As of July 2000, there were nearly 4,900 active patient-care psychiatrists in California. Forty-eight percent of these worked in solo or two-physician practices and about 19 percent were employed in hospitals and publicly-funded care facilities. Of psychiatrists reporting an office zip code, nearly 33 percent worked in the Bay Area and about 30 percent worked in Los Angeles. About 75 percent of California psychiatrists were male and over half were age 55 or older.

Two major professional concerns for psychiatrists are the question of psychologist prescribing privileges, and the large proportion (estimated 40–50 percent) of mental health treatment that occurs in primary care physician offices. Another critical issue for psychiatry is a declining number of residents choosing the specialty, particularly in the sub-specialty areas of child and adolescent and geriatric psychiatry. Unmet need among these populations is well documented. Geographic maldistribution and its potential solutions have ranked high as a policy concern for California psychiatric organizations, as have changes in involuntary commitment laws.

Advanced practice psychiatric and mental health nurses

In California, there are four types of nurses involved with mental health services: staff nurses working in mental health settings; bachelor's-prepared nurses with a "clinical specialist" certification; clinical nurse specialists (CNS) in psychiatric or mental health and psychiatric nurse practitioners (PNP). Although a relatively small group, professionals in the latter two categories, who are eligible to provide independent and directly reimbursable clinical services to patients, are the subject of this report.

According to data on primary work settings for all California nurses, the proportion of nurses employed in mental health has significantly decreased during the past decade. Between 1990 and 1997, the percentage of nurses working primarily in mental health settings declined 33 percent to 3.9 percent of the total nurse sample. In 2001, there were 419 advanced practice psychiatric and mental health nurses (PMH) in California, with 32 percent working in the Bay Area and 28 percent in Los Angeles. There are three graduate programs in California to train these providers.

As advanced practice nurses, both PNPs and CNSs have master's degrees, some level of independent practice authority and specific legal and regulatory recognition. They are similar in many ways and different in some. As a result, considerable confusion exists for employers, health care professionals, legislators and educators over titling, education and scopes of practice. Both CNSs and PNPs may provide direct patient services or administer units where care is provided. While national standards and private sector certification programs were developed for both NPs and CNSs, some states choose to recognize one or both with different scope of practice authority. For example, CNSs are not recognized as independent practitioners in all states as are NPs. Conversely, although both CNSs and NPs can bill Medicare directly for their services, only NPs can directly bill Medicaid (Medi-Cal).

Psychiatric technicians and other allied health care personnel

California is one of only four states that licenses psychiatric technicians. The Board of Vocational Nursing and Psychiatric Technicians recorded over 9,000 license holders in 2001. Psychiatric technicians perform basic patient care functions similar to LVNs in mental health or developmental rehabilitation settings, but their scope of practice is broader than that of LVNs. Although they comprise 15 percent of the licensed mental and behavioral health care workforce in California, little is known about psychiatric technicians, their career paths, turnover, satisfaction, practice settings, or how they decide to enter the profession. Labor market analysts have underestimated growth in psychiatric technician jobs in California since 1991.

Psychiatric technicians are used heavily by state hospitals and correctional institutions and their employment is rising in these settings. Psychiatric technicians work under the supervision of psychologists, nurses or physicians and cannot practice independently. They must complete a 12- to 18-month training program or 1.5 years of related work experience for entry into the profession, pass a licensing examination and participate in continuing

education. Their exclusion from the minimum nurse staffing ratios in California places them in a competitive position since, in some cases, they may supervise patient treatment.

Also employed in public and private settings, are nearly 1,700 recreational therapists (including specialties in art, dance, and music therapy). Although there is no state licensure for these mental and behavioral health care personnel, many may be nationally certified or hold master's degrees in their specialties. There is little study or available data on the work or professional characteristics of these skilled allied health care workers. Occupational therapists also provide services in mental health care, but few are directly employed by California public agencies, and some national data suggests that employers may be substituting technicians and nursing staff for occupational therapists in mental health services.

Methodology

Originally, this study sought to enumerate and analyze the practice characteristics and work ecology for California's mental and behavioral health care workforce. However, unlike major medical professions, data sources describing these professions, either in California or nationally are sorely lacking. Therefore, in addition to standardized labor statistics, licensing data maintained by state agencies and data outlined in peer-reviewed studies, the research team conducted interviews and document analysis to identify information and data associated with the goals of the study from professional associations and registries, public agencies employing mental health workers, and educational institutions. The following disclaimers apply to government data sources cited in this report:

- In most cases, license holders are the best estimate of the number of workers available to provide care, however, these numbers are not equivalent to the number of practitioners actually employed in direct patient care. License holders are eligible to provide care, but there are many reasons they may not currently work in their fields of professional licensure.
- In this report, where numbers of persons employed by SOC code or occupational title are given, the sources cited (U.S. Bureau of Labor Statistics (BLS) or California Labor Market Information Division (LMI)) base their classifications and estimates only on general employment surveys of employers subject to unemployment insurance requirements. This excludes reporting of self-employed mental and behavioral health care professionals, contracted staff, and consultants (California Labor Market Information Division, July 30, 1998). In mental health, there is a great deal of variability in how employers may describe workers or their job titles in a typical labor

market survey. Employers may also report the number of workers in an occupational category whether or not they meet licensing requirements since the reporting categories are fairly limited. Although the lack of specificity is frustrating, it is currently the most consistent available information to describe this workforce.

It is difficult to determine the number and type of skilled health care workers employed by county mental health programs since job titling, minimum requirements, mandatory licensure, and other human resources policies vary. To learn more about the staffing of county mental health programs, a telephone survey about the staffing in California counties was conducted. For more information about this survey, see Appendix I.

A note on terminology

Throughout this report, terms describing mental and behavioral health care services, including individual or group counseling, behavioral therapies, psychotherapy and other psychological and psychiatric therapeutic interventions are referred to as “services” (i.e., “counseling services” or “mental health services”) and should not be confused with the titling of professional groups. For example, although psychiatrists, psychologists, licensed advanced practice nurses in psychiatric and mental health, LCSWs, and MFTs are licensed by the state to provide similar types of services, the names of certain professions should not be confused with the services provided by any or all of these licensed groups (i.e., marriage and family therapists are not the only type of professional licensed to provide “counseling or therapy services” to couples or families in the state). The authors have attempted to avoid confusion by using the licensed titles of professions described in this report when referring to the professionals working within each category of licensure.

Conclusions

- Parity in mental health will continue to be a political issue along with demographic trends leading to a growing demand for mental health services in California over the next decade; how fast and where demands will appear is a function of financing, cultural appropriateness and public attitude.
- There are signs of a disconnect between the services offered and the needs of a population that is both culturally diverse and aging.
- There is little comprehensive information about the ecology of mental health practice or education in California or where these are headed.

- Most public policy is informed not by a broad public perspective, but by the highly individualistic interests of different mental health specialty groups.
- Without a comprehensive perspective, there are missed opportunities that could be addressed by deploying and utilizing mental health workers more effectively, and by designing complimentary training programs that prepare individuals for such practices.

Two caveats should be considered: first, this study was structured upon the work of six principle groups of licensed mental health care providers even though these groups make up only part of the workforce providing assessment and treatment services to Californians with mental health conditions. Working alongside these professionals are many other certified or non-specialized providers including nurses, pharmacists, therapists (e.g., occupational, recreational), paraprofessionals, and numerous others whose roles in providing care are essential. Wherever possible in this report these roles in providing mental or behavioral health services are acknowledged, yet are so diverse that it is impossible to include comprehensive information about them. Categorization and study of these workers merits further attention.

A second important dimension of the study is its limited focus on a mainstream perspective based on structures and practices arising from Anglo- or European-American perspectives. Aside from a small section of the report that presents an ecology of mental health care for non-white Californians, there is little discussion of cultural competency in mental health care, access to services by non-white Californians, culturally relevant perspectives on care or differing perceptions of “mental health” among the state’s rich array of ethnic groups. Although significant, it is extremely difficult to identify data about how ethnic groups utilize mental health services and their perspectives about mental health. The absence of this information and the difficulty in identifying information should provoke clinical and policy researchers to develop further this body of knowledge. Best practices, pilot programs, and educational interventions exist and there is a growing interest in clinical research devoted to non-white populations, however this study’s focus on the work of selected professionals did not allow a more dedicated look at these important issues.

Recommendations

Workforce planning and delivery of care

Some larger-picture approaches to thinking about who provides mental health care in California and how services are provided will be necessary:

- California could lead the nation by consolidating its mental health care planning, financing and service provision structures to better use limited resources and better coordinate workforce deployment. Like other states, California provides care through a variety of different professions in uncoordinated settings. This patchwork approach has not been adequately examined for ways to **improve practice models, scopes of practice and professional responsibilities**.
- Historical approaches to the education, regulation and management of mental health care workers should be reexamined to move away from supply models to a **demand model** that identifies patient needs and uses rational planning to determine the number and qualifications of professionals to meet those needs.
- Research indicates that better **integration of medical and mental health** systems of care would benefit patients, families, employers, insurers and care providers. This may be especially true for particular populations such as the elderly. A growing body of research has shown that behavioral or mental health symptoms are often related to physical conditions and vice versa. Case management and interdisciplinary team approaches would likely improve quality of care and decrease costs.

Research, data collection and analysis

To better understand supply of and demand for mental health care practitioners in California, additional information is needed about the following mental and behavioral health care professions and issues:

- **Psychiatric technicians.** Currently comprising 15 percent of licensed mental health care workers in the state, the psychiatric technician workforce is growing far above expectations. There is preliminary evidence that institutions may be using them as substitutes for other workers but there is little known about practice patterns and successful practice models.
- **Master's level counselors** in major counseling specialties such as human development (age specialized and career counseling), substance abuse, vocational rehabilitation, and community or agency counseling are not recorded in licensing data for the state. California is one of only five states that does not license master's level counseling professionals aside from MFTs and LEPs. Because they are not regulated, many more specially-trained mental health clinicians may be providing

care than are enumerated. At the same time, some of these clinicians license as MFTs in California in order to increase their practice opportunities, thus their specialized expertise is masked by the MFT label. Without better tracking of master's level counselors, their potential for solving some workforce planning concerns cannot be explored. Tracking might require some level of state regulation.

- **Mental health care workers** generally. California needs to develop and maintain valid baseline occupational data for the state's mental and behavioral health care workforce. Job titles, educational requirements and pay scales differ among the various sectors where mental health workers are employed. Currently, the only reliable and comprehensive enumerative and salary data come from government labor surveys but these surveys rely on job titles that may not reflect actual numbers of graduate-trained, certified or licensed personnel. Collection and coordination of other data from licensing boards and county and state human resources departments could produce a baseline more reflective of the actual workforce and more useful to policy makers, educators, and administrators.
- **Primary care providers.** With evidence that many patients seek care for mental health conditions through primary care physician visits, better understanding of the extent to which patients seek mental health related treatment through non-specialized settings (primary care offices, hospital and emergency care) is needed. This could be accomplished through partnerships among insurance and managed care organizations, delivery institutions, regulatory agencies and academic researchers to systematically analyze ICD-9 codes or Medical Expenditure Panel Survey (MEPS) data. Findings of such a study could produce important information about the types of workers and specific skills needed to provide services to patients seeking help in settings not dedicated specifically to mental health care.

Regulation

State regulatory agencies should work both to collect workforce data that would be useful to policy makers and to facilitate the development of a robust and skilled mental and behavioral health workforce.

- The California Legislature and regulatory boards should **reduce barriers** that limit the development of a culturally competent and talented mental and behavioral health care workforce. In particular, California should improve reciprocity processes

that currently keep qualified practitioners from other states from practicing in California, including eliminating state-specific licensing examinations and using nationally-normed examinations accepted in most other states.

- Regulatory boards should **collect information** including activity status (active, part-time, not seeing patients, retired), practice setting and major practice activity from licensed mental health care professionals on a regular basis, such as at the time of license renewal.

Education

Educational institutions and their leaders have the opportunity to work with mental health care professionals, regulators, researchers and care delivery institutions to identify the state's mental health care workforce needs and to develop programs designed to produce a workforce capable of meeting those needs:

- State leaders need to respond to California's changing population demographics and potential shortages of specialized personnel available to provide culturally-competent and age-appropriate care by establishing **mid-career training and certification programs** that create career "rungs" for entry-level and interdisciplinary care providers.
- Academic administrators should understand the need to make **data about graduation rates** for each of the professions and disciplines within the professions available for study and analysis. These data would greatly assist the calculation of future workforce supply.
- Academic programs in California should explore the potential for enhancing current health training programs and expanding **geriatric specialist training** for students and for mental and behavioral health care workers to better meet the needs of the fastest growing patient population in the country.
- To **ensure the availability of sufficient numbers of mental health providers in rural areas**, academic programs could recruit students from rural areas and offer training and internship programs with a rural emphasis (see American Psychology Association directory of internships and training programs with rural emphases as example). In addition, programs should offer continuing education focused on rural mental health services delivery, including interdisciplinary skills and training in new "telehealth" modalities.

Selected citations from:

The Mental Health Workforce: *Who's Meeting California's Needs?*

A report of the California Workforce Initiative funded by the California HealthCare Foundation and The California Endowment

February 2003

Center for the Health Professions, University of California, San Francisco
<www.futurehealth.ucsf.edu/cwi/projects.html>

Executive Summary

Forecasting California workforce demand

Page ii-iii: "Based on general workforce data, the demand for mental health professions will grow significantly over the next decade....Based on our forecast, from 2001 to 2010, overall demand for the mental and behavioral health care workers can be expected to grow from 63,000 to between 73,000 and 80,000 (between 16 and 30 percent)."

Page iv: "Growth in counseling professions is estimated to average nearly 40% in California over the next decade as a result of changes in the health care system and an aging population."

Conclusions

Page ix: "There are signs of a disconnect between the services offered and the needs of a population that is both culturally diverse and aging."

Page x: "Most public policy is informed not by a broad public perspective, but by the highly individualistic interests of different mental health specialty groups."

Page x: "Without a comprehensive perspective, there are missed opportunities that could be addressed by deploying and utilizing mental health workers more effectively, and by designing complimentary training programs that prepare individuals for such practices."

Recommendations

Research, data collection and analysis

Page xi-xii: "Master's level counselors in major counseling specialties such as human development (age specialized and career counseling), substance abuse, vocational rehabilitation, and community or agency counseling are not recorded in licensing data for the state. California is one of only five (at the time of this report - now the number is TWO) states that does not license master's level counseling professionals aside from MFTs and LEPs. Because they are not regulated, many more specially-trained mental health clinicians may be providing care than are enumerated. At the same time, some of

these clinicians license as MFTs in California in order to increase their practice opportunities, thus their specialized expertise is masked by the MFT label. Without better tracking of master's level counselors, their potential for solving some of the workforce planning concerns cannot be explored. Tracking might require some level of state regulation."

Regulation

Page xii: "The California Legislature and regulatory boards should **reduce barriers** that limit the development of a culturally competent and talented mental and behavioral health care workforce. In particular, California should improve reciprocity processes that currently keep qualified practitioners from other states from practicing in California, including eliminating the state-specific licensing examinations and using nationally-normed examinations accepted in most other states.

Section Two

Projecting Supply & Demand

Page 12: "California consistently ranks higher than average on the ratio of MFT-to-population. This is less likely a matter of supply than the limited options for licensure available in California for master's-level counseling professions."

Care for elderly patients

Page 25: "Although Americans over age 65 are one of the fastest growing sectors of the population (11% of California's population), geriatric specialties comprise one of the smallest care professionals."

Services for rural residents

Page 28: "Like medical care, mental health care in rural areas of California suffers from staff and specialist shortages, low rates of health insurance and geographical challenges that limit access for many residents.... Largely, the prevalence of mental health conditions is the same in rural and urban areas of the U.S., however, the lack of mental health infrastructure in rural areas results in under- or untreated conditions."

Counseling professions

Page 41: "About 60% of employees working as counselors in the U.S. have master's degrees. Master's level counselors practice in mental health settings, schools, colleges, public service agencies and rehabilitation settings."

Page 42: "Licensing or mandatory registration of these providers could assist in better understanding the specialized workforce available to care for those in need, in addition to providing practice information that would help ensure that services are appropriate and efficacious."

Page 43: "Job growth for rehabilitation counselors will be faster than that of other counseling occupations as a result of the establishment of integrative care systems (like SOC), an aging population and advances in medical treatments that enable more disabled people to obtain employment."

Appendix I - County Mental Health Department Staff in California, 2001

Findings

Page 73: "In our survey, we found many master's-level counselors without MFT licensure working in county mental health departments. In the 46 counties reporting, 23 employed non-MFT counselors. Some of the highest numbers of non-MFT counselors were in rural and isolated counties, although Orange, San Mateo, Santa Barbara and Sacramento also employed many."

Page 74: "Yet these departments experienced difficulty hiring these licensed clinicians (LCSW & MFTs), thus they also employed unlicensed masters' level counselors to provide clinical services. In many counties, these clinicians, whose years of experience or level of graduate training matched or exceeded that of their supervisors, could only be employed in a non-supervisory capacity since state licensure as a LCSW or MFT is required for these positions. Several respondents indicated that the inability to hire and promote unlicensed counselors, whose educational level or work experience is adequate to perform minimum job requirements, limits their ability to administer appropriate services to clients. Nearly all the counties reported clinician vacancies, and several rural counties believed their hiring possibilities to be hopeless. This belief was based in having positions remain empty for years..."

Page 76: Table I-1: *Nursing staff and master's-level counselors employed by county health departments, 2001* (Documents the numbers of non-MFT master's-level counselors referenced above from page 73)

Appendix II - Regional and County Distribution and Ratios of Mental Health Professionals

Page 77-78: Table II-1: *Regional distribution of mental and behavioral health care personnel in California, 2001* (Indicates that 69.5% of the state's 23,259 MFTs reside in nine counties in the state, resulting in a dearth of services in the other 49 counties in California.)

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Socio-demographics of potential LPCs in California

- Because counselors are unregulated in California, statistics are not available. However, the National Board of Certified Counselors (NBCC) has provided data on National Certified Counselors (NCCs) in California, the Commission on Rehabilitation Counseling Certification (CRCC) has provided data on Certified Rehabilitation Counselors (CRCs) in California, and CCCL has provided data from its survey of 9 university-based graduate counseling programs in California.
- What is most telling about the data (below) is that while most current NCCs and CRCs are White, **graduate programs will be graduating counselors of whom more than 50% will be people of color.** These counselors may be particularly well positioned to address the needs of a rapidly increasing culturally diverse population in California.

Socio-Demographics of Potential LPCs in California			
Ethnicity	NCC (n = 778)	CRC (n = 940)	CCCL (n = 1053)
White	73%	78%	47%
Latino/Hispanic	4%	8%	27%
Asian/Pacific Islander	3%	5%	13%
African American	3%	4%	8%
Native American	1%		3%
Other	3%	5%	
Unknown/Declined to State	13%		2%
Gender*	NCC (n = 778)	CRC (n = 940)	
Female	78%	68%	
Male	21%	32%	
Unknown	1%		

* Gender data were not collected in the CCCL survey; however, anecdotal evidence suggests that at least two-thirds to three-fourths of students in graduate programs in counseling are female.

- *U.S. Dept. of Health and Human Services, Mental Health 2002 (Section IV, Table 2)* presents national data on socio-demographic characteristics of all clinically trained mental health personnel:
 - 80% of counselors are White (not Hispanic)
 - 91.5% of MFTs are White
 - 85% of Social Workers are White

“There is a need for an increasing number of counselors of various ethnic, racial, and religious backgrounds. Training programs are meeting the needs of diversity by including courses on multiculturalism and other modes of training to expose counselors and students of counseling to a wide array of cultures, customs, and traditions so as to maximize their empathy and appreciation for different cultures.” Page 352.

Mental Health and the Older American

THE ISSUES:

- Access to mental health treatment by older Americans.
- Medicare coverage of mental health services provided by Licensed Professional Counselors (LPCs) and Marriage and Family Therapists (MFTs)

NATIONAL LEGISLATION

H.R. 5324, the Seniors Mental Health Access Improvement Act of 2006 (Cubin)

This bill would add LPCs and MFTs to Medicare's list of covered providers, such as Psychologists and Social Workers, for mental health services. In the last three years the Senate has twice passed legislation establishing Medicare coverage of counselors.

The lack of an adequate mental health benefit is harming Medicare beneficiaries. According to the National Institute of Mental Health, older Americans are the demographic group most likely to commit suicide. The pool of covered providers needs to be expanded to cover to allow better access to mental health treatment and more choice of provider.

CONSUMER SUPPORT

- National Rural Health Association
- National Association for Rural Mental Health

WHY ACCESS TO MENTAL HEALTH SERVICES FOR OLDER AMERICANS IS IMPORTANT

National Statistics:

Growing Numbers of Older Americans

There are now 35 million Americans age 65 and older, soon to be joined by 76 million baby boomers. This will equate to 20% of the US population by 2030.

Extent of Mental Health Problems

- 8-20% of American older adults experience mental health problems.
- 37% of those, who receive primary medical care, experience symptoms of depression.
- National Institute of Mental Health says older Americans are most likely to commit suicide.

Access Issues

- Two thirds (2/3) of older Americans with mental disorders do not receive needed services

Why?

- One half to two thirds (1/2 to 2/3) of affected individuals are treated by medical doctors and receive only psychotropic drugs.
- Lagging numbers of psychiatrists. (In CA 50% of psychiatrists are of retirement age.)
- Shortage of Psychologists and Social Workers in rural areas.

All rural counties have shortages of qualified mental health professionals
50% of rural counties have no practicing psychologists or social workers

CALIFORNIA ISSUE:

When the national legislative initiative is passed, California should have LPCs licensed and ready to provide services. This would increase choice of providers and access to needed services for the growing number of older Americans, who will need qualified and licensed providers for mental health treatment and preventive care.

American Counseling Association Nationally Recognized in 2005 and 2006

Honors in 2005

Hurricane Katrina Relief Effort

In 2005, the American Counseling Association received a large **federal grant** from the government to help facilitate the immediate deployment of *Licensed Professional Counselors* (LPCs) to Louisiana to provide mental health services for hurricane survivors. Volunteers were required to fulfill all of the following requirements:

- 1) hold a license as a professional counselor (e.g. LPC, LCPC, LMHC) in their state;
- 2) have a current liability (malpractice) policy at the one million dollar level or higher; and
- 3) commit to a minimum of 15 days.

Note: Federal grant guidelines did not allow any exemptions from the above three requirements. Therefore, none of California's *thousands* of mental health counselors qualified (unless they were licensed in another state).

Professional counselors deployed provided mental health services to individuals, families and children affected by devastating effects of Hurricane Katrina. They helped clients cope with crisis (including suicidal ideation and substance abuse), PTSD symptoms, grief, and loss as well as assessed for the need for both immediate and long term intervention.

Honors in 2006

In 2006, the American Counseling Association was nationally honored for providing quality mental health, substance abuse and community-based services to hurricane survivors.

ASAE Summit Award

ACA's Hurricane Katrina Relief Effort was selected by the American Society of Association Executives (ASAE) to receive **the highest national award**, the ASAE Summit Award for 2006. This awards program, which recognizes new and innovative community-based programs, recognized the very best efforts by associations across the country in 2005. ACA was one of six winners chosen from more than 250 entries. The award was presented in September, 2006 in Washington, D.C.

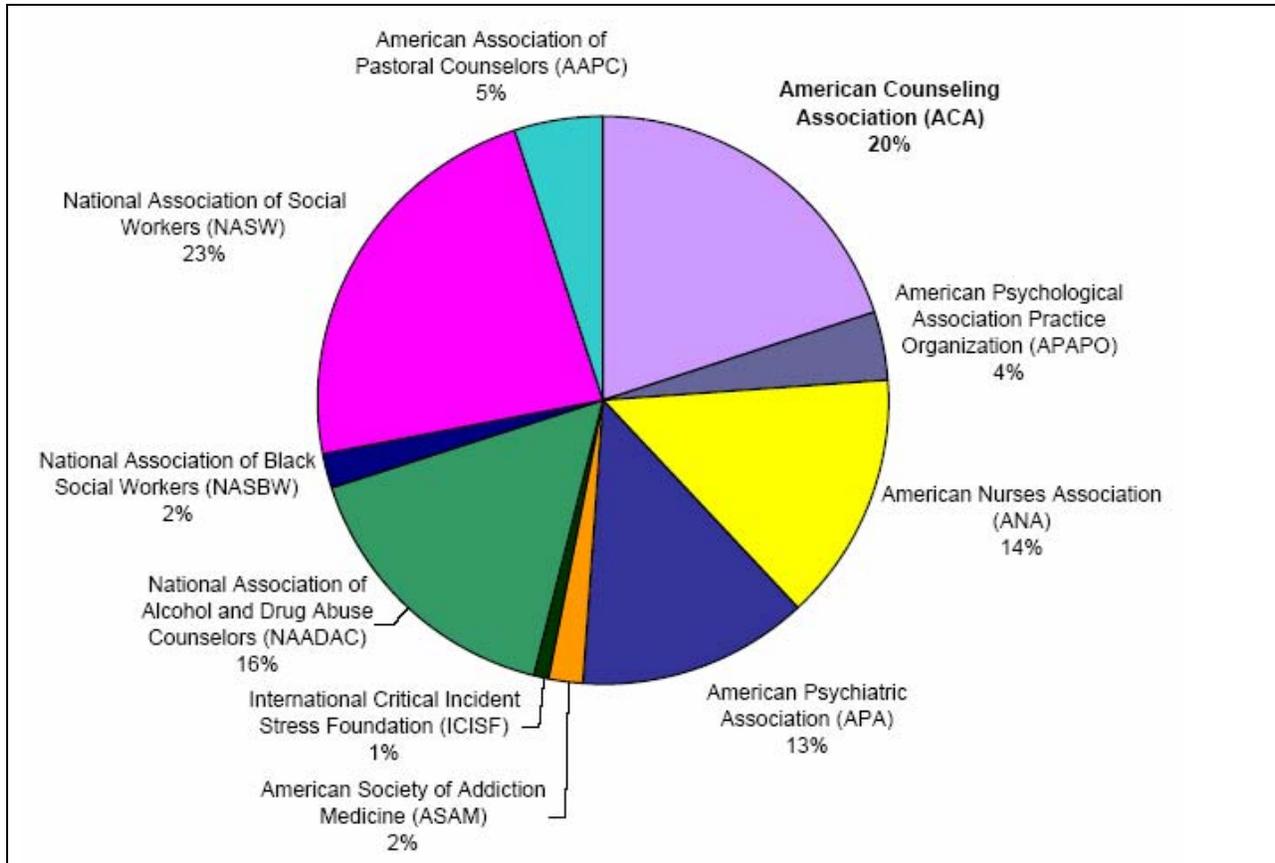
Department of Health and Human Services Contract

The Council for Accreditation of Counseling and Related Educational Programs (CACREP), the accrediting body of the American Counseling Association, has been awarded an historic, **first-of-its kind federal contract** to consider establishing guidelines and standards that will prepare professional counselors to work as health care providers in national emergency situations. Funded by the Department of Health Resources and Services Administration (HRSA), a division of the US Department of Health and Human Services, this special project will seek to involve all counseling professionals in the discussion of how new educational requirements related to counselor involvement in disasters such as bioterrorism, hurricanes, and /or pandemics should be implemented. This award acknowledged the vital roles counselors have performed in recent national emergencies and *establishes the counseling profession as a leader in the task of coordinating disaster preparedness education across healthcare disciplines.*

SAMHSA Summit Recognition

At the *Spirit of Recovery Summit* in New Orleans, the Substance Abuse and Mental Health Services Administration (SAMHSA) **nationally recognized** ACA’s extensive efforts to provide mental health and substance abuse counseling to hurricane survivors. SAMHSA produced a chart (see below) illustrating the number of hurricane relief workers from various national and international mental health organizations. *ACA provided 20% of all mental health workers deployed to the Gulf Coast after the hurricanes of 2005.*

National Percentages of Mental Health Workers Deployed



Highlights of the Requirements for Licensure as a Professional Counselor in California

The requirements for licensure as a Professional Counselor (LPC) are comparable to those of and Marriage and Family Therapists (MFTs) and Licensed Clinical Social Workers (LCSWs) in California and with Licensed Professional Counselors (LPCs) in 48 states.

The scope of practice is founded on the premise that Licensed Professional Counselors must first meet the requirements for the general practice of professional counseling and then they may develop a specialty that is narrowly focused, requiring advanced knowledge in a particular area. It is not intended that the State would regulate counseling specialties.

The following citations are from the counselor licensure bill that will be introduced in the 2007 session of the California legislature.

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 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.

Exemptions:

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.

Educational Requirements:

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 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 fieldwork 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.

Supervision: Completion of a minimum of three thousand (3,000) hours of post-degree supervised experience in the practice of professional counseling performed over a period of not less than two (2) years under the supervision of an approved supervisor. See 4989.30 for details.

Examination: Successful passage of a licensure examination adopted by the licensure board. The National Counselor Examination (NCE) and the National Clinical Mental Health Counseling Examination (NCMHCE) are recommended.

Grandparenting

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.

Renewal will require 36 hours of continuing education every two years.

COMPARISON of the SCOPES of PRACTICE for the proposed LPC LICENSURE with those of MFT & LCSW

<p align="center">LICENSED PROFESSIONAL COUNSELOR (LPC) Proposed Legislation</p>	<p align="center">LICENSED MARRIAGE FAMILY THERAPIST (MFT) B & P code 4980</p>	<p align="center">LICENSED CLINICAL SOCIAL WORKER (LCSW) B & P code 4996</p>
<p>4989.12. Professional counseling means the application of psychotherapeutic techniques and mental health or human development principles through assessment, cognitive, affective, behavioral, verbal or non-verbal, or systemic intervention strategies, consistent with scope of competence and coursework and training required in subdivision (c) of Section 4989.22, 4989.23, and 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.</p> <p>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.</p>	<p>4980.02. For purposes of this chapter, the practice of marriage and family therapy shall mean that service performed with individuals, couples, or groups wherein interpersonal relationships are examined for the purpose of achieving more adequate, satisfying, and productive marriage and family adjustments. This practice includes relationship and premarriage counseling.</p> <p>The application of marriage and family therapy principles and methods includes, but is not limited to, the use of applied psychotherapeutic techniques, to enable individuals to mature and grow within marriage and the family, the provision of explanations and interpretations of the psychosexual and psychosocial aspects of relationships, and the use, application, and integration of the coursework and training required by Sections 4980.37, 4980.40 and 4980.41.</p>	<p>4996.9. The practice of clinical social work is defined as a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior, is directed at helping people to achieve more adequate, satisfying, and productive social adjustments. The application of social work principles and methods includes, but is not restricted to, counseling and using applied psychotherapy of a nonmedical nature with individuals, families, or groups; providing information and referral services; providing or arranging for the provision of social services; explaining or interpreting the psychosocial aspects in the situations of individuals, families, or groups; helping communities to organize, to provide, or to improve social or health services; or doing research related to social work.</p> <p>Psychotherapy, within the meaning of this chapter, is the use of psychosocial methods within a professional relationship, to assist the person or persons to achieve a better psychosocial adaptation, to acquire greater human realization of psychosocial potential and adaptation, to modify internal and external conditions which affect individuals, groups, or communities in respect to behavior, emotions, and thinking, in respect to their intrapersonal and interpersonal processes.</p>



National Counselor Exam (NCE)

Satisfactory performance on the National Counselor Examination (NCE®) is one of the criteria used by NBCC to identify professionals who may be eligible to become a National Certified Counselor (NCC). Many states also use the NCE for state credentialing.

The purpose of the NCE is to assess knowledge, skills, and abilities viewed as important for providing effective counseling services. The NCE is designed to be general in nature. It is intended to assess cognitive knowledge which should be known by all counselors regardless of their individual professional specialties.

Content Areas & Work Behaviors

Although different questions are used for each administration of the examination, the following eight content areas are always covered:

- Human Growth and Development
- Social and Cultural Foundations
- Helping Relationships
- Group Work
- Career and Lifestyle Development
- Appraisal
- Research and Program Evaluation
- Professional Orientation & Ethics

In addition, the NCE is based on the following five work behaviors:

- Fundamentals of Counseling
- Assessment and Career Counseling
- Group Counseling
- Programmatic and Clinical Intervention
- Professional Practice Issues

Examination Format

- The NCE is comprised of 200 multiple choice questions and is scheduled for a four-hour period beginning at 9:00 a.m. Responses are recorded on a separate machine-scorable answer sheet.
- A different edition of the NCE is compiled for each administration of the exam. Each form's questions are drawn from the NCE item pool which has undergone extensive review and field testing. The entire item pool, each form of the NCE and the answer sheet are copyrighted. Consequently, any distribution of the examination content or materials through any form of reproduction or oral or written communication is strictly prohibited. Disclosure of examination content is a violation of the NBCC Code of Ethics.

Special Accommodations

- Examination administration sites are selected with access for candidates with physical disabilities. If you require special assistance from other individuals, such as readers or recorders, you must request permission from NBCC for the admittance of an assisting individual at the examination site. This request must be made in writing at the time of application.
- If you cannot participate in the examination on Saturday for religious reasons, send a written request with your application to arrange for a special administration of the NCE on the Friday immediately preceding or the Monday immediately following the scheduled administration date.
- Four hours are scheduled for the NCE. If additional time is necessary because of special needs or because English is a candidate's second language, you may request a time extension. This request must be submitted in writing with your application.
- All requests for special accommodations are reviewed individually and are subject to NBCC approval.

Scoring Procedures

- Of the 200 items on the examination, only 160 items are scored to determine whether you meet or surpass the minimum criterion (passing) score for that form of the NCE.
- The MAXIMUM possible score on the NCE is 160.
- The remaining 40 items on the exam are being field tested to determine their appropriateness for future use.
- Since the 160 items to be scored are not identified in the exam booklet, you should respond with equal effort to all items.
- The minimum criterion (passing) score is derived from a modified Angoff procedure.
- The NCE is not scored on a "curve," therefore the candidate pool does not determine the passing score.

Examination Results

- You can expect to receive your score reports via first class mail approximately six weeks after the exam date. No scores are released by telephone.
- NBCC's score report contains: (1) your number of correct responses for 13 domains on the NCE and your TOTAL SCORE, which is the sum of the correct responses; (2) the group mean and standard deviation for each domain and the total exam; (3) the minimum criterion (passing) score for that form of the NCE.
- If your TOTAL SCORE meets or exceeds the minimum criterion score, you have passed the NCE. Score reports are mailed only to the examinee at the address provided on the NCC application or Exam Registration Form.
- It is your responsibility to send written notification to NBCC if there is a change of address.
- Your specific examination scores will not be released to a third party without your written permission. Scores cannot be released until all requirements, including fees, are fulfilled. There is a fee charged for sending score verifications to third parties.



National Clinical Mental Health Counseling Exam (NCMHCE)

The National Clinical Mental Health Counseling Examination (NCMHCE) is used exclusively by state credentialing boards.

The simulated cases on the NCMCBE are designed to sample a broad area of competencies, not merely the recall of isolated facts. Therefore, the problems assess clinical problem-solving ability, including identifying, analyzing, diagnosing, and treating clinical issues.

The examination consists of ten clinical mental health counseling cases. Each case is divided into approximately five to eight sections classified as either information gathering or decision-making. The areas covered by the exam include:

Evaluation & Assessment (including but not limited to):

- Identify precipitating problems or symptoms
- Conduct mental status exam
- Conduct comprehensive biopsychosocial assessment histories
- Identify individual and relationship functioning

Diagnosis & Treatment Planning:

- Integrate client assessment and observational data with clinical judgment to formulate a differential diagnosis
- Develop a treatment plan in collaboration with the client
- Coordinate treatment plan with other service providers
- Monitor client progress toward goal attainment

Clinical Practice:

- Determine if services meet client needs
- Discuss ethical and legal issues
- Understand scope of practice parameters

Scoring Procedures:

- There are ten clinical simulations on the NCMHCE.
- Each section of each simulation problem has been classified according to the examination content outline. Each content area is further divided into two sections: Information Gathering (IG) and Decision-Making (DM).
- IG sections assess the candidate's ability to gather appropriate clinical data required to evaluate a situation or to make a decision. DM sections assess the candidate's ability to solve clinical problems by utilizing data in rendering judgments and decisions.
- Each option on the NCMHCE is assigned a weight ranging from +3 to -3 based on the level of appropriateness for effective client care.
- A total score is calculated for each of the IG sections and DM sections on the examination. A candidate must obtain a total score equal to or greater than the passing total score for both the IG and DM sections in order to pass the exam.

Examination Results

- You can expect to receive your score reports via first class mail approximately six weeks after the exam date. No scores are released by telephone. NCMHCE's score report contains (1) three subscale scores for both the IG and DM sections and your total score in both sections and (2) minimum passing scores for the IG and DM sections.

NCE and NCMHCE Content and Exam Design

Evidence of the NCE validity is established through Content Validity. Content validity refers to the degree to which the items on a licensure/certification examination are representative of the knowledge and/or skills that are necessary for competent performance. The job analysis for the National Counselor Examination for Licensure & Certification (NCE®) is completed by the National Board for Certified Counselors and Affiliates, Inc. every five to seven years. The purpose of the study is to describe the job activities of professional counselors in sufficient detail to provide a basis for continued development of a professional, job related licensure certification examination.

The resulting examination content outline has five (5) content domains consisting of 130 tasks. The five domains and a sampling of the tasks are listed below.

- I. Fundamentals of Counseling
 1. Assess client's progress toward counseling goals
 2. Assess client's psychological functioning
 3. Conduct diagnostic interview
 4. assess need for client referral
 5. Diagnose based on DSM-IV-TR criteria

- II. Assessment and Career Counseling
 1. Use test results for client decision making
 2. Select and administer assessment instruments for counseling
 3. Provide career counseling for persons with disabilities
 4. Administer and interpret achievement tests
 5. Assess client's educational preparation

- III. Group Counseling
 1. Facilitate group process
 2. Assist group members in providing feedback to each other
 3. Conduct post-group follow-up procedures
 4. Identify behaviors that disrupt group process
 5. Assess progress toward group goals

- IV. Programmatic and Clinical Interventions
 1. Participate as member of multidisciplinary team
 2. Provide crisis counseling to victims of disaster
 3. Assess programmatic needs
 4. Conduct community outreach
 5. Administer and manage counseling program

- V. Professional Practice Issues
 1. Evaluate the performance of other counselors
 2. Provide diversity training
 3. Provide clinical supervision for professionals
 4. Engage in data analysis
 5. Conduct community needs assessment

The National Counselor Examination for Licensure and Certification is a multiple-choice 200-item non-sectioned examination representing each of the original eight CACREP areas, with question context emerging from the five job analysis factors. Thus, the NCE® is not only anchored in the content validity of the eight original CACREP areas, but is also representative of the empirically determined five clusters of professional counselor work behaviors.

The NCE® is currently used not only for national certification but also as a component of most state counselor credentialing processes. The expanded adoption of the National Counselor Examination for Licensure and Certification has established a vital linkage between NBCC's national certification and the state credentialing processes, as well as establishing a significant link between state boards.

For any given form of the NCE®, the items are selected, and a computer-generated "examination" is returned to the authors for final review prior to publication. While the primary purpose of this review is to identify and correct any data entry errors, further editing of items sometimes occurs. Thus, the items on any particular form of the NCE® have been subjected to at least five full reviews prior to inclusion and publication.

A different form (version) of the NCE® is compiled for each administration of the examination. Each form's items, which are drawn from the item pool for the NCE®, have undergone extensive review and field-testing.

Although each form of the NCE® contains different items, the content areas and the respective numbers of items representing those areas are consistent. Within the set of 200 items on each form of the NCE®, only 80 percent of the items are counted for the purpose of determining whether you surpass the minimum criterion (i.e., "passing") score for that form. Thus, the maximum possible score a respondent can achieve is 160. The remaining 40 items in each form of the NCE® are being field tested to determine their appropriateness for future use.

NCMHCE Content and Design

Evidence of the NCMHCE validity is established through content validity. Content validity refers to the degree to which the items on a licensure/certification examination are representative of the knowledge and/or skills that are necessary for competent performance. The job analysis for the National Clinical Mental Health Counseling Examination (NCMHCE®) is completed by the National Board for Certified Counselors and Affiliates, Inc. every five to seven years. The purpose of the study is to describe the job activities of professional mental health counselors in sufficient detail to provide a basis for continued development of a professional, job related licensure certification examination

The problems on the National Clinical Mental Health Counseling Examination (NCMCHE) are designed to sample a broad area of competencies, not the recall of isolated facts. Therefore, the problems assess clinical problem-solving ability, including identifying, analyzing, diagnosing, and treating clinical problems.

The examination consists of 10 clinical mental health counseling cases. Each case is divided into 5-8 sections classified as either *Information Gathering* (IG) or *Decision Making* (DM). The exam covers the following areas:

Evaluation and Assessment

For example:

- * Identify precipitating problems or symptoms
- * Conduct mental status exam
- * Identify individual and relationship functioning
- * Provide other referral sources

Clinical Diagnosis and Treatment Planning

For example:

- * Integrate client assessment and observational data with clinical judgment to formulate a differential diagnosis
- * Develop a treatment plan in collaboration with the client
- * Coordinate treatment plan with other service providers
- * Monitor client progress toward goal attainment

Clinical Practice

For example:

- * Determine if services meet client's needs
- * Discuss ethical and legal issues
- * Understand scope of practice parameters
- * Provide prevention interventions

EXAMINATION FORMAT

A clinical mental health counselor is required to make important clinical decisions regarding the well being of clients. Therefore, a clinical simulation examination is used to more realistically assess knowledge in such decision-making.

The NCMHCE is a clinical simulation examination. Each problem consists of three components: Scenario, Information Gathering (IG) sections, and Decision Making (DM) sections. Each problem begins with a scenario. The scenario provides the setting and introductory client information (e.g., age, gender, presenting problem(s)).

In *Information Gathering* (IG) sections candidates gather all relevant information for answering the question. This might include family background, status of physical health, previous experience in counseling, etc. .

Decision Making (DM) sections provide opportunities for making clinical judgments or decisions. These sections may be formatted in one of two ways:

1. Single Best Option - There may be more than one acceptable option, but one option is generally regarded most acceptable.
2. Multiple Options - Several options are considered appropriate. These sections address decisions in which a combination of actions is required.

In the decision making section described in 1 above, candidates are instructed to "CHOOSE ONLY ONE" option. The multiple option type of decision-making described in 2 has instructions to "SELECT AS MANY."

TAKING THE EXAMINATION

The procedure for taking the National Clinical Mental Health Counseling Examination (NCMHCE) is different from that of the more common multiple-choice examination. Each simulation problem is identified by a number and the client's name and each section is identified by a letter. The progression through the problem is not in sequence (that is, one page directly after the preceding page).

State Use of NBCC Exams

The NCE and/or the NCMCHE are currently used by the 48 states that regulate professional counseling. The examinations have established a vital linkage between NBCC's national certification and the state credentialing processes, as well as establishing a significant link between state boards.

Presently twenty-one (21) states, the District of Columbia, and Puerto Rico use the NCE® exclusively, while seven (7) states use the NCMHCE exclusively. A total of twenty (20) states use a combination of the NCE® and NCMCHE. Some of these states allow the candidates to choose the exam they will take (9), others may require the candidate to take both (2), and still others may have two levels of licensure and require the candidate to take the NCE® or the NCMHCE, depending on the licensure they apply for (9).

**State of California
Board of Behavioral Sciences**

Memorandum

To: Board Members
From: Justin Sotelo
Regulations Analyst
Date: January 25, 2007
Telephone: (916) 574-7836
Subject: Agenda XIV. G. Regulation Update

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

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

This proposal would allow the Board's executive officer to sign orders to compel a physical or mental evaluation of a Board licensee or registrant as part of an investigation of a complaint. A regulatory hearing was held on October 4, 2006; no public comments were received at the hearing. The Board gave final approval to this regulation at its meeting on November 16, 2006. Staff is awaiting departmental approval on the rulemaking file at which time it will be submitted to the Office of Administrative Law (OAL) for final approval.

Title 16, CCR Sections 1833.1 and 1870, Supervisor Qualifications

Supervisors of registrants are currently required to have practiced psychotherapy for two out of the five years preceding any supervision. This proposal would allow supervisors to count time spent directly supervising persons who perform psychotherapy toward this requirement and delete the requirement that supervisors of MFT Interns and Trainees average 5 hours of client contact per week for two out of the five years prior to supervising. At its April 19, 2006 meeting, the Board's Policy and Advocacy Committee voted to recommend this language to the Board. The Board reviewed the proposal at its May 18, 2006 meeting and sent it back to the Committee for further work. At its June 28, 2006 meeting, the Committee recommended to the Board that the original language of the proposal be retained and additionally recommended to delete the requirement that supervisors of MFT Interns average 5 hours of client contact per week for two out of the five years prior to supervising. The Board approved this proposal at its meeting on July 27, 2006. Staff 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 distributed a 15-day notice on December 22, 2006 in order to incorporate minor modifications into the language; no public comments were received. The final language will be presented to the Board for final approval at its February 15, 2007 meeting.

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

This proposal would make technical and editorial changes to the Board's regulations in line with statutory changes proposed under SB 1475 to update the Licensed Educational Psychologist and Board administration statutes. At its June 28, 2006 meeting, the Board's Policy and Advocacy Committee recommended that the Board adopt these proposed regulations. The Board approved this proposal at its meeting on July 27, 2006. Staff 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 distributed a 15-day notice on December 22,

2006 in order to incorporate minor modifications into the language; no public comments were received. The final language will be presented to the Board for final approval at its February 15, 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 distributed a 15-day notice on December 22, 2006 in order to incorporate minor modifications into the language; no public comments were received. The final language will be presented to the Board for final approval at its February 15, 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 distributed a 15-day notice on December 22, 2006 in order to incorporate minor modifications into the language; no public comments were received. The final language will be presented to the Board for final approval at its February 15, 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 distributed a 15-day notice on December 22, 2006 in order to incorporate minor modifications into the language; no public comments were received. The final language will be presented to the Board for final approval at its February 15, 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 completed the required regulatory documents and the notice was published by OAL on December 29, 2006, which initiated the 45-day public comment period. The required regulatory documents were also mailed to the Board’s interested party list and posted on the Board’s web site; to date, the Board has not received any public comments. A public hearing will be held at the Board’s February 15, 2007 meeting.

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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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.

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**State of California
Board of Behavioral Sciences**

Memorandum

To: Board Members

Date: January 30, 2007

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: Agenda Item XIV. I. 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 October – November 2007 quarter was 14.4 days which is a 62% increase in processing time over the prior quarter. For 2006 overall average processing times without deficiencies was 11.2 days and with deficiencies 35.3 days.

Future Focus

While the most recent quarter's performance still satisfies the objective, it does represent a significant setback from prior performance levels. The October – December quarter was a perfect storm of licensing challenges. The board was short two cashiers and two license evaluators for much of the quarter. That quarter also has significantly higher leave losses due to holiday vacations and the start of cold and flu season. We now have a full complement of cashiers and evaluators and we anticipate a return to the same level of performance seen in prior quarters.

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. In 2005/06 961.5 hours staff training was completed (an 18% increase over the previous year).

In the current fiscal year, staff has completed 439 hours of training.

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 MHA and Workforce development.

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

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

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

A demographic survey of board licensees and registrants 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: Board Members

Date: January 30, 2007

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: Agenda Item XIV. J. 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 was approved and included in the Governor's proposed budget released on January 10, 2007. The board will receive those positions when the annual budget act is signed. Staff is currently working with the Department of General Services to add the needed workstations to the office floor plan.

Attachments

2006-2007 Expenditure Report
Fund Condition Statement

BOARD OF BEHAVIORAL SCIENCES
EXPENDITURE REPORT FY 2006/2007

OBJECT DESCRIPTION	FY 2005/2006	FY 2006/2007			
	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 12/31/06	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES					
Salary & Wages (Civ Svc Perm)	1,045,321	1,289,337	583,470	1,200,000	89,337
Salary & Wages (Stat Exempt)	85,132	85,488	42,993	87,231	(1,743)
Temp Help (907)(Seasonals)	29,210	14,105	26,313	55,000	(40,895)
Temp Help (915)(Proctors)	0	19,444	0	0	19,444
Board Memb (Per Diem)	9,500	12,900	4,500	9,000	3,900
Overtime	6,203	7,533	2,501	6,000	1,533
Totals Staff Benefits	471,626	541,898	244,780	500,000	41,898
Salary Savings		(57,708)			(54,514)
TOTALS, PERSONAL SERVICES	1,645,992	1,912,997	904,557	1,857,231	58,960
OPERATING EXP & EQUIP					
Fingerprint Reports	4,394	36,954	1,674	5,000	31,954
General Expense	80,090	24,643	21,452	55,000	(30,357)
Printing	79,402	90,184	78,237	100,000	(9,816)
Communication	17,051	25,837	1,244	8,000	17,837
Postage	103,109	103,459	92,982	120,000	(16,541)
Travel, In State	63,898	57,955	10,605	65,000	(7,045)
Travel, Out-of-State	0	2,700	1,176	2,700	0
Training	21,767	16,149	8,930	20,000	(3,851)
Facilities Operations	178,368	187,951	81,158	187,951	0
C&P Services - Interdept.	0	27,287	0	0	27,287
C&P Services-External Contracts	8,405	9,632	11,688	155,473	(145,841)
DEPARTMENTAL PRORATA					
DP Billing	252,057	299,774	125,004	285,319	14,455
Indirect Distribution Costs	279,793	282,919	132,329	264,656	18,263
Communication/Educ. Division	16,539	10,701	5,016	10,030	671
D of I Prorata	7,880	8,327	3,979	7,987	340
Consumer Relations Division		11,218	5,341	10,685	533
Interagency Services (OER IACs)	196,680	0	0	270,568	(270,568)
Consolidated Data Services	15,000	21,390	3,653	15,000	6,390
Data Proc (Maint,Supplies,Contract)	12,839	4,630	876	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	37,684	75,000	127,894
Exam Contract (Thomson) (404.00)	375,496	293,382	60,246	395,000	(101,618)
Expert Examiners (404.01)	255,957	473,460	174,030	275,000	198,460
ENFORCEMENT					
Attorney General	341,213	560,542	237,547	480,000	80,542
Office of Admin. Hearing	36,859	157,834	42,750	90,000	67,834
Court Reporters	2,623	0	8,309	17,000	(17,000)
Evidence/Witness Fees	42,462	62,583	10,905	35,000	27,583
Division of Investigation	43,063	82,632	32,645	82,632	0
Minor Equipment (226)	26,397	0	3,089	17,000	(17,000)
Replacement/Additional Equipment	448	0	14,069	15,000	(15,000)
TOTAL, OE&E	2,673,538	3,197,008	1,277,604	3,216,972	(19,964)
TOTAL EXPENDITURES	\$4,319,530	\$5,110,005	\$2,182,161	\$5,074,203	\$35,802
Fingerprints	4,494	(24,000)	1,206	(4,000)	(20,000)
Other Reimbursement	14,545	(26,000)	11,470	(18,000)	(8,000)
Unscheduled Reimbursements	17,903	0	12,671	(19,000)	19,000
Total Reimbursements	36,942	(50,000)	25,347	(41,000)	(9,000)
NET APPROPRIATION	\$4,356,472	\$5,060,005	\$2,207,508	\$5,033,203	\$26,802

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	2009-10
BEGINNING BALANCE	\$ 4,090	\$ 5,368	\$ 5,800	\$ 5,708	\$ 5,508
Prior Year Adjustment	\$ 47	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,137	\$ 5,368	\$ 5,800	\$ 5,708	\$ 5,508
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 95	\$ 103	\$ 106	\$ 106	\$ 106
125700 Other regulatory licenses and permits	\$ 1,546	\$ 1,581	\$ 1,599	\$ 1,599	\$ 1,599
125800 Renewal fees	\$ 3,581	\$ 3,626	\$ 3,635	\$ 3,635	\$ 3,635
125900 Delinquent fees	\$ 59	\$ 63	\$ 64	\$ 64	\$ 64
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 <i>Income from surplus money investments</i>	\$ 205	\$ 117	\$ 128	\$ 128	\$ 99
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 3	\$ 3	\$ 3	\$ 3	\$ 3
161400 Miscellaneous revenues	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
Totals, Revenues	\$ 5,491	\$ 5,495	\$ 5,537	\$ 5,537	\$ 5,508
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	\$ 5,495	\$ 5,537	\$ 5,537	\$ 5,508
Totals, Resources	\$ 9,628	\$ 10,863	\$ 11,337	\$ 11,245	\$ 11,016
EXPENDITURES					
Disbursements:					
<i>Budget Act of 2006</i>					
1110 Program Expenditures (State Operations) - Galley 2	\$ 4,260	\$ 4,903	\$ 5,625	\$ 5,738	\$ 5,852
1110 Allocation for Employee Compensation		\$ 140			
1110 Adjustment		\$ 20	\$ 4		
Total Disbursements	\$ 4,260	\$ 5,063	\$ 5,629	\$ 5,738	\$ 5,852
FUND BALANCE					
Reserve for economic uncertainties	\$ 5,368	\$ 5,800	\$ 5,708	\$ 5,508	\$ 5,163
Months in Reserve	12.7	12.4	11.9	11.3	#REF!

NOTES:

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

2006 LICENSING STATISTICS

(1/1/2006- 12/31/2006)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	1,800	2,859	943	1,484	91	7,177
Applications Approved	1,723	2,678	745	1,381	82	6,609
Avg. Processing Time	25.5 days	28.2 days	37.2 days	39.7 days	45.7 days	35.3 days
Avg. Processing Time	10.1 days	10.6 days	13 days	13.6 days	8.8 days	11.2 days

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QUARTERLY LICENSING STATISTICS

(10/1/2006- 12/31/2006)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	396	639	234	354	16	1,639
Applications Approved	422	593	181	308	14	1,518
Avg. Processing Time	24.7 days	26.6 days	43.6 days	43 days	34.2 days	34.2 days
Avg. Processing Time subtracting time for deficiencies	11.6 days	14.6 days	18.8 days	14.3 days	12.8 days	14.4 days

QUARTERLY LICENSING STATISTICS

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

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

QUARTERLY LICENSING STATISTICS

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

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

QUARTERLY LICENSING STATISTICS

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

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

QUARTERLY LICENSING STATISTICS

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

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

QUARTERLY LICENSING STATISTICS

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

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

QUARTERLY LICENSING STATISTICS

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

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