



BOARD OF BEHAVIORAL SCIENCES
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
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Website Address: <http://www.bbs.ca.gov>



MEETING NOTICE

Consumer Protection Committee

April 11, 2007

9:30 a.m. – 12:30 p.m.

Ayres Hotel and Suites

325 Bristol Street

Costa Mesa, CA 92626

(714) 429-9372

- I. Introductions
- II. Review and Approve January 10, 2007 Consumer Protection Committee Meeting Minutes
- III. Review Strategic Plan Goal #3
- IV. Review and Possible Action on Proposal to Adopt a Retired License Status for Marriage and Family Therapists (MFTs), Licensed Clinical Social Workers (LCSWs), and Licensed Educational Psychologists (LEPs)
- V. Discussion and Possible Action on Proposal to Amend California Code of Regulations (CCR) Section 1887.2 Regarding Exceptions to Continuing Education Requirements
- VI. Review and Possible Action on Proposal to Clean-Up Continuing Education Regulations
- VII. Review and Possible Action on Proposal to Amend CCR Section 1870 Regarding Two-year Practice Requirement for LCSW Supervisors
- VIII. Discussion and Possible Action to Allow Supervision of MFT Interns and ASWs Via Videoconferencing
- IX. Discussion and Possible Action to Revise LEP Statutes Affected by Senate Bill 1475
- X. Review and Discuss Advertising Guidelines and Use of Title for Inactive Licenses
- XI. Discussion Regarding Life Coaching
- XII. Review Enforcement Program Statistics
- XIII. Review Examination Program Statistics
- XIV. Discuss Future Agenda Topics

Adjournment

Public Comment on items of discussion will be taken during each item. The Chairperson will determine time limitations. Due to the convenience of the presenters, items may be heard out of the order listed on the Agenda. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

* -- The Communications Committee would ordinarily consider these items. Due to the small number of board members currently appointed, this committee will consider the items until sufficient board members are appointed to allow further appointments to the Communications Committee.

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

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

**State of California
Board of Behavioral Sciences**

M e m o r a n d u m

To: Consumer Protection Committee

Date: April 2, 2007

From: Mona C. Maggio
Assistant Executive Officer

Telephone: (916) 574-7841

Subject: Agenda Item I - Introduction

The Consumer Protection Committee is one of the committees formed as part of a reorganization of the Board. Each of the Board committees now has express responsibility for overseeing specific goals in the strategic plan recently adopted by the Board as well as a general jurisdiction.

The Consumer Protection Committee is responsible for Goal #3 in the Strategic Plan – Promote Higher Professional Standards Through Rigorous Enforcement and Public Policy Changes.

Judy Johnson, Committee Chair, will introduce the Consumer Protection Committee Members and ask audience members to introduce themselves.

Consumer Protection Committee

Chair – Judy Johnson, LEP
Renee Lonner, LCSW
Howard Stein
Joan Walmsley, LCSW

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**State of California
Board of Behavioral Sciences**

M e m o r a n d u m

To: Consumer Protection Committee

Date: April 3, 2007

From: Mona C. Maggio
Assistant Executive Officer

Telephone: (916) 574-7841

**Subject: Agenda Item II - Review and Approve January 10, 2006 Consumer Protection
Committee Meeting Minutes**

The Committee is asked to review and approve the minutes of the January 10, 2007 Consumer Protection Committee Meeting. (Attachment A)

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**DRAFT**

**Consumer Protection Committee Meeting Minutes
 January 10, 2007**

9:00 a.m. – 12:00 p.m.
 Department of Consumer Affairs
 1625 N Market Boulevard
 El Dorado Room – Second Floor
 Sacramento, CA 95834

MEMBERS PRESENT

Judy Johnson, Chair, LEP Member
 Howard Stein, Public Member
 Joan Walmsley, LCSW Member

MEMBERS ABSENT

None

STAFF PRESENT

Paul Riches, Executive Officer
 Mona Maggio, Assistant Executive Officer
 Christy Berger, Legislative Analyst
 Justin Sotelo, Administrative Analyst
 Stephen Sodergren, Program Manager
 Christina Kitamura, Administrative Assistant
 George Ritter, Legal Counsel
 Rosanna Webb-Flores, Enforcement Analyst
 Pearl Yu, Enforcement Analyst
 Julie McAuliffe, Enforcement Analyst
 Mary Hanifen, Enforcement Analyst
 Cheree Lasley, Enforcement Technician
 Jason Reinhardt, Enforcement Technician

GUEST LIST ON FILE**I. Introductions**

The meeting was called to order at approximately 9:07 a.m. Committee members introduced themselves in place of roll. A quorum was established. Staff and guests also introduced themselves.

II. Review and Approve September 20, 2006 Consumer Protection Committee Meeting Minutes

Page 8, item XII: *Section 12311o corrected to Section 123110.*
 Page 9, item XII: *Section 12310 corrected to Section 123110.*
 Page 9, item XII: *Close parenthesis (BPC sections 4982 and 4992.3)*
 Page 9, item XII, 4th bullet: *Minor corrected to minor.*

HOWARD STEIN MOVED, JOAN WALMSLEY SECONDED, AND THE COMMITTEE CONCURRED TO APPROVE MINUTES AS AMENDED.

III. Strategic Plan Goal #3 – Promote Higher Professional Standards Through Rigorous Enforcement and Public Policy Changes - Report on Progress

Objective 3.1 -- Complete Revisions for Continuing Education Laws by December 31, 2006.

Mona Maggio, Assistant Executive Officer, reported on Title 16, CCR, Sections 1816.7 and 1887.7, 1887.75, and 1887.77. This proposal would allow a registered provider of continuing education (PCE) a period of one year from the registration's expiration date in order to renew an expired PCE registration with a \$100 delinquency fee. The regulatory hearing was held on November 16, 2006. Staff distributed a 15-day notice to the public to incorporate minor modifications into the language and will present the modified language to the Board for final approval at its February 2007 meeting.

Ms. Maggio reported on Title 16, CCR, Sections 1887.2(a) and 1887.3(a). 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 for noticing. The notice was published, which initiated the 45-day public comment period. A public hearing will be held at the Board's next meeting on February 15, 2007.

Ms. Maggio reported on Title 16, CCR Section 1886. 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.

Objective 3.2 -- Establish a Standard to Measure Quality of Continuing Education by June 30, 2007.

Ms. Maggio reported that limited progress was made on this objective. Staff is collecting data from other boards and bureaus on how they measure quality continuing education.

Objective 3.3 -- Complete 12 Substantive Changes in Laws and Regulations by January 1, 2008.

Ms. Maggio reported on the Board sponsored Senate Bill 1475 (Figueroa) This bill reorganizes and revises the Board's Administration statutes for clarity, removes obsolete provisions, and makes some minor refinements. This bill also reorganizes and revises the LEP statutes to remove obsolete provisions, modernize statutes relating to licensure, scope of practice, continuing education, and enforcement, and creates better consistency with the Board' other practice acts. This bill also facilitates portability of licensure for clinical social workers licensed in another state. Additionally, this bill extends the Board's sunset date by one year to July 1, 2009. This bill became effective January 1, 2007.

Ms. Maggio reported on the Board sponsored Assembly Bill 1852 (Yee). This bill allows marriage and family therapist interns and associate clinical social workers to be eligible to apply for educational loan repayment under the Licensed Mental Health Service Provider Education Program. The Health Professions Education Program, a division of the Office of Statewide Health Planning and Development, (OSHPD) administers this program. This bill became effective January 1, 2007.

Staff has met with Stephanie Clendenin, the representative from OSHPD. She met with the Policy and Advocacy Committee and gave an update. Staff will be working with OSHPD on regulations to get this moving forward.

Ms. Maggio reported on Title 16, CCR Section 1886.40. These regulations would provide the Board with the authority to issue a fine between \$2,501 and \$5,000 for specified violations. These regulations became effective on September 4, 2006.

Ms. Maggio reported on Title 16, CCR Section 1803. 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. The Board gave final approval to this proposal at its meeting on November 16, 2006. Staff will be submitting the final regulatory packet to the Office of Administrative Law (OAL) for final approval.

Ms. Maggio reported on Title 16, CCR Sections 1833.3 and 1870. 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. The regulatory hearing was held on November 16, 2006; no public comments were received. It will be presented to the Board for final approval at its February 2007 meeting.

Objective 3.4 – Advocate for Five Laws that Protect the Privacy of Client/Therapist Relationships by December 31, 2010.

Ms. Maggio reported The Board voted to support Assembly Bill 3013 (Koretz). This bill strengthens patient confidentiality laws by conforming California law to provisions of the Health Insurance Portability and Accountability Act (HIPAA) which limit the release of patient information, provide the patient the opportunity to prohibit such a release, and permit the health care provider to make judgments regarding releases in emergency situations. This bill became effective January 1, 2007.

Ms. Maggio reported on Assembly Bill 2257 (Committee on Business and Professions). This bill would require a psychologist to retain patient records for 7 years from the patient's discharge date. This bill became effective on January 1, 2007.

Objective 3.5 – Provide Four Educational Opportunities for Division of Investigation (DOI) and The Office of the Attorney General (AG) Regarding the Board of Behavioral Sciences (BBS) and It's Licensees by June 30, 2008.

Objective 3.6 – Reduce time in which BBS cases are investigated and processed by DOI and AG by 30% by June 30, 2010.

Ms. Maggio reported on Objective 3.5 and 3.6. DOI senior administrators Kathy Door and Bill Holland have left DOI for promotional opportunities elsewhere within state government. Ms. Maggio met with Rex Cowart, Acting Chief; however, there is no positive news on when DOI will be able to fill its vacancies. There is over a 50% vacancy within DOI. As a result, some of the cases sent to DOI for formal investigation take an average of 12-18 months for completion.

In an effort to handle more complaints in-house, enforcement staff attended the Council on Licensure, Enforcement and Regulation's (CLEAR) Basic National Certified (NCIT) Investigator/Inspector Training Program and are designated as "Certified Investigator/Inspector." Cases requiring field work will remain with an investigator from DOI.

Staff, along with a representative from DOI and two representatives from the Attorney Generals Office, is conducting a training session for Expert Witnesses on January 31, 2007.

Objective 3.7 – Complete Annual Review of Examination Program and Report the Results at a Public Meeting.

Ms. Maggio reported status of Objective 3.7. Staff is currently working with the Office of Examination Resources (OER) on the MFT occupational analysis. A presentation on the Board's Licensing and Examination Programs is given each year at the February Board meeting. Staff meets regularly with the OER to discuss the Board's current examination program, pass rates, examination development workshops and the examination vendor Thompson/Prometric.

Paul Riches, Executive Officer, added that the Board's budget change proposal for two enforcement analysts was approved and will be included in the Governor's budget. He also stated that staff will be reviewing options in the enforcement unit to determine which investigative processes can be reallocated to enforcement staff and to determine if the current investigative model requires changes to resolve cases.

Mr. Riches reported on the status of the examination vendor bid. There may be a new exam administration contract in place by early summer. The exam review session may need to be moved to the May Board meeting.

IV. Discussion and Possible Action to Create a Retired License Status for Marriage and Family Therapists (MFT), Licensed Clinical Social Workers (LCSW) and Licensed Educational Psychologists (LEP).

Justin Sotelo, Administrative Analyst, gave the background on the retired license status and current inactive status for licensees. The Board of Behavioral Sciences (Board) receives numerous inquiries and requests from licensees regarding a retired license status. Currently, if a licensee retires from practice, he/she can: 1) request that his/her license be placed on inactive status and pay a biennial fee of one half the standard active renewal fee (inactive license fees are \$65 for MFTs, \$50 for LCSWs, and \$40 for LEPs); or 2) not pay a fee and allow his/her license to expire. Renewing with an inactive status, by definition, means that a licensee may not engage in practice and is exempt

from continuing education requirements. Allowing a license to expire means that the license will go into delinquent status and will ultimately be cancelled after five years. Mr. Sotelo reviewed the license status terms and definitions.

Mr. Sotelo listed the boards within the department that offer a retired status. He gave a comparison of license status provisions between those boards as well as the draft legislative language that follows those boards, while illustrating the difference in language between those boards.

Mr. Sotelo requested that the Committee also consider whether or not to allow the licensee to reinstate his/her retired license, and if so, what requirements they must meet to reinstate the license.

Geri Esposito, Executive Director of California Society for Clinical Social Work (CSCSW), stated that the retired license status is appealing.

Mary Riemersma, Executive Director of California Association of Marriage and Family Therapists (CAMFT) stated that the inactive license is all that is needed and recommends that the current license status remain as is.

Judy Johnson stated that a retired license status is a good option to offer licensees, however, it is important to educate licensees about the inactive license status.

Joan Walmsley stated that the retired license status is a dignified option, however, the licensee should have an understanding of what it means to have a retired status.

After some discussion regarding retired license status and inactive license status, Ms. Johnson suggested that the Committee continue to pursue the retired license status, and requested Mr. Sotelo to bring back some retired license status models to the next Committee meeting.

JOAN WALMSLEY MOTIONED, JUDY JOHNSON SECONDED, AND THE COMMITTEE CONCURRED TO CONTINUING PURSUING THE RETIRED LICENSE STATUS.

V. Discussion and Possible Action to Standardize the Exempt Settings Across the MFT and LCSW Practice Acts

Christy Berger, Legislative Analyst, defined “exempt settings” and reported that when comparing the LCSW and MFT statutes, they have some exempt settings in common, but there are some differences. The MFT statute lists fewer exemptions and is narrower. The Licensed Educational Psychologist statute does not specify any exempt settings. Ms. Berger cited several reasons to standardize exempt settings. (1) the scopes of practice for MFTs and LCSWs are very comparable, therefore, exempt settings should not differ, (2) for purposes of administrative simplicity, standardization and better-defined exemptions, (3) most exempt settings require licensure anyway for reimbursement reasons, and (4) this proposal would enhance consumer protection by requiring licensure for persons in additional settings.

Ms. Berger indicated that the MFT statute is narrower and better defined, and was used as the basis for the proposed language. The proposed changes would remove the following as exempt settings in the LCSW practice act: (1) family or children services

agencies, (2) private psychiatric clinics, and (3) nonprofit organizations engaged in research and education.

Ms. Riemersma, CAMFT, expressed support for the proposal.

HOWARD STEIN MOVED JOAN WALMSLEY SECONDED, AND THE COMMITTEE CONCURRED TO SPONSOR LEGISLATION TO STANDARDIZE THE EXEMPT SETTINGS BETWEEN THE LCSW AND MFT STATUTES.

VI. Discussion and Possible Action to Revise Continuing Education Exception Criteria for MFT and LCSW License Renewals

Mr. Sotelo reported on Section 1887.2 of Title 16, Division of the California Code of Regulations, which sets forth continuing education (CE) exception criteria for Marriage and Family Therapist and Licensed Clinical Social Worker license renewals. This regulation sets forth: (1) a reduced CE requirement for initial licensees, (2) a CE exemption for those whose licenses are in inactive status, and (3) CE exception criteria and procedures to make a request for exception. Staff recommended changes in order to clarify and/or better facilitate the request for exception from the CE requirement process. Mr. Sotelo added that “major life activities” and “impairment” were defined to be consistent with federal law (American Disabilities Act).

HOWARD STEIN MOVED, JUDY JOHNSON SECONDED, AND THE COMMITTEE CONCURRED TO REVISE THE CONTINUING EDUCATION EXCEPTION CRITERIA.

VII. Review Supervisor Responsibility Statements

Ms. Berger reported that the Committee requested a review of the responsibility statement for supervisors of an Associate Clinical Social Worker (ASW) or Marriage and Family Therapist Intern (IMF) or Trainee. Ms. Berger explained that current supervision law specifies the requirements to become a supervisor of an IMF, trainee, or ASW; the required structure of supervision and inherent responsibilities; and details the requirements of the supervisor’s employment or practice, depending on the work setting. Any supervisor of an IMF, trainee or ASW must sign a responsibility statement prior to the commencement of supervision.

No comments were received.

Committee adjourned briefly for a break.

VIII. Discuss Marriage and Family Therapists Utilizing Biofeedback in Therapy

Pearl Yu, Enforcement Analyst, reported that Board staff received inquiries from marriage and family therapists (MFT) requesting clarification regarding whether or not their MFT license permits them to utilize biofeedback in their practice. The standard response staff has been providing to MFTs is that they can use biofeedback as a psychotherapeutic technique so long as they are working within their scope of practice and scope of competence as established by their education, training, and experience. Since the Board’s statutes and regulations do not specifically address the use of

biofeedback as a psychotherapeutic technique, staff is seeking clarification regarding this issue to ensure that staff is providing licensees with correct information.

Ms. Johnson stated that the professionals are trained in this area, they can utilize biofeedback, and the Board does not need to regulate it.

Ms. Esposito, CSCSW, stated that the largest certification program requires licensure and has standards.

Ms. Riemersma, CAMFT, stated that biofeedback is an unregulated activity. Anybody who has the competence to use the technique, as long as they are working under their scope of practice, can use the technique.

IX. Review Enforcement Program Statistics

The Committee was asked to review the Enforcement Program's statistical reports.

Howard Stein stated that continuing education (CE) appears to be a problem, and asked if there are enough courses available or if licensees choose to not take the CE courses. Mr. Riches responded that it is a combination of both. Ms. Walmsley also responded that there are enough courses available.

Mr. Stein stated that the numbers in the report are constantly rising. He asked if the Board is licensing more people, if the Board is catching more people breaking the law, or if the Board is becoming more efficient.

Mr. Riches responded all of the above; the licensing numbers are rising steadily each year and there is a significant increase in complaints. The only enforcement actions that come from staff initiatives are the CE audits.

X. Review Draft Candidate Bill of Rights

Steve Sodergren, Program Manager, reported that staff has been receiving numerous calls about problems with the examination. Many times candidates do not understand what to do and how to get help.

In an effort to assist the candidates with the examination process and informing them of their rights and responsibilities, staff drafted a Candidate Bill of Rights. The information contained in the Candidate Bill of Rights is what candidates should expect from the testing facilities, as well as what their responsibilities are prior to taking an exam. Also included is information on actions to take if there is a problem with the testing facilities. This information is currently in the Candidate Handbook, however, the handbook is quite large. Once approved, this document will be provided to candidates with the Notice of Examination Eligibility and will also be provided to them at the testing site in addition to the Candidate Handbook.

Ms. Maggio added that this would also be an enclosure with their eligibility notice.

Ms. Riemersma stated that this is valuable because there is already a fear of backlash. This tells the candidates that it is ok to articulate concerns or complaints.

Ms. Johnson expressed that the Candidate Expectations and Responsibilities document is excellent.

XI. Presentation by Lindle Hatton of Hatton Management Consultants Regarding Strategic Planning Process.

Lindle Hatton of Hatton Management Consultants introduced himself and gave a brief background. Dr. Hatton worked with the Board on its previous strategic plan, and is now working with the Board to update the strategic plan.

Dr. Hatton presented the strategic planning process to the Committee. He also reviewed the upcoming plan to meet with the staff in February and August, and gave his expectations of the Board members during this process.

Dr. Hatton explained that he uses an expanded approach using multiple constituencies, engaging as many internal and external stakeholders as possible. To do that, the model approach is to follow the state's strategic planning guidelines, consistent with the Governor's office and the Department of Finance. That model consists of four driving questions: (1) where are we now?; (2) where do we want to go?; (3) how do we want to get there?; and (4) how do we measure progress? We are now moving into the first phase of scanning the environment. Previous discussions with Mr. Riches and Ms. Maggio involved developing a list of key stakeholders who have an interest in the Board and with a working knowledge of the Board. Dr. Hatton received a list of 91 stakeholders, 52 of which are external. He asked the Committee whether they felt this was a good sample.

Dr. Hatton stated that the strategic planning process was last performed 23 months ago and there was a very nominal response from stakeholders. They are working to get a greater response by expanding the list and using the Internet. The survey is designed in two primary segments. The first is regarding the Board's organizational effectiveness, consisting of approximately 25 questions rated on a scale of one to five, then five open-ended questions, the first asking about the accomplishments of the Board over the past two years, the other four speak to the SWOT Analysis: strengths and weakness that may limit the Board's effectiveness, opportunities the Board should be prepared to pursue, and the threats that might limit the Board.

The survey will probably be sent out soon with a two-week response deadline. Dr. Hatton will be meeting with all Board staff on February 7th and 20th, where the survey responses will be reviewed. Management and Board members will initially review the responses and have the opportunity to provide feedback, then it will go to staff for prioritization of themes. Those themes should be able to fit into existing goals, or we will need to create new goals. This is also an appropriate time to revisit the mission statement. In May, the Board will have a focused working session with Dr. Hatton to review vision, mission and themes based upon data collected from the surveys, and how they align with current goals, and taking new suggestions. The objectives this time are to have a more robust data and to have more staff involvement than last time.

Dr. Hatton explained that all information collected from stakeholders would be kept confidential. The Board has a two-year contract with him to allow training and assistance to staff for actualization and accountability on an ongoing basis, at least quarterly. He would have a more hands-on role in creating work action plans. As tasks are aligned with people responsible for those tasks, we will create a forum for them to

return and report on progress. He would like to do that by having staff report personally to the Board, as he feels it is important to send a strong message to staff that the Board is interested in what they are doing. It also gives them an opportunity to interact with the Board in a more formal level, and for staff development purposes.

XII. Discuss Future Meeting Dates and Agenda Topics

Meeting Dates

Ms. Maggio asked the Committee to review and set future meeting dates.

The Committee agreed to the following meeting schedule:

- April 11, 2007 in Orange County
- June 27, 2007 in Sacramento
- September 26, 2007 in southern California (exact location not yet determined)

Agenda Topics

Ms. Johnson would like to discuss opportunities for candidates to access resources to study and prepare for the exam. Mr. Riches stated that this topic is being considered under the Communications Committee.

Ms. Johnson would like to discuss a manner in which to include as an option for continued education, "accountability groups." This is where professions get together, encourage one another and hold each other accountable to standards. This is done in other professions; some call it "peer review." The idea is to promote integrity in the profession and keep each other excellent. Ms. Johnson suggested looking at models.

The meeting adjourned at 11:19 a.m.

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State of California
Board of Behavioral Sciences

Memorandum

To: Consumer Protection Committee

Date: April 3, 2007

From: Mona C. Maggio
Assistant Executive Officer

Telephone: (916) 574-7841

Subject: **Agenda Item III - Strategic Plan Goal #3 – Promote Higher Professional Standards Through Rigorous Enforcement and Public Policy Changes – Report on Progress**

Goal #3 – Promote higher professional standards through rigorous enforcement and public policy changes.

Objective 3.1 -- Complete Revisions for Continuing Education Laws by December 31, 2006.

Background

The Board's strategic plan identifies the need to "Complete Revisions for Continuing Education Laws by December 31, 2006."

Update

Title 16, CCR, Sections 1816.7 and 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 was given final approval by the Board at its February 15, 2007 meeting. The completed regulatory packet will be submitted to the Legal Office in April for final departmental approval.

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

Licenses are currently permitted to take an unlimited amount of continuing education (CE) by conventional or online means. However, hours earned through “self-study” courses are limited to one-third of the total required CE hours. 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; the Board received one written comment regarding the proposal. A regulatory hearing was held at the Board’s February 15, 2007 meeting; no public comments were received. The proposal will go before the Board for final approval at its meeting on May 31, 2007.

Title 16, CCR Section 1887.2, Exceptions to Continuing Education Requirements

This regulation sets forth CE exception criteria for MFT and LCSW license renewals. This proposal would amend the language in order to clarify and/or better facilitate the request for exception from the CE requirement process. On January 10, 2007, the Consumer Protection Committee reviewed and approved the proposal. On February 15, 2007, the proposal went before the Board for preliminary approval so that staff may pursue the regulatory change process. Staff will complete the required regulatory documents so that the notice may be published with OAL.

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.

Objective 3.2 --

Establish a Standard to Measure Quality of Continuing Education by June 30, 2007.

Background

The Board’s strategic plan identifies the need to ensure high professional standards for Marriage and Family Therapists (MFT) and Licensed Clinical Social Workers (LCSW). In an effort to meet this objective, the board must develop a way to measure the quality of continuing education (CE) courses and thereby establish a minimum standard that all CE courses must meet to be or continue to be approved as a Board of Behavioral Sciences (BBS) approved provider.

Complete 12 Substantive Changes in Laws and Regulations by

Objective 3.3 --

January 1, 2008.

Background

The Board's strategic plan identifies the need to "Complete 12 substantive changes in laws and regulations by January 1, 2008."

Update

At this time, there are no legislative changes from the January Committee Meeting. The legislature reconvened in January and staff is currently analyzing a number of bills, including proposals for licensure of Alcohol and Drug Abuse Counselors and Licensed Professional Counselors.

Title 16, CCR Section 1803, Delegation of Authority to the Executive Officer *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 final departmental approval and will then submit the completed regulatory packet to the Office of Administrative Law (OAL) for approval.

Title 16, CCR Sections 1833.3 and 1870, Supervisor Qualifications Supervisors of registrants

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 was given final approval by the Board at its February 15, 2007 meeting. The

completed regulatory packet will be submitted to the Legal Office in March for final departmental approval.

Objective 3.4 -- Advocate for Five Laws that Protect the Privacy of Client/Therapist Relationships by December 31, 2010.

Background

The Board's strategic plan identifies the need to "Advocate for five laws that protects the privacy of client/therapist relationships by December 2010."

Update

The Board voted to support Assembly Bill 3013 (Koretz), *Medical Information: Disclosures*. This bill strengthens patient confidentiality laws by conforming California law to provisions of the Health Insurance Portability and Accountability Act (HIPAA) which limit the release of patient information, provide the patient the opportunity to prohibit such a release, and permit the health care provider to make judgments regarding releases in emergency situations.

STATUS: Became effective on January 1, 2007.

- Assembly Bill 2257 (Committee on Business and Professions) – This bill would require a psychologist to retain patient records for 7 years from the patient's discharge date. This bill became effective on January 1, 2007.

The bill adds Section 2919 to the Business and Professions Code, to read:

2919. A licensed psychologist shall retain a patient's health service records for a minimum of seven years from the patient's discharge date. If the patient is a minor, the patient's health service records shall be retained for a minimum of seven years from the date the patient reaches 18 years of age.

SEC. 2. 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.

Board staff will monitor legislation and identify any that has the potential to protect the privacy of client/therapist relationships beginning with the 2007 legislative season. Any such legislation will be analyzed and brought before the Policy and Advocacy Committee who will make a recommendation to the Board whether to support the bill and when needed, suggest amendments.

Objective 3.5 -- Provide Four Educational Opportunities for Division of Investigation (DOI) and The Office of the Attorney General (AG)

Regarding the Board of Behavioral Sciences (BBS) and It's Licensees by June 30, 2008.

Background

Team members identified the educational opportunities as training for DOI investigators and the Deputy Attorneys General regarding the Board's scope of authority, licensee scope of practice and the necessary requirements to conduct investigations and prosecute cases. The training will be conducted by the Executive Officer, representatives from the Department of Justice and the Board's Enforcement Unit.

Current Status:

Team members have received training material samples from other boards to assist in developing the training program for DOI investigators and the Deputy Attorneys General.

Objective 3.6 --

Reduce time in which BBS cases are investigated and processed by DOI and AG by 30% by June 30, 2010.

Background

Cases sent to DOI for formal investigation take an average of 9 months to one year for completion. The Administrative Hearing process averages another year for a proposed decision to be rendered and come before the Board. It is the goal of this objective to shorten the processing time for investigation and prosecution of cases to meet the Board's mandate to protect the public health, safety and welfare.

Status

Staff continues to monitor the case aging of cases assigned to DOI. DOI senior administrators Kathy Door and Bill Holland have left DOI for promotional opportunities elsewhere within state government. The Department continues its recruitment efforts in filling the Chief and Deputy Chief positions. In an effort to handle more complaints in-house, Enforcement Staff, Rosanna Webb-Flores, Mary Hanifen, Pearl Yu and Cheree Lasley completed The Council on Licensure, Enforcement and Regulation's (CLEAR) Basic National Certified (NCIT) Investigator/Inspector Training Program and are designated as "Certified Investigator/Inspector." Mary Hanifen, Pearl Yu and Cheree Lasley also completed the NCIT Advanced Investigative Analysis, Advanced Investigative Report Development, and Advanced Interviewing as part of the NCIT specialized program. Ms. Flores is scheduled to take the advanced NCIT training course and Julie McAuliffe is scheduled to take the basic course NCIT.

Enforcement staff has begun a review of the cases that are currently at DOI and may request some be returned to the office for handling in-house.

Objective 3.7 --

Complete Annual Review of Examination Program and report the Results at a Public Meeting.

Background/Status

- Staff is currently working with the Office of Examination Resources

(OER) on the MFT occupational analysis.

- A presentation on the Board's Licensing and Examination Programs is given each year at the February Board meeting.
- Staff meets regularly with the OER to discuss the Board's current examination program, pass rates, examination development workshops and the examination vendor.

Land Surveyors; Medical Board of California; and Board of Registered Nursing. Attachment A provides a table that compares the retired license status provisions (i.e., fees, conditions, etc.) of those boards.

On January 10, 2007, the Consumer Protection Committee discussed the possibility of creating a retired license status for the Board's licensees. They reviewed the comparison table that illustrates the differences and similarities between those boards that offer a retired license status, as well as model statutory language that the Board could emulate. The Committee members expressed interest in creating a retired license status and requested that staff come back with proposed legislative language that it could consider recommending.

Staff has therefore prepared proposed language (Attachment B) which is modeled after retired license status language for California pharmacists, architects, professional engineers, and land surveyors.

For reference, Attachment C provides the relevant laws for all of the aforementioned agencies.

Recommendation

Staff asks that the Committee review, discuss, and recommend the proposed legislative language in order to pursue implementing a retired license status for MFTs, LCSWs, and LEPS.

Attachments

Retired License Comparison Table

Proposed Legislative Language

Other DCA Retired License Status Laws

Retired License Comparison Table – DCA Boards

	Pharmacy	Architects	Engineers	Medical
Retired License Fee	Yes - \$30	Yes - \$200, if current	Yes - \$87.50	No - if license is current; otherwise, all accrued renewal fees, delinquent fee, and penalty fee must be submitted with application
Conditions	<ul style="list-style-type: none"> Has been licensed by the board for at least twenty years 		<ul style="list-style-type: none"> Has been licensed by the board for a min. of 5 years within CA and a min. of 20 years within the U.S. or territory of the U.S. 	
	<ul style="list-style-type: none"> Holds a license that is current and capable of being renewed 	<ul style="list-style-type: none"> Holds a license that is current and active or capable of being renewed 	<ul style="list-style-type: none"> Holds a license that is current and active and capable of being renewed 	<ul style="list-style-type: none"> Holds a license that is current or capable of being renewed
	<ul style="list-style-type: none"> Has not had his/her license suspended, revoked, or otherwise disciplined, or subject to pending discipline 	<ul style="list-style-type: none"> Has not had his/her license suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action 	<ul style="list-style-type: none"> Holds a license that is not suspended, revoked, or otherwise disciplined, or subject to pending discipline 	
	<ul style="list-style-type: none"> Shall not engage in activity that requires a license 	<ul style="list-style-type: none"> Shall not engage in activity that requires a license 	<ul style="list-style-type: none"> Shall not engage in activity that requires a license 	<ul style="list-style-type: none"> Shall not engage in the practice of medicine or the practice of podiatric medicine
Permitted Titles	<ul style="list-style-type: none"> Retired Pharmacist Pharmacist, Retired 	<ul style="list-style-type: none"> Retired Architect Architect, Retired 	<ul style="list-style-type: none"> Retired PE PE, Retired Retired Civil Engineer etc. 	
License Renewal	Not Required	Not Required	Not Required	Not Required
Restoring a Retired License to Active Status	Shall pass the examination that is required for initial licensure	Shall comply with the board's license renewal requirements	Shall pass the second division examination that is required for initial licensure	Must complete an application and pay the full renewal fee
Continuing Education	Exempt from CE requirements	N/A	N/A	Exempt from CE requirements

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**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LEGISLATIVE LANGUAGE**

§ 4984.41 Retired License, Conditions

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a marriage and family therapist who holds a license that is current and active or capable of being renewed and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active marriage and family therapist license is required. A marriage and family therapist holding a retired license shall be permitted to use the titles "retired marriage and family therapist" or "marriage and family therapist, retired."

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore his or her license to active status, he or she shall pass the examination that is required for initial licensure with the board.

§ 4989.43 Retired License, Conditions

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to an educational psychologist who holds a license that is current and active or capable of being renewed and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active educational psychologist license is required. A licensed educational psychologist holding a retired license shall be permitted to use the titles "retired licensed educational psychologist" or "licensed educational psychologist, retired."

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore his or her license to active status, he or she shall pass the examination that is required for initial licensure with the board.

§ 4996.61 Retired License, Conditions

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to a clinical social worker who holds a license that is current and active or capable of being renewed and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active clinical social worker license is required. A licensed clinical social worker holding a retired license shall be permitted to use the titles "retired licensed clinical social worker" or "licensed clinical social worker, retired."

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore his or her license to active status, he or she shall pass the examination that is required for initial licensure with the board.

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RETIRED LICENSE STATUS LAWS AND REGULATIONS (FOR OTHER DCA BOARDS)

BOARD OF PHARMACY

BPC 4200.5

(a) The board shall issue, upon application and payment of the fee established by Section 4400 [see below], a retired license to a pharmacist who has been licensed by the board. The board shall not issue a retired license to a pharmacist whose license has been revoked.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active pharmacist's license is required. A pharmacist holding a retired license shall be permitted to use the titles "retired pharmacist" or "pharmacist, retired."

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore his or her license to active status, he or she shall pass the examination that is required for initial licensure with the board.

BPC 4400

The amount of fees and penalties prescribed by this chapter, except as otherwise provided is that fixed by the board according to the following schedule:

...

(t) The fee for issuance of a retired license pursuant to Section 4200.5 shall be thirty dollars (\$30).

...

CALIFORNIA ARCHITECTS BOARD

BPC 5600.4

(a) The board shall issue, upon application and payment of the fee fixed by this chapter, a retired license to an architect who holds a license that is current and active or capable of being renewed pursuant to Section 5600.2 [see below] and whose license is not suspended, revoked, or otherwise punitively restricted by the board or subject to disciplinary action under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active architect's license is required. An architect holding a retired license shall be permitted to use the title "architect retired" or "retired architect."

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore his or her license to active status, the holder of a retired license shall comply with Section 5600.3 [see below].

BPC 5600.2

Except as otherwise provided in this chapter, a license which has expired may be renewed at any time within five years after its expiration on filing of application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If a license is renewed more than 30 days after its expiration, the licenseholder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the expiration date provided in this chapter which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

BPC 5600.3

A license which is not renewed within five years after its expiration may not be renewed, restored, reissued, or reinstated thereafter. The holder of the expired license may apply for and obtain a new license only if he or she pays all of the fees, and meets all of the requirements set forth in this chapter for obtaining an original license, except as follows:

- (a) An examination shall not be required if the expired license was issued without an examination.
- (b) Examination may be waived by the board if it finds that with due regard for the public interest, the holder of the expired license is qualified to practice architecture.
- (c) The holder of the expired license shall not be required to meet the qualifications set forth in this chapter relating to education.

The board may, by regulation, authorize the waiver or refund of all or any part of the application fee paid by a person to whom a license is issued without an examination under this section.

BPC 5604

The fees prescribed by this chapter for architect applicants or architect license holders shall be fixed by the board as follows:

...

(c) The fee for an original license at an amount equal to the renewal fee in effect at the time the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect at the time the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the fee for an original license if the license is issued less than 45 days before the date on which it will expire.

...

(f) The renewal fee may not exceed two hundred dollars (\$200).

...

(h) The fee for a retired license may not exceed the fee prescribed in subdivision (c).

16 CCR 144

Pursuant to Section 5604 of the code, the following fees are fixed by the Board effective November 1, 1996.

...

(e) The biennial renewal fee commencing with the renewal period which begins on or after January 1, 1989 shall be two hundred dollars (\$200).

...

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

BPC 6762.5

(a) The board shall issue, upon application and payment of the fee established by Section 6799 [see below], a retired license (registration), to an engineer who has been licensed by the board for a minimum of 5 years within California and a minimum of 20 years within the United States or territory of the United States, and who holds a license that is not suspended, revoked, or otherwise disciplined, or subject to pending discipline under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active engineer's license is required. An engineer holding a retired license shall be permitted to use the

titles "retired professional engineer," "professional engineer, retired," or either of those titles with the licensee's branch designation inserted for the word "professional" for example, "retired civil engineer" or "civil engineer, retired."

(c) The holder of a retired license shall not be required to renew that license.

(d) In order for the holder of a retired license issued pursuant to this section to restore his or her license to active status, he or she shall pass the second division examination that is required for initial licensure with the board.

BPC 6799

The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a professional engineer and each application for authority level designation at not more than four hundred dollars (\$400), and for each application for certification as an engineer-in-training at not more than one hundred dollars (\$100).

...

(d) The fee for a retired license at not more than 50 percent of the professional engineer application fee in effect on the date of application.

...

16 CCR 407

(a) All fees required by provisions of the code as implemented by the board shall be transmitted by money order, bank draft, cash or check, payable to the Department of Consumer Affairs, at Sacramento.

...

(e) The fee for each retired license shall be \$87.50; no renewal fee or other fee shall be charged for the retired license. (As used in this subdivision, "license" includes certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles "structural engineer," "geotechnical engineer," "soil engineer," "soils engineer," or "consulting engineer.")

...

MEDICAL BOARD OF CALIFORNIA

BPC 2439

(a) Every licensee is exempt from the payment of the renewal fee and requirement for continuing medical education if the licensee has applied to the Division of Licensing for a retired license. The holder of a retired license may not engage in the practice of medicine or the practice of podiatric medicine.

(b) If a physician and surgeon has applied to convert from retired status to active status on or after January 1, 2004, but prior to January 1, 2005, the fee to change license status shall be waived, unless the change in status coincides with the physician and surgeon's license renewal date. The board shall refund any fees paid by a physician and surgeon to change from retired to active status after January 1, 2004, and before January 1, 2005, unless the change in status coincides with the physician and surgeon's license renewal date.

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Staff is asking that the Committee further evaluate the minimum timeframes under (c)(1), (c)(2), and (c)(3) in order to determine whether consistency between the subdivisions (with respect to minimum timeframes) is appropriate.

Recommendation

Staff recommends that the Committee evaluate the modification to the proposed regulatory language and provide a final recommendation so that staff may proceed with the regulatory change process.

Attachments

- A. Proposed Language (with modification)
- B. Request for Continuing Education Exception Form

BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE [with modification under (c)(3)]
Title 16, California Code of Regulations

Amend §1887.2. as follows:

§1887.2. Exceptions from Continuing Education Requirements

(a) An initial licensee shall complete at least eighteen (18) hours of continuing education, of which no more than six (6) hours may be earned through self-study courses, prior to his or her first license renewal.

(b) A licensee is exempt from the continuing education requirement if ~~their~~his or her license is inactive pursuant to Sections 4984.8 and 4997 of the Code.

(c) A licensee may submit a ~~written~~ request for exception from the continuing education requirement, on a form prescribed by the board, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception, whether the exception was granted. If the request for exception is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception is approved, it shall be valid for one renewal period. The board shall grant the exception if the licensee can provide evidence, satisfactory to the board, that:

(1) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) ~~During~~ For at least one year nine months during the licensee's previous license renewal period, the licensee or an immediate family ~~member, member, including a domestic partner,~~ where the licensee ~~has is~~ is the primary responsibility for the care of ~~caregiver~~ caregiver for that family member, ~~was suffering from or suffered~~ had a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting, reaching, sleeping, thinking, concentrating and interacting with others. An impairment is substantially limiting if it prohibits or significantly restricts an individual's ability to perform a major life activity as compared to the ability of the average person in the general population to perform the same activity. The disability must be verified by a licensed physician or psychologist with special expertise in the area of the disability. Verification of the disability must include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability substantially limits one or more major life activities;

~~(B)~~ (C) an explanation of how the disability would hinder the licensee from completing the continuing education requirement given that such courses can be completed in the classroom, online or via home study; and

~~(C)~~ (D) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

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STATE OF CALIFORNIA
**REQUEST FOR CONTINUING EDUCATION
 EXCEPTION**

1800 37A-208 (NEW. 8/06)

BOARD OF BEHAVIORAL SCIENCES
 1625 NORTH MARKET BLVD., SUITE S200, SACRAMENTO, CA 95834
 TELEPHONE: (916) 574-7830 TDD: (916) 322-1700
 WEB SITE ADDRESS: http://www.bbs.ca.gov

For Office Use Only:

Date Received _____
 Date Approved _____ Denied _____
 Date of Audit (if applicable) _____
 Enforcement Approval Yes No Date: _____

READ REVERSE SIDE BEFORE COMPLETING THIS FORM
Any unanswered item will cause this request to be incomplete. Incomplete requests will not be processed.

(Please type or print clearly in ink)

Part 1 To be completed by applicant/licensee

*NAME: Last		First	Middle	
BUSINESS TELEPHONE:			RESIDENCE TELEPHONE:	
ADDRESS OF RECORD: Number and Street		City	State	Zip Code
SOCIAL SECURITY NUMBER:	LICENSE NUMBER:	RENEWAL PERIOD REQUESTING EXCEPTION FOR: _____ / _____ / _____ TO _____ / _____ / _____		

REASON FOR EXCEPTION: (Check one box only)

Health (Complete Part 2) **Health-Family** (Complete Part 2) **Military** (submit proof) **Out of Country** (submit proof)

Part 2 To be completed by attending physician/psychologist

Provide a description of the physical or mental disability and an explanation as to how the disability interferes with one or more major life activities, including the licensee's ability to complete 36 hours of Continuing Education through classroom/seminar attendance, home study, Internet courses over a two-year period. Please attach additional sheets, if necessary.

Approximate date disability began: _____ disability is Temporary Permanent
 If temporary, approximate date licensee will be able to continue his/her Continuing Education: _____

Is licensee limited in working in his/her licensed capacity? Yes No

If yes, please explain limitations: _____

Attending Physician's/Psychologist's Name	License Number	Business Telephone	
Attending Physician's/Psychologist's Address	City	State	Zip Code

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing and that I meet all of the criteria stated herein and the information submitted on this form is true and correct. Providing false information or omitting required information are grounds for disciplinary action.

Date

Signature of Licensee

Date

Signature of Physician/Psychologist

* Business and Professions Code Sections 4982(b) and 4992.3(b) gives the board the right to refuse issuance of any registration or license, or to suspend or revoke the registration or license of any registrant or licensee if the applicant secures the registration or license by fraud, deceit, or misrepresentation on any application for registration or licensure submitted to the board.

(OVER)

EXCEPTIONS FROM THE CE REQUIREMENT

Section 1887.2(c) of the California Code of Regulations outlines three reasons for which the board will grant exception and the board's procedure for processing these requests.

Exception Regulation

(c) A licensee may submit a ~~written~~ request for exception from the continuing education requirement, on a form prescribed by the board, for any of the reasons listed below. The request must be submitted to the board at least sixty (60) days prior to the expiration date of the license. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception, whether the exception was granted. If the request for exception is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception is approved, it shall be valid for one renewal period. The board shall grant the exception if the licensee can provide evidence, satisfactory to the board, that:

- (1) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service;
- (2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or
- (3) ~~During~~ For at least one year during the licensee's previous license renewal period, the licensee or an immediate family member, including a domestic partner, where the licensee ~~has is~~ is the primary responsibility for the care of caregiver for that family member, was suffering from or suffered had a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, sitting, standing, lifting, reaching, sleeping, thinking, concentrating, and interacting with others. An impairment is substantially limiting if it prohibits or significantly restricts an individual's ability to perform a major life activity as compared to the ability of the average person in the general population to perform the same activity. The disability must be verified by a licensed physician or psychologist with special expertise in the area of the disability. Verification of the disability must include:
 - (A) the nature and extent of the disability
 - (B) an explanation of how the disability substantially limits one or more major life activities;
 - ~~(B)~~ (C) an explanation of how the disability would hinder the licensee from completing the continuing education requirement given that such courses can be completed in the classroom, on-line, or via home study; and
 - ~~(C)~~ (D) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability;

How to Request Exception

To request an exception, complete the form on the reverse side and submit to the board, along with sufficient proof. The board will accept any documentation establishing the validity of your request, including military orders that demonstrate service outside California, a passport or visa showing the dates you resided out-of-country, a doctor's note, etc. **Please remember that the documentation must supply all of the information required by Section 1887.2(c) above.** After the board's review, you will be notified whether your request was granted.

Exceptions Cannot be Granted Before the Fact

The board can only grant exceptions when provided with proof that you have met the minimum criteria outlined in Section 1887.2(c). You may request exception after the situation has occurred, or during the situation as long as you have met the minimum criteria. *For example, if your license expiration date is July 31, 2006, and you are going to live out of the country from May 2005 through November 2006, you can submit your request for exception due to living out of the country anytime after May 2006.*

Renewal Application

Please send in your request for exception prior to submitting your renewal application. Courtesy renewal applications are mailed out 90 days prior to the expiration date. It takes 30 business days to process an application for exception. **Do not submit your renewal application until you have received a written decision regarding your request for exception. If your request is denied, you will be required to complete the mandatory coursework and hours of continuing education prior to renewing your license in active status.**

If you have any questions, please contact the board's CE program at (916) 574-7830.

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

§1887. DEFINITIONS

As used in this article:

(a) A continuing education "course" means a form of systematic learning at least one hour in length including, but not limited to, academic studies, extension studies, lectures, conferences, seminars, workshops, viewing of videotapes or film instruction, viewing or participating in other audiovisual activities including interactive video instruction and activities electronically transmitted from another location which has been verified and approved by the continuing education provider, and self-study courses.

(b) A "self-study course" means a form of systematic learning performed at a licensee's residence, office, or other private location including, but not limited to, listening to audiotapes or participating in self-assessment testing (open-book tests that are completed by the member, submitted to the provider, graded, and returned to the member with correct answers and an explanation of why the answer chosen by the provider was the correct answer).

(c) A continuing education "provider" means an accredited or approved school, or an association, health facility, governmental entity, educational institution, individual, or other organization that offers continuing education courses and meets the requirements contained in this article.

(d) An "initial renewal period" means the period which spans from issuance of an initial license to the license's first expiration date.

~~(d)~~(e) A "renewal period" means the two-year period which spans from a license's expiration date to the license's next expiration date.

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

§1887.2. EXCEPTIONS FROM CONTINUING EDUCATION REQUIREMENTS

(a) ~~An initial~~ A licensee in his or her initial renewal period shall complete at least eighteen (18) hours of continuing education, of which no more than six (6) hours may be earned through self-study courses, prior to his or her first license renewal.

(b) A licensee is exempt from the continuing education requirement if their license is inactive pursuant to Sections 4984.8 and 4997 of the Code.

(c) A licensee may submit a written request for exception from the continuing education requirement for any of the reasons listed below. The board will notify the licensee, within thirty (30) working days after receipt of the request for exception, whether the exception was granted. If the request for exception is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. The board shall grant the exception if the licensee can provide evidence, satisfactory to the board, that:...

...

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

§1887.3. CONTINUING EDUCATION COURSE REQUIREMENTS

(a) ~~A~~ During each renewal period, a licensee shall accrue at least thirty-six (36) hours of continuing education ~~courses~~coursework as defined in Section 1887.4. A licensee may accrue no more than twelve (12) hours of continuing education earned through self-study courses during ~~a single~~each renewal period.

(b) Pursuant to Section 29 of the Code, a licensee who started graduate study prior to January 1, 1986, shall take a continuing education course in the detection and treatment of alcohol and other chemical substance dependency during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 29 of the Code. This is a one-time requirement for those licensees specified above.

Equivalent alcohol and other chemical substance dependency courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(c) Pursuant to Section 32 of the Code, a licensee shall take a continuing education course in the characteristics and methods of assessment and treatment of people living with human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) during their first renewal period after the adoption of these regulations. The course shall be at least seven (7) hours in length and its content shall comply with the requirements of Section 32 of the Code. This is a one-time requirement for all licensees.

Equivalent HIV and AIDS courses taken prior to the adoption of these regulations, or proof of equivalent teaching or practice experience, may be submitted to the board upon request in lieu of this requirement; however, this coursework or experience shall not be credited as hours towards the continuing education requirements.

(d) Any person renewing his or her license on and after January 1, 2004 shall ~~have completed~~ not less than complete a minimum of six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.

(e) If a licensee teaches a course, the licensee may claim credit for the course only one time during a single renewal period, receiving the same amount of hours of continuing education credit as a licensee who attended the course.

(f) A licensee may not claim the same course more than once during a single renewal period for hours of continuing education credit.

(g) A licensee who takes a course as a condition of probation resulting from disciplinary action by the board may not apply the course as credit towards the continuing education requirement.

Note: Authority Cited: Sections 4980.60 and 4990.14, Business and Professions Code.
Reference: Sections 29, 32, 4980.54 and 4996.22, Business and Professions Code.

§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. 1800 37A-633, ~~new 5/97~~ revised 12/05), 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 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.

(d) Board-approved provider status is 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.

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

Amend §1870 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:

(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 and has been so licensed in California, and in any other state, for a total of at least two (2) years prior to commencing any supervision.

(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 lapse in licensure, that affects the supervisor's ability or right to supervise.

(3) 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.

(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 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 with supervision literature through reading assignments specified by course instructors;
2. facilitation of therapist-client and supervisor-therapist relationships;
3. evaluation and identification of problems in therapist-client and supervisor-therapist relationships;
4. 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 of contextual variables such as culture, gender, ethnicity, and economic issues;
and

6. 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.

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

(8) The supervisor shall provide the board with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 09-01), within 30 days of commencement of any supervision. A copy of this form shall be provided to the associate by the supervisor.

(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 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.

Note: Authority cited: Section 4990.14, Business and Professions Code. Reference: Section 4996.21, Business and Professions Code.

§1833.1. REQUIREMENTS FOR SUPERVISORS

(a) Any person supervising 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:

(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) 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) 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 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 intern or trainee of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or lapse in licensure, that affects the supervisor's ability or right to supervise.

(5) 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.

(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 who are licensed by the board shall complete a minimum of six (6) hours of supervision training or coursework every two 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) Supervisors who are licensed by the board who commence supervision on and after January 1, 2000, and have not met requirements of subsection (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 intern or trainee.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the 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 intern or trainee the manner in which emergencies will be handled.

(b) Each supervisor shall provide the intern or trainee with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 2-05 prior to the commencement of any counseling or supervision. The intern shall provide the board with his or her signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" revised 2-05 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 2-05 from each supervisor upon application for internship.

(c) A supervisor shall give at least one (1) week's written notice to an 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 intern or trainee for which supervision will be provided, the name, address, and telephone number of the 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 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 supervisory relationships commencing on or after 1-1-98.

(h) 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).

NOTE: Authority cited: Section 4980.35, 4980.40(f) 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.

State of California

Memorandum

To: Consumer Protection Committee
From: Christy Berger
Legislation Analyst
Date: April 3, 2007
Telephone: (916) 574-7847
Subject: **Agenda Item VIII - Discussion and Possible Action to Allow Supervision of MFT Interns and ASWs Via Videoconferencing**

Background

Marriage and Family Therapist Interns (IMF) and Associate Clinical Social Workers (ASW) are required to obtain a minimum of one hour of direct supervision per week for a minimum of 104 weeks. The California Association of Marriage and Family Therapists (CAMFT), on behalf of one of its members, had asked the Board to explore the possibility of allowing supervisors to conduct required one-on-one supervision sessions with IMFs via video conferencing. CAMFT's reasons for the request were:

- (1) Appropriate placements for IMFs and trainees are becoming more difficult to find, largely because many agencies are reluctant to provide the necessary quantity of supervision; and,
- (2) Due to geographical limitations, most supervisees do not have access to a choice of supervision types, theoretical orientations, or experiences.

The Consumer Protection Committee considered this issue at its January 2006 meeting, and directed staff to bring back a specific proposal for limited use of video conferencing for remote locations and specialty access for ASWs and IMFs. The Committee reconsidered the proposal at its April 2006 meeting and it was suggested that perhaps a pilot study should first take place due to concerns regarding confidentiality. After further consideration, however, it is not clear what would be gained from a pilot study. In the revised proposal, the supervisor is responsible for client confidentiality, which would be done by ensuring a secure, private connection and data encryption, for example.

Additionally, the original proposal would have allowed a maximum of 12 hours of direct supervision via videoconferencing when a hardship exists in obtaining supervision at the setting. The supervisor would have been required to certify that a hardship existed, and the applicant would retain that certification for submission with his or her licensure application. However, staff recommends that this be changed to 30 hours with or without a hardship situation. There is no good reason to limit this type of supervision to twelve hours out of a minimum of 104 hours. Additionally, it would be difficult for staff to make a judgment regarding a qualifying hardship situation.

Recommendation

Staff recommends that the board sponsor legislation to permit supervision via videoconferencing consistent with this proposal.

Attachment

Proposed Language

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**PROPOSED LANGUAGE
SUPERVISION VIA VIDEOCONFERENCING**

§4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES

(a) Prior to applying for licensure examinations, each applicant shall complete experience that shall comply with the following:

(1) A minimum of 3,000 hours completed during a period of at least 104 weeks.

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

(3) Not less than 1,700 hours of supervised experience completed subsequent to the granting of the qualifying master's or doctor's degree.

(4) Not more than 1,300 hours of experience obtained prior to completing a master's or doctor's degree. This experience shall be composed as follows:

(A) Not more than 750 hours of counseling and direct supervisor contact

(B) Not more than 250 hours of professional enrichment activities excluding personal psychotherapy.

(C) Not more than 100 hours of personal psychotherapy. The applicant shall be credited for three hours of experience for each hour of personal psychotherapy.

(5) No hours of experience may be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction and becoming a trainee except for personal psychotherapy.

(6) No hours of experience gained more than six years prior to the date the application for licensure was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (b) of Section 4980.40 shall be exempt from this six-year requirement.

(7) Not more than 1000 hours of experience for direct supervisor contact and professional activities.

(A) An intern working in a governmental entity, a school, college or university, or an institution both nonprofit and charitable may obtain up to 30 hours of the required weekly direct supervisor contact via two-way, real time videoconferencing. The supervisor is responsible for ensuring that client confidentiality is upheld.

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

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

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

(11) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children.

(b) All applicants, trainees, and registrants 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 marriage and family therapy. Supervised experience shall be gained by interns and trainees either as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.

(c) Supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:

(1) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting.

(2) Each individual supervised after being granted a qualifying degree shall receive an average of at least one hour of direct supervisor contact for every 10 hours of client contact in each setting in which experience is gained.

(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.

(4) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation. The 5-to-1 and 10-to-1 ratios specified in this subdivision shall be applicable to all hours gained on or after January 1, 1995.

(d) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the trainee'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 4980.02.

(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

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

(e) (1) An intern may be credited with supervised experience completed in any setting that meets both of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the 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 4980.02.

(2) An applicant shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (d), until registered as an intern.

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

(4) Except for periods of time during a supervisor's vacation or sick leave, an intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee enumerated in subdivision (f) of Section 4980.40. The supervising licensee shall either be employed by and practice at the same site as the intern's employer, or shall be an owner or shareholder of the private practice. Alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements of this section.

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

(f) Except as provided in subdivision (g), all persons shall register with the board as an intern in order to be credited for postdegree hours of supervised experience gained toward licensure.

(g) Except when employed in a private practice setting, all postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctor's degree and is thereafter granted the intern registration by the board.

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

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

(j) Trainees, interns, or applicants who provide volunteered 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, or applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. 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.

(k) 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.

§4996.23 SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA EFFECTIVE JANUARY 1, 2002 (ASWs)

The experience required by subdivision (c) of Section 4996.2 shall meet the following criteria:

(a) All persons registered with the board on and after January 1, 2002, shall have at least 3,200 hours of post-master's degree supervised experience providing clinical social work services as

permitted by Section 4996.9. At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a licensed mental health professional acceptable to the board as defined by a regulation adopted by the board. This experience shall consist of the following:

(1) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or counseling.

(2) A maximum of 1,200 hours in client-centered advocacy, consultation, evaluation, and research.

(3) Of the 2,000 clinical hours required in paragraph (1), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.

(4) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.

(5) Experience shall not be credited for more than 40 hours in any week.

(b) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.

(c) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.

(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. In addition, an associate shall receive an average of at least one hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting experience is gained. No more than five hours of supervision, whether individual or group, shall be credited during any single week. Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker. 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 receiving supervision.

(3) An associate clinical social worker working in a governmental entity, a school, college or university, or an institution both nonprofit and charitable may obtain up to 30 hours of the required weekly direct supervisor contact via two-way, real time videoconferencing. The supervisor is responsible for ensuring that client confidentiality is upheld.

(d) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.

(e) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate'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 4996.9.

(f) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.

(g) Employment in a private practice as defined in subdivision (h) shall not commence until the applicant has been registered as an associate clinical social worker.

(h) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(i) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(j) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

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

(l) Associates shall not do the following:

(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(2) Have any proprietary interest in the employer's business.

(m) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.

(n) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

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**State of California
Board of Behavioral Sciences**

M e m o r a n d u m

To: Consumer Protection Committee

Date: April 3, 2007

From: Christy Berger
Legislation Analyst

Telephone: (916) 574-7847

**Subject: Agenda Item IX - Discussion and Possible Action to Revise LEP Statutes
Affected by Senate Bill 1475**

Background

Attached to this memorandum is a draft of changes to the statutes governing Licensed Educational Psychologists (LEPs). This draft was developed by staff in response to a number of complaints from licensees regarding changes that took effect January 1, 2007 via SB 1475. As part of this legislation, certain provisions increased the parallelism between the LEP statute and the Marriage and Family Therapist (MFT) and Licensed Clinical Social Worker (LCSW) statutes, including:

- Establishing a continuing education (CE) requirement for LEPs.
 - The legislation set the CE requirement at 60 hours every two years. At the time of the legislation, LEPs who received their school psychologist credential on or after July 1, 1994 were required to complete 150 hours of professional development every five years, an average of 30 hours per year.
- Requiring qualifying experience to have been gained in the six years prior to application for licensure.
- Deleted the Board's ability to deem a degree with a title other than those specified in statute as equivalent.

Draft language was shared with interest groups including the California Association of Licensed Educational Psychologists and the California Association of School Psychologists. The board received no comment or opposition to the proposal at that time. Stakeholder concerns received after the legislation passed were as follows:

- The Commission on Teacher Credentialing (CTC) deleted the requirement for 150 hours of professional development effective January 1, 2007 (Senate Bill 1209, Chapter 517, Statutes of 2006). See attachment.
- The one year of supervised professional experience required in an accredited school psychology program often takes place more than six years prior to applying for licensure. Many school psychologists do not apply for LEP licensure until later in their careers.
- Many degrees that would otherwise qualify do not have one of the titles specified in statute.

Discussion

In response to stakeholder comment, the following changes to the LEP statute are proposed:

- Change the CE requirement to 36 hours every two years, consistent with MFT and LCSW statute.
- Permit the one year of supervised professional experience required in an accredited school psychology program to have been gained at any time prior to application for licensure.

- Restore the Board's ability to deem a degree with a title other than those specified in statute as equivalent.

The following additional changes are proposed:

- When the one additional year of full-time experience as a credentialed school psychologist in the public schools is obtained under the direction of a licensed psychologist rather than under a LEP, require that psychologist to have experience in educational assessment and testing. This was suggested to ensure the supervisee receives appropriate oversight in a school setting.
- Add the National Association of School Psychologists (NASP) to statute as an approved provider of continuing education. Although NASP could apply to the Board to become an approved provider of continuing education, this would simplify the process for one of the main provider to LEPs.

Recommendation

Staff recommends that the board sponsor legislation in 2007 to implement to the LEP statutes consistent with this proposal.

Attachments

Proposed Language

Memo from CTC

**PROPOSED LANGUAGE
LEP STATUTES**

4989.20. LICENSURE REQUIREMENTS

(a) The board may issue a license as an educational psychologist if the applicant satisfies, with proof satisfactory to the board, the following requirements:

(1) Possession of, at minimum, a master's degree in psychology, educational psychology, school psychology, or counseling and guidance or a degree deemed equivalent by the board. This degree shall be obtained from an educational institution approved by the board according to the regulations adopted under this chapter.

(2) Attainment of 18 years of age.

(3) No commission of an act or crime constituting grounds for denial of licensure under Section 480.

(4) Successful completion of 60 semester hours of postgraduate work in pupil personnel services.

~~(5) Completion of three years of full-time experience as a credentialed school psychologist in the public schools. At least one year of the experience required by this paragraph shall be supervised professional experience in an accredited school psychology program or obtained under the direction of a licensed psychologist or a licensed educational psychologist. The applicant shall not be credited with experience obtained more than six years prior to filing the application for licensure.~~

(5) Two years of full-time experience as a credentialed school psychologist in the public schools. The applicant shall not be credited with such experience obtained more than six years prior to filing the application for licensure.

(6) One year of supervised professional experience in an accredited school psychology program or, one additional year of full-time experience as a credentialed school psychologist in the public schools obtained under the direction of a licensed educational psychologist or a licensed psychologist with experience in educational assessment and testing.

(6) Passage of an examination specified by the board.

4989.34. CONTINUING EDUCATION REQUIREMENTS

(a) To renew his or her license, a licensee shall certify to the board, on a form prescribed by the board, completion in the preceding two years of not less than ~~60~~ 36 hours of approved continuing education in, or relevant to, educational psychology.

~~(b) Notwithstanding subdivision (a), a licensee who possesses a current pupil personnel services credential issued on or after July 1, 1994, shall be exempt from the continuing education requirement.~~

~~(e)~~ (b) (1) The continuing education shall be obtained from either an accredited university or a continuing education provider approved by the board.

(2) The board shall establish, by regulation, a procedure for approving providers of continuing education courses, and all providers of continuing education shall comply with 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.

(3) The National Association of School Psychologists (NASP) is an approved continuing education provider.

~~(d)~~ (c) 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 educational psychology.

(2) Aspects of the discipline of educational psychology in which significant recent developments have occurred.

(3) Aspects of other disciplines that enhance the understanding or the practice of educational psychology.

~~(e)~~ (d) The board may audit the records of a licensee to verify completion of the continuing education requirement. A licensee shall maintain records of the completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon its request.

~~(f)~~ (e) The board may establish exceptions from the continuing education requirements of this section for good cause, as determined by the board.

~~(g)~~ (f) 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 amount of the fees shall be sufficient to meet, but shall not exceed, the costs of administering this section.

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

4989.44. INACTIVE LICENSE

(a) A licensee may apply to the board to request that his or her license be placed on inactive status.

(b) A licensee on inactive status shall be subject to this chapter and shall not engage in the practice of educational psychology in this state.

(c) A licensee who holds an inactive license shall pay a biennial fee of one-half of the amount of the standard renewal fee.

(d) A licensee on inactive status who has not committed an act or crime constituting grounds for denial of licensure may, upon request, restore his or her license to practice educational psychology to active status. A licensee requesting that his or her license be placed on active status between renewal cycles shall pay the remaining one-half of his or her renewal fee. A licensee requesting to restore his or her license to active status, whose license will expire less than one year from the date of the request, shall complete ~~30~~ 18 hours of continuing education as specified in Section 4989.34. A licensee requesting to restore his or her license to active status, whose license will expire more than one year from the date of the request, shall complete ~~60~~ 36 hours of continuing education as specified in Section 4989.34.

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COMMISSION ON TEACHER CREDENTIALING

1900 Capitol Avenue
Sacramento, CA 95814-4213
(916) 445-0184



OFFICE OF THE EXECUTIVE DIRECTOR

November 14, 2006

06-0017

To: All Individuals and Groups Interested in the Activities of the California
Commission on Teacher Credentialing

From: Dale A. Janssen,
Interim Executive Director

Subject: Senate Bill 1209 Changes in Professional Growth Requirements for Credential
Renewal

Senate Bill 1209 (Chapter 517, Statutes of 2006) was signed by the Governor on September 28, 2006. One of the provisions in the bill shifts the professional growth requirements from a state requirement for credential renewal to local employing agencies.

Beginning January 1, 2007, verification of professional growth requirements will no longer be a requirement for the renewal of professional clear credentials. This includes both the 150 clock hours of activities and the experience requirement. This change affects all teaching and service credentials, including the designated subjects teaching credentials, except Child Development Permits.

Because child development permits were not included in the provisions of the bill, professional growth requirements for renewal of child development permits will continue to be required to be submitted as part of the renewal process. Information about child development professional growth requirements may be found at the following link on the Commission's website: http://www.etc.ca.gov/credentials/manuals-handbooks/PG_Manual_ChildDev.pdf.

Currently, requirements for all professional clear credentials require that the documents have the same expiration dates. For example, if an individual held a professional clear multiple subject teaching credential and a pupil personnel services credential, the documents had the same expiration date. This will no longer be necessary after January 1, 2007. However, if a credential serves as a prerequisite for another credential, such as a single subject credential for an administrative services credential, the documents will continue to be 'tied' together with the same expiration dates. The Commission will be returning to the term 'clear' on credentials issued after January 1, 2007.

As a result of the changes outlined above, the Commission will no longer issue the two-year extension for individuals who did not complete their professional growth requirements.

Online Renewal Process

By January 1, 2007, the Commission's online renewal process will be changed to remove the need to verify professional growth requirements for all types of credentials except the child development permits (Teacher, Master Teacher, Site Supervisor, and Program Director).

Questions

For further questions about professional growth, contact the Commission's Information Services Unit at 1-888-921-2682, Monday through Friday between 1:00 PM to 4:45 PM or by email at credentials@ctc.ca.gov.

clinical social worker, without holding his or her license in good standing under this article, is guilty of a misdemeanor.

- §4989.50 Except as authorized by this chapter, it is unlawful for any person to practice educational psychology or use any title or letters that imply that he or she is a licensed educational psychologist unless, at the time of so doing, he or she holds a valid, unexpired, and unrevoked license issued under this chapter.

Examples of Questions Received

- If my license is in an inactive status can I still have my license type and license number on my business card?
- When dealing with the media, can I identify myself as an MFT even though my license is on an inactive status?
- If I go inactive, can I still call myself an LCSW or an MFT?
- I have an employee whose LCSW license is inactive. She has placed LCSW after her name on clinical documents. Can she do this while her license is inactive?
- I am an inactive Marriage and Family Therapist. How do I list it on my business card, and, is it permissible to do so?

Action Requested

Review the Advertising Guidelines and provide suggested edits to text and business card samples for clarifying advertising guidelines for inactive licenses. Discuss clarification of statutes relating to inactive licenses.

Attachments

1. Advertising Guidelines

California law prohibits any advertising, which is false, misleading or deceptive. In addition, any professional advertising must clearly indicate your licensure status as a Marriage and Family Therapist, Licensed Clinical Social Worker, or Licensed Educational Psychologist.

Licensure status must be shown either by including the complete name of the license OR by including the initials of the appropriate license AND the license number. Any UNLICENSED person practicing under supervision MUST also include the name and correct licensure status of the supervisor.

It is also permissible to include academic credentials (i.e., M.A., M.S.W., Ph.D.) so long as the degree is earned and relevant to the license. The use of the academic qualification must not imply the provision of services that would be beyond the scope of the license.

Marriage and Family Therapists, Licensed Clinical Social Workers and Registrants/Associates **MAY NOT ADVERTISE AS PSYCHOLOGISTS OR AS PROVIDERS OF PSYCHOLOGICAL SERVICES UNLESS THEY ALSO HOLD A PSYCHOLOGY LICENSE.** Licensed Educational Psychologists **MAY ADVERTISE AS PSYCHOLOGISTS PROVIDED THEY CLEARLY SHOW THEY ARE EDUCATIONAL PSYCHOLOGISTS.**

Policy

Use of the words "psychotherapy" or "psychotherapist" in advertising by a licensee is not, in itself*, a violation of law, of regulation, nor is it, in itself*, false or misleading advertising, **provided that all of the following conditions are met:**

1. the advertising indicates the full name of the licensee and the complete title of the license (licensed marriage and family therapist, licensed clinical social worker -- in those words).
2. the person advertising is competent, by reason of his/her education, training, and/or experience, to perform the professional services advertised or to act in a manner or professional capacity advertised.

* The words "in itself" are of significance. Whether or not a particular advertisement is found to be false or misleading or in violation of any law or regulation depends upon an analysis of **all** of the facts and circumstances relating to the advertisement in question. Certainly, the usage of any and all words will be amongst the factors considered.

Please see other side for samples of advertising formats that have been reviewed and found to be acceptable.

SAMPLE FORMATS OF ADVERTISING FOR BBS REGISTRANTS AND ASSOCIATES

Mary Doe
Registered Intern
IMF 11111

Supervised by Jane Smith,
Marriage and Family Therapist
License No. MFC 12345

Mary Doe
Associate Clinical Social Worker
ASW 11111

Supervised by Jane Smith,
Marriage and Family Therapist
License No. MFC 12345

Mary Doe, M.A., Ph.D.
Registered MFT Intern

Supervised by John Jay, LCSW, LCS 54321

John Smith, M.S.W., Ph.D.
Associate Clinical Social Worker

Supervised by John Jay, LCSW, LCS 54321

SAMPLE FORMATS OF ADVERTISING FOR BBS LICENSEES

Jane Doe, Ph.D.
Licensed Marriage and Family Therapist

John Jay
Licensed Clinical Social Worker

Jane Doe, MFT
MFC 22222

John Jay, M.S.W., LCSW
LCS 54321

Mary Doe, M.A., Ed.D.
License No. LEP 2525

Mary Doe
Licensed Educational Psychologist

**State of California
Board of Behavioral Sciences**

Memorandum

To: Consumer Protection Committee
From: Mary Hanifen
Enforcement Analyst
Date: March 22, 2007
Telephone: (916) 574-7867
Subject: Agenda Item XI - Life Coaching

Background

Board staff has received inquiries from consumers and licensees concerning the practice and advertising of life coaching. The standard response Board staff has been providing is that life coaches do not perform services within the scope of practice of our licensees and are not required to be licensed. Life coaches may advertise their services so long as they do not misrepresent themselves.

Discussion

On October 26, 2006, Enforcement staff met with Gary Yeatts, MSW, Executive Coach, who explained that life coaches are experts in setting goals, providing strategies to achieve those goals and holding clients accountable in reaching their goals. Although Mr. Yeatts is a licensed clinical social worker, he refers any clients requiring psychotherapy out to appropriately licensed individuals.

Mr. Yeatts also provided staff with the attached comparison chart, as compiled by www.CoachVille.com, that lists the differences between psychotherapy and coaching. He informed staff that ethical guidelines exist through two professional organizations that certify life coaches, the International Coaching Federation (ICF) at www.coachfederation.org and the International Association of Coaches (IAC) at www.certifiedcoach.org. According to the ICF, "Coaching is partnering with clients in a thought-provoking and creative process that inspires them to maximize their personal and professional potential."

Special education and/or training are not required unless an individual wishes to become certified through a professional association. Our research found that no other states regulate the practice of life coaching.

It is not known how many complaints have been received concerning life coaches as these types of complaints are generally opened for unlicensed practice. However, the Board does investigate those cases alleging misleading advertising and unlicensed practice.

Action Requested:

Does the Committee agree with our current processing or do you wish to proceed differently?

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**State of California
Board of Behavioral Sciences**

M e m o r a n d u m

To: Consumer Protection Committee

Date: April 2, 2007

From: Rosanna Webb-Flores, Lead Analyst
Enforcement Unit

Telephone: (916) 574-7864

Subject: Agenda Item XII – Enforcement Statistics

The Enforcement Program's statistical reports are attached for the Committee's review and discussion.

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BOARD OF BEHAVIORAL SCIENCES
BREAKDOWN OF ENFORCEMENT COMPLAINT ACTIVITY BY LICENSEE POPULATION
2006 - 2007
FISCAL YEAR ⁽¹⁾

	OPENED	COMPLAINTS CLOSED	PENDING	Licenses In Effect (2)	% of Licenses to Pending Complaints
UNLICENSED	84	66	41	n/a	n/a
APPLICANTS	257	254	44	n/a	n/a
CE PROVIDERS	3	3	2	2301	0.09
DUAL LICENSEES (3)	12	10	7	n/a	n/a
DUAL W/BOP (3)	12	11	8	n/a	n/a
ASW	35	31	34	7119	0.48
LCSW	117	89	90	16670	0.54
IMF	68	57	68	10264	0.66
MFT	294	198	237	28799	0.82
LEP	3	4	1	1743	0.06
TOTAL	885	723	532	66896	0.80

- Note:
- (1) Activity is from July 1, 2006 through February 28, 2007. Pending as of February 28, 2007.
 - (2) Licenses in effect as of February 1, 2007. Does not include cancelled, revoked, or voluntary surrender of licenses.
 - (3) Dual licensees are those that hold dual licenses with BBSE. Dual w/BOP are licensed with BBSE and the Board of Psychology.

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

BOARD OF BEHAVIORAL SCIENCES
BREAKDOWN OF ENFORCEMENT COMPLAINT CLOSURES BY TYPE
2006 - 2007
FISCAL YEAR ⁽¹⁾

	Unactionable (2)	Mediated (3)	Citation (4)	Violation (5)	Inv. (6)	District Attorney (7)	Rfrd Disp. (8)	Other (9)	TOTAL
UNLICENSED	56	0	1	6	1	0	0	2	66
APPLICANTS	0	0	0	247	0	0	2	5	254
CE PROVIDER	2	0	0	1	0	0	0	0	3
DUAL LICENSEES (10)	6	0	4	0	0	0	0	0	10
DUAL W/BOP (10)	7	0	2	1	0	0	1	0	11
ASW	17	0	0	4	1	0	3	6	31
LCSW	56	0	18	6	2	0	4	3	89
IMF	26	0	2	22	1	0	2	4	57
MFT	115	0	45	13	9	0	7	9	198
LEP	1	0	1	0	0	0	2	0	4
TOTAL	286	0	73	300	14	0	21	29	723

40%

60% Actionable

Note:

- (1) Closure activity is from July 1, 2006 through February 28, 2007.
- (2) Unactionable: Complaints which after review are closed no violation, insufficient evidence, no jurisdiction etc.
- (3) Mediated: Complaints which have no violation, but where a resolution was reached between parties.
- (4) Citation: Complaints in which after review, violations have been found and the complaint was closed upon the issuance of a citation.
- (5) Violation: Complaints which after review, violations have been found and were closed upon the issuance of a cease and desist or warning letter.
- (6) Inv.: Complaints which were closed after an investigation was conducted.
- (7) District Attorney: Complaints which, after review, a determination is made that the matter should be referred to the DA's office.
- (8) Rfrd Disp: Complaints which are referred directly to the Attorney General's office for disciplinary action (no investigation was required).
- (9) Other: Complaints closed in any manner which does not fit within one of the other categories.
- (10) Dual licensees are those that hold dual licenses with BBSE. Dual w/BOP are licensed with BBSE and the Board of Psychology.

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

BOARD OF BEHAVIORAL SCIENCES
CATEGORY OF PENDING COMPLAINTS
As of February 28, 2007

AGENCY CATEGORY	CE	UL	AP	DL	DP	AS	LC	IM	MF	LEP	TOTAL
Fraud	0	0	1	0	0	0	1	0	0	0	2
Fraudulent License	0	0	1	0	0	0	0	0	0	0	1
Insurance, Medi-Cal	0	0	0	0	0	0	0	0	0	0	0
Non-Jurisdictional	0	2	0	0	0	1	1	2	2	0	8
Custody	0	3	0	0	2	0	8	0	26	0	39
Fee Disputes	0	0	0	0	0	0	0	0	6	0	6
Exempt from licensure	0	2	0	0	0	2	2	1	4	0	11
Negligence	0	0	0	0	0	0	0	0	2	0	2
Beyond Scope	0	0	0	0	0	0	2	0	1	0	3
Dual Relationship	0	0	0	0	0	0	0	0	1	0	1
Abandonment	0	0	0	1	0	0	1	1	2	0	5
Improper Supervision	0	0	0	0	0	1	3	0	4	0	8
Misdiagnosis	0	0	0	0	0	0	1	0	1	0	2
Failure/Report Abuse	0	0	0	0	0	1	1	0	0	0	2
Aiding & Abetting	0	0	0	0	0	0	0	0	2	0	2
Other	0	0	0	0	0	0	0	0	1	0	1
Mental Illness	0	0	0	0	0	1	1	1	1	0	4
Self Use Drugs/Alcohol	0	0	0	0	0	5	2	6	3	0	16
Conviction of Crime	0	0	0	0	0	17	3	21	15	1	57
Unprofessional Conduct	1	3	0	3	1	1	20	15	62	0	106
Sexual Misconduct	0	0	0	1	0	0	0	3	13	0	17
Breach of Confidentiality	0	0	0	0	0	1	4	0	9	0	14
Emotional/Phys. Harm	0	0	0	0	0	0	1	1	3	0	5
Advertising / Misrepresentation	0	1	0	0	0	1	0	7	1	0	10
Unlicensed Practice	1	29	0	0	0	1	1	6	0	0	38
Repressed Memory	0	0	0	0	0	0	0	0	0	0	0
Third Party Complaint	0	0	0	0	0	2	4	3	10	0	19
Unsafe/Sanitary Conditions	0	0	0	0	0	0	0	0	0	0	0
Discipline by Another State	0	0	2	0	0	0	0	0	1	0	3
Criminal Convictions - Renewal Reported	0	0	0	0	1	0	4	1	2	0	8
Non Compliance with CE Audit	0	0	0	2	4	0	30	0	63	0	99
Applicant Referral for Criminal Conviction	0	0	40	0	0	0	0	0	0	0	40
Subvert Licensing Exam	0	0	0	0	0	0	0	0	0	0	0
Unregistered Referral Service	0	1	0	0	0	0	0	0	0	0	1
Failure to Provide Records	0	0	0	0	0	0	0	0	2	0	2
TOTAL	2	41	44	7	8	34	90	68	237	1	532

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

BOARD OF BEHAVIORAL SCIENCES
BREAKDOWN OF ENFORCEMENT ACTIVITY - CASES AT THE AG'S OFFICE
BY LICENSEE POPULATION
2006 - 2007 FISCAL YEAR ⁽¹⁾

	PENDING	Licenses In Effect (2)	% of Licenses to Pending Cases
UNLICENSED	0	n/a	n/a
APPLICANTS	6	n/a	n/a
SUSEQUENT DISP. (3)	2	n/a	n/a
DUAL LICENSEES (4)	1	n/a	n/a
DUAL W/BOP (4)	3	n/a	n/a
CE PROVIDERS	0	2301	0.00
ASW	4	7119	0.06
LCSW	7	16670	0.04
IMF	7	10264	0.07
MFT	26	28799	0.09
LEP	1	1743	0.06
TOTAL	57	66896	0.09

- Note:
- (1) Pending as of February 28, 2007.
 - (2) Licenses in effect as of February 1, 2007. Does not include cancelled, revoked, or voluntary surrender of licenses.
 - (3) Subsequent Discipline for violation of probation.
 - (4) Dual licensees are those that hold dual licenses with BBSE. Dual w/BOP are licensed with BBSE and the Board of Psychology.

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

BOARD OF BEHAVIORAL SCIENCES
CATEGORY TYPES OF DISCIPLINARY ACTION TAKEN
2006 - 2007
FISCAL YEAR *

		MFT IMF	LCSW ASW	LEP	APPLICANT
REVOC. STAYED: PROB ONLY					
Unprofessional Conduct		1	1		
Aiding and Abetting					
Sexual Misconduct					
Discipline by Another State Agency					
Conviction of a Crime		2			
Subtotal	4	3	1	0	0
REVOC. STAYED: PROB, SUSPENSION					
Conviction of a Crime		1	1		
Fraud		1			
Subtotal	3	2	1	0	0
REVOKED					
Improper Supervision					
Discipline by Another State Agency					
Conviction of a Crime		3	2		
Sexual Misconduct					
Subtotal	5	3	2	0	0
SURRENDER OF LICENSE					
Unprofessional Conduct			1		
Discipline by Another State Agency			1		
Emotional / Physical Harm					
Sexual Misconduct					
Conviction of a Crime			1		
Subtotal	3	0	3	0	0
OTHER DISCIPLINE					
Discipline by Another State Agency				1	
Subtotal	1			1	
TOTAL	16	8	7	1	0

* Time frame: July 1, 2006 through February 28, 2007

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

BOARD OF BEHAVIORAL SCIENCES CITATIONS ISSUED BY CATEGORY

Agency Category Types	02/03	03/04	04/05	05/06	06/07*
Sexual Misconduct					1
Improper Supervision	1	1	2		5
Aiding & Abetting				1	
Failure/Report Abuse	1	1			
Breach of Confidence	2	6	5	5	2
Advertising/Misrepresentation	1	1	1		
Unlicensed Practice	4	3	7	2	1
Failure Report Conviction on Renewal	2				1
Non Compliance with CE Audit	12	6	44	148	60
Failure Report Conviction on Application	1		1	1	
Subvert Licensing Exam		1			
Practicing Beyond Scope			1		
Client Abandonment				1	
Unprofessional Conduct			2	2	6
TOTAL	24	19	63	160	76

	02/03	03/04	04/05	05/06	06/07*
Number Citations Ordered	24	19	63	160	76
Fines Assessed				\$61,650.00	\$35,900.00
Fines Collected (1)				\$37,150.00	\$24,150.00

(1) May reflect collection of fines ordered in previous fiscal years.

* 06/07 Fiscal Year through: February 28, 2007

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

**BOARD OF BEHAVIORAL SCIENCES
RECOVERY COSTS**

	02/03	03/04	04/05	05/06	06/07*
Number Cases Ordered	12	9	12	11	11
Total Amount Ordered	\$36,258.50	\$25,497.50	\$73,791.25	\$47,751.25	\$47,478.00
Stipulation - Revocation (1)				\$1,320.00	\$1,350.50
Stipulation - Voluntary Surrender (2)				\$36,008.25	\$15,096.50
Stipulation - Probation				\$1,500.00	\$28,635.50
Decision - Revocation				\$6,410.50	
Decision - Probation				\$2,512.50	\$2,395.50
Total Amount Collected (3)	\$57,867.25	\$20,600.08	\$23,791.89	\$15,168.57	\$9,905.32
Intercepted by FTB Program				\$314.73	
Cost Collected in Payments				\$8,058.34	\$4,117.32
Cost Collected in Lump Sum				\$6,795.50	\$5,788.00

(1) Cost recovery only required if the respondent pursues reinstatement (may never be recovered).

(2) Cost recovery only required if the respondent reapplies for licensure (may never be recovered).

(3) May reflect collection of cost recovery ordered in previous fiscal years.

* 06/07 Fiscal Year through: February 28, 2007

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

**BOARD OF BEHAVIORAL SCIENCES
REIMBURSEMENT OF PROBATION PROGRAM**

	02/03	03/04	04/05	05/06	06/07 *
# Cases Ordered		1	3	4	6
Amount Ordered Per Year (\$1,200)		\$6,000.00	\$16,800.00	\$19,200.00	\$33,600.00
Amount Collected		0	\$1,900.00	\$3,800.00	\$5,800.00

* 06/07 Fiscal Year through: February 28, 2007

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

**BOARD OF BEHAVIORAL SCIENCES
ENFORCEMENT AGING DATA
2006 - 2007 FISCAL YEAR ⁽¹⁾**

	0-3 mo	4-6 mo	7-9 mo	10-12 mo	1-2 years	2-3 years	Over 3 Years	Total
Pending Complaints ⁽²⁾	299	102	46	24	14	3	0	488
Pending Investigations ⁽³⁾	4	7	16	3	12	0	0	42
Total Pending Complaints (Includes Inv) ⁽⁴⁾	303	109	62	27	26	3	0	530
Pending Cases at the AG - Pre Accusation ⁽⁵⁾	8	4	4	1	0	1	0	18
Pending Cases at the AG - Post Accusation ⁽⁶⁾	14	5	9	2	7	0	2	39
Total Pending Cases at the AG's Office	22	9	13	3	7	1	2	57

(1) Pending as of February 28, 2007.

(2) Pending Complaints are those complaints which are not currently being investigated by the Division of Investigation.

(3) Pending Investigations are those complaints which are being investigated by the Division of Investigation.

(4) Total Pending Complaints includes pending complaints and pending investigations.

(5) Pre Accusation are those pending cases at the AG's office where an accusation or statement of issues has not been filed yet.

(6) Post Accusation are those pending cases at the AG's office where a accusation or statement of issues has been filed.

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

BOARD OF BEHAVIORAL SCIENCES
Overview of Enforcement Activity

Fiscal Years	02/03	03/04	04/05	05/06	06/07*
Complaints / Cases Opened					
Complaints Received	514	560	626	801	584
Criminal Convictions Received	384	383	384	455	301
Total Complaints Received	898	943	1010	1256	885
Investigations Opened	25	11	25	44	27
Cases Sent to AG	41	17	25	55	25
Filings					
Citations Issued	24	19	63	160	76
Accusations Filed	17	22	17	29	23
Statement of Issues (SOI's) filed	4	4	2	1	4
Temporary Restraining Order	0	0	0	0	0
Interim Suspension Orders	0	1	0	1	0
Withdrawals/Dismissals					
Accusations Withdrawn or Dismissed	1	0	1	1	3
SOI's Withdrawn or Dismissed	1	0	0	0	0
Declined by the AG	7	3	1	3	1
Disciplinary Decision Outcomes					
Revoked	4	10	4	7	5
Revoked, Stayed, Susp & Probation	2	1	2	0	3
Revoked, Stayed, Probation	6	5	2	4	4
Surrender of License	7	7	7	9	3
Suspension	0	0	0	0	0
Susp., Stayed, Susp & Prob	0	0	0	0	0
Susp., Stayed Probation	1	0	0	0	0
Susp & Prob Only	0	0	0	0	0
License Probation Only	0	0	0	0	0
Reprimand / Reapproval	1	0	0	0	0
Other Decisions	0	0	0	0	1
Total Decisions	21	23	15	20	16
Decisions (By Violation Type)					
Fraud	1	0	1	0	1
Health & Safety	0	0	1	2	0
Sexual Misconduct	5	5	5	5	0
Competence / Negligence	2	9	2	2	0
Personal Conduct	7	3	4	7	12
Unprofessional Conduct	4	4	2	4	3
Unlicensed Activity	0	0	0	0	0
Other	0	0	0	0	0
Violation of Probation	2	2	0	0	0

* Fiscal Year Period: 7/1/06 through 02/28/07.

Note: These statistics are for informational purposes only and should not be used as the the sole source to analyze the Board's enforcement program.

**State of California
Board of Behavioral Sciences**

Memorandum

To: Consumer Protection Committee

Date: April 3, 2007

From: Mona C. Maggio
Assistant Executive Officer

Telephone: (916) 574-7841

Subject: Agenda Item XIII – Review Examination Program Statistics

Examination program statistics will be provided at the Committee meeting.

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**State of California
Board of Behavioral Sciences**

Memorandum

To: Consumer Protection Committee

Date: April 3, 2007

From: Mona C. Maggio
Assistant Executive Officer

Telephone: (916) 574-7841

**Subject: Agenda Item XIV - Discuss Future Meeting Dates and Committee Meeting
Agenda Items**

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

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

Suggest Committee Meeting Dates

Wednesday, April 11, 2007

Friday, July 20, 2007

Wednesday, September 26, 2007

Scheduled Board Meeting Dates

May 31 – June 1, 2007, Sacramento

August 30-31, 2007, Los Angeles

November 8-9, 2007, Bay Area

At this time the Committee and audience members may suggest future agenda items for consideration.

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