

MEETING NOTICE

November 8, 2007

CSU Fresno
Alice Peters Auditorium
5245 N. Backer Ave.
Fresno, CA 93740
(559) 278-2352

November 9, 2007

Kingsview Behavioral Health
201 North K Street
Tulare, CA 93274
(559)687-0929

Thursday, November 8
9:00 a.m.

FULL BOARD OPEN SESSION - Call to Order & Establishment of a Quorum

- I. Introductions
- II. Approval of August 30-31, 2007 Meeting Minutes
- III. Chairperson's Report
 - A. New Board Member
 - B. Discussion and Possible Action to Comment on American Psychological Association Model Law Changes Regarding Educational Psychology
- IV. Executive Officer's Report
 - A. Personnel Update
 - B. Examination Update
 - C. Quarterly Licensing Statistics
 - D. Future Meeting Dates
 - E. Miscellaneous Matters
- V. Discussion and Possible Action Regarding Acceptance of Degrees Granted by Institutions Approved by the Bureau for Private Postsecondary and Vocational Education

Special Order of Business **11:00 a.m.**

- VI. Presentation Regarding the Prevention and Early Intervention Component of the Mental Health Services Act by:

Michelle L. Lawson, MSW
Staff Mental Health Specialist
Department of Mental Health
Prevention and Early Intervention



- VII. Discussion and Possible Action to Take a Position on Senate Bill 797 Regarding Changing the Statutes of Limitations for Cases Involving Sexual Contact with a Minor
- VIII. Planning Committee Report
 - A. Strategic Plan Objective 1.7
 - B. Fee Reduction Proposal
 - C. Budget Update
 - D. Strategic Plan Update
 - E. Communications Update
- IX. Policy and Advocacy Committee Report
 - A. Recommendation #1 – To Sponsor Legislation Making Technical Changes to Section 128.5, 4980.30 and 4981 of the Business and Professions Code
 - B. Recommendation #2 – To Sponsor Legislation Repealing Sections 4996.20 and 4996.21 of the Business and Professions Code
 - C. Recommendation #3 – To Develop Recommendations Regarding Changes to the Sunset Review Process
 - D. Legislation Update
 - E. Regulation Update
- X. Consumer Protection Committee Report
 - A. Recommendation #1 – To Sponsor Legislation Clarifying Rules for Group Supervision
 - B. Recommendation #2 – To Initiate a Rulemaking to Revise Continuing Education Exception Requirements
 - C. Enforcement Statistics
- XI. Marriage and Family Therapist Education Committee Report
- XII. Presentation by Janlee Wong Regarding the Social Work Reinvestment Initiative
- XIII. Public Comment for Items Not on the Agenda
- XIV. Suggestions for Future Agenda Items

FULL BOARD CLOSED SESSION

- XV. Pursuant to Section 11126(a) of the Government Code to Evaluate the Performance of the Board's Executive Officer.

***Friday, November 9
9:00 a.m.***

FULL BOARD OPEN SESSION - Call to Order & Establishment of a Quorum

- XVI. Presentation Regarding Kingsview Behavioral Health Programs by Kingsview Behavioral Health Staff

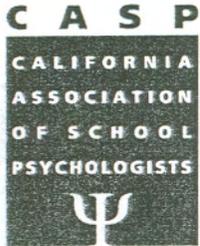
XVII. Tour of Facility and Observation of Off-site Client Visits with Kingsview Behavioral Health Staff

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

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

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

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September 10, 2007

Dr. Ian Russ, Chairperson
California Board of Behavioral Sciences
1625 Market Blvd. Suite S-200
Sacramento, CA 95834

Dear Dr. Russ:

Thank you for your ongoing support of school psychologists. We are writing to ask you to take action to protect the future of school psychological practice and services to children, families and schools by contacting the American Psychological Association (APA) Model Licensure Act (MLA) Task Force regarding proposed revisions to their model licensure act.

The APA is proposing eliminating the school psychology exemption in its draft revised MLA. The model act has been used in the past by many state legislatures to guide licensing and credentialing decisions of psychologist at the state level. The long-standing school psychology provision provides an exemption to APA's model licensure act for school psychologists who are appropriately credentialed by their respective state board of education to hold the title "school psychologist" and to practice independently in school settings. Its removal could negatively impact practice for Specialist Level psychologists if states opt to revise state law accordingly.

The proposed changes to the model act are not final. APA has a 90-day public comment period to hear from stakeholders and the public. These comments will be gathered and reviewed by the APA Task force revising the model act to determine final language before submitting it to their governance for adoption. The comment period is now open and will remain open for comments until October 31st. You are encouraged to read the full text of the proposed Model Licensure Act at: <http://forms.apa.org/practice/modelactlicensure/ModelActforReview.pdf>

We request that you to write to the APA Model Licensure Act Task Force urging them to reinstate the school psychology exemption. We also urge you to reach out to other stakeholders in California, asking them to provide commentary as well. Attached to this message is a draft letter that can be downloaded, adapted, printed on your letterhead and mailed to:

Practice Directorate – Attn: Lynn Bufka, PhD
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242

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APA – Model Licensure Act – The Impact on California School Psychologists BACKGROUND AND RATIONALE August 2007

School psychologists provide critical services that support the mental health and academic achievement of all children. Mental health is integral to success in school and life. School psychologists are specially trained to implement prevention activities and to provide interventions for mental health and learning issues at the individual, group, and school-wide levels. This can include academic and behavioral interventions, resilience and wellness promotion, counseling, consultation with parents and teachers, case management, assessment, progress monitoring, as well as crisis prevention and intervention. Today there is significant recognition within the education and health communities of the importance of having school-employed professionals like school psychologists to provide these services in order to meet the growing needs of students.

The current APA model act serves the public interest by recognizing a title exemption for school psychologists. School psychologists have been credentialed in California for nearly 60 years, long before the establishment of licensure for psychologists. The exemption within APA's model act is a recognition of school psychologists' long history of contributing to schools and the field of education, and as a specialty area within psychology. Many recognizable benefits have resulted from the title exemption for school psychologists. Over the years, the number of highly trained school psychologists has increased to nearly 5,000 in California; 35,000 in the United States. This has directly improved the ability of schools to support academic and social-emotional success for all students, and has increased access to desperately needed services for children and families.

Removing the exemption could undermine services to children and families at a time of growing need. There is no benefit to the public, to students and families, schools, or to the profession of psychology to change this exemption for school psychologists credentialed by state education agencies, particularly at a time when there are shortages of school psychologists nationally. Shortages are severe in some under-resourced urban and rural school settings. The shortages are even more critical given a significant unmet need for individuals of minority and culturally and linguistically diverse backgrounds to serve in school settings. Adding barriers to these already challenging situations would not serve the public interest and could result in further shortages of school psychologists in school settings. The potential consequences would have a negative impact on important services for children and families.

The California Commission on Teacher Credentialing (CTC) has stringent standards for the graduate education and state credentialing of school psychologists. State standards promote effective services by requiring well-trained school psychologists in schools. Credentialing practices by the CTC ensures that highly qualified school psychologists are employed by schools and provide needed services to children. These credentialing practices are used for all school personnel, which leads to an alignment of standards.

Proposed language changes could cause unnecessary confusion and conflict with well-established state laws and state department of education codes. Maintaining the current exemption within the APA model act would prevent potential conflicts between the California Department of Education, the Commission on Teacher Credentialing, the Board of Behavioral Sciences and the State Board of Psychology. For example, California's unique system allows for Licensed Educational Psychologists to establish private practices. These are school psychologists who are licensed by the Board of Behavioral Sciences. Clinical psychologists – practicing psychologists with doctoral degrees, however, are licensed by the Board of Psychology, an entirely different agency. And that is just one conflict that would have to be resolved by state law if the Legislature decides to endorse the proposed changes to the model act. The public is well protected and services to children and families in schools are strengthened by current California state laws and codes that regulate the practice and credentialing of school psychologists. The potential conflict with state school code provisions for services provided within public schools has no benefit and could distract public officials, policymakers and professional leaders from other, more important matters related to providing needed services and resources to children, families, and schools.

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APA Model Licensure Task Force
c/o Practice Directorate – Attn: Lynn Bufka, PhD
American Psychological Association
750 First Street, NE
Washington, DC 20002-4242

Dear Model Licensure Act Task Force Members:

As a member of the California Association of School Psychologists (CASP) I request that the Task Force reinstate the exemption for school psychologists in the APA Model Act for State Licensure of Psychologists. (See lines 510 to 517 of the July 3, 2007 draft of the model act.) This long-standing provision provides an exemption to the licensure act for school psychologists who are appropriately credentialed by their respective state board of education to hold the title “school psychologist” and to practice independently in school settings.

School psychologists at both the specialist and doctoral levels have practiced independently in schools since the 1950s. Removal of the exemption has potentially serious implications for the status of all school psychologists’ credentials – those at the doctoral level as well as those at the specialist level. For example, changes in the jurisdiction of credentialing from the California Commission on Teacher Credentialing to the State Board of Psychology (under the jurisdiction of the state Department of Consumer Affairs) possibly would:

- Create an incongruent credentialing system in which school psychologists would work under licensure regulations intended for the independent practice of psychology, not the public practice of school psychology in school settings. For example, I hold a Pupil Personnel Services credential, with emphasis in school psychology, from the Commission on Teacher Credentialing, which also credentials all certificated school personnel. The State Board of Psychology has no jurisdiction over this commission.
- Increase substantially the yearly cost of credentialing and make credentialing for public service prohibitive for many school psychologists working in the schools. Only three universities in California offer doctoral degrees in school psychology, one is a private institution and the other two are in the University of California system. Most school psychologists in California receive their degrees from the California State University system, a lower-cost alternative to UC, that offers excellent programs.
- Impose continuing professional development requirements developed originally for private practice clinical psychologists and not necessarily appropriate to school-based practice.
- Unnecessarily confuse the public and other stakeholders about the provision of school psychological services at a time when standards for training and practice are well-established and being broadly implemented.

The California Association of School Psychologists, many Special Education Local Planning Agencies (SELPAs), school districts and the National Association of School

Psychologists all offer excellent continuing education programs. Most school psychologists take advantage of these learning opportunities to enhance their skills and to keep up with the latest best practices.

Please also take into consideration that school psychologists' wages are more in line with teachers than with clinical psychologists. If school districts were forced to only hire psychologists with doctoral degrees to practice school psychology, there could be a shortage of qualified personnel.

The school psychology exemption has been a part of the APA model licensure act for over 30 years and has served the public interest well. There is no public benefit to removing it now. Specialist level school psychologists provide quality, evidence-based services and make significant contributions to the children and families. Ample protections already exist to ensure the quality of services provided by school psychologists credentialed by the California Commission on Teacher Credentialing. Removing the exemption actually poses real harm to children, families, and schools by putting at risk the availability of school psychological services.

Consider all the implications the cancellation of the exemption for school psychologists in the MLA could cause. Please reinstate the licensure exemption for school psychologists.

Sincerely,

Suggested Talking Points Doctoral Level School Psychologists and APA Members

1. APA should reinstate the exemption for school psychologists in the APA Model Act for State Licensure of Psychologists. (See lines 510 to 517 of the July 3, 2007 draft of the model act.) This 30-year provision provides an exemption to the licensure act for school psychologists who are appropriately credentialed by their respective state boards of education to hold the title "school psychologist" and specifically recognizes the importance of school psychologists' ability to practice independently in school settings.
2. School psychologists at both the specialist and doctoral levels have practiced independently in schools since the 1950s. We provide vital psycho-social, emotional, and educational services that contribute to improved outcomes for children and families.
3. There is no benefit to the profession of psychology or the public in removing the school psychologist exemption from the model licensure act. In fact, removing the exemption has the potential for real harm to children, families, and schools by putting at risk the availability these services.
4. Removing the exemption undermines mental health and academic support services to children and families at a time of growing need and current shortages on a national level. [PROVIDE SPECIFIC EXAMPLES FROM YOUR STATE OR DISTRICT.]
5. Shortages are particularly critical in under-served schools in rural and urban areas. They are even more critical given *a significant unmet need for individuals of minority and culturally and linguistically diverse backgrounds to serve in school settings*. Removing the exemption could worsen this situation by adding potential barriers for those who seek specialist level entry to school-based practice. [PROVIDE SPECIFIC EXAMPLES FROM YOUR STATE OR DISTRICT.]
6. Approximately 75% of school psychologists hold the specialist-level degree, or the equivalent to 60 hours (minimum) of graduate education, including a full year of supervised internship in the school setting. (NASP has 25,000+ members of whom approximately 6,000 hold a doctoral degree.) Could provide CASP numbers later.
7. APA should be working to find ways to *expand*, not *restrict*, the availability of ***appropriately trained school psychologists*** who can provide high quality services to the children, families and schools who need them the most.
8. The public is well protected and services to children and families in schools are strengthened by state laws and codes that regulate the practice and credentialing of school psychologists by state education agencies (SEAs). Removing the exemption could shift jurisdiction inappropriately from SEAs to state boards of psychology.
9. State board of psychology licensure regulations are intended for the independent practice of psychology, not the public practice of school psychology. According to a recent NASP survey, only 4% of school psychologists report their primary employment as independent practice. State education agencies are well versed in the knowledge and skill sets required to provide services within a school setting that are appropriate to the

mission and purpose of schools. Separating credentialing of school psychologists from other school-based professionals sets up a potential conflict between state boards of education and state psychology licensing boards that would likely undermine the quality of services, not enhance them.

10. In addition to creating an incongruent credentialing system, changing the jurisdiction of credentialing from SEAs to state boards of psychology would:
 - Impose continuing professional development requirements developed originally for private practice clinical psychologists and not necessarily appropriate to school-based practice.
 - Increase substantially the yearly cost of credentialing and make credentialing for public service prohibitive for many school psychologists working in the schools.
 - Unnecessarily confuse the public and other stakeholders about qualifications of school psychologists and the provision of school psychological services at a time when standards for graduate education and practice are well-established and being broadly implemented.
11. Most doctoral trained, practicing school psychologists are credentialed by their SEAs. Only 14% of doctoral level practitioners are currently licensed as “psychologists” by a Board of Psychology. Removal of the exemption and subsequent change in the status quo jeopardizes and possibly disenfranchises our professional status.
12. Removal of the exemption has major implications for the training and viable credentialing of specialist level school psychologists and will negatively impact all specialist level training programs in the country and *any* U.S. doctoral level program not accredited by APA. There are only three universities in California that offer doctoral programs in school psychology.
13. Removing the exemption for school psychologists is a guild issue that does nothing to help children and their families. Neither does it genuinely promote the integrity of the psychology professions overall. It is counter-productive for all school psychologists, not just specialist level practitioners.
14. I strongly oppose undermining the important specialty of school psychology and *urge the Task Force to reinstate the school psychologist exemption into the APA model licensure act in the interest of children, families, and schools.*

JULIA M. JOHNSON 'JUDY', ABSNP, CSP, LEP # 2268

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10/22/2007

As a doctoral level school psychologist and the LEP Member on the Board of Behavioral Sciences for the state of California, I am writing to urge the Task Force to reinstate the exemption for school psychologists in the proposed revised APA Model Act for State Licensure of Psychologists (lines 510 to 517 of the draft model act). The proposed Model Act, without the exemption, calls for limiting the provision of psychological services and use of the title "psychologist" to only those individuals licensed by a state psychology licensure board. This would seriously curtail the practice of almost all school psychologists and the provision of necessary services to children, families, and schools.

School psychologists at both the specialist and doctoral levels have practiced independently in schools since the 1950s. The current exemption for board of education credentialed specialist and doctoral level school psychologists has been part of the APA Model Act for over 30 years and has served the public interest well.

APA has provided no evidence of benefit to the public welfare by reversing this long-standing policy and removing the exemption now. I work with many outstanding specialist level school psychologists who provide quality, evidence-based services and make significant contributions to the children and families we serve. Ample protections exist to ensure the quality of services provided by school psychologists credentialed by their state boards of education. Further, removing the exemption poses real harm to children, families, and schools by putting at risk the availability of school psychological services.

A close analysis of the proposed Model Act reveals four particularly serious areas of concern.

- * Improper restraint of trade, preventing qualified and appropriately credentialed school psychologists from providing school psychological services.
- * Potentially unconstitutional claiming of exclusive property rights to the title and terms 'psychologist,' 'psychological,' and 'psychology.'
- * Denial of the well-established practice of school psychology by properly credentialed specialist level and doctoral level school psychologists.
- * Potential for unnecessary and unfounded recommendations to state legislating bodies that will cause public harm by confusing and limiting access to needed services.

Additionally, the following reasons support the importance of reinstating the school psychologist exemption in the interest of the public welfare.

1. School psychologists provide critical services that support the mental health and academic achievement of all children.

- * School psychologists are trained at both the specialist level and doctoral level to implement evidence-based prevention activities and to provide interventions for mental health and learning issues at the individual, group, and school-wide levels.

- * Today there is significant recognition within the education and health communities of the importance of having school-employed professionals like school psychologists to provide these services in order to meet the growing needs of students.

- * The 1987 title exemption for school psychologists benefits consumers who rely on access to mental health and academic support services offered through the schools.

- * Research demonstrates that providing mental health services in schools removes common access barriers, such as transportation, cost, trust, and comfort level, resulting in increased numbers of students and families receiving needed services.

2. Removing the exemption undermines mental health and academic support services to children and families at a time of growing need and current shortage, especially in schools in rural and urban areas.

- * There is a shortage of school psychologists nationally and limiting the ability of specialist or doctoral level school psychologists credentialed by state education agencies to practice independently in schools seriously risks curtailing needed mental health and academic support services while providing no public benefit.

- * Shortages are severe in many under-resourced urban and rural school settings.

- * The shortages are even more critical given a significant unmet need for individuals of minority and culturally and linguistically diverse backgrounds to serve in school settings.

- * Removing the exemption will worsen this situation by adding potential barriers for those who seek specialist level entry to school-based practice.

- * Policymakers and professional organizations should be working to find ways to expand, not restrict, the availability of appropriately trained school psychologists who can provide high quality services to the children, families and schools who need them the most.

3. The public is well protected and services to children and families in schools are strengthened by well-established professional standards and state laws and codes that regulate the practice and credentialing of school psychologists by state education agencies.

- * There are existing, well-documented, and widely implemented high standards of training and practice that govern the field of school psychology today.

- * State education agencies already have stringent standards for the graduate education and state credentialing of school psychologist (many based on the national standards), which protect the public.

- * Over 90% of state boards of education use the title "school psychologists" for credentialing of professionals in public schools.
- * Federal and state statutes and regulations refer to the practice of school psychology and the title of "school psychologist" for important services for children in general and special education.
- * A number of cases have affirmed the right and benefit to the public of school psychologists credentialed by their state board of education to practice in schools.
- * Removing the exemption for school psychologists is a guild issue that would only benefit licensed psychologists and does harm to consumers who cannot afford to lose access to the free mental health and academic support services provided by school psychologists in the school setting.

4. Changes in the jurisdiction of credentialing from a State Board of Education to a Board of Psychology could disrupt and undermine provision of services by potentially:

- * Creating an incongruent credentialing system in which school psychologists would work under licensure regulations intended for the independent practice of psychology, not the public practice of school psychology in school settings, in which most professionals are credentialed by a state board of education.
- * Increasing substantially the yearly cost of credentialing and make credentialing for public service prohibitive for many school psychologists working in the schools.
- * Impose continuing professional development requirements developed originally for private practice clinical psychologists and not necessarily appropriate to school-based practice.
- * Unnecessarily confusing the public and other stakeholders about the provision of school psychological services at a time when standards for training and practice are well-established and being broadly implemented.

Again, as a doctoral level school psychologist, I understand the goal to ensure the integrity of the psychology professions; however, removing the exemption from the model licensure act does nothing to accomplish this. It is counter-productive for all school psychologists. I cannot support undermining our important field and urge the Task Force to reinstate the school psychologist exemption into the APA model licensure act in the interest of children, families, and schools.

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www.bbs.ca.gov

To: Board Members

Date: October 24, 2007

From: Steve Sodergren
Program Manager

Telephone: (916) 574-7840

Subject: Personnel Update

New Employees

Marlon McManus joined the Board in September filing a new and vacant analyst position in the Board's Enforcement Unit. Marlon previously worked at State Compensation Insurance Fund as a Workers Compensation Claims Adjuster.

Departures

Gordon Redoble, who served the Board as the lead over the cashiering unit, left the Board on August 31, 2007. Gordon accepted a position with the Dental Auxiliary Board.

Rosanna Webb, who is an analyst in the enforcement unit, will be leaving the Board on August 16, 2007. Rosanna has accepted a position in the enforcement unit of the Board of Barbering and Cosmetology.

Recruitment

The Board is currently recruiting for the Management Service Technician and will be recruiting, within the next few months, for an analyst position within the Enforcement Unit.

The Board is continuing to pursue the finalization of a Staff Services Manager position that will be responsible for the Mental Health Services Act project. The Department of Personnel Administration rejected a proposal to establish the position as a Staff Services Manager Specialist position. The Board will be submitting a proposal to the Consumer Affairs Personnel office to establish the position as a Staff Services Manager Supervisory position.

Change in Duties

Kari O'Connor, who was an Office Technician in the Enforcement Unit, will be filling a vacancy in the Cashiering Unit.

Training

The following employees have completed the following training classes:

Michelle Eernisse	Discover Your True Colors	5/30-5/31/07
Marsha Gove	Defensive Driver Training	6/7/07
Paul Riches	Action Plan for Behavioral Health Workforce Development	6/12/07

Michelle Eernisse	Introduction to Power Point	6/14/07
Cindy Finan	How To Be an Outstanding Receptionist	7/17/07
Marilyn Schilling	How To Be an Outstanding Receptionist	7/17/07
Lora Romero	How To Be an Outstanding Receptionist	7/17/07
Cassandra Kearney	Budget Form Class (STD 399)	8/3/07
Mona Maggio	Introduction to Project Management in the Public Sector	9/11-13/07
Paula Gershon	Introduction to Project Management in the Public Sector	9/11-13/07
Sean O'Connor	Introduction to Project Management in the Public Sector	9/11-13/07
Paul Riches	ADA/FEHA Accommodations Training	9/18/07
Mona Maggio	ADA/FEHA Accommodations Training	9/18/07
Steve Sodergren	ADA/FEHA Accommodations Training	9/18/07
Marlon McManus	Word 2003	9/25/07

Below is a list of the amount of candidates who have taken an examination with PSI as of October 24:

TEST TYPE	NUMBER OF CANDIDATES
Licensed Clinical Social Worker Written Exam	461
Licensed Clinical Social Worker Clinical Vignette	424
Marriage and Family Therapist Written Exam	749
Marriage and Family Therapist Clinical Vignette	594
Licensed Educational Psychologist	33

A component of the testing experience is a survey that the candidates volunteer to fill out at the end of the exam. Below are the questions that are asked and the response of approximately 849 candidates who filled out the survey:

How would you rate the location of the test center?	
Excellent	35%
Good	44%
Average	15%
Poor	6%

How would you rate the computer testing system overall?	
Excellent	38%
Good	48%
Average	11%
Poor	3%

How would you rate the registration and scheduling procedures?	
Excellent	39%
Good	41%
Average	13%
Poor	7%

How would you rate the conditions of the test center?	
Excellent	29%
Good	42%
Average	21%
Poor	8%

How would you rate the convenience of the examination date and time?	
Excellent	43%
Good	43%
Average	11%
Poor	3%

How would you rate the test center staff?	
Excellent	60%
Good	32%
Average	7%
Poor	1%

How would you rate the information in the Candidate Information Brochure?	
Excellent	26%
Good	54%
Average	16%
Poor	4%

How would you rate the clarity of the computer tutorial?	
Excellent	37%
Good	49%
Average	12%
Poor	2%

QUARTERLY LICENSING STATISTICS

(7/1/2007- 9/30/2007)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	692	1,136	278	384	44	2,534
Applications Approved	743	1,149	270	394	44	2,600
Avg. Processing Time	20 days	17.5 days	36.1 days	35.8 days	25 days	26.9 days
Avg. Processing Time subtracting time for deficiencies	12.8 days	11.2 days	17.8 days	12.6 days	10.9 days	13.1 days

QUARTERLY LICENSING STATISTICS

(4/1/2007- 6/30/2007)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	460	673	250	427	24	1,834
Applications Approved	389	591	217	350	16	1,563
Avg. Processing Time	24 days	25.4 days	33.1 days	36.8 days	35.3 days	30.9 days
Avg. Processing Time subtracting time for deficiencies	11.7 days	11 days	16.6 days	12.3 days	13.5 days	13 days

QUARTERLY LICENSING STATISTICS

(1/1/2007- 3/31/2007)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	312	645	266	372	28	1,623
Applications Approved	280	564	282	304	18	1,448
Avg. Processing Time	23.9 days	26.4 days	40.4 days	39.4 days	52.1 days	36.4 days
Avg. Processing Time subtracting time for deficiencies	13.1 days	13.3 days	23.3 days	13.8 days	8.3 days	14.4 days

QUARTERLY LICENSING STATISTICS

(10/1/2006- 12/31/2006)

	Associate Clinical Social Worker	Marriage and Family Therapist Intern	Licensed Clinical Social Worker	Marriage and Family Therapist	Licensed Educational Psychologist	Totals
Applications Received	396	639	234	354	16	1,639
Applications Approved	422	593	181	308	14	1,518
Avg. Processing Time	24.7 days	26.6 days	43.6 days	43 days	34.2 days	34.4 days
Avg. Processing Time subtracting time for deficiencies	11.6 days	14.6 days	18.8 days	14.3 days	12.8 days	14.4 days

QUARTERLY LICENSING STATISTICS

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

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

QUARTERLY LICENSING STATISTICS

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

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

QUARTERLY LICENSING STATISTICS

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

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

QUARTERLY LICENSING STATISTICS

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

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

QUARTERLY LICENSING STATISTICS

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

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

QUARTERLY LICENSING STATISTICS

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

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

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1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

To: Board Members

Date: October 25, 2007

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: Future Meeting Dates

Below are the proposed calendars for 2008 board and committee meetings. The August board meeting is noted as either San Diego or the Bay Area because we have not selected a non-traditional location for the November 2008 meeting. We would like to keep a north/south balance overall and depending on what location is chosen for the November meeting, the August meeting will be needed to ensure regional balance.

Full Board Meetings

February 21-22, 2008 – Long Beach
May 29-30, 2008 - Sacramento
August 21-22, 2008 - San Diego/Bay Area
November 13-14, 2008 – TBA

Committee Meetings

The January meetings are currently scheduled for Friday, January 11 in Sacramento. I would like to move that meeting date to January 18 also in Sacramento.

December 7, 2007 – Pepperdine University, Orange County Campus
MFT Education Committee

January 11, 2008 - Sacramento
Policy and Advocacy Committee Meeting
Consumer Protection Committee Meeting

April 11, 2008 - Los Angeles/Orange County
Policy and Advocacy Committee Meeting
Consumer Protection Committee Meeting

July 11, 2008 - Sacramento
Policy and Advocacy Committee Meeting
Consumer Protection Committee Meeting

October 10, 2008 - Los Angeles/Orange County
Policy and Advocacy Committee Meeting
Consumer Protection Committee Meeting

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www.bbs.ca.gov

To: Board Members

Date: October 22, 2007

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: Regulation Proposal for BPPVE Approved MFT Programs

Background

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

On September 30, 2006 the Governor vetoed Assembly Bill 2810 (Liu). This bill, among other elements, extended the sunset date for the Bureau of Private Postsecondary and Vocational Education for one year to July 1, 2008. The veto of this legislation has the effect of repealing both the BPPVE and the underlying statutes that govern the approval of thousands of educational institutions including 21 programs offering degrees in marriage and family therapy (list of programs attached). Absent further legislative action the board will be unable to accept degrees conferred by these 21 programs on or after July 1, 2007.

At its February 2007 meeting, the board agreed to sponsor legislation to address this problem in two ways:

1. Recognize schools in California that are accredited by regional accreditation agencies other than the Western Association of Schools and Colleges (WASC).
2. Recognize approvals granted by BPPVE until they would have expired irrespective of the BPPVE sunset.

Both of these proposals were submitted to the Legislature for consideration. However, the proposals were unacceptable to Senator Perata who is sponsoring legislation to reform the school approval system (Senate Bill 823) and were not included in proposed legislation addressing the issue. At the May 2007 meeting, the board approved proceeding with an emergency regulation to extend recognition to approved programs through June 30, 2008. Subsequent to that meeting, the Legislature passed two measures which ultimately extended our ability to accept degrees from approved programs through December 31, 2008 (See Senate Bill 45 attached).

Issues

At this time the parties involved in negotiating the creation of a successor agency to BPPVE remain in substantial disagreement on fundamental issues. There is little reason to assume that the parties will necessarily reach agreement on these issues during the 2008 legislative term. Absent such an agreement, it is unlikely that legislation to establish a revised regulatory regime will be enacted in 2008.

The uncertainty regarding the status of these programs continues to create anxiety among students selecting which program to enter. Many feel a need to choose an accredited program because of the uncertainty of a degree issued after December 31, 2008 (full time students take 2 – 3 years to complete a program). Attached to this memorandum are two draft regulations that would allow the board to continue accepting degrees from approved programs for an additional four years. This approach would allow students to continue to make enrollment choices by providing certainty for a longer period of time. It is hoped that meaningful resolution on a successor to BPPVE would be reached in that period.

Such short term actions are practical at this time, but at some point approved programs will have to come under some meaningful oversight. Absent such oversight, the board has no means currently available to ensure institutional integrity at these programs.

The board has neither the expertise nor the resources to engage in its own approval process. Educational oversight is a complex and challenging endeavor and should only be engaged in by entities with the skills and resources to do it effectively.

Staff Recommendation

To authorize staff to file a rulemaking notice. Completion of such a rulemaking would take approximately twelve months. If legislation is enacted in that period to resolve the issue, the board would be free to withdraw the proposed regulation.

Attachments

Draft Regulations
Senate Bill 45
List of Approved Schools

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
Proposed Language**

Adopt section 1832.5 in Article 4 of Division 18 of Title 16 of the California Code of Regulations, to read as follows:

1832.5 Requirements for Degrees from Educational Institutions Approved by the Bureau for Private Postsecondary and Vocational Education.

(a) A doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university that held an approval to operate from the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007 will be considered by the board to meet the course requirements necessary to qualify for licensure under Section 4980.40 or registration under 4980.44 of the Code provided that the degree is awarded on or before June 30, 2012.

(b) This Section will become inoperative if legislation reenacts the Private Postsecondary and Vocational Reform Act of 1989, Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of the Education Code and the Bureau for Private Postsecondary and Vocational Education, or if legislation provides for a successor agency to the Bureau for Private Postsecondary and Vocational Education and that agency commences operations on or after January 1, 2008.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.40 and 4980.44 of the Business and Professions Code.

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- (1) the degree is awarded on or before June 30, 2012;
- (2) the degree is awarded after June 30, 2012 by an educational institution that becomes a candidate for accreditation with the Western Association of Schools and Colleges by June 30, 2012 and the institution obtains initial accreditation from the Western Association of Schools and Colleges by June 30, 2018; or,
- (3) the degree is awarded after June 30, 2012 by an educational institution that becomes a candidate for accreditation by June 30, 2012 and the institution obtains initial approval of that degree's program from the Commission on Accreditation for Marriage and Family Therapy Education by June 30, 2018.

(b) This Section will become inoperative if legislation reenacts the Private Postsecondary and Vocational Reform Act of 1989, Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of the Education Code and the Bureau for Private Postsecondary and Vocational Education, or if legislation provides for a successor agency to the Bureau for Private Postsecondary and Vocational Education and that agency commences operations on or after January 1, 2008.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4980.40 and 4980.44 of the Business and Professions Code.

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Senate Bill No. 45

CHAPTER 635

An act to amend Sections 1, 2, 3, 9, and 10 of Chapter 67 of the Statutes of 2007, relating to private postsecondary education, and making an appropriation therefor.

[Approved by Governor October 13, 2007. Filed with
Secretary of State October 13, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 45, Perata. Private postsecondary education.

(1) The former Private Postsecondary and Vocational Education Reform Act of 1989, which became inoperative on July 1, 2007, and is to be repealed on January 1, 2008, generally set minimum standards of instructional quality, ethical and business practices, health and safety, and fiscal responsibility for private postsecondary and vocational educational institutions, as defined. The act established the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs. The former act required the bureau, among other things, to review and investigate all institutions, programs, and courses of instruction approved under the act.

The former act established the Private Postsecondary and Vocational Education Administration Fund and the continuously appropriated Student Tuition Recovery Fund. The former act specified that certain violations of its provisions were subject to civil penalties and that certain willful violations of the act were punishable as crimes.

Existing law expresses the intent of the Legislature to provide for the protection of the interests of students who, and institutions which, have pending matters, or any other pending business, before the former bureau as of June 30, 2007.

Existing law requires that each matter, as defined, pending before the former bureau as of the close of business on June 30, 2007, be deemed to remain pending before the bureau or a successor agency as of February 1, 2008, irrespective of any applicable deadlines. With respect to any deadline applicable to a pending matter, existing law requires that no time be deemed to have elapsed between July 1, 2007, and January 31, 2008, inclusive. Existing law requires that any institution, program, or course of study that is approved by the former bureau, or authorized as prescribed, as of the close of business on June 30, 2007, be deemed to be approved as of February 1, 2008, irrespective of any applicable conditions, deadlines, or additional requirements. Existing law also requires that, with respect to any deadline applicable to the approval or conditional approval of an institution, program, or course of study, no time shall be deemed to have elapsed between July 1, 2007, and January 31, 2008, inclusive.

This bill would extend these provisions so that they apply until July 1, 2008.

(2) Existing law authorizes the Director of Consumer Affairs to enter into voluntary agreements with institutions that state that the institutions agree to comply with state statutes, rules, and regulations applicable to these institutions as of June 30, 2007. Existing law requires institutions to disclose to their current and prospective students in writing, within 60 days of the effective date of the bill, whether they entered into, or declined to enter into, a voluntary agreement with the director. These provisions are repealed on February 1, 2008.

This bill would extend these provisions by 5 months, providing for their repeal on July 1, 2008.

This bill would authorize accredited institutions to make specified modifications in their programs with the approval of their accrediting agencies. The bill would authorize the Board of Barbering and Cosmetology to approve a school meeting prescribed criteria.

These provisions would be repealed on July 1, 2008.

(3) The bill would, until July 1, 2008, continue the existence of the Private Postsecondary and Vocational Education Administration Fund and the continuously appropriated Student Tuition Recovery Fund, thereby making an appropriation.

(4) Existing law continues the approval of private postsecondary institutions for specified purposes until July 1, 2008.

This bill would extend that approval until January 1, 2009.

(5) The bill would establish a Bureau for Private Postsecondary Education in the Department of Consumer Affairs. The bill would specify the duties of the bureau, and would authorize the Director of Consumer Affairs to delegate his or her duties under this bill to a bureau chief, who would be appointed by the Governor and confirmed by a vote of a majority of the membership of the Senate.

Appropriation: yes.

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

SECTION 1. Section 1 of Chapter 67 of the Statutes of 2007 is amended to read:

Section 1. (a) It is the intent of the Legislature to provide, through the enactment of subdivision (b), for the protection of the interests of students and institutions having any matter pending before the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007. The Legislature further encourages the Department of Consumer Affairs to provide information to students and institutions during this time period to ensure their understanding of their rights and responsibilities, and that student complaints received during this time period continue to be duly recorded and, to the extent practicable, investigated, so that no Californian is harmed by the delay in the provision of full services.

(b) Notwithstanding any other provision of law:

(1) Each matter pending before the Bureau for Private Postsecondary and Vocational Education as of the close of business on June 30, 2007, shall be deemed to remain pending before the bureau or a successor agency as of July 1, 2008, irrespective of any applicable deadlines. With respect to any deadline applicable to a pending matter, no time shall be deemed to have elapsed between July 1, 2007, and July 1, 2008, inclusive.

(A) For the purposes of this paragraph, “matter” includes, but is not necessarily limited to, an appeal, a complaint, an evaluation, a hearing, or an investigation.

(B) For the purposes of this paragraph, “matter” does not include a Student Tuition Recovery Fund Claim. Nothing in this paragraph shall be construed to prevent the payment of existing Student Tuition Recovery Fund claims that have been filed with the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007.

(2) Any institution, program, or course of study that is approved by the bureau or authorized pursuant to former Section 94905 of the Education Code, as it read on June 30, 2007, as of the close of business on June 30, 2007, shall be deemed to be approved as of July 1, 2008, irrespective of any applicable conditions, deadlines, or additional requirements. With respect to any deadline applicable to the approval, renewal of approval, or conditional approval of an institution, program, or course of study, no time shall be deemed to have elapsed between July 1, 2007, and July 1, 2008, inclusive.

(3) From July 1, 2007, to July 1, 2008, inclusive, the Director of Consumer Affairs may enter into voluntary agreements with institutions that state that the institutions agree to comply with state statutes, rules, and regulations pertaining to private postsecondary institutions or pertaining to non-WASC regionally accredited institutions as defined in former Section 94740.5 of the Education Code, as it read on June 30, 2007, for the purpose of ensuring continued student protection after former Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of Title 3 of the Education Code, as it read on June 30, 2007, became inoperative.

(4) From July 1, 2007, to July 1, 2008, inclusive, the Director of Consumer Affairs shall administer the Student Tuition Recovery Fund.

SEC. 2. Section 2 of Chapter 67 of the Statutes of 2007 is amended to read:

Sec. 2. (a) The Private Postsecondary and Vocational Education Administration Fund is continued in existence under the administration of the Department of Consumer Affairs.

(b) (1) The Student Tuition Recovery Fund is continued in existence under the administration of the Department of Consumer Affairs. The fund shall consist of only one educational institution account for payment of approved claims.

(2) The moneys in the Student Tuition Recovery Fund are continuously appropriated, without regard to fiscal years, to the Director of Consumer Affairs for the purpose of paying claims that were filed with the former

Bureau for Private Postsecondary and Vocational Education prior to July 1, 2007, under the provisions of former Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of Title 3 of the Education Code, as it read on June 30, 2007. A claim that has been filed with the Bureau for Private Postsecondary and Vocational Education prior to July 1, 2007, but not paid by the Director of Consumer Affairs between July 1, 2007, and July 1, 2008, inclusive, shall be deemed pending before a successor agency on July 1, 2008.

(3) From July 1, 2007, to July 1, 2008, inclusive, an institution is not liable for payments to the Student Tuition Recovery Fund. During that period, an institution shall not collect money from its students for purposes of making payments to that fund. If any collections are made for an academic term falling within that period, the institution making the collection shall refund those moneys to the student from whom they were collected. Any funds collected by an institution from its students for the purposes of making payments to the Student Tuition Recovery Fund on or before June 30, 2007, and still in the possession of the institution as of July 1, 2007, shall be remitted by the institution to the Director of Consumer Affairs.

(4) It is the intent of the Legislature that, to the extent possible, the Department of Consumer Affairs shall pay claims found to be owed and payable by the Bureau for Private Postsecondary and Vocational Education to students from the Student Tuition Recovery Fund between June 30, 2007, and July 1, 2008, inclusive.

SEC. 3. Section 3 of Chapter 67 of the Statutes of 2007 is amended to read:

Sec. 3. (a) Any institution that is approved by an accrediting agency recognized by the United States Department of Education, that has entered into a voluntary agreement under paragraph (3) of subdivision (b) of Section 1 of Chapter 67 of the Statutes of 2007, is authorized to add or modify a degree, diploma, certificate, add or change a location, change or modify the institution's name, or undergo a change of ownership or control from July 1, 2007, to July 1, 2008, inclusive, and, thereafter, upon the filing of notice to the Department of Consumer Affairs accompanied by documentation of the approval of that action by that institution's accrediting agency, if that approval is required by the institution's accrediting agency.

(b) From close of business on June 30, 2007, until close of business on July 1, 2008, inclusive, wherever in law there is a reference to an institution "approved by the Bureau for Private Postsecondary and Vocational Education," this shall mean any school that has entered into, and is complying with, a voluntary agreement under paragraph (3) of subdivision (b) of Section 1 of Chapter 67 of the Statutes of 2007.

(c) Until July 1, 2008, the Board of Barbering and Cosmetology may approve a school that has not been licensed by the Bureau for Private Postsecondary and Vocational Education pursuant to subdivision (a) of Section 7362 of the Business and Professions Code, if the school does all of the following:

(1) Commences operations between July 1, 2007, and December 31, 2008.

(2) Enters into a voluntary agreement with the Director of Consumer Affairs under paragraph (3) of subdivision (b) of Section 1 of Chapter 67 of the Statutes of 2007.

(3) Provides a course of instruction approved by the board.

(4) Complies with all laws, rules, and regulations applicable to schools approved by the board.

(5) Obtains a license or approval from the bureau or its successor agency no later than six months after the bureau is reauthorized.

SEC. 4. Section 9 of Chapter 67 of the Statutes of 2007 is amended to read:

Sec. 9. Private postsecondary educational institutions that have a valid approval to operate, including, but not necessarily limited to, a license to operate, and instructors holding a valid certificate of authorization for service, from the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007, shall retain those approvals, licenses, or certificates of authorization for purposes of interpreting other provisions of applicable law that refer or relate to the issuance of a license or registration and meeting qualifications for licensing examinations. Those approvals shall be effective through January 1, 2009, unless a later enacted statute modifies, extends, or deletes that date.

SEC. 5. Section 10 of Chapter 67 of the Statutes of 2007 is amended to read:

Sec. 10. Sections 1 to 8, inclusive, of Chapter 67 of the Statutes of 2007 shall be repealed on July 1, 2008, unless a later enacted statute, that is enacted before July 1, 2008, deletes or extends that date.

SEC. 6. (a) (1) The Bureau for Private Postsecondary Education is hereby established in the Department of Consumer Affairs.

(2) The bureau shall not commence operations unless and until a statute is enacted that creates a new California Private Postsecondary Education Act that provides functions and responsibilities of the bureau. The bureau shall have the following general duties and responsibilities, including, but not necessarily limited to, all of the following:

(A) Review and approval of private postsecondary and vocational educational institutions.

(B) Review and investigation of student complaints.

(C) Administration of the Student Tuition Recovery Fund.

(D) Outreach to students.

(E) The collection and dissemination of appropriate information regarding regulations required by any subsequent legislation.

(F) Establishing a reasonable fee structure that will fund its operations.

(G) The collection of fees relating to, and general responsibility for, the oversight of private postsecondary and vocational educational institutions in the State of California.

(3) The bureau shall succeed to any and all rights and claims of the former Bureau for Private Postsecondary and Vocational Education that may have

been asserted in any judicial or administrative action pending on July 1, 2007, and shall take any action reasonably necessary to assert and realize those rights and claims in its own name.

(b) The bureau shall have possession and control of all records, papers, offices, equipment, supplies, or other property, real or personal, held for the benefit or use by the former bureau in the performance of the duties, powers, purposes, responsibilities, and jurisdictions that are vested in the bureau.

(c) The bureau has the responsibility for approving and regulating private postsecondary educational institutions. The bureau shall have, as its objective, the development of a strong, vigorous, and widely respected sector of private postsecondary and vocational education.

(d) Protection of the public shall be the highest priority for the Bureau for Private Postsecondary and Vocational Education in exercising its approval, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

(e) The Director of Consumer Affairs may assign and delegate his or her duties under Chapter 67 of the Statutes of 2007, as it is amended by this act, and under Section 6 of this act, to a bureau chief, subject to the other provisions of this section.

(f) The bureau chief may redelegate any of his or her powers under this section to a designee. The bureau chief shall be appointed by the Governor and confirmed by vote of a majority of the membership of the Senate, and is exempt from the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code).

(g) The director, in accordance with the State Civil Service Act, may appoint and fix the compensation of clerical, inspection, investigation, evaluation, and auditing personnel of the bureau, as may be necessary to carry out this section.

Department of Consumer Affairs
Board of Behavioral Sciences

Approved Schools with MFT Degree Programs

For California licensing purposes:

Approved schools are those institutions that are approved by the Bureau of Private Post-Secondary Education.

The list below identifies those California schools with approved MFT programs.

We also have provided a link to a list of additional courses that would be required for licensure at these schools. That information is reflected as "**Additional Courses Required**".

- . [Argosy University - Inland Empire Campus, Additional Courses Required](#)
- . [Argosy University - Orange County Campus, Additional Courses Required](#)
- . [Argosy University - San Francisco Campus, Additional Courses Required](#)
- . [Bethel Theological Seminary, Additional Courses Required](#)
- . [California Graduate Institute, Additional Courses Required](#)
- . [California Southern University, Additional Courses Required](#)
- . [Church of God Theological Seminary, Additional Courses Required](#)
- . [HIS University, Additional Courses Required](#)
- . [Institute of Imaginal Studies, Additional Courses Required](#)
- . [Professional School of Psychology, Additional Courses Required](#)
- . [Ryokan College, Additional Courses Required](#)
- . [San Diego University for Integrative Studies, Additional Courses Required](#)
- . [Santa Barbara Graduate Institute, Additional Courses Required](#)
- . [Southern California Seminary, Additional Courses Required](#)
- . [Trinity College of Graduate Studies, Additional Courses Required](#)
- . [University of Phoenix - Central Valley Campus, Additional Courses Required](#)
- . [University of Phoenix - Southern California Campus, Additional Courses Required](#)
- . [University of Phoenix - Sacramento Campus, Additional Courses Required](#)
- . [University of Phoenix, Additional Courses Required](#)
- . [University of Santa Monica, Additional Courses Required](#)
- . [Webster University, Additional Courses Required](#)
- . [Western Institute for Social Research, Additional Courses Required](#)
- . [Western Seminary, Additional Courses Required](#)

[World University of America Additional Courses Required](#)

Updated: October 22, 2007

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CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES

BILL ANALYSIS

BILL NUMBER: SB 797 **VERSION:** AMENDED SEPTEMBER 7, 2007

AUTHOR: RIDLEY-THOMAS **SPONSOR:** AUTHOR

RECOMMENDED POSITION: SUPPORT

SUBJECT: UNPROFESSIONAL CONDUCT; STATUTE OF LIMITATIONS

NOTE: SB 797 proposes a number of substantive and technical changes pertaining to programs and boards in the Department of Consumer Affairs. This analysis focuses only on the proposed changes to BPC Sections 4982, 4989.54, 4990.32, and 4992.3.

Existing Law:

- 1) Permits a board to deny a license on the grounds that the applicant has been convicted of a crime or has committed an act substantially related to the qualifications, functions, or duties of the business or profession for which application is made. (B&P Code § 480 (a))
- 2) Requires the BBS to deny a license to any person who has been convicted of any crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register as a sex offender. (B&P Code § 4996.2(d), 4989.24, 4980.40(h))
- 3) Authorizes a board to suspend or revoke a license on certain bases, including the licensee's conviction of a crime that is substantially related to the qualifications, functions, or duties of a licensee. (BPC § 490)
- 4) Permits the board to refuse to issue a registration or license, or to suspend or revoke a license or registration, if the applicant, registrant, or licensee has been guilty of unprofessional conduct, as specified, including commission of an act punishable as a sexually related crime. (BPC § § 480, 4982, 4989.28, 4989.54, 4990.32, 4992.3)
- 5) Authorizes the board to file an accusation against a licensee or registrant within certain limitations periods for, among other things, an alleged act or omission involving a minor that is the basis for disciplinary action, specifically: (BPC § § 4982.05, 4990.32)
 - Requires an accusation filed against a licensee to be filed within three years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within seven years from the date the alleged act or omission that is the basis for disciplinary action occurred, whichever occurs first. (BPC § § 4982.05(a), 4990.32(a))
 1. Requires this limitations period to be suspended during any period if material evidence necessary for prosecuting or determining whether a

disciplinary action would be appropriate is unavailable to the board due to an ongoing criminal investigation. (BPC § § 4982.05(f), 4990.32(f))

2. Does not apply to an allegation that a license was obtained by fraud or misrepresentation. (BPC § § 4982.05(b), 4990.32(b))
 3. Requires this limitation to be suspended for the length of time required to obtain compliance when a report is required to be filed by the licensee or registrant with the board and it has not been filed in a timely fashion. (BPC § § 4982.05(c), 4990.32(c))
 4. Requires an accusation alleging sexual misconduct against a licensee to be filed within three years after the board discovers the act or omission, or within 10 years after the act or omission alleged as the grounds for disciplinary action occurs, whichever occurs first. (BPC § § 4982.05(e), 4990.32(e))
 5. Requires the seven-year and 10-year limitations periods to be suspended until a minor reaches the age of majority. (BPC § § 4982.05(d), 4990.32(d))
- 6) Defines "discovers" as the latest of the occurrence of any of the following with respect to each act or omission alleged as the basis for disciplinary action: (BPC § § 4982.05(g), 4990.32(g))
- The date the board received a complaint or report describing the act or omission.
 - The date, subsequent to the original complaint or report, on which the board became aware of any additional acts alleged against the same individual.
 - The date the board receives a written release of information from the complainant pertaining to the complainant's diagnosis and treatment.

This Bill:

- 1) Adds new grounds for disciplining a licensee or denying a registration based upon engaging in specified sexual acts with a minor regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. (BPC § § 4982, 4989.54, 4992.3)
- 2) Specifies that, if after the limitations periods have expired, the board discovers a specified alleged sexual act with a minor, and there is independent evidence corroborating the allegation, an accusation shall be filed within 3 years from the date the board discovers that alleged act. (BPC § 4990.32)

Comment:

- 1) **Author's Intent.** This proposal is intended to address a recent enforcement complaint received by the BBS. This complaint alleged that a licensee had repeatedly sexually abused a minor prior to the person being licensed with the BBS. However, the board had no authority to consider the case because the alleged conduct had taken place prior to the issuance of a license. Additionally, the statute of limitations had expired.

2) Conduct Prior to Licensure. This legislation would permit the board to take disciplinary action against a licensee for certain sexual acts with a minor that occurred prior to the person being registered or licensed by the board. Currently, when a complaint is received regarding a person who is not yet registered or licensed with the board, the board can investigate and deny a registration or license, if warranted. However when a complaint is received regarding conduct prior to licensure after a person becomes licensed, the board cannot take any action. It is troubling that the board is required to treat the same complaint differently based solely on when the complaint is received. This legislation would correct this problem only in cases where sexual misconduct with a minor is alleged, and only when there is corroborating evidence. The Board would still be required to follow the same administrative processes, and due process would still be provided to the licensee.

3) Statute of Limitations. Generally, the following statutes of limitations apply to complaints received by the board:

- An accusation must be filed against a licensee within **three years** from the date the board “discovers” (*see item #6 under “existing law*) the alleged act or omission that is the basis for disciplinary action, or within **seven years (10 years** if the allegation is sexual misconduct) from the date of the alleged act or omission, whichever occurs first.
- In cases involving a **minor**, the seven-year and 10-year limitations periods **do not apply until a minor reaches the age of majority.**

This legislation would preserve the three-year statute of limitations. However, in cases alleging sexual misconduct with a minor that include corroborating evidence, the 10-year limitation period would not apply. This would effectively permit the board to take action in this specific type of case regardless of how long ago the alleged conduct occurred.

4) Consumer Protection. This legislation would enhance the board’s ability to protect consumers. In child abuse cases it may take the abused child until adulthood to be able to confront the abuser or tell someone about the abuse or seek therapy for the abuse. This is especially important in therapy-related professions where the registrant or licensee’s clients are families and children and possibly adult survivors of child sexual abuse.

5) Fingerprinting. Prior to the 1990’s, the board did not require fingerprints from its applicants, so there is a large licensee population who only had to sign under penalty of perjury that they had not been convicted of a crime. Additionally, it is only within the last five years that the board has required all applicants to submit fingerprints for processing through the FBI. It is possible that some licensees may have a conviction for sexual misconduct with a minor in their background that the board is not aware of.

6) Suggested Amendments.

- Either make the same amendments to Section 4982.05 in Marriage and Family Therapist law as are being proposed to Section 4990.32, or delete Section 4982.05 as it is duplicative of Section 4990.32.
- It is not clear what is meant by “independent evidence corroborating the allegation” in Section 4990.32(e). Some clarification would be helpful.

7) Support and Opposition.

None on file pertinent to the amended bill.

8) History
2007

Sept. 11 Joint Rule 62(a) suspended. From committee: Do pass. (Ayes 6. Noes 2.) Read second time. To third reading.

Sept. 7 Read third time. Amended. To third reading. Re-referred to Com. On B. & P. pursuant to Assembly Rule 77.2.

Sept. 6 From inactive file to third reading file.

Sept. 5 Notice of motion to remove from inactive file given by Assembly Member De Leon.

July 19 Placed on inactive file on request of Assembly Member De Leon.

July 3 From Consent Calendar to third reading.

June 28 Read second time. To Consent Calendar.

June 27 From committee: Do pass. To Consent Calendar. (Ayes 16. Noes 0.)

June 13 From committee: Do pass, but first be re-referred to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 9. Noes 0.) Re-referred to Com. on APPR.

May 17 To Com. on B. & P.

Apr. 23 In Assembly. Read first time. Held at Desk.

Apr. 23 Read third time. Passed. (Ayes 33. Noes 6. Page 675.) To Assembly.

Apr. 18 Read second time. To third reading.

Apr. 17 From committee: Do pass. (Ayes 11. Noes 0. Page 592.)

Apr. 10 Set for hearing April 16.

Apr. 9 From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 8. Noes 0. Page 478.) Re-referred to Com. on APPR.

Mar. 21 Set for hearing April 9.

Mar. 8 To Com. on B., P. & E.D.

Feb. 26 Read first time.

Feb. 25 From print. May be acted upon on or after March 27.

Feb. 23 Introduced. To Com. on RLS. for assignment. To print.

AMENDED IN ASSEMBLY SEPTEMBER 7, 2007

SENATE BILL

No. 797

Introduced by Senator Ridley-Thomas

February 23, 2007

An act to amend Sections ~~7026.1 and 7028~~ 490, 2006, 2531, 2531.75, 2841, 2847, 3041.3, 4501, 4503, 4982, 4989.54, 4990.32, 4992.3, 5552.5, 7026.1, 7028, 7303, 8005, 22258, and 22259 of the Business and Professions Code, and to amend Sections 12529, 12529.5, 12529.6, and 12529.7 of the Government Code, relating to ~~contractors~~ professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 797, as amended, Ridley-Thomas. ~~Contractors.~~ *Professions and vocations.*

Existing

(1) *Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to suspend or revoke a license on certain bases, including the licensee's conviction of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.*

This bill would specify that this authorization to suspend or revoke a license is in addition to any other action that a board is permitted to take against the licensee.

(2) *Existing law, the Speech-Language Pathologists and Audiologists Licensure Act, establishes the Speech-Language Pathology and Audiology Board and provides for its issuance of a speech-language pathology license and an audiology license to qualified applicants and for its regulation of those licensees. Under existing law, the provisions*

establishing the board and authorizing its appointment of an executive officer will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would extend those dates, making the provisions inoperative on July 1, 2009, and repealing them on January 1, 2010.

(3) Existing law, the Vocational Nursing Practice Act, establishes the Board of Vocational Nursing and Psychiatric Technicians and provides for its issuance of a vocational nurse license and a psychiatric technician's license to qualified applicants and for its regulation of those licensees. Under existing law, the provisions establishing the board and authorizing its selection of an executive officer will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would extend those dates, making the provisions inoperative on July 1, 2009, and repealing them on January 1, 2010.

(4) Existing law, the Architects Practice Act, establishes the California Architects Board and provides for its licensure and regulation of architects. Under existing law, the board is authorized to implement an intern development program until July 1, 2009.

This bill would extend the authority of the board to implement this program to July 1, 2011.

(5) Existing law provides for the certification of optometrists to diagnose and treat certain conditions of the human eye or its appendages, and to use therapeutic pharmaceutical agents. It requires the board to decide all issues relating to the equivalency of an optometrists' education or training for certification, as specified.

This bill would delete an obsolete reference to the Therapeutic Pharmaceutical Agent Advisory Committee.

(6) Existing law, the Contractors' State License Law, creates the Contractors' State License Board within the Department of Consumer Affairs and provides for the licensure and regulation of contractors. Existing law defines "contractor" and includes certain persons who perform tree removal, tree pruning, stump removal, and tree or limb cabling or guying, except as specified, within that definition. Existing law requires contractors to pay specified fees, which are deposited into the continuously appropriated Contractors' License Fund, and requires the deposit of fines collected under the Contractors' State License Law into the fund. Existing law, makes it a misdemeanor for any person to engage in the business or act in the capacity of a contractor without having a license, and subjects a person who violates this prohibition to specified fines and imprisonment.

This bill would also define “contractor” to include a person who offers to perform, purport to have the capacity to perform, or submits a bid to perform tree removal, tree pruning, stump removal, or tree or limb cabling or guying, except as specified. The bill would revise the penalties provisions accordingly and would apply specified penalty provisions to a person named on a revoked license and held responsible for the act or omission resulting in the revocation. Because the bill would increase moneys deposited into the continuously appropriated Contractors’ License Fund, the bill would make an appropriation. Because the bill would expand the definition of a contractor and thereby create new crimes, it would impose a state-mandated local program.

~~The~~

(7) Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology and provides for its issuance of a cosmetology license, a barbering license, an esthetician license, a manicurist license, and an electrologist license and for its regulation of those licensees. Under existing law, the provisions establishing the board will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would extend those dates, making the provisions inoperative on July 1, 2009, and repealing them on January 1, 2010.

(8) Existing law provides for the licensure or registration, and regulation of marriage and family therapists, licensed educational psychologists, and clinical social workers by the Board of Behavioral Sciences. Under existing law, the board may refuse to issue a registration or license, or may suspend or revoke a license or registration, if the applicant, registrant, or licensee has been guilty of unprofessional conduct, as specified. Under existing law, the board may refuse to issue a registration or license, or may suspend or revoke a license or registration, if the applicant, registrant, or licensee has been guilty of unprofessional conduct, as specified. Existing law authorizes the board to file a specified accusation against these licensees or registrants within certain limitations periods for, among other things, an alleged act or omission involving a minor that is the basis for disciplinary action.

This bill would specify that unprofessional conduct includes engaging in specified acts with a minor regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. The bill would also specify that, if after the limitations periods have expired, the board discovers a specified alleged act with a minor,

and there is independent evidence corroborating the allegation, an accusation shall be filed within 3 years from the date the board discovers that alleged act.

(9) Existing law imposes specified requirements and prohibitions on tax preparers, as defined, and exempts specified persons from these requirements and prohibitions. A violation of those provisions is a misdemeanor. Under existing law, those provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would extend the inoperative and repeal dates, making the provisions inoperative on July 1, 2009, and repealing them on January 1, 2010. The bill would also expand the category of persons exempted from these provisions and revise the requirements for exemption, including imposing a requirement that specified tax returns are signed by a licensed accountant, attorney, or by a person who is enrolled to practice before the Internal Revenue Service. The bill would also specify that preparation of a tax return includes the inputting of tax data into a computer. Because this bill would impose additional qualifications on the exemption from tax preparer provisions, the violation of which would be a crime, it would impose a state-mandated local program.

(10) Existing law authorizes the Court Reporters Board to, among other things, appoint an executive officer and employ other employees as may be necessary. These provisions will become inoperative on July 1, 2008, and be repealed on January 1, 2009.

This bill would extend those dates, making the provisions inoperative on July 1, 2009, and repealing them on January 1, 2010.

(11) Existing law creates the Health Quality Enforcement Section within the Department of Justice with the primary responsibility of investigating and prosecuting proceedings against licensees and applicants within the jurisdiction of the Medical Board of California and various other boards. Existing law requires that attorneys staff the intake unit of specified regulatory boards to evaluate and screen complaints and develop uniform standards for their processing. Existing law also simultaneously assigns a complaint received by the medical board to an investigator and a deputy attorney general in the Health Quality Enforcement Section, and provides that, for the duration of the assignment, the investigator is under the direction of the deputy attorney general. Existing law makes these provisions inoperative on July 1, 2008, and repeals them on January 1, 2009, unless a later enacted statute deletes or extends those dates. Existing law also requires the medical board, in consultation with specified agencies, to report and

make recommendations to the Governor and the Legislature on this prosecution model by July 1, 2007.

This bill would make those provisions inoperative on July 1, 2010, repeal them on January 1, 2011, and would make other related changes. The bill would specify that an investigator is not under the supervision of the deputy attorney general simultaneously assigned to a complaint. The bill would require the medical board to increase its computer capabilities and compatibilities with the Health Quality Enforcement Section and to establish and implement a plan to locate its enforcement staff and the staff of the Health Quality Enforcement Section in the same offices. The bill would also require the medical board, in consultation with specified agencies, to report and make recommendations to the Governor and the Legislature on this enforcement and prosecution model by July 1, 2009.

(12) This bill would incorporate additional changes in Section 490 of the Business and Professions Code, proposed by AB 1025, to be operative only if AB 1025 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.

(13) This bill would incorporate additional changes in Sections 12529 and 12529.5 of the Government Code, proposed by SB 1048, to be operative only if SB 1048 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.

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

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

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

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

1 *SECTION 1. Section 490 of the Business and Professions Code*
2 *is amended to read:*

3 490. ~~A~~(a) *In addition to any other action that a board is*
4 *permitted to take against a licensee, a board may suspend or revoke*
5 *a license on the ground that the licensee has been convicted of a*
6 *crime, if the crime is substantially related to the qualifications,*
7 *functions, or duties of the business or profession for which the*
8 *license was issued.*~~A~~

1 (b) Notwithstanding any other provision of law, a board may
2 exercise any authority to discipline a licensee for conviction of a
3 crime that is independent of the authority granted under
4 subdivision (a) only if the crime is substantially related to the
5 qualifications, functions, or duties of the business or profession
6 for which the licensee's license was issued.

7 (c) A conviction within the meaning of this section means a plea
8 or verdict of guilty or a conviction following a plea of nolo
9 contendere. Any action ~~which~~ that a board is permitted to take
10 following the establishment of a conviction may be taken when
11 the time for appeal has elapsed, or the judgment of conviction has
12 been affirmed on appeal, or when an order granting probation is
13 made suspending the imposition of sentence, irrespective of a
14 subsequent order under the provisions of Section 1203.4 of the
15 Penal Code.

16 (d) The Legislature hereby finds and declares that the
17 application of this section has been made unclear by the holding
18 in *Petropoulos v. Department of Real Estate* (2006) 142
19 *Cal.App.4th* 554, and that the holding in that case has placed a
20 significant number of statutes and regulations in question, resulting
21 in potential harm to the consumers of California from licensees
22 who have been convicted of crimes. Therefore, the Legislature
23 finds and declares that this section establishes an independent
24 basis for a board to impose discipline upon a licensee, and that
25 the amendments to this section made by Senate Bill 797 of the
26 2007–08 Regular Session do not constitute a change to, but rather
27 are declaratory of, existing law.

28 SEC. 1.5 Section 490 of the Business and Professions Code is
29 amended to read:

30 490. A(a) In addition to any other action that a board is
31 permitted to take against a licensee, a board may suspend or revoke
32 a license on the ground that the licensee has been convicted of a
33 crime, if the crime is substantially related to the qualifications,
34 functions, or duties of the business or profession for which the
35 license was issued. A

36 (b) Notwithstanding any other provision of law, a board may
37 exercise any authority to discipline a licensee for conviction of a
38 crime that is independent of the authority granted under subdivision
39 (a) only if the crime is substantially related to the qualifications,

1 functions, or duties of the business or profession for which the
2 licensee's license was issued.

3 (c) A conviction within the meaning of this section means a plea
4 or verdict of guilty or a conviction following a plea of nolo
5 contendere. Any action ~~which~~ *that* a board is permitted to take
6 following the establishment of a conviction may be taken when
7 the time for appeal has elapsed, or the judgment of conviction has
8 been affirmed on appeal, or when an order granting probation is
9 made suspending the imposition of sentence, ~~irrespective of a~~
10 ~~subsequent order under the provisions of Section 1203.4 of the~~
11 ~~Penal Code.~~

12 (d) *No license shall be suspended or revoked based solely on*
13 *any criminal conviction that has been dismissed pursuant to Section*
14 *1203.4 or 1203.4a of the Penal Code, since that dismissal creates*
15 *a presumption of rehabilitation for purposes of this section, unless*
16 *the board provides substantial evidence to the contrary in writing*
17 *to the person justifying the board's suspension or revocation of*
18 *the license based solely on his or her dismissed conviction that is*
19 *substantially related to the qualifications, functions, or duties of*
20 *the business or profession for which the license was made.*

21 (e) *The department shall annually prepare a report, to be*
22 *submitted to the Legislature on October 1, that documents board*
23 *suspensions or revocations of licenses based solely on dismissed*
24 *criminal convictions as specified in subdivision (d).*

25 (f) *The Legislature hereby finds and declares that the application*
26 *of this section has been made unclear by the holding in* *Petropoulos*
27 *v. Department of Real Estate (2006) 142 Cal.App.4th 554, and*
28 *that the holding in that case has placed a significant number of*
29 *statutes and regulations in question, resulting in potential harm*
30 *to the consumers of California from licensees who have been*
31 *convicted of crimes. Therefore, the Legislature finds and declares*
32 *that this section establishes an independent basis for a board to*
33 *impose discipline upon a licensee, and that the amendments to this*
34 *section made by Senate Bill 797 of the 2007–08 Regular Session*
35 *do not constitute a change to, but rather are declaratory of, existing*
36 *law.*

37 *SEC. 2. Section 2006 of the Business and Professions Code is*
38 *amended to read:*

39 2006. (a) On and after January 1, 2006, any reference in this
40 chapter to an investigation by the board, or one of its divisions,

1 shall be deemed to refer to an investigation ~~conducted~~ *directed* by
2 employees of the Department of Justice.

3 (b) This section shall become inoperative on July 1, ~~2008~~ *2010*,
4 and as of January 1, ~~2009~~ *2011*, is repealed, unless a later enacted
5 statute, that becomes operative on or before January 1, ~~2009~~ *2011*,
6 deletes or extends the dates on which it becomes inoperative and
7 is repealed.

8 *SEC. 3. Section 2531 of the Business and Professions Code is*
9 *amended to read:*

10 2531. There is in the Department of Consumer Affairs a
11 Speech-Language Pathology and Audiology Board in which the
12 enforcement and administration of this chapter is vested. The
13 Speech-Language Pathology and Audiology Board shall consist
14 of nine members, three of whom shall be public members.

15 This section shall become inoperative on July 1, ~~2008~~ *2009*, and,
16 as of January 1, ~~2009~~ *2010*, is repealed, unless a later enacted
17 statute, that becomes effective on or before January 1, ~~2009~~ *2010*,
18 deletes or extends the inoperative and repeal dates. The repeal of
19 this section renders the board subject to the review required by
20 Division 1.2 (commencing with Section 473).

21 *SEC. 4. Section 2531.75 of the Business and Professions Code*
22 *is amended to read:*

23 2531.75. (a) The board may appoint a person exempt from
24 civil service who shall be designated as an executive officer and
25 who shall exercise the powers and perform the duties delegated
26 by the board and vested in him or her by this chapter.

27 (b) This section shall become inoperative on July 1, ~~2008~~ *2009*,
28 and, as of January 1, ~~2009~~ *2010*, is repealed, unless a later enacted
29 statute, that becomes operative on or before January 1, ~~2009~~ *2010*,
30 deletes or extends the dates on which it becomes inoperative and
31 is repealed.

32 *SEC. 5. Section 2841 of the Business and Professions Code is*
33 *amended to read:*

34 2841. There is in the Department of Consumer Affairs a Board
35 of Vocational Nursing and Psychiatric Technicians of the State of
36 California, consisting of 11 members.

37 Within the meaning of this chapter, board, or the board, refers
38 to the Board of Vocational Nursing and Psychiatric Technicians
39 of the State of California.

1 This section shall become inoperative on July 1, ~~2008~~ 2009, and,
2 as of January 1, ~~2009~~ 2010, is repealed, unless a later enacted
3 statute, which becomes effective on or before January 1, ~~2009~~
4 2010, deletes or extends the dates on which it becomes inoperative
5 and is repealed. The repeal of this section renders the board subject
6 to the review required by Division 1.2 (commencing with Section
7 473).

8 *SEC. 6. Section 2847 of the Business and Professions Code is*
9 *amended to read:*

10 2847. (a) The board shall select an executive officer who shall
11 perform duties as are delegated by the board and who shall be
12 responsible to it for the accomplishment of those duties.

13 (b) The person selected to be the executive officer of the board
14 shall be a duly licensed vocational nurse under this chapter, a duly
15 licensed professional nurse as defined in Section 2725, or a duly
16 licensed psychiatric technician. The executive officer shall not be
17 a member of the board.

18 (c) With the approval of the Director of Finance, the board shall
19 fix the salary of the executive officer.

20 (d) The executive officer shall be entitled to traveling and other
21 necessary expenses in the performance of his or her duties. He or
22 she shall make a statement, certified before some duly authorized
23 person, that the expenses have been actually incurred.

24 (e) This section shall become inoperative on July 1, ~~2008~~ 2009,
25 and, as of January 1, ~~2009~~ 2010, is repealed, unless a later enacted
26 statute, which becomes effective on or before January 1, ~~2009~~
27 2010, deletes or extends the dates on which it becomes inoperative
28 and is repealed.

29 *SEC. 7. Section 3041.3 of the Business and Professions Code*
30 *is amended to read:*

31 3041.3. (a) In order to be certified to use therapeutic
32 pharmaceutical agents and authorized to diagnose and treat the
33 conditions listed in subdivisions (b), (d), and (e) of Section 3041,
34 an optometrist shall apply for a certificate from the board and meet
35 all requirements imposed by the board.

36 (b) The board shall grant a certificate to use therapeutic
37 pharmaceutical agents to any applicant who graduated from a
38 California accredited school of optometry prior to January 1, 1996,
39 is licensed as an optometrist in California, and meets all of the
40 following requirements:

1 (1) Satisfactorily completes a didactic course of no less than 80
2 classroom hours in the diagnosis, pharmacological, and other
3 treatment and management of ocular disease provided by either
4 an accredited school of optometry in California or a recognized
5 residency review committee in ophthalmology in California.

6 (2) Completes a preceptorship of no less than 65 hours, during
7 a period of not less than two months nor more than one year, in
8 either an ophthalmologist's office or an optometric clinic. The
9 training received during the preceptorship shall be on the diagnosis,
10 treatment, and management of ocular, systemic disease. The
11 preceptor shall certify completion of the preceptorship.
12 Authorization for the ophthalmologist to serve as a preceptor shall
13 be provided by an accredited school of optometry in California,
14 or by a recognized residency review committee in ophthalmology,
15 and the preceptor shall be licensed as an ophthalmologist in
16 California, board-certified in ophthalmology, and in good standing
17 with the Medical Board of California. The individual serving as
18 the preceptor shall schedule no more than three optometrist
19 applicants for each of the required 65 hours of the preceptorship
20 program. This paragraph shall not be construed to limit the total
21 number of optometrist applicants for whom an individual may
22 serve as a preceptor, and is intended only to ensure the quality of
23 the preceptorship by requiring that the ophthalmologist preceptor
24 schedule the training so that each applicant optometrist completes
25 each of the 65 hours of the preceptorship while scheduled with no
26 more than two other optometrist applicants.

27 (3) Successfully completes a minimum of 20 hours of
28 self-directed education.

29 (4) Passes the National Board of Examiners in Optometry's
30 "Treatment and Management of Ocular Disease" examination or,
31 in the event this examination is no longer offered, its equivalent,
32 as determined by the State Board of Optometry.

33 (5) Passes the examination issued upon completion of the
34 80-hour didactic course required under paragraph (1) and provided
35 by the accredited school of optometry or residency program in
36 ophthalmology.

37 (6) When any or all of the requirements contained in paragraph
38 (1), (4), or (5) have been satisfied on or after July 1, 1992, and
39 before January 1, 1996, an optometrist shall not be required to
40 fulfill the satisfied requirements in order to obtain certification to

1 use therapeutic pharmaceutical agents. In order for this paragraph
2 to apply to the requirement contained in paragraph (5), the didactic
3 examination that the applicant successfully completed shall meet
4 equivalency standards, as determined by the board.

5 (7) Any optometrist who graduated from an accredited school
6 of optometry on or after January 1, 1992, and before January 1,
7 1996, shall not be required to fulfill the requirements contained in
8 paragraphs (1), (4), and (5).

9 (c) The board shall grant a certificate to use therapeutic
10 pharmaceutical agents to any applicant who graduated from a
11 California accredited school of optometry on or after January 1,
12 1996, who is licensed as an optometrist in California, and who
13 meets all of the following requirements:

14 (1) Passes the National Board of Examiners in Optometry's
15 national board examination, or its equivalent, as determined by
16 the State Board of Optometry.

17 (2) Of the total clinical training required by a school of
18 optometry's curriculum, successfully completed at least 65 of those
19 hours on the diagnosis, treatment, and management of ocular,
20 systemic disease.

21 (3) Is certified by an accredited school of optometry as
22 competent in the diagnosis, treatment, and management of ocular,
23 systemic disease to the extent authorized by this section.

24 (4) Is certified by an accredited school of optometry as having
25 completed at least 10 hours of experience with a board-certified
26 ophthalmologist.

27 (d) The board shall grant a certificate to use therapeutic
28 pharmaceutical agents to any applicant who is an optometrist who
29 obtained his or her license outside of California if he or she meets
30 all of the requirements for an optometrist licensed in California to
31 be certified to use therapeutic pharmaceutical agents.

32 (1) In order to obtain a certificate to use therapeutic
33 pharmaceutical agents, any optometrist who obtained his or her
34 license outside of California and graduated from an accredited
35 school of optometry prior to January 1, 1996, shall be required to
36 fulfill the requirements set forth in subdivision (b). In order for
37 the applicant to be eligible for the certificate to use therapeutic
38 pharmaceutical agents, the education he or she received at the
39 accredited out-of-state school of optometry shall be equivalent to
40 the education provided by any accredited school of optometry in

1 California for persons who graduate before January 1, 1996. For
 2 those out-of-state applicants who request that any of the
 3 requirements contained in subdivision (b) be waived based on
 4 fulfillment of the requirement in another state, if the board
 5 determines that the completed requirement was equivalent to that
 6 required in California, the requirement shall be waived.

7 (2) In order to obtain a certificate to use therapeutic
 8 pharmaceutical agents, any optometrist who obtained his or her
 9 license outside of California and who graduated from an accredited
 10 school of optometry on or after January 1, 1996, shall be required
 11 to fulfill the requirements set forth in subdivision (c). In order for
 12 the applicant to be eligible for the certificate to use therapeutic
 13 pharmaceutical agents, the education he or she received by the
 14 accredited out-of-state school of optometry shall be equivalent to
 15 the education provided by any accredited school of optometry for
 16 persons who graduate on or after January 1, 1996. For those
 17 out-of-state applicants who request that any of the requirements
 18 contained in subdivision (c) be waived based on fulfillment of the
 19 requirement in another state, if the board determines that the
 20 completed requirement was equivalent to that required in
 21 California, the requirement shall be waived.

22 (3) The State Board of Optometry shall decide all issues relating
 23 to the equivalency of an optometrist's education or training under
 24 this subdivision, ~~and the committee established pursuant to Section~~
 25 ~~3041.1 shall recommend protocols for the board to use in this~~
 26 ~~regard, as described in Section 3041.1.~~

27 *SEC. 8. Section 4501 of the Business and Professions Code is*
 28 *amended to read:*

29 4501. (a) "Board," as used in this chapter, means the Board
 30 of Vocational Nursing and Psychiatric Technicians.

31 (b) This section shall become inoperative on July 1, ~~2008~~ 2009,
 32 and, as of January 1, ~~2009~~ 2010, is repealed, unless a later enacted
 33 statute, which becomes effective on or before January 1, ~~2009~~
 34 2010, deletes or extends the dates on which it becomes inoperative
 35 and is repealed.

36 *SEC. 9. Section 4503 of the Business and Professions Code is*
 37 *amended to read:*

38 4503. (a) The board shall administer and enforce this chapter.

39 (b) This section shall become inoperative on July 1, ~~2008~~ 2009,
 40 and, as of January 1, ~~2009~~ 2010, is repealed, unless a later enacted

1 statute, which becomes effective on or before January 1, ~~2009~~
2 2010, deletes or extends the dates on which it becomes inoperative
3 and is repealed.

4 *SEC. 10. Section 4982 of the Business and Professions Code*
5 *is amended to read:*

6 4982. The board may refuse to issue any registration or license,
7 or may suspend or revoke the license or registration of any
8 registrant or licensee if the applicant, licensee, or registrant has
9 been guilty of unprofessional conduct. Unprofessional conduct
10 shall include, but not be limited to:

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

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

37 (c) Administering to himself or herself any controlled substance
38 or using of any of the dangerous drugs specified in Section 4022,
39 or of any alcoholic beverage to the extent, or in a manner, as to be
40 dangerous or injurious to the person applying for a registration or

1 license or holding a registration or license under this chapter, or
2 to any other person, or to the public, or, to the extent that the use
3 impairs the ability of the person applying for or holding a
4 registration or license to conduct with safety to the public the
5 practice authorized by the registration or license, or the conviction
6 of more than one misdemeanor or any felony involving the use,
7 consumption, or self-administration of any of the substances
8 referred to in this subdivision, or any combination thereof. The
9 board shall deny an application for a registration or license or
10 revoke the license or registration of any person, other than one
11 who is licensed as a physician and surgeon, who uses or offers to
12 use drugs in the course of performing marriage and family therapy
13 services.

14 (d) Gross negligence or incompetence in the performance of
15 marriage and family therapy.

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

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

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

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

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

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

34 (k) Engaging in sexual relations with a client, or a former client
35 within two years following termination of therapy, soliciting sexual
36 relations with a client, or committing an act of sexual abuse, or
37 sexual misconduct with a client, or committing an act punishable
38 as a sexually related crime, if that act or solicitation is substantially
39 related to the qualifications, functions, or duties of a marriage and
40 family therapist.

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

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

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

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

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

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

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

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

38 (t) Permitting a trainee or registered intern under one's
39 supervision or control to perform, or permitting the trainee or
40 registered intern to hold himself or herself out as competent to

1 perform, professional services beyond the trainee's or registered
2 intern's level of education, training, or experience.

3 (u) The violation of any statute or regulation governing the
4 gaining and supervision of experience required by this chapter.

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

8 (w) *Engaging in an act described in Section 261, 286, 288a, or*
9 *289 of the Penal Code with a minor or an act described in Section*
10 *288 or 288.5 of the Penal Code regardless of whether the act*
11 *occurred prior to or after the time the registration or license was*
12 *issued by the board.*

13 *SEC. 11. Section 4989.54 of the Business and Professions Code*
14 *is amended to read:*

15 4989.54. The board may deny a license or may suspend or
16 revoke the license of a licensee if he or she has been guilty of
17 unprofessional conduct. Unprofessional conduct includes, but is
18 not limited to, the following:

19 (a) Conviction of a crime substantially related to the
20 qualifications, functions and duties of an educational psychologist.

21 (1) The record of conviction shall be conclusive evidence only
22 of the fact that the conviction occurred.

23 (2) The board may inquire into the circumstances surrounding
24 the commission of the crime in order to fix the degree of discipline
25 or to determine if the conviction is substantially related to the
26 qualifications, functions, or duties of a licensee under this chapter.

27 (3) A plea or verdict of guilty or a conviction following a plea
28 of nolo contendere made to a charge substantially related to the
29 qualifications, functions, or duties of a licensee under this chapter
30 shall be deemed to be a conviction within the meaning of this
31 section.

32 (4) The board may order a license suspended or revoked, or
33 may decline to issue a license when the time for appeal has elapsed,
34 or the judgment of conviction has been affirmed on appeal, or
35 when an order granting probation is made suspending the
36 imposition of sentence, irrespective of a subsequent order under
37 Section 1203.4 of the Penal Code allowing the person to withdraw
38 a plea of guilty and enter a plea of not guilty or setting aside the
39 verdict of guilty or dismissing the accusation, information, or
40 indictment.

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

5 (c) Administering to himself or herself a controlled substance
6 or using any of the dangerous drugs specified in Section 4022 or
7 an alcoholic beverage to the extent, or in a manner, as to be
8 dangerous or injurious to himself or herself or to any other person
9 or to the public or to the extent that the use impairs his or her ability
10 to safely perform the functions authorized by the license.

11 (d) Conviction of more than one misdemeanor or any felony
12 involving the use, consumption, or self-administration of any of
13 the substances referred to in subdivision (c) or any combination
14 thereof.

15 (e) Advertising in a manner that is false, misleading, or
16 deceptive.

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

20 (g) Commission of any dishonest, corrupt, or fraudulent act
21 substantially related to the qualifications, functions, or duties of a
22 licensee.

23 (h) Denial of licensure, revocation, suspension, restriction, or
24 any other disciplinary action imposed by another state or territory
25 or possession of the United States or by any other governmental
26 agency, on a license, certificate, or registration to practice
27 educational psychology or any other healing art. A certified copy
28 of the disciplinary action, decision, or judgment shall be conclusive
29 evidence of that action.

30 (i) Revocation, suspension, or restriction by the board of a
31 license, certificate, or registration to practice as a clinical social
32 worker or marriage and family therapist.

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

36 (k) Gross negligence or incompetence in the practice of
37 educational psychology.

38 (l) Misrepresentation as to the type or status of a license held
39 by the licensee or otherwise misrepresenting or permitting

1 misrepresentation of his or her education, professional
2 qualifications, or professional affiliations to any person or entity.

3 (m) Intentionally or recklessly causing physical or emotional
4 harm to any client.

5 (n) Engaging in sexual relations with a client or a former client
6 within two years following termination of professional services,
7 soliciting sexual relations with a client, or committing an act of
8 sexual abuse or sexual misconduct with a client or committing an
9 act punishable as a sexually related crime, if that act or solicitation
10 is substantially related to the qualifications, functions, or duties of
11 a licensed educational psychologist.

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

16 (p) Paying, accepting, or soliciting any consideration,
17 compensation, or remuneration, whether monetary or otherwise,
18 for the referral of professional clients.

19 (q) Failing to maintain confidentiality, except as otherwise
20 required or permitted by law, of all information that has been
21 received from a client in confidence during the course of treatment
22 and all information about the client that is obtained from tests or
23 other means.

24 (r) Performing, holding himself or herself out as being able to
25 perform, or offering to perform any professional services beyond
26 the scope of the license authorized by this chapter or beyond his
27 or her field or fields of competence as established by his or her
28 education, training, or experience.

29 (s) Reproducing or describing in public, or in any publication
30 subject to general public distribution, any psychological test or
31 other assessment device the value of which depends in whole or
32 in part on the naivete of the subject in ways that might invalidate
33 the test or device. An educational psychologist shall limit access
34 to the test or device to persons with professional interests who can
35 be expected to safeguard its use.

36 (t) Aiding or abetting an unlicensed person to engage in conduct
37 requiring a license under this chapter.

38 (u) When employed by another person or agency, encouraging,
39 either orally or in writing, the employer's or agency's clientele to

1 utilize his or her private practice for further counseling without
2 the approval of the employing agency or administration.

3 (v) Failing to comply with the child abuse reporting
4 requirements of Section 11166 of the Penal Code.

5 (w) Failing to comply with the elder and adult dependent abuse
6 reporting requirements of Section 15630 of the Welfare and
7 Institutions Code.

8 (x) *Engaging in an act described in Section 261, 286, 288a, or*
9 *289 of the Penal Code with a minor or an act described in Section*
10 *288 or 288.5 of the Penal Code regardless of whether the act*
11 *occurred prior to or after the time the registration or license was*
12 *issued by the board.*

13 *SEC. 12. Section 4990.32 of the Business and Professions Code*
14 *is amended to read:*

15 4990.32. (a) Except as otherwise provided in this section, an
16 accusation filed pursuant to Section 11503 of the Government
17 Code against a licensee or registrant under the chapters the board
18 administers and enforces shall be filed within three years from the
19 date the board discovers the alleged act or omission that is the
20 basis for disciplinary action or within seven years from the date
21 the alleged act or omission that is the basis for disciplinary action
22 occurred, whichever occurs first.

23 (b) An accusation filed against a licensee alleging the
24 procurement of a license by fraud or misrepresentation is not
25 subject to the limitations set forth in subdivision (a).

26 (c) The limitations period provided by subdivision (a) shall be
27 tolled for the length of time required to obtain compliance when
28 a report required to be filed by the licensee or registrant with the
29 board pursuant to Article 11 (commencing with Section 800) of
30 Chapter 1 is not filed in a timely fashion.

31 (d) An accusation alleging sexual misconduct shall be filed
32 within three years after the board discovers the act or omission
33 alleged as the grounds for disciplinary action or within 10 years
34 after the act or omission alleged as the grounds for disciplinary
35 action occurred, whichever occurs first. This subdivision shall
36 apply to a complaint alleging sexual misconduct received by the
37 board on and after January 1, 2002.

38 (e) If an alleged act or omission involves a minor, the seven-year
39 limitations period provided for by subdivision (a) and the 10-year
40 limitations period provided for by subdivision (d) shall be tolled

1 until the minor reaches the age of majority. *However, if the board*
2 *discovers an alleged act of sexual contact with a minor under*
3 *Section 261, 286, 288, 288.5, 288a, or 289 of the Penal Code after*
4 *the limitations periods described in this subdivision have otherwise*
5 *expired, and there is independent evidence that corroborates the*
6 *allegation, an accusation shall be filed within three years from*
7 *the date the board discovers that alleged act.*

8 (f) The limitations period provided by subdivision (a) shall be
9 tolled during any period if material evidence necessary for
10 prosecuting or determining whether a disciplinary action would
11 be appropriate is unavailable to the board due to an ongoing
12 criminal investigation.

13 (g) For purposes of this section, “discovers” means the latest
14 of the occurrence of any of the following with respect to each act
15 or omission alleged as the basis for disciplinary action:

16 (1) The date the board received a complaint or report describing
17 the act or omission.

18 (2) The date, subsequent to the original complaint or report, on
19 which the board became aware of any additional acts or omissions
20 alleged as the basis for disciplinary action against the same
21 individual.

22 (3) The date the board receives from the complainant a written
23 release of information pertaining to the complainant’s diagnosis
24 and treatment.

25 *SEC. 13. Section 4992.3 of the Business and Professions Code*
26 *is amended to read:*

27 4992.3. The board may refuse to issue a registration or a
28 license, or may suspend or revoke the license or registration of
29 any registrant or licensee if the applicant, licensee, or registrant
30 has been guilty of unprofessional conduct. Unprofessional conduct
31 includes, but is not limited to:

32 (a) The conviction of a crime substantially related to the
33 qualifications, functions, or duties of a licensee or registrant under
34 this chapter. The record of conviction shall be conclusive evidence
35 only of the fact that the conviction occurred. The board may inquire
36 into the circumstances surrounding the commission of the crime
37 in order to fix the degree of discipline or to determine if the
38 conviction is substantially related to the qualifications, functions,
39 or duties of a licensee or registrant under this chapter. A plea or
40 verdict of guilty or a conviction following a plea of nolo contendere

1 made to a charge substantially related to the qualifications,
2 functions, or duties of a licensee or registrant under this chapter
3 is a conviction within the meaning of this section. The board may
4 order any license or registration suspended or revoked, or may
5 decline to issue a license or registration when the time for appeal
6 has elapsed, or the judgment of conviction has been affirmed on
7 appeal, or, when an order granting probation is made suspending
8 the imposition of sentence, irrespective of a subsequent order under
9 Section 1203.4 of the Penal Code allowing the person to withdraw
10 a plea of guilty and enter a plea of not guilty, or setting aside the
11 verdict of guilty, or dismissing the accusation, information, or
12 indictment.

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

18 (c) Administering to himself or herself any controlled substance
19 or using any of the dangerous drugs specified in Section 4022 or
20 any alcoholic beverage to the extent, or in a manner, as to be
21 dangerous or injurious to the person applying for a registration or
22 license or holding a registration or license under this chapter, or
23 to any other person, or to the public, or, to the extent that the use
24 impairs the ability of the person applying for or holding a
25 registration or license to conduct with safety to the public the
26 practice authorized by the registration or license, or the conviction
27 of more than one misdemeanor or any felony involving the use,
28 consumption, or self-administration of any of the substances
29 referred to in this subdivision, or any combination thereof. The
30 board shall deny an application for a registration or license or
31 revoke the license or registration of any person who uses or offers
32 to use drugs in the course of performing clinical social work. This
33 provision does not apply to any person also licensed as a physician
34 and surgeon under Chapter 5 (commencing with Section 2000) or
35 the Osteopathic Act who lawfully prescribes drugs to a patient
36 under his or her care.

37 (d) Gross negligence or incompetence in the performance of
38 clinical social work.

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

1 (f) Misrepresentation as to the type or status of a license or
2 registration held by the person, or otherwise misrepresenting or
3 permitting misrepresentation of his or her education, professional
4 qualifications, or professional affiliations to any person or entity.
5 For purposes of this subdivision, this misrepresentation includes,
6 but is not limited to, misrepresentation of the person's
7 qualifications as an adoption service provider pursuant to Section
8 8502 of the Family Code.

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

12 (h) Aiding or abetting any unlicensed or unregistered person to
13 engage in conduct for which a license or registration is required
14 under this chapter.

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

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

20 (k) Engaging in sexual relations with a client or with a former
21 client within two years from the termination date of therapy with
22 the client, soliciting sexual relations with a client, or committing
23 an act of sexual abuse, or sexual misconduct with a client, or
24 committing an act punishable as a sexually related crime, if that
25 act or solicitation is substantially related to the qualifications,
26 functions, or duties of a clinical social worker.

27 (l) Performing, or holding one's self out as being able to
28 perform, or offering to perform or permitting, any registered
29 associate clinical social worker or intern under supervision to
30 perform any professional services beyond the scope of the license
31 authorized by this chapter.

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

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

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

10 (p) Advertising in a manner which is false, misleading, or
11 deceptive.

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

17 (r) Any conduct in the supervision of any registered associate
18 clinical social worker or intern by any licensee that violates this
19 chapter or any rules or regulations adopted by the board.

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

23 (t) *Engaging in an act described in Section 261, 286, 288a, or*
24 *289 of the Penal Code with a minor or an act described in Section*
25 *288 or 288.5 of the Penal Code regardless of whether the act*
26 *occurred prior to or after the time the registration or license was*
27 *issued by the board.*

28 *SEC. 14. Section 5552.5 of the Business and Professions Code*
29 *is amended to read:*

30 5552.5. The board may, by regulation, implement an intern
31 development program until July 1, ~~2009~~ 2011.

32 **SECTION 1.**

33 *SEC. 15. Section 7026.1 of the Business and Professions Code*
34 *is amended to read:*

35 7026.1. The term “contractor” includes all of the following:

36 (a) Any person not exempt under Section 7053 who maintains
37 or services air-conditioning, heating, or refrigeration equipment
38 that is a fixed part of the structure to which it is attached.

39 (b) Any person, consultant to an owner-builder, firm,
40 association, organization, partnership, business trust, corporation,

1 or company, who or which undertakes, offers to undertake, purports
2 to have the capacity to undertake, or submits a bid, to construct
3 any building or home improvement project, or part thereof.

4 (c) A temporary labor service agency that, as the employer,
5 provides employees for the performance of work covered by this
6 chapter. The provisions of this subdivision shall not apply if there
7 is a properly licensed contractor who exercises supervision in
8 accordance with Section 7068.1 and who is directly responsible
9 for the final results of the work. Nothing in this subdivision shall
10 require a qualifying individual, as provided in Section 7068, to be
11 present during the supervision of work covered by this chapter. A
12 contractor requesting the services of a temporary labor service
13 agency shall provide his or her license number to that temporary
14 labor service agency.

15 (d) Any person not otherwise exempt by this chapter, who
16 performs, offers to perform, purports to have the capacity to
17 perform, or submits a bid to perform tree removal, tree pruning,
18 stump removal, or tree or limb cabling or guying. The term
19 contractor does not include a person performing the activities of
20 a nurseryperson who in the normal course of routine work performs
21 incidental pruning of trees, or guying of planted trees and their
22 limbs. The term contractor does not include a gardener who in the
23 normal course of routine work performs incidental pruning of trees
24 measuring less than 15 feet in height after planting.

25 (e) Any person engaged in the business of drilling, digging,
26 boring, or otherwise constructing, deepening, repairing,
27 re-perforating, or abandoning any water well, cathodic protection
28 well, or monitoring well.

29 ~~SEC. 2.~~

30 *SEC. 16.* Section 7028 of the Business and Professions Code
31 is amended to read:

32 7028. (a) It is a misdemeanor for any person to engage in the
33 business or act in the capacity of a contractor within this state
34 without having a license therefor, unless the person is particularly
35 exempted from the provisions of this chapter.

36 (b) If a person has been previously convicted of the offense
37 described in this section, unless the provisions of subdivision (c)
38 are applicable, the court shall impose a fine of 20 percent of the
39 price of the contract under which the unlicensed person performed,
40 or offered to perform, contracting work, or four thousand five

1 hundred dollars (\$4,500), whichever is greater, and, unless the
2 sentence prescribed in subdivision (c) is imposed, the person shall
3 be confined in a county jail for not less than 90 days, except in an
4 unusual case where the interests of justice would be served by
5 imposition of a lesser sentence or a fine. If the court imposes only
6 a fine or a jail sentence of less than 90 days for second or
7 subsequent convictions under this section, the court shall state the
8 reasons for its sentencing choice on the record.

9 (c) A third or subsequent conviction for the offense described
10 in this section is punishable by a fine of not less than four thousand
11 five hundred dollars (\$4,500) nor more than the greater amount of
12 either ten thousand dollars (\$10,000) or 20 percent of the contract
13 price under which the unlicensed person performed, or offered to
14 perform, contracting work or by imprisonment in a county jail for
15 not more than one year or less than 90 days, or by both that fine
16 and imprisonment. The penalty provided by this subdivision is
17 cumulative to the penalties available under all other laws of this
18 state.

19 (d) A person who violates this section is subject to the penalties
20 prescribed in subdivision (c) if the person was named on a license
21 that was previously revoked and, either in fact or under law, was
22 held responsible for any act or omission resulting in the revocation.

23 (e) In the event the person performing the contracting work has
24 agreed to furnish materials and labor on an hourly basis, “the price
25 of the contract” for the purposes of this section means the aggregate
26 sum of the cost of materials and labor furnished and the cost of
27 completing the work to be performed.

28 (f) Notwithstanding any other provision of law to the contrary,
29 an indictment for any violation of this section by the unlicensed
30 contractor shall be found or an information or complaint filed
31 within four years from the date of the contract proposal, contract,
32 completion, or abandonment of the work, whichever occurs last.

33 *SEC. 17. Section 7303 of the Business and Professions Code*
34 *is amended to read:*

35 7303. (a) Notwithstanding Article 8 (commencing with Section
36 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
37 Government Code, there is in the Department of Consumer Affairs
38 the State Board of Barbering and Cosmetology in which the
39 administration of this chapter is vested.

1 (b) The board shall consist of nine members. Five members
2 shall be public members, and four members shall represent the
3 professions. The Governor shall appoint three of the public
4 members and the four professions members. The Senate Committee
5 on Rules and the Speaker of the Assembly shall each appoint one
6 public member. Members of the board shall be appointed for a
7 term of four years, except that of the members appointed by the
8 Governor, two of the public members and two of the professions
9 members shall be appointed for an initial term of two years. No
10 board member may serve longer than two consecutive terms.

11 (c) The board shall appoint an executive officer who is exempt
12 from civil service. The executive officer shall exercise the powers
13 and perform the duties delegated by the board and vested in him
14 or her by this chapter. The appointment of the executive officer is
15 subject to the approval of the director. ~~In the event that~~ If a newly
16 authorized board replaces an existing or previous bureau, the
17 director may appoint an interim executive officer for the board
18 who shall serve temporarily until the new board appoints a
19 permanent executive officer.

20 (d) The executive officer shall provide examiners, inspectors,
21 and other personnel necessary to carry out the provisions of this
22 chapter.

23 (e) This section shall become inoperative on July 1, ~~2008~~ 2009,
24 and, as of January 1, ~~2009~~ 2010, is repealed, unless a later enacted
25 statute, which becomes effective on or before January 1, ~~2009~~
26 2010, deletes or extends the dates on which it becomes inoperative
27 and is repealed.

28 *SEC. 18. Section 8005 of the Business and Professions Code*
29 *is amended to read:*

30 8005. The Court Reporters Board of California is charged with
31 the executive functions necessary for effectuating the purposes of
32 this chapter. It may appoint committees as it deems necessary or
33 proper. The board may appoint, prescribe the duties, and fix the
34 salary of an executive officer. Except as provided by Section 159.5,
35 the board may also employ other employees as may be necessary,
36 subject to civil service and other provisions of law.

37 This section shall become inoperative on July 1, ~~2008~~ 2009, and,
38 as of January 1, ~~2009~~ 2010, is repealed, unless a later enacted
39 statute, which becomes effective on or before January 1, ~~2009~~

1 2010, deletes or extends the dates on which it becomes inoperative
2 and is repealed.

3 *SEC. 19. Section 22258 of the Business and Professions Code*
4 *is amended to read:*

5 22258. (a) The following persons are exempt from the
6 requirements of this title, *subject to the requirements of subdivision*
7 *(b):*

8 (a)

9 (1) A person with a current and valid license issued by the
10 California Board of Accountancy ~~and his or her employees while~~
11 ~~functioning within the scope of their employment.~~

12 (b)

13 (2) A person who is an active member of the State Bar of
14 California ~~and his or her employees while functioning within the~~
15 ~~scope of their employment.~~

16 (c) ~~An employee of any~~

17 (3) *Any* trust company or trust business as defined in Chapter
18 1 (commencing with Section 99) of Division 1 of the Financial
19 Code ~~while functioning within the scope of his or her employment.~~

20 (d)

21 (4) A financial institution regulated by the state or federal
22 government, ~~and employees thereof, insofar as the activities of the~~
23 ~~employees are related to their employment and the activities of~~
24 the financial institution with respect to tax preparation are subject
25 to federal or state examination or oversight.

26 (e)

27 (5) A person who is enrolled to practice before the Internal
28 Revenue Service pursuant to Subpart A (commencing with Section
29 10.1) of Part 10 of Title 31 of the Code of Federal Regulations;
30 ~~and his or her employees while functioning within the scope of~~
31 ~~his or her employment.~~

32 (6) *Any employee of any person described in paragraph (1),*
33 *(2), (3), (4), or (5).*

34 (7) *Any employee of any corporation, partnership, association,*
35 *or any entity described in subparagraph (B) of paragraph (1) of*
36 *subdivision (a) of Section 2225.*

37 (b) (1) *Paragraph (6) of subdivision (a) shall apply only if all*
38 *tax returns prepared by that employee are signed by an employer*
39 *described in paragraph (1), (2), or (5) of subdivision (a).*

1 (2) Paragraph (7) of subdivision (a) shall apply only if all tax
2 returns prepared by that employee are signed by an employer
3 described in paragraph (7) of subdivision (a).

4 (3) No person described in this subdivision as an employee may
5 sign a tax return, unless that employee is otherwise exempt under
6 this section, is registered as a tax preparer with the Council, or
7 is an employee of either a trust company or trust business described
8 in paragraph (3) of subdivision (a), or any employee of a financial
9 institution described in paragraph (4) of subdivision (a).

10 (4) In the case of any employee of a trust company or trust
11 business described in paragraph (3) of subdivision (a), or any
12 employee of a financial institution described in paragraph (4) of
13 subdivision (a), the exemption provided under this subdivision
14 shall only apply to activities conducted by that employee that are
15 within the scope of his or her employment.

16 (c) For purposes of this section, preparation of a tax return
17 includes the inputting of tax data into a computer.

18 SEC. 20. Section 22259 of the Business and Professions Code
19 is amended to read:

20 22259. This chapter shall be subject to the review required by
21 Division 1.2 (commencing with Section 473).

22 This chapter shall become inoperative on July 1, ~~2008~~ 2009,
23 and, as of January 1, ~~2009~~ 2010, is repealed, unless a later enacted
24 statute, which becomes effective on or before January 1, ~~2009~~
25 2010, deletes or extends that date on which it becomes inoperative
26 and is repealed.

27 SEC. 21. Section 12529 of the Government Code, as amended
28 by Section 24 of Chapter 674 of the Statutes of 2005, is amended
29 to read:

30 12529. (a) There is in the Department of Justice the Health
31 Quality Enforcement Section. The primary responsibility of the
32 section is to investigate and prosecute proceedings against licensees
33 and applicants within the jurisdiction of the Medical Board of
34 California including all committees under the jurisdiction of the
35 board or a division of the board, including the Board of Podiatric
36 Medicine, and the Board of Psychology.

37 (b) The Attorney General shall appoint a Senior Assistant
38 Attorney General of the Health Quality Enforcement Section. The
39 Senior Assistant Attorney General of the Health Quality
40 Enforcement Section shall be an attorney in good standing licensed

1 to practice in the State of California, experienced in prosecutorial
2 or administrative disciplinary proceedings and competent in the
3 management and supervision of attorneys performing those
4 functions.

5 (c) The Attorney General shall ensure that the Health Quality
6 Enforcement Section is staffed with a sufficient number of
7 experienced and able employees that are capable of handling the
8 most complex and varied types of disciplinary actions against the
9 licensees of the division or board.

10 (d) Funding for the Health Quality Enforcement Section shall
11 be budgeted in consultation with the Attorney General from the
12 special funds financing the operations of the Medical Board of
13 California, the California Board of Podiatric Medicine, and the
14 committees under the jurisdiction of the Medical Board of
15 California or a division of the board, and the Board of Psychology,
16 with the intent that the expenses be proportionally shared as to
17 services rendered.

18 (e) This section shall become inoperative on July 1, ~~2008~~ 2010,
19 and, as of January 1, ~~2009~~ 2011, is repealed, unless a later enacted
20 statute, that becomes operative on or before January 1, ~~2009~~ 2011,
21 deletes or extends the dates on which it becomes inoperative and
22 is repealed.

23 *SEC. 21.5 Section 12529 of the Government Code, as amended*
24 *by Section 24 of Chapter 674 of the Statutes of 2005, is amended*
25 *to read:*

26 12529. (a) There is in the Department of Justice the Health
27 Quality Enforcement Section. The primary responsibility of the
28 section is to investigate and prosecute proceedings against licensees
29 and applicants within the jurisdiction of the Medical Board of
30 California ~~including all committees, the California Board of~~
31 ~~Podiatric Medicine, the Board of Psychology, or any committee~~
32 ~~under the jurisdiction of the board Medical Board of California~~
33 ~~or a division of the board, including the Board of Podiatric~~
34 ~~Medicine, and the Board of Psychology.~~

35 (b) The Attorney General shall appoint a Senior Assistant
36 Attorney General of the Health Quality Enforcement Section. The
37 Senior Assistant Attorney General of the Health Quality
38 Enforcement Section shall be an attorney in good standing licensed
39 to practice in the State of California, experienced in prosecutorial
40 or administrative disciplinary proceedings and competent in the

1 management and supervision of attorneys performing those
2 functions.

3 (c) The Attorney General shall ensure that the Health Quality
4 Enforcement Section is staffed with a sufficient number of
5 experienced and able employees that are capable of handling the
6 most complex and varied types of disciplinary actions against the
7 licensees of the division or board.

8 (d) Funding for the Health Quality Enforcement Section shall
9 be budgeted in consultation with the Attorney General from the
10 special funds financing the operations of the Medical Board of
11 California, the California Board of Podiatric Medicine, *the Board*
12 *of Psychology*, and the committees under the jurisdiction of the
13 Medical Board of California or a division of the board, ~~and the~~
14 ~~Board of Psychology~~, with the intent that the expenses be
15 proportionally shared as to services rendered.

16 (e) This section shall become inoperative on July 1, ~~2008~~ 2010,
17 and, as of January 1, ~~2009~~ 2011, is repealed, unless a later enacted
18 statute, that becomes operative on or before January 1, ~~2009~~ 2011,
19 deletes or extends the dates on which it becomes inoperative and
20 is repealed.

21 *SEC. 22. Section 12529 of the Government Code, as added by*
22 *Section 25 of Chapter 674 of the Statutes of 2005, is amended to*
23 *read:*

24 12529. (a) There is in the Department of Justice the Health
25 Quality Enforcement Section. The primary responsibility of the
26 section is to prosecute proceedings against licensees and applicants
27 within the jurisdiction of the Medical Board of California including
28 all committees under the jurisdiction of the board or a division of
29 the board, including the Board of Podiatric Medicine, and the
30 Board of Psychology, and to provide ongoing review of the
31 investigative activities conducted in support of those prosecutions,
32 as provided in subdivision (b) of Section 12529.5.

33 (b) The Attorney General shall appoint a Senior Assistant
34 Attorney General of the Health Quality Enforcement Section. The
35 Senior Assistant Attorney General of the Health Quality
36 Enforcement Section shall be an attorney in good standing licensed
37 to practice in the State of California, experienced in prosecutorial
38 or administrative disciplinary proceedings and competent in the
39 management and supervision of attorneys performing those
40 functions.

1 (c) The Attorney General shall ensure that the Health Quality
2 Enforcement Section is staffed with a sufficient number of
3 experienced and able employees that are capable of handling the
4 most complex and varied types of disciplinary actions against the
5 licensees of the division or board.

6 (d) Funding for the Health Quality Enforcement Section shall
7 be budgeted in consultation with the Attorney General from the
8 special funds financing the operations of the Medical Board of
9 California, the California Board of Podiatric Medicine, and the
10 committees under the jurisdiction of the Medical Board of
11 California or a division of the board, and the Board of Psychology,
12 with the intent that the expenses be proportionally shared as to
13 services rendered.

14 (e) This section shall become operative July 1, ~~2008~~ 2010.

15 *SEC. 22.5 Section 12529 of the Government Code, as added*
16 *by Section 25 of Chapter 674 of the Statutes of 2005, is amended*
17 *to read:*

18 12529. (a) There is in the Department of Justice the Health
19 Quality Enforcement Section. The primary responsibility of the
20 section is to prosecute proceedings against licensees and applicants
21 within the jurisdiction of the Medical Board of California ~~including~~
22 ~~all committees, the California Board of Podiatric Medicine, the~~
23 ~~Board of Psychology, or any committee~~ under the jurisdiction of
24 ~~the board~~ *Medical Board of California* or a division of the board;
25 ~~including the Board of Podiatric Medicine, and the Board of~~
26 ~~Psychology~~, and to provide ongoing review of the investigative
27 activities conducted in support of those prosecutions, as provided
28 in subdivision (b) of Section 12529.5.

29 (b) The Attorney General shall appoint a Senior Assistant
30 Attorney General of the Health Quality Enforcement Section. The
31 Senior Assistant Attorney General of the Health Quality
32 Enforcement Section shall be an attorney in good standing licensed
33 to practice in the State of California, experienced in prosecutorial
34 or administrative disciplinary proceedings and competent in the
35 management and supervision of attorneys performing those
36 functions.

37 (c) The Attorney General shall ensure that the Health Quality
38 Enforcement Section is staffed with a sufficient number of
39 experienced and able employees that are capable of handling the

1 most complex and varied types of disciplinary actions against the
2 licensees of the division or board.

3 (d) Funding for the Health Quality Enforcement Section shall
4 be budgeted in consultation with the Attorney General from the
5 special funds financing the operations of the Medical Board of
6 California, the California Board of Podiatric Medicine, *the Board*
7 *of Psychology*, and the committees under the jurisdiction of the
8 Medical Board of California or a division of the board, ~~and the~~
9 ~~Board of Psychology~~, with the intent that the expenses be
10 proportionally shared as to services rendered.

11 (e) This section shall become operative July 1, ~~2008~~ 2010.

12 *SEC. 23. Section 12529.5 of the Government Code, as amended*
13 *by Section 26 of Chapter 674 of the Statutes of 2005, is amended*
14 *to read:*

15 12529.5. (a) All complaints or relevant information concerning
16 licensees that are within the jurisdiction of the Medical Board of
17 California or the Board of Psychology shall be made available to
18 the Health Quality Enforcement Section.

19 (b) The Senior Assistant Attorney General of the Health Quality
20 Enforcement Section shall assign attorneys to work on location at
21 the intake unit of the boards described in subdivision (d) of Section
22 12529 to assist in evaluating and screening complaints and to assist
23 in developing uniform standards and procedures for processing
24 complaints.

25 (c) The Senior Assistant Attorney General or his or her deputy
26 attorneys general shall assist the boards, division, or allied health
27 committees, including the Board of Podiatric Medicine, in
28 designing and providing initial and in-service training programs
29 for staff of the division, boards, or allied health committees,
30 including, but not limited to, information collection and
31 investigation.

32 (d) The determination to bring a disciplinary proceeding against
33 a licensee of the division or the boards shall be made by the
34 executive officer of the division, the board, or allied health
35 committee, including the Board of Podiatric Medicine, or the Board
36 of Psychology, as appropriate in consultation with the senior
37 assistant.

38 (e) This section shall become inoperative on July 1, ~~2008~~ 2010,
39 and, as of January 1, ~~2009~~ 2011, is repealed, unless a later enacted
40 statute, that becomes operative on or before January 1, ~~2009~~ 2011,

1 deletes or extends the dates on which it becomes inoperative and
2 is repealed.

3 *SEC. 23.5. Section 12529.5 of the Government Code, as*
4 *amended by Section 26 of Chapter 674 of the Statutes of 2005, is*
5 *amended to read:*

6 12529.5. (a) All complaints or relevant information concerning
7 licensees that are within the jurisdiction of the Medical Board of
8 California, *the California Board of Podiatric Medicine*, or the
9 Board of Psychology shall be made available to the Health Quality
10 Enforcement Section.

11 (b) The Senior Assistant Attorney General of the Health Quality
12 Enforcement Section shall assign attorneys to work on location at
13 the intake unit of the boards described in subdivision (d) of Section
14 12529 to assist in evaluating and screening complaints and to assist
15 in developing uniform standards and procedures for processing
16 complaints.

17 (c) The Senior Assistant Attorney General or his or her deputy
18 attorneys general shall assist the boards, division, or ~~allied health~~
19 ~~committees, including the Board of Podiatric Medicine, committees~~
20 in designing and providing initial and in-service training programs
21 for staff of the division, boards, or ~~allied health~~ committees,
22 including, but not limited to, information collection and
23 investigation.

24 (d) The determination to bring a disciplinary proceeding against
25 a licensee of the division or the boards shall be made by the
26 executive officer of the division, ~~the board, or allied health~~
27 ~~committee, including the Board of Podiatric Medicine, or the Board~~
28 ~~of Psychology boards, or committees~~, as appropriate in consultation
29 with the senior assistant.

30 (e) This section shall become inoperative on July 1, ~~2008~~ 2010,
31 and, as of January 1, ~~2009~~ 2011, is repealed, unless a later enacted
32 statute, that becomes operative on or before January 1, ~~2009~~ 2011,
33 deletes or extends the dates on which it becomes inoperative and
34 is repealed.

35 *SEC. 24. Section 12529.5 of the Government Code, as added*
36 *by Section 27 of Chapter 674 of the Statutes of 2005, is amended*
37 *to read:*

38 12529.5. (a) All complaints or relevant information concerning
39 licensees that are within the jurisdiction of the Medical Board of

1 California or the Board of Psychology shall be made available to
2 the Health Quality Enforcement Section.

3 (b) The Senior Assistant Attorney General of the Health Quality
4 Enforcement Section shall assign attorneys to assist the division
5 and the boards in intake and investigations and to direct
6 discipline-related prosecutions. Attorneys shall be assigned to
7 work closely with each major intake and investigatory unit of the
8 boards, to assist in the evaluation and screening of complaints from
9 receipt through disposition and to assist in developing uniform
10 standards and procedures for the handling of complaints and
11 investigations.

12 A deputy attorney general of the Health Quality Enforcement
13 Section shall frequently be available on location at each of the
14 working offices at the major investigation centers of the boards,
15 to provide consultation and related services and engage in case
16 review with the boards' investigative, medical advisory, and intake
17 staff. The Senior Assistant Attorney General and deputy attorneys
18 general working at his or her direction shall consult as appropriate
19 with the investigators of the boards, medical advisors, and
20 executive staff in the investigation and prosecution of disciplinary
21 cases.

22 (c) The Senior Assistant Attorney General or his or her deputy
23 attorneys general shall assist the boards, division, or allied health
24 committees, including the Board of Podiatric Medicine, in
25 designing and providing initial and in-service training programs
26 for staff of the division, boards, or allied health committees,
27 including, but not limited to, information collection and
28 investigation.

29 (d) The determination to bring a disciplinary proceeding against
30 a licensee of the division or the boards shall be made by the
31 executive officer of the division, the board, or allied health
32 committee, including the Board of Podiatric Medicine, or the Board
33 of Psychology, as appropriate in consultation with the senior
34 assistant.

35 (e) This section shall become operative July 1, ~~2008~~ 2010.

36 *SEC. 24.5 Section 12529.5 of the Government Code, as added*
37 *by Section 27 of Chapter 674 of the Statutes of 2005, is amended*
38 *to read:*

39 12529.5. (a) All complaints or relevant information concerning
40 licensees that are within the jurisdiction of the Medical Board of

1 California, *the California Board of Podiatric Medicine*, or the
2 Board of Psychology shall be made available to the Health Quality
3 Enforcement Section.

4 (b) The Senior Assistant Attorney General of the Health Quality
5 Enforcement Section shall assign attorneys to assist the division
6 and the boards in intake and investigations and to direct
7 discipline-related prosecutions. Attorneys shall be assigned to
8 work closely with each major intake and investigatory unit of the
9 boards, to assist in the evaluation and screening of complaints from
10 receipt through disposition and to assist in developing uniform
11 standards and procedures for the handling of complaints and
12 investigations.

13 A deputy attorney general of the Health Quality Enforcement
14 Section shall frequently be available on location at each of the
15 working offices at the major investigation centers of the boards,
16 to provide consultation and related services and engage in case
17 review with the boards' investigative, medical advisory, and intake
18 staff. The Senior Assistant Attorney General and deputy attorneys
19 general working at his or her direction shall consult as appropriate
20 with the investigators of the boards, medical advisors, and
21 executive staff in the investigation and prosecution of disciplinary
22 cases.

23 (c) The Senior Assistant Attorney General or his or her deputy
24 attorneys general shall assist the boards, division, or ~~allied health~~
25 ~~committees, including the Board of Podiatric Medicine,~~ *committees*
26 in designing and providing initial and in-service training programs
27 for staff of the division, boards, or ~~allied health~~ committees,
28 including, but not limited to, information collection and
29 investigation.

30 (d) The determination to bring a disciplinary proceeding against
31 a licensee of the division or the boards shall be made by the
32 executive officer of the division, ~~the board, or allied health~~
33 ~~committee, including the Board of Podiatric Medicine, or the Board~~
34 ~~of Psychology boards, or committees,~~ as appropriate in consultation
35 with the senior assistant.

36 (e) This section shall become operative July 1, ~~2008~~ 2010.

37 *SEC. 26. Section 12529.6 of the Government Code is amended*
38 *to read:*

39 12529.6. (a) The Legislature finds and declares that the
40 Medical Board of California, by ensuring the quality and safety

1 of medical care, performs one of the most critical functions of state
2 government. Because of the critical importance of the board's
3 public health and safety function, the complexity of cases involving
4 alleged misconduct by physicians and surgeons, and the evidentiary
5 burden in the board's disciplinary cases, the Legislature finds and
6 declares that using a vertical *enforcement and* prosecution model
7 for those investigations is in the best interests of the people of
8 California.

9 (b) Notwithstanding any other provision of law, as of January
10 1, 2006, each complaint that is referred to a district office of the
11 board for investigation shall be simultaneously and jointly assigned
12 to an investigator and to the deputy attorney general in the Health
13 Quality Enforcement Section responsible for prosecuting the case
14 if the investigation results in the filing of an accusation. The joint
15 assignment of the investigator and the deputy attorney general
16 shall exist for the duration of the disciplinary matter. During the
17 assignment, the investigator so assigned shall, under the direction
18 *but not the supervision* of the deputy attorney general, be
19 responsible for obtaining the evidence required to permit the
20 Attorney General to advise the board on legal matters such as
21 whether the board should file a formal accusation, dismiss the
22 complaint for a lack of evidence required to meet the applicable
23 burden of proof, or take other appropriate legal action.

24 (c) The Medical Board of California, the Department of
25 Consumer Affairs, and the Office of the Attorney General shall,
26 if necessary, enter into an interagency agreement to implement
27 this section.

28 (d) This section does not affect the requirements of Section
29 12529.5 as applied to the Medical Board of California where
30 complaints that have not been assigned to a field office for
31 investigation are concerned.

32 (e) *It is the intent of the Legislature to enhance the vertical
33 enforcement and prosecution model as set forth in subdivision (a).
34 The Medical Board of California shall do both of the following:*

35 (1) *Increase its computer capabilities and compatibilities with
36 the Health Quality Enforcement Section in order to share case
37 information.*

38 (2) *Establish and implement a plan to locate its enforcement
39 staff and the staff of the Health Quality Enforcement Section in*

1 *the same offices, as appropriate, in order to carry out the intent*
2 *of the vertical enforcement and prosecution model.*

3 (e)

4 (f) This section shall become inoperative on July 1, ~~2008~~ 2010,
5 and, as of January 1, ~~2009~~ 2011, is repealed, unless a later enacted
6 statute, that is enacted before January 1, ~~2009~~ 2011, deletes or
7 extends the dates on which it becomes inoperative and is repealed.

8 *SEC. 27. Section 12529.7 of the Government Code is amended*
9 *to read:*

10 12529.7. By July 1, ~~2007~~ 2009, the Medical Board of
11 California, in consultation with the Department of Justice, the
12 Department of Consumer Affairs, the Department of Finance, and
13 the Department of Personnel Administration, shall report and make
14 recommendations to the Governor and the Legislature on the
15 vertical *enforcement and prosecution* model created under Section
16 12529.6.

17 *SEC. 28. Section 1.5 of this bill incorporates amendments to*
18 *Section 490 of the Business and Professions Code proposed by*
19 *both this bill and AB 1025. It shall only become operative if (1)*
20 *both bills are enacted and become effective on or before January*
21 *1, 2008, (2) each bill amends Section 490 of the Business and*
22 *Professions Code, and (3) this bill is enacted after AB 1025, in*
23 *which case Section 1 of this bill shall not become operative.*

24 *SEC. 29. Sections 21.5 and 22.5 of this bill incorporate*
25 *amendments to Section 12529 of the Government Code proposed*
26 *by both this bill and SB 1048. They shall only become operative*
27 *if (1) both bills are enacted and become effective on or before*
28 *January 1, 2008, (2) each bill amends Section 12529 of the*
29 *Government Code, and (3) this bill is enacted after SB 1048, in*
30 *which case Sections 21 and 22 of this bill shall not become*
31 *operative.*

32 *SEC. 30. Sections 23.5 and 24.5 of this bill incorporate*
33 *amendments to Section 12529.5 of the Government Code proposed*
34 *by both this bill and SB 1048. They shall only become operative*
35 *if (1) both bills are enacted and become effective on or before*
36 *January 1, 2008, (2) each bill amends Section 12529.5 of the*
37 *Government Code, and (3) this bill is enacted after SB 1048, in*
38 *which case Sections 23 and 24 of this bill shall not become*
39 *operative.*

1 ~~SEC. 3.~~

2 *SEC. 31.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the penalty
7 for a crime or infraction, within the meaning of Section 17556 of
8 the Government Code, or changes the definition of a crime within
9 the meaning of Section 6 of Article XIII B of the California
10 Constitution.

O

Related Penal Code Sections

261. (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. (5) Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

286. (a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

(b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(2) Except as provided in Section 288, any person over the age of 21 years who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.

(c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.

(j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) Any person who commits an act of sodomy, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court, however, shall take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

288. (a) Any person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) (1) Any person who commits an act described in subdivision (a) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) Any person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(c) (1) Any person who commits an act described in subdivision (a) with the intent described in that subdivision, and the victim is a child of 14 or 15 years, and that person is at least 10 years older than the child, is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year. In determining whether the person is at least 10 years older than the child, the difference in age shall be measured from the birth date of the person to the birth date of the child.

(2) Any person who is a caretaker and commits an act described in subdivision (a) upon a dependent person, with the intent described in subdivision (a), is guilty of a public offense and shall be punished by imprisonment in the state prison for one, two, or three years, or by imprisonment in a county jail for not more than one year.

(d) In any arrest or prosecution under this section or Section 288.5, the peace officer, district attorney, and the court shall consider the needs of the child victim or dependent person and shall do whatever is necessary, within existing budgetary resources, and constitutionally permissible to prevent psychological harm to the child victim or to prevent psychological harm to the dependent person victim resulting from participation in the court process.

(e) Upon the conviction of any person for a violation of subdivision (a) or (b), the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed ten thousand dollars (\$10,000). In setting the amount of the fine, the court shall consider any relevant factors, including, but not limited to, the seriousness and gravity of the offense, the circumstances of its commission, whether the defendant derived any economic gain as a result of the crime, and the extent to which the victim suffered economic losses as a result of the crime. Every fine imposed and collected under this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs pursuant to Section 13837.

If the court orders a fine imposed pursuant to this subdivision, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

(f) For purposes of paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c), the following definitions apply:

(1) "Caretaker" means an owner, operator, administrator, employee, independent contractor, agent, or volunteer of any of the following public or private facilities when the facilities provide care for elder or dependent persons:

(A) Twenty-four hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(B) Clinics.

(C) Home health agencies.

(D) Adult day health care centers.

(E) Secondary schools that serve dependent persons and postsecondary educational institutions that serve dependent persons or elders.

(F) Sheltered workshops.

(G) Camps.

(H) Community care facilities, as defined by Section 1402 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code.

(I) Respite care facilities.

(J) Foster homes.

(K) Regional centers for persons with developmental disabilities.

(L) A home health agency licensed in accordance with Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code.

(M) An agency that supplies in-home supportive services.

(N) Board and care facilities.

(O) Any other protective or public assistance agency that provides health services or social services to elder or dependent persons, including, but not limited to, in-home supportive services, as defined in Section 14005.14 of the Welfare and Institutions Code.

(P) Private residences.

(2) "Board and care facilities" means licensed or unlicensed facilities that provide assistance with one or more of the following activities:

(A) Bathing.

(B) Dressing.

(C) Grooming.

(D) Medication storage.

(E) Medical dispensation.

(F) Money management.

(3) "Dependent person" means any person who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. "Dependent person" includes any person who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(g) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) apply to the owners, operators, administrators, employees, independent contractors, agents, or volunteers working at these public or private facilities and only to the extent that the individuals personally commit, conspire, aid, abet, or facilitate any act prohibited by paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c).

(h) Paragraph (2) of subdivision (b) and paragraph (2) of subdivision (c) do not apply to a caretaker who is a spouse of, or who is in an equivalent domestic relationship with, the dependent person under care.

288.5. (a) Any person who either resides in the same home with the minor child or has recurring access to the child, who over a period of time, not less than three months in duration, engages in three or more acts of substantial sexual conduct with a child under the age of 14 years at the time of the commission of the offense, as defined in subdivision (b) of Section 1203.066, or three or more acts of lewd or lascivious conduct, as defined in Section 288, with a child under the age of 14 years at the time of the commission of the offense is guilty of the offense of continuous sexual abuse of a child and shall be punished by imprisonment in the state prison for a term of 6, 12, or 16 years.

(b) To convict under this section the trier of fact, if a jury, need unanimously agree only that the requisite number of acts occurred not on which acts constitute the requisite number.

(c) No other act of substantial sexual conduct, as defined in subdivision (b) of Section 1203.066, with a child under 14 years of age at the time of the commission of the offenses, or lewd and lascivious acts, as defined in Section 288, involving the same victim may be charged in the same proceeding with a charge under this section unless the other charged offense occurred outside the time period charged under this section or the other offense is charged in the alternative. A defendant may be charged with only one count under this section unless more than one victim is involved in which case a separate count may be charged for each victim.

288a. (a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

(b) (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(2) Except as provided in Section 288, any person over the age of 21 years who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.

(c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(3) Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (1) when the act is accomplished

against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (2) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (3) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(f) Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years.

Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(j) Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(k) Any person who commits an act of oral copulation, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(m) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

289. (a) (1) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(g) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in the county jail for a period of not more than one year.

(i) Except as provided in Section 288, any person over the age of 21 years who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) As used in this section:

(1) "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.

(2) "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ.

(3) "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

(l) As used in subdivision (a), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.

(m) As used in this section, "victim" includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.

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To: Board Members

Date: October 24, 2007

From: Mona Maggio
Assistant Executive Officer

Telephone: (916) 574-7840

Subject: Fee Reduction Proposals

Background

The board is financed by fees charged to its applicants and licensees. The board is not supported by any general tax revenue. In the 2006-07 Fiscal Year the board collected revenues of approximately \$5.7 million and had expenditures of approximately \$4.9 million. The board had a reserve of approximately \$6.3 million at the end of the 2006-07 Fiscal Year which would fund board operations for slightly more than 13 months based on projected expenditures. In addition, the board's fund made a \$6 million loan to the state General Fund in the 2002-03 Fiscal Year which represents an additional 12.6 months of operating reserves. Business and Professions Code 128.5 (attached) requires boards to reduce fees when the reserve exceeds 2 years of expenditures. At present the board's reserve would have to exceed \$11.4 million to trigger this requirement. The General Fund loan is not accounted for in the fund condition analysis and accordingly the board is still well below the 24 month level specified in this statute.

Board fees are set by one of two mechanisms:

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

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

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

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

Staff presented a proposal at the May 2006 board meeting to temporarily reduce fees in concert with a comparable increase in the license renewal surcharge for the Licensed Mental Health Services Provider Education Program (program). The net effect of that proposal was to decrease board revenue by \$3.6 million over a two year period and redirect that revenue to the program. At the conclusion of that period, fees would revert to their prior levels and the license renewal surcharge that funds the program would revert to the \$10 current charged. However, preliminary discussions with the administration indicated that such temporary fee reductions were not acceptable. Accordingly, staff revisited the issue and presented the Planning Committee with two scenarios (\$20 and \$40 reductions and redirections). The Planning Committee has recommended the \$20 scenario for the board's consideration. Projections based on both scenarios are attached.

Proposal

Estimates prepared prior to this meeting indicate that a \$20 fee reduction for license renewals could be accommodated leaving a reserve of 5.5 months. Accordingly, staff has prepared two alternate scenarios for the board's consideration.

Propose a \$20 reduction in fees. This option would reduce the board's reserve to 5.5 months in 2013-14 and trigger a repayment of the General Fund loan. This action would result in the board not anticipating a fee increase until the 2019-20 fiscal year. Such projections are highly speculative, but do indicate that there is little foreseeable risk to the board's fund from such an action. This option will produce approximately \$500,000 per year that would be available to redirect to the Licensed Mental Health Services Provider Education Program from BBS sources.

These estimates are based on 2% annual increase in workload (number of licenses issued or renewed) and expenditures which is in line with out budget history.

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

Given the timeframes required for passing a regulation (which is necessary to make the fee changes) and the administrative efforts required to implement a fee reduction, staff does not anticipate a fee reduction could occur until July 1, 2009.

Licensed Mental Health Services Provider Education Program

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

Recommendations

The committee recommends the following actions:

- Direct staff to prepare a draft fee reduction regulation reducing renewal fees for Licensed Clinical Social Workers and Marriage and Family Therapists by \$20.
- The committee recommends that the board to sponsor legislation that would increase the license renewal surcharge by \$20.

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

Attachments

Text of AB 938

Text of AB 1852

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

Current and Projected Fund Condition Analyses

Proposed Fee Revenue Analysis

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Assembly Bill No. 938

CHAPTER 437

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

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

Article 4. Licensed Mental Health Service Provider Education Program

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



Statutes and Regulations Relating to BBS Fees

Business and Professions Code

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

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

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

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

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

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

Title 16, California Code of Regulations

§1816. RENEWAL FEES

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

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

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

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

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

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

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

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

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

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

§1816.1. INITIAL LICENSE AND REGISTRATION FEES

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

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

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

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

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

§1816.2. WRITTEN EXAMINATION AND RE-EXAMINATION FEES

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

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

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

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

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

§1816.3. EXAMINATION RESCORING FEES

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

§1816.4. EXAMINATION APPLICATION FEES

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

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

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

§1816.5. REPLACEMENT AND CERTIFICATION FEES

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

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

§1816.6. INACTIVE LICENSE FEES

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

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

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

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

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

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

§1816.7. DELINQUENT LICENSE FEES

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

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

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

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

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

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

§1819.1. CONTINUING EDUCATION PROVIDER FEES

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

Assembly Bill No. 1852

CHAPTER 557

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

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

at CURRENT fee level

REVENUE CATEGORIES	FEES	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
<u>MFT</u>													
Initial License - MFT	\$130.00	945	964	983	1,003	1,023	1,043	1,064	1,086	1,107	1,129	1,152	1,175
Biennial Renewal	\$130.00	10,594	10,806	11,022	11,242	11,467	11,697	11,931	12,169	12,413	12,661	12,914	13,172
Inactive Renewal	\$65.00	2,348	2,395	2,443	2,492	2,542	2,592	2,644	2,697	2,751	2,806	2,862	2,919
<u>LCSW</u>													
Initial License - LCS	\$100.00	507	517	527	538	549	560	571	582	594	606	618	630
Biennial Renewal	\$100.00	6,255	6,380	6,508	6,638	6,771	6,906	7,044	7,185	7,329	7,475	7,625	7,777
Inactive Renewal	\$50.00	1,218	1,242	1,267	1,293	1,318	1,345	1,372	1,399	1,427	1,456	1,485	1,514
<u>LEP</u>													
Initial License - LEP	\$80.00	51	52	53	54	55	56	57	59	60	61	62	63
Biennial Renewal	\$80.00	749	764	779	795	811	827	843	860	878	895	913	931
Inactive Renewal	\$40.00	118	120	123	125	128	130	133	136	138	141	144	147

Note: Assumes a 2% increase in Workload.

at CURRENT fees

REVENUE CATEGORIES	FEES	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
<u>MFT</u>													
Initial License - MFT		\$ 122,850	\$ 125,307	\$ 127,813	\$ 130,369	\$ 132,977	\$ 135,636	\$ 138,349	\$ 141,116	\$ 143,938	\$ 146,817	\$ 149,753	\$ 152,749
Biennial Renewal		\$ 1,377,220	\$ 1,404,764	\$ 1,432,860	\$ 1,461,517	\$ 1,490,747	\$ 1,520,562	\$ 1,550,973	\$ 1,581,993	\$ 1,613,633	\$ 1,645,905	\$ 1,678,823	\$ 1,712,400
Inactive Renewal		\$ 152,620	\$ 155,672	\$ 158,786	\$ 161,962	\$ 165,201	\$ 168,505	\$ 171,875	\$ 175,312	\$ 178,819	\$ 182,395	\$ 186,043	\$ 189,764
<u>LCSW</u>													
Initial License - LCS		\$ 50,700	\$ 51,714	\$ 52,748	\$ 53,803	\$ 54,879	\$ 55,977	\$ 57,096	\$ 58,238	\$ 59,403	\$ 60,591	\$ 61,803	\$ 63,039
Biennial Renewal		\$ 625,500	\$ 638,010	\$ 650,770	\$ 663,786	\$ 677,061	\$ 690,603	\$ 704,415	\$ 718,503	\$ 732,873	\$ 747,530	\$ 762,481	\$ 777,731
Inactive Renewal		\$ 60,900	\$ 62,118	\$ 63,360	\$ 64,628	\$ 65,920	\$ 67,239	\$ 68,583	\$ 69,955	\$ 71,354	\$ 72,781	\$ 74,237	\$ 75,721
<u>LEP</u>													
Initial License - LEP		\$ 4,080	\$ 4,162	\$ 4,245	\$ 4,330	\$ 4,416	\$ 4,505	\$ 4,595	\$ 4,687	\$ 4,780	\$ 4,876	\$ 4,973	\$ 5,073
Biennial Renewal		\$ 59,920	\$ 61,118	\$ 62,341	\$ 63,588	\$ 64,859	\$ 66,157	\$ 67,480	\$ 68,829	\$ 70,206	\$ 71,610	\$ 73,042	\$ 74,503
Inactive Renewal		\$ 4,720	\$ 4,814	\$ 4,911	\$ 5,009	\$ 5,109	\$ 5,211	\$ 5,315	\$ 5,422	\$ 5,530	\$ 5,641	\$ 5,754	\$ 5,869
REVENUE		\$ 2,458,510	\$ 2,507,680	\$ 2,557,834	\$ 2,608,990	\$ 2,661,170	\$ 2,714,394	\$ 2,768,682	\$ 2,824,055	\$ 2,880,536	\$ 2,938,147	\$ 2,996,910	\$ 3,056,848

BOARD OF BEHAVIORAL SCIENCE
Analysis of Fund Condition (w/Current Fees)

(Dollars in Thousands)

	Actual 2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
BEGIN. RESERVE, JULY 1	5,368	6,273	6,250	5,688	5,160	4,749	6,325	7,928	9,558	9,215	8,861
PRIOR YEAR ADJUSTMENTS	136										
TOTAL ADJUSTED RESERVES	5,504	6,273	6,250	5,688	5,160	4,749	6,325	7,928	9,558	9,215	8,861
REVENUE											
Fees	5,389	5,435	5,467	5,576	5,688	5,802	5,918	6,036	6,157	6,280	6,405
Interest	320	123	108	91	103	95	127	159	191	184	177
General Fund Payback						2,000	2,000	2,000			
TOTAL REV. AND TRANSFERS	5,709	5,558	5,575	5,667	5,791	7,897	8,044	8,195	6,348	6,464	6,583
TOTAL RESOURCES	11,213	11,831	11,825	11,356	10,952	12,646	14,369	16,122	15,906	15,680	15,444
EXPENDITURES											
Program Expenditures	4,937	5,577	5,689	5,802	5,918	6,037	6,157	6,281	6,406	6,534	6,665
Equity Claims (State Operations)	3	4	0	0	0	0	0	0	0	0	0
Projected Expenses			448	393	284	284	284	284	284	284	284
TOTAL EXPENDITURES	4,940	5,581	6,137	6,195	6,202	6,321	6,441	6,565	6,690	6,818	6,949
RESERVE, JUNE 30	6,273	6,250	5,688	5,160	4,749	6,325	7,928	9,558	9,215	8,861	8,495
MONTHS IN RESERVE	13.5	12.2	11.0	10.0	9.0	11.8	14.5	17.1	16.2	15.3	15.0

NOTES:

A. WORKLOAD AND REVENUE PROJECTED AT 2%

B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING 08/09

Fee Reduction - 10-year gradual \$20

REVENUE CATEGORIES	FEES	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2016/17	2016/17
MFT													
Initial License - MFT	\$110.00	945	964	983	1,003	1,023	1,043	1,064	1,086	1,107	1,129	1,152	1,175
Biennial Renewal	\$110.00	10,594	10,806	11,022	11,242	11,467	11,697	11,931	12,169	12,413	12,661	12,914	13,172
Inactive Renewal	\$45.00	2,348	2,395	2,443	2,492	2,542	2,592	2,644	2,697	2,751	2,806	2,862	2,919
LCSW													
Initial License - LCS	\$80.00	507	517	527	538	549	560	571	582	594	606	618	630
Biennial Renewal	\$70.00	6,255	6,380	6,508	6,638	6,771	6,906	7,044	7,185	7,329	7,475	7,625	7,777
Inactive Renewal	\$30.00	1,218	1,242	1,267	1,293	1,318	1,345	1,372	1,399	1,427	1,456	1,485	1,514
LEP													
Initial License - LEP	\$60.00	51	52	53	54	55	56	57	59	60	61	62	63
Biennial Renewal	\$60.00	749	764	779	795	811	827	843	860	878	895	913	931
Inactive Renewal	\$20.00	118	120	123	125	128	130	133	136	138	141	144	147

Note: Assumes a 2% increase in Workload.

Fee Reduction - 10 year gradual \$20

Fee Reduction estimated to start 2009-10

REVENUE CATEGORIES	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2016/17	2016/17
MFT												
Initial License - MFT			\$ 108,150	\$ 110,313	\$ 112,519	\$ 114,769	\$ 117,065	\$ 119,406	\$ 121,794	\$ 124,230	\$ 126,714	\$ 129,249
Biennial Renewal			\$ 1,212,420	\$ 1,236,668	\$ 1,261,401	\$ 1,286,630	\$ 1,312,362	\$ 1,338,609	\$ 1,365,382	\$ 1,392,689	\$ 1,420,543	\$ 1,448,954
Inactive Renewal			\$ 109,929	\$ 112,127	\$ 114,370	\$ 116,657	\$ 118,990	\$ 121,370	\$ 123,798	\$ 126,273	\$ 128,799	\$ 131,375
LCSW												
Initial License - LCS			\$ 42,199	\$ 43,043	\$ 43,903	\$ 44,782	\$ 45,677	\$ 46,591	\$ 47,523	\$ 48,473	\$ 49,442	\$ 50,431
Biennial Renewal			\$ 455,539	\$ 464,650	\$ 473,943	\$ 483,422	\$ 493,090	\$ 502,952	\$ 513,011	\$ 523,271	\$ 533,737	\$ 544,411
Inactive Renewal			\$ 38,016	\$ 38,777	\$ 39,552	\$ 40,343	\$ 41,150	\$ 41,973	\$ 42,812	\$ 43,669	\$ 44,542	\$ 45,433
LEP												
Initial License - LEP			\$ 3,184	\$ 3,247	\$ 3,312	\$ 3,378	\$ 3,446	\$ 3,515	\$ 3,585	\$ 3,657	\$ 3,730	\$ 3,805
Biennial Renewal			\$ 46,756	\$ 47,691	\$ 48,645	\$ 49,617	\$ 50,610	\$ 51,622	\$ 52,654	\$ 53,707	\$ 54,782	\$ 55,877
Inactive Renewal			\$ 2,455	\$ 2,504	\$ 2,555	\$ 2,606	\$ 2,658	\$ 2,711	\$ 2,765	\$ 2,820	\$ 2,877	\$ 2,934
REVENUE			\$2,018,647	\$2,059,019	\$2,100,200	\$2,142,204	\$2,185,048	\$2,228,749	\$2,273,324	\$2,318,790	\$2,365,166	\$2,412,469

Estimated Annual Revenue Decrease

\$ 539,187	\$ 549,971	\$ 560,970	\$ 572,190	\$ 583,634	\$ 595,306	\$ 607,212	\$ 619,357	\$ 631,744	\$ 644,379
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Total Reduction \$ 5,903,951

BOARD OF BEHAVIORAL SCIENCE

Analysis of Fund Condition (10- Year Gradual \$20 Fee Reduction)

(Dollars in Thousands)

	Actual 2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
BEGIN. RESERVE, JULY 1	5,368	6,273	6,250	5,688	4,644	3,673	4,666	5,664	6,664	5,669	4,637
PRIOR YEAR ADJUSTMENTS	136										
TOTAL ADJUSTED RESERVES	5,504	6,273	6,250	5,688	4,644	3,673	4,666	5,664	6,664	5,669	4,637
REVENUE											
Fees	5,389	5,435	5,467	5,576	5,688	5,802	5,918	6,036	6,157	6,280	6,405
Proposed Fee Reduction				-539	-550	-561	-572	-584	-595	-607	-619
Interest	320	123	108	114	93	73	93	113	133	113	93
General Fund Payback						2,000	2,000	2,000			
TOTAL REV. AND TRANSFERS	5,709	5,558	5,575	5,151	5,231	7,314	7,439	7,565	5,695	5,786	5,879
TOTAL RESOURCES	11,213	11,831	11,825	10,840	9,875	10,987	12,105	13,229	12,359	11,455	10,516
EXPENDITURES											
Program Expenditures	4,937	5,577	5,689	5,802	5,918	6,037	6,157	6,281	6,406	6,534	6,665
Equity Claims (State Operations)	3	4	0	0	0	0	0	0	0	0	0
Projected Expenses			448	393	284	284	284	284	284	284	284
TOTAL EXPENDITURES	4,940	5,581	6,137	6,195	6,202	6,321	6,441	6,565	6,690	6,818	6,949
RESERVE, JUNE 30	6,273	6,250	5,688	4,644	3,673	4,666	5,664	6,664	5,669	4,637	3,567
MONTHS IN RESERVE	13.5	12.2	11.0	9.0	7.0	8.7	10.4	12.0	10.0	8.0	6.3

NOTES:

A. WORKLOAD AND REVENUE PROJECTED AT 2%

B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING 08/09

Fee Reduction - 10-year gradual \$40

REVENUE CATEGORIES	FEES	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
MFT													
Initial License - MFT	\$90.00		1,050	1,071	1,092	1,114	1,137	1,159	1,182	1,206	1,230	1,255	1,280
Biennial Renewal	\$90.00		10,875	11,093	11,314	11,541	11,771	12,007	12,247	12,492	12,742	12,997	13,257
Inactive Renewal	\$25.00		2,155	2,198	2,242	2,287	2,333	2,379	2,427	2,475	2,525	2,575	2,627
LCSW													
Initial License - LCS	\$60.00		465	474	484	493	503	513	524	534	545	556	567
Biennial Renewal	\$60.00		6,035	6,156	6,279	6,404	6,532	6,663	6,796	6,932	7,071	7,212	7,357
Inactive Renewal	\$10.00		1,200	1,224	1,248	1,273	1,299	1,325	1,351	1,378	1,406	1,434	1,463
LEP													
Initial License - LEP	\$40.00		59	60	61	63	64	65	66	68	69	71	72
Biennial Renewal	\$40.00		685	699	713	727	741	756	771	787	803	819	835
Inactive Renewal	\$0.00		105	107	109	111	114	116	118	121	123	125	128

Note: Assumes a 2% increase in Workload.

Fee Reduction - 10 year gradual \$40

Fee Reduction estimated to start 2009-10

REVENUE CATEGORIES	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
MFT												
Initial License - MFT			\$96,390	\$98,318	\$100,284	\$102,290	\$104,336	\$106,422	\$108,551	\$110,722	\$112,936	\$115,195
Biennial Renewal			\$998,325	\$1,018,292	\$1,038,657	\$1,059,430	\$1,080,619	\$1,102,231	\$1,124,276	\$1,146,762	\$1,169,697	\$1,193,091
Inactive Renewal			\$54,953	\$56,052	\$57,173	\$58,316	\$59,482	\$60,672	\$61,885	\$63,123	\$64,386	\$65,673
LCSW												
Initial License - LCS		\$	28,458	\$ 29,027	\$ 29,608	\$ 30,200	\$ 30,804	\$ 31,420	\$ 32,048	\$ 32,689	\$ 33,343	\$ 34,010
Biennial Renewal		\$	369,342	\$ 376,729	\$ 384,263	\$ 391,949	\$ 399,788	\$ 407,783	\$ 415,939	\$ 424,258	\$ 432,743	\$ 441,398
Inactive Renewal		\$	12,240	\$ 12,485	\$ 12,734	\$ 12,989	\$ 13,249	\$ 13,514	\$ 13,784	\$ 14,060	\$ 14,341	\$ 14,628
LEP												
Initial License - LEP		\$	2,407	\$ 2,455	\$ 2,504	\$ 2,555	\$ 2,606	\$ 2,658	\$ 2,711	\$ 2,765	\$ 2,820	\$ 2,877
Biennial Renewal		\$	27,948	\$ 28,507	\$ 29,077	\$ 29,659	\$ 30,252	\$ 30,857	\$ 31,474	\$ 32,103	\$ 32,746	\$ 33,400
Inactive Renewal		\$	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUE			\$1,590,063	\$1,621,864	\$1,654,301	\$1,687,387	\$1,721,135	\$1,755,558	\$1,790,669	\$1,826,482	\$1,863,012	\$1,900,272

Estimated Annual Revenue Decrease

\$ 967,771 \$ 987,127 \$ 1,006,869 \$ 1,027,006 \$ 1,047,547 \$ 1,068,497 \$ 1,089,867 \$ 1,111,665 \$ 1,133,898 \$ 1,156,576

Total Reduction \$ 10,596,824

BOARD OF BEHAVIORAL SCIENCE

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

(Dollars in Thousands)

	Actual 2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
BEGIN. RESERVE, JULY 1	5,368	6,273	6,250	5,688	4,192	2,774	3,303	3,818	4,317	2,802	1,229
PRIOR YEAR ADJUSTMENTS	136										
TOTAL ADJUSTED RESERVES	5,504	6,273	6,250	5,688	4,192	2,774	3,303	3,818	4,317	2,802	1,229
REVENUE											
Fees	5,389	5,435	5,467	5,576	5,688	5,801	5,917	6,036	6,156	6,279	6,405
Proposed Fee Reduction				-968	-987	-1,007	-1,027	-1,048	-1,068	-1,090	-1,112
Interest	320	123	108	91	84	55	66	76	86	56	25
General Fund Payback						2,000	2,000	2,000			
TOTAL REV. AND TRANSFERS	5,709	5,558	5,575	4,699	4,784	6,850	6,956	7,064	5,175	5,246	5,318
TOTAL RESOURCES	11,213	11,831	11,825	10,387	8,977	9,624	10,260	10,882	9,492	8,047	6,547
EXPENDITURES											
Program Expenditures	4,937	5,577	5,689	5,802	5,918	6,037	6,157	6,281	6,406	6,534	6,665
Equity Claims (State Operations)	3	4	0	0	0	0	0	0	0	0	0
Projected Expenses			448	393	284	284	284	284	284	284	284
TOTAL EXPENDITURES	4,940	5,581	6,137	6,195	6,202	6,321	6,441	6,565	6,690	6,818	6,949
RESERVE, JUNE 30	6,273	6,250	5,688	4,192	2,774	3,303	3,818	4,317	2,802	1,229	(402)
MONTHS IN RESERVE	13.5	12.2	11.0	8.1	5.3	6.2	7.0	7.7	4.9	2.2	(0.7)

NOTES:

A. WORKLOAD AND REVENUE PROJECTED AT 2%

B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING 08/09

BBS EXPENDITURE REPORT FY 2007/2008

OBJECT DESCRIPTION	FY 2007/08				
	ACTUAL EXPENDITURES	BUDGET ALLOTMENT	CURRENT AS OF 08/31/07	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES					
Salary & Wages (Civ Svc Perm)	1,186,425	1,447,786	210,829	1,367,000	80,786
Salary & Wages (Stat Exempt)	90,530	88,349	15,188	95,000	(6,651)
Temp Help (907)(Seasonals)	65,333	14,105	6,328	75,478	(61,373)
Temp Help (915)(Proctors)	0	19,444	0	0	19,444
Board Memb (Per Diem)	13,800	12,900	600	14,000	(1,100)
Overtime	6,796	7,533	831	6,500	1,033
Totals Staff Benefits	518,584	604,919	92,994	587,875	17,044
Salary Savings		(62,556)			(62,556)
TOTALS, PERSONAL SERVICES	1,881,468	2,132,480	326,770	2,145,853	(13,373)
OPERATING EXP & EQUIP					
Fingerprint Reports	4,204	36,954	956	4,204	32,750
General Expense	57,136	24,629	4,260	56,000	(31,371)
Printing	95,790	96,393	271	95,790	603
Communication	8,797	24,329	101	8,800	15,529
Postage	143,640	110,435	13,398	125,000	(14,565)
Travel, In State	110,103	61,255	1,004	110,000	(48,745)
Travel, Out-of-State	2,141	2,700	0	2,700	0
Training	10,796	18,082	5,041	11,000	7,082
Facilities Operations	168,954	201,808	26,536	190,000	11,808
C&P Services - Interdept.	0	13,863	0	0	13,863
C&P Services-External Contracts	42,511	10,188	14,500	155,355	(145,167)
DEPARTMENTAL PRORATA					
DP Billing	277,890	403,908	0	403,908	0
Indirect Distribution Costs	268,389	296,635	0	296,635	0
Communication/Educ. Division	10,447	14,929	0	14,929	0
D of I Prorata	7,154	13,056	0	13,056	0
Consumer Relations Division	10,918	11,886	0	11,886	0
OPP Support Services	448	0	0	450	(450)
Interagency Services (OER IACs)	269,368	227,419	0	260,018	(32,599)
Consolidated Data Services	2,385	22,626	0	2,500	20,126
Data Proc (Maint,Supplies,Cont)	11,231	4,897	2,798	4,897	0
Statewide Pro Rata	141,971	193,601	0	193,601	0
EXAM EXPENSES					
Exam Site Rental	89,604	92,456	17,562	92,000	456
Exam Contract (PSI) (404.00)	401,668	416,947	0	350,000	66,947
Expert Examiners (404.01)	248,673	274,000	116,919	250,000	24,000
ENFORCEMENT					
Attorney General	475,170	443,542	130,268	443,542	0
Office of Admin. Hearing	91,140	100,951	5,033	90,000	10,951
Court Reporters	22,842		97	22,000	(22,000)
Evidence/Witness Fees	30,785	66,198	5,986	35,000	31,198
Division of Investigation	70,028	392,654	0	392,654	0
Minor Equipment (226)	21,866	14,000	2,658	10,000	4,000
Equipment (Replace/Addit)	14,069	16,000	0	10,000	6,000
TOTAL, OE&E	3,110,118	3,606,341	347,388	3,655,925	(49,584)
TOTAL EXPENDITURES					
	4,991,586	\$5,738,821	\$674,158	\$5,801,778	-\$62,957
Fingerprints	(3,762)	(24,000)	3,762	(3,762)	(20,238)
Other Reimbursements	(20,050)	(26,000)	20,050	(20,050)	(5,950)
Unscheduled Reimbursements	(24,820)	0	24,820	(24,820)	24,820
Total Reimbursements	(48,632)	(50,000)	49,592	(48,632)	(1,368)
NET APPROPRIATION	4,942,954	\$5,688,821	\$674,158	\$5,753,146	-\$64,325

CONTRACTS	
- Hatton Mgmt.	\$10,218
- BPCubed	\$73,337
- COMIRA	\$48,800
- Applied Mgmt Svcs	<u>\$23,000</u>
TOTAL C&P CONTRACT	\$155,355

BLUE PRINT INDICATES THE ITEMS ARE SOMEWHAT DISCRETIONARY.
 RED PRINT INDICATES AMOUNTS ARE UNKNOWN AT THIS TIME.

BOARD OF BEHAVIORAL SCIENCES

Analysis of Fund Condition

(Dollars in Thousands)

NOTE: \$6.0 Million General Fund Repayment Outstanding

	Actual 2006-07	2007-08	2008-09	2009-10	2010-11
BEGINNING BALANCE	\$ 5,368	\$ 6,273	\$ 6,250	\$ 5,688	\$ 5,160
Prior Year Adjustment	\$ 136	\$ -	\$ -	\$ -	\$ -
TOTAL ADJUSTED RESERVES	\$ 5,504	\$ 6,273	\$ 6,250	\$ 5,688	\$ 5,160
REVENUES AND TRANSFERS					
Revenues:					
Fees	\$ 5,389	\$ 5,435	\$ 5,467	\$ 5,576	\$ 5,688
Interest	\$ 320	\$ 123	\$ 108	\$ 91	\$ 95
Totals, Revenues	\$ 5,709	\$ 5,558	\$ 5,575	\$ 5,667	\$ 5,783
Transfers from Other Funds					
F00683 Teale Data Center	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL REVENUES AND TRANSFERS	\$ 5,709	\$ 5,558	\$ 5,575	\$ 5,667	\$ 5,783
TOTAL RESOURCES	\$ 11,213	\$ 11,831	\$ 11,825	\$ 11,355	\$ 10,943
EXPENDITURES					
Disbursements:					
State Controller (State Operations)	\$ 3	\$ 4	\$ -	\$ -	\$ -
Program Expenditures (State Operations)	\$ 4,937	\$ 5,577	\$ 5,689	\$ 5,802	\$ 5,918
Projected Expenses			\$ 448	\$ 393	\$ 284
TOTA	\$ 4,940	\$ 5,581	\$ 6,137	\$ 6,195	\$ 6,202
FUND BALANCE					
Reserve for economic uncertainties	\$ 6,273	\$ 6,250	\$ 5,688	\$ 5,160	\$ 4,741
Months in Reserve	13.5	12.2	11.0	10.0	9.0

NOTES:

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

1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
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www.bbs.ca.gov

To: Planning Committee

Date: October 19, 2007

From: Sean O'Connor
Board of Behavioral Sciences

Telephone: (916) 574-7863

Subject: Update on Board Outreach Activities

The goal of the Board of Behavioral Sciences' outreach program is to provide information to consumers, licensees, registrants, and students. The Board's Outreach Coordinator, Sean O'Connor, and other staff attend conferences, create brochures, and offer presentations to various audiences.

Several Board members also participated in outreach events, including Joan Walmsley, Judy Johnson, Victor Law, and Ian Russ.

Summary of Student Outreach

As of September 24, 2007, Board staff has participated in 34 student outreach presentations. Based on satisfaction surveys completed at the conclusion of each presentation, over 500 marriage and family therapy and clinical social work students attended outreach presentations this year.

The feedback received on the satisfaction indicated, overwhelmingly, that students and school faculty appreciate this level of service. All responses indicated a level of satisfaction of either "Excellent" or "Good." Comments on the forms praised the Board staff's demeanor, tone, and ability to answer questions concisely.

Summary of Agency Outreach

As of September 24, 2007, Board staff has participated in five (5) presentations at mental health agencies in the state. These presentations target supervisors and licensure candidates who are further along in the licensing process. Board staff received positive feedback from those in attendance.

Summary of Conference Participation

Board staff participated in six (6) conferences in 2007. Participation in these conferences usually involves Board staff answering questions and passing out literature at a booth.

Several Board members participated at these conferences, including Judy Johnson, Joan Walmsley, and Ian Russ.

Outreach in 2008

Objective 1.6 of the Board's strategic plan requires participation in 45 outreach events per year. The Board easily met that goal this year.

Considering the positive response to the Board's outreach program, staff anticipates meeting that objective in 2008. Most campuses express an interest in having an event every year. Sean O'Connor is training additional Board staff members to prepare them for participation in the Board's outreach program.

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To: Board Members **Date:** October 22, 2007

From: Christy Berger **Telephone:** (916) 574-7847
Legislation Analyst

Subject: Recommendation #1 – To Sponsor Legislation Making Technical Changes to Sections 128.5, 4980.30 and 4981 of the Business and Professions Code

Several sections of the Business and Professions Code (BPC) that pertain to the Board of Behavioral Sciences are in need of technical clean-up, as follows:

- a. **Subdivision (b) BPC Section 128.5** – Delete the word “Examiners” from the Board’s name.
- b. **BPC Section 4980.30** – Clarify that a person who desires to practice and advertise the performance of marriage and family therapy must obtain a license from the Board.
- c. **BPC Section 4981** – Repeal this section, as it is an outdated reference to the application of Article 5, which formerly contained the Licensed Educational Psychologist (LEP) statutes. Article 5 does not currently exist.

These changes would help to maintain the clarity and consistency of the Board’s statutes and would require legislation to do so.

Recommendation

At its October 2007 meeting, the Policy and Advocacy Committee recommended that the Board sponsor legislation to make technical amendments to BPC Sections 128.5, 4980.30, and 4981.

Attachment

Proposed Language

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**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE
BUSINESS AND PROFESSIONS CODE (BPC)**

§ 128.5.

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

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

§4980.30. APPLICATION FOR LICENSE; PAYMENT OF FEE

Except as otherwise provided herein, a person desiring to practice and to advertise the performance of marriage and family therapy services shall ~~apply to the board for a license and shall pay the license fee required by this chapter~~ obtain a license from the board.

~~§4981. APPLICATION OF ARTICLE~~

~~This article applies to licenses to engage in the business of marriage and family therapy, and does not apply to the licenses provided for in Article 5 (commencing with Section 4986) except that the board shall have all powers provided in this article not inconsistent with this chapter.~~

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To: Board Members **Date:** October 22, 2007
From: Christy Berger **Telephone:** (916) 574-7847
Legislation Analyst
Subject: Recommendation #2 – To Sponsor Legislation Repealing Sections 4996.20 and 4996.21 of the Business and Professions Code

Background

Hours of supervised experience must be gained within the six years immediately prior to applying for licensure as a Licensed Clinical Social Worker (LCSW). For example, any supervised experience received with an application for licensure today (09/24/2007) will count toward the licensure requirements only if the experience was gained after 09/23/2001.

There are three sections of the Business and Professions Code (BPC) (4996.20, 4996.21 and 4996.23) that regulate supervised experience toward LCSW licensure. Each of these sections set forth different requirements depending on when the experience was gained. BPC Section 4996.23 currently regulates supervised experience. Because experience can only be counted six years back from the date of application, BPC Section 4996.20 is now obsolete and BPC Section 4996.21 will soon become obsolete, as shown in the following table.

BPC Section	Dates in Effect	Outdated Effective:
4996.20	Prior to 01/01/1999	01/01/2005
4996.21	Between 01/01/1999 and 12/31/2001	12/31/2007
4996.23	01/01/2002 and Present	--

Discussion

BPC Sections 4996.20 and 4996.21 are or will soon be obsolete, and are proposed to be repealed from the statute. This would require legislation.

Recommendation

At its October 2007 meeting, the Policy and Advocacy Committee recommended that the Board sponsor legislation to repeal BPC Sections 4996.20 and 4996.21.

Attachments

Proposed Language
Related Statute

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**BOARD OF BEHAVIORAL SCIENCES
PROPOSED LANGUAGE
LCSW OUTDATED SECTIONS**

**§4996.20. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA PRIOR TO
JANUARY 1, 1999**

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

~~(a) An applicant shall have at least 3,200 hours of post-master's experience, supervised by a licensed clinical social worker, in providing clinical social work services consisting of psychosocial diagnosis; assessment; treatment, including psychotherapy and counseling; client-centered advocacy; consultation; and evaluation as permitted by Section 4996.9. For persons applying for licensure on or after January 1, 1992, this experience shall have been gained in not less than two nor more than six years and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.~~

~~(b) Notwithstanding the requirements of subdivision (a) that 3,200 hours of experience shall be gained under the supervision of a licensed clinical social worker, up to 1,000 hours of the required experience may be gained under the supervision of a licensed mental health professional acceptable to the board.~~

~~For purposes of this section, "supervision" means responsibility for and control of the quality of social work services being provided. Consultation shall not be considered to be supervision. Supervision shall include at least one hour of direct supervision for each week of experience claimed. Not less than one-half of the hours of required supervision shall be individual supervision. The remaining hours may be group supervision. "Individual supervision" means one supervisor meets with one supervisee at a time. "Group supervision" means a supervisor meets with a group of no more than eight supervisees at a time.~~

~~(c) For purposes of this section, a "private practice setting" is any setting other than a governmental entity, a school, college or university, a nonprofit and charitable corporation or a licensed health facility. Employment in a private practice setting shall not commence until the applicant has been registered as an associate clinical social worker. A registrant employed in a private practice setting shall not:~~

~~(1) Pay his or her employer for supervision, and shall receive fair remuneration from his or her employer.~~

~~(2) Receive any remuneration from patients or clients and shall only be paid by his or her employer.~~

~~(3) Perform services at any place except where the registrant's employer regularly conducts business.~~

~~(4) Have any proprietary interest in the employer's business.~~

~~(d) A person employed in a setting other than a private practice setting may obtain supervision from a person not employed by the registrant's employer if that person has signed a written contract with the employer to take supervisory responsibility for the registrant's social work services.~~

~~(e) This section shall apply only to persons who apply for registration on or before December 31, 1998.~~

§4996.21. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA EFFECTIVE JANUARY 1, 1999

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

~~(a) On or after January 1, 1999, an associate shall have at least 3,200 hours of post-master's degree experience in providing clinical social work services as permitted by Section 4996.9. At least 1,700 of these hours shall be gained under the supervision of a licensed clinical social worker. The remaining hours of the required experience may be gained under the supervision of a licensed mental health professional acceptable to the board as defined in a regulation adopted by the board. Experience shall consist of the following:~~

~~(1) A minimum of 2,000 hours in 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) Experience shall have been gained in not less than two nor more than six years and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.~~

~~(b) Supervision means responsibility for and control of the quality of clinical social work services being provided.~~

~~(c) Consultation or peer discussion shall not be considered to be supervision.~~

~~(d) Supervision shall include at least one hour of direct supervisor contact for a minimum of 104 weeks and shall include at least one hour of direct supervisor contact for every 10 hours of client contact in each setting where experience is gained. 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 setting of not more than eight persons.~~

~~(e) 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.~~

~~(f) (1) Experience shall only be gained in a setting that meets both of the following:~~

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

~~(B) 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.~~

~~(2) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.~~

~~(3) Employment in a private practice as defined in paragraph (4) shall not commence until the applicant has been registered as an associate clinical social worker.~~

~~(4) 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.~~

~~(5) 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.~~

~~(6) 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.~~

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

~~(h) An associate 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.~~

~~(i) 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.~~

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**BOARD OF BEHAVIORAL SCIENCES
RELATED STATUTE**

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

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.

(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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To: Policy and Advocacy Committee

Date: October 24, 2007

From: Paul Riches
Executive Officer

Telephone: (916) 574-7830

Subject: SB 963 (Ridley-Thomas)

Background

Current law requires that boards and bureaus under the Department of Consumer Affairs (DCA) undergo "sunset review" periodically. Sunset review is a structured form of legislative oversight that was established for professional licensing programs in 1994 legislation (see attachment B for a history of the sunset review process). The Legislature established the Joint Legislative Sunset Review Committee (subsequently renamed the Joint Committee on Boards Professions and Consumer Protection) to conduct the sunset review process. Each year a selection of boards and bureaus were required to submit an extensive report to the committee detailing their operations and performance. That report and the committee staff report served as the basis for public hearings by the committee regarding each program. These hearings also provided stakeholder groups an opportunity to comment on the performance of the board or bureau.

Under the 1994 law, each board and bureau had a "sunset" date amended into its authorizing statute. Absent legislative action to extend that date, the board or bureau would "sunset" or cease to exist (as we witnessed last year with the Bureau for Private Post-Secondary and Vocational Education). If a board or bureau was found to be operating acceptably, the committee would sponsor legislation to extend the sunset date for four (4) years at which time the board or bureau would again be subject to the review process. If a board or bureau was not found to be operating acceptably, the committee would generally require review again in two (2) year increments. In extreme circumstances, structural changes in the programs were imposed through sunset extension legislation. Some boards were allowed to sunset and become bureaus under the Department of Consumer Affairs, and other programs were merged together. The sunset bills also were vehicles for significant changes and proposals relating to the affected programs. The threat of sunset has been used to gain acceptance of changes to programs that were controversial.

The BBS was last subject to sunset review in 2005 and no negative findings were made. Shortly thereafter, Governor Schwarzenegger's California Performance Review (CPR) recommended the elimination of professional licensing boards in the Department of Consumer Affairs, and transferred the regulatory authority to the Department of Health Services without a board structure. That proposal was widely opposed and was not adopted. Subsequently, the Schwarzenegger Administration recommended consolidating some professional licensing boards under the Department of Consumer Affairs including a merger of the BBS and the Board of Psychology. Those proposals were also opposed and were not adopted.

The BBS currently has a sunset date of July 1, 2009 and legislation will be required in the 2008 legislative session to continue the board's existence beyond that date. Traditionally, the Senate Business and Professions Committee sponsors such legislation.

Senate Bill 963

On June 25, 2007 Senator Mark Ridley-Thomas, Chairman of the Senate Business and Professions Committee, amended Senate Bill 963 with new oversight mechanism for the boards and bureaus under DCA. In broad terms the bill makes the following changes:

1. Eliminates the sunset dates for DCA boards and bureaus.
2. Establishes the Office of the Consumer Advocate with the DCA with a range of powers, including:
 - a. Serve as the "independent monitor" of boards reconstituted by the Legislature
 - b. Establish a "Consumer Participation Program" that would award witness and advocacy fees to persons or organizations making a "substantial contribution" to a board regulation or disciplinary action.
 - c. Participate as an amicus curiae in disciplinary matters.
 - d. Recommend consumer protection legislation.
 - e. Represent the interests of consumers in governmental forums.
 - f. Study/investigate/research consumer issues.
 - g. Hold hearings, subpoena witnesses, take testimony, compel production of documents and evidence, and request information from government agencies.
 - h. Promote ethical standards for professions related to consumer interests.
 - i. Charge each board an annual pro-rata share of its operating costs.
3. Establishes the Chief of the Office of the Consumer Advocate as a gubernatorial appointment with a four year term of office.
4. Allows the Legislature to reconstitute a board upon the recommendation of a legislative policy committee.
5. Enacts broad new reporting requirements for boards and bureaus within the DCA.
6. Subjects the appointment of board executive officers to the approval of the DCA Director and to Senate confirmation.
7. Establishes criteria for reviewing board/bureau evaluations.

Discussion

The Sunset Review process has not always been well received by boards and bureaus.

- The process has been time consuming and does drain scarce resources away from other priorities.
- As a legislative process, Sunset Review has sometimes felt political influences independent of assessing the performance of individual programs.
- The review process has also suffered from not having well articulated performance standards for boards. Review has been on a "we know a problem when we see it" basis. A holistic element is necessary in any board review process, but it ought to be bracketed by some relatively concrete performance standards.

Despite those issues, I believe regular legislative oversight has real value and should be continued. It provides an opportunity for sharing successful strategies among programs and has been a vehicle for progressive changes on boards with strong track records. However, it appears that the existing Sunset Review process may no longer be viable, and some replacement oversight mechanism needs to be considered.

The board committee may want to consider providing comment for the Legislature's consideration regarding elements of an effective oversight process. The Committee suggests the following concepts:

Oversight Processes should include:

- 1) Open/collaborative process of establishing some concrete performance standards in major program areas (licensing, cashiering, examinations, etc.).
- 2) Thematic Focus. Existing review processes are conducted by snapshot reviews of individual boards over time. This may be appropriate for boards/bureaus with particularly acute problems; however, performing an individual round of oversight along a particular theme (licensing, enforcement, customer service, communications, etc.) and sampling the 37 DCA boards and bureaus as to that theme would be more productive and informative for both the Legislature and the participating boards/bureaus.
- 3) Coordination between the Assembly and Senate committees. Duplicative or conflicting oversight and standard setting efforts are in no one's interest.
- 4) Hands On. Oversight staff should attend/participate in public board and committee meetings as part of the process. Board policymaking and public processes are essential to our functions and are hard to evaluate completely without seeing them in person.

The Legislature can command the attention and participation of any board both through the relevant policy committees and through the annual budget process. Sunset dates are not needed to "enforce" effective oversight.

Recommendation

The Committee recommends that the Board develop recommendations for changes in the Sunset Review process consistent with the comments above.

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Overview and Accomplishments of the Joint Legislative Sunset Review Committee Process

BACKGROUND: WHY THE SUNSET REVIEW LAW WAS PASSED IN 1994?

The concept of sunset review law first began over twenty years ago. There are now about 35 states which have some sort of sunset review law on the books. Basically, the genesis behind all sunset laws is to place a termination date on a particular program or agency, and in the meantime, review it to determine if it is still operating in an effective and efficient manner, and whether it should continue.

When one talks about sunset or sunrise laws, they are usually referring to a review of regulatory licensing agencies. There are certainly other specific programs which may be subject to sunset, but the idea of subjecting an agency to a more formalized review process, before allowing it to continue, or be established in the first place, is unique to this type of law.

California was sort of a “Johnny-come-lately” to this process. There have been prior attempts to pass a sunset law, but in those instances the legislation would have sunset both the board and the licensing of the particular profession. The law which was passed in 1994, only sunsets the boards -- not the licensing of the occupation.

There are basically two reasons for this, the first is obvious – in most instances there is a continued need to license those professions currently regulated by boards under the Department of Consumer Affairs (DCA). To automatically terminate the licensing requirements would have provided no benefit to the review of these boards under the sunset law. The second reason, however, is more important. Throughout 1993 and 1994, both the Senate Business and Professions Committee and the Assembly Consumer Protection Committee began a review of some of the 32 regulatory boards under the Department. There was more concern with the board’s operation and activities (or lack thereof) than whether there was a need to continue the licensing of a particular profession. A number of problems with these boards were identified:

1. There were licensing laws and regulations which clearly benefited the profession but not the consumer, nor the professional candidate who wanted to enter into the profession. In effect, the licensed group, through the board and its licensing program, had set up artificial barriers of entry into the profession that enabled it to control the availability and cost of services and restrict competition. (Artificial barriers included: extensive education and experience requirements, providing examinations that only a few could pass, no reciprocity or comity agreements for those licensed in other states.)
2. Little or no disciplinary actions were being taken against licensees (license revocations or suspensions). Boards would argue, “that they were doing such a good job of weeding out the incompetent, that there was little need for enforcement.” But when the number of licensees and complaints were reviewed – there was a question as to why so few were actually disciplined.
3. Committees of the boards, made up of volunteer professionals, would make decisions usually accorded to staff or the executive officers concerning investigations or disciplinary actions to be taken against licensees.
4. Boards were not carrying out their statutory responsibility for particular programs, or taking an extremely long time to implement. (Example: Boards were not making use of authority to cite and fine licensees for violations of the law, which was granted to them in 1992, or even earlier for some boards.)
5. Boards were not operating their licensing, examination and enforcement programs in an effective and efficient manner. Were not responding to consumer complaints, or resolving complaints in a timely fashion. Program spending was not prioritized and some programs were too costly or completely unnecessary.
6. Boards lacked definitions of professional standards, or what amounted to incompetent, negligent or unprofessional conduct.

For all these reasons and more, both the Legislature and the Administration believed the more immediate task at hand was to review these consumer boards. If it was determined the board should sunset, then there would be adequate time to determine if the entire licensing program should be eliminated as well. (It should be noted that the Hoover Commission and the Legislative Analyst’s Office (LAO) both recommended establishing a sunset review process for all regulatory consumer boards.)

BRIEF DESCRIPTION OF THE CURRENT SUNSET REVIEW PROCESS

The law, which went into effect on January 1, 1995, set in place a schedule for review of all of the 32 independent boards and programs under the Department of Consumer Affairs. It allowed for an initial review of all boards beginning in 1995 and ending in 1998.

A re-review of these boards is required after four or more years from the initial review, and is now scheduled beginning in 1999 and ending in 2004.

The sunset date for each board allows enough time for the board to be reviewed by the Joint Committee, and for legislation to be passed to extend the sunset date of the board and make appropriate changes.

The actual review process for the Joint Committee begins with sending boards a questionnaire and a request for information which covers every aspect of the board's operation for the past four years.

During this time, staff of the Joint Committee prepare an analysis and report on each board. (Staff also meets with boards to review documents and information provided, and seeks input from various consumer groups, and the Health and Budget committees of the Legislature.) The report provides a brief overview of the board's functions and programs, identifies issues or problem areas concerning each board, and includes preliminary recommendations for members of the Joint Committee to consider. This includes whether each board scheduled for review shall be terminated, continued, or reestablished, and whether its programs or functions should be restructured or revised.

The Joint Committee then meets in November to review the issues and preliminary recommendations. The boards are provided an opportunity to respond, along with the regulated industry, consumer groups and the public. The Department participates in these hearings as well.

If the board falls under the aegis of the Department, after the hearings, the Joint Committee provides the Department with copies of all testimony and analyses prepared by staff. The Department then has 60 days to provide its own recommendations to the Joint Committee. Once received, the Joint Committee then meets to review the recommendations of the Department and make final recommendations to the Legislature.

CONSIDERATIONS MADE DURING THE REVIEW AND EVALUATION OF BOARDS AND REGULATORY PROGRAMS

The primary focus of the review is laid out in detail under the sunset law. Generally, the Joint Committee and its staff will evaluate the following:

1. Whether the board operates and enforces its regulatory responsibilities in the public interest and is carrying out its statutory duties mandated by the Legislature.

2. Whether regulation by the board of the particular occupation is necessary or whether conditions have arisen that would warrant deregulation of this licensing program.
3. Whether the membership of the board reflects both consumer interests and the licensing population, and whether the board encourages public participation in its decision making.
4. Whether the board's licensing, examination and enforcement programs are administered so as to protect the public, or are they, instead, self-serving to the profession, industry or individuals being regulated by the board.
5. Whether the board and its laws or regulations stimulate or restrict competition, and the extent of the economic impact the board's regulatory practices have on the state's business and the growth of this industry and profession in California.
6. Whether consumers are satisfied with the board's treatment and response to their individual complaints.
7. Whether the board's regulatory mission is impeded or enhanced by existing statutes, regulations, policies, practices, or any other circumstances, including budgetary, resource and personnel matters.

RESULTS/ACCOMPLISHMENTS OF THE SUNSET REVIEW PROCESS

The overall goal of the Joint Committee is to provide for improved and effective service to California consumers, and to the board's current and potential licensees. The process of sunset review has provided an opportunity for legislative staff and members to focus on the operations of these state regulatory programs and to consider changes which could improve their overall performance in protecting the consumer.

The specter of termination has served to galvanize most of these agencies and the professions they regulate, so as to make necessary statutory and administrative changes to increase the efficiency and effectiveness of these programs under review. If a regulatory program is considered as unnecessary, or performance of the board is exceptionally poor, a recommendation is made to either sunset the agency, or shorten its time frame for another review by the Joint Committee.

While numerous reforms have been enacted through the "Sunset" process, few boards have actually "Sunset". The only regulatory agencies eliminated over the past 20 years are the Board

of Fabric Care (licensing dry cleaners), the Auctioneer Commission, and the Board of Polygraph Examiners. In the meantime, the Legislature has continued to create new licensure categories or programs with little, if any, assessment of current programs.

During 1995/96, the first sunset review period, 11 boards and programs were scheduled for review, 7 were recommended to sunset on July 1, 1997. Four were recommended to continue, but with some major changes to their programs.

In 1996/97, an additional 12 boards were reviewed, 2 were recommended to sunset on July 1, 1998, 3 were recommended to receive a shorter period for their next sunset review until major licensing issues were resolved. For the 10 boards continued, the Joint Committee requested specific changes to improve their programs and make statutory changes where necessary.

In 1997/98, another 12 boards were reviewed. The Joint Committee supported the retention of all the regulatory programs, but also considered the merger of at least two boards: Hearing Aid Dispenser Examining Committee and the Speech-Language Pathology & Audiology Board. The Joint Committee also recommended elimination of several sub-licensing categories which were identified as unnecessary or outdated, and elimination or changes in licensing requirements for particular boards. There were also several recommended changes in board composition to increase overall public representation on several boards, and a close examination of budgetary concerns for at least two boards.

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JOINT LEGISLATIVE SUNSET REVIEW COMMITTEE
CRITERIA FOR EVALUATING BOARDS
AND THE NEED FOR LICENSURE*

PART 1.

**EVALUATION OF BOARD'S OPERATIONS
AND PROGRAMS**

**A. General Responsibilities, Duties and Composition of
the Board**

ISSUE A1: *Does the composition of the board adequately represent the public's perspective on issues concerning the regulation of...?*

ISSUE A2: *Are the duties and powers of the board defined and has the board exceeded their legal authority at any time?*

ISSUE A3: *Does the board have a policy or specific provisions relating to conflicts of interest and written standards of conduct for board members. Do these include grounds for removal of a board member?*

ISSUE A4: *Has the board adopted rules and standards of professional conduct for licensees? How are these rules communicated to licensees and enforced?*

** The criteria used to evaluate boards was developed by the JLSRC. The criteria used to evaluate the need for licensure is a compilation of questions contained in the "Sunrise Questionnaire" used by the Legislature and the Department of Consumer Affairs when reviewing a new occupational group to be regulated, and from a document published by The Council on Licensure, Enforcement and Regulation (CLEAR) titled, "Questions a Legislator Should Ask" when performing sunrise or sunset review.*

ISSUE A5: *Has the board specified its vision, mission and goals and objectives for its agency?*

ISSUE A6: *Has the board been involved in strategic planning, any type of basic self-assessment, quality management practices, or reorganization to improve the board's overall effectiveness and efficiency?*

ISSUE A7: *Has the board adopted adequate internal policies, procedures, and guidelines and is the board adhering to them?*

ISSUE A8: *Does the board make use of committees, and if so, do they have appropriate authority?*

ISSUE A9: *Do appropriate discussions and decisions occur at regular board meetings? Is public participation encouraged and how often and for what reasons are executive sessions held?*

ISSUE A10: *Has the board formulated and adopted policies and guidelines for "reasonable accommodations" for licensees and licensee establishments?*

ISSUE A11: *What outreach and consumer education is provided by the board to consumers?*

B. Funding and Organization of the Board and Staff

ISSUE B1: *How much has the board spent on program components -- licensing, examination, enforcement, other -- over the past four years? Are their substantial resources being*

allocated to other programs that provide no basis for discipline?

ISSUE B2: *What are the boards' projected expenditures for the next two fiscal years for these program components and is a request for fee increases anticipated? Will the board accumulate excessive reserves? Is a fee reduction appropriate?*

ISSUE B3: *Are there any plans for adopting performance-based budgeting, or any other form of baseline performance measures covering the board's operations?*

ISSUE B4: *What is the organizational breakdown of the board and staff and does it provide the most efficient expenditure of funds?*

ISSUE B5: *Are the responsibilities of the executive officer commensurate with the position?*

C. Licensing and Application Process

ISSUE C1: *Are the education, examination and experience requirements excessive when compared with other states and are they necessary to assure that practitioners are competent?*

ISSUE C2: *If qualifying experience is required, must it be gained under the supervision of a current licensee? If so, does the board provide oversight and is this requirement justified?*

ISSUE C3: *Does the information received on the application and the application review process assure that both in-state and out-of-state applicants are qualified to practice in California?*

ISSUE C4: *How often have licensees been denied licensure and for what reasons?*

ISSUE C5: *Does the renewal of license process provide assurance that practitioners have maintained their competence either through continuing education, periodic examination, peer review or some other procedures? Or is renewal based solely on the payment of a fee?*

ISSUE C6: *Does the board provide an opportunity for reinstatement of the licensee if the license has expired, or for an inactive or retired license status?*

ISSUE C7: *Are there any undue delays in approving the application, providing the exam, or in issuing the license?*

ISSUE C8: *Does the consumer have access to application and licensing information?*

D. Continuing Education and Review of Professional Competence

ISSUE D1: *Does the board have a continuing education requirement? If not, should one be mandated?*

ISSUE D2: *Is the continuing education requirement for renewal of the license necessary and is their evidence that*

completion of continuing education will improve competence?

ISSUE D3: *Does the board have a process for approval of continuing education courses that assures appropriate coursework is provided?*

ISSUE D4: *Is there any other type of review conducted by the board to assure competency of the licensee? (Such as peer review, quality reviews of licensees' work product or performance record, or re-testing.) Should the board use other methods to determine and improve professional competence?*

ISSUE D5: *What remedial action does the board take if the licensee is found to be lacking in professional competence?*

E. Examination Process

ISSUE E1: *Does the examination test skills, knowledge and abilities related to the practice of the profession or is it being used as a way to bar entry into the profession? Is their legitimate justification for all examinations? Are the passage rates for particular examinations extremely low, or too high?*

ISSUE E2: *Is the licensing exam properly validated?*

ISSUE E3: *Is the exam given often enough and at convenient sites?*

ISSUE E4: *Is the grading of the exam unbiased?*

ISSUE E5: *If candidates fail the exam, do they have a fair opportunity to retake the examination?*

F. Complaint Process

ISSUE F1: *How many complaints have been filed or dismissed over the past four years and how many have been handled formally or informally? Any backlog of complaints filed?*

ISSUE F2: *Are complaints handled in both an expeditious and appropriate manner, either through informal or formal processes? Any reduction in the time of handling complaints, or have time frames increased? Are complaints prioritized? How accurate are the initial and subsequent decisions on complaints?*

ISSUE F3: *Are there clear written policies and procedures for handling of “intake” calls (“initial inquiries”), and the handling of complaints? Is information provided in English and Spanish?*

ISSUE F4: *Who files the largest number of complaints (public, etc.)? Does there appear to be a disproportionate amount coming from licensees for a particular violation (such as unlicensed activity)? Is there a lack of self-reporting by licensees or appropriate organizations/agencies? Has the board done anything to encourage reporting of violations?*

ISSUE F5: *Is the complaint process easy for the consumer to use and understand? Are the complaints (forms and accompanying documentation) accurate? [Accurately describes nature of complaint, alleged violations, etc.]*

ISSUE F6: *Is the consumer kept apprised of the progress of a complaint once filed against the licensee?*

ISSUE F7: *What action does the board take if it receives ongoing complaints about particular abuses?*

ISSUE F8: *Is complaint information disclosed to the public?*

G. Enforcement Process

Unlicensed Activity

ISSUE G1: *Is the practice of the profession/trade clearly defined so as to determine what is licensed versus unlicensed activity?*

ISSUE G2: *Has the board implemented “cite and fine” authority under Sections 145 through 149 of the Business and Professions Code?*

ISSUE G3: *What action has the board taken against unlicensed activity over the past four years?*

Investigations

ISSUE G4: *How many investigations have been commenced and completed for each year over the past four years, and how many are currently open/pending? What has been the time frame for these investigations? Has there been a decrease or increase in the time frames for the handling of investigations? Any backlog or reduction of outstanding investigation cases?*

ISSUE G5: *Does the board perform inspections and/or audits of licensees or their place of business, and if so, how often over the past four years?*

ISSUE G6: *Are investigations, inspections and/or audits handled in both an expeditious and appropriate manner by the board, either through use of their own investigative staff or use of the Department's Division of Investigation? How accurate are the initial and subsequent decisions on investigations?*

ISSUE G7: *How many investigations have been closed in lieu of disciplinary action over the past four years?*

Disciplinary Action

ISSUE G8: *Has the board implemented "cite and fine" authority under Section 125.9 of the Business and Professions? If so, what action has the board taken over the past four years?*

ISSUE G9: *What other compliance actions have been used by the board in lieu of disciplinary action over the past four years (i.e., letters of warning, alternative dispute resolution, agreements (stipulations)? Are too many cases being handled informally, or through compliance actions where further disciplinary action should be taken?*

ISSUE G10: *Does the board make use of interim orders suspending or imposing restrictions on licensees, or other forms of injunctive relief to enjoin acts or practices of persons who are in violation of any of the provisions of the*

licensing act? If so, how often have these forms of relief been sought and issued over the past four years?

ISSUE G11: *Are grounds for suspension or revocation of a license clearly defined, and is probation granted under appropriate circumstances?*

ISSUE G12: *What disciplinary action has the board taken against licensees over the past four years for unprofessional conduct or other violations of the licensing act? Is the application of sanctions or discipline imposed consistent?*

ISSUE G13: *What subsequent actions has the board taken over the past four years after a decision is reached by the Administrative Law Judge? How often have decisions been overturned by the board and the sentence imposed reduced?*

ISSUE G14: *How often has the board delayed disciplinary action awaiting court action?*

ISSUE G15: *Has the board experienced any problems in receiving information about disciplinary violations from other licensees or appropriate reporting entities?*

ISSUE G16: *What disciplinary information is disclosed to the public?*

ISSUE G17: *Does the board provide for any form of restitution to the wronged consumer or to the public?*

ISSUE G18: *Has the board developed specific criteria to evaluate the rehabilitation of a licensee after their license has been revoked?*

Disciplinary Case Aging Data

ISSUE G19: *Have there been any extreme delays in the handling of disciplinary cases over the past four years, which have been referred to the Attorney General's Office for*

prosecution, and to the Office of Administrative Hearings for a final disposition?

ISSUE G20: *Has the board been able to adequately track cases through the disciplinary process?*

Enforcement Costs

ISSUE G21: *Has the board been spending too little or too much on enforcement over the past four years?*

ISSUE G22: *Has the board made the best use of its cost recovery authority?*

Other Litigation Costs

ISSUE G23: *Has the board made appropriate expenditures for lawsuits filed on their behalf or against them?*

Diversion Program (If Applicable)

ISSUE G24: *Does the diversion program of the board serve a useful purpose or is it merely being used as a way to avoid taking disciplinary action against licensees? What are the overall costs of the program as compared to its successes?*

Consumer Satisfaction Survey

ISSUE G25: *What percentage of consumers are satisfied with the way in which the board handled their complaints?
(Results of Consumer Survey Conducted by the Board)*

H. Efforts to Improve the Current Regulatory Process

Operational Improvements

ISSUE H1: *Is the board's regulatory mission impeded or enhanced by existing statutes, regulations, policies, practices, or any other circumstances, including budgetary, resource, and personnel matters?*

ISSUE H2: *Are there administrative or regulatory changes that the board is considering to improve its operations and increase the program's ability to operate more in the public interest?*

Legislative Efforts

ISSUE H3: *What recent legislative efforts has the board made, or considering, to improve any aspect of the current regulatory program?*

ISSUE H4: *Has the board recently adopted or is it proposing any new licensing or occupational category for licensure?*

PART 2.

ASSESSMENT OF NEED TO REGULATE

ISSUE 1: *Is there sufficient evidence that the unregulated practice of this occupation could endanger the health, safety or welfare of the public and cause significant public harm?*

(Are practitioners engaged in activities or practices that could cause public harm? How severe? How likely that will occur? To what extent do these incompetent activities or practices cause public harm? Does one area of practice have greater harm than another?)

ISSUE 2: *Do practitioners make judgments with potentially major financial, health, safety or other significant consequences for the consumers where public harm could result?*

ISSUE 3: *Do the judgments made by these practitioners require a high degree of skill or knowledge?*

ISSUE 4: *Are these judgments independent of oversight or supervision by another person or group?*

ISSUE 5: *Is there a generally accepted core amount of knowledge, skill and ability that the practitioner must have to meet minimum competency requirements, and are indicators of competent practice measurable by objective, written standards?*

ISSUE 6: *Are there other ways in which knowledge, skills and abilities necessary for this occupation are obtained, such as apprenticeships, internships, on-the-job training, individual study, etc.?*

ISSUE 7: *Is there significant public demand for some level of regulation of this occupation?*

(What groups, organizations of persons have demanded? Are there any that are opposed?)

ISSUE 8: *Are there federal mandates or other legal considerations that require the State to continue regulating this occupation?*

ISSUE 9: *Do components of the current regulatory program provide protections to the consumer and preclude consumer harm?*

(How does the current regulatory program protect the consumer? Is there a consensus on what activities constitute competent practice so as to preclude consumer harm?)

ISSUE 10: *Are there other ways in which the consumer could control their exposure to the risk of harm that could be caused by incompetent or negligent practice?*

(Are there other legal or administrative remedies available to redress consumer harm? Would monetary damages suffice?)

ISSUE 11: *Is it difficult for the consumer of the services to pick a qualified practitioner?*

(Use service repeatedly or infrequently? Is the consumer more sophisticated than the average public in requesting these services? Can the consumer readily evaluate the performance of the practitioner? Would marketplace factors suffice?)

ISSUE 12: *What degree of overlap is there with other public agencies which may regulate this occupation?*

(Other public agencies, state or local, which regulate some portion of services provided by occupation? What percentage of licensees may another agency (or board) license?)

ISSUE 13: *Are there other states in which this occupation is regulated?*

(What states currently regulate this occupation and which ones do not? Are there some that have deregulated this occupation? Is there any evidence of consumer harm in those states that do not regulate this occupation?)

ISSUE 14: *Is regulation of this occupation justified in light of the economic and social impact which the regulatory program has on the consumer?*

(What impact does the regulatory program have on costs to the consumer and possible state business and technological growth in California? Would there be substantial savings to the consumer if the current regulatory program were eliminated? What is the net benefit to the consumer in light of the costs to the consumer?)

ISSUE 15: *Is this occupation clearly distinguishable from other professions which are already regulated?*

(Is there a high degree of overlap with currently regulated occupations, or occupational functions are clearly different from those of currently regulated occupations? Do non-regulated groups perform critical functions that are similar to this occupation's practice?)

ISSUE 16: *Are there alternatives to the current regulatory program that would have less impact and still protect the consumer?*

(What other regulatory alternatives are available [transfer to DCA, public or private certification or registration, title act only] and which occupations are currently regulated in that fashion? What are the pros and cons of each?)

GOALS AND OBJECTIVES OF THE JOINT COMMITTEE ON BOARDS, COMMISSIONS & CONSUMER PROTECTION

Primary Goal and Purpose of Joint Committee on Boards, Commissions & Consumer Protection:

The primary goal of the Joint Committee is to systematically examine and evaluate all boards and commissions

Other Goals Include:

- Eliminate unneeded, nonfunctional, or redundant boards or programs, or any unnecessary rules and regulations.
- Improve the quality of services provided to the consumer by examining the boards requirements for education, experience and testing of professionals, and other actions taken to assure competency.
- For licensing boards, eliminate overly restrictive eligibility standards, or standards of practice, which unduly limits competition between professionals, or places undue burdens on those who want to enter the occupation.
- Ensure that the public knows where they can go if injured or harmed by a licensed (or unlicensed) person, what actions they can take, and what the outcomes may be.
- Ensure that the public's complaints are handled in a courteous and expeditious manner.
- Ensure that boards are providing the appropriate remedy for the consumer: mediation, arbitration, restitution, disciplinary action, and/or criminal action against the licensee or person posing as a licensee.
- Ensure the public is informed about any complaints, disciplinary actions, judgments and criminal actions against a licensed professional.
- And in the future, with information technology advancements, provide better and more uniform information on licensed professionals as to education, experience, prior employment, or any other relevant information considered necessary for the consumer to make informed decisions about using the services of particular professionals.

In Pursuing These Goals, The Joint Committee Has As The Following Objectives To:

- Determine if the membership of the board adequately represents both consumer interests and the licensing population, and whether the board encourages public participation in its decision making.
- Examine the boards organization and management and recommend elimination, consolidation and reorganization of programs where appropriate.
- Identify opportunities for improvements in the management of the boards daily operations, and for providing more efficient and effective consumer services.
- Identify consumer concerns and those of the regulated profession regarding the way the board operates.
- Establish appropriate performance measures for each board reviewed.
- Evaluate the boards programs and policies to identify overlapping functions and outmoded methodologies.
- Determine whether the board's licensing, examination and enforcement programs are administered so as to protect the public, or if they are instead self-serving to the profession, industry, or individuals being regulated by the board.
- Review the laws and regulations pertaining to the board and determine whether they restrict competition in the marketplace, the extent to which they are still necessary to regulate the profession, and whether the board is carrying out its legal mandate or has exceeded their authority.
- Examine the boards fiscal management practices and financial relationships with other agencies.
- Examine workforce issues.
- Identify advances in information technology applicable to the board's functions.

AMENDED IN ASSEMBLY JUNE 25, 2007

AMENDED IN SENATE APRIL 16, 2007

SENATE BILL

No. 963

Introduced by Senator Ridley-Thomas

February 23, 2007

~~An act to amend Sections 4001 and 4003 of, and to repeal and add Section 101.1 of, the Business and Professions Code, relating to regulatory boards.~~ *An act to amend Sections 22, 102.3, 107, 108, 312, 313.1, 321, 1601.1, 1632.5, 1634.2, 1638.1, 1638.7, 1742, 1751, 2001, 2460, 2531, 2570.19, 2602, 2701, 2841, 2920, 3010.5, 3502.1, 3504, 3685, 3710, 4001, 4003, 4200.1, 4200.3, 4501, 4800, 4928, 4990, 5000, 5510, 5621, 5810, 5811, 6510, 6511, 6710, 7000.5, 7200, 7303, 7810, 8000, 8520, 8710, 9882, 18602, 18602.5, 18824, and 18882 of, to add Sections 27.5, 36, 37, 38, 101.5, 117, 117.5, 127.5, 156.7, and 450.1 to, to add Chapter 4.5 (commencing with Section 360) to Division 1 of, to add Division 1.3 (commencing with Section 474.20) to, to repeal Sections 2569, 4989, 4990.24, 7304, and 22259 of, to repeal Division 1.2 (commencing with Section 473) of, and to repeal and add Section 101.1 of, the Business and Professions Code, and to amend Sections 9148.8 and 9148.51 of, and to repeal Section 9148.52 of, the Government Code, relating to regulatory entities, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 963, as amended, Ridley-Thomas. Regulatory boards: ~~termination~~ operations.

Existing law creates various regulatory boards, as defined, within the Department of Consumer Affairs and makes their funds separate accounts within the Professions and Vocations Fund. Under existing

law, the revenue in certain of these accounts is continuously appropriated to the board, other than fine and penalty revenues.

Existing law generally makes the regulatory boards inoperative on a specified date, unless that date is deleted or extended by subsequent legislation, and subjects these boards as well as other boards in state government, as specified, to review by the Joint Committee on Boards, Commissions, and Consumer Protection. Under existing law, that committee, following a specified procedure, recommends whether the board should be continued or its functions modified.

This bill would delete those provisions making the boards inoperative on a specified date and subjecting boards to review by the Joint Committee on Boards, Commissions, and Consumer Protection. The bill would instead make each of those boards subject to review by a standing policy committee of the Legislature upon request by a Member of the Legislature or the chief of the Office of the Consumer Advocate, which the bill would create in the Department of Consumer Affairs. The bill would, upon the committee's determination that a board is deficient, as specified, provide for the removal of all incumbent board members without a hearing and the appointment of a successor board, as specified. The bill would require the Office of the Consumer Advocate to serve as an independent monitor for a board that is found deficient. The bill would authorize the office to appear at meetings and to participate in disciplinary proceedings by a board within the department if required to promote or protect the interests of consumers, as defined, and would require the office to perform other specified duties. The bill would require the office to charge each board a fee to support the office's functions and would thereby make an appropriation by expanding the expenditure purposes of a continuously appropriated fund. The bill would create the Consumer Advocate Fund where these fees would be deposited and would be available to the office upon appropriation by the Legislature. The bill would require the director to report annually to the Governor and the Legislature, as specified, on the office's operations.

The bill would require boards within the department to enter into an agreement with the department for the performance of administrative and ministerial functions and would require the Director of Consumer Affairs, prior to January 1, 2010, to replace the existing technology system serving the department and its component boards and to charge each board its pro rata share of the cost to replace the system.

The bill would also require each board within the department to adopt performance measures, as specified, and report quarterly to the director and the chief of the Office of Consumer Advocate relating to those measures. The bill would also require boards to post the information on their Internet Web site and to report the information to the Legislative Analyst's Office, the Legislature, and the Department of Finance. The bill would require the Office of the Consumer Advocate to report to the Legislature if a board failed to meet its performance measures. The bill would also require those boards to post annually on their Internet Web sites the number of reports in specified categories that it received that year for its licensees.

The bill would allow a person to serve as the public member of more than one of these boards and would require all members of these boards, as well as bureau chiefs, to report annually to their appointing authority on their goals and objectives and success in achieving them, which would be posted on the board's Internet Web site. The bill would require the department to report to the Legislature and Governor if a board was unable to meet because of a lack of a quorum or vacancy. The bill would require members of these boards and other state boards to report ex parte communications, as defined, in the board's minutes. The bill would require boards within the department, the State Bar, the Office of Real Estate Appraisers, and other state boards that license professions or businesses to adopt regulations to provide incentives to licensees to provide services on a pro bono basis and to adopt regulations prior to June 30, 2009, establishing regulatory board staffing requirements.

~~Existing law creates the Department of Consumer Affairs within the State and Consumer Services Agency. Under existing law, the department consists of boards that license and regulate members of various professions and vocations. Existing law provides for the boards to become inoperative on a specified date unless that date is extended or deleted by the Legislature. Under existing law, when a board becomes inoperative, the department succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction of the board and its executive officer that are not otherwise repealed or made inoperative.~~

~~This bill would instead, when a board becomes inoperative, create a successor board in the Department of Consumer Affairs that succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction of the board that are not otherwise repealed or made inoperative. The bill would provide for the successor board to have the~~

same number of members and composition as the prior board, would provide that its members be appointed by the same appointing authorities, for the same term, and with the same requirements as the prior board members, and would give the successor board the same authority to appoint an executive officer as the prior board had.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: no.

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

1 *SECTION 1. Section 22 of the Business and Professions Code*
2 *is amended to read:*

3 22. ~~(a)~~ “Board,” as used in any provision of this code, refers
4 to the board in which the administration of the provision is vested,
5 and unless otherwise expressly provided, shall include “bureau,”
6 “commission,” “committee,” “department,” “division,” “examining
7 committee,” “program,” and “agency.”

8 ~~(b) Whenever the regulatory program of a board that is subject~~
9 ~~to review by the Joint Committee on Boards, Commissions, and~~
10 ~~Consumer Protection, as provided for in Division 1.2 (commencing~~
11 ~~with Section 473), is taken over by the department, that program~~
12 ~~shall be designated as a “bureau.”~~

13 *SEC. 2. Section 27.5 is added to the Business and Professions*
14 *Code, to read:*

15 27.5. A board within the department shall annually post on its
16 Internet Web site the number of reports it received that year for
17 its licensees in each of the following categories:

- 18 (a) Criminal convictions.
- 19 (b) Judgments, settlements, or arbitration awards.
- 20 (c) Claims paid by a professional liability insurer caused by
21 the licensee’s negligence, error, or omission.

22 *SEC. 3. Section 36 is added to the Business and Professions*
23 *Code, to read:*

24 36. A board within the department, the State Bar, the Office
25 of Real Estate Appraisers, and any other state board that issues
26 a license, certificate, or registration authorizing a person to engage
27 in a business or profession may adopt regulations that provide an
28 incentive to the holder to provide services within the scope of his
29 or her license, certificate, or registration on a pro bono basis. The
30 regulations may reduce the amount of the renewal fee for a

1 licensee, certificate holder, or registrant who demonstrates
2 compliance with the pro bono requirements set forth in the
3 regulations.

4 SEC. 4. Section 37 is added to the Business and Professions
5 Code, to read:

6 37. A board within the department and any other state board
7 that issues a license, certificate, or registration authorizing a
8 person to engage in a business or profession shall adopt
9 regulations prior to June 30, 2009, that establish requirements
10 for the number of staff required to adequately investigate and, if
11 appropriate, bring a disciplinary action against a licensee,
12 certificate holder, or registrant regulated by the board. The staff
13 level requirements shall, at a minimum, be the number of staff
14 required per 1,000 persons regulated by the board and include
15 the appropriate number of staff to complete all investigatory and
16 disciplinary functions.

17 SEC. 5. Section 38 is added to the Business and Professions
18 Code, to read:

19 38. A member of a board within the department and a member
20 of a state board, as defined in Section 9148.2 of the Government
21 Code, shall disclose all of his or her ex parte communications at
22 the board's next public meeting, and the ex parte communications
23 shall be recorded in the board's minutes. "Ex parte
24 communication" means any oral or written communication
25 concerning matters, other than purely procedural matters, under
26 the board's jurisdiction that are subject to a vote by the board that
27 occurred between the member and a person, other than another
28 board member or an employee of the board or the department of
29 which the board is a part, who intends to influence the decision
30 of the member.

31 SEC. 6. Section 101.1 of the Business and Professions Code
32 is repealed.

33 ~~101.1. (a) It is the intent of the Legislature that all existing
34 and proposed consumer-related boards or categories of licensed
35 professionals be subject to a review every four years to evaluate
36 and determine whether each board has demonstrated a public need
37 for the continued existence of that board in accordance with
38 enumerated factors and standards as set forth in Division 1.2
39 (commencing with Section 473).~~

1 ~~(b) (1) In the event that any board, as defined in Section 477,~~
2 ~~becomes inoperative or is repealed in accordance with the act that~~
3 ~~added this section, or by subsequent acts, the Department of~~
4 ~~Consumer Affairs shall succeed to and is vested with all the duties,~~
5 ~~powers, purposes, responsibilities and jurisdiction not otherwise~~
6 ~~repealed or made inoperative of that board and its executive officer.~~

7 ~~(2) Any provision of existing law that provides for the~~
8 ~~appointment of board members and specifies the qualifications~~
9 ~~and tenure of board members shall not be implemented and shall~~
10 ~~have no force or effect while that board is inoperative or repealed.~~
11 ~~Every reference to the inoperative or repealed board, as defined~~
12 ~~in Section 477, shall be deemed to be a reference to the department.~~

13 ~~(3) Notwithstanding Section 107, any provision of law~~
14 ~~authorizing the appointment of an executive officer by a board~~
15 ~~subject to the review described in Division 1.2 (commencing with~~
16 ~~Section 473), or prescribing his or her duties, shall not be~~
17 ~~implemented and shall have no force or effect while the applicable~~
18 ~~board is inoperative or repealed. Any reference to the executive~~
19 ~~officer of an inoperative or repealed board shall be deemed to be~~
20 ~~a reference to the director or his or her designee.~~

21 ~~(e) It is the intent of the Legislature that subsequent legislation~~
22 ~~to extend or repeal the inoperative date for any board shall be a~~
23 ~~separate bill for that purpose.~~

24 *SEC. 7. Section 101.1 is added to the Business and Professions*
25 *Code, to read:*

26 *101.1. (a) It is the intent of the Legislature that all existing*
27 *and proposed consumer-related boards or categories of licensed*
28 *professionals be subject to ongoing and continuous review as well*
29 *as a periodic thorough review when issues arise requiring that*
30 *level of review and such a review is requested by a Member of the*
31 *Legislature or the chief of the Office of the Consumer Advocate*
32 *as provided in Division 1.3 (commencing with Section 474.20).*
33 *The review of a board shall evaluate and determine whether its*
34 *operations are effectively protecting the public and that protection*
35 *of the public is the highest priority of the board.*

36 *(b) Notwithstanding any other provision of law, if a board is*
37 *deemed deficient and its members removed, as described in Section*
38 *474.21, a successor board shall be appointed that shall succeed*
39 *to, and be vested with, all the duties, powers, purposes,*
40 *responsibilities, and jurisdiction not otherwise repealed or made*

1 *inoperative of the board that it is succeeding. The successor board*
2 *shall have the same number of members and composition as the*
3 *board that it is succeeding, and those members shall be appointed*
4 *by the same appointing authorities, for the same term, and with*
5 *the same membership requirements as the members of the board*
6 *it is succeeding. The successor board shall have the same authority*
7 *to appoint an executive officer as the board that it is succeeding*
8 *as of the date that board was found deficient. The successor board*
9 *members shall be appointed within 10 business days of receipt by*
10 *the Joint Committee on Rules of the deficiency report, as described*
11 *in Section 474.21.*

12 *SEC. 8. Section 101.5 is added to the Business and Professions*
13 *Code, to read:*

14 *101.5. (a) Each board within the department shall enter into*
15 *an agreement with the department for the department to provide*
16 *administrative and ministerial functions and services, including,*
17 *but not limited to, personnel services, information technology, the*
18 *administration of call centers, and the administration of*
19 *examinations. The Legislature intends that these agreements shall*
20 *achieve cost savings resulting from economies of scale and a more*
21 *consistent delivery of services to California consumers and*
22 *licensees.*

23 *(b) A board shall not enter into an agreement described in*
24 *subdivision (a) if it would reduce the board's ability to comply*
25 *with its duties prescribed by law.*

26 *SEC. 9. Section 102.3 of the Business and Professions Code*
27 *is amended to read:*

28 *102.3. (a) The director may enter into an interagency*
29 *agreement with an appropriate entity within the Department of*
30 *Consumer Affairs as provided for in Section 101 to delegate the*
31 *duties, powers, purposes, responsibilities, and jurisdiction that*
32 *have been succeeded and vested with the department, of a board;*
33 *as defined in Section 477, which that became inoperative and was*
34 *repealed in accordance with Chapter 908 of the Statutes of 1994.*

35 *(b) (1) ~~Where~~ If, pursuant to subdivision (a), an interagency*
36 *agreement is entered into between the director and that entity, the*
37 *entity receiving the delegation of authority may establish a*
38 *technical committee to regulate, as directed by the entity, the*
39 *profession subject to the authority that has been delegated. The*
40 *entity may delegate to the technical committee only those powers*

1 that it received pursuant to the interagency agreement with the
2 director. The technical committee shall have only those powers
3 that have been delegated to it by the entity.

4 (2) ~~Where~~ If the entity delegates its authority to adopt, amend,
5 or repeal regulations to the technical committee, all regulations
6 adopted, amended, or repealed by the technical committee shall
7 be subject to the review and approval of the entity.

8 (3) The entity shall not delegate to a technical committee its
9 authority to discipline a licentiate who has violated the provisions
10 of the applicable chapter of the Business and Professions Code
11 that is subject to the director's delegation of authority to the entity.

12 (c) An interagency agreement entered into, pursuant to
13 subdivision (a), shall continue until ~~such time as~~ the licensing
14 program administered by the technical committee has undergone
15 a review by the ~~Joint Committee on Boards, Commissions, and~~
16 ~~Consumer Protection Office of the Consumer Advocate~~ to evaluate
17 and determine whether the *highest priority of the* licensing program
18 ~~has demonstrated a public need for its continued existence is the~~
19 *protection of the public*. Thereafter, at the ~~director's~~ discretion of
20 *the chief of that office*, the interagency agreement may be renewed.

21 *SEC. 10. Section 107 of the Business and Professions Code is*
22 *amended to read:*

23 107. (a) Pursuant to subdivision (e) of Section 4 of Article
24 VII of the California Constitution, each board may appoint a person
25 exempt from civil service and may fix his or her salary, with the
26 approval of the Department of Personnel Administration pursuant
27 to Section 19825 of the Government Code, who shall be designated
28 as an executive officer unless the licensing act of the particular
29 board designates the person as a registrar. *A person may be*
30 *appointed as an executive officer or registrar for more than one*
31 *board if approved by each of those boards and may serve in those*
32 *capacities at the same time if practical and consistent with law*
33 *and the respective board functions and duties.*

34 (b) *Notwithstanding any other provision of law, all appointments*
35 *of an executive officer or registrar shall be subject to the approval*
36 *of the director and confirmation by the Senate.*

37 *SEC. 11. Section 108 of the Business and Professions Code is*
38 *amended to read:*

39 108. (a) Each of the boards comprising the department exists
40 as a separate unit, and has the functions of setting standards,

1 holding meetings, and setting dates thereof, preparing and
2 conducting examinations, passing upon applicants, conducting
3 investigations of violations of laws under its jurisdiction, issuing
4 citations and holding hearings for the revocation of licenses, and
5 the imposing of penalties following ~~such~~ *those* hearings, in so far
6 as these powers are given by statute to each respective board.

7 *(b) The department shall develop a common method of*
8 *maintaining, posting, and making available to the public minutes*
9 *of the meetings of the boards comprising the department. Each of*
10 *those boards shall use that method and shall post the minutes of*
11 *its meetings on its Internet Web site within 10 days of the date of*
12 *the meeting.*

13 *SEC. 12. Section 117 is added to the Business and Professions*
14 *Code, to read:*

15 *117. (a) Each board within the department shall adopt*
16 *meaningful, measurable, and manageable performance measures.*
17 *Performance measures include, but are not limited to, the following*
18 *information:*

19 *(1) A comprehensive statement of the board's mission, goals,*
20 *objectives, and legal jurisdiction in protecting the health, safety,*
21 *and welfare of the public.*

22 *(2) The board's enforcement priorities, complaint and*
23 *enforcement data, budget expenditures with average- and*
24 *median-costs per case, and case aging data specific to post and*
25 *preaccusation cases at the Attorney General's office.*

26 *(3) The board's fund conditions, sources of revenues, and*
27 *expenditure categories for the last four fiscal years by program*
28 *component.*

29 *(4) The board's description of its licensing process including*
30 *the time and costs required to implement and administer its*
31 *licensing examination, ownership of the license examination,*
32 *relevancy and validity of the licensing examination, and passage*
33 *rate and areas of examination.*

34 *(5) The board's initiation of legislative efforts, budget change*
35 *proposals, and other initiatives it has taken to improve its*
36 *legislative mandate.*

37 *(b) Each board within the department shall report to the director*
38 *and the chief of the Office of the Consumer Advocate its*
39 *performance measures and data relating to those measures on a*
40 *quarterly basis. Each board shall post quarterly on its Internet*

1 Web site the information it reported pursuant to this subdivision
2 and provide the information annually to the Department of
3 Finance, the Legislative Analyst's Office, and the Legislature.

4 (c) The chief of the Office of the Consumer Advocate, in
5 consultation with the Legislative Analyst's Office, shall annually
6 review the information reported by boards pursuant to subdivision
7 (b) and report to the Legislature if it determines that a board has
8 failed to meet its performance measures.

9 (d) The department may adopt regulations pertaining to the
10 requirements described in subdivision (a).

11 SEC. 13. Section 117.5 is added to the Business and Professions
12 Code, to read:

13 117.5. (a) Each member of a board within the department and
14 the chief of any bureau within the board shall annually report, on
15 or before December 31 of each year, to the authority that appointed
16 him or her the extent to which the member or chief achieved his
17 or her goals and objectives that year and shall also report the
18 goals and objectives he or she expects to achieve during the
19 following calendar year.

20 (b) The board or bureau shall post the reports described in
21 subdivision (a) submitted by its members chief on its Internet Web
22 site within 30 days of their submission date.

23 SEC. 14. Section 127.5 is added to the Business and Professions
24 Code, to read:

25 127.5. The department shall report to the Legislature and the
26 Governor when a board within the department has been unable
27 to schedule or convene a meeting of the board because of a lack
28 of a quorum caused by the absence of its members or by a vacancy
29 in its membership.

30 SEC. 15. Section 156.7 is added to the Business and Professions
31 Code, to read:

32 156.7. (a) Prior to January 1, 2010, the director, in
33 consultation with the State Chief Information Officer, shall replace
34 the department's existing information technology system with a
35 system that meets the requirements of the department and of the
36 boards within the department.

37 (b) The director shall charge each of the boards on a pro rata
38 share basis for the costs of replacing the information technology
39 system. The charge shall be an administrative expense that may

1 *be levied in advance against the funds of any of the boards*
2 *pursuant to Section 201.*

3 *(c) Notwithstanding any other provision of this section, the*
4 *procurement of the information technology system shall be made*
5 *in accordance with Chapter 3 (commencing with Section 12100)*
6 *of Part 2 of Division 2 of the Public Contract Code.*

7 *SEC. 16. Section 312 of the Business and Professions Code is*
8 *amended to read:*

9 312. (a) The director shall submit to the Governor and the
10 Legislature on or before January 1, 2003, and annually thereafter,
11 a report of programmatic and statistical information regarding the
12 activities of the department and its constituent entities. The report
13 shall include information concerning the director's activities
14 pursuant to Section 326, including the number and general patterns
15 of consumer complaints and the action taken on those complaints.

16 (b) *On or before January 1 of each year, beginning in 2009,*
17 *the director shall submit to the chairperson of the fiscal committee*
18 *of each house of the Legislature and to the Joint Legislative Budget*
19 *Committee all of the following information:*

20 (1) *The number of personnel years assigned to the Office of the*
21 *Consumer Advocate.*

22 (2) *The total dollars expended by the Office of the Consumer*
23 *Advocate in the prior year, the estimated total dollars expended*
24 *in the current year, and the total dollars proposed for*
25 *appropriation in the following budget year.*

26 (3) *Workload standards and measures for the Office of the*
27 *Consumer Advocate.*

28 *SEC. 17. Section 313.1 of the Business and Professions Code*
29 *is amended to read:*

30 313.1. (a) Notwithstanding any other provision of law to the
31 contrary, no rule or regulation, except those relating to
32 examinations and qualifications for licensure, and no fee change
33 proposed or promulgated by any of the boards, commissions, or
34 committees within the department, shall take effect pending
35 compliance with this section.

36 (b) The director *and the chief of the Office of the Consumer*
37 *Advocate* shall be formally notified of and shall be provided a full
38 opportunity to review, in accordance with the requirements of
39 Article 5 (commencing with Section 11346) of Chapter 3.5 of Part

1 1 of Division 3 of Title 2 of the Government Code, and this section,
2 all of the following:

3 (1) All notices of proposed action, any modifications and
4 supplements thereto, and the text of proposed regulations.

5 (2) Any notices of sufficiently related changes to regulations
6 previously noticed to the public, and the text of proposed
7 regulations showing modifications to the text.

8 (3) Final rulemaking records.

9 (c) The submission of all notices and final rulemaking records
10 to the director *and the chief of the Office of the Consumer Advocate*
11 and the completion of ~~the director's~~ *their* review, as authorized by
12 this section, shall be a precondition to the filing of any rule or
13 regulation with the Office of Administrative Law. The Office of
14 Administrative Law shall have no jurisdiction to review a rule or
15 regulation subject to this section until after the completion of the
16 director's review and only then if the director ~~has~~ *and the chief of*
17 *the Office of the Consumer Advocate* have not disapproved it. The
18 filing of any document with the Office of Administrative Law shall
19 be accompanied by a certification that the board, commission, or
20 committee has complied with the requirements of this section.

21 (d) Following the receipt of any final rulemaking record subject
22 to subdivision (a), the director *and the chief of the Consumer*
23 *Advocate* shall have the authority for a period of 30 days to
24 disapprove a proposed rule or regulation on the ground that it is
25 injurious to the public health, safety, or welfare.

26 (e) Final rulemaking records shall be filed with the director *and*
27 *the chief of the Office of the Consumer Advocate* within the
28 one-year notice period specified in Section 11346.4 of the
29 Government Code. If necessary for compliance with this section,
30 the one-year notice period may be extended, as specified by this
31 subdivision.

32 (1) ~~In the event that~~ *If* the one-year notice period lapses during
33 the ~~director's~~ 30-day review period, or within 60 days following
34 the notice of ~~the director's~~ disapproval, it may be extended for a
35 maximum of 90 days.

36 (2) If the director ~~approves~~ *and the chief approve* the final
37 rulemaking record or declines to take action on it within 30 days,
38 the board, commission, or committee shall have five days from
39 the receipt of the record from the director *and the chief* within
40 which to file it with the Office of Administrative Law.

1 (3) If the director *or the chief* disapproves a rule or regulation,
 2 it shall have no force or effect unless, within 60 days of the notice
 3 of disapproval, (A) the disapproval is overridden by a unanimous
 4 vote of the members of the board, commission, or committee, and
 5 (B) the board, commission, or committee files the final rulemaking
 6 record with the Office of Administrative Law in compliance with
 7 this section and the procedures required by Chapter 3.5
 8 (commencing with Section 11340) of Part 1 of Division 3 of Title
 9 2 of the Government Code.

10 (f) Nothing in this section shall be construed to prohibit the
 11 director *or the chief of the Office of the Consumer Advocate* from
 12 affirmatively approving a proposed rule, regulation, or fee change
 13 at any time within the 30-day period after it has been submitted to
 14 him or her, in which event it shall become effective upon
 15 compliance with this section and the procedures required by
 16 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
 17 3 of Title 2 of the Government Code.

18 *SEC. 18. Section 321 of the Business and Professions Code is*
 19 *amended to read:*

20 321. Whenever it appears to the director *or the chief of the*
 21 *Office of Consumer Advocate* that the interests of the consumers
 22 of this state are being damaged, or may be damaged, by any person
 23 who engaged in, or intends to engage in, any acts or practices in
 24 violation of any law of this state, or any federal law, the director
 25 or any officer or employee designated by the director, or the
 26 Attorney General, may commence legal proceedings in the
 27 appropriate forum to enjoin ~~such those~~ acts or practices and may
 28 seek other appropriate relief on behalf of ~~such those~~ consumers.

29 *SEC. 19. Chapter 4.5 (commencing with Section 360) is added*
 30 *to Division 1 of the Business and Professions Code, to read:*

31
 32 *CHAPTER 4.5. OFFICE OF THE CONSUMER ADVOCATE*

33
 34 *Article 1. General Provisions*

35
 36 360. *This chapter shall be known and may be cited as the Office*
 37 *of the Consumer Advocate Act.*

38 361. *It is the intent of the Legislature and the purpose of this*
 39 *chapter to promote the efficiency of each of the boards that*
 40 *comprise the department by ensuring that each board properly*

1 discharges its regulatory and disciplinary functions to protect the
2 interests of consumers.

3 362. The following definitions apply for purposes of this
4 chapter:

5 (a) “Board” means any entity listed in Section 101.

6 (b) “Chief” means the chief of the Office of the Consumer
7 Advocate.

8 (c) “Interests of consumers” means the protection of the health,
9 welfare, and safety of consumers by a board.

10 (d) “Office” means the Office of the Consumer Advocate.

11

12 Article 2. Administration

13

14 370. The Office of the Consumer Advocate is hereby established
15 in the department.

16 371. The office is under the supervision and control of a chief.
17 The chief shall be appointed by the Governor, subject to
18 confirmation by the Senate pursuant to Section 1322 of the
19 Government Code. The chief shall be appointed for a term of four
20 years. Upon expiration of the chief’s term, the chief shall continue
21 to serve in the position until a new chief is appointed by the
22 Governor. The director shall fix the amount of the chief’s
23 compensation in accordance with law. The Governor may remove
24 the chief for any cause specified in Section 106.

25 372. The chief shall administer and enforce the provisions of
26 this chapter. Every power granted or duty imposed upon the chief
27 under this chapter may be exercised or performed in the name of
28 the chief by an employee of the office, subject to any conditions
29 and limitations the chief may prescribe.

30 373. (a) The chief, in accordance with the State Civil Service
31 Act, shall appoint a chief counsel of the office and an adequate
32 number of attorneys, as determined by the chief counsel, to carry
33 out the provisions of this chapter.

34 (b) The chief, in accordance with the State Civil Service Act,
35 may appoint and fix the compensation of clerical or other personnel
36 as may be necessary to carry out the provisions of this chapter.

37 (c) All personnel appointed under this section shall perform
38 their duties under the supervision and direction of the chief.

39 374. The chief may contract for the services of experts and
40 consultants if necessary to carry out the provisions of this chapter

1 *and may provide compensation and reimbursement of expenses*
2 *for those experts and consultants in accordance with state law.*

3
4 *Article 3. Powers and Duties*

5
6 *380. (a) The office shall serve as an independent monitor*
7 *pursuant to Section 474.22.*

8 *(b) The office shall review interagency agreements pursuant to*
9 *Section 102.3.*

10 *381. The chief may establish through regulations a Consumer*
11 *Participation Program to allow the office to award reasonable*
12 *advocacy and witness fees to any person or organization that has*
13 *made a substantial contribution on behalf of the interests of*
14 *consumers either through the adoption of a regulation by a board*
15 *or through an order or decision issued by a board in a disciplinary*
16 *proceeding.*

17 *382. The office may appear at a meeting of a board and shall*
18 *be permitted to participate as an amicus curiae in disciplinary*
19 *proceedings by the board whenever the chief determines that the*
20 *appearance or participation is required to promote or protect the*
21 *interests of consumers. The office shall conform with the provisions*
22 *of the Administrative Procedure Act (Chapter 5 (commencing with*
23 *Section 11500) of Part 1 of Division 3 of Title 2 of the Government*
24 *Code) in discharging these duties.*

25 *383. The chief shall have the following powers and it shall be*
26 *his or her duty to take the following actions:*

27 *(a) Recommend and propose the enactment of legislation that*
28 *is necessary to protect and promote the interests of consumers.*

29 *(b) Represent the interests of consumers before federal and state*
30 *legislative and regulatory hearings.*

31 *(c) Assist, advise, and cooperate with federal, state, and local*
32 *agencies and officials to protect and promote the interests of*
33 *consumers.*

34 *(d) Study, investigate, research, and analyze matters affecting*
35 *the interests of consumers.*

36 *(e) Hold public hearings, subpoena witnesses, take testimony,*
37 *compel the production of books, papers, documents, and other*
38 *evidence, and call upon state agencies for information.*

39 *(f) Propose and assist in the creation and development of*
40 *consumer education programs.*

- 1 (g) *Promote ethical standards of conduct for business,*
- 2 *professions, and consumers related to the interest of consumers.*
- 3 (h) *Advise the Governor and Legislature on all matters affecting*
- 4 *the interests of consumers.*
- 5 (i) *Exercise and perform other functions, powers, and duties as*
- 6 *may be deemed appropriate to protect and promote the interests*
- 7 *of consumers as directed by the Governor or the Legislature.*
- 8 (j) *Maintain contact and liaison with consumer groups in*
- 9 *California and nationally.*
- 10 384. *The chief shall report annually to the Governor and*
- 11 *appear annually before the appropriate policy committees of the*
- 12 *Legislature to report on the office’s activities.*

13
14 *Article 4. Revenue*

15
16 390. *The office shall annually charge each board on a pro rata*

17 *share basis an amount that is sufficient, as determined by the chief,*

18 *to carry out the provisions of this chapter. The total amount of*

19 *charges made pursuant to this section shall not exceed ____ million*

20 *dollars (\$____) annually.*

21 391. *All moneys collected pursuant to this article shall be*

22 *deposited into the Consumer Advocate Fund, which is hereby*

23 *created in the State Treasury. The revenue in this fund shall be*

24 *expended solely for purposes of this chapter upon appropriation*

25 *by the Legislature in the annual Budget Act.*

26 SEC. 20. *Section 450.1 is added to the Business and Professions*

27 *Code, to read:*

28 450.1. *A person may serve as a public member of more than*

29 *one board at the same time if not prohibited by any other law.*

30 SEC. 21. *Division 1.2 (commencing with Section 473) of the*

31 *Business and Professions Code is repealed.*

32 SEC. 22. *Division 1.3 (commencing with Section 474.20) is*

33 *added to the Business and Professions Code, to read:*

34
35 *DIVISION 1.3. LEGISLATIVE REVIEW OF STATE BOARDS*

36 *AND BOARDS WITHIN THE DEPARTMENT OF CONSUMER*

37 *AFFAIRS*

38
39 474.20. (a) *A Member of the Legislature or the chief of the*

40 *Office of the Consumer Advocate may submit a written request to*

1 *the appropriate standing policy committee of the Legislature to*
2 *conduct an analysis to evaluate any of the following entities:*

3 *(1) A board, as defined in Section 22.*

4 *(2) A state board, as defined in Section 9148.2 of the*
5 *Government Code.*

6 *(b) The request made pursuant to subdivision (a) shall describe*
7 *any perceived deficiencies in the operation of the board and the*
8 *detailed reasons an analysis of its operation is requested that may*
9 *include, but not be limited to, the issues subject to investigation*
10 *under subdivision (c) of Section 474.21.*

11 *474.21. (a) (1) The appropriate standing policy committee of*
12 *the Legislature shall, through its oversight function, investigate*
13 *the perceived deficiencies described in the request submitted*
14 *pursuant to Section 474.20 and hold public hearings on the matter.*
15 *The committee may request the Office of the Consumer Advocate*
16 *to assist in the investigation. The committee shall complete these*
17 *functions within a 60-day period during the regular legislative*
18 *session, with the period commencing on the date of the committee's*
19 *receipt of the request.*

20 *(2) Notwithstanding paragraph (1), if, in the two-year period*
21 *prior to the committee's receipt of the request, public hearings*
22 *relating to the same board named in the request were held by a*
23 *standing policy committee of the Legislature that determined no*
24 *deficiencies exist, the committee may refuse to conduct additional*
25 *hearings and investigation of the board.*

26 *(b) The committee may find, on the basis of the information it*
27 *obtained during its investigation, whether a question exists as to*
28 *the highest priority of the operations of the board being the*
29 *protection of the public when exercising its licensing, regulatory,*
30 *and disciplinary functions, and whether the board is effectively*
31 *protecting the public.*

32 *(c) In determining whether a question exists under subdivision*
33 *(b), the committee shall review the information and allegations*
34 *made in the request submitted pursuant to Section 474.20 and any*
35 *related information and allegations. The committee may review*
36 *issues such as the following:*

37 *(1) Whether regulation by the board is necessary to protect the*
38 *public health, safety, and welfare.*

39 *(2) Whether the initial reasons for licensing or regulating a*
40 *practice or profession have changed.*

1 (3) *Whether other conditions have occurred that would warrant*
2 *increased, decreased, or the same amount of regulation by the*
3 *board.*

4 (4) *If regulation of the profession or practice is necessary,*
5 *whether existing statutes and regulations establish the least*
6 *restrictive form of regulation consistent with the public interest,*
7 *considering other available regulatory mechanisms, and whether*
8 *the board's rules promote the public interest and are within the*
9 *scope of legislative intent.*

10 (5) *Whether the board operates and enforces its regulatory*
11 *responsibilities in the public interest and whether its regulatory*
12 *mission is impeded or enhanced by existing statutes, regulations,*
13 *policies, practices, or any other circumstances, including*
14 *budgetary, resources, and personnel matters.*

15 (6) *Whether an analysis of the board's operations indicates that*
16 *the entity performs its statutory duties efficiently and effectively.*

17 (7) *Whether the composition of the board adequately represents*
18 *the public interest and whether the board encourages public*
19 *participation in its decisions rather than participation only by the*
20 *profession or vocation and the individuals it regulates.*

21 (8) *Whether the board and its laws or regulations stimulate or*
22 *restrict competition and the extent of the economic impact the*
23 *board's regulatory practices have on the state's business and*
24 *technological growth.*

25 (9) *Whether complaint investigation, intervention, and*
26 *disciplinary procedures adequately protect the public and whether*
27 *the final disposition of complaints, investigations, restraining*
28 *orders, and disciplinary actions are in the public interest or these*
29 *procedures are, instead, self-serving to the profession, vocation,*
30 *or individuals being regulated by the board.*

31 (10) *Whether the scope of practice of the regulated profession*
32 *or vocation contributes to the highest utilization of personnel and*
33 *whether the entry requirements for the profession or vocation*
34 *encourage affirmative action.*

35 (11) *Whether administrative and statutory changes are*
36 *necessary to improve the board's operations to promote the public*
37 *interest.*

38 (d) *The standing policy committee shall determine if a board is*
39 *deficient. The committee shall report its deficiency determination*
40 *to the Joint Committee on Rules. Notwithstanding any other*

1 *provision of law, if a board is found deficient, each incumbent*
2 *member of the board shall be removed from office without a*
3 *hearing within 10 business days of receipt of the committee's*
4 *deficiency report by the Joint Committee on Rules, and successor*
5 *board members shall be appointed within that timeframe pursuant*
6 *to Section 101.1.*

7 474.22. (a) *Within 10 business days of the date the Joint*
8 *Committee on Rules receives the deficiency report described in*
9 *Section 474.21, the Office of the Consumer Advocate shall assume*
10 *the duties of an independent monitor for the board.*

11 (b) *Within one year of the date it assumes the duties of an*
12 *independent monitor, the Office of the Consumer Advocate shall*
13 *report its findings to the Governor, and the Legislature may make*
14 *recommendations for required reforms of the board.*

15 SEC. 23. *Section 1601.1 of the Business and Professions Code*
16 *is amended to read:*

17 1601.1. (a) *There shall be in the Department of Consumer*
18 *Affairs the Dental Board of California in which the administration*
19 *of this chapter is vested. The board shall consist of eight practicing*
20 *dentists, one registered dental hygienist, one registered dental*
21 *assistant, and four public members. Of the eight practicing dentists,*
22 *one shall be a member of a faculty of any California dental college*
23 *and one shall be a dentist practicing in a nonprofit community*
24 *clinic. The appointing powers, described in Section 1603, may*
25 *appoint to the board a person who was a member of the prior board.*
26 *The board shall be organized into standing committees dealing*
27 *with examinations, enforcement, and other subjects as the board*
28 *deems appropriate.*

29 (b) *For purposes of this chapter, any reference in this chapter*
30 *to the Board of Dental Examiners shall be deemed to refer to the*
31 *Dental Board of California.*

32 (c) *The board shall have all authority previously vested in the*
33 *existing board under this chapter. The board may enforce all*
34 *disciplinary actions undertaken by the previous board.*

35 ~~(d) This section shall become inoperative on July 1, 2008, and,~~
36 ~~as of January 1, 2009, is repealed, unless a later enacted statute~~
37 ~~that is enacted before January 1, 2009, deletes or extends the dates~~
38 ~~on which it becomes inoperative and is repealed. The repeal of~~
39 ~~this section renders the board subject to the review required by~~
40 ~~Division 1.2 (commencing with Section 473).~~

1 *SEC. 24. Section 1632.5 of the Business and Professions Code*
2 *is amended to read:*

3 1632.5. (a) Prior to implementation of paragraph (2) of
4 subdivision (c) of Section 1632, the department's Office of
5 Examination Resources shall review the Western Regional
6 Examining Board examination to assure compliance with the
7 requirements of Section 139 and to certify that the examination
8 process meets those standards. If the department determines that
9 the examination process fails to meet those standards, paragraph
10 (2) of subdivision (c) of Section 1632 shall not be implemented.
11 The review of the Western Regional Examining Board examination
12 shall be conducted during or after the Dental Board of California's
13 occupational analysis scheduled for the 2004–05 fiscal year, but
14 not later than September 30, 2005. However, an applicant who
15 successfully completes the Western Regional Examining Board
16 examination on or after January 1, 2005, shall be deemed to have
17 met the requirements of subdivision (c) of Section 1632 if the
18 department certifies that the Western Regional Examining Board
19 examination meets the standards set forth in this subdivision.

20 (b) The Western Regional Examining Board examination
21 process shall be regularly reviewed by the department pursuant to
22 Section 139.

23 (c) The Western Regional Examining Board examination shall
24 meet the mandates of subdivision (a) of Section 12944 of the
25 Government Code.

26 (d) ~~As part of its next scheduled review by the Joint Committee~~
27 ~~on Boards, Commissions, and Consumer Protection, the~~ *The Dental*
28 Board of California shall report *on or before July 1, 2008, to that*
29 ~~committee and the department and the Office of the Consumer~~
30 *Advocate* on the pass rates of applicants who sat for the Western
31 Regional Examining Board examination, compared with the pass
32 rates of applicants who sat for the state clinical and written
33 examination administered by the Dental Board of California. This
34 report shall be a component of the evaluation of the examination
35 process that is based on psychometrically sound principles for
36 establishing minimum qualifications and levels of competency.

37 *SEC. 25. Section 1634.2 of the Business and Professions Code*
38 *is amended to read:*

1 1634.2. (a) An advanced education program's compliance
2 with subdivision (c) of Section 1634.1 shall be regularly reviewed
3 by the department pursuant to Section 139.

4 (b) An advanced education program described in subdivision
5 (c) of Section 1634.1 shall meet the requirements of subdivision
6 (a) of Section 12944 of the Government Code.

7 (c) The clinical residency program completion certification
8 required by subdivision (c) of Section 1634.1 shall include a list
9 of core competencies commensurate to those found in the board's
10 examinations. The board, together with the department's Office
11 of Examination Resources, shall ensure the alignment of the
12 competencies stated in the clinical residency program completion
13 certification with the board's current occupational analysis. The
14 board shall implement use of the clinical residency program
15 completion certification form and use of the core competency list
16 through the adoption of emergency regulations by January 1, 2008.

17 ~~(d) As part of its next scheduled review after January 1, 2007,~~
18 ~~by the Joint Committee on Boards, Commissions and Consumer~~
19 ~~Protection, the~~ The board shall report to that committee and to the
20 department *and the Office of the Consumer Advocate on or before*
21 *January 1, 2010*, the number of complaints received for those
22 dentists who have obtained licensure by passing the state clinical
23 examination and for those dentists who have obtained licensure
24 through an advanced education program. The report shall also
25 contain tracking information on these complaints and their
26 disposition. This report shall be a component of the evaluation of
27 the examination process that is based on psychometrically sound
28 principles for establishing minimum qualifications and levels of
29 competency.

30 *SEC. 26. Section 1638.1 of the Business and Professions Code*
31 *is amended to read:*

32 1638.1. (a) (1) A person licensed pursuant to Section 1634
33 who wishes to perform elective facial cosmetic surgery shall first
34 apply for and receive a permit to perform elective facial cosmetic
35 surgery from the board.

36 (2) A permit issued pursuant to this section shall be valid for a
37 period of two years and must be renewed by the permitholder at
38 the time his or her license is renewed. Every six years, prior to
39 renewal of the permitholder's license and permit, the permitholder
40 shall submit evidence acceptable to the credentialing committee

1 that he or she has maintained continued competence to perform
2 the procedures authorized by the permit. The credentialing
3 committee may limit a permit consistent with paragraph (1) of
4 subdivision (e) if it is not satisfied that the permitholder has
5 established continued competence.

6 (b) The board may adopt regulations for the issuance of the
7 permit that it deems necessary to protect the health, safety, and
8 welfare of the public.

9 (c) A licensee may obtain a permit to perform elective facial
10 cosmetic surgery by furnishing all of the following information
11 on an application form approved by the board:

12 (1) Proof of successful completion of an oral and maxillofacial
13 surgery residency program accredited by the Commission on Dental
14 Accreditation of the American Dental Association.

15 (2) Proof that the applicant has satisfied the criteria specified
16 in either subparagraph (A) or (B):

17 (A) (i) Is certified, or is a candidate for certification, by the
18 American Board of Oral and Maxillofacial Surgery.

19 (ii) Submits to the board a letter from the program director of
20 the accredited residency program, or from the director of a
21 postresidency fellowship program accredited by the Commission
22 on Dental Accreditation of the American Dental Association,
23 stating that the licensee has the education, training, and competence
24 necessary to perform the surgical procedures that the licensee has
25 notified the board he or she intends to perform.

26 (iii) Submits documentation to the board of at least 10 operative
27 reports from residency training or proctored procedures that are
28 representative of procedures that the licensee intends to perform
29 from both of the following categories:

30 (I) Cosmetic contouring of the osteocartilaginous facial structure,
31 which may include, but is not limited to, rhinoplasty and otoplasty.

32 (II) Cosmetic soft tissue contouring or rejuvenation, which may
33 include, but is not limited to, facelift, blepharoplasty, facial skin
34 resurfacing, or lip augmentation.

35 (iv) Submits documentation to the board showing the surgical
36 privileges the applicant possesses at any licensed general acute
37 care hospital and any licensed outpatient surgical facility in this
38 state.

1 (B) (i) Has been granted privileges by the medical staff at a
2 licensed general acute care hospital to perform the surgical
3 procedures set forth in paragraph (A) at that hospital.

4 (ii) Submits to the board the documentation described in clause
5 (iii) of subparagraph (A).

6 (3) Proof that the applicant is on active status on the staff of a
7 general acute care hospital and maintains the necessary privileges
8 based on the bylaws of the hospital to maintain that status.

9 (d) The application shall be accompanied by an application fee
10 of five hundred dollars (\$500) for an initial permit. The fee to
11 renew a permit shall be two hundred dollars (\$200).

12 (e) (1) The board shall appoint a credentialing committee to
13 review the qualifications of each applicant for a permit. Upon
14 completion of the review of an applicant, the committee shall make
15 a recommendation to the board on whether to issue or not issue a
16 permit to the applicant. The permit may be unqualified, entitling
17 the permitholder to perform any facial cosmetic surgical procedure
18 authorized by this section, or it may contain limitations if the
19 credentialing committee is not satisfied that the applicant has the
20 training or competence to perform certain classes of procedures,
21 or if the applicant has not requested to be permitted for all
22 procedures authorized by this section.

23 (2) The credentialing committee shall be comprised of five
24 members, as follows:

25 (A) A physician and surgeon with a specialty in plastic and
26 reconstructive surgery who maintains active status on the staff of
27 a licensed general acute care hospital in this state.

28 (B) A physician and surgeon with a specialty in otolaryngology
29 who maintains active status on the staff of a licensed general acute
30 care hospital in this state.

31 (C) Three oral and maxillofacial surgeons licensed by the board
32 who are board certified by the American Board of Oral and
33 Maxillofacial Surgeons, and who maintain active status on the
34 staff of a licensed general acute care hospital in this state, at least
35 one of whom shall be licensed as a physician and surgeon in this
36 state. Two years after the effective date of this section, any oral
37 and maxillofacial surgeon appointed to the committee who is not
38 licensed as a physician and surgeon shall hold a permit pursuant
39 to this section.

1 (3) The board shall solicit from the following organizations
2 input and recommendations regarding members to be appointed
3 to the credentialing committee:

4 (A) The Medical Board of California.

5 (B) The California Dental Association.

6 (C) The California Association of Oral and Maxillofacial
7 Surgeons.

8 (D) The California Medical Association.

9 (E) The California Society of Plastic Surgeons.

10 (F) Any other source that the board deems appropriate.

11 (4) The credentialing committee shall meet at a time and place
12 directed by the board to evaluate applicants for permits. A quorum
13 of three members shall be required for the committee to consider
14 applicants and make recommendations to the board.

15 (f) A licensee may not perform any elective, facial cosmetic
16 surgical procedure except at a general acute care hospital, a licensed
17 outpatient surgical facility, or an outpatient surgical facility
18 accredited by the Joint Commission on Accreditation of Healthcare
19 Organizations (JCAHO), the American Association for Ambulatory
20 Health Care (AAAHC), the Medicare program, or an accreditation
21 agency approved by the Medical Board of California pursuant to
22 subdivision (g) of Section 1248.1 of the Health and Safety Code.

23 (g) For purposes of this section, the following terms shall have
24 the following meanings:

25 (1) “Elective cosmetic surgery” means any procedure defined
26 as cosmetic surgery in subdivision (d) of Section 1367.63 of the
27 Health and Safety Code, and excludes any procedure that
28 constitutes reconstructive surgery, as defined in subdivision (c) of
29 Section 1367.63 of the Health and Safety Code.

30 (2) “Facial” means those regions of the human body described
31 in Section 1625 and in any regulations adopted pursuant to that
32 section by the board.

33 (h) A holder of a permit issued pursuant to this section shall not
34 perform elective facial cosmetic surgical procedures unless he or
35 she has malpractice insurance or other financial security protection
36 that would satisfy the requirements of Section 2216.2 and any
37 regulations adopted thereunder.

38 (i) A holder of a permit shall comply with the requirements of
39 subparagraph (D) of paragraph (2) of subdivision (a) of Section
40 1248.15 of the Health and Safety Code, and the reporting

1 requirements specified in Section 2240, with respect to any surgical
2 procedure authorized by this section, in the same manner as a
3 physician and surgeon.

4 (j) Any violation of this section constitutes unprofessional
5 conduct and is grounds for the revocation or suspension of the
6 person's permit, license, or both, or the person may be reprimanded
7 or placed on probation. Proceedings initiated by the board under
8 this section shall be conducted in accordance with Chapter 5
9 (commencing with Section 11500) of Part 1 of Division 3 of Title
10 2 of the Government Code, and the board shall have all the powers
11 granted therein.

12 (k) On or before January 1, 2009, and every four years thereafter,
13 the board shall report to the ~~Joint Committee on Boards,~~
14 ~~Commissions and Consumer Protection~~ *Legislature and the Office*
15 *of the Consumer Advocate* on all of the following:

16 (1) The number of persons licensed pursuant to Section 1634
17 who apply to receive a permit to perform elective facial cosmetic
18 surgery from the board pursuant to subdivision (a).

19 (2) The recommendations of the credentialing committee to the
20 board.

21 (3) The board's action on recommendations received by the
22 credentialing committee.

23 (4) The number of persons receiving a permit from the board
24 to perform elective facial cosmetic surgery.

25 (5) The number of complaints filed by or on behalf of patients
26 who have received elective facial cosmetic surgery by persons
27 who have received a permit from the board to perform elective
28 facial cosmetic surgery.

29 (6) Action taken by the board resulting from complaints filed
30 by or on behalf of patients who have received elective facial
31 cosmetic surgery by persons who have received a permit from the
32 board to perform elective facial cosmetic surgery.

33 *SEC. 27. Section 1638.7 of the Business and Professions Code*
34 *is amended to read:*

35 1638.7. The next occupational analysis of dental licensees and
36 oral and maxillofacial facial surgeons pursuant to Section 139 shall
37 include a survey of the training and practices of oral and
38 maxillofacial surgeons and, upon completion of that analysis, a
39 report shall be made to the ~~Joint Committee on Boards,~~

1 ~~Commissions, and Consumer Protection~~ *Legislature and the Office*
2 *of the Consumer Advocate* regarding the findings.

3 *SEC. 28. Section 1742 of the Business and Professions Code*
4 *is amended to read:*

5 1742. (a) There is within the jurisdiction of the board a
6 Committee on Dental Auxiliaries.

7 (b) The Committee on Dental Auxiliaries shall have the
8 following areas of responsibility and duties:

9 (1) The committee shall have the following duties and authority
10 related to education programs and curriculum:

11 (A) Shall evaluate all dental auxiliary programs applying for
12 board approval in accordance with board rules governing the
13 programs.

14 (B) May appoint board members to any evaluation committee.
15 Board members so appointed shall not make a final decision on
16 the issue of program or course approval.

17 (C) Shall report and make recommendations to the board as to
18 whether a program or course qualifies for approval. The board
19 retains the final authority to grant or deny approval to a program
20 or course.

21 (D) Shall review and document any alleged deficiencies that
22 might warrant board action to withdraw or revoke approval of a
23 program or course, at the request of the board.

24 (E) May review and document any alleged deficiencies that
25 might warrant board action to withdraw or revoke approval of a
26 program or course, at its own initiation.

27 (2) The committee shall have the following duties and authority
28 related to applications:

29 (A) Shall review and evaluate all applications for licensure in
30 the various dental auxiliary categories to ascertain whether a
31 candidate meets the appropriate licensing requirements specified
32 by statute and board regulations.

33 (B) Shall maintain application records, cashier application fees,
34 and perform any other ministerial tasks as are incidental to the
35 application process.

36 (C) May delegate any or all of the functions in this paragraph
37 to its staff.

38 (D) Shall issue auxiliary licenses in all cases, except where there
39 is a question as to a licensing requirement. The board retains final
40 authority to interpret any licensing requirement. If a question arises

1 in the area of interpreting any licensing requirement, it shall be
2 presented by the committee to the board for resolution.

3 (3) The committee shall have the following duties and authority
4 regarding examinations:

5 (A) Shall advise the board as to the type of license examination
6 it deems appropriate for the various dental auxiliary license
7 categories.

8 (B) Shall, at the direction of the board, develop or cause to be
9 developed, administer, or both, examinations in accordance with
10 the board's instructions and periodically report to the board on the
11 progress of those examinations. The following shall apply to the
12 examination procedure:

13 (i) The examination shall be submitted to the board for its
14 approval prior to its initial administration.

15 (ii) Once an examination has been approved by the board, no
16 further approval is required unless a major modification is made
17 to the examination.

18 (iii) The committee shall report to the board on the results of
19 each examination and shall, where appropriate, recommend pass
20 points.

21 (iv) The board shall set pass points for all dental auxiliary
22 licensing examinations.

23 (C) May appoint board members to any examination committee
24 established pursuant to subparagraph (B).

25 (4) The committee shall periodically report and make
26 recommendations to the board concerning the level of fees for
27 dental auxiliaries and the need for any legislative fee increase.
28 However, the board retains final authority to set all fees.

29 (5) The committee shall be responsible for all aspects of the
30 license renewal process, which shall be accomplished in accordance
31 with this chapter and board regulations. The committee may
32 delegate any or all of its functions under this paragraph to its staff.

33 (6) The committee shall have no authority with respect to the
34 approval of continuing education providers and the board retains
35 all of this authority.

36 (7) The committee shall advise the board as to appropriate
37 standards of conduct for auxiliaries, the proper ordering of
38 enforcement priorities, and any other enforcement-related matters
39 that the board may, in the future, delegate to the committee. The
40 board shall retain all authority with respect to the enforcement

1 actions, including, but not limited to, complaint resolution,
 2 investigation, and disciplinary action against auxiliaries.

3 (8) The committee shall have the following duties regarding
 4 regulations:

5 (A) To review and evaluate all suggestions or requests for
 6 regulatory changes related to dental auxiliaries.

7 (B) To report and make recommendations to the board, after
 8 consultation with departmental legal counsel and the board's
 9 executive officer.

10 (C) To include in any report regarding a proposed regulatory
 11 change, at a minimum, the specific language of the proposed
 12 changes and the reasons for and facts supporting the need for the
 13 change. The board has the final rulemaking authority.

14 ~~(e) This section shall become inoperative on July 1, 2009, and,
 15 as of January 1, 2010, is repealed, unless a later enacted statute
 16 which becomes effective on or before January 1, 2010, deletes or
 17 extends the dates on which it becomes inoperative and is repealed.
 18 The repeal of this section renders the committee subject to the
 19 review required by Division 1.2 (commencing with Section 473).~~

20 *SEC. 29. Section 1751 of the Business and Professions Code,
 21 as amended by Section 8 of Chapter 621 of the Statutes of 2005,
 22 is amended to read:*

23 1751. (a) The board, upon recommendation of the committee,
 24 shall adopt regulations governing the procedures that dental
 25 assistants, registered orthodontic assistants, registered surgery
 26 assistants, registered restorative assistants, registered dental
 27 assistants, registered restorative assistants in extended functions,
 28 and registered dental assistants in extended functions are authorized
 29 to perform consistent with and necessary to implement the
 30 provisions of this article, and the settings within which each may
 31 practice.

32 (b) The board shall conduct an initial review of the procedures,
 33 supervision level, settings under which they may be performed,
 34 and utilization of extended functions dental auxiliaries by January
 35 1, 2012. The board shall submit the results of its review to the ~~Joint~~
 36 ~~Committee on Boards, Commissions, and Consumer Protection~~
 37 *Legislature and the Office of the Consumer Advocate.* After the
 38 initial review, a review shall be conducted at least once every five
 39 to seven years thereafter, and the board shall update regulations
 40 as necessary to keep them current with the state of dental practice.

1 (c) This section shall become operative on January 1, 2008.

2 *SEC. 30. Section 2001 of the Business and Professions Code*
3 *is amended to read:*

4 2001. There is in the Department of Consumer Affairs a
5 Medical Board of California that consists of 21 members, nine of
6 whom shall be public members.

7 The Governor shall appoint 19 members to the board, subject
8 to confirmation by the Senate, seven of whom shall be public
9 members. The Senate Rules Committee and the Speaker of the
10 Assembly shall each appoint a public member, and their initial
11 appointment shall be made to fill, respectively, the first and second
12 public member vacancies that occur on or after January 1, 1983.

13 ~~This section shall become inoperative on July 1, 2010, and, as~~
14 ~~of January 1, 2011, is repealed, unless a later enacted statute, which~~
15 ~~becomes effective on or before January 1, 2011, deletes or extends~~
16 ~~the dates on which it becomes inoperative and is repealed. The~~
17 ~~repeal of this section renders the board subject to the review~~
18 ~~required by Division 1.2 (commencing with Section 473).~~

19 *SEC. 31. Section 2460 of the Business and Professions Code*
20 *is amended to read:*

21 2460. There is created within the jurisdiction of the Medical
22 Board of California and its divisions the California Board of
23 Podiatric Medicine. ~~This section shall become inoperative on July~~
24 ~~1, 2010, and, as of January 1, 2011, is repealed, unless a later~~
25 ~~enacted statute, which becomes effective on or before January 1,~~
26 ~~2011, deletes or extends the dates on which it becomes inoperative~~
27 ~~and is repealed. The repeal of this section renders the California~~
28 ~~Board of Podiatric Medicine subject to the review required by~~
29 ~~Division 1.2 (commencing with Section 473).~~

30 *SEC. 32. Section 2531 of the Business and Professions Code*
31 *is amended to read:*

32 2531. There is in the Department of Consumer Affairs a
33 Speech-Language Pathology and Audiology Board in which the
34 enforcement and administration of this chapter is vested. The
35 Speech-Language Pathology and Audiology Board shall consist
36 of nine members, three of whom shall be public members.

37 ~~This section shall become inoperative on July 1, 2008, and, as~~
38 ~~of January 1, 2009, is repealed, unless a later enacted statute, that~~
39 ~~becomes effective on or before January 1, 2009, deletes or extends~~
40 ~~the inoperative and repeal dates. The repeal of this section renders~~

1 ~~the board subject to the review required by Division 1.2~~
2 ~~(commencing with Section 473).~~

3 *SEC. 33. Section 2569 of the Business and Professions Code*
4 *is repealed.*

5 ~~2569. The powers and duties of the board, as set forth in this~~
6 ~~chapter, shall be subject to the review required by Division 1.2~~
7 ~~(commencing with Section 473). The review shall be performed~~
8 ~~as if this chapter were scheduled to become inoperative on July 1,~~
9 ~~2003, and would be repealed as of January 1, 2004, as described~~
10 ~~in Section 473.1.~~

11 *SEC. 34. Section 2570.19 of the Business and Professions Code*
12 *is amended to read:*

13 2570.19. (a) There is hereby created a California Board of
14 Occupational Therapy, hereafter referred to as the board. The board
15 shall enforce and administer this chapter.

16 (b) The members of the board shall consist of the following:

17 (1) Three occupational therapists who shall have practiced
18 occupational therapy for five years.

19 (2) One occupational therapy assistant who shall have assisted
20 in the practice of occupational therapy for five years.

21 (3) Three public members who shall not be licentiates of the
22 board or of any board referred to in Section 1000 or 3600.

23 (c) The Governor shall appoint the three occupational therapists
24 and one occupational therapy assistant to be members of the board.
25 The Governor, the Senate Rules Committee, and the Speaker of
26 the Assembly shall each appoint a public member. Not more than
27 one member of the board shall be appointed from the full-time
28 faculty of any university, college, or other educational institution.

29 (d) All members shall be residents of California at the time of
30 their appointment. The occupational therapist and occupational
31 therapy assistant members shall have been engaged in rendering
32 occupational therapy services to the public, teaching, or research
33 in occupational therapy for at least five years preceding their
34 appointments.

35 (e) The public members may not be or have ever been
36 occupational therapists or occupational therapy assistants or in
37 training to become occupational therapists or occupational therapy
38 assistants. The public members may not be related to, or have a
39 household member who is, an occupational therapist or an
40 occupational therapy assistant, and may not have had, within two

1 years of the appointment, a substantial financial interest in a person
2 regulated by the board.

3 (f) The Governor shall appoint two board members for a term
4 of one year, two board members for a term of two years, and one
5 board member for a term of three years. Appointments made
6 thereafter shall be for four-year terms, but no person shall be
7 appointed to serve more than two consecutive terms. Terms shall
8 begin on the first day of the calendar year and end on the last day
9 of the calendar year or until successors are appointed, except for
10 the first appointed members who shall serve through the last
11 calendar day of the year in which they are appointed, before
12 commencing the terms prescribed by this section. Vacancies shall
13 be filled by appointment for the unexpired term. The board shall
14 annually elect one of its members as president.

15 (g) The board shall meet and hold at least one regular meeting
16 annually in the Cities of Sacramento, Los Angeles, and San
17 Francisco. The board may convene from time to time until its
18 business is concluded. Special meetings of the board may be held
19 at any time and place designated by the board.

20 (h) Notice of each meeting of the board shall be given in
21 accordance with the Bagley-Keene Open Meeting Act (Article 9
22 commencing with Section 11120) of Chapter 1 of Part 1 of
23 Division 3 of Title 2 of the Government Code).

24 (i) Members of the board shall receive no compensation for
25 their services, but shall be entitled to reasonable travel and other
26 expenses incurred in the execution of their powers and duties in
27 accordance with Section 103.

28 (j) The appointing power shall have the power to remove any
29 member of the board from office for neglect of any duty imposed
30 by state law, for incompetency, or for unprofessional or
31 dishonorable conduct.

32 (k) A loan is hereby authorized from the General Fund to the
33 Occupational Therapy Fund on or after July 1, 2000, in an amount
34 of up to one million dollars (\$1,000,000) to fund operating,
35 personnel, and other startup costs of the board. Six hundred ten
36 thousand dollars (\$610,000) of this loan amount is hereby
37 appropriated to the board to use in the 2000–01 fiscal year for the
38 purposes described in this subdivision. In subsequent years, funds
39 from the Occupational Therapy Fund shall be available to the board
40 upon appropriation by the Legislature in the annual Budget Act.

1 The loan shall be repaid to the General Fund over a period of up
2 to five years, and the amount paid shall also include interest at the
3 rate accruing to moneys in the Pooled Money Investment Account.
4 The loan amount and repayment period shall be minimized to the
5 extent possible based upon actual board financing requirements
6 as determined by the Department of Finance.

7 ~~(f) This section shall become inoperative on July 1, 2013, and,
8 as of January 1, 2014, is repealed, unless a later enacted statute
9 that is enacted before January 1, 2014, deletes or extends the dates
10 on which it becomes inoperative and is repealed. The repeal of
11 this section renders the board subject to the review required by
12 Division 1.2 (commencing with Section 473).~~

13 *SEC. 35. Section 2602 of the Business and Professions Code*
14 *is amended to read:*

15 2602. The Physical Therapy Board of California, hereafter
16 referred to as the board, shall enforce and administer this chapter.
17 ~~This section shall become inoperative on July 1, 2013, and, as of
18 January 1, 2014, is repealed, unless a later enacted statute, which
19 becomes effective on or before January 1, 2014, deletes or extends
20 the dates on which it becomes inoperative and is repealed.~~

21 ~~The repeal of this section renders the board subject to the review
22 required by Division 1.2 (commencing with Section 473).~~

23 *SEC. 36. Section 2701 of the Business and Professions Code*
24 *is amended to read:*

25 2701. There is in the Department of Consumer Affairs the
26 Board of Registered Nursing consisting of nine members.

27 Within the meaning of this chapter, board, or the board, refers
28 to the Board of Registered Nursing. Any reference in state law to
29 the Board of Nurse Examiners of the State of California or
30 California Board of Nursing Education and Nurse Registration
31 shall be construed to refer to the Board of Registered Nursing.

32 ~~This section shall become inoperative on July 1, 2010, and, as
33 of January 1, 2011, is repealed, unless a later enacted statute, that
34 becomes operative on or before January 1, 2011, deletes or extends
35 the dates on which it becomes inoperative and is repealed. The
36 repeal of this section renders the board subject to the review
37 required by Division 1.2 (commencing with Section 473).~~

38 *SEC. 37. Section 2841 of the Business and Professions Code*
39 *is amended to read:*

1 2841. There is in the Department of Consumer Affairs a Board
2 of Vocational Nursing and Psychiatric Technicians of the State of
3 California, consisting of 11 members.

4 Within the meaning of this chapter, board, or the board, refers
5 to the Board of Vocational Nursing and Psychiatric Technicians
6 of the State of California.

7 ~~This section shall become inoperative on July 1, 2008, and, as~~
8 ~~of January 1, 2009, is repealed, unless a later enacted statute, which~~
9 ~~becomes effective on or before January 1, 2009, deletes or extends~~
10 ~~the dates on which it becomes inoperative and is repealed. The~~
11 ~~repeal of this section renders the board subject to the review~~
12 ~~required by Division 1.2 (commencing with Section 473).~~

13 *SEC. 38. Section 2920 of the Business and Professions Code*
14 *is amended to read:*

15 2920. The Board of Psychology shall enforce and administer
16 this chapter. The board shall consist of nine members, four of
17 whom shall be public members.

18 ~~This section shall become inoperative on July 1, 2009, and, as~~
19 ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~
20 ~~becomes effective on or before January 1, 2010, deletes or extends~~
21 ~~the dates on which it becomes inoperative and is repealed.~~

22 *SEC. 39. Section 3010.5 of the Business and Professions Code*
23 *is amended to read:*

24 3010.5. (a) There is in the Department of Consumer Affairs
25 a State Board of Optometry in which the enforcement of this
26 chapter is vested. The board consists of 11 members, five of whom
27 shall be public members.

28 Six members of the board shall constitute a quorum.

29 (b) The board shall, with respect to conducting investigations,
30 inquiries, and disciplinary actions and proceedings, have the
31 authority previously vested in the board as created pursuant to
32 Section 3010. The board may enforce any disciplinary actions
33 undertaken by that board.

34 ~~(c) This section shall remain in effect only until July 1, 2010,~~
35 ~~and, as of January 1, 2011, is repealed, unless a later enacted~~
36 ~~statute, that is enacted before January 1, 2011, deletes or extends~~
37 ~~that date.~~

38 *SEC. 40. Section 3502.1 of the Business and Professions Code*
39 *is amended to read:*

1 3502.1. (a) In addition to the services authorized in the
2 regulations adopted by the board, and except as prohibited by
3 Section 3502, while under the supervision of a licensed physician
4 and surgeon or physicians and surgeons authorized by law to
5 supervise a physician assistant, a physician assistant may
6 administer or provide medication to a patient, or transmit orally,
7 or in writing on a patient's record or in a drug order, an order to a
8 person who may lawfully furnish the medication or medical device
9 pursuant to subdivisions (c) and (d).

10 (1) A supervising physician and surgeon who delegates authority
11 to issue a drug order to a physician assistant may limit this authority
12 by specifying the manner in which the physician assistant may
13 issue delegated prescriptions.

14 (2) Each supervising physician and surgeon who delegates the
15 authority to issue a drug order to a physician assistant shall first
16 prepare and adopt, or adopt, a written, practice specific, formulary
17 and protocols that specify all criteria for the use of a particular
18 drug or device, and any contraindications for the selection. The
19 drugs listed shall constitute the formulary and shall include only
20 drugs that are appropriate for use in the type of practice engaged
21 in by the supervising physician and surgeon. When issuing a drug
22 order, the physician assistant is acting on behalf of and as an agent
23 for a supervising physician and surgeon.

24 (b) "Drug order" for purposes of this section means an order
25 for medication which is dispensed to or for a patient, issued and
26 signed by a physician assistant acting as an individual practitioner
27 within the meaning of Section 1306.02 of Title 21 of the Code of
28 Federal Regulations. Notwithstanding any other provision of law,
29 (1) a drug order issued pursuant to this section shall be treated in
30 the same manner as a prescription or order of the supervising
31 physician, (2) all references to "prescription" in this code and the
32 Health and Safety Code shall include drug orders issued by
33 physician assistants pursuant to authority granted by their
34 supervising physicians, and (3) the signature of a physician
35 assistant on a drug order shall be deemed to be the signature of a
36 prescriber for purposes of this code and the Health and Safety
37 Code.

38 (c) A drug order for any patient cared for by the physician
39 assistant that is issued by the physician assistant shall either be
40 based on the protocols described in subdivision (a) or shall be

1 approved by the supervising physician before it is filled or carried
2 out.

3 (1) A physician assistant shall not administer or provide a drug
4 or issue a drug order for a drug other than for a drug listed in the
5 formulary without advance approval from a supervising physician
6 and surgeon for the particular patient. At the direction and under
7 the supervision of a physician and surgeon, a physician assistant
8 may hand to a patient of the supervising physician and surgeon a
9 properly labeled prescription drug prepackaged by a physician and
10 surgeon, manufacturer as defined in the Pharmacy Law, or a
11 pharmacist.

12 (2) A physician assistant may not administer, provide or issue
13 a drug order for Schedule II through Schedule V controlled
14 substances without advance approval by a supervising physician
15 and surgeon for the particular patient.

16 (3) Any drug order issued by a physician assistant shall be
17 subject to a reasonable quantitative limitation consistent with
18 customary medical practice in the supervising physician and
19 surgeon's practice.

20 (d) A written drug order issued pursuant to subdivision (a),
21 except a written drug order in a patient's medical record in a health
22 facility or medical practice, shall contain the printed name, address,
23 and phone number of the supervising physician and surgeon, the
24 printed or stamped name and license number of the physician
25 assistant, and the signature of the physician assistant. Further, a
26 written drug order for a controlled substance, except a written drug
27 order in a patient's medical record in a health facility or a medical
28 practice, shall include the federal controlled substances registration
29 number of the physician assistant. The requirements of this
30 subdivision may be met through stamping or otherwise imprinting
31 on the supervising physician and surgeon's prescription blank to
32 show the name, license number, and if applicable, the federal
33 controlled substances number of the physician assistant, and shall
34 be signed by the physician assistant. When using a drug order, the
35 physician assistant is acting on behalf of and as the agent of a
36 supervising physician and surgeon.

37 (e) The medical record of any patient cared for by a physician
38 assistant for whom the supervising physician and surgeon's
39 Schedule II drug order has been issued or carried out shall be

1 reviewed and countersigned and dated by a supervising physician
2 and surgeon within seven days.

3 (f) All physician assistants who are authorized by their
4 supervising physicians to issue drug orders for controlled
5 substances shall register with the United States Drug Enforcement
6 Administration (DEA).

7 (g) The committee shall consult with the Medical Board of
8 California and report ~~during its sunset review required by Division~~
9 ~~1.2 (commencing with Section 473) to the Legislature and the~~
10 ~~Office of the Consumer Advocate periodically, as necessary, on~~
11 the impacts of exempting Schedule III and Schedule IV drug orders
12 from the requirement for a physician and surgeon to review and
13 countersign the affected medical record of a patient.

14 *SEC. 41. Section 3504 of the Business and Professions Code*
15 *is amended to read:*

16 3504. There is established a Physician Assistant Committee
17 of the Medical Board of California. The committee consists of
18 nine members. ~~This section shall become inoperative on July 1,~~
19 ~~2011, and, as of January 1, 2012, is repealed, unless a later enacted~~
20 ~~statute, which becomes effective on or before January 1, 2012,~~
21 ~~deletes or extends the dates on which it becomes inoperative and~~
22 ~~is repealed. The repeal of this section renders the committee subject~~
23 ~~to the review required by Division 1.2 (commencing with Section~~
24 ~~473).~~

25 *SEC. 42. Section 3685 of the Business and Professions Code*
26 *is amended to read:*

27 3685. ~~(a)~~ The provisions of Article 8 (commencing with
28 Section 3680) shall become operative on January 1, 2004, but the
29 remaining provisions of this chapter shall become operative on
30 July 1, 2004. It is the intent of the Legislature that the initial
31 implementation of this chapter be administered by fees collected
32 in advance from applicants. Therefore, the bureau shall have the
33 power and authority to establish fees and receive applications for
34 licensure or intents to file application statements on and after
35 January 1, 2004. The department shall certify that sufficient funds
36 are available prior to implementing this chapter. Funds from the
37 General Fund may not be used for the purpose of implementing
38 this chapter.

39 ~~(b) This chapter shall become inoperative on July 1, 2010, and,~~
40 ~~as of January 1, 2011, is repealed, unless a later enacted statute~~

1 that is enacted before January 1, 2011, deletes or extends the dates
2 on which it becomes inoperative and is repealed. The repeal of
3 this chapter renders the bureau subject to the review required by
4 Division 1.2 (commencing with Section 473).

5 (e) The bureau shall prepare the report required by Section 473.2
6 no later than September 1, 2008.

7 *SEC. 43. Section 3710 of the Business and Professions Code*
8 *is amended to read:*

9 3710. The Respiratory Care Board of California, hereafter
10 referred to as the board, shall enforce and administer this chapter.

11 This section shall become inoperative on July 1, 2010, and, as
12 of January 1, 2011, is repealed, unless a later enacted statute, that
13 becomes operative on or before January 1, 2011, deletes or extends
14 the dates on which it becomes inoperative and is repealed.

15 The repeal of this section renders the board subject to the review
16 required by Division 1.2 (commencing with Section 473).

17 *SEC. 44. Section 4001 of the Business and Professions Code*
18 *is amended to read:*

19 4001. (a) There is in the Department of Consumer Affairs a
20 California State Board of Pharmacy in which the administration
21 and enforcement of this chapter is vested. The board consists of
22 13 members.

23 (b) The Governor shall appoint seven competent pharmacists
24 who reside in different parts of the state to serve as members of
25 the board. The Governor shall appoint four public members, and
26 the Senate Committee on Rules and the Speaker of the Assembly
27 shall each appoint a public member who shall not be a licensee of
28 the board, any other board under this division, or any board referred
29 to in Section 1000 or 3600.

30 (c) At least five of the seven pharmacist appointees to the board
31 shall be pharmacists who are actively engaged in the practice of
32 pharmacy. Additionally, the membership of the board shall include
33 at least one pharmacist representative from each of the following
34 practice settings: an acute care hospital, an independent community
35 pharmacy, a chain community pharmacy, and a long-term health
36 care or skilled nursing facility. The pharmacist appointees shall
37 also include a pharmacist who is a member of a labor union that
38 represents pharmacists. For the purposes of this subdivision, a
39 “chain community pharmacy” means a chain of 75 or more stores
40 in California under the same ownership, and an “independent

1 community pharmacy” means a pharmacy owned by a person or
2 entity who owns no more than four pharmacies in California.

3 (d) Members of the board shall be appointed for a term of four
4 years. No person shall serve as a member of the board for more
5 than two consecutive terms. Each member shall hold office until
6 the appointment and qualification of his or her successor or until
7 one year shall have elapsed since the expiration of the term for
8 which the member was appointed, whichever first occurs.
9 Vacancies occurring shall be filled by appointment for the
10 unexpired term.

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

13 ~~(f) In accordance with Sections 101.1 and 473.1, this section
14 shall become inoperative on July 1, 2010, and, as of January 1,
15 2011, is repealed, unless a later enacted statute, that becomes
16 effective on or before January 1, 2011, deletes or extends the dates
17 on which it becomes inoperative and is repealed. The repeal of
18 this section renders the board subject to the review required by
19 Division 1.2 (commencing with Section 473).~~

20 *SEC. 45. Section 4003 of the Business and Professions Code*
21 *is amended to read:*

22 4003. (a) The board may appoint a person exempt from civil
23 service who shall be designated as an executive officer and who
24 shall exercise the powers and perform the duties delegated by the
25 board and vested in him or her by this chapter. The executive
26 officer may or may not be a member of the board as the board may
27 determine.

28 (b) The executive officer shall receive the compensation as
29 established by the board with the approval of the Director of
30 Finance. The executive officer shall also be entitled to travel and
31 other expenses necessary in the performance of his or her duties.

32 (c) The executive officer shall maintain and update in a timely
33 fashion records containing the names, titles, qualifications, and
34 places of business of all persons subject to this chapter.

35 (d) The executive officer shall give receipts for all money
36 received by him or her and pay it to the Department of Consumer
37 Affairs, taking its receipt therefor. Besides the duties required by
38 this chapter, the executive officer shall perform other duties
39 pertaining to the office as may be required of him or her by the
40 board.

1 ~~(e) In accordance with Sections 101.1 and 473.1, this section~~
2 ~~shall become inoperative on July 1, 2010, and, as of January 1,~~
3 ~~2011, is repealed, unless a later enacted statute, that becomes~~
4 ~~effective on or before January 1, 2011, deletes or extends the dates~~
5 ~~on which it becomes inoperative and is repealed.~~

6 *SEC. 46. Section 4200.1 of the Business and Professions Code*
7 *is amended to read:*

8 4200.1. (a) Notwithstanding Section 135, an applicant may
9 take the North American Pharmacist Licensure Examination four
10 times, and may take the Multi-State Pharmacy Jurisprudence
11 Examination for California four times.

12 (b) Notwithstanding Section 135, an applicant may take the
13 North American Pharmacist Licensure Examination and the
14 Multi-State Pharmacy Jurisprudence Examination for California
15 four additional times each if he or she successfully completes, at
16 minimum, 16 additional semester units of education in pharmacy
17 as approved by the board.

18 (c) The applicant shall comply with the requirements of Section
19 4200 for each application for reexamination made pursuant to
20 subdivision (b).

21 (d) An applicant may use the same coursework to satisfy the
22 additional educational requirement for each examination under
23 subdivision (b), if the coursework was completed within 12 months
24 of the date of his or her application for reexamination.

25 (e) For purposes of this section, the board shall treat each failing
26 score on the pharmacist licensure examination administered by
27 the board prior to January 1, 2004, as a failing score on both the
28 North American Pharmacist Licensure Examination and the
29 Multi-State Pharmacy Jurisprudence Examination for California.

30 (f) From January 1, 2004, to July 1, 2008, inclusive, the board
31 shall collect data on the applicants who are admitted to, and take,
32 the licensure examinations required by Section 4200. The board
33 shall report to the ~~Joint Committee on Boards, Commissions, and~~
34 ~~Consumer Protection~~ *Legislature and the Office of the Consumer*
35 *Advocate* before September 1, 2008, regarding the impact on those
36 applicants of the examination limitations imposed by this section.
37 The report shall include, but not be limited to, the following
38 information:

39 (1) The number of applicants taking the examination and the
40 number who fail the examination for the fourth time.

1 (2) The number of applicants who, after failing the examination
2 for the fourth time, complete a pharmacy studies program in
3 California or another state to satisfy the requirements of this section
4 and who apply to take the licensure examination required by
5 Section 4200.

6 (3) To the extent possible, the school from which the applicant
7 graduated and the school's location and the pass/fail rates on the
8 examination for each school.

9 (g) This section shall remain in effect only until January 1, 2010,
10 and as of that date is repealed, unless a later enacted statute, that
11 is enacted before January 1, 2010, deletes or extends that date.

12 *SEC. 47. Section 4200.3 of the Business and Professions Code*
13 *is amended to read:*

14 4200.3. (a) The examination process shall be regularly
15 reviewed pursuant to Section 139.

16 (b) The examination process shall meet the standards and
17 guidelines set forth in the Standards for Educational and
18 Psychological Testing and the Federal Uniform Guidelines for
19 Employee Selection Procedures. The board shall work with the
20 Office of Examination Resources of the department or with an
21 equivalent organization who shall certify at minimum once every
22 five years that the examination process meets these national testing
23 standards. If the department determines that the examination
24 process fails to meet these standards, the board shall terminate its
25 use of the North American Pharmacy Licensure Examination and
26 shall use only the written and practical examination developed by
27 the board.

28 (c) The examination shall meet the mandates of subdivision (a)
29 of Section 12944 of the Government Code.

30 (d) The board shall work with the Office of Examination
31 Resources or with an equivalent organization to develop the state
32 jurisprudence examination to ensure that applicants for licensure
33 are evaluated on their knowledge of applicable state laws and
34 regulations.

35 (e) The board shall annually publish the pass and fail rates for
36 the pharmacist's licensure examination administered pursuant to
37 Section 4200, including a comparison of historical pass and fail
38 rates before utilization of the North American Pharmacist Licensure
39 Examination.

1 (f) The board shall *annually* report to the ~~Joint Committee on~~
2 ~~Boards, Commissions, and Consumer Protection~~ *Legislature, the*
3 *Office of the Consumer Advocate,* and the department ~~as part of~~
4 ~~its next scheduled review,~~ the pass rates of applicants who sat for
5 the national examination compared with the pass rates of applicants
6 who sat for the prior state examination. This report shall be a
7 component of the evaluation of the examination process that is
8 based on psychometrically sound principles for establishing
9 minimum qualifications and levels of competency.

10 *SEC. 48. Section 4501 of the Business and Professions Code*
11 *is amended to read:*

12 4501. ~~(a)~~ “Board,” as used in this chapter, means the Board
13 of Vocational Nursing and Psychiatric Technicians.

14 ~~(b) This section shall become inoperative on July 1, 2008, and,~~
15 ~~as of January 1, 2009, is repealed, unless a later enacted statute,~~
16 ~~which becomes effective on or before January 1, 2009, deletes or~~
17 ~~extends the dates on which it becomes inoperative and is repealed.~~

18 *SEC. 49. Section 4800 of the Business and Professions Code*
19 *is amended to read:*

20 4800. There is in the Department of Consumer Affairs a
21 Veterinary Medical Board in which the administration of this
22 chapter is vested. The board consists of seven members, three of
23 whom shall be public members.

24 ~~This section shall become inoperative on July 1, 2011, and, as~~
25 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~
26 ~~becomes effective on or before January 1, 2012, deletes or extends~~
27 ~~the dates on which it becomes inoperative and is repealed.~~

28 ~~The repeal of this section renders the board subject to the review~~
29 ~~provided for by Division 1.2 (commencing with Section 473).~~

30 *SEC. 50. Section 4928 of the Business and Professions Code*
31 *is amended to read:*

32 4928. The Acupuncture Board, which consists of seven
33 members, shall enforce and administer this chapter. The appointing
34 powers, as described in Section 4929, may appoint to the board a
35 person who was a member of the prior board prior to the repeal of
36 that board on January 1, 2006.

37 ~~This section shall become inoperative on July 1, 2009, and, as~~
38 ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~
39 ~~becomes effective on or before January 1, 2010, deletes or extends~~
40 ~~the dates on which it becomes inoperative and is repealed.~~

1 The repeal of this section renders the board subject to the review
2 required by Division 1.2 (commencing with Section 473).

3 *SEC. 51. Section 4989 of the Business and Professions Code*
4 *is repealed.*

5 4989. The powers and duties of the board, as set forth in this
6 chapter, shall be subject to the review required by Division 1.2
7 (commencing with Section 473). The review shall be performed
8 as if this chapter were scheduled to become inoperative on July 1,
9 2005, and would be repealed as of January 1, 2006, as described
10 in Section 473.1.

11 *SEC. 52. Section 4990 of the Business and Professions Code*
12 *is amended to read:*

13 4990. (a) There is in the Department of Consumer Affairs, a
14 Board of Behavioral Sciences that consists of 11 members
15 composed as follows:

- 16 (1) Two state licensed clinical social workers.
- 17 (2) One state licensed educational psychologist.
- 18 (3) Two state licensed marriage and family therapists.
- 19 (4) Six public members.

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

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

23 (d) The Governor shall appoint four of the public members and
24 the five licensed members with the advice and consent of the
25 Senate. The Senate Committee on Rules and the Speaker of the
26 Assembly shall each appoint a public member.

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

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

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

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

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

10 *SEC. 53. Section 4990.24 of the Business and Professions Code*
11 *is repealed.*

12 ~~4990.24. The powers and duties of the board, as set forth in
13 this chapter, shall be subject to the review required by Division
14 1.2 (commencing with Section 473).~~

15 *SEC. 54. Section 5000 of the Business and Professions Code*
16 *is amended to read:*

17 5000. There is in the Department of Consumer Affairs the
18 California Board of Accountancy, which consists of 15 members,
19 seven of whom shall be licensees, and eight of whom shall be
20 public members who shall not be licentiates of the board or
21 registered by the board. The board has the powers and duties
22 conferred by this chapter.

23 The Governor shall appoint four of the public members, and the
24 seven licensee members as provided in this section. The Senate
25 ~~Rules Committee~~ *Committee on Rules* and the Speaker of the
26 Assembly shall each appoint two public members. In appointing
27 the seven licensee members, the Governor shall appoint members
28 representing a cross section of the accounting profession with at
29 least two members representing a small public accounting firm.
30 For the purposes of this chapter, a small public accounting firm
31 shall be defined as a professional firm that employs a total of no
32 more than four licensees as partners, owners, or full-time
33 employees in the practice of public accountancy within the State
34 of California.

35 ~~This section shall become inoperative on July 1, 2011, and as
36 of January 1, 2012, is repealed, unless a later enacted statute, that
37 becomes effective on or before January 1, 2012, deletes or extends
38 the dates on which this section becomes inoperative and is repealed.
39 The repeal of this section renders the board subject to the review
40 required by Division 1.2 (commencing with Section 473).~~

1 ~~However, the review of the board shall be limited to reports or~~
2 ~~studies specified in this chapter and those issues identified by the~~
3 ~~Joint Committee on Boards, Commissions, and Consumer~~
4 ~~Protection and the board regarding the implementation of new~~
5 ~~licensing requirements.~~

6 *SEC. 55. Section 5510 of the Business and Professions Code*
7 *is amended to read:*

8 5510. There is in the Department of Consumer Affairs a
9 California Architects Board which consists of 10 members.

10 Any reference in law to the California Board of Architectural
11 Examiners shall mean the California Architects Board.

12 ~~This section shall become inoperative on July 1, 2011, and, as~~
13 ~~of January 1, 2012, is repealed, unless a later enacted statute, which~~
14 ~~becomes effective on or before January 1, 2012, deletes or extends~~
15 ~~the dates on which it becomes inoperative and is repealed. The~~
16 ~~repeal of this section renders the board subject to the review~~
17 ~~required by Division 1.2 (commencing with Section 473).~~

18 *SEC. 56. Section 5621 of the Business and Professions Code*
19 *is amended to read:*

20 5621. (a) There is hereby created within the jurisdiction of the
21 board, a Landscape Architects Technical Committee, hereinafter
22 referred to in this chapter as the landscape architects committee.

23 (b) The landscape architects committee shall consist of five
24 members who shall be licensed to practice landscape architecture
25 in this state. The Governor shall appoint three of the members.
26 The Senate Committee on Rules and the Speaker of the Assembly
27 shall appoint one member each.

28 (c) The initial members to be appointed by the Governor are as
29 follows: one member for a term of one year; one member for a
30 term of two years; and one member for a term of three years. The
31 Senate Committee on Rules and the Speaker of the Assembly shall
32 initially each appoint one member for a term of four years.
33 Thereafter, appointments shall be made for four-year terms,
34 expiring on June 1 of the fourth year and until the appointment
35 and qualification of his or her successor or until one year shall
36 have elapsed whichever first occurs. Vacancies shall be filled for
37 the unexpired term.

38 (d) No person shall serve as a member of the landscape
39 architects committee for more than two consecutive terms.

1 ~~(e) This section shall become inoperative on July 1, 2011, and,~~
2 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
3 ~~that becomes operative on or before January 1, 2012, deletes or~~
4 ~~extends the dates on which it becomes inoperative and is repealed.~~

5 *SEC. 57. Section 5810 of the Business and Professions Code*
6 *is amended to read:*

7 5810. ~~(a) This chapter shall be subject to the review required~~
8 ~~by Division 1.2 (commencing with Section 473) process described~~
9 ~~in Division 1.3 (commencing with Section 474.20).~~

10 ~~(b) This chapter shall remain in effect only until January 1,~~
11 ~~2010, and as of that date is repealed, unless a later enacted statute,~~
12 ~~that is enacted before January 1, 2010, deletes or extends that date.~~

13 *SEC. 58. Section 5811 of the Business and Professions Code*
14 *is amended to read:*

15 5811. An interior design organization issuing stamps under
16 Section 5801 shall provide to the ~~Joint Committee on Boards,~~
17 ~~Commissions, and Consumer Protection Legislature and the Office~~
18 ~~of the Consumer Advocate~~ by September 1, 2008, a report that
19 reviews and assesses the costs and benefits associated with the
20 California Code and Regulations Examination and explores feasible
21 alternatives to that examination.

22 *SEC. 59. Section 6510 of the Business and Professions Code*
23 *is amended to read:*

24 6510. (a) There is within the jurisdiction of the department
25 the Professional Fiduciaries Bureau. The bureau is under the
26 supervision and control of the director. The duty of enforcing and
27 administering this chapter is vested in the chief of the bureau, who
28 is responsible to the director. Every power granted or duty imposed
29 upon the director under this chapter may be exercised or performed
30 in the name of the director by a deputy director or by the chief,
31 subject to conditions and limitations as the director may prescribe.

32 (b) The Governor shall appoint, subject to confirmation by the
33 Senate, the chief of the bureau, at a salary to be fixed and
34 determined by the director with the approval of the Director of
35 Finance. The chief shall serve under the direction and supervision
36 of the director and at the pleasure of the Governor.

37 ~~(e) This section shall become inoperative on July 1, 2011, and,~~
38 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
39 ~~that becomes operative on or before January 1, 2011, deletes or~~
40 ~~extends the dates on which it becomes inoperative and is repealed.~~

1 The repeal of this section renders the bureau subject to the review
2 required by Division 1.2 (commencing with Section 473).

3 Notwithstanding any other provision of law, upon the repeal of
4 this section, the responsibilities and jurisdiction of the bureau shall
5 be transferred to the Professional Fiduciaries Advisory Committee,
6 as provided by Section 6511.

7 *SEC. 60. Section 6511 of the Business and Professions Code*
8 *is amended to read:*

9 6511. (a) There is within the bureau a Professional Fiduciaries
10 Advisory Committee. The committee shall consist of seven
11 members; three of whom shall be licensees actively engaged as
12 professional fiduciaries in this state, and four of whom shall be
13 public members. One of the public members shall be a member
14 of a nonprofit organization advocating on behalf of the elderly,
15 and one of the public members shall be a probate court investigator.

16 (b) Each member of the committee shall be appointed for a term
17 of four years, and shall hold office until the appointment of his or
18 her successor or until one year shall have elapsed since the
19 expiration of the term for which he or she was appointed,
20 whichever first occurs.

21 (c) Vacancies shall be filled by the appointing power for the
22 unexpired portion of the terms in which they occur. No person
23 shall serve as a member of the committee for more than two
24 consecutive terms.

25 (d) The Governor shall appoint the member from a nonprofit
26 organization advocating on behalf of the elderly, the probate court
27 investigator, and the three licensees. The Senate Committee on
28 Rules and the Speaker of the Assembly shall each appoint a public
29 member.

30 (e) Every member of the committee shall receive per diem and
31 expenses as provided in Sections 103 and 113.

32 (f) The committee shall do all of the following:

33 (1) Examine the functions and policies of the bureau and make
34 recommendations with respect to policies, practices, and
35 regulations as may be deemed important and necessary by the
36 director or the chief to promote the interests of consumers or that
37 otherwise promote the welfare of the public.

38 (2) Consider and make appropriate recommendations to the
39 bureau in any matter relating to professional fiduciaries in this
40 state.

1 (3) Provide assistance as may be requested by the bureau in the
2 exercise of its powers or duties.

3 (4) Meet at least once each quarter. All meetings of the
4 committee shall be public meetings.

5 (g) The bureau shall meet and consult with the committee
6 regarding general policy issues related to professional fiduciaries.

7 ~~(h) Notwithstanding any other provision of law, if the bureau
8 becomes inoperative or is repealed in accordance with Section
9 6510, or by subsequent acts, the committee shall succeed to and
10 is vested with all the duties, powers, purposes, responsibilities,
11 and jurisdiction, not otherwise repealed or made inoperative, of
12 the bureau and its chief. The succession of the committee to the
13 functions of the bureau as provided in this subdivision shall
14 establish the committee as the Professional Fiduciaries Committee
15 in the department within the meaning of Section 22, and all
16 references to the bureau in this code shall be considered as
17 references to the committee.~~

18 *SEC. 61. Section 6710 of the Business and Professions Code*
19 *is amended to read:*

20 6710. (a) There is in the Department of Consumer Affairs a
21 Board for Professional Engineers and Land Surveyors, which
22 consists of 13 members.

23 (b) Any reference in any law or regulation to the Board of
24 Registration for Professional Engineers and Land Surveyors is
25 deemed to refer to the Board for Professional Engineers and Land
26 Surveyors.

27 ~~(c) This section shall become inoperative on July 1, 2011, and,
28 as of January 1, 2012, is repealed, unless a later enacted statute,
29 that becomes effective on or before January 1, 2012, deletes or
30 extends the dates on which it becomes inoperative and is repealed.
31 The repeal of this section renders the board subject to the review
32 required by Division 1.2 (commencing with Section 473).~~

33 *SEC. 62. Section 7000.5 of the Business and Professions Code*
34 *is amended to read:*

35 7000.5. ~~(a)~~ There is in the Department of Consumer Affairs
36 a Contractors' State License Board, which consists of 15 members.

37 ~~(b) The repeal of this section renders the board subject to the
38 review required by Division 1.2 (commencing with Section 473).
39 However, the review of this board by the department shall be~~

1 ~~limited to only those unresolved issues identified by the Joint~~
2 ~~Committee on Boards, Commissions, and Consumer Protection.~~

3 ~~(e) This section shall become inoperative on July 1, 2009, and,~~
4 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~
5 ~~which becomes effective on or before January 1, 2010, deletes or~~
6 ~~extends the dates on which it becomes inoperative and is repealed.~~
7 ~~The repeal of this section renders the board subject to the review~~
8 ~~required by Division 1.2 (commencing with Section 473).~~

9 *SEC. 63. Section 7200 of the Business and Professions Code*
10 *is amended to read:*

11 7200. ~~(a)~~ There is in the Department of Consumer Affairs a
12 State Board of Guide Dogs for the Blind in whom enforcement of
13 this chapter is vested. The board shall consist of seven members
14 appointed by the Governor. One member shall be the Director of
15 Rehabilitation or his or her designated representative. The
16 remaining members shall be persons who have shown a particular
17 interest in dealing with the problems of the blind, and at least two
18 of them shall be blind persons who use guide dogs.

19 ~~(b) This section shall become inoperative on July 1, 2011, and,~~
20 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
21 ~~which becomes effective on or before January 1, 2012, deletes or~~
22 ~~extends the dates on which it becomes inoperative and is repealed.~~

23 *SEC. 64. Section 7303 of the Business and Professions Code*
24 *is amended to read:*

25 7303. (a) Notwithstanding Article 8 (commencing with Section
26 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
27 Government Code, there is in the Department of Consumer Affairs
28 the State Board of Barbering and Cosmetology in which the
29 administration of this chapter is vested.

30 (b) The board shall consist of nine members. Five members
31 shall be public members and four members shall represent the
32 professions. The Governor shall appoint three of the public
33 members and the four professions members. The Senate Committee
34 on Rules and the Speaker of the Assembly shall each appoint one
35 public member. Members of the board shall be appointed for a
36 term of four years, except that of the members appointed by the
37 Governor, two of the public members and two of the professions
38 members shall be appointed for an initial term of two years. No
39 board member may serve longer than two consecutive terms.

1 (c) The board shall appoint an executive officer who is exempt
2 from civil service. The executive officer shall exercise the powers
3 and perform the duties delegated by the board and vested in him
4 or her by this chapter. The appointment of the executive officer is
5 subject to the approval of the director. In the event that a newly
6 authorized board replaces an existing or previous bureau, the
7 director may appoint an interim executive officer for the board
8 who shall serve temporarily until the new board appoints a
9 permanent executive officer.

10 (d) The executive officer shall provide examiners, inspectors,
11 and other personnel necessary to carry out the provisions of this
12 chapter.

13 ~~(e) This section shall become inoperative on July 1, 2008, and,~~
14 ~~as of January 1, 2009, is repealed, unless a later enacted statute,~~
15 ~~which becomes effective on or before January 1, 2009, deletes or~~
16 ~~extends the dates on which it becomes inoperative and is repealed.~~

17 *SEC. 65. Section 7304 of the Business and Professions Code*
18 *is repealed.*

19 ~~7304. The board shall be subject to review pursuant to Division~~
20 ~~1.2 (commencing with Section 473):~~

21 *SEC. 66. Section 7810 of the Business and Professions Code*
22 *is amended to read:*

23 7810. The Board for Geologists and Geophysicists is within
24 the department and is subject to the jurisdiction of the department.
25 Except as provided in this section, the board shall consist of eight
26 members, five of whom shall be public members, two of whom
27 shall be geologists, and one of whom shall be a geophysicist.

28 Each member shall hold office until the appointment and
29 qualification of the member's successor or until one year has
30 elapsed from the expiration of the term for which the member was
31 appointed, whichever occurs first. Vacancies occurring prior to
32 the expiration of the term shall be filled by appointment for the
33 remainder of the unexpired term.

34 Each appointment shall be for a four-year term expiring June 1
35 of the fourth year following the year in which the previous term
36 expired. No person shall serve as a member of the board for more
37 than two consecutive terms.

38 The Governor shall appoint three of the public members and the
39 three members qualified as provided in Section 7811. The Senate
40 Committee on Rules and the Speaker of the Assembly shall each

1 appoint a public member, and their initial appointment shall be
2 made to fill, respectively, the first and second public member
3 vacancies that occurred on or after January 1, 1983.

4 At the time the first vacancy is created by the expiration of the
5 term of a public member appointed by the Governor, the board
6 shall be reduced to consist of seven members, four of whom shall
7 be public members, two of whom shall be geologists, and one of
8 whom shall be a geophysicist. Notwithstanding any other provision
9 of law, the term of that member shall not be extended for any
10 reason, except as provided in this section.

11 ~~This section shall become inoperative on July 1, 2009, and, as~~
12 ~~of January 1, 2010, is repealed, unless a later enacted statute, that~~
13 ~~becomes operative on or before January 1, 2010, deletes or extends~~
14 ~~the dates on which it becomes inoperative and is repealed. The~~
15 ~~repeal of this section renders the board subject to the review~~
16 ~~required by Division 1.2 (commencing with Section 473).~~

17 *SEC. 67. Section 8000 of the Business and Professions Code*
18 *is amended to read:*

19 8000. There is in the Department of Consumer Affairs a Court
20 Reporters Board of California, which consists of five members,
21 three of whom shall be public members and two of whom shall be
22 holders of certificates issued under this chapter who have been
23 actively engaged as shorthand reporters within this state for at least
24 five years immediately preceding their appointment.

25 ~~This section shall become inoperative on July 1, 2009, and, as~~
26 ~~of January 1, 2010, is repealed, unless a later enacted statute, which~~
27 ~~becomes effective on or before January 1, 2010, deletes or extends~~
28 ~~the dates on which it becomes inoperative and is repealed.~~

29 *SEC. 68. Section 8520 of the Business and Professions Code*
30 *is amended to read:*

31 8520. (a) There is in the Department of Consumer Affairs a
32 Structural Pest Control Board, which consists of seven members.

33 (b) Subject to the jurisdiction conferred upon the director by
34 Division 1 (commencing with Section 100) of this code, the board
35 is vested with the power to and shall administer the provisions of
36 this chapter.

37 (c) It is the intent of the Legislature that consumer protection
38 is the primary mission of the board.

39 ~~(d) This section shall become inoperative on July 1, 2011, and,~~
40 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~

1 which becomes effective on or before January 1, 2012, deletes or
2 extends the dates on which it becomes inoperative and is repealed.
3 The repeal of this section renders the board subject to the review
4 required by Division 1.2 (commencing with Section 473).

5 *SEC. 69. Section 8710 of the Business and Professions Code*
6 *is amended to read:*

7 8710. (a) The Board for Professional Engineers and Land
8 Surveyors is vested with power to administer the provisions and
9 requirements of this chapter, and may make and enforce rules and
10 regulations that are reasonably necessary to carry out its provisions.

11 (b) The board may adopt rules and regulations of professional
12 conduct that are not inconsistent with state and federal law. The
13 rules and regulations may include definitions of incompetence and
14 negligence. Every person who holds a license or certificate issued
15 by the board pursuant to this chapter, or a license or certificate
16 issued to a civil engineer pursuant to Chapter 7 (commencing with
17 Section 6700), shall be governed by these rules and regulations.

18 ~~(c) This section shall become inoperative on July 1, 2011, and,~~
19 ~~as of January 1, 2012, is repealed, unless a later enacted statute,~~
20 ~~which becomes effective on or before January 1, 2012, deletes or~~
21 ~~extends the dates on which it becomes inoperative and is repealed.~~
22 ~~The repeal of this section shall render the board subject to the~~
23 ~~review required by Division 1.2 (commencing with Section 473).~~

24 *SEC. 70. Section 9882 of the Business and Professions Code*
25 *is amended to read:*

26 9882. ~~(a) There is in the Department of Consumer Affairs a~~
27 ~~Bureau of Automotive Repair under the supervision and control~~
28 ~~of the director. The duty of enforcing and administering this chapter~~
29 ~~is vested in the chief who is responsible to the director. The director~~
30 ~~may adopt and enforce those rules and regulations that he or she~~
31 ~~determines are reasonably necessary to carry out the purposes of~~
32 ~~this chapter and declaring the policy of the bureau, including a~~
33 ~~system for the issuance of citations for violations of this chapter~~
34 ~~as specified in Section 125.9. These rules and regulations shall be~~
35 ~~adopted pursuant to Chapter 3.5 (commencing with Section 11340)~~
36 ~~of Part 1 of Division 3 of Title 2 of the Government Code.~~

37 ~~(b) In 2003 and every four years thereafter, the Joint Committee~~
38 ~~on Boards, Commissions, and Consumer Protection shall hold a~~
39 ~~public hearing to receive testimony from the Director of Consumer~~
40 ~~Affairs and the bureau. In those hearings, the bureau shall have~~

1 ~~the burden of demonstrating a compelling public need for the~~
2 ~~continued existence of the bureau and its regulatory program, and~~
3 ~~that its function is the least restrictive regulation consistent with~~
4 ~~the public health, safety, and welfare. The committee shall evaluate~~
5 ~~and review the effectiveness and efficiency of the bureau based~~
6 ~~on factors and minimum standards of performance that are specified~~
7 ~~in Section 473.4. The committee shall report its findings and~~
8 ~~recommendations as specified in Section 473.5. The bureau shall~~
9 ~~prepare an analysis and submit a report to the committee as~~
10 ~~specified in Section 473.2.~~

11 *SEC. 71. Section 18602 of the Business and Professions Code*
12 *is amended to read:*

13 18602. (a) Except as provided in this section, there is in the
14 Department of Consumer Affairs the State Athletic Commission,
15 which consists of seven members. Five members shall be appointed
16 by the Governor, one member shall be appointed by the Senate
17 ~~Rules~~ *Rules Committee on Rules*, and one member shall be appointed
18 by the Speaker of the Assembly.

19 The members of the commission appointed by the Governor are
20 subject to confirmation by the Senate pursuant to Section 1322 of
21 the Government Code.

22 No person who is currently licensed, or who was licensed within
23 the last two years, under this chapter may be appointed or
24 reappointed to, or serve on, the commission.

25 (b) In appointing commissioners under this section, the
26 Governor, the Senate ~~Rules~~ *Rules Committee on Rules*, and the Speaker
27 of the Assembly shall make every effort to ensure that at least four
28 of the members of the commission shall have experience and
29 demonstrate expertise in one of the following areas:

30 (1) A licensed physician or surgeon having expertise or
31 specializing in neurology, neurosurgery, head trauma, or sports
32 medicine. Sports medicine includes, but is not limited to,
33 physiology, kinesiology, or other aspects of sports medicine.

34 (2) Financial management.

35 (3) Public safety.

36 (4) Past experience in the activity regulated by this chapter,
37 either as a contestant, a referee or official, a promoter, or a venue
38 operator.

39 (c) Each member of the commission shall be appointed for a
40 term of four years. All terms shall end on January 1. Vacancies

1 occurring prior to the expiration of the term shall be filled by
2 appointment for the unexpired term. No commission member may
3 serve more than two consecutive terms.

4 (d) Notwithstanding any other provision of this chapter,
5 members first appointed shall be subject to the following terms:

6 (1) The Governor shall appoint two members for two years, two
7 members for three years, and one member for four years.

8 (2) The Senate Committee on Rules shall appoint one member
9 for four years.

10 (3) The Speaker of the Assembly shall appoint one member for
11 four years.

12 (4) The appointing powers, as described in subdivision (a), may
13 appoint to the commission a person who was a member of the prior
14 commission prior to the repeal of that commission on July 1, 2006.

15 ~~(e) This section shall become inoperative on July 1, 2009, and~~
16 ~~as of January 1, 2010, is repealed, unless a later enacted statute,~~
17 ~~which becomes operative on or before January 1, 2010, deletes or~~
18 ~~extends the dates on which it becomes inoperative and is repealed.~~
19 ~~The repeal of this section renders the commission subject to the~~
20 ~~review required by Division 1.2 (commencing with Section 473).~~

21 *SEC. 72. Section 18602.5 of the Business and Professions Code*
22 *is amended to read:*

23 18602.5. (a) The commission shall adopt and submit a strategic
24 plan to the Governor and the Legislature on or before September
25 30, 2008. The commission shall also submit a report to the
26 Governor and the Legislature on the status of the adoption of the
27 strategic plan ~~during the commission's next regularly scheduled~~
28 ~~sunset review after January 1, 2007 on or before March 1, 2008.~~
29 The strategic plan shall include, but shall not be limited to, efforts
30 to resolve prior State Athletic Commission deficiencies in the
31 following areas:

32 (1) Regulation of the profession, what fees should be paid for
33 this regulation, and the structure and equity of the fees charged.

34 (2) The effect and appropriateness of contracts made pursuant
35 to Section 18828.

36 (3) Costs to train ringside physicians, referees, timekeepers, and
37 judges.

38 (4) Steps that need to be taken to ensure sufficient sources of
39 revenue and funding.

1 (5) Necessity for review and modification of organizational
2 procedures, the licensing process, and the complaint process.

3 (6) Outdated information technology.

4 (7) Unorganized and improper accounting.

5 (8) Miscalculations at events, a lack of technology to record
6 proper calculations, and funding issues.

7 (9) The health and safety of the participants and the public in
8 attendance at events regulated under this chapter, including costs
9 of examinations under Section 18711.

10 (b) The commission shall solicit input from the public, the State
11 Auditor, the Little Hoover Commission, the Center for Public
12 Interest Law, and others as necessary in preparing and adopting
13 the strategic plan.

14 (c) The commission shall report on progress in implementing
15 the strategic plan to the Director of Consumer Affairs, the
16 Governor, and the Legislature on or before September 30, 2009.

17 *SEC. 73. Section 18824 of the Business and Professions Code*
18 *is amended to read:*

19 18824. (a) Except as provided in Sections 18646 and 18832,
20 every person who conducts a contest or wrestling exhibition shall,
21 within five working days after the determination of every contest
22 or wrestling exhibition for which admission is charged and
23 received, furnish to the commission the following:

24 (1) A written report executed under penalty of perjury by one
25 of the officers, showing the amount of the gross receipts, not to
26 exceed two million dollars (\$2,000,000), and the gross price for
27 the contest or wrestling exhibition charged directly or indirectly
28 and no matter by whom received, for the sale, lease, or other
29 exploitation of broadcasting and television rights of the contest or
30 wrestling exhibition, and without any deductions, except for
31 expenses incurred for one broadcast announcer, telephone line
32 connection, and transmission mobile equipment facility, which
33 may be deducted from the gross taxable base when those expenses
34 are approved by the commission.

35 (2) A fee of 5 percent, exclusive of any federal taxes paid
36 thereon, of the amount paid for admission to the contest or
37 wrestling exhibition, except that for any one contest, the fee shall
38 not exceed the amount of one hundred thousand dollars (\$100,000).
39 The commission shall report to the ~~Joint Committee on Boards,~~
40 ~~Commissions, and Consumer Protection~~ *Legislature and the Office*

1 *of the Consumer Advocate* on the fiscal impact of the one hundred
2 thousand dollar (\$100,000) limit on fees collected by the
3 commission for admissions revenues.

4 (A) The amount of the gross receipts upon which the fee
5 provided for in paragraph (2) is calculated shall not include any
6 assessments levied by the commission under Section 18711.

7 (B) (i) If the fee for any one boxing contest exceeds seventy
8 thousand dollars (\$70,000), the amount in excess of seventy
9 thousand dollars (\$70,000) shall be paid one-half to the commission
10 and one-half to the Boxers' Pension Fund.

11 (ii) If the report required by subdivision (b) of Section 18618
12 recommends that the Boxers' Pension Fund shall be expanded to
13 include all athletes licensed under this chapter, the commission,
14 by regulation, shall require, for all contests where the fee exceeds
15 seventy thousand dollars (\$70,000), the amount in excess of
16 seventy thousand dollars (\$70,000) shall be paid one-half to the
17 commission and one-half to the Boxers' Pension Fund only if all
18 athletes licensed under this chapter are made eligible for the
19 Boxers' Pension Fund.

20 (C) The fee shall apply to the amount actually paid for admission
21 and not to the regular established price.

22 (D) No fee is due in the case of a person admitted free of charge.
23 However, if the total number of persons admitted free of charge
24 to a boxing, kickboxing, or martial arts contest, or wrestling
25 exhibition exceeds 33 percent of the total number of spectators,
26 then a fee of one dollar (\$1) per complimentary ticket or pass used
27 to gain admission to the contest shall be paid to the commission
28 for each complimentary ticket or pass that exceeds the numerical
29 total of 33 percent of the total number of spectators.

30 (E) The minimum fee for an amateur contest or exhibition shall
31 not be less than five hundred dollars (\$500).

32 (3) A fee of up to 5 percent, to be established by the commission
33 through regulations to become operative on or before July 1, 2008,
34 and updated periodically as needed, of the gross price, exclusive
35 of any federal taxes paid thereon, for the sale, lease, or other
36 exploitation of broadcasting or television rights thereof, except
37 that in no case shall the fee be less than one thousand dollars
38 (\$1,000) or more than twenty-five thousand dollars (\$25,000).

39 (b) As used in this section, "person" includes a promoter, club,
40 individual, corporation, partnership, association, or other

1 organization, and “wrestling exhibition” means a performance of
2 wrestling skills and techniques by two or more individuals, to
3 which admission is charged or which is broadcast or televised, in
4 which the participating individuals are not required to use their
5 best efforts in order to win, and for which the winner may have
6 been selected before the performance commences.

7 *SEC. 74. Section 18882 of the Business and Professions Code*
8 *is amended to read:*

9 18882. (a) At the time of payment of the fee required by
10 Section 18824, a promoter shall pay to the commission all amounts
11 scheduled for contribution to the pension plan. If the commission,
12 in its discretion, requires pursuant to Section 18881, that
13 contributions to the pension plan be made by the boxer and his or
14 her manager, those contributions shall be made at the time and in
15 the manner prescribed by the commission.

16 (b) All contributions to finance the pension plan shall be
17 deposited in the State Treasury and credited to the Boxers’ Pension
18 Fund, which is hereby created. Notwithstanding the provisions of
19 Section 13340 of the Government Code, all moneys in the Boxers’
20 Pension Fund are hereby continuously appropriated to be used
21 exclusively for the purposes and administration of the pension
22 plan.

23 (c) The Boxers’ Pension Fund is a retirement fund, and no
24 moneys within it shall be deposited or transferred to the General
25 Fund.

26 (d) The commission has exclusive control of all funds in the
27 Boxers’ Pension Fund. No transfer or disbursement in any amount
28 from this fund shall be made except upon the authorization of the
29 commission and for the purpose and administration of the pension
30 plan.

31 (e) Except as otherwise provided in this subdivision, the
32 commission or its designee shall invest the money contained in
33 the Boxers’ Pension Fund according to the same standard of care
34 as provided in Section 16040 of the Probate Code. The commission
35 has exclusive control over the investment of all moneys in the
36 Boxers’ Pension Fund. Except as otherwise prohibited or restricted
37 by law, the commission may invest the moneys in the fund through
38 the purchase, holding, or sale of any investment, financial
39 instrument, or financial transaction that the commission in its
40 informed opinion determines is prudent.

1 (f) The administrative costs associated with investing, managing,
2 and distributing the Boxers' Pension Fund shall be limited to no
3 more than 20 percent of the average annual contribution made to
4 the fund in the previous two years, not including any investment
5 income derived from the corpus of the fund. Diligence shall be
6 exercised by administrators in order to lower the fund's expense
7 ratio as far below 20 percent as feasible and appropriate. The
8 commission shall report to the ~~Joint Committee on Boards,~~
9 ~~Commissions, and Consumer Protection~~ *Legislature and the Office*
10 *of the Consumer Advocate* on the impact of this provision ~~during~~
11 ~~the next regularly scheduled sunset review after January 1, 2007~~
12 ~~on or before March 1, 2008.~~

13 *SEC. 75. Section 22259 of the Business and Professions Code*
14 *is repealed.*

15 ~~22259. This chapter shall be subject to the review required by~~
16 ~~Division 1.2 (commencing with Section 473).~~

17 ~~This chapter shall become inoperative on July 1, 2008, and, as~~
18 ~~of January 1, 2009, is repealed, unless a later enacted statute, which~~
19 ~~becomes effective on or before January 1, 2009, deletes or extends~~
20 ~~that date on which it becomes inoperative and is repealed.~~

21 *SEC. 76. Section 9148.8 of the Government Code is amended*
22 *to read:*

23 9148.8. (a) ~~The Joint Committee on Boards, Commissions,~~
24 ~~and Consumer Protection~~ *Office of the Consumer Advocate*, acting
25 pursuant to a request from the chairperson of the appropriate policy
26 committee, shall evaluate a plan prepared pursuant to Section
27 9148.4 or 9148.6.

28 (b) Evaluations prepared by the ~~Joint Committee on Boards,~~
29 ~~Commissions, and Consumer Protection~~ *Office of the Consumer*
30 *Advocate* pursuant to this section shall be provided to the respective
31 policy and fiscal committees of the Legislature pursuant to rules
32 adopted by each committee for this purpose.

33 *SEC. 77. Section 9148.51 of the Government Code is amended*
34 *to read:*

35 9148.51. (a) It is the intent of the Legislature that all existing
36 and proposed state boards be subject to review ~~every four years~~
37 ~~upon request by a Member of the Legislature or the chief of the~~
38 ~~Office of the Consumer Advocate, as provided in Division 1.3~~
39 ~~(commencing with Section 474.20) of the Business and Professions~~
40 ~~Code, to evaluate and determine whether each has demonstrated~~

1 a public need for its continued existence in accordance with
2 enumerated factors and standards as set forth in Chapter 2
3 (commencing with Section 474) of Division 1.2 of the Business
4 and Professions Code *the highest priority of each board is the*
5 *protection of the public.*

6 (b) ~~In the event that~~ *If any state board becomes inoperative or*
7 *is repealed in accordance with the act that added this section, any*
8 *provision of existing law that provides for the appointment of*
9 *board members and specifies the qualifications and tenure of board*
10 *members shall not be implemented and shall have no force or effect*
11 *while that state board is inoperative or repealed is determined to*
12 *be deficient pursuant to Section 474.21 of the Business and*
13 *Professions Code, the incumbent members of the board shall be*
14 *removed from office without a hearing as described in Section*
15 *474.21 of the Business and Professions Code, and a successor*
16 *board shall be appointed pursuant to Section 101.1 of the Business*
17 *and Professions Code.*

18 (e) ~~Any provision of law authorizing the appointment of an~~
19 ~~executive officer by a state board subject to the review described~~
20 ~~in Chapter 2 (commencing with Section 474) of Division 1.2 of~~
21 ~~the Business and Professions Code, or prescribing his or her duties,~~
22 ~~shall not be implemented and shall have no force or effect while~~
23 ~~the applicable state board is inoperative or repealed.~~

24 (d) ~~It is the intent of the Legislature that subsequent legislation~~
25 ~~to extend or repeal the inoperative date for any state board shall~~
26 ~~be a separate bill for that purpose.~~

27 ~~SEC. 78. Section 9148.52 of the Government Code is repealed.~~

28 ~~9148.52. (a) The Joint Committee on Boards, Commissions,~~
29 ~~and Consumer Protection established pursuant to Section 473 of~~
30 ~~the Business and Professions Code shall review all state boards,~~
31 ~~as defined in Section 9148.2, other than a board subject to review~~
32 ~~pursuant to Chapter 1 (commencing with Section 473) of Division~~
33 ~~1.2 of the Business and Professions Code, every four years.~~

34 (b) ~~The committee shall evaluate and make determinations~~
35 ~~pursuant to Chapter 2 (commencing with Section 474) of Division~~
36 ~~1.2 of the Business and Professions Code.~~

37 ~~SECTION 1. Section 101.1 of the Business and Professions~~
38 ~~Code is repealed.~~

39 ~~SEC. 2. Section 101.1 is added to the Business and Professions~~
40 ~~Code, to read:~~

1 ~~101.1. In the event that any board, as defined in Section 477,~~
2 ~~becomes inoperative or is repealed, a successor board shall be~~
3 ~~created in the Department of Consumer Affairs that shall succeed~~
4 ~~to and is vested with all the duties, powers, purposes,~~
5 ~~responsibilities, and jurisdiction not otherwise repealed or made~~
6 ~~inoperative of the board that it is succeeding. The successor board~~
7 ~~shall have the same number of members and composition as the~~
8 ~~board that it is succeeding, and those members shall be appointed~~
9 ~~by the same appointing authorities, for the same term, and with~~
10 ~~the same membership requirements as the members of that board.~~
11 ~~The successor board shall also have the same authority to appoint~~
12 ~~an executive officer as was possessed by the board that it is~~
13 ~~succeeding on the date upon which that board became inoperative.~~

14 ~~SEC. 3. Section 4001 of the Business and Professions Code is~~
15 ~~amended to read:~~

16 ~~4001. (a) There is in the Department of Consumer Affairs a~~
17 ~~California State Board of Pharmacy in which the administration~~
18 ~~and enforcement of this chapter is vested. The board consists of~~
19 ~~13 members.~~

20 ~~(b) The Governor shall appoint seven competent pharmacists~~
21 ~~who reside in different parts of the state to serve as members of~~
22 ~~the board. The Governor shall appoint four public members, and~~
23 ~~the Senate Committee on Rules and the Speaker of the Assembly~~
24 ~~shall each appoint a public member who shall not be a licensee of~~
25 ~~the board, any other board under this division, or any board referred~~
26 ~~to in Section 1000 or 3600.~~

27 ~~(c) At least five of the seven pharmacist appointees to the board~~
28 ~~shall be pharmacists who are actively engaged in the practice of~~
29 ~~pharmacy. Additionally, the membership of the board shall include~~
30 ~~at least one pharmacist representative from each of the following~~
31 ~~practice settings: an acute care hospital, an independent community~~
32 ~~pharmacy, a chain community pharmacy, and a long-term health~~
33 ~~care or skilled nursing facility. The pharmacist appointees shall~~
34 ~~also include a pharmacist who is a member of a labor union that~~
35 ~~represents pharmacists. For the purposes of this subdivision, a~~
36 ~~“chain community pharmacy” means a chain of 75 or more stores~~
37 ~~in California under the same ownership, and an “independent~~
38 ~~community pharmacy” means a pharmacy owned by a person or~~
39 ~~entity who owns no more than four pharmacies in California.~~

1 ~~(d) Members of the board shall be appointed for a term of four~~
2 ~~years. No person shall serve as a member of the board for more~~
3 ~~than two consecutive terms. Each member shall hold office until~~
4 ~~the appointment and qualification of his or her successor or until~~
5 ~~one year shall have elapsed since the expiration of the term for~~
6 ~~which the member was appointed, whichever first occurs.~~
7 ~~Vacancies occurring shall be filled by appointment for the~~
8 ~~unexpired term.~~

9 ~~(e) Each member of the board shall receive a per diem and~~
10 ~~expenses as provided in Section 103.~~

11 ~~(f) In accordance with Section 473.1, this section shall become~~
12 ~~inoperative on July 1, 2010, and, as of January 1, 2011, is repealed,~~
13 ~~unless a later enacted statute, that becomes effective on or before~~
14 ~~January 1, 2011, deletes or extends the dates on which it becomes~~
15 ~~inoperative and is repealed. The repeal of this section renders the~~
16 ~~board subject to the review required by Division 1.2 (commencing~~
17 ~~with Section 473).~~

18 ~~SEC. 4. Section 4003 of the Business and Professions Code is~~
19 ~~amended to read:~~

20 ~~4003. (a) The board may appoint a person exempt from civil~~
21 ~~service who shall be designated as an executive officer and who~~
22 ~~shall exercise the powers and perform the duties delegated by the~~
23 ~~board and vested in him or her by this chapter. The executive~~
24 ~~officer may or may not be a member of the board as the board may~~
25 ~~determine.~~

26 ~~(b) The executive officer shall receive the compensation as~~
27 ~~established by the board with the approval of the Director of~~
28 ~~Finance. The executive officer shall also be entitled to travel and~~
29 ~~other expenses necessary in the performance of his or her duties.~~

30 ~~(c) The executive officer shall maintain and update in a timely~~
31 ~~fashion records containing the names, titles, qualifications, and~~
32 ~~places of business of all persons subject to this chapter.~~

33 ~~(d) The executive officer shall give receipts for all money~~
34 ~~received by him or her and pay it to the Department of Consumer~~
35 ~~Affairs, taking its receipt therefor. Besides the duties required by~~
36 ~~this chapter, the executive officer shall perform other duties~~
37 ~~pertaining to the office as may be required of him or her by the~~
38 ~~board.~~

39 ~~(e) In accordance with Section 473.1, this section shall become~~
40 ~~inoperative on July 1, 2010, and, as of January 1, 2011, is repealed,~~

- 1 ~~unless a later enacted statute, that becomes effective on or before~~
- 2 ~~January 1, 2011, deletes or extends the dates on which it becomes~~
- 3 ~~inoperative and is repealed.~~

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1625 North Market Blvd., Suite S-200
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(916) 574-7830, (916) 574-8625 Fax
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To: Board Members
From: Christy Berger
Legislation Analyst
Date: October 22, 2007
Telephone: (916) 574-7847
Subject: Legislation Update

BOARD-SPONSORED LEGISLATION

AB 234 (Eng) Licensed Educational Psychologists and Marriage and Family Therapy - Signed on 10/13/07, takes effect 01/01/08

The bill addresses changes made by SB 1475 (Statutes of 2006) pertaining to Licensed Educational Psychologists, as follows:

- Changes the CE requirement from 150 hours every five years to 36 hours every two years.
- Permits supervised experience in a school psychology program to have been gained at any time prior to application for licensure.
- Restores the Board's ability to deem different degree titles as equivalent.

This proposal also makes a number of clarifying changes and updates to the Marriage and Family Therapy Licensing laws, and would also do the following:

- Limit MFT Interns to a maximum of 125 hours of experience providing personal psychotherapy services via telemedicine.
- Prohibit MFT Trainees and Interns from leasing or renting space, paying for furnishings, equipment or supplies, or in any other way paying for the obligations of their employers.
- Require education gained while residing outside of California to be accepted toward the MFT licensure requirements if it is substantially equivalent.

SB 1048 (Senate Business, Professions and Economic Development Committee): BBS Omnibus Bill - Signed on 10/13/07, takes effect 01/01/08

This legislation does all of the following:

- *Unprofessional Conduct*
Adds the following to the Board's unprofessional conduct statutes:
 - A willful violation of the Health and Safety Code pertaining to release of records.
 - A violation of the telemedicine statute.
 - List all types of unprofessional conduct in one section.
- *Eliminate Extensions for Associate Clinical Social Worker Registrations*
Requires an Associate Clinical Social Worker (ASW) to obtain new registration if needed, rather than one-year extensions, once his or her registration is no longer renewable.

- *Out-of-State MFT Education*
Clarifies that persons seeking license as a Marriage and Family Therapist (MFT), who live in California yet attend a school located outside of California must meet California's education standards.
- *Reduce License Delinquency Period to Three Years*
Decreases the amount of time a license can remain delinquent from five years to three years.
- *Fictitious Business Names*
Addresses the use of fictitious business names for Licensed Clinical Social Workers (LCSWs) in private practice, in parallel with current MFT statute.
- *Fee Statutes*
Makes a number of technical changes related to fee and renewal statutes for consistency and clarity.
- *Exempt Practice Settings*
Aligns exempt settings specified in LCSW statute with those specified in MFT statute.
- *Portability of MFT Licensure*
Modifies California's licensing requirements for MFTs licensed at an equivalent level in another state by making reasonable allowances for equivalent coursework, and for supervised experience gained more than six years ago.
- *Qualifications for MFT Intern Registration*
Eliminates an outdated provision which permits applicants for MFT Intern registration to qualify under an alternative method.

BILLS MONITORED BY THE BOARD

SIGNED BY THE GOVERNOR

AB 1178 (Hernandez) *Medical Information: Disclosures* - Signed on 10/11/07, takes effect 01/01/08

This proposal permits a provider of health care to disclose medical information when a psychotherapist has reasonable cause to believe that the patient is in such a mental or emotional condition as to be dangerous to himself or herself or to the person or property of another and that disclosure is necessary to prevent the threatened danger. This proposal conforms the Civil Code to existing provisions established in case law and in the Evidence Code. At its meeting on May 31, 2007, the Board adopted a position of "support" on this legislation.

AB 1525 (Cook) *Bureau for Private, Postsecondary and Vocational Education (BPPVE)* - Signed on 07/12/07, took effect (retroactively) on 07/01/07

This legislation temporarily extends school approvals formerly issued by the Bureau for Private Postsecondary and Vocational Education (BPPVE) until July 1, 2008 for schools that had a valid approval to operate as of June 30, 2007. This legislation is intended to allow these schools to retain their approvals for the purpose of interpreting laws that require graduation from a BPPVE-approved school as a qualification for registration or licensure. The Board did not take a position on this legislation.

SB 45 (Perata) *Bureau for Private, Postsecondary and Vocational Education (BPPVE)* - Signed on 10/13/07, takes effect 01/01/08

This bill extends limited state oversight of private postsecondary schools from February 1, 2008 to July 1, 2008. It also extends by six months (until January 1, 2009), institutional approvals necessary to preserve student ability to sit for licensing exams. The Board did not take a

position on this bill, as the BPPVE content was not amended into the bill until August 29, 2007. Please see the attached signing message from the governor.

BILLS VETOED BY THE GOVERNOR*

AB 249 (Eng) *Regulatory Gag Clauses* - Vetoed on 10/13/07

This proposal would have prohibited Board licensees and registrants, as well as other healing arts licensees from including any of the following provisions in a civil settlement:

- Prohibiting the other party from contacting, cooperating or filing a complaint with the Board
- Requiring the other party to withdraw a complaint from the Board

The Board's Policy and Advocacy Committee recommended a position of "support" to the full Board, who, at its meeting on May 31, 2007, adopted the Committee's recommendation.

Veto message:

I have previously vetoed similar legislation because of the negative effect it would have had on the California economy. This bill erodes the ability to do business in California by creating more uncertainty regarding litigation. It prohibits any licensee or professional overseen by the Department of Consumer Affairs from including in a civil settlement agreement a provision that prohibits the other party from contacting or filing a complaint with the regulatory agency. When parties who are in dispute agree to settle, there should be some assurances that the dispute has been resolved in a satisfactory and final manner for both parties.

AB 423 (Beall) *Mental Health Parity* - Vetoed on 10/14/07

This proposal would have required health care service plan contracts and health insurance policies to provide coverage for the diagnosis and treatment of a mental illness to persons of all ages under the same terms and conditions applied to other medical conditions. Defines "mental illness" as mental disorders defined in the DSM-IV or subsequent editions, and includes substance abuse. The Board's Policy and Advocacy Committee recommended a position of "support" to the full Board, who, at its meeting on May 31, 2007, adopted the Committee's recommendation.

Veto message:

While I share the author's interest in improving access to mental health and substance abuse services, I cannot support this bill as it would contribute to higher health care costs, potentially making coverage less affordable. California needs comprehensive health care reform that will provide coverage for all, promote shared responsibility and make health care more affordable. I encourage the author to work with me to enact comprehensive health care reform that will provide all Californians access to health coverage, strengthen prevention efforts, increase access to mental health and substance abuse services, and promote affordability.

AB 1025 (Bass) *Denial of Licensure* - Vetoed on 10/13/07

This proposal would have prohibited a person from being denied licensure or from having his or her license suspended or revoked based solely on a criminal conviction that has been expunged. The Board's Policy and Advocacy Committee recommended a position of "oppose" to the full Board, who, at its meeting on May 31, 2007, adopted the Committee's recommendation.

Veto Message:

This bill could jeopardize the public health, safety, and welfare in a well-intentioned but flawed attempt to permit individuals convicted of crimes to work in a regulated profession. I am concerned that this bill goes too far in taking away a licensing entity's discretion to deny a license or take other licensing actions, even if it is in the best interest of the state's consumers. The State of California licenses various professions in order to protect consumers from unqualified, dangerous, or unscrupulous individuals. All statutes establishing licensing programs mandate that the protection of the public is the

* The Governor has until October 14, 2007 to sign 2007 legislation.

highest priority and that "whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

AB 1025 creates a presumption of rehabilitation based on an expungement of a conviction. This is problematic for two reasons. First, expungement is not intended to be indicative of rehabilitation. Second, this provision places the burden of proof on state licensing bodies to show that an individual is not rehabilitated, which would result in increased litigation and extensive investigations.

SB 851 (Steinberg and Romero) *Mentally Ill Offenders* - Vetoed on 10/14/07

This proposal would have established mental health courts statewide, and would have required each county to establish a method for screening every defendant for mental illness. If the defendant is eligible and consents, he or she would have been placed on probation and required to participate in the program for a minimum of one year. This proposal would also have expanded mental health and treatment programs for prisoners and probationers with severe mental illness. It would have provided a structure and philosophy consistent with the Mental Health Services Act (MHSA) but without using any MHSA funding. The Board's Policy and Advocacy Committee recommended a position of "support" to the full Board, who, at its meeting on May 31, 2007, adopted the Committee's recommendation.

Veto Message:

Although the provisions of this bill are to be implemented contingent upon the availability of funds, this bill would place a tremendous cost pressure on the General Fund to increase mental health services provided to inmates and parolees. The California Department of Corrections and Rehabilitation estimates annual costs for the staff necessary to implement this bill would exceed \$14 million annually.

While I agree that more efforts need to be made to ensure that prisoners with mental health issues receive appropriate treatment, this bill allows people who have committed crimes to avoid punishment completely because of a mental health issue. This bill would also enable a defendant to not enter a plea or make an admission of guilt.

The mental health courts model specified in this bill is an important component of public safety and for managing our criminal justice system and I hope that the author will continue to work on mental health issues, especially as it relates to mentally ill criminal offenders so that California can reduce recidivism rates and provide proper treatment for healthier citizens.

TWO-YEAR BILLS

AB 64 (Berg) *Uniform Emergency Volunteer Health Practitioners Act*

This proposal would set up a registry of volunteer health practitioners licensed in this and other states. It would permit these volunteers to provide health services through a host entity during a declared emergency. The Policy and Advocacy Committee recommended a position of "support if amended" to the Board who, at its meeting on August 30, 2007, adopted the Committee's recommendation.

AB 509 (Hayashi) *Suicide Prevention*

This proposal would establish the Office of Suicide Prevention (OSP) under the Department of Mental Health (DMH). The OSP would be required to coordinate and implement a statewide suicide prevention strategy modeled after the National Strategy for Suicide Prevention, among other tasks. The Board's Policy and Advocacy Committee recommended a position of "support" to the full Board, who, at its meeting on May 31, 2007, adopted the Committee's recommendation. The Board recently received a letter from Assembly Member Hayashi regarding this legislation, which is attached. This letter states that the Governor has agreed to create the OSP by Executive Order.

AB 1367 (DeSaulnier) *Licensed Alcohol and Drug Abuse Counselors*

This proposal would establish title protection and licensure for Licensed Alcohol and Drug Abuse Counselors, with the program to be administered by the Board of Behavioral Sciences. The Board did not take a position on this bill.

AB 1486 (Calderon) *Licensed Professional Counselors*

This proposal would establish title protection and licensure for Licensed Professional Counselors, with the program to be administered by the Board of Behavioral Sciences. At its meeting on May 31, 2007, the Board adopted a position of “support” for this bill.

SB 823 (Perata) *Bureau for Private, Postsecondary and Vocational Education (BPPVE)*

This bill would create a new regulatory structure and a new bureau within the Department of Consumer Affairs to regulate private postsecondary education. The Board has not taken a position on this legislation.

Attachment

SB 45 Signing Message

Letter from Assembly Member Hayashi Regarding AB 509

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To Members of the California State Senate:

I am signing Senate Bill 45: 1) to address constitutional issues so that the Legislature can pass a new act, with urgency, in 2008 and, 2) to allow legal actions filed prior to July 1, 2007 to still have standing in the courts. When I signed Assembly Bill 1525 earlier this year, it was with the understanding that the Legislature would pass legislation in 2007 that would reform the broken and abysmal set of laws that governed this program. Unfortunately, the Legislature was unable to come to a consensus to do so.

In January of this year, my Administration and Senator Perata's staff agreed to work cooperatively on a new reform act that would be carried in Senate Bill 823. My Administration participated in countless meetings to help craft an acceptable measure and provided comprehensive amendments--most were not accepted. Unfortunately, it became clear during that time that any attempt to build upon a broken body of law would, in fact, result in a more cumbersome and unacceptable proposal.

Consequently, my Administration proposed a new statutory foundation that is now contained in Assembly Bill 1182 so that the Department of Consumer Affairs can confidently administer the private postsecondary program with success and effectiveness. Assembly Bill 1182 used the Oregon and Florida statutes, both nationally recognized programs, as a framework for the new Act-- not the former California Act that had so many problems. Both Florida and Oregon's programs are well respected and have often been cited as national models for private postsecondary oversight programs. I remain hopeful that this becomes the framework that the Legislature will use to work with the Administration to craft an acceptable new Act.

I have previously indicated that a reform act must:

- provide Californians with educational and vocational options in the private sector;
- protect students from illegal, unscrupulous or unethical practices;
- encourage students to make informed decisions; and
- provide a streamlined approval process for schools.

A new Act must be easily read and understood by the schools, so that they are clear about their obligations; by students, so that they know their rights; and by regulators, so they can effectively enforce the law. It should not be an act drafted so that attorneys can prosper under the guise of being student advocates. Therefore, I want to be very clear that I will not sign a bill that simply

builds upon the problems of the former private postsecondary act. The problems that plagued the old act and, consequently the administration of the program, have been well documented and should be rethought or eliminated.

I truly believe that private postsecondary education provides valuable options to California's students and will only help strengthen our economy with a well trained and educated workforce. I remain hopeful that everyone involved will continue to work diligently to ensure that our goals are met and that a new California Private Postsecondary Act will be passed in early 2008.

Sincerely,

Arnold Schwarzenegger



CALIFORNIA DEPARTMENT OF

Mental Health

1600 9th Street, Sacramento, CA 95814
(916) 654-2309

September 7, 2007

The Honorable Mary Hayashi
California State Assembly
State Capitol, Room 2188
Sacramento, CA 95814

Dear Assembly Member Hayashi:

It is with pleasure that I inform you of the decision to establish, in the Department of Mental Health (DMH), the Office of Suicide Prevention. You can be proud that your bill, AB 509, was the catalyst for this significant milestone.

The formation of the Office, which shall be accomplished administratively, is also a recommendation in the draft California Strategic Plan on Suicide Prevention developed by DMH in coordination and collaboration with the California Health and Human Services Agency. This process was directed by the Governor last year and led to the formation of the Suicide Prevention Plan Advisory Committee. The fact that \$14 million a year for the next four years has been allocated from the Mental Health Services Act and Prevention and Early Intervention funds for the State Administered Suicide Prevention Project will ensure better statewide coordination by a formal office within the department.

We continue to have a meaningful and productive working relationship with your office in this cooperative endeavor. I would like to personally commend you for your dedication to this cause. Your leadership, through AB 509, has helped shape the new Office of Suicide Prevention. We are in the process of planning an appropriate event for announcing the Office of Suicide Prevention and look forward to including you in the event. If you should have any questions, please contact me at (916) 654-2309.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen W. Mayberg', written over a printed name and title.

STEPHEN W. MAYBERG, PH.D.
Director

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To: Board Members

Date: October 18, 2007

From: Cassandra Kearney
Regulations Analyst

Telephone: (916) 574-7836

Subject: Regulation Update

Title 16, CCR Sections 1833.1 and 1870, Supervisor Qualifications

Supervisors of registrants are currently required to have practiced psychotherapy for two out of the five years preceding any supervision. This proposal would allow supervisors to count time spent directly supervising persons who perform psychotherapy toward this requirement and delete the requirement that supervisors of MFT Interns and Trainees average 5 hours of client contact per week for two out of the five years before 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 and the notice was published by OAL on September 29, 2006 (OAL Notice Number Z-06-0919-03). 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. The final language was given final approval by the Board at its February 15, 2007 meeting. The completed regulatory packet was submitted to the Legal Office in April for departmental approval. The regulatory package was approved by the Department. A second 15-day notice will be distributed on September 4, 2007 due to minor form medications. The rulemaking file was forwarded to the Board for its review at the August 30, 2007 meeting. **The rulemaking file was forwarded to the Department for final approval on September 20, 2007.**

Title 16, CCR, Sections 1887, 1887.3, and 1887.7, Technical Cleanup - Licensed Educational Psychologists and Board Administration

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

The Board approved this proposal at its meeting on July 27, 2006. The notice was published by OAL on September 29, 2006 (OAL Notice Number Z-06-0919-05). The regulatory hearing was held on November 16, 2006. Staff distributed a 15-day notice on December 22, 2006 in order to incorporate minor modifications into the language. The final language was given final approval by the Board at its February 15, 2007 meeting. The completed regulatory packet was submitted to the Legal Office in April for final departmental approval. The regulatory package was approved by the Department. The rulemaking file was forwarded to the Board for its review at the August 30, 2007 meeting. **The rulemaking file was forwarded to the Department for final approval on September 20, 2007.**

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

Section 1806 currently requires candidates to take an examination within one year of notification of eligibility to take the examination. Section 1833.3 currently requires applicants who fail an examination to retake that examination within one year from the date of the failure. However, candidates who fail are provided with a notice of eligibility 180 days from the date of failure, so both sections apply and reflect two different periods. This regulatory proposal would resolve the conflict between these two regulations, providing all candidates with a one-year period in which to take an examination to avoid abandonment of their application.

At its June 28, 2006 meeting, the Board's Policy and Advocacy Committee recommended that the Board adopt these proposed regulations. The Board approved this proposal at its meeting on July 27, 2006. The notice was published by OAL on September 29, 2006 (OAL Notice Number Z-06-0919-05). The regulatory hearing was held on November 16, 2006. Staff distributed a 15-day notice on December 22, 2006 in order to incorporate minor modifications into the language. The final language was given final approval by the Board at its February 15, 2007 meeting. The completed regulatory packet was submitted to the Legal Office in April for final departmental approval. The regulatory package was approved by the Department. The rulemaking file was forwarded to the Board for its review at the August 30, 2007 meeting. **The rulemaking file was forwarded to the Department for final approval on September 20, 2007 and was filed with the Office of Administrative Law on October 16, 2007.**

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

This proposal would allow a registered provider of continuing education (PCE) a period of one year from the registration's expiration date in order to renew an expired PCE registration with a \$100 delinquency fee. Currently, when a PCE does not renew the registration before 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. The notice was published by OAL on September 29, 2006 (OAL Notice Number Z-06-0919-05). The regulatory hearing was held on November 16, 2006. Staff distributed a 15-day notice on December 22, 2006 in order to incorporate minor modifications into the language. The final language was given final approval by the Board at its February 15, 2007 meeting. The completed regulatory packet was submitted to the Legal Office in April for final departmental approval. The regulatory package was approved by the Department. The rulemaking file was forwarded to the Board for its review at the August 30, 2007 meeting. **The rulemaking file was forwarded to the Department for final approval on September 20, 2007.**

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

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. The notice was published by OAL on December 29, 2006 (OAL Notice Number Z-06-1218-01), which initiated the 45-day public comment period. A regulatory hearing was held at the Board’s February 15, 2007 meeting. The Board gave this proposal its final approval at its meeting on May 31, 2007. The completed regulatory package was submitted to the Legal Office in April for final departmental approval. The regulatory package was approved by the Department. The rulemaking file was forwarded to the Board for its review at the August 30, 2007 meeting. **The rulemaking file will be forwarded to the Department for final approval upon completion of the Budget Office review.**

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. However, a modification to the language, which addresses minimum timeframes for circumstances that exempt licensees from the CE requirement, was recommended by the Board. Staff presented this recommended modification to the Committee on April 11, 2007; however, the Committee recommended that staff re-present the original proposal back to the Board in May 2007 as it provides consistency between the exception provisions within the regulation. The Board approved the originally proposed text at its meeting on May 31, 2007. The proposal was returned to the Committee for further work. **The regulatory package was forwarded to the Board for its review at the November 8, 2007 meeting.**

Title 16, CCR Sections 1887, 1887.2, 1887.3, and 1887.7, Minor Clean-Up of Continuing Education Regulations

This proposal would make minor clean-up amendments to continuing education regulations. At its meeting on April 11, 2007, the Board’s Consumer Protection Committee recommended that the Board approve the proposed language. **The Board approved the originally proposed text at its meeting on May 31, 2007.**

Title 16, CCR Section 1870, Two-Year Practice Requirement for Supervisors of Associate Clinical Social Workers

This proposal would require supervisors of associate clinical social workers to be licensed for at least two years prior to commencing any supervision, and would make some technical changes for clarity. At its meeting on April 11, 2007, the Board’s Consumer Protection Committee recommended that the Board approve the proposed language. **The Board approved the originally proposed text at its meeting on May 31, 2007.**

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

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

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To: Board Members **Date:** October 22, 2007
From: Christy Berger **Telephone:** (916) 574-7847
Legislation Analyst
Subject: Recommendation #1 – To Sponsor Legislation Clarifying Rules for Group Supervision

Background

Associate Clinical Social Workers (ASWs), Marriage and Family Therapist (MFT) Interns and MFT Trainees who are gaining hours of experience toward licensure are required to have a total of 104 weeks and 3,000 hours (MFT) or 3,200 hours (LCSW) of supervised experience. Supervision may be provided by any of the following licensees:

- Licensed Clinical Social Worker
- Marriage and Family Therapist
- Psychologist
- Board-Certified Psychiatrist

For each week in which experience is gained, “one unit” of supervision is required. One unit of supervision is equivalent to one hour of individual supervision or two hours of group supervision. Group supervision is required to be conducted with no more than eight supervisees at one time. Out of the 104 weeks of supervised experience required for licensure, individual supervision must have been received for at least 52 of those weeks.

Discussion

Staff has become aware through telephone calls and licensure applications that people generally receive individual supervision in one-hour increments, but group supervision is often split up by the employer into more than one session. The law is unclear as to whether group supervision can be provided in segments of less than two hours, and staff has no way of knowing whether an applicant actually received two hours every week, or whether the number submitted is just an average over a one-year period.

At its meeting in July 2007, the Consumer Protection Committee considered a proposal to clarify that two continuous hours of group supervision is required per week. Stakeholder feedback indicated that there are circumstances under which group supervision may be provided in smaller segments, typically no shorter than one hour, and that this poses no risk to the quality of supervision. Weekly two-hour blocks can be difficult to schedule, especially in an agency setting. The common practice for group supervision appears

to be one-hour segments. The Committee directed staff to revise the proposal in light of this information. At its meeting in October 2007, the Committee considered the revised proposal, which would permit group supervision to be administered in segments lasting a minimum of one hour, as long as the total group supervision provided is two hours per week. The Committee directed staff to make some additional clarifying changes to ensure the supervision segments to be provided in the same week as the experience claimed, as indicated in the attached proposed language

Recommendation

At its meeting in October 2007, the recommended that the Board sponsor legislation clarifying rules for group supervision with the modifications indicated.

Attachments

Modified Proposed Language-LCSW
Modified Proposed Language-MFT

**BOARD OF BEHAVIORAL SCIENCES
MODIFIED PROPOSED LANGUAGE
GROUP SUPERVISION – LCSW**

- **Modifications from the July 2007 meeting shown in ~~double strikethrough~~ or double underline.**
- **Modifications from the October 2007 meeting shown in ~~highlighted double strikethrough~~ or highlighted double underline.**

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

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 per week 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 continuous hours of face to face contact in a group of not more than eight persons receiving supervision.~~

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group. Such supervision shall be conducted within the same week as the hours claimed.

(4) 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.

(5) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.

(6) 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

(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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**BOARD OF BEHAVIORAL SCIENCES
MODIFIED PROPOSED LANGUAGE
GROUP SUPERVISION – MFT**

- **Modifications from the July 2007 meeting shown in ~~double strikethrough~~ or double underline.**
- **Modifications from the October 2007 meeting shown in ~~highlighted double strikethrough~~ or highlighted double underline.**

§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.

(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 per week of face-to-face contact on an individual basis or two ~~continuous~~ hours of face-to-face contact in a group ~~of not more than eight persons~~. Such supervision shall be conducted within the same week as the hours claimed.

(4) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.

~~(4)~~ (5) 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.

§1833. EXPERIENCE

(a) In order for experience to qualify under Section 4980.40(f) of the Code, it must meet the following criteria:

(1) It must have been gained in accordance with Sections 4980.42 through 4980.45 of the Code and the regulations contained in this article.

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

(3) No more than five hundred (500) hours of experience will be credited for providing group therapy or group_counseling.

(4) No more than two hundred fifty (250) hours of experience will be credited for administering and evaluating psychological tests of counselees, writing clinical reports, writing progress notes, or writing process notes; except that for any person who enrolled in a qualifying degree program prior to January 1, 1990, no more than five hundred (500) hours of experience may be credited for such activities.

(5) For any person who enrolls in a qualifying degree program on or after January 1, 1990, no more than two hundred fifty (250) hours of experience will be credited for actual time spent counseling or crisis counseling on the telephone.

(6) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.

(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern or trainee; monitoring and evaluating the ability of the intern or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of marriage and family therapy. Supervision shall include that amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor. Supervision shall be credited only upon the following conditions:

(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) ~~continuous~~ hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.

(2) The applicant shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.

(3) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal or business relationship which undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.

(4) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern or trainee is consistent with the intern or trainee's training, education, and experience, and is appropriate in extent,

kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

(A) Is aware of the licensing requirements that must be met by the intern or trainee and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern or trainee.

(c) Professional enrichment activities may be credited toward the experience requirement as specified in this article and by Section 4980.43(d)(1) of the Code.

(1) No more than two hundred fifty (250) hours of verified attendance, with the approval of the applicant's supervisor, at workshops, seminars, training sessions, or conferences directly related to marriage and family therapy will be credited.

(2) No more than one hundred (100) hours of psychotherapy, which will be triple counted, received as specified in Section 4980.43(d)(2) of the Code, will be credited.

(d) Experience gained by interns and trainees shall be subject to the following conditions, as applicable:

(1) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.

(2) A trainee shall not perform services in a private practice.

(3) Interns and trainees may only perform services as employees or volunteers and not as independent contractors.

(e) Effective January 1, 1991, trainees and interns shall maintain a log of all hours of experience gained toward licensure. The log shall be in the form specified below and shall be signed by the supervisor on a weekly basis. An applicant shall retain all logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the log as it deems necessary to verify hours of experience.

[See Barclays Official California Code of Regulations for original illustration]

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1625 North Market Blvd., Suite S-200
Sacramento, CA 95834
(916) 574-7830, (916) 574-8625 Fax
www.bbs.ca.gov

To: Board Members **Date:** October 25, 2007
From: Mona Maggio **Telephone:** (916) 574-7847
Board of Behavioral Sciences
Subject: Review and Approval of the Modified Proposed Language and Forms and Recommendation to Pursue Changes Through Regulation.

Background

Section 1887.2 of Title 16, Division 18 of the California Code of Regulations (CCR) sets forth the criteria for granting an exception to the continuing education (CE) requirements for Marriage and Family Therapists and Licensed Clinical Social Workers.

Staff had originally recommended a number of changes in order to clarify and better facilitate the request for exception from the CE requirement process. In addition, staff drafted a request for continuing education exception form in order to better facilitate the request process. In January 2007, the Consumer Protection Committee reviewed the proposed regulatory language and request for exception form and recommended that these items go forward to the Board for review and approval.

In February 2007, the Board reviewed the proposed language and form. Staff had originally recommended that the timeframe for a disability be established at one year for consistency with exceptions pertaining to military service and residing in another country. However, the Board voted to modify the minimum timeframe for a disability to "at least nine (9) months."

Staff asked the Consumer Protection Committee to further evaluate all minimum timeframes in order to determine whether consistency between the subdivisions would be more appropriate. At its meeting in April 2007, the Committee agreed to a one-year minimum time frame throughout the regulation. In May 2007, the Board approved this modification. However, after meeting with legal counsel, staff recommends modifying the proposal. California state agencies must comply with both the Federal Americans with Disabilities Act (ADA) and the California Fair Employment and Housing Act (FEHA). Modifications that would help to ensure compliance with FEHA are as follows:

- In addition to disability, permit a medical condition to be considered for an exception, as defined in FEHA
- Clarify that a disability may be physical or mental, as defined in FEHA

- Clarify that other reasonable accommodations may be provided rather than a complete exception for persons with a disability or medical condition

This will avoid the need for staff to evaluate whether a person has a disability or medical condition. Staff will instead be able to focus on whether the requested accommodation is reasonable given the disability or medical condition, which is consistent with recommended practice in evaluation of requests for reasonable accommodations.

In addition, the following changes were made:

- Created a form for the physician or psychologist's verification of the mental or physical disability or medical condition
- Included the form names and numbers in the regulation

At the October 5, 2007 meeting the Committee reviewed the proposed modified language and revised forms and made the recommendation that this matter be taken before the Board at its November 8, 2007 meeting for formal approval.

Requested Action

Approval of the Committee's recommendation to pursue regulatory changes to Section 1887.2 of Title 16, Division 18 of the California Code of Regulations regarding continuing education exceptions.

Attachments

- A. Modified Proposed Language
- B. Related Statute
- C. Revised "Request for Continuing Education Exception – Licensee Application" Showing Modifications
- D. Revised "Request for Continuing Education Exception – Licensee Application"
- E. New "Request for Continuing Education Exception –Verification of Disability or Medical Condition"

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

Modifications shown in ~~double strikethrough~~ or double underline.

Amend §1887.2. as follows:

§1887.2. Exceptions from Continuing Education Requirements for Good Cause

(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 or reasonable accommodations for the continuing education requirement, on a form entitled "Request for Continuing Education Exception," Form No. 1800 37A-635 (New 9/07), 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 or reasonable accommodation, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation 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) The board shall grant an exception if the licensee can provide evidence, satisfactory to the board, that:

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

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

~~(3) (2)~~ (2) The Board may grant a reasonable accommodation if, During ~~For~~ for at least nine months ~~the 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 the primary responsibility for the care of caregiver for that family member, was suffering from or suffered had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. 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 physical or mental disability or medical condition must be verified by a licensed physician or psychologist with special expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must include:~~ be submitted by the licensee on a form entitled "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 9/07).

~~(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.~~

Note: Authority Cited: Sections 4980.54, 4980.60, ~~4990.14~~ 4990.20, and 4996.22, Business and Professions Code; Sections 12944 and 12926, Government Code. Reference: Sections 4980.54 and 4996.22, Business and Professions Code.

Related Statute
Government Code § § 12926 and 12944

12926. As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) "Affirmative relief" or "prospective relief" includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) "Age" refers to the chronological age of any individual who has reached his or her 40th birthday.

(c) "Employee" does not include any individual employed by his or her parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

(e) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(f) "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer's judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) "Labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(h) "Medical condition" means either of the following: (1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(i) "Mental disability" includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(j) "On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation.

(k) "Physical disability" includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine. (B) Limits a major life activity. For purposes of this section:

(i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(l) Notwithstanding subdivisions (i) and (k), if the definition of "disability" used in the Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (i) or (k), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (i) and (k).

(m) "Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation" includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

(n) "Reasonable accommodation" may include either of the following:

(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

(o) "Religious creed," "religion," "religious observance," "religious belief," and "creed" include all aspects of religious belief, observance, and practice.

(p) "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also includes, but is not limited to, a person's gender, as defined in Section 422.56 of the Penal Code.

(q) "Sexual orientation" means heterosexuality, homosexuality, and bisexuality.

(r) "Supervisor" means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(s) "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness, administrative, or fiscal relationship of the facility or facilities.

12944. (a) It shall be unlawful for a licensing board to require any examination or establish any other qualification for licensing that has an adverse impact on any class by virtue of its race, creed color, national origin or ancestry, sex, age, medical condition, physical disability, mental disability, or sexual orientation, unless the practice can be demonstrated to be job related.

Where the commission, after hearing, determines that an examination is unlawful under this subdivision, the licensing board may continue to use and rely on the examination until such time as judicial review by the superior court of the determination is exhausted.

If an examination or other qualification for licensing is determined to be unlawful under this section, that determination shall not void, limit, repeal, or otherwise affect any right, privilege, status, or responsibility previously conferred upon any person by the examination or by a license issued in reliance on the examination or qualification.

(b) It shall be unlawful for a licensing board to fail or refuse to make reasonable accommodation to an individual's mental or physical disability or medical condition.

(c) It shall be unlawful for any licensing board, unless specifically acting in accordance with federal equal employment opportunity guidelines or regulations approved by the commission, to print or circulate or cause to be printed or circulated any publication, or to make any non-job-related inquiry, either verbal or through use of an application form, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, sex, age, or sexual orientation or any intent to make any such limitation, specification, or discrimination. Nothing in this subdivision shall prohibit any licensing board from making, in connection with prospective licensure or certification, an inquiry as to, or a request for information regarding, the physical fitness of applicants if that inquiry or request for information is directly related and pertinent to the license or the licensed position the applicant is applying for. Nothing in this subdivision shall prohibit any licensing board, in connection with prospective examinations, licensure, or certification, from inviting individuals with physical or mental disabilities to request reasonable accommodations or from making inquiries related to reasonable accommodations.

(d) It is unlawful for a licensing board to discriminate against any person because the person has filed a complaint, testified, or assisted in any proceeding under this part.

(e) It is unlawful for any licensing board to fail to keep records of applications for licensing or certification for a period of two years following the date of receipt of the applications.

(f) As used in this section, "licensing board" means any state board, agency, or authority in the State and Consumer Services Agency that has the authority to grant licenses or certificates which are prerequisites to employment eligibility or professional status.

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STATE OF CALIFORNIA
**REQUEST FOR CONTINUING EDUCATION
EXCEPTION—LICENSEE APPLICATION**
1800 37A-208-635 (NEW 08/06 9/07)

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>

This form must be received by the Board at least sixty (60) days prior to the expiration date of the license.

READ REVERSE SIDE INSTRUCTIONS BEFORE COMPLETING THIS FORM

Any unanswered item will cause this request to be incomplete. Incomplete requests will not be processed.

For Office Use Only:

Date Received _____

Date Approved _____ Denied _____

Date of Audit (if applicable) _____

Enforcement Approval Yes No Date: _____

(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:

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 licensee to explain ~~illness~~ medical condition or disability.

Please attach extra sheets if necessary.

1. Provide a detailed description of the disability or medical condition and an explanation as to how the disability or medical condition interferes with limits 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: _____

2. Attach completed "Request for Continuing Education Exception – Verification of Disability or Medical Condition", Form No. 37A-636 (New 9/07).

3. What type of accommodation are you requesting?

- Total Exception from the Continuing Education Requirements - By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the CE requirements due to one of the following: (a) total physical and/or mental disability; or, (b) total physical and/or mental disability of an immediate family member, including a domestic partner, where you were the primary caregiver for that family member.**
- Request to Complete all Continuing Education Hours via Self-Study By checking this box you are certifying that for at least one year during your previous license renewal period you were prevented from completing the interactive CE requirements due to one of the following: (a) physical and/or mental disability or medical condition; or, (b) physical and/or mental disability or medical condition of an immediate family member, including a domestic partner, where you were the primary caregiver for that family member.**

4. Explain how another accommodation would allow you to comply with the continuing education requirements:

5. What is your current employment setting? Private Practice: outside home in-home Agency/Facility Other:

6. If you are not currently practicing, are you aware that you have the option to renew the license with an "inactive" status? Yes No

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~~ all the information that I have submitted on this form and on any accompanying attachments 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.~~

Certifying on your renewal form that you have either completed the required hours of continuing education or been granted an exception from the continuing education requirements prior to receiving the approved exception may constitute a violation of Business and Professions Code Sections 4982(b) and 4992.3(b).

**See "Notice of Collection of Personal Information" (over)*

(OVER)

EXCEPTIONS FROM THE CE REQUIREMENT

Notice of Collection of Personal Information: The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Sections 4980.54 and 4996.22, and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a "good cause" exception to the Board's continuing education (CE) requirements. Submission of your social security number is voluntary. Submission of other personal information, such as name, license number and medical history, is mandatory. The Board cannot process your request for exception to the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempted from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address or telephone number: 1625 North Market Blvd., Suite S200, Sacramento, CA 95834 or (916) 574-7830.

~~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 those requests.~~

Exception Regulation, 16 CCR Section 1887.2(c)

(c) A licensee may submit a ~~written~~ request for exception from or reasonable accommodations for the continuing education requirement, ~~on a form prescribed by the board, entitled, "Request for Continuing Education Exception," Form No. 1800 37A-635 (New 9/07),~~ 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 or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation 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) The board shall grant the exception if the licensee can provide evidence, satisfactory to the board, that:

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

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

~~(3)(2)~~ (2) The Board may grant a reasonable accommodation if, For 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 the primary responsibility for the care of caregiver for that family member, was suffering from or suffered had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. 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 physical or mental disability or medical condition must be verified by a licensed physician or psychologist with special expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must include: be submitted by the licensee on a form entitled, "Request for Continuing Education Exception – Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 9/07).

~~(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 it 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, or a passport or visa showing the dates you resided ~~out of country~~ out of the country, or a doctor's note. The board may accept a written statement from your physician or psychologist in lieu of completing Part 2, provided that the statement provides all of the information requested in Part 2 of the verification form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **Please remember that the documentation must supply all of the information required by Section 1887.2(c).** 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~~ 2010, and you are going to live out of the country from May ~~2005~~ 2009 through November ~~2006~~ 2010, you can submit your request for exception due to living out of the country for one year any time after May ~~2006~~ 2010.*

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 an active status. The Board MUST receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.***

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

EXCEPTIONS FROM THE CE REQUIREMENT

Notice of Collection of Personal Information: *The Board of Behavioral Sciences of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Sections 4980.54 and 4996.22, and Title 16 California Code of Regulations (CCR) Section 1887.2 for the purpose of determining eligibility for a “good cause” exception to the Board’s continuing education (CE) requirements. Submission of your social security number is voluntary. Submission of other personal information, such as name, license number and medical history, is mandatory. The Board cannot process your request for exception to the continuing education requirements unless you provide all of the other requested personal information on this form. We make every effort to protect the personal information you provide us. However, the information may be transferred to other governmental and enforcement agencies, or provided in response to a court order or subpoena. You have a right of access to records containing personal information about you maintained by the Board, unless the records are exempted from disclosure by Section 1798.40 of the California Civil Code. Individuals may obtain information regarding the location of his or her records by contacting the Public Records Request Coordinator at the following address or telephone number: 1625 North Market Blvd., Suite S200, Sacramento, CA 95834 or (916) 574-7830.*

Exception Regulation, 16 CCR Section 1887.2(c)

(c) A licensee may submit a request for exception from or reasonable accommodations for the continuing education requirement, on a form entitled “Request for Continuing Education Exception,” Form No. 1800 37A-635 (New 9/07), 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 the receipt of the request for exception, whether the exception or accommodation was granted. If the request for exception or accommodation is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal. If the request for exception or accommodation is approved, it shall be valid for one renewal period.

(1) The board shall grant an exception if the licensee can provide evidence, satisfactory to the board, that:

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

(B) For at least one year during the licensee’s previous license renewal period the licensee resided in another country.

(2) The board may grant a reasonable accommodation if, 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 is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled “Request for Continuing Education Exception –Verification of Disability or Medical Condition,” Form No. 1800 37A-636 (New 9/07).

How to Request Exception

To request an exception, complete the form on the reverse side and submit it 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 or a passport or visa showing the dates you resided out of the country. The board may accept a written statement from your physician or psychologist in lieu of completing Part 2 of the verification form, provided that the statement provides all of the information requested in Part 2 of the form and includes all of the following: the name, title, address, telephone number, professional license number, and original signature of the physician or psychologist providing the verification. **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, 2010, and you are going to live out of the country from May 2009 through November 2010, you can submit your request for exception due to living out of the country any time after May 2010.*

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 an active status. The Board MUST receive your request for exception at least sixty (60) days PRIOR to the expiration date of the license in order for the exception to be considered.**

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

STATE OF CALIFORNIA
**REQUEST FOR CONTINUING EDUCATION
 EXCEPTION—VERIFICATION OF DISABILITY OR
 MEDICAL CONDITION**
 1800 37A-636 (NEW 9/07)

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>

This form must be received by the Board at least sixty (60) days prior to the expiration date of the license.

READ INSTRUCTIONS 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)

For Office Use Only:

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

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)

Part 2 – To be completed by attending physician/psychologist

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

2. Approximate date disability/medical condition began: _____ Disability/medical condition is Temporary Permanent
 If temporary, approximate date licensee will be able to resume his/her continuing education: _____

3. 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 all the information I have submitted on this form and on any accompanying attachments is true and correct. Providing false information or omitting required information are grounds for disciplinary action.

 Date

 Date

 Signature of Licensee

 Signature of Physician/Psychologist

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- (1) The board shall grant an exception if the licensee can provide evidence, satisfactory to the board, that:
 - (A) For at least one year during the licensee's previous license renewal period the licensee was absent from California due to military service; or,
 - (B) For at least one year during the licensee's previous license renewal period the licensee resided in another country.
 - (2) The board may grant a reasonable accommodation if, 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 is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the licensee on a form entitled "Request for Continuing Education Exception –Verification of Disability or Medical Condition," Form No. 1800 37A-636 (New 9/07).

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Renewal Application

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

BOARD OF BEHAVIORAL SCIENCES
BREAKDOWN OF ENFORCEMENT COMPLAINT ACTIVITY BY LICENSEE POPULATION
2007 - 2008
FISCAL YEAR ⁽¹⁾

	OPENED	COMPLAINTS CLOSED	PENDING	Licenses In Effect (2)	% of Licenses to Pending Complaints
UNLICENSED	37	32	42	n/a	n/a
APPLICANTS	106	113	17	n/a	n/a
CE PROVIDERS	0	2	4	2290	0.17
DUAL LICENSEES (3)	6	7	12	n/a	n/a
DUAL W/BOP (3)	3	6	5	n/a	n/a
ASW	10	13	34	7441	0.46
LCSW	70	60	99	16631	0.60
IMF	19	25	64	10621	0.60
MFT	160	143	248	28661	0.87
LEP	0	1	2	1745	0.11
TOTAL	411	402	527	67389	0.78

- Note:
- (1) Activity is from July 1, 2007 through September 30, 2007. Pending as of September 30, 2007.
 - (2) Licenses in effect as of September 1, 2007. Does not include cancelled, revoked, or voluntary surrender of licenses.
 - (3) Dual licensees are those that hold dual licenses with BBS. Dual w/BOP are licensed with BBS 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
2007 - 2008
FISCAL YEAR ⁽¹⁾

	Unactionable (2)	Mediated (3)	Citation (4)	Violation (5)	Inv. (6)	District Attorney (7)	Rfrd Disp. (8)	Other (9)	TOTAL
UNLICENSED	25	0	1	1	2	0	0	3	32
APPLICANTS	0	0	0	110	1	0	1	1	113
CE PROVIDER	2	0	0	0	0	0	0	0	2
DUAL LICENSEES (10)	2	0	2	3	0	0	0	0	7
DUAL W/BOP (10)	4	0	1	1	0	0	0	0	6
ASW	6	0	0	4	0	0	0	3	13
LCSW	35	0	6	18		0	1	0	60
IMF	11	1	0	10	1	0	1	1	25
MFT	75	0	27	28	7	0	2	4	143
LEP	1	0	0	0	0	0	0	0	1
TOTAL	161	1	37	175	11	0	5	12	402

40%

60% Actionable

Note:

- (1) Closure activity is from July 1, 2007 through September 30, 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 BBS. Dual w/BOP are licensed with BBS 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 September 30, 2007**

AGENCY CATEGORY	CE	UL	AP	DL	DP	AS	LC	IM	MF	LEP	TOTAL
Fraud	0	0	0	0	0	0	2	0	0	0	2
Fraudulent License	0	1	0	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	3	0	0	0	2	0	1	1	0	7
Custody	0	0	0	1	1	2	8	1	25	1	39
Fee Disputes	0	0	0	0	0	0	1	0	5	0	6
Exempt from licensure	0	3	0	1	0	1	2	0	0	0	7
Negligence	0	0	0	1	0	0	2	0	3	0	6
Beyond Scope	0	0	0	0	0	0	1	1	2	0	4
Dual Relationship	0	0	0	0	0	0	3	0	3	0	6
Abandonment	0	0	0	1	0	0	1	0	3	0	5
Improper Supervision	0	0	0	0	0	0	5	1	2	0	8
Misdiagnosis	0	0	0	0	0	0	2	0	1	0	3
Failure/Report Abuse	0	0	0	0	0	0	0	0	3	0	3
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	0	0	1	0	2
Self Use Drugs/Alcohol	0	0	0	0	0	1	1	0	2	1	5
Conviction of Crime	0	0	2	1	1	16	3	27	23	0	73
Unprofessional Conduct	3	1	0	5	1	8	28	13	86	0	145
Sexual Misconduct	0	0	0	1	0	0	2	2	10	0	15
Breach of Confidentiality	0	0	0	0	0	1	4	2	15	0	22
Emotional/Phys. Harm	0	0	0	0	0	0	1	0	3	0	4
Advertising / Misrepresentation	0	1	0	0	0	0	1	6	7	0	15
Unlicensed Practice	1	33	0	0	0	0	2	6	3	0	45
Repressed Memory	0	0	0	0	0	0	0	0	0	0	0
Third Party Complaint	0	0	0	0	0	1	3	3	8	0	15
Unsafe/Sanitary Conditions	0	0	0	0	0	0	0	0	0	0	0
Discipline by Another State	0	0	1	0	0	0	0	0	0	0	1
Criminal Convictions - Renewal Reported	0	0	0	0	0	1	1	0	3	0	5
Non Compliance with CE Audit	0	0	0	1	2	0	26	0	34	0	63
Applicant Referral for Criminal Conviction	0	0	14	0	0	0	0	1	0	0	15
Subvert Licensing Exam	0	0	0	0	0	0	0	0	0	0	0
Unregistered Referral Service	0	0	0	0	0	0	0	0	0	0	0
Failure to Provide Records	0	0	0	0	0	0	0	0	2	0	2
TOTAL	4	42	17	12	5	34	99	64	248	2	527

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
2007 - 2008 FISCAL YEAR ⁽¹⁾

	PENDING	Licenses In Effect (2)	% of Licenses to Pending Cases
UNLICENSED	0	n/a	n/a
APPLICANTS	8	n/a	n/a
SUSEQUENT DISP. (3)	2	n/a	n/a
DUAL LICENSEES (4)	0	n/a	n/a
DUAL W/BOP (4)	1	n/a	n/a
CE PROVIDERS	0	2268	0.00
ASW	4	7356	0.05
LCSW	7	16629	0.04
IMF	10	10522	0.10
MFT	23	28777	0.08
LEP	0	1739	0.00
TOTAL	55	67291	0.08

- Note:
- (1) Pending as of September 30, 2007.
 - (2) Licenses in effect as of August 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 BBS. Dual w/BOP are licensed with BBS 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
ENFORCEMENT AGING DATA
2007 - 2008 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⁾	224	128	84	31	18	1	0	486
Pending Investigations ⁽³⁾	5	6	4	6	16	1	0	38
Total Pending Complaints (Includes Inv) ⁽⁴⁾	229	134	88	37	34	2	0	524
Pending Cases at the AG - Pre Accusation ⁽⁵⁾	6	8	1	2	1	0	0	18
Pending Cases at the AG - Post Accusation ⁽⁶⁾	2	13	7	6	7	1	1	37
Total Pending Cases at the AG's Office	8	21	8	8	8	1	1	55

(1) Pending as of September 30, 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
RECOVERY COSTS**

	03/04	04/05	05/06	06/07	07/08*
Number Cases Ordered	9	12	11	22	1
Total Amount Ordered	\$25,497.50	\$73,791.25	\$47,751.25	\$101,778.25	\$24,000.00
Stipulation - Revocation(1)			\$1,320.00	\$1,350.50	
Stipulation - Voluntary Surrender(2)			\$36,008.25	\$24,187.25	
Stipulation - Probation			\$1,500.00	\$59,425.75	\$24,000.00
Stipulation - Accusation withdrawn				\$4,000.00	
Decision - Revocation			\$6,410.50	\$10,419.25	
Decision - Probation			\$2,512.50	\$2,395.50	
Total Amount Collected (3)	\$20,600.08	\$23,791.89	\$15,168.57	\$15,244.98	\$1,979.66
Intercepted by FTB Program			\$314.73		
Cost Collected in Payments			\$8,058.34	\$9,456.98	\$1,979.66
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.

* 07/08 Fiscal Year through: September 30, 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**

	03/04	04/05	05/06	06/07	07/08 *
# Cases Ordered	1	3	4	15	1
Amount Ordered Per Year (\$1,200)	\$6,000.00	\$16,800.00	\$19,200.00	\$80,400.00	\$6,000.00
Amount Collected	0	\$1,900.00	\$3,800.00	\$8,750.00	\$4,250.00

* 07/08 Fiscal Year through: September 30, 2007

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

BOARD OF BEHAVIORAL SCIENCES CATEGORY TYPES OF DISCIPLINARY ACTION TAKEN 2007 - 2008 FISCAL YEAR *

		MFT	LCSW	LEP	APPLICANT
		IMF	ASW		
REVOC. STAYED: PROB ONLY					
Unprofessional Conduct					
Aiding and Abetting					
Sexual Misconduct					
Discipline by Another State Agency					
Conviction of a Crime					
Subtotal	0				
REVOC. STAYED: PROB, SUSPENSION					
Conviction of a Crime					
Fraud			1		
Subtotal	1	1			
REVOKED					
Improper Supervision					
Discipline by Another State Agency					
Conviction of a Crime					
Sexual Misconduct					
Subtotal	0				
SURRENDER OF LICENSE					
Unprofessional Conduct					
Discipline by Another State Agency					
Violation of Probation					
Sexual Misconduct					
Conviction of a Crime					
Subtotal	0				
OTHER DISCIPLINE					
Improper Supervision			1		
Subtotal	1		1		
TOTAL	2				

* Time frame: July 1, 2007 through September 30, 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**

	03/04	04/05	05/06	06/07	07/08*
Agency Category Types					
Fraud				1	
Sexual Misconduct				1	
Improper Supervision	1	2		5	
Aiding & Abetting			1		
Failure/Report Abuse	1				
Breach of Confidence	6	5	5	4	1
Advertising/Misrepresentation	1	1		1	1
Unlicensed Practice	3	7	2	3	1
Failure Report Conviction on Renewal				1	
Non Compliance with CE Audit	6	44	148	169	35
Failure Report Conviction on Application		1	1		
Subvert Licensing Exam	1				
Practicing Beyond Scope		1			
Client Abandonment			1		
Unprofessional Conduct		2	2	6	
TOTAL	19	63	160	191	38

	03/04	04/05	05/06	06/07	07/08*
Number Citations Ordered	19	63	160	191	38
Fines Assessed			\$61,650.00	\$90,250.00	\$23,200.00
Fines Collected (1)			\$37,150.00	\$53,149.19	\$12,800.00

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

* 07/08 Fiscal Year through: September 30, 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
Overview of Enforcement Activity

Fiscal Years	03/04	04/05	05/06	06/07	07/08*	
Complaints / Cases Opened						
Complaints Received	514	560	626	801	910	284
Criminal Convictions Received	384	383	384	455	452	126
Total Complaints Received	898	943	1010	1256	1362	410
Investigations Opened	25	11	25	44	32	5
Cases Sent to AG	41	17	25	55	42	6
Filings						
Citations Issued	24	19	63	160	191	38
Accusations Filed	17	22	17	29	37	2
Statement of Issues (SOI's) filed	4	4	2	1	5	0
Temporary Restraining Order	0	0	0	0	0	0
Interim Suspension Orders	0	1	0	1	0	0
Withdrawals/Dismissals						
Accusations Withdrawn or Dismissed	1	0	1	1	4	0
SOI's Withdrawn or Dismissed	1	0	0	0	0	0
Declined by the AG	7	3	1	3	4	0
Disciplinary Decision Outcomes						
Revoked	4	10	4	7	7	0
Revoked, Stayed, Susp & Probation	2	1	2	0	6	1
Revoked, Stayed, Probation	6	5	2	4	9	0
Surrender of License	7	7	7	9	6	0
Suspension	0	0	0	0	0	0
Susp., Stayed, Susp & Prob	0	0	0	0	0	0
Susp., Stayed Probation	1	0	0	0	0	0
Susp & Prob Only	0	0	0	0	0	0
License Probation Only	0	0	0	0	0	0
Reprimand / Reproval	1	0	0	0	0	1
Other Decisions	0	0	0	0	1	0
Total Decisions	21	23	15	20	29	2
Decisions (By Violation Type)						
Fraud	1	0	1	0	1	1
Health & Safety	0	0	1	2	0	0
Sexual Misconduct	5	5	5	5	2	0
Competence / Negligence	2	9	2	2	0	1
Personal Conduct	7	3	4	7	18	0
Unprofessional Conduct	4	4	2	4	8	0
Unlicensed Activity	0	0	0	0	0	0
Other	0	0	0	0	0	0
Violation of Probation	2	2	0	0	0	0

* Fiscal Year Period: 7/1/07 through 09/30/07.

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.

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To: Board Members
Date: October 23, 2007
From: Christy Berger
Legislation Analyst
Telephone: (916) 574-7847
Subject: Marriage and Family Therapist Education Committee Report

Attached to this memo is the most recent "concept draft" of proposed curriculum requirements for marriage and family therapist (MFT) intern registration and licensure. This draft expands on the draft presented at the August Board meeting based on comments received. Staff expects the MFT Education Committee's meeting on December 7, 2007 to be its last, and expect the proposal to be brought before the full Board at its meeting in February 2008.

These revisions, if approved by the Board, are expected to be carried in 2008 legislation. If it passes, the legislation would technically take effect on January 1, 2009. However, in order to give schools enough time to implement the changes, the legislation would contain staggered dates that guide the implementation of the new requirements.

Changes Proposed Since Last Presented to Full Board

- Timelines for implementation (see attachment)
- Schools to provide students the opportunity to meet with consumers and family members
- Degree program content to include:
 - Multicultural development and cross-cultural interaction and its incorporation into the psychotherapeutic process
 - Recovery oriented care (as opposed to the recovery model)
 - Evidence based practices
 - Co-occurring mental health and substance use disorders and behavioral addiction
 - Collaborative treatment
- Practicum to include:
 - Applied use of theory
 - Working with families
 - How to find and use resources
- Changes to the requirements for persons who earned a degree outside of California

Previously Proposed Changes

- Adding instruction in areas needed for practice in a public mental health environment (including case management, systems of care for the severely mentally ill, etc.) which may be provided in credit level coursework or through extension programs.

- Infusing the culture and norms of public mental health work and principles of the Mental Health Services Act (including recovery oriented care, consumer empowerment and participation, a greater emphasis on culture, etc.) throughout the curriculum.
- Increasing the total unit requirement from 48 to 60.
- Requiring coursework currently permitted to be taken outside of the degree program to be taken within the degree program. Many of these courses are currently required prior to sitting for the licensing examinations. They would now be required prior to registration as an intern.
- Providing more flexibility in the curriculum requirements (i.e., fewer requirements for specific hours or units for particular coursework) to allow for innovation in curriculum design.
- Adding three units and 75 contact hours to the practicum requirement.
- Addressing the impact of socio-economic status on behavior and treatment.

These requirements would be phased in over a period of time to ensure that schools are able to make the changes.

Attachments

Draft Timeline for Proposed Changes

Concept Draft for MFT Curriculum

Current MFT Educational Requirements

DRAFT TIMELINE FOR PROPOSED CHANGES TO MFT EDUCATIONAL REQUIREMENTS

Date	Time from Passage of Legislation	Description
January 1, 2009	N/A	<i>Legislation takes effect</i>
January 1, 2009 to December 31, 2009	1 year	<i>BBS works with intensively with schools</i>
January 1, 2009 to July 31, 2012	3.5 years	<i>Schools work to implement new requirements</i>
*August 1, 2012	3.5 years	<i>Students beginning degree programs on and after this date must meet new requirements</i>
*January 1, 2019	10 years	<i>"Old" educational requirements sunset</i>

*Dates proposed to be included in legislation

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**Concept Draft for MFT Curriculum
October 2007**

- Substantive changes proposed are highlighted.

§4980.36. DEGREE PROGRAM

(a) This section applies to applicants for licensure or registration who began graduate study on or after August 1, 2012.

(b) Applicants for licensure or registration shall possess a doctor's or master's degree conferred by a school, college or university accredited by the Western Association of Schools and Colleges, approved by the Bureau for Private Postsecondary and Vocational Education¹ or a program accredited by the Commission on the Accreditation of Marriage and Family Therapy Education, in one of the following disciplines:

- (1) marriage, family, and child counseling
- (2) marital and family therapy
- (3) psychology
- (4) clinical psychology
- (5) counseling psychology
- (6) counseling with an emphasis in marriage, family, and child counseling
- (7) counseling with an emphasis in marriage and family therapy

(c) A doctor's or master's degree program that qualifies for licensure or registration shall do all of the following:

- (1) Integrate marriage and family therapy principles throughout its curriculum.
- (2) Integrate the principles of mental health recovery oriented care and methods of service delivery in recovery oriented practice environments throughout its curriculum.
- (3) Allow for innovation and individuality in the education of marriage and family therapists.
- (4) Encourage students to develop those personal qualities that are intimately related to effective practice such as integrity, sensitivity, flexibility, insight, compassion, and personal presence.
- (5) Permit an emphasis or specialization that may address any one or more of the unique and complex array of human problems, symptoms, and needs of Californians served by marriage and family therapists.
- (6) Integrate the understanding of various cultures and the social and psychological implications of socio-economic position throughout its curriculum.
- (7) Provide students with the opportunity to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(d) A doctor's or master's degree program that qualifies for licensure or registration shall contain no less than 60 semester or 90 quarter units of instruction that includes, but is not limited to all of the following.

- (1) Diagnosis, assessment, prognosis and treatment of mental disorders, including severe mental disorders, evidence based practices, and psychological testing.
- (2) At least 12 semester or 18 quarter units in theories, principles, and methods of a variety of psychotherapeutic orientations directly related to marriage and family therapy, and

¹ This will be changed to reflect whatever is the final outcome regarding reform of the BPPVE and recent board actions to sponsor legislation recognizing regional accreditation agencies.

marital and family systems approaches to treatment and how these theories can be applied therapeutically with individuals, couples, families, adults, children, adolescents, and groups to improve, restore, or maintain healthy relationships.

- (3) Developmental issues from infancy to old age. This instruction shall include:
- (A) The effects of developmental issues on individuals, couples, and family relationships.
 - (B) The psychological, psychotherapeutic, and health implications of developmental issues and their effects.
 - (C) Aging and its biological, social, cognitive, and psychological aspects.
 - (D) A variety of cultural understandings of human development.
 - (E) The understanding of human behavior within the social context of socioeconomic status.
 - (F) The understanding of human behavior within the social context of a representative variety of the cultures found within California.
- (4) The broad range of matters that may arise within marriage and family relationships and life events within a variety of California cultures including:
- (A) Child abuse assessment and reporting
 - (B) Spousal or partner abuse assessment, detection, intervention strategies, and same gender abuse dynamics
 - (C) Cultural factors relevant to abuse of partners and family members.
 - (D) Childbirth
 - (E) Child rearing, parenting and stepparenting
 - (F) Marriage
 - (G) Divorce
 - (H) Blended families
 - (I) Long term care
 - (J) End of life
 - (K) Grief

Instruction shall include the psychological, psychotherapeutic, community, and health implications of these matters and life events.

- (5) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.
- (6) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender and disability and their incorporation into psychotherapeutic process.
- (7) An understanding of the effects of socioeconomic status on treatment and available resources.
- (8) Human sexuality including the study of physiological-psychological and social-cultural variables associated with sexual identity, sexual behavior and sexual disorders.
- (9) Substance abuse, co-occurring disorders, and addiction, including behavioral addiction. Instruction shall include all of the following.
- (A) The definition of substance use disorders, co-occurring disorders and addiction.
 - (B) Medical aspects of substance use disorders and co-occurring disorders.
 - (C) The effects of psychoactive drug use.
 - (D) Current theories of the etiology of substance abuse and addiction.

- (E) The role of persons and systems that support or compound substance abuse and addiction.
 - (F) Major approaches to identification, evaluation and treatment of substance use disorders, co-occurring disorders and addiction, including best practices.
 - (G) Legal aspects of substance abuse.
 - (H) Populations at risk with regard to substance use disorders and co-occurring disorders.
 - (I) Community resources offering screening, assessment, treatment and follow-up for the affected person and family.
 - (J) Recognition of substance use disorders, co-occurring disorders and addiction and appropriate referral.
 - (K) The prevention of substance use disorders and addiction.
 - (L) For purposes of this paragraph, "co-occurring disorders" is defined as a mental illness and substance abuse diagnosis occurring simultaneously in an individual.
- (10) California law and professional ethics for marriage and family therapists. This course shall include, but not be limited to, the following areas of study:
- (A) Contemporary professional ethics and statutory, regulatory, and decisional laws that delineate the profession's scope of practice.
 - (B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of marriage and family therapy, including family law.
 - (C) The current legal patterns and trends in the mental health professions.
 - (D) The psychotherapist/patient privilege, confidentiality, the patient dangerous to self or others, and the treatment of minors with and without parental consent.
 - (E) A recognition and exploration of the relationship between a practitioner's sense of self and human values and his or her professional behavior and ethics.
 - (F) Differences in legal and ethical standards for different types of work settings.
- (11) Psychopharmacology.
- (12) No less than nine semester or thirteen quarter units of practicum in a supervised clinical placement that provides supervised fieldwork experience including a minimum of 225 hours of face-to-face experience counseling individuals, couples, families, or groups. The practicum shall provide training in all of the following areas:
- (A) applied use of theory and psychotherapeutic techniques
 - (B) assessment
 - (C) diagnosis
 - (D) prognosis
 - (E) treatment of individuals and premarital, couple, family, and child relationships, including all of the following:
 - (i) dysfunctions
 - (ii) healthy functioning
 - (iii) health promotion
 - (iv) illness prevention
 - (v) working with families
 - (F) professional writing including documentation of services, treatment plans, and progress notes
 - (G) how to find and use resources

Educational institutions are encouraged to design the practicum required by this paragraph to include marriage and family therapy experience in low-income and multicultural mental health settings.

(e) A degree qualifying for licensure or registration shall include instruction in the following

areas:

- (1) Case management
- (2) Systems of care for the severely mentally ill
- (3) Public and private services and supports available for the severely mentally ill
- (4) Community resources for victims of abuse
- (5) Disaster and trauma response
- (6) Advocacy for the severely mentally ill
- (7) Collaborative treatment

The instruction required in this subdivision may be provided either in credit level coursework or through extension programs offered by the degree granting institution.

- (f) The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation or approval.
- (g) Each applicant shall submit to the board a certification from the educational institution stating that the institution's required curriculum for graduation and any associated coursework completed by the applicant satisfies the requirements of this section.
- (h) The changes made to this section are intended to improve the educational qualifications for licensure in order to better prepare future licentiates for practice, and is not intended in any way to expand or restrict the scope of licensure for marriage and family therapists.

The following "sunset" text for the "old" educational requirements is proposed to be added to Sections 4980.37, 4980.38, 4980.39, 4980.40, 4980.41:

This section shall become inoperative effective January 1, 2019.

**THE FOLLOWING DRAFT CHANGES ARE BASED ON
LEGISLATION RECENTLY SIGNED BY THE GOVERNOR (SB 1048)**

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

The board may issue a license to any person who, at the time of application, has held for at least two years a valid license issued by a board of marriage counselor examiners, marriage therapist examiners, or corresponding authority of any state, if the education and supervised experience requirements are substantially the equivalent of this chapter and the person successfully completes the board administered licensing examinations as specified by this chapter and pays the fees specified. The Board shall consider hours of experience gained in another state during the 6-year period immediately preceding the issuance of the applicant's original MFT license in that state.

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

(a) For applicants who are not licensed as a marriage and family therapist in another state as defined in section 4980.80, experience gained outside of California shall be accepted toward the licensure requirements if it is substantially equivalent to that required by this chapter and if the applicant has gained a minimum of 250 hours of supervised experience in direct counseling within California while registered as an intern with the board.

(b) For purposes of this section and section 4980.80, the board may, in its discretion, accept education as substantially equivalent when the applicant has been granted a degree in a single integrated program primarily designed to train marriage and family therapists and the applicant's education meets the requirements of Sections 4980.36. If the applicant's degree does not contain all of the content or the number of units required by Section 4980.36, the board may, in its discretion, accept the applicant's education as substantially equivalent if all of the following criteria are met:

(A) The applicant's degree is from a school that meets the requirements of subdivision (b) of Section 4980.36 and contains all of the following:

(1) A minimum of 48 overall units

(2) A minimum of six (6) practicum units

(3) A minimum of 150 practicum hours of face-to-face counseling

(4) A minimum of 12 semester or 18 quarter units in the areas of marriage, family, and child counseling and marital and family systems approaches to treatment as specified in paragraph (2) of subdivision (d) of Section 4980.36.

(B) The applicant remediates his or her deficiencies by completing the course content and units required by Section 4980.36 and this section.

(C) The degree title need not be identical to that required by subdivision (b) of Section 4980.36.

(D) Applicants shall complete a course in California law and professional ethics that includes, but is not limited to, the following subjects:

(i) Advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, HIPAA, dual relationships, child abuse, elder and dependent

adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to patients.

(E) The following coursework may be taken either in fulfillment of other requirements for licensure or in a separate course. The board may accept training or coursework acquired out of state.

- (i) Child abuse assessment and reporting
- (ii) Human sexuality as specified in paragraph (7) of subdivision (d) of Section 4980.36
- (iii) Substance abuse, **addiction, and co-occurring disorders** as specified in paragraph (8) of subdivision (d) of Section 4980.36
- (iv) Spousal or partner abuse assessment, detection, intervention strategies, and same gender abuse dynamics.
- (v) Psychological testing
- (vi) Psychopharmacology
- (vii) Content required by subdivision (e) of Section 4980.36.**

CURRENT MFT EDUCATIONAL REQUIREMENTS

§4980.37. DEGREE PROGRAM; COURSE OF STUDY AND PROFESSIONAL TRAINING

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

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

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

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

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

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

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

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

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

§4980.39. ADDITIONAL COURSEWORK

(a) Any applicant for licensure as a marriage and family therapist who began graduate study on or after January 1, 2004, shall complete, as a condition of licensure, a minimum of 10 contact hours of coursework in aging and long-term care, which could include, but is not limited to, the biological, social, and psychological aspects of aging.

(b) Coursework taken in fulfillment of other educational requirements for licensure pursuant to this chapter, or in a separate course of study, may, at the discretion of the board, fulfill the requirements of this section.

(c) In order to satisfy the coursework requirement of this section, the applicant shall submit to the board a certification from the chief academic officer of the educational institution from which the applicant graduated stating that the coursework required by this section is included within the institution's required curriculum for graduation, or within the coursework, that was completed by the applicant.

(d) The board shall not issue a license to the applicant until the applicant has met the requirements of this section.

§4980.40. QUALIFICATIONS

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

(a) Applicants shall possess a doctor's or master's degree in marriage, family, and child counseling, marital and family therapy, psychology, clinical psychology, counseling psychology, or counseling with an emphasis in either marriage, family, and child counseling or marriage and family therapy, obtained from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau for Private Postsecondary and Vocational Education. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation or approval. In order to qualify for licensure pursuant to this subdivision, a doctor's or master's degree program shall be a single, integrated program primarily designed to train marriage and family therapists and shall contain no less than 48 semester or 72 quarter units of instruction. The instruction shall include no less than 12 semester units or 18 quarter units of coursework in the areas of marriage, family, and child counseling, and marital and family systems approaches to treatment.

The coursework shall include all of the following areas:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) An applicant for licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a qualifying degree that is

equivalent to a degree earned from a school, college, or university accredited by the Western Association of Schools and Colleges, or approved by the Bureau of Private Postsecondary and Vocational Education. These applicants shall provide the board with a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES), and shall provide any other documentation the board deems necessary.

§4980.41. ELIGIBILITY TO SIT FOR LICENSING EXAMINATIONS; COURSEWORK OR TRAINING

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

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

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

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

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

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

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

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

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

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

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

(e) For persons who began graduate study during the period commencing on January 1, 1995, and ending on December 31, 2003, a master's or doctor's degree qualifying for licensure shall include coursework in spousal or partner abuse assessment, detection, and intervention. For persons who began graduate study on or after January 1, 2004, a master's or doctor's degree qualifying for licensure shall include a minimum of 15 contact hours of coursework in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics. Coursework required

under this subdivision may be satisfactory if taken either in fulfillment of other educational requirements for licensure or in a separate course. The requirement for coursework shall be satisfied by, and the board shall accept in satisfaction of the requirement, a certification from the chief academic officer of the educational institution from which the applicant graduated that the required coursework is included within the institution's required curriculum for graduation.

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

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

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

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National Association of Social Workers, California Chapter

Social Work Reinvestment Initiative

An integrated action plan designed to unify and advance the social work profession



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The National Association of Social Workers - California Chapter

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The California Social Work Reinvestment Initiative (SWRI)

Introduction

The Intent of the Social Work Reinvestment Initiative

A. The Intent of the NASW National and State Social Work Reinvestment Initiative (SWRI)

The NASW National office recently announced a major initiative designed to unify and advance the social work profession at the state and national levels. The Social Work Reinvestment Initiative is an integrated action plan that addresses four of the key goals identified by the 2005 Social Work Congress and builds on the National Social Work Public Education Campaign and the recent findings by the NASW Workforce Center.

As explained by the National NASW Director, Elizabeth Clark, PhD, ACSW, MPH, "The goal is to get government, employers, and others to fully recognize the importance of social work and to persuade them to assist us in recruiting, retaining, and retraining professional social workers." Work on the initiative will begin at the state level and may include components such as funding for social work education, support for research, strengthening policies and regulations to support social work practice, and social work education loan forgiveness.

Based on the guidelines provided by the National NASW SWRI Initiative, goals will be created for four areas:

Legislative and Political Advocacy	Public Education
Workforce Development	Stakeholder Engagement

Strategies will be developed to accomplish the following:

Recruit New Social Workers	Retain Current Social Workers
Retrain Experienced Social Workers	Reactivate Community Investment in Social Work

B. The Process Utilized to Develop the California Social Work Reinvestment (SWRI) Plan

California's initial draft was based recent research related to labor market information and a variety of social work education and practice issues along with the Chapter's 2006-2009 Strategic Plan. The Chapter's Social Work Reinvestment Initiative (SWRI) Task Force, which is comprised of members from the Program Committee and the Board of Directors, reviewed this preliminary draft before it was dispersed for feedback.

Beginning in late September, the Chapter will formally present the preliminary Plan to numerous organizations, associations, and groups (as listed below in Section C) and its 12,000 California NASW members to garner feedback in the form of suggestions and comments.

Feedback will be accepted until Monday, December 10, 2007. The final draft must be completed by the December 31, 2007 deadline and will then be submitted to the California Board of Directors for their approval before it is ultimately sent to the NASW National office.

C. The Proposed Timetable for Presenting the California SWRI Plan

Presentation Date	Name of Organization or Group	Type of Event
Aug. 22	NASW-CA Chapter SWRI Task Force	Teleconference
Sept. 9	NASW-CA Chapter Board of Directors	Quarterly Meeting
Sept. 25	The Introduction, Plan, and Feedback Form are placed on the CA Website for members and non-members to review	Available September 25 – December 10, 2007
Sept. 27-28	CA Social Work Education Center and County Welfare and Mental Health Directors	Committee & Board Meeting
Sept. 27	CA Association of Deans and Directors of Social Work Programs	Quarterly Meeting
October	The Introduction, Plan, and Feedback Form will be placed in the <i>CA News</i>	October and November Issues
Oct. 5-6	Latino Social Work Network	Annual Conference
Oct. 10-12	County Welfare Directors Association	Annual Conference
Oct. 12-13	CA Association of School Social Workers	Annual Conference
Oct. 26	Council on Social Work Education	Annual Meeting
Nov. 8-9	CA Board of Behavioral Sciences	Quarterly Meeting
Dec. 10	Final Deadline for Feedback	
Dec. 6-8	Council of NASW Chapter Executives	Quarterly Meeting
January 2008	NASW-CA Board of Directors Plan will be finalized and submitted to NASW National Office	Quarterly Meeting

D. NASW-CA Chapter Groups, Volunteer Leaders, and Members

The Chapter will present the California SWRI Introduction, Plan, and Feedback Form in the monthly *CA News*, on its website, in its email updates, and through all events, meetings, and conferences. The following groups will be specifically targeted:

The Chapter's SWRI Task Force

The Chapter's Board of Directors

The Chapter's Volunteer Leadership

The California Delegates to the 2008 Delegate Assembly

The Chapter's Regions, Units, and Councils

The Chapter's 12,000 Members including Student Members and Affiliated Groups

E. Organizations, Associations, and Groups Providing Feedback

The following is a list of the organizations, associations, and groups that will be given the opportunity to review the Chapter's SWRI Plan and to provide feedback. Other organizations may be added as time permits.

The California Board of Behavioral Sciences

The California Welfare Directors Association

The California Mental Health Directors Association

The California Department of Mental Health

The Council on Social Work Education

The California Social Work Education Center

The California Associations Deans and Directors of Social Work Programs

The California Society of Clinical Social Work

The Latino Social Work Network

The California Marriage and Family Association

The American Board of Examiners

The California Association of School Social Workers

The California Association of Black Social Workers

The California Network of Mental Health Clients

The National Alliance on Mental Illness

The California Youth Connection

California Profile of Social Work Labor Force

A. Categories of Licensure in California

There is only one social work license in California and that is the Licensed Clinical Social Work (LCSW), which requires obtaining a MSW from a Council on Social Work Education (CSWE) accredited school of social work, gaining 3200 hours of post-masters clinical experience, fulfilling the pre-license coursework requirements, and passing two California specific examinations. This LCSW license allows the individual to perform independent and unsupervised psychotherapy. The LCSW license must be renewed every two years, and it is required that the licensee obtain thirty-six (36) continuing education units during each renewal period.

Individuals with a BSW or MSW degree can be employed as social workers without holding a state license or certification. Despite the Chapter's continued efforts to pass legislation providing title protection, currently there is no regulation requiring that those employed as "social workers" have a social work degrees.

The California Board of Behavioral Science (BBS) Statistics

These statistics were taken from the BBS website and were accurate as of September 2007.

- | | |
|--|------------------------------|
| (a) Licensed Clinical Social Workers (LCSW) | 16,629 |
| (b) Associate Clinical Social Workers (ACSW) | 7,356 (MSWs pursuing a LCSW) |

B. The Board's 2006 Demographic Survey Results

LCSW Respondents: The Board reported 3,621 LCSWs respondents (30% of all California LCSWs) to the December 2006 Demographic Survey.

- The LCSW respondents described their gender as:

Female	79.55%
Male	19.90%

- The LCSW respondents described their race and ethnicity as:

Non-Hispanic White	73.75%
Hispanic Latino	8.43%
Multi Race/Other	5.70%
Asian	5.03%
American Indian/Alaska Native	0.77%
Pacific Islander	0.46%

- The LCSW respondents described their language fluency (excluding English) as:

Spanish	12.85%
Chinese	1.32%
Vietnamese	0.43%
Korean	0.31%
Talalog	0.31%

- The LCSW respondents described their age (in years) as:

Mean	52.7 years
Median	54 years

- The LCSW respondents described the number of years in practice as:

Mean	20 years
Median	20 years

- The LCSW respondents described their primary practice setting as:

Private Practice	28.09%
Licensed Health Care Facility	17.57%
County/Municipal Agency	16.41%
Non-Profit/Charitable	15.73%
Other	10.06%
State/Federal Agency	5.67%
Schools	2.97%
College/University Setting	2.36%
No Response	1.13%

ACSW Respondents: The Board reported 963 ACSWs respondents (13.5% of all ACSWs) to the December 2006 Demographic Survey.

- The ACSW respondents described their gender as:

Female	86.81%
Male	12.98%

- The ACSW respondents described their race and ethnicity as:

Non-Hispanic White	51.09%
Hispanic Latino	19.83%
Multi Race/Other	6.54%
Asian	11.53%
American Indian/Alaska Native	1.25%
Pacific Islander	1.14%

- The ACSW respondents described their language fluency (excluding English) as:

Spanish	22.12%
Chinese	3.43%
Vietnamese	1.25%
Korean	1.45%
Talalog	0.62%

- The ACSW respondents described their age (in years) as:

Mean	38 years
Median	34 years

- The ACSW respondents described the number of years in practice as:

Mean	6 years
Median	4 years

- The ACSW respondents described their primary practice setting as:

Private Practice	1.66%
Licensed Health Care Facility	17.24%
County/Municipal Agency	22.43%
Non-Profit/Charitable	35.41%
Other	6.96%
State/Federal Agency	8.00%
Schools	6.33%
College/University Setting	1.14%
No Response	1.13%

C. The BBS Website as a Resource

Readers are encouraged to visit the California Board of Behavioral Sciences (BBS) website www.bbs.ca.gov for more information regarding licensing requirements and guidelines, legislative updates, and up-to-date statistics. The Board recently revised and improved this website in response to feedback and suggestions.

Employment of social workers is expected to increase faster than average for all occupations through 2014.

Social work is one of the occupations most affected by Baby Boomer retirements.

From the Department of Labor/ Bureau of Labor Statistics

California Social Work Education Programs

A. BSW Programs

California State University System

California State University, Chico
California State University, Fresno
California State University, Long Beach
California State University, Los Angeles
California State University, Sacramento
California State University, San Bernardino
Humboldt State University
San Diego State University
San Francisco State University
San José State University

University of California System

UC Berkeley
UC Los Angeles

Private

Azusa Pacific University, Azusa
La Sierra University, Riverside
Pacific Union College, Angwin
Whittier College, Whittier

B. MSW Programs

California State System

California State University, Bakersfield
California State University, Chico
California State University, Dominguez (Pending Candidacy)
California State University, Fresno
California State University, Fullerton (Pending Candidacy)
California State University, Northridge
California State University, East Bay
California State University, Long Beach
California State University, Los Angeles

California State University, Sacramento
California State University, San Bernardino
California State University, Stanislaus
Humboldt State University
San Diego State University
San Jose State University

University of California System

University of California, Berkeley
University of California, Los Angeles

Private

Azusa Pacific University, Azusa (Pending Candidacy)
Loma Linda University, Loma Linda
University of Southern California, Los Angeles

C. PhD or DSW Programs

University of California System

University of California, Berkeley
University of California, Los Angeles

Private

Loma Linda University, Loma Linda
University of Southern California, Los Angeles

D. California Social Work Program Enrollees

California State System

At any one time, approximately 1,500 students in the CSU system are studying toward the BSW degree, and 2,000 toward becoming MSW social workers.

University of California System

Approximately 200 students are currently studying social work at the undergraduate level, 400 students at the MSW programs, and 50 students at the PhD level.

Private

The University of Southern California, Los Angeles enrolls an average of 600 MSW students and 34 Ph.D. candidates. They graduate approximately 300 MSW students a year. At La Sierra University there is an average of 70 students enrolled in the BSW program with 9-17 graduates per year. At Loma Linda University there is an average of 102 MSW students and 12 PhD students. The MSW program currently graduates 30-35 students each year.

E. California Social Work Program Graduates

In 2004, the California Association of Deans and Directors of Schools of Social Work and the California Social Work Education Center developed the “Master Plan for Social Work Education in the State of California”. This plan determined the number of current degreed graduates and the need for future graduates based on demographic studies.

Degree	Current Graduates	Future Graduates Needed
BSW	300 per year	Need 18,700 combined MSW and BSW
MSW	1,200 per year	Need 18,700 combined MSW and BSW
DSW	30 per year	Undetermined

F. California Social Work Education Center (CalSWEC)

CalSWEC is the nation's largest state coalition of social work educators and practitioners. It is a consortium of the state's 18 accredited social work graduate schools, the 58 county departments of social services and mental health, the California Department of Social Services and the California Chapter of the National Association of Social Workers.

Mission

In June 1999, CalSWEC's Board of Director's met to reaffirm its commitment to a variety of public human services in California and revised its mission statement, as follows:

“The California Social Work Education Center is a partnership between the schools of social work, public human service agencies, and other related professional organizations that facilitates the integration of education and practice to assure effective, culturally competent service delivery and leadership to the people of California.”

Goals

- Recruiting and preparing a diverse group of social workers for careers in public human service, with special emphasis on child welfare;
- Defining and operationalizing a continuum of social work education and training;
- Engaging in research and evaluation of best practices in social work;
- Advocating for responsive social policies and appropriate resources; *and*
- Exploring other models and structures of operation that provide maximum opportunity for accomplishing CalSWEC's mission.

CalSWEC coordinates the Title IV-E Child Welfare Training Project and Regional Training Academy (RTA) Coordination Project. In collaboration with its partners, it works to develop promising practices that enhance the effectiveness of child welfare services in California. It also supports and studies the retention of child welfare workers.

California Demographic Trends

A. The 2000 Census Statistics

One of the major issues in California is recruiting and retaining a culturally competent workforce that reflects the racial and ethnic diversity of the populations to be served. To better understand the current and potential labor market for social workers in California, the Chapter first reviewed the 2000 Census Statistics related to age, race, languages spoken at home, and poverty status. This research is important because California leads the nation in diversity and, as such, is challenged with a substantial leadership role in designing and maintaining services that achieve cultural and linguistic competency. By 2040, the expectation is that the Hispanic/Latino population will grow to a 50% majority, while Whites will decrease to 26% and the percentage of Asians and Blacks will remain about the same.

The Chapter has been involved in partnerships with the California Deans and Directors of Social Work Programs, the California Board of Behavioral Sciences, The California Association of Mental Health Directors, and other organizations in looking at the current state demographics, potential trends, and related challenges to better understand how to recruit, prepare, and train social workers for their rapidly changing and highly complex roles.

Total Population: 33,871,648

Age: 19 or younger 30%
62 and older 12.5%

Race: White 46%
Hispanic or Latino 33%
Asian 11%
Black or African American 7%
American Indian/Alaska Native 1%
Native Hawaiian/Pacific Islander .3%

Language Spoken at Home:

English Only 60.5%
Language other than English 39.5%

Poverty Rates by Race/Ethnicity:

White 10%
Hispanic or Latino 22%
Black or African American 22%
American Indian 22%
Asian 13%
Pacific Islander 16 %

B. California Social Work Employers

Based on statistics from the California Labor Market Information through the Employment Development Department, the top 15 industries employing professional social workers are:

<u>Industry Title</u>	<u>Number of Employers in CA</u>
Public Administration	26,111
Individual and Family Services	16,769
Child Day Care Services	10,941
Elementary and Secondary Schools	16,297
Social Advocacy Organizations	6,719
Civic and Social Organizations	5,474
Community Care Facilities for Elderly	5,291
Outpatient Care Centers	4,129
Home Health Care Services	2,628
Vocational Rehabilitation Services	2,100
Nursing Care Facilities	2,100
General Medical and Surgical Hospitals	1,432
Psychiatric and Substance Abuse Hospitals	1,235
Grantmaking and Giving Services	1,193
Other Residential Care Facilities	593

The state's counties employ the largest percent of social workers. From April 2005 to April 2006, an average of 50% of the counties had positions available with a total of 664 positions being advertised. The State of California is second largest employer of social workers.

Based on the California Projections of Employment published by the Labor Market Information Division:

- In the occupational group Social Workers, excluding Medical and Psychiatric, there were 42,830, social workers in employed in California in 2005, which represented a 32% increase since 1993.
- In the occupational group of Social Workers, Medical and Psychiatric, there were 26, 320 social workers employed in California in 2005, which represented a 40% increase since 1993.

C. California's Fastest Growing Social Work Jobs

According to America's Career Information Net, the 25 fastest growing occupations nationwide (requiring a bachelor's degree or higher) include the following three social work jobs:

Occupation	Employment in 2004	Employment in 2014	Percent Increase
Substance abuse and behavioral disorder counselors	76,000	97,800	29%
Mental health counselors	96,200	122,300	27%
Mental health and substance abuse social workers	116,100	147,100	27%



The California Chapter Plan Social Work Reinvestment Initiative (SWRI)

The National Association of Social Workers - California Chapter

1016 23rd Street, Sacramento, CA 95816

Website: <http://www.naswca.org>

	Recruit New Social Workers	Retain Current Social Workers
<p>Legislative and Political Advocacy</p> <p>California's Goal:</p> <p>To promote the influences of social work values in policy decision making through the increased participation and strengthened ability of social workers in legislative and political arenas and by social and professional action.</p>	<p>California Strategies</p> <ul style="list-style-type: none"> • Annually develop, revise, and strengthen strategies to showcase social workers participation and involvement in legislative and political advocacy through... <ul style="list-style-type: none"> - The 2-day Legislative Lobby Days Conference where 800+ social work students and professionals are educated regarding legislative and political advocacy and given the opportunity to lobbying key and timely issues with representatives or legislators. - The CalPACE Reception is held during the Annual Conference and showcases social work political representatives as guest speakers, presents funding raising activities, and encourages attendees to become well versed in advocacy, current issues, and politically involved. - The CA News articles, which regularly highlights and showcases social workers participation and leadership in legislative and political advocacy. - The Chapter's Legislative and Political Affairs web pages, which are updated and enhanced on a regular and consistent basis. - The region and unit events where participants are educated about legislation, local, and statewide issues and encouraged to become advocates and actively involved at the local and state levels. - Regularly collaborate and partner with agencies and organizations that advocate on behalf of underserved communities and special populations (communities of color, immigrant and refugees, women, LGBTI communities, foster children and transition age youth, etc.) 	<p>California's Strategies</p> <ul style="list-style-type: none"> • Annually develop, revise, and strengthen strategies to build or strengthen collaborations with organizations, unions, associations, and other groups to advocate and lobby for social work issues, policies, and legislation related to professional recognition, salaries, title protection, caseloads, safety, scope of practice, research, increased funding, etc. <ul style="list-style-type: none"> - One example would be to develop strategies and collaborations to expand California's current loan forgiveness program to cover social workers <u>not</u> registered with the BBS. Currently, only ASWs and LCSWs may apply for the state's loan forgiveness program. • Regularly develop, revise, and strengthen strategies to work with the California Social Justice/Social Action Council and affiliated groups on issues of mutual concern. • Annually develop, revise, and strengthen strategies to effectively advocate for social justice issues. For example... <ul style="list-style-type: none"> - Participating in the development and implementation of the NASW President's Initiative, Weaving Fabrics of Diversity, and disseminating two booklets titled "Institutional Racism & The SW Profession: A Call to Action" and "Immigration Policy Toolkit" to targeted groups. - Building and strengthening statewide collaborations to support gay, lesbian, bisexual, and transgender issues. - Revising and strengthening the Affirmative Action policy and committee and developing strategies to increase diversity in the Chapter's leadership.

Retrain Experienced Social Workers

Reactivate Community Investment in Social Work

California’s Strategies

- Annually develop and publicize a legislative agenda that prioritizes areas of concern for social workers and their clients and later creating and publishing a “Legislative Score Card” summarizing outcomes.
- Annually develop strategies that will build and strengthen the impact of the Legislative Lobby Days Conference, which reaches over 800 social work students, faculty, and professionals.
- Regularly develop, revise, and strengthen strategies to educate and empower social workers by...
 - Preparing issue papers, letters, testimony, talking points, and comments related to proposed legislation.
 - Recruiting social workers, clients, and others to provide expert testimony related to proposed legislation.
 - Developing and facilitating the Political Action Posse, which allows email subscribers to receive political updates as well as “call to action” opportunities such as letter writing requests, distributing op-eds, etc.
 - Developing and maintaining the Legislative and Political Affairs web pages, which include up-to-date information regarding advocacy tools and coalitions.
 - Providing presentations and materials at the Annual Conference and other Chapter educational and special events.
 - Providing support and consultation for important state initiatives such as the Mental Health Services Act (MHSA) and the Social Work Education Master Plan.

California’s Strategies

- Continue to increase the number of social workers elected or appointed to office at the federal, state, and local levels by ...
 - Developing multiple strategies to identify, recruit, and support social worker candidates for elected and appointed public offices.
 - Developing diverse strategies to increase financial contributions to the Chapter’s political action committee (CalPACE).
- Regularly develop, revise, and strengthen strategies that encourage and support social workers participation in political and campaign activities for candidates and ballot initiatives.
- Continue to provide support for, and collaborate with, the California Social Work Education Center and other groups in the development of policies, funding, programs, and services for high-need populations.
- Continue to provide support for, and collaborate with, the California Welfare Directors Association, the California Mental Health Directors Association, the Department of Mental Health, and others to promote policies, funding, programs, and services related to working conditions.
- Continually provide support for, and collaborate with, the Board of Behavioral Sciences to promote and improve social work licensing issues and policies that protect the consumer, the licensee, and the profession.
- Continue to provide support to consumer and family member organizations, organizations representing underserved communities and special populations (i.e., the aging, foster youth, mental health clients, etc.)

Public Education

California's Goal:

To strengthen and unify the social work profession by encouraging and facilitating participation of members and stakeholders in association activities and meeting the needs and interests of regions, local units, and individual members.

Recruit New Social Workers

California's Strategies

- Regularly provide speakers for high school, college, and university career fairs.
- Regularly answer requests for information and resources related to social work education, careers, jobs, and salaries from members and non-members.
- Continue to provide speakers for targeted public engagements such as churches, political groups, consumer and family groups, etc.

Retain Current Social Workers

California's Strategies

- Continually develop, revise, and strengthen strategies that enhance the social work professional image by working closely with the National office and California Social Work Council.
- Continually highlight social work pioneers and innovators in the *CA News* and on the Chapter's website.
- Regularly develop and maintain the Chapter's web-based information related to career and professional development, legislation and political affairs, social work trends, licensing guidelines and requirements, practice methodologies, professional credentials and certificates, conferences and special events, etc.
- Annually selecting, awarding, and celebrating five outstanding social workers and/or citizens at the Annual Conference.
- Annually supporting and collaborating with the efforts of the Social Work Hall of Distinction, which holds its Annual Social Work Award Ceremony at the Chapter's Annual Conference.
- Annually creating and implementing a new public education campaign. For example, in 2006, the Chapter was acknowledged for its unique and innovative strategy of placing social work public education ads in kiosks throughout a prominent Los Angeles shopping mall.
- Continually seeking opportunities to work with the media by collaborating with reporters regarding social work issues, stories, and trends.
 - For example, providing information for articles in *Glamour Magazine* and the *Chicago Tribune* and appearing on MPR radio.

Retrain Experienced Social Workers

Reactivate Community Investment in Social Work

California's Strategies

- Through presentations, conferences, special events, articles in the monthly *CA News*, and the Chapter's website and brochures, regularly updating and disseminating information related to...
 - New practice trends, current research, crucial legislation, and social policies.
 - Current and future labor force needs in California.
 - Social work job search strategies, career development, salaries, employment opportunities, and new workforce trends.
 - Issues, regulations, and requirements related to obtaining and maintaining a LCSW in California.
- Annually developing and revising strategies that build collaboration with universities, associations, employers, and others to promote new training projects that address new workforce trends.
 - For example, providing a series of courses related to social work management and leadership in partnership with the Center for Human Resources, UC Davis Extension and delivered at the 2004-2007 Annual Conferences.
- Annually taking an active part in important social work related conferences.
 - For example, co-sponsoring, presenting, advertising, and exhibiting at conferences and events such as the National Network of Social Work Managers Conference, the California Social Work Education Annual Conference, the San Joaquin Social Services Conference, the Latino Social Work Network Annual Conference, and the California Marriage Family Therapist Annual Conference.

California's Strategies

- Regularly develop, revise, and strengthen strategies to provide new legislators with information about social work profession.
- Continually seeking opportunities to support the National Public Education Campaign and its efforts to improve the image of social work by ...
 - Disseminating national campaign fundraising materials at conferences, events, meetings, presentations, etc.
 - Providing information about professional social work including Professional Standards during all media interviews.
 - Raising the largest amount of campaign funds by a NASW state chapter.
 - Creating and implementing its own campaign in addition to supporting the national's campaign strategies.
- Annually promoting Social Work Month through the Chapter's website, the *CA News*, and special presentations and events.
- Continually developing and strengthening ongoing relationships with the mainstream media by providing consultations by experts
- Continue to collaborate with the California Social Work Image Council on such projects such as TV programs that portray social workers and ensuring that it is an accurate portrayal.
- Annually developing at least four press releases for the state and at least one press release for each region.
- Continually enhancing and expanding the ability of the Chapter to easily and effectively send out important and timely email announcements to members and other interested parties.

	Recruit New Social Workers	Retain Current Social Workers
<p>Workforce Development</p> <p>California's Goal:</p> <p>To assure a qualified and culturally competent social work labor force by expanding social work professionals' skills and knowledge in traditional and new social work practice.</p>	<p>California's Strategies</p> <ul style="list-style-type: none"> • Regularly analyze research related to workforce trends and utilize this information when providing speakers to high schools, colleges, universities, churches, etc. • Through working with universities, associations, social work employment agencies, employers, and other key groups, provide new and up-to-date articles, materials, presentations, and courses related to current and future labor force needs while focusing on the benefits of being a social worker. • Continue to accept and mentor undergraduate and graduate interns and involve them in conducting and disseminating research related to current and future workforce trends. • Continue to incorporate "Job Fairs" into Chapter events such as the Annual Conference where recruiters from around the state and nation will be showcased. • Continue to highlight social work jobs with the ever expanding Chapter's Online Job Bulletin as well as the National Online Job Bulletin. • Continue to develop, expand, and improve the regional email list service to include job announcements. • Continually collaborate and partner on new training trends with organizations such as the American Society on Aging. • Annually collaborate, support, and advocate for the National NASW Specialty Practice Sections, which offer insight and information related to new social work recruitment pools. • Continually create activities that attract new students as well as retired social workers through discounts and scholarships to events along with developing a Retired Social Work Program. 	<p>California's Strategies</p> <ul style="list-style-type: none"> • Through the Chapter's multiple educational programs and events, continually provide new and timely presentations, courses, workshops, and materials related to... <ul style="list-style-type: none"> - Current and future labor force needs in California. - Social work job search strategies, social work careers, and professional development options. - Successful social work skills, practices, and methodologies, cultural competency, new social work roles, marketing strategies, new research findings, etc. • Through the Chapter's website and the CA News, regularly provide up-to-date research findings regarding labor trends, social work career development, and recruitment along with information, resources, and links to related websites including National's Center for Workforce Studies. • Continually provide and enhance career development information specifically for BSWs by creating a "BSW Practice Section" in the monthly CA News. • Regularly develop, revise, and strengthen strategies that will increase and retain the number of members who hold BSWs, DSWs, and who serve as social work faculty. • Regularly coordinate with other social work organizations, schools, unions, associations, and agencies to develop and strengthen strategies for recruiting and retaining social workers to meet the current workforce trends. • Annually broaden the scope of the Annual Conference to meet the needs and interests of more social work students and professionals as well as the other mental health and professionals.

Retrain Experienced Social Workers

Reactivate Community Investment in Social Work

California's Strategies

- Through the Annual Conference, Online CE Program, and CE Fairs (which generate approximately 6000 yearly registrants) continually provide new and timely training through classes, presentations, and materials related to...
 - Social work trends and new employment opportunities.
 - Areas of growing need, i.e. aging, mental health, health care, child welfare, etc.
 - Special interests represented by the Chapter's Councils, NASW Specialty Practice Sections, other groups.
 - Advanced level courses for those with 15 or more years of experience.
 - Information related to how to obtain and maintain a LCSW along with current labor market information for licensees.
 - Continue to build and expand on collaborations and partnerships with organizations such as the American Society on Aging, The National Alliance for Mentally Ill, and the American Red Cross, etc., to provide presentations and classes in areas of special interest and growing needs.
- Continue to expand the number of licensed social workers who are able to obtain education through the Chapter's conferences, events, and classes by increasing the number of states who accept the Chapter's CEUs from 34 to 40.
- Continue to support and facilitate educational events at the Chapter's regional, unit, and council levels that provide education, training, and advocacy for social workers.
- Continue to develop, revise, and enhance the Online CE Program to meet the professional development needs of social workers - at all levels - across the nation.

California's Strategies

- Continue to work closely with the Department of Mental Health, the California Welfare Directors Association, the California Social Work Education Center, the Deans and Directors of Social Work Programs, the California Society for Clinical Social Work, and other key groups to collect and provide data that support state and national legislative efforts as well as workforce development projects.
- Through the Chapter's Online CE Program, develop an "Employer Sponsored CE Program" where employers (nationwide) could pay for social work employees to take online classes that meet their professional development needs.
- Continually build and expand on the ability of employers, social workers, and other mental health professionals to register for Chapter classes, events, and conferences utilizing the most up-to-date, easy, and efficient online registration system.
- Continually build and expand efforts to partner with groups by providing opportunities for collaboration through exhibiting, advertising, presenting, and recruiting at job fairs, career days, conferences, and special events.
- Continually build and enhance the availability, ease, and effectiveness for employers who advertise and recruit social workers through the Chapter's Job Bulletin, jobs fairs, conferences, and special events.
- Continually increase the number of articles related to current and future workforce trends, social work career options, and labor market information in the CA News.
- Annually attend vital meetings, conferences, and special events to connect with stakeholders who wish to collaborate on education, training, legislation, workforce issues, etc.

	Recruit New Social Workers	Retain Current Social Workers
<p>Stakeholder Engagement</p> <p>California's Goal:</p> <p>To promote meaningful and long-term statewide alliances, collaboration, and partnerships with social work related organizations, associations, consumer and family member organizations, universities, county and state agencies, employers, and the community at large.</p>	<p>California Strategies</p> <ul style="list-style-type: none"> • Regularly participate in coalitions with stakeholders (such as California Welfare Directors Association, California Social Work Education Center, the Department of Mental Health, etc.) to jointly promote and advocate for policies and legislation related to at least four key practice areas (i.e., aging, mental health, child welfare). • Regularly support social work education by actively partnering with the California Social Work Education Center and university advisory boards by “seeding” scholarships, providing speakers for classes, orientations, and graduations, supporting faculty research, publishing research findings, and working on the development of practice initiatives. • Annually participating in at least 50% of the state’s social work school programs orientations and graduations while encouraging and supporting professional development, standards, and ethics. • Annually participate in school career fairs to promote membership and promote field placements in expanded and unique corporate and political settings. • Annually collaborate with social work school programs to increase the number of students in macro or policy field placements and to encourage more involvement at the legislative and policy levels. • Continuously recruit, place, and mentor BSW and MSW students as interns in the Chapter offices and new and unique community sites. • Continuously develop strategies to increase the number of other mental health and related professionals who become members of NASW. • Design and implement strategies to address the lack of social workers from communities of color and other underserved communities. 	<p>California Strategies</p> <ul style="list-style-type: none"> • Annually develop, enhance, and disseminate materials to the Deans and Directors of Social Work Programs that will motivate faculty and student to participate in the Chapter’s legislative and political events and activities, the educational and professional development conferences and events, regional, unit, and council events and the school-sponsored membership drive, etc. • Annually develop, revise, expand, and strengthen presentations, classes, and materials related to traditional and new practice methods through a variety of easily accessible educational and training programs targeting the state’s social workers (at all levels and in all fields) such as the Annual Conference, Online CE Program, and Legislative Lobby Days. • Annually develop, revise, and improve on the Chapter’s partnerships with the National Credential Center, the National Specialty Practice Sections, and California’s Progressive Social Work Education and Practice Council to promote traditional and new means of communicating and disseminating social work practice standards, ethics, and methodologies. • Continue to develop, expand, and enhance the function and role of the Chapter’s Affirmative Action, Civil Rights, and Social Justice Committee along with up dating and effectively and consistently implementing the Chapter’s Diversity Plan. • Continue to support, collaborate with, and contribute to social work groups such as the Latino Social Work Network, the National Asian Pacific Islander Families Against Substance Abuse, the Asian Pacific Islander Social Work Councils, the Pilipino American Social Workers Association, the Jane Adams Council, and the Disability Council, etc.

Retrain Experienced Social Workers

Reactivate Community Investment in Social Work

California Strategies

- Continue to train social workers for policy leadership by promoting and enhancing all activities of the Legislative and Political Advocacy program through the Legislative Lobby Days Conference, CalPACE events, the yearly Legislative Agenda and Score Card summary of outcomes, etc.
- Continue to develop and publish brochures and other materials related to timely social work topics.
 - For example, the Chapter contributed to the recent development of the NASW President’s Initiative: Weaving the Fabrics of Diversity and two booklets titled “Institutional Racism & The Social Work Profession: A Call to Action,” and “Immigration Policy Toolkit.” The Chapter has been instrumental in disseminating these brochures throughout the state.
- Regularly utilize the CA News, the Chapter website, and the National NASW Press to promote new articles, journals, research, and books related to timely social work topics.
- Continuously develop, revise, and expand strategies to support international efforts to expand the reach of social work skills.
 - For example, sponsoring tours for Chinese and Japanese visiting social work professionals and educators.
 - Creating and coordinating a Spanish language and cultural immersion program specifically designed for social workers and located in Costa Rica.
- Regularly develop, enhance, and expand strategies that will increase collaboration with as many social work associations, councils, schools, unions, agencies, and organizations as possible to strengthen social work practice and presence throughout the state.

California Strategies

- Annually seek partnerships with social work organizations and business to promote community friendly policies.
 - For example, collaborating with the California Social Work Education Center in the development of three initiatives by utilizing public policy hearings.
- Continually developing more effective strategies that encourage employers to specify applicants should have a social work degree and thus decrease efforts to re- or de-classify jobs.
- Regularly implement various methods that provide employers with information regarding professional social work education, training, ethics, and standards while emphasizing the value of hiring degreed social workers.
- Continue to strengthen partnership with the NASW Credential Center, the California Society on Clinical Social Work, and the Board of Behavioral Sciences to communicate and promote the value of professional social work standards, ethics, training, licensing, credentials, certificates, etc.
- Continuously provide responsive consultation related to social work ethics and standards to employers, social work students and professionals, and the public through verbal and written communication.
- Annually develop and foster joint programs with unions to encourage NASW membership and enhance the value of the social work profession’s education and training.
- Regularly develop and expand strategies to increase collaboration with community organizations serving underserved and special populations (communities of color, women, and disability organizations, etc.).

The California Social Work Reinvestment Initiative (SWRI) Feedback Form

This form was designed to provide those reviewing the preliminary draft of the NASW-CA Chapter's Social Work Reinvestment Initiative (SWRI) Plan with a formal tool for making suggestions or comments regarding the proposed goals and strategies. Feedback will be accepted until Monday, December 10, 2007 when a final draft will be prepared and submitted to the California's Board of Directors for approval.

Monday, December 10, 2007 is the deadline for submitting feedback to the Chapter.

Please mail this form to NASW-CA Chapter, 1016 23rd St., Sacramento, CA 95816

OR fax the completed form to (916) 442-2075

This form is available on the Chapter's website www.naswca.org and can be electronically submitted.

1. California's Legislative and Political Advocacy Goal and Strategies (Pages 16-17)

Please provide suggestions or comments:

2. California's Public Education Goal and Strategies (Pages 18-19)

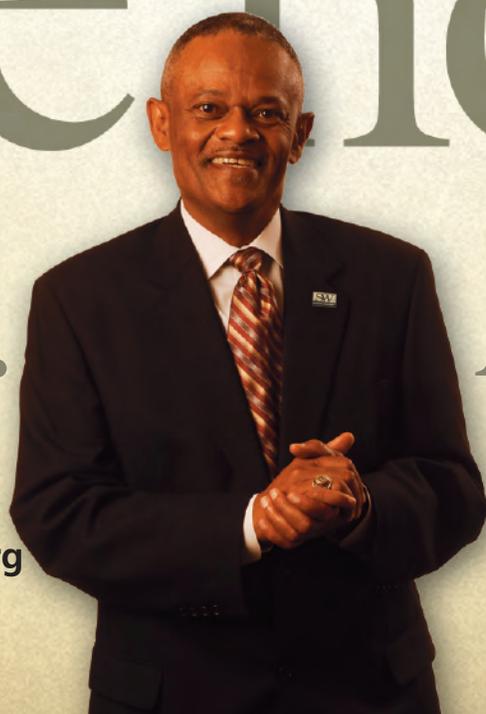
Please provide suggestions or comments:

Mental health. Adoption.
Child development. Substance use.
Disability. Geriatrics.
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