

MEETING NOTICE

Policy and Advocacy Committee January 18, 2008

University of Phoenix
860 Gateway Oaks Drive, Room 209
Sacramento, CA 95833
(800) 266-2107

9:30 a.m. – 3:00 p.m.

- I. Introductions
- II. Review and Approval of the October 5, 2007 Policy and Advocacy Committee Meeting Minutes
- III. Discussion and Possible Action on Assembly Bill 1367 Regarding Alcohol and Drug Abuse Counselors
- IV. Discussion and Possible Action to Recommend Sponsoring Legislation to Recognize Degrees Conferred by Schools Accredited by the Transnational Association of Christian Colleges and Schools for Marriage and Family Therapist Licensure
- V. Discussion and Possible Action Regarding Rules for Supervision of Marriage and Family Therapist Interns and Associate Clinical Social Workers who have Qualified for Examination
- VI. Review and Discussion of Supervision Guides for Marriage and Family Therapist Interns and Associate Clinical Social Workers
- VII. Review and Possible Action on Current Legislation
- VIII. Presentation by Janlee Wong Regarding Recruitment of Social Workers at the California Department of Corrections and Rehabilitation
- XI. Rulemaking Update
- X. Suggestions for Future Agenda Items
- XI. Public Comment for Items Not on the Agenda



Arnold Schwarzenegger
Governor

State of California

State and Consumer
Services Agency

Department of
Consumer Affairs

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

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

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

DRAFT MEETING MINUTES

Policy and Advocacy Committee October 5, 2007

Waterfront Plaza Hotel
10 Washington Street
Oakland, CA 94607

Committee Members Present:

Donna DiGiorgio, Chair, Public Member
Renee Lonner, LCSW Member
Karen Roye, Public Member
Dr. Ian Russ, MFT Member

Staff Present:

Paul Riches, Executive Officer
Mona Maggio, Assistant Executive Officer
Cassandra Kearney, Regulatory Analyst
Kristy Schieldge, Staff Counsel

Committee Members Absent:

None

Guest List:

On File

I. Introductions

Donna DiGiorgio called the meeting to order at 8:53 a.m. Paul Riches called roll, and a quorum was established. Guests introduced themselves.

II. Review and Approval of the July 13, 2007 Policy and Advocacy Committee Meeting Minutes

Ian Russ indicated that there were a few areas missing a preposition.

Kristy Schieldge suggested stating *voted to* instead of *concurred to* in all future minutes to indicate that a vote was taken. She also pointed out on Item IV, paragraph 10, second sentence should indicate *for LCSWs*. Ms. Schieldge requested clarification under Item VII, paragraph 9 should state *reasonable person* and *reasonable practitioner*.

Ian Russ moved to accept the minutes as amended. Karen Roye seconded. The Committee voted unanimously to accept the minutes as amended.

III. Discussion and Possible Action Regarding Recommended Proposals for Technical Clean-up of BBS Statutes

Ms. DiGiorgio reported that the Committee is asked to recommend that the Board sponsor

legislation to make technical amendments to BPC Sections 128.5, 4980.30, and 4981, as follows:

a. 128.5 (b) Reference to Board of Behavioral Science Examiners

Karen Roye moved to recommend that the Board sponsor legislation to make the technical amendment to BPC Section 128.5 (b), deleting the word “Examiners” from the Board’s name. Ian Russ seconded. No public comments were made. The Committee voted unanimously to approve the motion.

b. 4980.30 MFT License Requirement

Ian Russ moved to recommend that the Board sponsor legislation to make the technical amendment to BPC Section 4980.30, clarifying that a person who desires to practice and advertise the performance of marriage and family therapy must obtain a license from the Board. Renee Lonner seconded. No public comments were made. The Committee voted unanimously to approve the motion.

c. 4981 Obsolete Reference to LEP Statutes

This section 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.

Ian Russ moved to recommend that the Board sponsor legislation to make the technical amendment to BPC Section 4981, repealing this section. Renee Lonner seconded. No public comments were made. The Committee voted unanimously to approve the motion.

IV. Discussion and Possible Action to Repeal Sections 4996.20 & 4996.21 Relating to Supervised Experience for Licensed Clinical Social Workers

Mr. Riches explained that hours of supervised experience must be gained within the six years immediately prior to applying for licensure as a Licensed Clinical Social Worker (LCSW). Over the years, there have been evolving standards in hours of supervised experience required for LCSWs. The older provisions were kept over a period of time to allow the candidates who fall under those provisions to cycle through. Currently, three sections still exist; however, two of the older sections will be obsolete by the end of 2008.

Ms. DiGiorgio referred to the current statute, Section 4996.23(c)(2), stating that it is not clear, suggesting that it should indicate at least one hour per week of direct supervisor contact for a minimum of 104 weeks.

Mr. Riches explained that the section further states that no more than five hours of supervision will be counted during any single week.

Ms. Roye asked for public comment. No comments were made.

Mr. Riches stated that staff will bring back clarifying language on Section 4996.23.

V. Review and Possible Action to Recommend a Position on Senate Bill 963 (Ridley Thomas) Regarding Sunset Review

Mr. Riches explained that all the board and bureaus of the Department of Consumer Affairs (DCA) have been under the Sunset Review process since 1994. This is routine legislative oversight with the exception that 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 cease to exist. In this process, board and bureau performance is evaluated. The BBS was last subject to sunset review in 2005, and no negative findings were made. The collaboration of this process has worked well between the Legislature, the administration, and the entities. However, the collaboration began breaking down during the last two administrations. Governor Davis’ administration and Governor Schwarzenegger’s administration had different views regarding Sunset Review, existence of boards, and governmental structure. Governor Schwarzenegger’s California Performance Review (CPR) recommended the elimination of professional licensing boards in DCA, which is at odds with the Legislature’s perspective because the boards were reviewed and passed by the Legislature. The recommendation was not passed. With the existence of sunset dates, the Governor does not have to sign sunset extension bills in order to turn all boards into bureaus. Furthermore, the Joint Committee on Boards Professions and Consumer Protection, which is the entity that conducts the sunset review process, no longer exists.

Mr. Riches reported that the Legislature is no longer conducting Sunset Reviews. Senate Bill 963 eliminates the sunset dates for DCA boards and bureaus and contains all of the provisions contained in the memorandum. The Legislature needs to determine what to do about oversight, and they need to work out sunset dates with the administration.

Mr. Riches recommended that the Committee consider providing comment for the board’s consideration regarding elements of an effective oversight process.

Ms. Roye suggested that staff gather information regarding other boards’ views and how they are approaching this matter. She asked what the Board should do regarding this.

Mr. Riches recommended that the Board give tangible input into their considerations. The Board could provide broad parameters and ideas for different ways of structuring the oversight process, so that they can refer to them publicly. There is no interest in rewriting the bill. The Board should just provide some ideas for them to think about.

Geri Esposito, California Society for Clinical Social Work (CSCSW), commented that policy should be made by sampling the boards and attending the meetings. There are excellent recommendations that Board could make.

Mr. Riches stated that the bill in its current form may not go far. The larger concern is that the Board has a sunset date. A replacement for the sunset process is needed, and action needs to be taken on the sunset dates.

Dr. Russ asked the audience for their views on the Board becoming a bureau. Mary Riemersma, California Association of Marriage and Family Therapists (CAMFT), replied that they do not like it. The Board invites public comment and allows the public to have input on its decision-making. Without a board, it will be too difficult to have that input. It is critical that there is someone directly responsible for this Board, and that there is an

executive who is responsible for its operations. CAMFT would do everything it could to keep that from happening.

Dr. Russ added that the dialogue is necessary in order to make good decisions. Ms. Schieldge added that the Board has professionals who have the expertise to help make licensing decisions on enforcement cases; whereas bureaus have a bureau chief who reports to the director. After the administrative hearing, the case goes to the director for a decision.

Ms. Schieldge stated that the argument would be that "Advisory Committees" could be established to address issues. Mr. Riches stated that would be a discretionary act. The Board is required to conduct business in a public session. Bureaus choose when to solicit public input; however, they are not required to.

Ms. Esposito commented on the accountability issue. The Board selects its executive officer; however, that is not the case in bureaus.

Ms. Schieldge stated that support needs to come from the public and constituents to prevent this from happening.

Mr. Riches stated that the Legislature is committed to continuing with the board structure. The Governor's point of view regarding board structure is not favorable; however, he is responsive to public input and legislative input. He suggested a motion to make a recommendation to the Board, providing feedback to the Legislature and the administration regarding the structure of an ongoing oversight process. He also stated that staff will gather information on other state boards, how they are structured and organized, and which have sunset processes, and talk to other DCA executive officers.

Ian Russ moved to make a recommendation to the Board to provide feedback to the Legislature and the administration regarding the structure of an ongoing oversight process. Renee Lonner seconded. The Committee voted unanimously to approve the motion.

VI. Review and Possible Action Related to Advertising Guidelines

Mr. Riches explained that the Board has a policy regarding advertising, primarily focusing on the use of the term "psychotherapy" or "psychotherapist". When reviewing documents and revising the website, that policy came forward and caused discomfort with the former board counsel, questioning whether or not this might not be considered underground regulation, which is a rule or general application that has not been adopted through the Administrative Procedures Act (APA).

Mr. Riches reported that neither the Board's regulations or Policy # E-95-2, require a licensee to provide their license number in advertisement; however the licensee is instructed to provide the license number in the guidelines. Staff supports the requirement that licensees provide their professional license number as a matter of practice and identification, and the requirement that only licensed psychotherapists can call themselves psychotherapists.

Ms. Riemersma stated that in the public's perspective, the license number is insignificant when the title is clearly used in advertisement, and would like to see the proposed regulation interpreted as it has been interpreted in policy.

Ms. Esposito stated that a contractor has to provide a license number in advertisement. Requiring the license number is consistent with the requirements of other licensees.

Ms. DiGiorgio expressed that she would like to see that the individual is licensed if they are using the title.

Mr. Riches added that the number indicates that the individual is licensed and that they are accountable to some entity.

Ms. Riemersma stated that if this becomes a requirement, the professionals need a lot of advanced warning in order to make corrections on printed advertisements.

Dr. Russ asked about the issue with psychotherapy. Ms. Riemersma replied that psychologists do not want MFTs and LCSWs to use the terms "psychotherapy" or "psychotherapists". There is a section of their law (Section 2903) that states that these terms and others cannot be used by the BBS licensed professions. There is another section (Section 2908) that states that licensed professionals may not use a list of terms, but omitted the terms "psychotherapy" and "psychotherapists" making it clear that BBS licensed professionals can use those terms. Psychotherapists are most often referred to in the Evidence Code under Section 1010. MFTs and LCSWs are one of many different kinds of psychotherapists. Ms. Riemersma explained that CAMFT and the Board came up with the guideline stating that licensees using the term "psychotherapy" or "psychotherapist" must spell out the title of their license, so there is no misunderstanding that the licensee is claiming to be a psychologist. CAMFT initiated this policy because it was a long-standing policy that CAMFT had since the 1970's, and the Board adopted that policy.

Ms. Schieldge added that the use of psychotherapeutic techniques is stated in the statute.

Mr. Riches stated a revision to Section 1811(e) is necessary. There are inconsistencies between Sections 1811(b) and (c) regarding reference to supervisors and supervision, which need parallel each other more closely. This needs to be cleaned up so that there is no confusion.

Ms Schieldge stated that these were lifted directed from the statutes and they are slightly different. Section 1811(c) is reflective of what the statute for LCSW actually states, which states that the associate is "unlicensed and working under supervision of a licensed professional."

Dr. Russ suggested the clarification to include a reference to the name and license type of the supervisor, or if employed by an agency, a reference indicating that the individual is working under the supervision of the agency.

Ms. Riemersma stated that is already clear because the agency's name is on the card. She recommended that it states "working under supervision," and that it is clear the individual is an MFT intern.

Dr. Russ added that if the individual is working in a practice, then it should indicate the name of the supervisor's practice.

Ms. Esposito added on to Dr. Russ' suggestion "working under a licensed supervisor."

Ms. Riemersma stated that much of the problem is the MFT interns. They are putting themselves out as though they have a license. If the intern is working at an agency, the card with the agency's name should state "working under supervision." If the intern is working in a private practice, the card should indicate "employed and supervised by (name, license type)".

Mr. Riches stated that staff will work on a clean draft to present to the next Committee meeting.

VII. Legislation Update

Mr. Riches reported that bills are awaiting signature by the Governor.

Mr. Riches thanked Ms. Riemersma and CAMFT. There were some late changes to the clean up of the educational psychology statutes that staff had intended on putting into the Senate Business and Professions Committee Omnibus Bill. The Senate Republican caucus would not allow any more changes late in the process. CAMFT had a bill late in the process and were very gracious about allowing BBS to amend the provisions into this bill, SB 234. They were very helpful in getting this through this year.

Ms. Riemersma asked if the proposals of the omnibus legislation that did not get accomplished will be part of another bill next year. Mr. Riches expects that the client-centered advocacy piece, the recognition of the regional accrediting bodies, and the MFT education revisions will go together in one package in 2008. As for the continuing education credit for Board meetings, he needs to do some more work on it.

VIII. Rulemaking Update

The rulemaking update was presented for review. Mr. Riches stated that much of the rulemaking is close to taking effect.

IX. Suggestions for Future Agenda Items

No suggestions were made.

X. Public Comment for Items Not on the Agenda

No public comments were made.

The meeting was adjourned at 9:59 a.m.

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES

BILL ANALYSIS

BILL NUMBER: AB 1367 VERSION: JANUARY 11, INTRODUCED FEBRUARY 23, 2007
2008

AUTHOR: DESAULNIER SPONSOR: CALIFORNIA ASSOCIATION OF ALCOHOLISM AND
DRUG ABUSE COUNSELORS

RECOMMENDED POSITION: OPPOSE UNLESS AMENDED

SUBJECT: LICENSED ALCOHOLISM AND DRUG ABUSE COUNSELORS

Existing Law:

- 1) Defines a psychotherapist as a physician and surgeon specializing in psychiatry or practicing psychotherapy, a psychologist, a clinical social worker, a MFT, a psychological assistant, a MFT registered intern or trainee, or an associate clinical social worker.
- 2) Establishes the following general requirements for licensure of psychotherapists:
 - a) A graduate degree from an accredited school in a related clinical field;
 - b) Extensive hours of supervised experience gained over years;
 - c) Registration with a regulatory Board while gaining the supervised experience; and,
 - d) Standard and Clinical Vignette licensing examinations.
- 3) Current Department of Alcohol and Drug Programs (ADP) regulations specify the following:
 - a) By April 1, 2010, at least 30% of counselors in licensed facilities shall be in compliance with certification requirements and all other counseling staff shall be registered with a certifying organization (9 CCR §13010).
 - b) Any individual who was certified to provide counseling services in an alcohol or other drug program by a certifying organization as of April 1, 2005, is deemed to be certified pursuant to the requirements of the regulation. (9 CCR §13020)
 - c) Until April 1, 2007, any certifying organization may issue a certificate to any individual employed as an alcohol or other drug program counselor as of April 1, 2005 if the individual is certified and has achieved a score of at least 70% on an approved oral/written examination and has either been providing counseling services for 40 hours a week for a minimum of five years between April 1, 1995 and April 1, 2005 or possesses an Associates of Arts, Bachelor of Arts, or Master of Arts degree in the study of chemical dependency.(9 CCR §13025)

- d) By October 1, 2005 or within six months of the date of hire, whichever is later, all non-licensed or non-certified individuals providing counseling services in an alcohol or other drug program must be registered to obtain certification as an alcohol or other drug program counselor. (9 CCR §13035 (f))
- e) Registrants shall complete certification as an alcohol or other drug program counselor within five years from the date of registration. (9 CCR §13035 (f)(1))
- f) In order for a certifying organization to issue alcohol or other drug program counselor certification, their certification requirements must meet DADP minimum standards. These standards include: completing a minimum of 155 hours of formal classroom alcohol or other drug program counselor education, as defined, completing a minimum of 160 documented hours of supervised alcohol or other drug program counseling, completing 2,080 or more documented hours of work experience, and obtaining a score of at least 70% on an exam approved by the certifying organization. (9 CCR §13040)

This Bill:

- 1) Enacts the Alcoholism and Drug Abuse Counselor licensing law and provides for the licensing and regulation of alcoholism and drug abuse counselors (Counselors) by the Board of Behavioral Sciences (Board).
- 2) Provides that the Board membership, after January 1, 2010, shall include one state licensed alcoholism and drug abuse counselor. (B & P Code § 4990)
- 3) Adds an additional public member to the Board, appointed by the Governor, changing the public membership from six individuals to seven individuals. (B & P Code § 4990 (d))
- 4) Defines terms related to this bill, including the following: (B & P Code § 4702)
 - a. "Licensed alcoholism and drug abuse counselor I" (ADAC I) means a person licensed by the Board to practice alcoholism and drug abuse counseling under clinical supervision.
 - b. "Licensed alcoholism and drug abuse counselor II" (ADAC II) means a person licensed by the Board to conduct an independent practice of alcoholism and drug abuse counseling, as defined, and to provide supervision to ADAC I licensees.
 - c. "Experience" means experience in the 12 core functions of alcoholism and drug abuse counseling.
 - d. "Referral agent" means a licensed professional, including, but not limited to a marriage and family therapist (MFT), a Licensed Clinical Social Worker (LCSW), a licensed psychologist, a licensed physician certified in psychiatry, or a physician who has completed a residency but is not yet board certified in psychiatry, who receives referrals from licensed Counselors.
 - e. "Clinical supervision" means the ongoing process of direct review of a supervisee for the purpose of ensuring administrative accountability, enhancing training and education, and ensuring quality control. The direct review shall be performed by a qualified supervisor who monitors the performance of the 12 core functions and provides regular consultation, guidance, and instruction with respect to the counseling skills and competencies of the supervisee.

- f. "Twelve Core Functions" means the performance parameters utilized by Counselors as established by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc. (IC&RC).
- g. "Practice of alcoholism and drug abuse counseling" means performing any of the following 12 Core Functions for the purpose of treating alcoholism and drug abuse:
 - i. Screening a client to determine eligibility for admission to a treatment program;
 - ii. Initial intake to include the administrative and initial assessment procedures for admission into a treatment program (does not include psychological testing intended to diagnose mental illness);
 - iii. Orientation to include describing to the client the general nature and goals of the treatment program;
 - iv. Alcoholism and drug abuse counseling, including individual, group, and significant others with the utilization of special skills to assist in the achieving of objectives through exploration of a problem and its ramifications, examination of attitudes and feelings, considerations of alternative solutions and decision making as each relates to substance abuse (Counseling shall be limited to assisting a client in learning more about himself or herself for the purposes of understanding how to effectuate clearly perceived, realistically defined goals related to abstinence. Counseling is limited to assisting the client to learn or acquire new skills that will enable the client to cope and adjust to life situations without the use of substances);
 - v. Case management including the activities that bring services, agencies, resources, or individuals together within a planned framework of action toward achievement of established goals;
 - vi. Crisis intervention required to respond to an alcohol or drug abuser's needs during acute emotional or physical distress;
 - vii. Assessment by a counselor or program to identify and evaluate an individual's strengths, weaknesses, problems, and needs for development of the treatment plan;
 - viii. Treatment planning, the process by which the counselor and the client identify and rank problems needing resolution, establish agreed upon immediate and long-term goals, and decide on a treatment process and the resources to be utilized;
 - ix. Client education to inform individuals and groups concerning alcohol and other drugs of abuse and the services and resources available;
 - x. Referral includes the identifying of the client's needs that cannot be met by the counselor or agency, as well as assisting the client in utilizing the support systems and community resources available;
 - xi. Reports and recordkeeping documenting the client's progress in achieving the client's goals; and,

- xii. Consultation with other professionals in regard to client treatment or services.
 - h. "Trainee" means an unlicensed person who is currently enrolled in a course of education that is designed to qualify him or her for licensure pursuant to the provisions of this bill and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying education program.
 - i. "Registrant" means a person who is registered as an ADAC intern.
- 5) Directs the Board to carry out the provisions of this bill, including the following: (B & P Code § 4703)
 - a. Issue licenses and registrations beginning January 1, 2010;
 - b. Adopt rules and regulations relating to the provisions of this bill;
 - c. Take disciplinary action against a licensee or intern, where appropriate;
 - d. Establish continuing education requirements for licensees;
 - e. Establish procedures for the receipt, investigation, and resolution of complaints against licensees;
 - f. Establish criteria to determine whether the curriculum of an educational institution satisfies the licensure requirements imposed by this bill;
 - g. Establish parameters of unprofessional conduct for licensees that are consistent with generally accepted ethics codes for the professions;
 - h. Establish reinstatement procedures for an expired or revoked license: and,
 - i. Establish supervision and supervisory requirements for interns.
- 6) Provides that nothing in the provisions of this bill shall be construed to constrict, limit, or withdraw the Medical Practice Act, the Nursing Practice Act, the Psychology Licensing Act, the MFT Practice Act, or the LCSW Practice Act. (B & P Code § 4704 (a))
- 7) Exempts persons employed or volunteering at a program administered by a governmental agency, if the person is qualified or licensed to engage in practice. (B & P Code § 4704 (b)(2))
- 8) Requires the Board, beginning January 1, 2010 and through December 30, 2011, to issue an ADAC II license to a person that completes an application, pays the appropriate licensure fees and provides documentation of the following: (B & P Code § 4705)
 - a. Current certification from one of the following:
 - i. The California Association of Alcoholism and Drug Abuse Counselors as a Certified Alcohol and Drug Counselor I (CADC I) or a Certified Alcohol and Drug Counselor II (CADC II);

- ii. The National Association of Alcohol and Drug Abuse Counselors as a National Certified Addiction Counselor II (NCAC II);
 - iii. The IC&RC as an International Certified Alcohol and Drug Abuse Counselor (ICADC); or,
 - iv. An organization recognized by the Department of Alcohol and Drug Programs (DADP) and accredited by the National Commission on Certifying Agencies (NCCA), if the certification requirements are substantially equivalent to those certifying bodies listed above.
- b. Proof of one of the following:
- i. At least 10,000 hours of experience in direct alcoholism and drug abuse counseling services, including 4,000 hours of experience in clinical supervision; or,
 - ii. At least 10,000 hours of experience in direct alcoholism and drug abuse counseling services and current licensing in a mental health field requiring at least a master's degree.
- 9) Requires the Board, beginning January 1, 2012 to issue an ADAC II license to a person that both passes written and oral examinations and holds a master's degree in alcoholism and drug abuse counseling or a related mental health field approved by the Board. (B & P Code § 4706)
- 10) Requires the Board, beginning January 1, 2010, and through December 31, 2011, to issue an ADAC I license to a person that obtains current certification from one of the following: (B & P Code § 4707)
- a. The California Association of Alcoholism and Drug Abuse Counselors as a CADAC I or a CADAC II;
 - b. The National Association of Alcohol and Drug Abuse Counselors as a NCAC II;
 - c. The IC&RC as an ICADC; or,
 - d. An organization recognized by the DADP and accredited by NCCA, if the certification requirements are substantially equivalent to those certifying bodies listed above.
- 11) Requires the Board, beginning January 1, 2012 to issue an ADAC I license to a person that meets the following requirements: (B & P Code § 4708)
- a. Is a high school graduate or possesses a general education development equivalent;
 - b. Completes a minimum of 315 hours of classroom instruction in alcoholism and drug abuse, including a 45-hour classroom practicum;
 - c. Completes a minimum of 255 hours of field work in a clinically supervised practicum;
 - d. Completes a minimum of 6,000 hours of supervised work experience in the 12 Core Functions; and,

- e. Passes the written and oral examination offered by the IC&RC or as required by the Board.
- 12) Provides that if a licensee fails to renew a license issued during the grandparenting period (January 1, 2010 through December 31, 2011) before the expiration date of the license, the licensee will be required to meet the current licensure requirements before obtaining a new license. (B & P Code §4705, 4707)
 - 13) Permits the Board to periodically review the requirements for attainment and renewal of licenses, and based on those findings, recommend enhanced requirements for licensure, however, the Board may not adopt or seek to enact lower licensure requirements or standards than those set forth in this bill. (B & P Code § 4708.1)
 - 14) Authorizes the Board to evaluate the examinations required by this bill, and prior to their use, determine their efficacy and whether an alternate or supplemental examination is needed. If it is determined that an alternate or supplemental examination is needed, the IC&RC exam shall be used until the alternate or supplemental examination is adopted. Additionally requires the examinations to be given twice a year, at a time and place determined by the Board. (B & P Code § 4709)
 - 15) Allows the Board to issue an ADAC I or ADAC II license to any person who has held for at least two years, a valid corresponding license in another state, if the educational and supervised experience requirements are substantially equivalent to the respective requirements of this bill, and the person successfully completes the Board administered examinations. (B & P Code § 4711)
 - 16) Allows the Board to accept education gained outside of California, if the education is substantially equivalent to the education requirements in this bill. (B & P Code § 4712)
 - 17) Allows the Board to accept experience gained outside of California if it is substantially equivalent to the licensure requirements provided for in this bill 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 & P Code § 4712)
 - 18) Exempts a trainee, as defined, from the requirements of this bill if the activities and services he or she performs as a trainee constitute part of the trainee's supervised course of study and provided that when performing those services he or she is designated by the title "trainee." (B & P Code § 4704)
 - 19) Allows the Board to register a person as an intern beginning January 1, 2010, if all the following requirements are met: (B & P Code § 4713)
 - a. Graduation of High School or possession of a general education development equivalent;
 - b. Completion of a minimum of 315 hours of classroom instruction in alcoholism and drug abuse, including a 45 hour classroom practicum;
 - c. Successful passing score on the written examination offered by IC&RC, or as required by the Board;
 - d. Individual has not committed acts constituting grounds for denial of licensure; and,

- e. Individual has not been convicted of a crime that involves sexual abuse of children and is not required to register as a sex offender.
- 20) Provides that intern registration shall be renewed annually, for a maximum of five years after initial registration with the Board. (B & P Code § 4714 (b))
 - 21) Requires an intern to register with the Board prior to performing any duties and to inform clients that he or she is unlicensed and under the supervision of an ADAC II, licensed psychologist, MFT, LCSW, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, or a physician who has completed a residency but is not yet board certified in psychiatry. (B & P Code § 4714)
 - 22) Requires all ADAC I clinical supervisors to have at least 4,000 hours of direct treatment experience in substance abuse and addiction. (B & P Code § 4722)
 - 23) Provides that the scope of practice for the ADAC I shall include the 12 Core Functions pursuant to the provisions of this bill, and stipulates that an ADAC I may perform these services in private practice only if under the supervision of an ADAC II or other clinical supervisor as specified. (B & P Code § 4721)
 - 24) Authorizes an ADAC I to provide services in hospitals, agencies, and other facilities where alcoholism and drug abuse services are delivered, without supervision, in accordance with the laws and regulations governing the facilities. (B & P Code § 4721)
 - 25) Describes the scope of practice for an ADAC II to include both the 12 Core Functions and the clinical supervision of interns and ADAC I practitioners. (B & P Code § 4721 (a))
 - 26) States that each clinical supervisor shall be limited to no more than 30 supervisees at any point in time. (B & P Code § 4722(f))
 - 27) Requires all clients of ADAC I and ADAC II practitioners to be referred for an initial assessment with a referral agent within 14 days of intake to be assessed for any co-occurring needs or disorders. (B & P Code § 4723)
 - 28) Makes it unlawful for any person to engage in the following acts included in the definition of the practice of alcoholism and drug abuse counseling without licensure pursuant to the provisions of this bill: orientation, crisis intervention, assessment, treatment planning, referral, reports and recordkeeping, consultation with other professions regarding client treatment, and, alcoholism and drug abuse counseling. (B & P Code § 4721.1)
 - 29) Makes it unlawful for any person not licensed under the provisions of this bill, to operate a private practice in alcoholism and drug abuse counseling or represent himself or herself as, or use the title or designation of a alcoholism and drug abuse counselor, or make use of any title, words, letters or abbreviations that may reasonably be confused with a designation provided by this bill to denote a standard of professional or occupational competence. (B & P Code § 4721.1)
 - 30) Allows the Board to deny, revoke or suspend a license for unprofessional conduct, as defined, including the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any specified substances, after becoming licensed. (B & P Code § 4724 (c))

- 31) Requires the Board to file an accusation against a licensee within three years from the date the Board discovers the alleged act that is the basis for disciplinary action, or within seven years from the date the alleged act that is the basis for disciplinary action occurred, with specified exemptions, including those for occurrences relating to sexual misconduct. (B & P Code § 4725)
- 32) Requires an applicant for licensure to submit to a criminal history background check, and makes refusal to do so grounds for denial of the license. (B & P Code § 4726)
- 33) Requires the Board when reviewing an applicant's criminal background history, to consider all the following factors in determining whether to issue a license: (B & P Code § 4726 (c))
 - a. The level of seriousness of the crime committed;
 - b. The date that the crime was committed;
 - c. The age of the applicant at the time of conviction;
 - d. The circumstances surrounding the commission of the crime, if known;
 - e. The nexus between the criminal conduct and the duties of a licensed alcoholism and drug abuse counselor; and,
 - f. The applicant's prison, jail, probation, parole, rehabilitation, and employment records since the date the crime was committed.
- 34) Requires a licensee to complete not less than 60 hours of continuing education coursework that is offered by a Board approved provider and that is relevant to the field of alcoholism and drug abuse counseling in order to renew licensure, on a biennial basis. (B & P Code § 4728 (a))
- 35) Directs the Board to establish procedures for approving providers of continuing education, and requires the Board to fund the administration of the provisions relating to continuing education by collecting continuing education provider fees. (B & P Code § 4728)
- 36) Allows the Board to place an intern or licensee on probation under specified circumstances. (B & P Code § 4735)
- 37) Stipulates that start up funds to implement the provisions of this bill shall be derived as a loan, from the reserve of the Behavioral Science Fund, subject to an appropriation by the Legislature, and states that the Board shall not be required to implement the provisions of this bill until the start up funds have been appropriated. (B & P Code § 4740 (b))
- 38) Allows the Board to adjust the deadlines imposed by this bill in the event that funds have not been appropriated. (B & P Code § 4740 (c))

Comment:

- 1) **Author's Intent.** According to the sponsor of this bill, creating a licensure category for this profession will raise the level of care provided to addicts seeking treatment in the private sector where the progression of their disease may be treated before costly, in-patient,

publicly financed treatment becomes necessary.

The sponsor states that this proposal will benefit the counselors and consumers through the following:

- Consumer will have a means to address complaints and seek redress for abusive and incompetent behavior by licensed individuals.
- Consistent standards of quality of education, training and experience for licensees.
- Safeguard the public health, safety and welfare, and to protect the public from unauthorized service delivery by non-licensed alcohol and drug abuse counselors.
- Professionalizes the industry and allows career building for alcoholism and drug abuse counselors.

2) Redundant licensing categories. This bill as drafted stipulates that both an ADAC intern and an ADAC I may not practice independently or without supervision. There is no clear difference in function or practice between an ADAC intern and an ADAC I. The following table outlines the requirements, qualifications and scope of practice of licensees, interns and trainees contained in this bill (after January 1, 2012).

Requirements	<i>ADAC Trainee</i>	<i>ADAC Intern</i>	<i>ADAC I</i>	<i>ADAC II</i>
<i>Education</i>	12 Semester units or 18 quarter units	315 Classroom hours	315 Classroom hours 255 hours of field work	Master's Degree
<i>Experience</i>	none	none	6,000 hours	none
<i>Exam</i>	none	written	written and oral	written and oral
<i>Scope of Practice</i>	12 Core Functions	screening, initial intake, case management and client education.	12 Core Functions	12 Core Functions
<i>Level of Supervision</i>	Allowed to practice if it is during the "supervised course of Study". (4704)	-Under the direction and control of the employer(4718). -Supervised in accordance to regulations adopted by the Board (4716).	-Clinical supervision (4702 (d)) by specified mental health professional. -Annual evaluation, at least 50 hours of face-to-face supervision a year, and a written agreement between the supervisor and supervisee.	none

Three of the four categories of individuals permitted to practice alcoholism and drug abuse counseling must be supervised, yet each category of practitioner is permitted to function and practice in nearly the same manner. It is the opinion of staff that it is not only unnecessary, but costly, to have the Board regulate redundant licensing categories.

- **Suggested Amendment.** Make a clear distinction between the function and practice of the practitioners set forth in this bill or delete one or more of the duplicative categories of practitioner.

3) Discrepancy in qualification and function of ADAC trainee and ADAC intern. As currently written, this bill allows a trainee, not registered with the Board, to practice alcoholism and drug counseling provided that the activities are performed as a trainee and that those activities constitute part of the trainee's supervised course of study (Section 4704). However, an ADAC intern, registered with the Board, that has met all the education and examination requirements listed above, may only perform specified activities within the 12 core functions (the scope of practice defined for licensees under the provisions of this bill). It is unclear the reason this bill would seek to set higher standards for a lower functioning practitioner (and ADAC intern) while allowing an unregulated individual (trainee) to practice at the same level as a licensee that has 315 hours of coursework, 255 hours of field work, 6,000 hours of work experience and a passing score on both a written and oral examination.

Also, the current ADAC I experience requirement of 6,000 hours of supervised work experience in the 12 Core functions is not consistent with other experience requirements for licensees under this board's jurisdiction. At this time MFT licensure requires 3,000 hours of experience and LCSW licensure requires 3,200 hours of experience.

- **Suggested Amendment.** The experience requirements contained in this bill are excessive. The experience requirements should be made more consistent with the experience requirements of other licensees under the jurisdiction of this board.

4) Supervision requirements unclear. As currently drafted, this bill does not expressly provide for the clinical supervision of an ADAC intern. Section 4716 merely states that an ADAC intern must be supervised in accordance with regulations adopted by the Board. Likewise, this bill allows a trainee to practice "as part of a supervised course of study" but lacks language outlining any supervision standards.

Additionally, this bill fails to address the unprofessional conduct of a licensee in the supervision of a trainee or an ADAC I (Section 4724 (r), (t)). Current provisions relating to the unprofessional conduct of a supervisor involve only the supervision of a registered intern.

- **Suggested Amendment.** Add a section to specify that an ADAC intern must be clinically supervised during practice, and change all related references.
- **Suggested Amendment.** Make all relevant provisions concerning supervision appropriately applicable to trainees, ADAC interns and ADAC I licensees.

5) Restriction of future Board action. Section 4708.1 allows the Board to periodically review the requirements for attainment and renewal of licenses authorized by this bill. Additionally, this section expressly permits the board, based on the findings of the review, to recommend enhanced requirements for each licensure category. However, this section prohibits the Board from adopting or seeking to enact lower licensure requirements or standards for the licensees authorized by this bill.

This section of the bill is unnecessary. Current law already authorizes the Board to review the requirements for attainment and renewal of licensure and where it is not in conflict with existing statute, the Board may make changes to those requirements without action from the Legislature. However, the clause contained in this section that removes the Board's ability to lower the licensure standards and requirements in effect ties the Board's hands to decide the appropriate standards for the profession. It should be noted that by in large standards increase, not decrease, however, it ought to remain the discretion of the regulatory Board to adopt different standards, higher or lower.

- **Suggested Amendment.** Delete section 4708.1 in its entirety and instead, recast the provision as uncodified intent language without the last sentence ("Under no circumstance shall the board adopt or seek to enact lower licensure requirements or standards").

6) Timelines for Implementation. The provisions in this bill (should it pass) have staggered implementation deadlines. However, the Board is required to begin accepting and processing applications for ADAC I and II licenses and intern registration on January 1, 2010. However, it will take at least three years in order for the Board to obtain spending authority, hire staff, perform an occupational analysis, develop and implement the supplemental examination.

- **Suggested Amendment.** Extend all current timelines by one year, postponing implementation of the provisions requiring the board to accept and process applications for intern registration and ADAC licensure to January 1, 2011.

7) Examinations. After January 1, 2012, licensure set forth in this bill requires the passage of both an oral and written examination. The bill stipulates that the exam shall be the written and oral examinations offered by the IC & RC, or as required by the Board. Section 4709 authorizes the Board to evaluate the IC & RC examinations prior to their use to determine whether they meet the prevailing standards of the Office of Examination Resources and are adequate at measuring the skills and knowledge required to deliver safe and effective alcoholism and drug abuse counseling services. Staff notes that it is unnecessary to authorize the Board to evaluate the IC & RC exam or to develop an alternate or supplemental exam, as the Department of Consumer Affairs, pursuant to B & P Code § 139, currently has a policy in place that establishes guidelines for examination validation and development.

Furthermore, no license under the jurisdiction of this Board currently requires an oral examination making this provision inconsistent with the law governing other licenses regulated by the Board.

- **Suggested Amendment.** Change language in Section 4709 to conform to current law, referencing the Department of Consumer Affairs exam validation policy.
- **Suggested Amendment.** Delete references to oral examination in Sections 4708 and 4706.

8) Referral Agent. Section 4723 requires both an ADAC I and II to refer all clients for an initial assessment with a referral agent, as defined, within 14 days of intake, to assess any co-occurring needs or disorders. By creating a specific referral agent, the possibility of an inappropriate referral relationship is more likely to occur (remuneration for client referral).

- **Suggested Amendment.** Delete the reference to a referral agent and instead stipulate that an ADAC I and II has a duty to refer and make referrals in the stated timeframe to the appropriate licensed mental health professional or health professional.

9) Grandparenting. This bill would grandparent applicants into an already occupied field and the provisions grandparenting in applicants allows for licensure of individuals that hold current certification from specific certifying bodies. In order to maintain high consumer protection standards, a specified recertification period should be required of those licensed under the grandparenting provisions contained in this bill. This recertification would consist of passing the current licensing examination and meeting all other requirements necessary for licensure at the time of recertification.

- **Suggested Amendment.** Add a section that requires persons grandparented under sections 4705 and 4707 to be recertified after a 6-year period, to consist of taking current licensing examinations and meeting all other requirements at the time of recertification. This language is consistent with Board approved language amended into AB 1486 (Calderon), the bill creating licensure for Professional Counselors.
- **Suggested Amendment.** Insert sunset dates in to the grandparenting provisions, making those provisions sunset after the grandparenting period ends in 2012.

10) Different Standards of Care. This bill creates licensure for individuals practicing alcoholism and drug abuse counseling in a private setting only. Currently ADP regulates and certifies counselors providing treatment in ADP licensed facilities (see *Existing Law*). Should policies be implemented that encourage disparate standards of care for those seeking treatment in a residential facility and those seeking outpatient care?

11) Other Suggested Amendments.

- a) Require that a degree must be in a closely related mental health field approved by the board to qualify towards ADAC II licensure. (Section 4706)
- b) Delete all references to “the 12 core functions” and instead reference the description of the scope of practice therein.
- c) Section 4723, change “may” to “shall” relating to the Board registering ADAC interns beginning January 1, 2010.

- d) Conform provisions relating to unprofessional conduct to those contained in pending legislation (SB 797 (Ridley-Thomas)).
- e) Add a provision to the unprofessional conduct section regarding the failure to keep records with specified standards in order to make this code section consistent with current licensing law.
- f) Section 4730 (c), delete the word “corresponding” and replace with “current.”
- g) Section 4728 (c)(1) insert reference to “an equivalent regional accrediting agency approved by the United State Department of Education.” Section relates to continuing education sources. This language is consistent with proposed language amending MFT licensing law.
- h) Section 4706 (a)(2), insert reference to “an equivalent regional accrediting agency approved by the United State Department of Education” and delete “a nationally accredited learning institution approved by the board.” This section relates to degrees accepted by the Board by specified school. This language is consistent with proposed language amending MFT licensing law.
- i) Section 4712 (a) delete the 250 hour supervised experience requirement for out of state applicants.

12) Support and Opposition.

Support: CAADAC

Opposition:

13) History

2008

Jan. 7 From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.

2007

May 17 (Corrected May 16.)

Apr. 24 In committee: Set, first hearing. Hearing canceled at the request of author.

Apr. 17 Re-referred to Com. on B. & P.

Apr. 16 From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.

Mar. 22 Referred to Com. on B. & P.

Feb. 26 Read first time.

Feb. 25 From printer. May be heard in committee March 27.

Feb. 23 Introduced. To print.

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AMENDED IN ASSEMBLY JANUARY 8, 2008

AMENDED IN ASSEMBLY JANUARY 7, 2008

AMENDED IN ASSEMBLY APRIL 16, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1367

**Introduced by Assembly Member DeSaulnier
(Coauthors: Assembly Members *Beall*, *Brownley*, *Parra*, and
Portantino)**

February 23, 2007

An act to amend Sections 4990, 4990.18, 4990.30, and 4990.38 of, and to add Chapter 10.5 (commencing with Section 4700) to Division 2 of, the Business and Professions Code, relating to alcoholism and drug abuse counselors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1367, as amended, DeSaulnier. Alcoholism and drug abuse counselors.

Existing law provides for the licensing and regulation of marriage and family therapists, social workers, and educational psychologists by the Board of Behavioral Sciences, in the Department of Consumer Affairs. Existing law provides that the Board of Behavioral Sciences consists of 11 members and makes that provision inoperative on July 1, 2009, and repeals it on January 1, 2010. Existing law declares the intent of the Legislature that the board employ its resources for, among other things, the licensure of marriage and family therapists, clinical social workers, and educational psychologists. Existing law authorizes a licensed marriage and family therapist and a marriage and family therapist intern, among others, whose license or registration has been

revoked to petition the board for reinstatement or modification of the penalty. Existing law also authorizes the board to deny an application or suspend or revoke a license or registration issued under the provisions it administers and enforces for any disciplinary action imposed by another state or territory or possession of the United States, or by a governmental agency, on a license, certificate, or registration to practice marriage and family therapy, clinical social work, educational psychology, or any other healing art.

This bill would enact the Alcoholism and Drug Abuse Counselors Licensing Law and provide for the licensing or registration and regulation of alcoholism and drug abuse counselors and interns, as defined, by the Board of Behavioral Sciences. The bill would, after January 1, 2010, add one licensed alcoholism and drug abuse counselor to the board, to be appointed by the Governor. The bill would also add an additional public member to the board, to be appointed by the Governor. The bill would declare the intent of the Legislature that the board also employ its resources for the licensure of alcoholism and drug abuse counselors and would authorize licensed alcoholism and drug abuse counselors and interns whose license or registration has been revoked to petition the board for reinstatement or modification of the penalty. The bill would authorize the board to deny an application or suspend or revoke an alcoholism and drug abuse counselor license or registration for any disciplinary action imposed by another state or territory or possession of the United States, or by a governmental agency. The bill would enact various related provisions regarding the practice of licensed alcoholism and drug abuse counselors and interns, including, but not limited to, licensing requirements, scope of practice, conditions for license renewals, and grounds for revocation or suspension of a license. The bill would authorize the board to impose various fees on licensed alcoholism and drug abuse counselors and interns, which would be deposited in the Behavioral Sciences Fund and be made available to the board upon appropriation by the Legislature. The bill would require that startup funds to implement these provisions be derived, as a loan, from the reserve of that fund, subject to an appropriation by the Legislature, and would specify that the board shall not be required to implement these provisions until those funds are appropriated. The bill would make it unlawful for an unlicensed person to, among other things, use the title of a licensed alcoholism and drug abuse counselor or engage in certain acts that constitute the practice of alcoholism and drug abuse counseling, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) The practice of alcoholism and drug abuse counseling affects
4 the public health, safety, and welfare, and is, therefore, subject to
5 regulation in the public's interest.
- 6 (b) California's alcoholism and drug abuse treatment system is
7 in crisis. The lack of adequate standards and accountability
8 undermines consumer confidence in alcoholism and drug abuse
9 counselor services in both the public and private arenas.
- 10 (c) The practice of alcoholism and drug abuse counseling is
11 regulated in 30 states by way of mandated licensure or certification.
12 California continues to fall behind these states in oversight and
13 required training and education.
- 14 (d) National standards of education for alcoholism and drug
15 abuse counselors require a minimum of 270 hours of education
16 that is alcohol and other drug specific and 4,000 hours of
17 experience. These national standards are consistent in 48 states.
18 California standards are fragmented at best and are considered by
19 many experts to be the lowest in the nation.
- 20 (e) The State Department of Alcohol and Drug Programs
21 implemented modest counselor certification regulations in 2005.
22 These minimal state regulations do not, however, apply to private
23 practitioners treating alcoholism and drug abuse.
- 24 (f) The lack of licensure of alcoholism and drug abuse
25 counselors in California has severely limited the growth of private
26 sector treatment options, thereby leaving the state as the first
27 provider of care rather than the safety net.
- 28 (g) Alcoholism and drug abuse heavily impact a majority of
29 state services, including corrections, welfare, hospital and
30 emergency room care, and education, costing California billions
31 of dollars every year.
- 32 (h) Deaths and injuries resulting from incompetent care of those
33 suffering from alcoholism or drug abuse have reached record levels.
- 34 (i) Unlicensed persons are currently treating alcoholism and
35 drug abuse cases without a defined scope of practice and without

1 making appropriate referrals to other trained professionals for
2 underlying and co-occurring issues.

3 (j) Therefore, it is the intent of the Legislature to provide for
4 licensure of alcoholism and drug abuse counselors in this state by
5 enacting the Alcoholism and Drug Abuse Counselors Licensing
6 Law.

7 SEC. 2. Chapter 10.5 (commencing with Section 4700) is added
8 to Division 2 of the Business and Professions Code, to read:

9

10 CHAPTER 10.5. ALCOHOLISM AND DRUG ABUSE COUNSELORS

11

12 4700. This chapter shall be known and may be cited as the
13 Alcoholism and Drug Abuse Counselors Licensing Law.

14 4701. The Board of Behavioral Sciences shall administer and
15 enforce this chapter.

16 4702. For purposes of this chapter, the following terms have
17 the following meanings:

18 (a) “Board” means the Board of Behavioral Sciences.

19 (b) “Intern” means an unlicensed person who meets the
20 requirements of Section 4713 and is registered with the board.

21 (c) “IC&RC” means the International Certification &
22 Reciprocity Consortium/Alcohol & Other Drug Abuse, Inc., an
23 organization comprised of domestic and international organizations
24 involved in credentialing and licensing alcohol and other drug
25 abuse counselors.

26 (d) “Licensed alcoholism and drug abuse counselor I” means a
27 person licensed by the board to practice alcoholism and drug abuse
28 counseling under clinical supervision.

29 (e) “Licensed alcoholism and drug abuse counselor II” means
30 a person licensed by the board to conduct an independent practice
31 of alcoholism and drug abuse counseling and to provide supervision
32 to other alcoholism and drug abuse counselors.

33 (f) “Applicant” means an unlicensed person who has completed
34 the education requirements, as specified in subdivisions (b) and
35 (c) of Section 4713, and whose application for registration as an
36 intern is pending, or an unlicensed person who has completed the
37 requirements for licensure as specified in this chapter, is not
38 registered with the board as an intern, and is currently in the
39 examination process.

1 (g) “Experience” means experience in the 12 Core Functions
2 of alcoholism and drug abuse counseling.

3 (h) “Referral agent” means a licensed professional, including,
4 but not limited to, a marriage and family therapist, a licensed
5 clinical social worker, a licensed psychologist, a licensed physician
6 certified in psychiatry by the American Board of Psychiatry and
7 Neurology, or a physician who has completed a residency but is
8 not yet board certified in psychiatry, who receives referrals from
9 a licensed alcoholism and drug abuse counselor pursuant to Section
10 4723.

11 (i) “Clinical supervision” means the ongoing process of direct
12 review of a supervisee for the purpose of ensuring administrative
13 accountability, enhancing training and education, and ensuring
14 quality control. The direct review shall be performed by a qualified
15 supervisor who monitors the performance of the 12 Core Functions
16 and provides regular consultation, guidance, and instruction with
17 respect to the counseling skills and competencies of the supervisee.

18 (j) “Twelve Core Functions” means the performance parameters
19 utilized by alcoholism and drug abuse counselors as established
20 by the IC&RC and identified in subdivision (a) of Section 4720.

21 (k) “Advertise” includes, but is not limited to, the issuance of
22 any card, sign, or device to any person, or the causing, permitting,
23 or allowing of any sign or marking on, or in, any building or
24 structure, or in any newspaper or magazine or in any directory, or
25 any printed matter whatsoever, with or without any limiting
26 qualification. It also includes business solicitations communicated
27 by radio or television broadcasting. Signs within church buildings
28 or notices in church bulletins mailed to a congregation shall not
29 be construed as advertising within the meaning of this chapter.

30 (l) “Trainee” means an unlicensed person who is currently
31 enrolled in a course of education that is designed to qualify him
32 or her for licensure under this chapter and who has completed no
33 less than 12 semester units or 18 quarter units of coursework in
34 any qualifying educational program.

35 (m) “Registrant” means a person who is registered as an intern
36 under this chapter.

37 4703. In order to carry out the provisions of this chapter, the
38 board shall do, but shall not be limited to, all of the following:

- 39 (a) Adopt rules and regulations to implement this chapter.
40 (b) Issue licenses and registrations beginning January 1, 2010.

1 (c) Take disciplinary action against a licensee or intern, where
2 appropriate, including, but not limited to, censure or reprimand,
3 or probation, suspension, or revocation of the license or
4 registration, or imposition of fines or fees.

5 (d) Establish continuing education requirements for licensees.

6 (e) Establish procedures for the receipt, investigation, and
7 resolution of complaints against licensees and interns.

8 (f) Establish criteria to determine whether the curriculum of an
9 educational institution satisfies the licensure requirements imposed
10 by this chapter.

11 (g) Establish parameters of unprofessional conduct for licensees
12 that are consistent with generally accepted ethics codes for the
13 profession.

14 (h) Establish reinstatement procedures for an expired or revoked
15 license.

16 (i) Establish supervision and supervisory requirements for
17 interns.

18 4704. (a) Nothing in this chapter shall be construed to constrict,
19 limit, or withdraw the Medical Practice Act (Chapter 5
20 (commencing with Section 2000)), the Nursing Practice Act
21 (Chapter 6 (commencing with Section 2700)), the Psychology
22 Licensing Act (Chapter 6.6 (commencing with Section 2900)), the
23 Marriage and Family Therapist Act (Chapter 13 (commencing
24 with Section 4980)), or the Clinical Social Worker Practice Act
25 (Chapter 14 (commencing with Section 4991)).

26 (b) This chapter shall not apply to the following:

27 (1) A trainee provided that the activities and services he or she
28 performs as a trainee constitute part of the trainee's supervised
29 course of study and provided that, when performing those services,
30 he or she is designated by the title "trainee." A trainee may gain
31 hours of experience outside the required practicum.

32 (2) A person who engages in the practice of alcoholism and
33 drug abuse counseling, as defined in Section 4721, if the person
34 is qualified or licensed to engage in that practice and is employed
35 or volunteers at a program administered by a governmental agency.

36 (c) A licensee shall display his or her license in a conspicuous
37 place in the licensee's primary place of practice.

38 (d) Any licensed alcoholism and drug abuse counselor who
39 conducts a private practice under a fictitious business name shall
40 not use any name that is false, misleading, or deceptive and shall

1 inform the patient, prior to the commencement of treatment, of the
2 name and license designation of the owner or owners of the
3 practice.

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

9 4705. (a) On and after January 1, 2010, and until December
10 31, 2011, the board shall issue an alcoholism and drug abuse
11 counselor II license to a person who meets all of the following
12 requirements:

13 (1) Completes an application for a license.

14 (2) Pays the fees prescribed by the board.

15 (3) Obtains one of the following:

16 (A) Current certification by the California Association of
17 Alcoholism and Drug Abuse Counselors as a Certified Alcohol
18 and Drug Counselor I (CADC I) or a Certified Alcohol and Drug
19 Counselor II (CADC II).

20 (B) Current certification by the National Association of Alcohol
21 and Drug Abuse Counselors as a National Certified Addiction
22 Counselor II (NCAC II).

23 (C) Current certification by the IC&RC as an International
24 Certified Alcohol and Drug Abuse Counselor (ICADC).

25 (D) Current certification by an organization recognized by the
26 Department of Alcohol and Drug Programs and accredited by the
27 National Commission on Certifying Agencies (NCCA) if the
28 certification requirements are, at the date of licensure, substantially
29 equivalent to those of a certification listed in subparagraphs (A),
30 (B), or (C).

31 (4) Produces documentation of either of the following:

32 (A) At least 10,000 hours of experience in direct alcoholism
33 and drug abuse counseling services, including 4,000 hours of
34 experience in clinical supervision.

35 (B) At least 10,000 hours of experience in direct alcoholism
36 and drug abuse counseling services and current licensure in a
37 mental health field requiring at least a master's degree.

38 (b) The term of a license issued under this section is two years.
39 The license may be renewed upon application to the board, showing
40 proof of completion of the required continuing education, and

1 payment of the renewal fee prescribed by the board. If a person
2 licensed under this section fails to renew the license on or before
3 the expiration date of the license, the person shall be required to
4 meet the requirements listed in subdivision (a) of Section 4706 in
5 order to obtain a new license.

6 4706. (a) On and after January 1, 2012, the board shall issue
7 an alcoholism and drug abuse counselor II license to a person who
8 meets both of the following requirements:

9 (1) Passes the written and oral examinations described in
10 paragraph (7) of subdivision (a) of Section 4708.

11 (2) Holds a master's degree in alcoholism and drug abuse
12 counseling or a related mental health field approved by the board,
13 obtained from a school, college, or university that, at the time the
14 degree was conferred, was accredited by the Western Association
15 of Schools and Colleges, or a nationally accredited learning
16 institution approved by the board.

17 (b) The term of a license issued under this section is two years.
18 The license may be renewed upon application to the board, showing
19 proof of completion of the required continuing education, and
20 payment of the renewal fee prescribed by the board.

21 4707. (a) On and after January 1, 2010, and until December
22 31, 2011, the board shall issue an alcoholism and drug abuse
23 counselor I license to a person who meets all of the following
24 requirements:

25 (1) Completes an application for a license.

26 (2) Pays the fees prescribed by the board.

27 (3) Obtains one of the following:

28 (A) Current certification by the California Association of
29 Alcoholism and Drug Abuse Counselors as a Certified Alcohol
30 and Drug Counselor I (CADC I) or a Certified Alcohol and Drug
31 Counselor II (CADC II).

32 (B) Current certification by the National Association of Alcohol
33 and Drug Abuse Counselors as a National Certified Addiction
34 Counselor II (NCAC II).

35 (C) Current certification by the IC&RC as an International
36 Certified Alcohol and Drug Abuse Counselor (ICADC).

37 (D) Current certification by an organization recognized by the
38 Department of Alcohol and Drug Programs and accredited by the
39 National Commission on Certifying Agencies (NCCA) if the
40 certification requirements are, at the date of licensure, substantially

1 equivalent to those of a certification listed in subparagraphs (A),
2 (B), or (C).

3 (b) The term of a license issued under this section is two years.
4 The license may be renewed upon application to the board, showing
5 proof of completion of the required continuing education, and
6 payment of the renewal fee prescribed by the board. If a person
7 licensed under this section fails to renew the license on or before
8 the expiration date of the license, the person shall be required to
9 meet the requirements listed in subdivision (a) of Section 4708 in
10 order to obtain a new license.

11 4708. (a) On and after January 1, 2012, the board shall issue
12 an alcoholism and drug abuse counselor I license to a person who
13 meets all of the following requirements:

14 (1) Completes an application for a license.

15 (2) Pays the fees prescribed by the board.

16 (3) Is a high school graduate or possesses a general education
17 development equivalent.

18 (4) Completes a minimum of 315 hours of classroom instruction
19 in alcoholism and drug abuse, including a 45-hour classroom
20 practicum course offered by a provider approved by the board.

21 (5) Completes a minimum of 255 hours of field work in a
22 clinically supervised practicum.

23 (6) Completes a minimum of 6,000 hours of supervised work
24 experience in the 12 Core Functions defined in subdivision (j) of
25 Section 4702.

26 (7) Passes the written and oral examinations offered by the
27 IC&RC or as required by the board under Section 4709.

28 (b) The term of a license issued under this section is two years.
29 The license may be renewed upon application to the board, showing
30 proof of completion of the required continuing education, and
31 payment of the renewal fee prescribed by the board.

32 4708.1. In consultation with the public and interested parties,
33 the board may periodically review the requirements for attainment
34 and renewal of licenses authorized under this chapter. Based on
35 the findings of the review, the board may recommend enhanced
36 requirements for each license category to be enacted by legislation
37 or regulation. Under no circumstances shall the board adopt or
38 seek to enact lower licensure requirements or standards.

39 4709. The board may evaluate the examinations required by
40 paragraph (7) of subdivision (a) of Section 4708 prior to their use

1 to determine whether they meet the prevailing standards of the
2 Office of Examination Resources and are adequate at measuring
3 the skills and knowledge required to deliver safe and effective
4 alcoholism and drug abuse counseling services. The board may
5 develop an alternate or supplemental examination if it deems
6 necessary. If an alternate or supplemental examination is
7 developed, the examinations in paragraph (7) of subdivision (a)
8 of Section 4708 shall be used until that alternate or supplemental
9 examination is adopted. Examinations shall be given at least twice
10 a year at a time and place and under supervision as the board may
11 determine.

12 4710. (a) An applicant who fails an examination may take
13 subsequent examinations upon payment of the required
14 examination fee.

15 (b) The board may establish the criteria under which an applicant
16 may take subsequent examinations.

17 4711. The board may issue an alcoholism and drug abuse
18 counselor I or II license to any person who, at the time of
19 application, has held for at least two years a valid license issued
20 by a board of alcoholism and drug abuse counseling, or
21 corresponding authority, of any state, if the education and
22 supervised experience requirements are substantially equivalent
23 to the respective requirements for an alcoholism and drug abuse
24 counselor I or II license imposed under this chapter and the person
25 successfully completes the board administered licensing
26 examinations, as specified by paragraph (7) of subdivision (a) of
27 Section 4708, and pays the required fee.

28 4712. (a) Experience gained outside of California shall be
29 accepted toward the licensure requirements if it is substantially
30 equivalent to that required by this chapter and if the applicant has
31 gained a minimum of 250 hours of supervised experience in direct
32 counseling within California while registered as an intern with the
33 board.

34 (b) Education gained outside of California shall be accepted
35 toward the licensure requirements if it is substantially equivalent
36 to the education requirements of this chapter.

37 4713. On and after January 1, 2010, the board may register a
38 person as an intern if the person meets all of the following
39 requirements:

1 (a) Is a high school graduate or possesses a general educational
2 development equivalent.

3 (b) Completes a minimum of 315 hours of classroom instruction
4 in alcoholism and drug abuse, including a 45-hour classroom
5 practicum course offered by a provider approved by the board.

6 (c) Has passed the written examination offered by the IC&RC
7 or as required by the board under Section 4709.

8 (d) Has not committed acts constituting grounds for denial of
9 licensure.

10 (e) Has not been convicted of a crime that involves sexual abuse
11 of children and is not required to register as a sex offender.

12 4714. A person registered as an intern under this chapter shall
13 do all of the following:

14 (a) Be registered with the board prior to performing any duties.

15 (b) File for renewal of registration annually for a maximum of
16 five years after initial registration with the board. Renewal of
17 registration shall include filing an application for renewal, paying
18 a renewal fee prescribed by the board, and notifying the board
19 whether disciplinary action has been taken by a regulatory or
20 licensing board in this or any other state subsequent to the issuance
21 of the initial registration or the registrant's last renewal.

22 (c) Inform a client prior to performing a professional service
23 that he or she is unlicensed and under the supervision of a licensed
24 alcoholism and drug abuse counselor *II*, a licensed marriage and
25 family therapist, a licensed clinical social worker, a licensed
26 psychologist, a licensed physician certified in psychiatry by the
27 American Board of Psychiatry and Neurology, or a licensed
28 physician who has completed a residency in psychiatry, whichever
29 is applicable.

30 4715. (a) Continued employment as an intern shall cease after
31 six years unless the requirements of subdivision (b) are met. No
32 registration shall be renewed or reinstated beyond the six years
33 from initial issuance regardless of whether it has been revoked.

34 (b) When no further renewals are possible, an applicant may
35 apply for and obtain new intern registration status if the applicant
36 meets the educational requirements for registration in effect at the
37 time of the application for a new intern registration.

38 4716. All interns shall at all times be supervised in accordance
39 with regulations adopted by the board. Supervision of intern hours
40 requires that a treatment agency sign a contract or memorandum

1 of understanding with the state board which signifies that the onsite
2 internship is based on direct services in the 12 Core Functions.
3 Interns must comply with all laws, rules, and regulations governing
4 the practice of alcoholism and drug abuse counseling. Experience
5 may be gained by the intern solely as part of the position for which
6 the intern is employed. An intern may be credited with supervised
7 experience completed in any setting that meets both of the
8 following:

9 (a) Lawfully and regularly provides alcoholism and drug abuse
10 counseling.

11 (b) Provides oversight to ensure that the intern's work at the
12 setting meets the experience and supervision requirements set forth
13 in this chapter and is within the scope of practice for the profession
14 as defined in subdivision (a) of Section 4720.

15 4717. A person shall register with the board as an intern before
16 commencing employment or volunteer work in a private practice
17 setting. Intern registration must be complete in order to be credited
18 for hours of supervised experience gained toward licensure.

19 4718. Interns shall only perform services at the place where
20 their employers regularly conduct business, which may include
21 performing services at other locations, as long as the services are
22 performed under the direction and control of their employer and
23 in compliance with the laws and regulations pertaining to
24 supervision.

25 4719. Interns shall have no proprietary interest in the
26 employer's business and shall not receive any remuneration from
27 patients or clients, and shall only be paid by their employers.
28 Interns shall not be considered independent contractors.

29 4720. (a) A licensee may engage in the practice of alcoholism
30 and drug abuse counseling. For purposes of this chapter, the
31 "practice of alcoholism and drug abuse counseling" means
32 performing any of the following 12 Core Functions for the purpose
33 of treating alcoholism and drug abuse:

34 (1) Screening. The process by which a client is determined to
35 be eligible for admission to a particular alcoholism and drug abuse
36 treatment program.

37 (2) Initial Intake. The administrative and initial assessment
38 procedures for admission to an alcoholism and drug abuse
39 treatment program. Assessment shall not include psychological
40 testing intended to measure or diagnose mental illness.

1 (3) Orientation. Describing to the client the general nature and
2 goals of the alcoholism and drug abuse treatment program,
3 including rules governing client conduct and infractions that can
4 lead to disciplinary action or discharge from the program.

5 (4) Alcoholism and drug abuse counseling, including individual,
6 group, and significant others. The utilization of special skills to
7 assist individuals, families, or groups in achieving objectives
8 through exploration of a problem and its ramifications, examination
9 of attitudes and feelings, considerations of alternative solutions
10 and decisionmaking as each relates to substance abuse. Counseling
11 shall be limited to assisting a client in learning more about himself
12 or herself for the purposes of understanding how to effectuate
13 clearly perceived, realistically defined goals related to abstinence.
14 Counseling is limited to assisting the client to learn or acquire new
15 skills that will enable the client to cope and adjust to life situations
16 without the use of substances.

17 (5) Case management. Activities that bring services, agencies,
18 resources, or individuals together within a planned framework of
19 action toward achievement of established goals. It may involve
20 liaison activities and collateral contacts.

21 (6) Crisis intervention. Those services which respond to an
22 alcohol or drug abuser's needs during acute emotional or physical
23 distress.

24 (7) Assessment. Those procedures by which a counselor or
25 program identifies and evaluates an individual's strengths,
26 weaknesses, problems, and needs for the development of the
27 alcoholism and drug abuse treatment plan.

28 (8) Treatment planning. The process by which the counselor
29 and the client identify and rank problems needing resolution,
30 establish agreed upon immediate and long-term goals, and decide
31 on a treatment process and the resources to be utilized.

32 (9) Client education. Providing information to individuals and
33 groups concerning alcohol and other drugs of abuse and the
34 services and resources available.

35 (10) Referral. Identifying the needs of the client that cannot be
36 met by the counselor or agency, as well as assisting the client in
37 utilizing the support systems and community resources available.

38 (11) Reports and recordkeeping. Documenting the client's
39 progress in achieving the client's goals.

1 (12) Consultation with other professionals in regard to client
2 treatment or services. Communicating with other professionals to
3 ensure comprehensive, quality care for the client.

4 (b) A licensee may perform the acts listed in this section only
5 for the purpose of treating alcoholism and drug abuse.

6 4721. (a) The scope of practice for a licensed alcoholism and
7 drug abuse counselor II shall include both of the following:

8 (1) The 12 Core Functions described in subdivision (a) of
9 Section 4720.

10 (2) Clinical supervision of interns and licensed alcoholism and
11 drug abuse counselors I.

12 (b) The scope of practice for a licensed alcoholism and drug
13 abuse counselor I shall include the 12 Core Functions described
14 in subdivision (a) of Section 4720.

15 (1) A licensed alcoholism and drug abuse counselor I performing
16 the services described in subdivision (a) of Section 4720 in a
17 private practice shall, pursuant to Section 4722, do so under the
18 supervision of a licensed alcoholism counselor II or other clinical
19 supervisor, as defined in Section 4722 or as deemed appropriate
20 by the board.

21 (2) A licensed alcoholism and drug abuse counselor I may
22 perform the acts listed in subdivision (a) of Section 4720 in
23 hospitals, agencies, or other facilities where alcoholism or drug
24 abuse services are delivered without supervision in accordance
25 with the laws and regulations governing the facilities.

26 4721.1. (a) (1) It shall be unlawful for a person to do any of
27 the following unless he or she is licensed pursuant to this chapter:

28 (A) Engage in any of the acts described in paragraphs (3), (4),
29 (6), (7), (8), (10), (11), or (12) of subdivision (a) of Section 4720
30 with regard to alcoholism and drug abuse.

31 (B) Operate a private practice in alcoholism and drug abuse
32 counseling or represent himself or herself as, or use the title or
33 designation of, alcoholism counselor, alcohol counselor, drug
34 counselor, alcohol and drug counselor, alcoholism and drug
35 counselor, licensed clinical alcohol and drug counselor, certified
36 alcohol and drug counselor, substance abuse counselor, chemical
37 dependency counselor, addictions counselor, certified addictions
38 counselor, certified addictions specialist or chemical dependency
39 supervisor, or any abbreviations for the above titles.

1 (C) Make use of any title, words, letters, or abbreviations that
2 may reasonably be confused with a designation provided by this
3 chapter to denote a standard of professional or occupational
4 competence.

5 (2) It shall be unlawful for a person to represent himself or
6 herself by the title licensed alcoholism and drug abuse counselor
7 I or II, LADC I, or LADC II unless he or she holds the
8 corresponding license pursuant to this chapter.

9 (b) A licensee shall not engage in the practice of psychology,
10 as defined in Section 2903, the practice of marriage and family
11 therapy, as defined in Section 4980.02, or the practice of clinical
12 social work, as defined in Section 4996.2.

13 4722. (a) A licensed alcoholism and drug abuse counselor I
14 performing services in a private practice setting shall be supervised
15 by a clinical supervisor, which may include licensed alcoholism
16 and drug abuse counselors II, marriage and family therapists,
17 licensed clinical social workers, licensed psychologists, licensed
18 physicians certified in psychiatry by the American Board of
19 Psychiatry and Neurology, or physicians who have completed a
20 residency but are not yet board certified in psychiatry. All clinical
21 supervisors of licensed alcoholism and drug abuse counselors I
22 shall have at least 4,000 hours of direct treatment experience in
23 substance abuse and addiction.

24 (b) A clinical supervisor of an alcoholism and drug abuse
25 counselor I shall have a written agreement with the supervisee
26 describing the planned hours of practice, supervision schedule,
27 nature of work assignments, and other specifications that the
28 supervisor reasonably deems appropriate to the supervisee's level
29 of training.

30 (c) A clinical supervisor shall evaluate a supervisee at least
31 annually, emphasizing his or her strengths and shortcomings as
32 well as areas in which the supervisee should pursue additional
33 knowledge or skill development. These evaluations shall be signed
34 by both the supervisor and the supervisee and copies shall be
35 retained by both for seven years. The board may request copies of
36 these evaluations.

37 (d) Clinical supervision conducted pursuant to this section shall
38 include at least 50 hours of face-to-face supervision per year,
39 averaging one hour per week. Supervisees with more than ~~five~~
40 *years 10,000 hours* of experience as a licensed alcoholism and

1 drug abuse counselor I may be supervised less frequently, but no
2 less than two hours per month. This reduced supervision is at the
3 discretion of the supervisor and is dependent upon the supervisor’s
4 style, techniques, policies, and protocols as well as the level of
5 skill, training, and caseload of the supervisee.

6 (e) A clinical supervisor shall be limited to no more than 30
7 supervisees at a time.

8 (f) An alcoholism and drug abuse counselor I shall inform a
9 client prior to performing a professional service that he or she is
10 licensed and under the supervision of a licensed alcoholism and
11 drug abuse counselor II.

12 4723. Licensed alcoholism and drug abuse counselors shall
13 refer all clients for an initial assessment with a referral agent within
14 30 14 days of intake to assess any co-occurring needs or disorders.
15 Those referrals shall be documented in the client’s chart. A licensee
16 shall, in an effective and safe fashion, demonstrate the ability to
17 refer patients in need of services that go beyond the scope of
18 practice of alcoholism and drug abuse counseling. The licensee
19 shall maintain current referral information for the services he or
20 she is prohibited from providing under subdivision (b) of Section
21 4721.1.

22 4724. The board may refuse to issue a registration or license,
23 or may suspend or revoke the license or registration of any
24 registrant or licensee, if the applicant, licensee, or registrant has
25 been guilty of unprofessional conduct. Unprofessional conduct
26 shall include, but not be limited to, all of the following:

27 (a) The conviction of a crime substantially related to the
28 qualifications, functions, or duties of a licensee or registrant under
29 this chapter. The record of conviction shall be conclusive evidence
30 only of the fact that the conviction occurred. The board may inquire
31 into the circumstances surrounding the commission of the crime
32 in order to fix the degree of discipline or to determine if the
33 conviction is substantially related to the qualifications, functions,
34 or duties of a licensee or registrant under this chapter. A plea or
35 verdict of guilty or a conviction following a plea of nolo contendere
36 made to a charge substantially related to the qualifications,
37 functions, or duties of a licensee or registrant under this chapter
38 shall be deemed to be a conviction within the meaning of this
39 section. The board may order any license or registration suspended
40 or revoked, or may decline to issue a license or registration when

1 the time for appeal has elapsed or the judgment of conviction has
2 been affirmed on appeal, or when an order granting probation is
3 made suspending the imposition of sentence, irrespective of a
4 subsequent order under Section 1203.4 of the Penal Code allowing
5 the person to withdraw a plea of guilty and enter a plea of not
6 guilty, or setting aside the verdict of guilty, or dismissing the
7 accusation, information, or indictment.

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

13 (c) Administering to himself or herself any controlled substance
14 or using any of the dangerous drugs specified in Section 4022, or
15 any alcoholic beverage to the extent, or in a manner, as to be
16 dangerous or injurious to the person applying for a registration or
17 license or holding a registration or license under this chapter, or
18 to any other person, or to the public, or, to the extent that the use
19 impairs the ability of the person applying for or holding a
20 registration or license to conduct with safety to the public the
21 practice authorized by the registration or license, or the conviction
22 of more than one misdemeanor or any felony involving the use,
23 consumption, or self-administration of any of the substances
24 referred to in this subdivision, or any combination thereof after
25 becoming licensed. The board shall deny an application for a
26 registration or license or revoke the license or registration of any
27 person who uses or offers to use drugs in the course of performing
28 alcoholism and drug abuse counseling services.

29 (d) Gross negligence or incompetence in the performance of
30 alcoholism and drug abuse counseling services.

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

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

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

- 1 (h) Aiding or abetting, or employing, directly or indirectly, any
2 unlicensed or unregistered person to engage in conduct for which
3 a license or registration is required under this chapter.
- 4 (i) Intentionally or recklessly causing physical or emotional
5 harm to any client.
- 6 (j) The commission of any dishonest, corrupt, or fraudulent act
7 substantially related to the qualifications, functions, or duties of a
8 licensee or registrant.
- 9 (k) Engaging in sexual relations with a client, or a former client
10 within two years following termination of services, soliciting sexual
11 relations with a client, or committing an act of sexual abuse, or
12 sexual misconduct with a client, or committing an act punishable
13 as a sexually related crime, if that act or solicitation is substantially
14 related to the qualifications, functions, or duties of an alcoholism
15 and drug abuse counselor.
- 16 (l) Performing, or holding oneself out as being able to perform,
17 or offering to perform, or permitting any registered intern under
18 supervision to perform, any professional services beyond the scope
19 of the license authorized by this chapter.
- 20 (m) Failure to maintain confidentiality, except as otherwise
21 required or permitted by law, of all information that has been
22 received from a client in confidence during the course of treatment
23 and all information about the client which is obtained from tests
24 or other means.
- 25 (n) Prior to the commencement of treatment, failing to disclose
26 to the client or prospective client the fee to be charged for the
27 professional services, or the basis upon which that fee will be
28 computed.
- 29 (o) Paying, accepting, or soliciting any consideration,
30 compensation, or remuneration, whether monetary or otherwise,
31 for the referral of professional clients. All consideration,
32 compensation, or remuneration shall be in relation to professional
33 counseling services actually provided by the licensee. Nothing in
34 this subdivision shall prevent collaboration among two or more
35 licensees in a case or cases. However, no fee shall be charged for
36 that collaboration, except when disclosure of the fee has been made
37 in compliance with subdivision (n).
- 38 (p) Advertising in a manner that is false, misleading, or
39 deceptive.

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

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

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

14 (t) Permitting a registered intern under one's supervision or
15 control to perform, or permitting the registered intern to hold
16 himself or herself out as competent to perform, professional
17 services beyond the registered intern's scope.

18 (u) Receipt of credible justification from a referring agent that
19 the licensed alcoholism and drug abuse counselor is performing
20 services outside of the 12 Core Functions or is negligent in making
21 referrals for co-occurring disorders.

22 4725. (a) Except as provided in subdivisions (b), (c), and (e),
23 any accusation filed against a licensee pursuant to Section 11503
24 of the Government Code shall be filed within three years from the
25 date the board discovers the alleged act or omission that is the
26 basis for disciplinary action, or within seven years from the date
27 the alleged act or omission that is the basis for disciplinary action
28 occurred, whichever occurs first.

29 (b) An accusation filed against a licensee pursuant to Section
30 11503 of the Government Code alleging the procurement of a
31 license by fraud or misrepresentation is not subject to the
32 limitations set forth in subdivision (a).

33 (c) The limitation provided for by subdivision (a) shall be tolled
34 for the length of time required to obtain compliance when a report
35 required to be filed by the licensee or registrant with the board
36 pursuant to Article 11 (commencing with Section 800) of Chapter
37 1 is not filed in a timely fashion.

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

1 limitations period provided for by subdivision (e) shall be tolled
2 until the minor reaches the age of majority.

3 (e) An accusation filed against a licensee pursuant to Section
4 11503 of the Government Code alleging sexual misconduct shall
5 be filed within three years after the board discovers the act or
6 omission alleged as the grounds for disciplinary action, or within
7 10 years after the act or omission alleged as the grounds for
8 disciplinary action occurs, whichever occurs first.

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

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

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

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

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

26 4726. (a) An applicant for a license under this chapter shall
27 consent to a criminal history background check. Refusal to consent
28 to the criminal history background check constitutes grounds for
29 denial of the license.

30 (b) Before issuing a license to an applicant, the board shall
31 ensure that the state and national criminal history of the applicant
32 is reviewed.

33 (c) If an applicant’s criminal history background check reveals
34 one or more convictions, the applicant shall not automatically be
35 denied a license. With regard to each conviction, the board shall
36 consider all of the following factors in determining whether to
37 issue a license:

38 (1) The level of seriousness of the crime committed.

39 (2) The date that the crime was committed.

40 (3) The age of the applicant at the time of conviction.

1 (4) The circumstances surrounding the commission of the crime,
2 if known.

3 (5) The nexus between the criminal conduct and the duties of
4 a licensed alcoholism and drug abuse counselor.

5 (6) The applicant's prison, jail, probation, parole, rehabilitation,
6 and employment records since the date the crime was committed.

7 (d) If the board denies a license based on an applicant's criminal
8 history background check, the board may disclose to the applicant
9 the information contained in the background check that is relevant
10 to the denial.

11 (e) The applicant shall have the right to appear before the board
12 to appeal a decision made by the board pursuant to this section.

13 4727. (a) The board shall renew an unexpired license of a
14 licensee who meets the following qualifications:

15 (1) Has applied for renewal on a form prescribed by the board
16 and paid the required renewal fee.

17 (2) Has certified compliance with continuing education
18 requirements imposed by Section 4728.

19 (3) Has notified the board whether he or she has been subject
20 to, or whether another board has taken, disciplinary action since
21 the last renewal.

22 4728. (a) The board shall not renew any license pursuant to
23 this chapter unless the licensee certifies to the board, on a form
24 prescribed by the board, that he or she has completed, during the
25 previous two years, not less than 60 hours of continuing education
26 coursework that is offered by a board approved provider and that
27 is in or relevant to the field of alcoholism and drug abuse
28 counseling. *The board may require licensees to take specific*
29 *coursework, including, but not limited to, coursework concerning*
30 *supervisory training, as a condition of license renewal.*

31 (b) The board shall have the right to audit the records of any
32 licensee to verify the completion of the continuing education
33 requirement. Licensees shall maintain records of completion of
34 required continuing education coursework for a minimum of two
35 years and shall make these records available to the board for
36 auditing purposes upon request.

37 (c) The continuing education shall be obtained from one of the
38 following sources:

39 (1) A school, college, or university accredited by the Western
40 Association of Schools and Colleges. Nothing in this section shall

1 be construed as requiring coursework to be offered as part of a
2 regular degree program.

3 (2) Other continuing education providers approved by the board,
4 including, but not limited to, a certified counseling association, a
5 licensed health facility, a governmental entity, a continuing
6 education unit of an accredited four-year institution of higher
7 learning, or a mental health professional association.

8 (d) The board shall establish, by regulation, a procedure for
9 approving providers of continuing education courses. The board
10 may refuse to approve continuing education credit for courses
11 offered by providers who fail to comply with the requirements of
12 this section or any regulation adopted pursuant to this section.

13 (e) Training, education, and coursework offered by approved
14 providers shall incorporate one or more of the following:

15 (1) Aspects of the discipline that are fundamental to the
16 understanding or the practice of alcoholism and drug abuse
17 counseling.

18 (2) Aspects of the discipline of alcoholism and drug abuse
19 counseling in which significant recent developments have occurred.

20 (3) Aspects of other disciplines that enhance the understanding
21 or the practice of alcoholism and drug abuse counseling.

22 (f) The board shall, by regulation, fund the administration of
23 this section through continuing education provider fees to be
24 deposited in the Behavioral Sciences Fund. The fees related to the
25 administration of this section shall be sufficient to meet, but shall
26 not exceed, the costs of administering the corresponding provisions
27 of this section.

28 4731. (a) The board may renew an expired license for a former
29 licensee who meets the following qualifications:

30 (1) Applies for renewal on a form prescribed by the board within
31 three years of the expiration date of the license.

32 (2) Pays the renewal fees that would have been paid if the license
33 had not been delinquent.

34 (3) Pays all delinquency fees.

35 (4) Certifies compliance with continuing education requirements.

36 (5) Notifies the board whether he or she has been subject to, or
37 whether another board has taken, disciplinary action since the last
38 renewal.

39 4730. A license that is not renewed within three years after its
40 expiration may not be renewed, restored, reinstated, or reissued

1 thereafter, but the former licensee may apply for and obtain a new
2 license if all of the following are satisfied:

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

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

7 (c) He or she meets the corresponding requirements for licensure
8 as a licensed alcoholism and drug abuse counselor II or a licensed
9 alcoholism and drug abuse counselor I under Section 4706 or 4708,
10 respectively.

11 4731. A suspended license is subject to expiration and may be
12 renewed as provided in this chapter, but the renewal does not entitle
13 the licensee, while it remains suspended and until it is reinstated,
14 to engage in the activity to which the license relates, or in any
15 other activity or conduct in violation of the order or judgment by
16 which it was suspended.

17 4732. A revoked license is subject to expiration as provided
18 in this chapter, but it may not be renewed. If it is reinstated after
19 its expiration, the licensee shall, as a condition precedent to its
20 reinstatement, pay a reinstatement fee in an amount equal to the
21 renewal fee in effect on the last regular renewal date before the
22 date on which it is reinstated, plus the delinquency fee, if any,
23 accrued at the time of its revocation.

24 4733. A licensed alcoholism and drug abuse counselor may
25 apply to the board to request that his or her license be placed on
26 inactive status. A licensee who holds an inactive license shall pay
27 a biennial fee of one-half of the active renewal fee and shall be
28 exempt from continuing education requirements specified in
29 subdivision (a) of Section 4728, but shall otherwise be subject to
30 this chapter and shall not engage in the practice of alcoholism and
31 drug abuse counseling in this state. A licensee on inactive status
32 who has not committed any acts or crimes constituting grounds
33 for denial of licensure may, upon his or her request, have his or
34 her license to practice alcoholism and drug abuse counseling placed
35 on active status. A licensee requesting his or her license to be
36 placed on active status at any time between a renewal cycle shall
37 pay the remaining one-half of the renewal fee. A licensee
38 requesting to reactivate from an inactive status whose license will
39 expire less than one year from the date of the request shall be
40 required to complete 18 hours of continuing education for license

1 renewal. A licensee requesting to reactivate from an inactive status
2 whose license will expire more than one year from the date of the
3 request shall be required to complete 36 hours of continuing
4 education for license renewal.

5 4734. The board may refuse to issue any registration or license
6 whenever it appears that an applicant may be unable to practice
7 his or her profession safely due to mental illness or chemical
8 dependency. The procedures set forth in Article 12.5 (commencing
9 with Section 820) of Chapter 1 shall apply to any denial of a license
10 or registration pursuant to this section.

11 4735. (a) The board may place ~~a~~ *an* intern or licensee on
12 probation under the following circumstances:

13 (1) Instead of, or in addition to, any order of the board
14 suspending or revoking the license or registration of any licensee
15 or intern.

16 (2) Upon the issuance of a license to an individual who has
17 engaged in unprofessional conduct, but who has otherwise
18 completed all licensure requirements relating to education, training,
19 and experience.

20 (3) As a condition upon the reissuance or reinstatement of any
21 license that has been suspended or revoked by the board.

22 (b) The board may adopt regulations establishing a monitoring
23 program to ensure compliance with any terms or conditions of
24 probation imposed by the board pursuant to this section. The cost
25 of probation or monitoring may be ordered to be paid by the
26 licensee, registrant, or applicant.

27 (c) The board, in its discretion, may require any licensee or
28 registrant who has been placed on probation, or whose license or
29 registration has been suspended, to obtain additional professional
30 training, and to pass an examination upon completion of that
31 training, and to pay any necessary examination fee. The
32 examination may be written, oral, or a practical or clinical
33 examination.

34 4736. (a) A licensed alcoholism and drug abuse counselor
35 who has been placed on probation may petition the board for
36 reinstatement or modification of the penalty, including modification
37 or termination of probation, after a period not less than the
38 following minimum periods has elapsed from the effective date
39 of the decision ordering the disciplinary action, or if the order of
40 the board, or any portion of it, is stayed by the board itself, or by

1 the superior court, from the date the disciplinary action is actually
2 implemented in its entirety:

3 (1) At least three years for reinstatement of a license that was
4 revoked for unprofessional conduct, except that the board may, in
5 its sole discretion at the time of adoption, specify in its order that
6 a petition for reinstatement may be filed after two years.

7 (2) At least two years for early termination of any probation
8 period of three years or more.

9 (3) At least one year for modification of a condition, or
10 reinstatement of a license revoked for mental or physical illness,
11 or termination of probation of less than three years.

12 (b) The petition may be heard by the board itself, or the board
13 may assign the petition to an administrative law judge pursuant to
14 Section 11512 of the Government Code. The board shall give
15 notice to the Attorney General of the filing of the petition. The
16 petitioner and the Attorney General shall be given timely notice
17 by letter of the time and place of the hearing on the petition, and
18 an opportunity to present both oral and documentary evidence and
19 argument to the board. The petitioner shall at all times have the
20 burden of production and proof to establish by clear and convincing
21 evidence that he or she is entitled to the relief sought in the petition.
22 The board, when it is hearing the petition itself, or an administrative
23 law judge sitting in for the board, may consider all activities of
24 the petitioner since the disciplinary action was taken, the offense
25 for which the petitioner was disciplined, the petitioner's activities
26 during the time his or her license was in good standing, and the
27 petitioner's rehabilitative efforts, general reputation for truth, and
28 professional ability.

29 (c) The hearing may be continued from time to time as the board
30 or the administrative law judge deems appropriate.

31 (d) The board itself, or the administrative law judge if one is
32 designated by the board, shall hear the petition and shall prepare
33 a written decision setting forth the reasons supporting the decision.
34 In a decision granting a petition reinstating a license or modifying
35 a penalty, the board itself, or the administrative law judge may
36 impose any terms and conditions that the agency deems reasonably
37 appropriate, including those set forth in Sections 823 and 4737.
38 Where a petition is heard by an administrative law judge sitting
39 alone, the administrative law judge shall prepare a proposed
40 decision and submit it to the board.

1 (e) The board may take action with respect to the proposed
2 decision and petition as it deems appropriate.

3 (f) The petition shall be on a form provided by the board, and
4 shall state any facts and information as may be required by the
5 board including, but not limited to, proof of compliance with the
6 terms and conditions of the underlying disciplinary order.

7 (g) The petitioner shall pay a fingerprinting fee and provide a
8 current set of his or her fingerprints to the board. The petitioner
9 shall execute a form authorizing release to the board or its designee,
10 of all information concerning the petitioner's current physical and
11 mental condition. Information provided to the board pursuant to
12 the release shall be confidential and shall not be subject to
13 discovery or subpoena in any other proceeding, and shall not be
14 admissible in any action, other than before the board, to determine
15 the petitioner's fitness to practice as required by Section 822.

16 (h) The petition shall be verified by the petitioner, who shall
17 file an original and sufficient copies of the petition, together with
18 any supporting documents, for the members of the board, the
19 administrative law judge, and the Attorney General.

20 (i) The board may delegate to its executive officer authority to
21 order investigation of the contents of the petition, but in no case,
22 may the hearing on the petition be delayed more than 180 days
23 from its filing without the consent of the petitioner.

24 (j) The petitioner may request that the board schedule the hearing
25 on the petition for a board meeting at a specific city where the
26 board regularly meets.

27 (k) No petition shall be considered while the petitioner is under
28 sentence for any criminal offense, including any period during
29 which the petitioner is on court-imposed probation or parole, or
30 the petitioner is required to register pursuant to Section 290 of the
31 Penal Code. No petition shall be considered while there is an
32 accusation or petition to revoke probation pending against the
33 petitioner.

34 (l) Except in those cases where the petitioner has been
35 disciplined for violation of Section 822, the board may in its
36 discretion deny without hearing or argument any petition that is
37 filed pursuant to this section within a period of two years from the
38 effective date of a prior decision following a hearing under this
39 section.

1 4737. The board may deny any application, or may suspend
2 or revoke any license or registration issued under this chapter, for
3 any of the following:

4 (a) Denial of licensure, revocation, suspension, restriction, or
5 any other disciplinary action imposed by another state or territory
6 or possession of the United States, or by any other governmental
7 agency, on a license, certificate, or registration to practice
8 alcoholism and drug abuse counseling, or any other healing art,
9 shall constitute unprofessional conduct. A certified copy of the
10 disciplinary action decision or judgment shall be conclusive
11 evidence of that action.

12 (b) Revocation, suspension, or restriction by the board of a
13 license, certificate, or registration to practice as a marriage and
14 family therapist, clinical social worker or educational psychologist
15 shall also constitute grounds for disciplinary action for
16 unprofessional conduct against the licensee or registrant under this
17 chapter.

18 (c) Written documentation from the State Department of Alcohol
19 and Drug Programs demonstrating that the department has ruled
20 that a certification should be revoked by a private certifying
21 organization.

22 4738. The board shall revoke any license issued under this
23 chapter upon a decision made in accordance with the procedures
24 set forth in Chapter 5 (commencing with Section 11500) of Part
25 1 of Division 3 of Title 2 of the Government Code, that contains
26 any finding of fact that the licensee or registrant engaged in any
27 act of sexual contact, as defined in Section 729, when that act is
28 with a patient, or with a former patient when the relationship was
29 terminated primarily for the purpose of engaging in that act. The
30 revocation shall not be stayed by the administrative law judge or
31 the board.

32 4739. The proceedings conducted under this chapter shall be
33 held in accordance with Chapter 5 (commencing with Section
34 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

35 4740. (a) The board shall assess fees for applications,
36 examinations, licensure, renewals, background checks, and other
37 items in amounts sufficient to cover the administrative and
38 operating expenses related to this chapter incurred by the board.
39 The fees collected pursuant to this chapter shall be deposited in
40 the Behavioral Sciences Fund and, upon appropriation by the

1 Legislature, shall be available to the board for carrying out and
2 enforcing this chapter.

3 (b) Startup funds to implement this chapter shall be derived, as
4 a loan, from the reserve of the Behavioral Sciences Fund, subject
5 to an appropriation by the Legislature in the annual Budget Act.
6 That loan shall be repayed when sufficient fees have been collected
7 pursuant to subdivision (a). The board shall not be required to
8 implement this chapter until these startup funds have been
9 appropriated.

10 (c) The board may adjust the deadlines imposed by this chapter
11 in the event that funds have not been appropriated as described in
12 subdivisions (a) or (b).

13 4741. (a) The board shall report each month to the Controller
14 the amount and source of all revenue received pursuant to this
15 chapter and at the same time pay the entire amount thereof into
16 the State Treasury for credit to the Behavioral Sciences Fund.

17 (b) The Behavioral Sciences Fund shall be used for the purposes
18 of carrying out and enforcing the provisions of this chapter.

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

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

29 SEC. 3. Section 4990 of the Business and Professions Code is
30 amended to read:

31 4990. (a) There is in the Department of Consumer Affairs, a
32 Board of Behavioral Sciences that consists of the following
33 members:

- 34 (1) Two state licensed clinical social workers.
- 35 (2) One state licensed educational psychologist.
- 36 (3) Two state licensed marriage and family therapists.
- 37 (4) After January 1, 2010, one state licensed alcoholism and
38 drug abuse counselor.
- 39 (5) Seven public members.

1 (b) Each member, except the seven public members, shall have
2 at least two years of experience in his or her profession.

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

4 (d) The Governor shall appoint five of the public members and
5 the six licensed members with the advice and consent of the Senate.
6 The Senate Committee on Rules and the Speaker of the Assembly
7 shall each appoint a public member.

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

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

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

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

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

30 SEC. 4. Section 4990.18 of the Business and Professions Code
31 is amended to read:

32 4990.18. It is the intent of the Legislature that the board employ
33 its resources for each and all of the following functions:

34 (a) The licensure of marriage and family therapists, alcoholism
35 and drug abuse counselors, clinical social workers, and educational
36 psychologists.

37 (b) The development and administration of licensure
38 examinations and examination procedures consistent with
39 prevailing standards for the validation and use of licensing and
40 certification tests. Examinations shall measure knowledge and

1 abilities demonstrably important to the safe, effective practice of
2 the profession.

3 (c) Enforcement of laws designed to protect the public from
4 incompetent, unethical, or unprofessional practitioners.

5 (d) Consumer education.

6 SEC. 5. Section 4990.30 of the Business and Professions Code
7 is amended to read:

8 4990.30. (a) A licensed marriage and family therapist, marriage
9 and family therapist intern, licensed alcoholism and drug abuse
10 counselor, alcoholism and drug abuse counselor intern, licensed
11 clinical social worker, associate clinical social worker, or licensed
12 educational psychologist whose license or registration has been
13 revoked, suspended, or placed on probation, may petition the board
14 for reinstatement or modification of the penalty, including
15 modification or termination of probation. The petition shall be on
16 a form provided by the board and shall state any facts and
17 information as may be required by the board including, but not
18 limited to, proof of compliance with the terms and conditions of
19 the underlying disciplinary order. The petition shall be verified by
20 the petitioner who shall file an original and sufficient copies of
21 the petition, together with any supporting documents, for the
22 members of the board, the administrative law judge, and the
23 Attorney General.

24 (b) The licensee or registrant may file the petition on or after
25 the expiration of the following timeframes, each of which
26 commences on the effective date of the decision ordering the
27 disciplinary action or, if the order of the board, or any portion of
28 it, is stayed by the board itself or by the superior court, from the
29 date the disciplinary action is actually implemented in its entirety:

30 (1) Three years for reinstatement of a license or registration that
31 was revoked for unprofessional conduct, except that the board
32 may, in its sole discretion, specify in its revocation order that a
33 petition for reinstatement may be filed after two years.

34 (2) Two years for early termination of any probation period of
35 three years or more.

36 (3) One year for modification of a condition, reinstatement of
37 a license or registration revoked for mental or physical illness, or
38 termination of probation of less than three years.

1 (c) The petition may be heard by the board itself or the board
2 may assign the petition to an administrative law judge pursuant to
3 Section 11512 of the Government Code.

4 (d) The petitioner may request that the board schedule the
5 hearing on the petition for a board meeting at a specific city where
6 the board regularly meets.

7 (e) The petitioner and the Attorney General shall be given timely
8 notice by letter of the time and place of the hearing on the petition
9 and an opportunity to present both oral and documentary evidence
10 and argument to the board or the administrative law judge.

11 (f) The petitioner shall at all times have the burden of production
12 and proof to establish by clear and convincing evidence that he or
13 she is entitled to the relief sought in the petition.

14 (g) The board, when it is hearing the petition itself, or an
15 administrative law judge sitting for the board, may consider all
16 activities of the petitioner since the disciplinary action was taken,
17 the offense for which the petitioner was disciplined, the petitioner's
18 activities during the time his or her license or registration was in
19 good standing, and the petitioner's rehabilitative efforts, general
20 reputation for truth, and professional ability.

21 (h) The hearing may be continued from time to time as the board
22 or the administrative law judge deems appropriate but in no case
23 may the hearing on the petition be delayed more than 180 days
24 from its filing without the consent of the petitioner.

25 (i) The board itself, or the administrative law judge if one is
26 designated by the board, shall hear the petition and shall prepare
27 a written decision setting forth the reasons supporting the decision.
28 In a decision granting a petition reinstating a license or modifying
29 a penalty, the board itself, or the administrative law judge, may
30 impose any terms and conditions that the agency deems reasonably
31 appropriate, including those set forth in Sections 823 and 4990.38.
32 If a petition is heard by an administrative law judge sitting alone,
33 the administrative law judge shall prepare a proposed decision and
34 submit it to the board. The board may take action with respect to
35 the proposed decision and petition as it deems appropriate.

36 (j) The petitioner shall pay a fingerprinting fee and provide a
37 current set of his or her fingerprints to the board. The petitioner
38 shall execute a form authorizing release to the board or its designee,
39 of all information concerning the petitioner's current physical and
40 mental condition. Information provided to the board pursuant to

1 the release shall be confidential and shall not be subject to
2 discovery or subpoena in any other proceeding, and shall not be
3 admissible in any action, other than before the board, to determine
4 the petitioner’s fitness to practice as required by Section 822.

5 (k) The board may delegate to its executive officer authority to
6 order investigation of the contents of the petition.

7 (l) No petition shall be considered while the petitioner is under
8 sentence for any criminal offense, including any period during
9 which the petitioner is on court-imposed probation or parole or
10 the petitioner is required to register pursuant to Section 290 of the
11 Penal Code. No petition shall be considered while there is an
12 accusation or petition to revoke probation pending against the
13 petitioner.

14 (m) Except in those cases where the petitioner has been
15 disciplined for violation of Section 822, the board may in its
16 discretion deny without hearing or argument any petition that is
17 filed pursuant to this section within a period of two years from the
18 effective date of a prior decision following a hearing under this
19 section.

20 SEC. 6. Section 4990.38 of the Business and Professions Code
21 is amended to read:

22 4990.38. The board may deny an application or may suspend
23 or revoke a license or registration issued under the chapters it
24 administers and enforces for any disciplinary action imposed by
25 another state or territory or possession of the United States, or by
26 a governmental agency on a license, certificate or registration to
27 practice marriage and family therapy, clinical social work,
28 educational psychology, alcoholism and drug abuse counseling,
29 or any other healing art. The disciplinary action, which may include
30 denial of licensure or revocation or suspension of the license or
31 imposition of restrictions on it, constitutes unprofessional conduct.
32 A certified copy of the disciplinary action decision or judgment
33 shall be conclusive evidence of that action.

O

ALCOHOL AND DRUG COUNSELOR CRITERIA

CADC-I

1. High School Diploma or equivalent (GED)
2. Two (2) years of full-time supervised employment as an alcoholism counselor or drug counselor or
3. 4,000* clock hours of supervised counseling work experience, to include 255 hours of supervised field work practicum (described in 2.B.), 315 hours of "approved alcohol and drug training education in the five performance domains" (including the 45 hours for supervised practicum course described in the Practicum Requirements.).
4. 315 hours = 270 class hours (6 classes)
5. + 45 hours practicum class (7th class)
6. 4,000* hours includes 255 hours of field placement experience.
7. Supervised counseling hours completed in a qualified setting prior to beginning a course of study in alcohol and drug education may be included in the 4,000 hours/two year work experience requirement. (*maximum of 250 hours of an intern's 4,000 required work experience hours, maybe acquired in CAADAC approved workshops if desired*)
8. Completion of 300 hours, supervised practicum to be divided as follows:
 - a. **Supervised Practicum = 45 hours
 - b. agency orientation = 3 hours
 - c. Core function areas = 252 hours
 - d. Total = 300 hours

** (Supervised Field Work Practicum: field placement experience that must include a minimum of 21 hours in each of the 12 core functions)

- ◆ The areas of alcohol/drug counseling to be covered, known as "core functions," include: (1) Screening, (2) Intake, (3) Orientation, (4) Assessment, (5) Treatment Planning, (6) Counseling (individual, group, and significant others), (7) Case Management, (8) Crisis Intervention, (9) Client Education, (10) Referral, (11) Reports and Recordkeeping, (12) Consultation (with other professionals in regard to client treatment and services). (*Please see the Certification Handbook for a detailed description of these core functions are located in the Domains, Tasks, Knowledge and Skills For The Certified AODA Counselor, Educational Requirements, ICRC Role Delineation Study, for the elements of each domain.*)
 - ◆ If hours are for volunteer work - 4,000 hours of documented, supervised, volunteer alcohol and other drug counseling experience is equivalent to two (2) years of full-time employment.**
 - ◆ The applicant will send to the address specified on the application form all records required as listed below, the completed application form and all required fees. Persons furnishing completed evaluation forms are to mail them directly to the address listed on the evaluation form.
- **FOR MORE INFORMATION ON THE FOLLOWING TOPICS SEE "CERTIFICATION HANDBOOK"**
 - **EDUCATION REQUIREMENTS AND INTERNSHIP/PRACTICUM**
 - **ETHICS COMPLAINTS AND PROCEDURES**
 - **CASE PRESENTATION METHOD**
 - **OTHER POLICIES/PROCEDURES AND DISLCOSURES RELATED TO CERTIFICATION**

ALCOHOL AND DRUG COUNSELOR CRITERIA

CADC II

1. High School Diploma or equivalent (GED)
2. Three (3) years of full-time supervised employment as an alcoholism counselor or drug counselor or
3. 6,000* clock hours of supervised counseling work experience, to include 255 hours of supervised field work practicum (described in 2.B.), 315 hours of "approved alcohol and drug training education in the five performance domains" (including the 45 hours for supervised practicum course described in the Practicum Requirements.).
4. 315 hours = 270 class hours in alcohol/drug specific courses (6 classes) See Handbook for details.
5. + 45 hours practicum class (7th class) See Handbook for details.
6. 4,000* hours includes 255 hours of field placement experience.
7. Supervised counseling hours completed in a qualified setting prior to beginning a course of study in alcohol and drug education may be included in the 4,000 hours/two year work experience requirement. (*maximum of 250 hours of an intern's 4,000 required work experience hours, maybe acquired in CAADAC approved workshops if desired*)
8. Completion of 300 hours, supervised practicum to be divided as follows:
 - a. **Supervised Practicum = 45 hours
 - b. agency orientation = 3 hours
 - c. Core function areas = 252 hours
 - d. Total = 300 hours

** (Supervised Field Work Practicum: field placement experience that must include a minimum of 21 hours in each of the 12 core functions)

- ◆ The areas of alcohol/drug counseling to be covered, known as "core functions," include:
 - Screening, (2) Intake, (3) Orientation, (4) Assessment, (5) Treatment Planning, (6) Counseling (individual, group, and significant others), (7) Case Management, (8) Crisis Intervention, (9) Client Education, (10) Referral, (11) Reports and Recordkeeping, (12) Consultation (with other professionals in regard to client treatment and services). (*A detailed description of these core functions are located in the Domains, Tasks, Knowledge and Skills For The Certified AODA Counselor, Educational Requirements, ICRC Role Delineation Study, for the elements of each domain.*)
- ◆ If hours are for volunteer work - 4,000 hours of documented, supervised, volunteer alcohol and other drug counseling experience is equivalent to two (2) years of full-time employment.**
- ◆ The applicant will send to the address specified on the application form all records required as listed below, the completed application form and all required fees. Persons furnishing completed evaluation forms are to mail them directly to the address listed on the evaluation form.
- **FOR MORE INFORMATION ON EDUCATION REQUIREMENTS AND INTERNSHIP/PRACTICUM: SEE THE CERTIFICATION HANDBOOK**
- **FOR MORE INFORMATION ON THE WRITTEN EXAM SEE THE CERTIFICATION HANDBOOK**
- **FOR MORE INFORMATION ON THE CASE PRESENTATION METHOD: CERT HANDBOOK**

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To: Policy and Advocacy Committee

Date: January 7, 2008

From: Paul Riches
Executive Officer

Telephone: (916) 574-7840

Subject: **Transnational Association of Christian Colleges and Schools Accreditation**

Background

Current law recognizes three separate entities for approving/accrediting marriage and family therapy degree programs:

- Western Association of Schools and Colleges (WASC)
- Commission on Accreditation of Marriage and Family Therapy Education (COAMFTE)
- Bureau of Private Postsecondary and Vocational Education (BPPVE)

In order to qualify for registration as a marriage and family therapist (MFT) intern or a license as a MFT, the candidate must have a qualifying degree from a program approved/accredited by one of the above organizations. The Board has devoted considerable time and resources to addressing the challenge presented when the BPPVE and its laws became inoperative on July 1, 2007. The administration and legislative leadership continue to work on reform proposals to establish a new law and administrative entity to succeed the BPPVE but it is unclear as to when this will happen.

At its February 2006 meeting, the Board voted to sponsor legislation allowing schools accredited by all regional accrediting bodies. In the course of that meeting a request was made for the Board to consider adding the Transnational Association of Christian Colleges and Schools (TRACS) as an acceptable accrediting organization. The Consumer Protection Committee heard a presentation and reviewed material submitted by TRACS and the Southern California Seminary at its July 2007 meeting.

This issue has been referred to this committee because the Consumer Protection Committee is not meeting prior to the February 2008 Board meeting and any action to add TRACS would require legislation. Should the board choose to take action on this request in 2008, an early action is necessary to respect the Legislature's calendar.

Discussion

A number of other accrediting agencies exist that are approved through the U.S. Department of Education or the Council for Higher Education Accreditation (CHEA). Information about the USDE and

CHEA are attached. These accrediting agencies are not recognized in current BBS law, and it is likely that a number of schools possess both BPPVE-approval and another type of accreditation.

Southern California Seminary is an example of a school both BPPVE-approved and accredited by the TRACS. The Board has had a request from the Seminary to recognize "TRACS" accreditation in BBS law. Such recognition would alleviate concerns about BPPVE-approval for schools accredited by TRACS. TRACS:

- Is a voluntary, non-profit, self-governing organization of Christian postsecondary institutions.
- Promotes the welfare, interests, and development of postsecondary institutions through the accreditation process
- Mission is distinctly Christian in purpose
- Expects institutions to provide quality postsecondary education within the context of Christian values, with an emphasis on high academic standards and spiritual development

Additional information regarding TRACS is attached, along with a list of California schools that are TRACS accredited. Only one of these currently has an MFT program.

TRACS is recognized as an institutional accrediting agency by both the USDE and CHEA. They are also a member of the International Network for Quality Assurance Agencies in Higher Education (INQAAHE). Information about INQAAHE is attached.

Representatives from Southern California Seminary and TRACS are scheduled to present at the July 20, 2007 Committee meeting and include Dr. Russell G. Fitzgerald, Executive Director of TRACS, Dr. T. Paul Boatner, Executive Vice President and Mr. Barry Lord, Program Coordinator of Southern California Seminary.

Dr. Boatner from Southern California Seminary prepared a comparison of WASC and TRACS accreditation standards. This comparison is attached. Dr. Boatner stated that he "identified the TRACS equivalent to the WASC standard using the WASC formats." He additionally explained:

"This results in the TRACS standards appearing to be somewhat fragmented. In reality, TRACS has many more standards (most of which are more detailed representations of the same standards as WASC) but appear in a different order. Bits and pieces of TRACS standards were pulled from different sections in an attempt to match them to each WASC standard. Finally, in many cases I could have continued on and on with bits and pieces of TRACS standards to fully address every detail of each WASC standard, but felt that to do so, would not add any more strength to the presentation."

Staff Recommendation

Staff recommends that the Board sponsor legislation to recognize TRACS accreditation. A review of the materials and testimony yielded no reason to exclude TRACS. TRACS is subject to review by the DOE and meets the same standards as WASC, COAMFTE, and other regional accrediting agencies all of which have been found acceptable by the Board.

Attachments

- A. California-Based Colleges with TRACS Accreditation
- B. TRACS "General Information"
- C. CHEA "At a Glance"
- D. USDE "Accreditation in the United States"
- E. "About INQAAHE"
- F. WASC and TRACS Comparison of Standards

California-Based Colleges with TRACS Accreditation

Bethesda Christian University

730 North Euclid Street
Anaheim, California 92801
Phone: (714) 517 - 1945
Fax: (714) 517 - 1948
E-mail: bcu@bcu.edu
Web Site: www.bcu.edu

California Christian College

4881 East University Avenue
Fresno, California 93703
Phone: (559) 251 - 4215
Fax: (559) 251 - 4231
E-mail: cccfresno@aol.com
Web Site: www.calchristiancollege.org

Institute for Creation Research

10946 Woodside Avenue North
Santee, California 92071
Phone: (619) 448 - 0900
Fax: (619) 448 - 3469
E-mail: kcumming@icr.edu
Web Site: www.icr.org

King's College and Seminary, The

14800 Sherman Way
Van Nuys, California 91405
Phone: (818) 779 - 8040
Fax: (818) 779 - 8241
E-mail: info@kingscollege.edu
Web Site: www.kingscollege.edu or www.kingsseminary.edu

Shasta Bible College and Graduate School

2951 Goodwater Avenue
Redding, California 96002
Phone: (530) 221 - 4275
Fax: (530) 221 - 6929
E-mail: sbcadm@shasta.edu
Web Site: www.shasta.edu

Southern California Seminary

2075 East Madison Avenue
El Cajon, California 92019-1108
Phone: (619) 442 - 9841
Fax: (619) 442 - 4510
E-mail: info@socalsem.edu
Web Site: www.socalsem.edu

Trinity Life Bible College

5225 Hillsdale Boulevard
Sacramento, California 95842
Phone: (916) 348 - 4689
Fax: (916) 334 - 2315
E-mail: tlbc@email.com
Web Site: www.tlbc.edu

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**TRANSNATIONAL ASSOCIATION OF CHRISTIAN
COLLEGES AND SCHOOLS**
PO Box 328 - Forest, VA 24551
15935 Forest Road, Forest, VA 24551 (*FedEx, UPS, etc.*)
(434) 525 - 9539 / FAX: (434) 525 - 9538
E-mail – info@tracs.org - Web Address - www.tracs.org

Russell G. Fitzgerald, Ed.D.
Executive Director

Boyd C. Rist, Ph.D.
Accreditation Commission Chair

GENERAL INFORMATION

PURPOSE

Transnational Association of Christian Colleges and Schools (TRACS) is a voluntary, non-profit, self-governing organization of Christian postsecondary institutions. TRACS was established in 1979 to promote the welfare, interests, and development of postsecondary institutions through the accreditation process, whose mission is characterized by a distinctly Christian purpose as set forth in the Foundational Standards. While TRACS encourages each affiliated institution to develop its own distinctives, TRACS expects institutions to provide quality postsecondary education within the context of Christian values, with emphasis on high academic standards and spiritual development.

SCOPE

TRACS is recognized by the United States Department of Education (USDOE), the Council on Higher Education Accreditation (CHEA), and the International Network for Quality Assurance Agencies in Higher Education (INQAAHE), as an institutional agency accrediting Christian postsecondary institutions (e.g. liberal arts colleges/universities, graduate schools/ seminaries, Bible colleges) that offer associate's, bachelor's, or graduate degrees. TRACS works closely with state higher education agencies in the accrediting process.

ROLE AND VALUE OF ACCREDITATION

TRACS accreditation is granted to higher educational institutions that are in compliance with its Standards and Evaluative Criteria within the Policies and Procedures established by the TRACS Accreditation Commission. In the United States, accreditation is voluntarily sought by institutions and is conferred by independent, autonomous bodies. Voluntary, non-governmental, institutional accreditation, as practiced by TRACS and other accrediting agencies recognized by the United States Department of Education (USDOE), is uniquely characteristic of American education. For purposes of determining eligibility for federal government assistance under certain legislation, the USDOE publishes a list of nationally recognized accrediting agencies.

The two fundamental purposes of the accreditation process are: (1) to assure the quality and integrity of postsecondary institutions and (2) to assist the development and improvement of institutional higher learning. The Accreditation process involves continuous institutional self-evaluation, periodic self-study, long and short-range planning, and institutional research for the purpose of determining areas of strengths and weaknesses indicating effectiveness. Periodic peer evaluations by qualified professionals from other institutions serving on visiting teams serve to confirm that the institution is achieving its mission through compliance with the established Standards.

ACCREDITATION COMMISSION

The TRACS Accreditation Commission is charged with the responsibility of enforcing all the accreditation policies as well as approving all institutions for Accreditation or Candidacy. The decision of the Accreditation Commission is final. The Commission is made up of eighteen members, including three public commissioners.

ELIGIBILITY REQUIREMENTS FOR APPLICATION

Institutions must be legally constituted as a non-profit institution if so operated. They must meet the legal requirements established by the State to operate as an educational institution, to maintain its functions, and to conduct its programs. The educational institution should attain a satisfactory degree of stability before it applies. Pre-requisites are determined through the Institutional Eligibility Requirements (IERs).

ACCREDITATION STANDARDS AND GUIDELINES

The *Accreditation Manual*, which contains the Standards and Criteria, guide the accreditation process for those institutions seeking candidacy/accreditation. A copy of the *Accreditation Manual* may be obtained from the TRACS office.

ACCREDITATION CLASSIFICATION

Candidate (Pre-accredited) Status: Candidacy offers institutions the opportunity to establish an initial, formal, and publicly recognized membership with TRACS. Candidate institutions must satisfy the Institutional Eligibility Requirements (IERs). They must also demonstrate basic compliance with the TRACS Accreditation Standards that will, among other things, provide evidence of sound planning; adequate human, financial and physical resources and the potential to attain its goals within a five-year period. Following a successful staff visit, institutional self-study, and an on-site peer evaluation team visit, an institution may be awarded candidacy for a maximum of five years by the Accreditation Commission.

Accredited Status: Following an institutional self-study and an on-site peer evaluation team visit, accredited status may be granted for a period of five years by the Accreditation Commission to institutions that are in substantial compliance with the Standards and Criteria for accreditation.

The Accreditation Commission, after full deliberation and examination of all institutional and visiting team documentation, including self-study report, the visiting team report, and institutional response, may approve, defer, or deny an institution's application for candidate or accredited status.

Council for Higher Education

Accreditation... *Accreditation Serving the Public Interest*

A national advocate and institutional voice for self-regulation of academic quality through accreditation, CHEA is an association of 3,000 degree-granting colleges and universities and recognizes 60 institutional and programmatic accrediting organizations.

CHEA At•A•Glance

- Largest institutional higher education membership organization in the United States, with approximately 3,000 degree-granting colleges and universities.
- Sixty recognized institutional and programmatic accrediting organizations.
- Governed by a 20-person board of college and university presidents, institutional representatives and public members.

CHEA Purposes

Advocacy

- A primary national voice for voluntary accreditation and quality assurance to the U.S. Congress and U.S. Department of Education.
- A primary national voice for voluntary accreditation to the general public, opinion leaders, students and families.
- A representative of U.S. accreditation community to international audiences.

Service

- National leader in identifying and articulating emerging issues in quality assurance.
- National forum to address issues of mutual interest and concern in voluntary accreditation.
- Authoritative source of data and information about regional, faith-based, private career and programmatic accreditors.
- Projects and initiatives to strengthen accreditation and its role in serving the public interest.
- Conferences and meetings.
- Mediation and dispute-resolution service.
- Databases and directories of accredited institutions and programs and accreditation or quality assurance bodies.

Recognition

Recognition is the scrutiny and certification of the quality of regional, faith-based, private career and programmatic accrediting organizations. CHEA is the only nongovernmental higher education organization that undertakes this scrutiny. The federal government, through the U.S. Department of Education, conducts governmental recognition reviews.

Council for Higher Education Accreditation

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CHEA

CHEA Recognition Standards*

- *Advance academic quality.* Accreditors have a clear description of academic quality and clear expectations that the institutions or programs they accredit have processes to determine whether quality standards are being met.
- *Demonstrate accountability.* Accreditors have standards that call for institutions and programs to provide consistent, reliable information about academic quality and student achievement to foster continuing public confidence and investment.
- *Encourage, where appropriate, self scrutiny and planning for change and needed improvement.* Accreditors encourage self scrutiny for change and needed improvement through ongoing self-examination in institutions and programs.
- *Employ appropriate and fair procedures in decision making.* Accreditors maintain appropriate and fair organizational policies and procedures that include effective checks and balances.
- *Demonstrate ongoing review of accreditation practice.* Accreditors undertake self scrutiny of their accrediting activities.
- *Possess sufficient resources.* Accreditors have and maintain predictable and stable resources.

United States Accreditation

Accreditation in higher education is a collegial process of self-review and peer review for improvement of academic quality and public accountability of institutions and programs. This quality review process occurs on a periodic basis, usually every 3 to 10 years. Typically, it involves three major activities:

- A self-study by an institution or program using the standards or criteria of an accrediting organization.
- A peer review of an institution or program to gather evidence of quality.
- A decision or judgment by an accrediting organization to accredit, accredit with conditions or not accredit an institution or program.

CHEA Principles

CHEA's commitment to the coordination and improvement of quality review is based on seven principles. These principles provide the foundation for the CHEA mission statement, the organizational functions described in the CHEA Bylaws and the CHEA Recognition Policy.

- *Quality Assurance.* CHEA will apply its recognition standards and sustain ongoing review of its participating accrediting organizations to assure high quality of organizational performance.
- *Leadership.* CHEA will provide thoughtful leadership to formulate issues related to quality assurance; to develop needed tools and strategies to sustain the value of quality assurance to institutions, accreditors and students; and to advance change and needed improvement in quality assurance in higher education.
- *Advocacy.* CHEA will be a forceful and articulate advocate for voluntary accreditation of higher education to the public, government and other interested individuals, groups and countries.
- *Service.* CHEA will consistently provide high-quality research, policy analysis and service to its member institutions, accrediting organizations, students and the public.
- *Core Values.* CHEA will maintain the core academic values central to higher education and quality assurance. These include, for example, the values of general education, collegiality and academic freedom.
- *Independence.* CHEA will be an independent and authoritative voice for the strengthening of accreditation to strengthen higher education.
- *Inclusion.* CHEA will sustain an environment of active consultation and participation among its member institutions and participating organizations, as well as encourage cooperation and exchange throughout the higher education and quality assurance communities.

(Adopted by CHEA Board of Directors, January 2000)

*This language illustrates the recognition standards and is not the full or official policy statement. Please consult the 2006 CHEA *Recognition Policy and Procedures* at www.chea.org for the formal policy language that is used in CHEA recognition reviews.

Accreditation in the United States

OVERVIEW OF ACCREDITATION

The goal of accreditation is to ensure that education provided by institutions of higher education meets acceptable levels of quality. [Accreditation in the United States](#) involves non-governmental entities as well as governmental agencies.

Accrediting agencies, which are private educational associations of regional or national scope, develop evaluation criteria and conduct peer evaluations to assess whether or not those criteria are met. Institutions and/or programs that request an agency's evaluation and that meet an agency's criteria are then "accredited" by that agency.

The **U.S. Department of Education** does not accredit educational institutions and/or programs. However, the Secretary of Education is required by law to publish a list of nationally recognized accrediting agencies that the Secretary determines to be reliable authorities as to the quality of education or training provided by the institutions of higher education and the higher education programs they accredit. An agency seeking national recognition by the Secretary must meet the [Secretary's procedures and criteria](#) for the recognition of accrediting agencies, as published in the *Federal Register*. Some of the criteria for recognition, such as the criterion requiring a link to Federal programs, have no bearing on the quality of an accrediting agency; however, they do have the effect of making some agencies ineligible for recognition for reasons other than quality. The [recognition process](#) involves not only filing an application with the U. S. Department of Education but also review by the [National Advisory Committee on Institutional Quality and Integrity](#), which makes a recommendation to the Secretary regarding recognition. The Secretary, after considering the Committee's recommendation, makes the final determination regarding recognition.

The U.S. Secretary of Education also recognizes [State agencies](#) for the approval of public postsecondary vocational education and State agencies for the approval of nurse education. These agencies must meet the Secretary's criteria and procedures for such recognition and must undergo review by the National Advisory Committee.

The U. S. Department of Education does not accredit institutions in foreign countries. However, the Secretary of Education does appoint members to the [National Committee on Foreign Medical Education and Accreditation](#). The law gives that Committee the responsibility for reviewing the standards that foreign countries use to accredit medical schools to determine whether those standards are comparable to the standards used to accredit medical schools in the United States. The comparability decisions made by the Committee affect whether U.S. students attending foreign medical schools can receive loans under the Federal Family Education Loan Program.

ACCREDITATION IN THE U.S.

The United States has no Federal Ministry of Education or other centralized authority exercising single national control over postsecondary educational institutions in this

country. The States assume varying degrees of control over education, but, in general, institutions of higher education are permitted to operate with considerable independence and autonomy. As a consequence, American educational institutions can vary widely in the character and quality of their programs.

In order to ensure a basic level of quality, the practice of accreditation arose in the United States as a means of conducting non-governmental, peer evaluation of educational institutions and programs. Private educational associations of regional or national scope have adopted criteria reflecting the qualities of a sound educational program and have developed procedures for evaluating institutions or programs to determine whether or not they are operating at basic levels of quality.

Some Functions of Accreditation

1. Verifying that an institution or program meets established standards;
2. Assisting prospective students in identifying acceptable institutions;
3. Assisting institutions in determining the acceptability of transfer credits;
4. Helping to identify institutions and programs for the investment of public and private funds;
5. Protecting an institution against harmful internal and external pressure;
6. Creating goals for self-improvement of weaker programs and stimulating a general raising of standards among educational institutions;
7. Involving the faculty and staff comprehensively in institutional evaluation and planning;
8. Establishing criteria for professional certification and licensure and for upgrading courses offering such preparation; and
9. Providing one of several considerations used as a basis for determining eligibility for Federal assistance.

The Accrediting Procedure

1. Standards: The accrediting agency, in collaboration with educational institutions, establishes standards.
2. Self-study: The institution or program seeking accreditation prepares an in-depth self-evaluation study that measures its performance against the standards established by the accrediting agency.
3. On-site Evaluation: A team selected by the accrediting agency visits the institution or program to determine first-hand if the applicant meets the established standards.
4. Publication: Upon being satisfied that the applicant meets its standards, the accrediting agency grants accreditation or preaccreditation status and lists the institution or program in an official publication with other similarly accredited or preaccredited institutions or programs.
5. Monitoring: The accrediting agency monitors each accredited institution or program throughout the period of accreditation granted to verify that it continues to meet the agency's standards.
6. Reevaluation: The accrediting agency periodically reevaluates each institution or program that it lists to ascertain whether continuation of its accredited or preaccredited status is warranted.

Types of Accreditation

There are two basic types of educational accreditation, one identified as "institutional" and one referred to as "specialized" or "programmatic."

Institutional accreditation normally applies to an entire institution, indicating that each of an institution's parts is contributing to the achievement of the institution's objectives, although not necessarily all at the same level of quality. The various commissions of the regional accrediting associations, for example, perform institutional accreditation, as do many national accrediting agencies.

Specialized or programmatic accreditation normally applies to programs, departments, or schools that are parts of an institution. The accredited unit may be as large as a college or school within a university or as small as a curriculum within a discipline. Most of the specialized or programmatic accrediting agencies review units within an institution of higher education that is accredited by one of the regional accrediting commissions. However, certain accrediting agencies also accredit professional schools and other specialized or vocational institutions of higher education that are free-standing in their operations. Thus, a "specialized " or "programmatic " accrediting agency may also function in the capacity of an "institutional " accrediting agency. In addition, a number of specialized accrediting agencies accredit educational programs within non-educational settings, such as hospitals.

Accreditation does not provide automatic acceptance by an institution of credit earned at another institution, nor does it give assurance of acceptance of graduates by employers. Acceptance of students or graduates is always the prerogative of the receiving institution or employer. For these reasons, besides ascertaining the accredited status of a school or program, students should take additional measures to determine, prior to enrollment, whether or not their educational goals will be met through attendance at a particular institution. These measures should include inquiries to institutions to which transfer might be desired or to prospective employers and, if possible, personal inspection of the institution at which enrollment is contemplated.

Non-governmental Coordinating Agency

For more than 50 years, there has been some type of nongovernmental coordinating agency for accreditation. This body, whatever its form, has existed primarily for the purpose of coordinating and improving the practice of accreditation. For example, the Council on Postsecondary Accreditation (COPA), which was established in 1974 and existed until December 1993, served as a nongovernmental organization whose purpose was to foster and facilitate the role of accrediting agencies in promoting and ensuring the quality and diversity of American postsecondary education. Through its Committee on Recognition, COPA recognized, coordinated, and periodically reviewed the work of its member accrediting agencies and the appropriateness of existing or proposed accrediting agencies and their activities, through its granting of recognition and performance of other related functions. COPA itself was created through the merger of two organizations: the National Commission on Accreditation, founded in 1949 as the first national organization to develop criteria and recognize accrediting agencies; and the Federation of Regional Accrediting Commission of Higher Education.

After COPA voted to dissolve in December 1993, a new entity, the Commission on Recognition of Postsecondary Accreditation (CORPA) was established in January 1994 to continue the recognition of accrediting agencies previously carried out by COPA until such time as a new national organization for accreditation could be established. CORPA was dissolved in April 1997 after the Council on Higher Education Accreditation (CHEA) was created. CHEA is currently the entity that carries out a recognition function in the private, nongovernmental sector. Information about CHEA may be found on the agency's website, www.chea.org.

NATIONAL RECOGNITION OF ACCREDITING AGENCIES BY THE U.S. SECRETARY OF EDUCATION

The U.S. Secretary of Education is required by statute to publish a list of nationally recognized accrediting agencies that the Secretary determines to be reliable authorities as to the quality of education or training provided by the institutions of higher education and the higher education programs they accredit. The Secretary only evaluates accrediting agencies that apply for recognition, and certain criteria for recognition that are unrelated to the quality of accrediting activities limit the scope of the Secretary's recognition activities. Most institutions attain eligibility for Federal funds by holding accredited or preaccredited status with one of the accrediting agencies recognized by the Secretary, in addition to fulfilling other eligibility requirements. For example, accreditation by a nationally recognized institutional accrediting agency enables the institutions it accredits to establish eligibility to participate in the Federal student financial assistance programs administered by the U.S. Department of Education under Title IV of the Higher Education Act of 1965, as amended.

The commissions of the institutional (regional and national) accrediting agencies that are recognized by the Secretary have no legal control over educational institutions or programs. They promulgate standards of quality or criteria of institutional excellence and approve or renew membership of those institutions that apply for meet their accreditation and standards or criteria.

The Accrediting Agency Evaluation Unit

The Accrediting Agency Evaluation Unit has been established within the Department of Education to deal with accreditation matters. Located in the Office of Postsecondary Education, the Unit carries out the following major functions with respect to accreditation:

1. Conduct a continuous review of standards, policies, procedures, and issues in the area of the Department of Education's interests and responsibilities relative to accreditation;
2. Administer the process whereby accrediting agencies and State approval agencies secure initial and renewed recognition by the Secretary of Education;
3. Serve as the Department's liaison with accrediting agencies and State approval agencies;
4. Provide consultative services to institutions, associations, State agencies, other Federal agencies, and Congress regarding accreditation;
5. Interpret and disseminate policy relative to accreditation issues in the case of all appropriate programs administered by the Department of Education;
6. Conduct and stimulate appropriate research; and
7. Provide support for the Secretary's [National Advisory Committee on Institutional Quality and Integrity](#).

**Accrediting Agency Evaluation
Accreditation and State Liaison
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INQAAHE

International Network for Quality Assurance Agencies in Higher Education



About

Membership

Conferences

Working Groups

Publications

News

About INQAAHE

The International Network for Quality Assurance Agencies in Higher Education (INQAAHE) was established in 1991.

The Role of the Network

The main purpose of the Network is to collect and disseminate information on current and developing theory and practice in the assessment, improvement and maintenance of quality in higher education.

Through this information-sharing, and otherwise, it is intended that the Network should:

- promote good practices in the maintenance and improvement of quality in higher education;
- facilitate research into the practice of quality management in higher education and its effectiveness;
- be able to provide advice and expertise to assist the development of new quality assurance agencies;
- facilitate links between accrediting bodies especially insofar as they operate across national borders;
- assist members to determine the standards of institutions operating across national borders;
- permit better-informed international recognition of qualifications;
- be able to assist in the development and use of credit transfer schemes to enhance the mobility of students between institutions within and across national borders; and
- enable members to be alert to dubious accrediting practices and organisations.

Information and views are shared:

- through this Website;
- through the Network's Newsletter 'QA', published every six months;
- through the Journal 'Quality in Higher Education' published three times a year;
- by access to the Network's Members database; and
- through the Network's biennial International Conference.

The Board

Members of the Board of INQAAHE, together with their contact details and their particular areas of responsibility, see [Board members](#).

The Constitution

More details about the Network you may find in [Constitution](#).

Membership

From 1st January 2007 the membership fees will be:

- Full Members Euro 380
- Full Members (LDC/LIC) Euro 195 (fn)
- Associate Members Euro 380
- Affiliates Euro 270

(fn) These countries are listed by OECD as less developed countries or low income countries.

Members receive the Networks Newsletter and Journal.

Further Information

Those interested in quality assurance in higher education and related matters can obtain further information about the Network, and forms for application for membership, from the Secretary or any of the other directors. While each director is responsible for particular areas, directors are always pleased to discuss any matter of mutual interest.

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WASC and TRACS
Comparison of Standards

Prepared Spring 2007

Standard 1

Defining Institutional Purposes and Ensuring Educational Objectives

The institution defines its purposes and establishes educational objectives aligned with its purposes and character. It has a clear and conscious sense of its essential values and character, its distinctive elements, its place in the higher education community, and its relationship to society at large. Through its purposes and educational objectives, the institution dedicates itself to higher learning, the search for truth, and the dissemination of knowledge. The institution functions with integrity and autonomy.

Institutional Purposes

Purposes and Objectives

Criteria for Review (WASC)

Standards and Evaluative Criteria (TRACS)

<p>1.1. The institution's formally approved statements of purpose and operational practices are appropriate for an institution of higher education and clearly define its essential values and character.</p> <p>Guidelines: The institution has a published mission statement that clearly describes its purposes. The institution's purposes fall within recognized academic areas and/or disciplines, or are subject to peer review within the framework of generally recognized academic disciplines or areas of practice.</p>	<p>2.1 The institution must have a written mission/purpose statement that has been approved by the governing board and that reflects its Biblical Foundations Statement.</p> <p>4.1 The institution must have a statement of ethical values and standards. a. It is clearly written. b. It is comprehensive. c. It is approved by the governing board.</p> <p>The institutional purpose statement serves as a frame of reference for decision-making in determining operational policies. Educational programs and all other operations of an institution are to be clearly related to the purpose of the institution</p>
<p>1.2. Educational objectives are clearly recognized throughout the institution and are consistent with stated purposes. The institution has developed indicators and evidence to ascertain the level of achievement of its purposes and educational objectives.</p> <p>Guideline: The institution has published educational objectives that are consistent with its purposes.</p>	<p>2.2 The institution must have clearly defined objectives. a. They are available in writing and stated in measurable terms. b. They are consistent with written institutional purpose/mission. c. They have been approved by the governing board. d. They are being evaluated.</p> <p>2.6 There must be regular review of the purpose and objectives and assessment of actual outcomes. a. There is a written review process. b. Governing board and other official minutes indicate appropriate reviews.</p>
<p>1.3. The institution's leadership creates and sustains a leadership system at all levels that is marked by high performance, appropriate responsibility, and accountability.</p>	<p>An administrative or leadership team must be in place, adequate in number, appropriate by title, function, appropriately degreed. Administrators must possess credentials, experience, and demonstrated competence appropriate to their areas of responsibility.</p> <p>6.1 The chief executive officer must be responsible for carrying out published board policies and procedures. Each staff position must have a detailed job description.</p> <p>6.3 There must be a chief academic officer chosen by the board who has the credentials, experience, and competence to provide leadership to the institution and to guide the institution toward quality outcomes.</p> <p>6.4 There must be other administrative or leadership team members sufficient in number and competence to give direction to the major operational areas of the institution.</p> <p>6.5 A system of evaluation for the administration must exist and be in use.</p>

Integrity

Ethical Values and Standards

Criteria for Review (WASC)

Standards and Evaluative Criteria (TRACS)

<p>1.4. The institution publicly states its commitment to academic freedom for faculty, staff, and students, and acts accordingly. This commitment affirms that those in the academy are free to share their convictions and responsible conclusions with their colleagues and students in their teaching and in their writing.</p> <p>Guidelines: The institution has published or has readily-available policies on academic freedom. For those institutions that strive to instill specific beliefs and world views, policies clearly state conditions, and ensure these conditions are consistent with academic freedom. Due process procedures are disseminated, demonstrating that faculty and students are protected in their quest for truth.</p>	<p>14.11 A policy for faculty academic freedom and responsibility must be set forth in published form by the institution. a. The faculty handbook or other such publication of the institution contains the policy on faculty academic freedom and responsibility. It is clear and specific.</p> <p>5.4 The board must ensure academic freedom within the framework of the institution's biblical foundations, purpose, objectives, and philosophy. a. It has approved a general policy regarding academic freedom. b. It reviews any alleged breach of academic freedom. c. It demonstrates support and commitment to academic freedom.</p>
<p>1.5. Consistent with its purposes and character, the institution demonstrates an appropriate response to the increasing diversity in society through its policies, its educational and co-curricular programs, and its administrative and organizational practices.</p> <p>Guideline: The institution has demonstrated institutional commitment to the principles enunciated in the WASC Statement on Diversity.</p>	<p>...institutions define themselves by a set of values which are central to its purpose, educational philosophy and mission. These values govern every aspect of the operations and spell out the nature of the character the institution sees itself as instilling in its students—and all of its constituencies. These values result in standard of conduct, expectations, or guidelines for board members, administrators, faculty, staff and students. Their goal is to shape character by personal discipline resulting in a lifestyle that respects other persons equally, provides caring service and outreach, and exemplifies integrity. Catalog requirement: 18) Statement of nondiscrimination.</p>
<p>1.6. Even when supported by or affiliated with political, corporate, or religious organizations, the institution has education as its primary purpose and operates as an academic institution with appropriate autonomy.</p> <p>Guideline: The institution has no history of interference in substantive decisions or educational functions by political, religious, corporate, or other external bodies outside the institution's own governance arrangements.</p>	<p>The governing board must be a well defined, legally constituted body responsible for establishing broad policy, appointing and evaluating the chief executive officer, establishing and maintaining financial stability and oversight of the effective pursuit of the stated purpose and objectives of the institution.</p> <p>5.1 The institution must have a legally constituted governing board that holds the institution in trust and has final authority in matters of policy, operation and evaluation.</p>
<p>1.7. The institution truthfully represents its academic goals, programs, and services to students and to the larger public; demonstrates that its academic programs can be completed in a timely fashion; and treats students fairly and equitably through established policies and procedures addressing student conduct, grievances, human subjects in research, and refunds.</p> <p>Guidelines: The institution has published or a readily-available policy on student grievances and complaints, refunds, etc. and has no history of adverse findings against it with respect to violation of these policies. Records of student complaints are maintained for a six-year period. The institution clearly defines and distinguishes between the different types of credits it offers and between degree and non-degree credit, and accurately identifies the type and meaning of the credit awarded in its transcripts.</p>	<p>8.2 The information in all institutional publications must be consistent, clear, factually accurate, current, and consistent with the institutional purposes and objectives.</p> <p><u>Catalog</u> The institutions catalog must be readily available and must accurately reflect the academic program, faculty and facilities provided. The following is a list of information normally addressed in the catalog: 8) Degree and program completion requirements, including length of time required to obtain a degree or certificate of completion and number of credit hours required. 13) Rules and regulations for conduct. 14) Tuition, fees, and other program costs. 16) Policies and procedures for refunding fees and charges to students who withdraw from enrollment. Statement of nondiscrimination. 20) A refund policy for students.</p> <p>17.7 The institution must have a legally approved, clearly stated, and published student complaint policy.</p>
<p>1.8. The institution exhibits integrity in its operations as demonstrated by the implementation of appropriate policies, sound business practices, timely and fair responses to</p>	<p>17.7 The institution must have a legally approved, clearly stated, and published student complaint policy.</p> <p>8.7 Faculty rights and responsibilities must be clearly stated</p>

<p>complaints and grievances, and regular evaluation of its performance in these areas.</p> <p>Guideline: The institution has published or readily-available grievance procedures for faculty, staff, and students. Its finances are regularly audited by external agencies</p>	<p>in the Faculty Handbook. <u>Faculty Handbook</u> The faculty handbook must list and clearly describe the rights and responsibilities of the faculty. The handbook will include a description of policies regarding (9) contractual issues, (10) due process.</p>
<p>1.9. The institution is committed to honest and open communication with the Accrediting Commission, to undertaking the accreditation review process with seriousness and candor, and to abiding by Commission policies and procedures, including all substantive change policies.</p>	<p>B. <u>Purpose and Objectives</u> TRACS requires member institutions to pursue their established educational purpose. TRACS measures institutional commitment by giving benchmark ratings for all areas of evaluation. These are listed in their Benchmark Standards as 5 = Far exceeds the standard, 4 = Exceeds the standard, 3 = Meets the standard, 2 = Falls below the standard, 1 = Fails to meet the standard.</p>

Standard 2

Achieving Educational Objectives Through Core Functions

The institution achieves its institutional purposes and attains its educational objectives through the core functions of teaching and learning, scholarship and creative activity, and support for student learning. It demonstrates that these core functions are performed effectively and that they support one another in the institution's efforts to attain educational effectiveness.

Teaching and Learning

Educational Programs

Criteria for Review (WASC)

Standards and Evaluative Criteria (TRACS)

<p>2.1. The institution's educational programs are appropriate in content, standards, and nomenclature for the degree level awarded, regardless of mode of delivery, and are staffed by sufficient numbers of faculty qualified for the type and level of curriculum offered.</p> <p>Guidelines: The content, length, and standards of the institution's academic programs conform to recognized disciplinary or professional standards and are subject to peer review.</p>	<p>10.4 The curriculum must be appropriate for the educational level and must be consistent with national norms. a. The academic program is comparable with similar institutions. b. The educational experiences are appropriate for educational level. <u>Distance Learning Programs 2)</u> a) The content of external courses is the same as on-campus courses although special consideration may be given for different age groups.</p>
<p>2.2. All degrees—undergraduate and graduate—awarded by the institution are clearly defined in terms of entry-level requirements and in terms of levels of student achievement necessary for graduation that represent more than simply an accumulation of courses or credits.</p> <p>Guideline: Competencies required for graduation are reflected in course syllabi for both General Education and the major.</p> <p>❖ Baccalaureate programs engage students in an integrated course of study of sufficient breadth and depth to prepare them for work, citizenship, and a fulfilling life. These programs also ensure the development of core learning abilities and competencies including, but not limited to, college-level written and oral communication; college-level quantitative skills; information literacy; and the habit of critical analysis of data and argument. In addition, baccalaureate programs actively foster an understanding of diversity; civic responsibility; the ability to work with others; and the capability to engage in lifelong learning.</p> <p>Baccalaureate programs also ensure breadth for all students in the areas of cultural and aesthetic, social and political, as well as scientific and technical knowledge expected of educated persons in this society. Finally, students are required to engage in an in-depth, focused, and sustained program of study as part of their baccalaureate programs.</p> <p>Guideline: The institution has a program of General Education that is integrated throughout the curriculum, including at the upper division level, consisting of a minimum of 45 semester credit hours (or the equivalent), together with significant study in depth in a given area of knowledge (typically described in terms of a major).</p>	<p>10.15 e. The admission policies of the institution set forth both qualitative and quantitative requirements aimed at admitting students who demonstrate reasonable ability for success</p> <p>10.6 The curriculum must progressively lead to student competency and learning.</p> <p>10.14 All degree programs offered must include an appropriate general education core. a. The liberal arts college's bachelors programs include a minimum of 44 semester hours/quarter hours equivalent, with a minimum of 3 semester hours/quarter hours equivalent, in each of the humanities/fine arts, behavioral sciences, communications, and natural sciences/math. b. The Bible college's bachelor's degree programs include a minimum of 36 semester hours/quarter hours equivalent, with a minimum of 3 semester hours/quarter hours equivalent, in each of the humanities/fine arts, behavioral sciences, communications, and natural science/math.</p> <p>11.1 The graduate curriculum must relate to the purpose and objectives of the institution. b. Course content and learning experiences are clearly equal to institutional, national, and state norms.</p> <p>11.3 Each graduate program offered by the institution must have as its central focus the imparting of a common core of knowledge, predicated on undergraduate studies, that will enhance the individual educationally and/or vocationally – and that is compatible with such programs in accredited postsecondary institutions.</p> <p>11.4 The programs (curriculum) of the institution must be at a post-baccalaureate level that reflects and extends the intellectual maturity of the students. There must be a clear distinction between graduate entry-level master's degrees</p>

<p>❖ Graduate programs are consistent with the purpose and character of their institutions; are in keeping with the expectations of their respective disciplines and professions; and are described through nomenclature that is appropriate to the several levels of graduate and professional degrees offered. Graduate curricula are visibly structured to include active involvement with the literature of the field and ongoing student engagement in research and/or appropriate high-level professional practice and training experiences. Additionally, admission criteria to graduate programs normally include a baccalaureate degree in an appropriate undergraduate program.</p> <p>Guideline: The institution employs at least one full-time faculty member for each graduate degree program offered.</p>	<p>and advanced and doctoral degrees. a. Learning levels include knowledge, understanding, skills, application, synthesis, and evaluation in the cognitive area. Attitudes and values in the affective area are normally geared to the graduate level.</p> <p>11.5 The graduate program(s) must include a common core of introductory courses appropriate to the discipline of field of study, such as foundations, theory, or research methods and reflect course organization that allows for diversity in student learning, yet generally and logically leads to the internalization and application of information.</p> <p>11.7 The graduate program(s) must include integrative experiences to translate theory into practice such as application, synthesis, and evaluations.</p> <p>11.8 The graduate program(s) must include summative experience to measure student achievement, competency or cognitive growth such as final projects, papers, tests or practicums of a comprehensive nature.</p>
<p>2.3. The institution's expectations for learning and student attainment are clearly reflected in its academic programs and policies. These include the organization and content of the institution's curricula; admissions and graduation policies; the organization and delivery of advisement; the use of its library and information resources; and (where applicable) experience in the wider learning environment provided by the campus and/or co-curriculum.</p> <p>Guideline: The use of information and learning resources beyond textbooks is evidenced in syllabi throughout the undergraduate and graduate curriculum.</p>	<p>10.2 There must be in place an established faculty curriculum process for the development and assessment of the educational program.</p> <p>10.3 The curriculum must have as its central focus the education of students. a. Course objectives are written in reference to measurable learning outcomes. b. Course objectives/outcomes are assessed through student achievement and competency.</p> <p>10.13 Innovative curricular activities must be supported by clear and explicit objectives and must be consistent with the institutional purpose, objectives, and philosophy.</p> <p>11.11 Individual courses, seminars, etc. within graduate programs must evidence a process for the evaluation of stated objectives and/or student outcomes and competencies through objectives which can be assessed and evaluated through student performances/learning experiences at critical periods.</p> <p>* A course syllabus is prepared for each course and is distributed to each student at the beginning of the course. This syllabus for each course includes course requirements, the nature of the course contents, its objectives, and the methods of student evaluation.</p>
<p>2.4. The institution's expectations for learning and student attainment are developed and widely shared among its members (including faculty, students, staff, and where appropriate, external stakeholders). The institution's faculty takes collective responsibility for establishing, reviewing, fostering, and demonstrating the attainment of these expectations.</p>	<p>10.2 There must be in place an established faculty curriculum process for the development and assessment of the educational program. a. Policies and procedures have been established to develop, evaluate, and modify the academic programs. b. Minutes of academic committees and official meetings indicate that members of the faculty are actively involved in curriculum matters.</p> <p>10.7 The curriculum must be systematically and regularly evaluated, using established processes. a. Policies and procedures indicate a systematic process for curriculum evaluation. b. Minutes of appropriate academic committees reflect regular and systematic curriculum review.</p> <p>11.11 Individual courses, seminars, etc. within graduate programs must evidence a process for the evaluation of stated objectives and/or student outcomes and competencies through objectives which can be assessed and evaluated</p>

	through student performances/learning experiences at critical periods.
2.5. The institution's academic programs actively involve students in learning, challenge them to achieve high expectations, and provide them with appropriate and ongoing feedback about their performance and how it can be improved.	10.3 The curriculum must have as its central focus the education of students. a. Course objectives are written in reference to measurable learning outcomes. b. Course objectives/outcomes are assessed through student achievement and competency. a. Course objectives are written in reference to measurable learning outcomes. b. Course objectives/outcomes are assessed through student achievement and competency. c. The grading system for rewarding and evaluating academic progress is published and designed to provide incentive, reward achievement,, and assist in identifying student problems. C. The grading system is the same throughout the institution and grades are reported numerically (4.0, 3.0, 2.0, 1.0, etc.), by letter (A, B, C, D, etc.), or possible instances for specific courses as P-F.
2.6. The institution demonstrates that its graduates consistently achieve its stated levels of attainment and ensures that its expectations for student learning are embedded in the standards faculty use to evaluate student work.	10.7 The curriculum must be systematically and regularly evaluated, using established processes 11.8 The graduate program(s) must include summative experience to measure student achievement, competency or cognitive growth such as final projects, papers, tests or practicums of a comprehensive nature.
2.7. In order to improve program currency and effectiveness, all programs offered by the institution are subject to review, including analyses of the achievement of the program's learning objectives and outcomes. Where appropriate, evidence from external constituencies such as employers and professional societies is included in such reviews. Guideline: The institution incorporates in its assessment of educational objectives results with respect to student achievement, including program completion, license examination, and placement rates results.	11.2 There must be an established curriculum process for curriculum development, modification, and assessment in place. a. Faculty are actively involved in the development, approval, and modification of the curriculum in a procedural process. b. The curricular process involves the administration, board and others s needed. c. Faculty meeting minutes indicate appropriate faculty involvement.

Scholarship and Creative Activity

Non-Traditional Programs

Criteria for Review (WASC)

Standards and Evaluative Criteria (TRACS)

2.8. The institution actively values and promotes scholarship, curricular and instructional innovation, and creative activity, as well as their dissemination at levels and of the kinds appropriate to the institution's purposes and character.	Traditional institutions that utilize selected non-traditional formats or delivery systems must carefully describe the distinctives in their non-traditional programs with careful reference to (1) educational purpose, (2) financial procedures, (3) student body (recruitment, admission, student profile), (4) degree offerings and ((5a0 any adaptive measures in governance, organizational structure, resource allocation, faculty component, or other areas of the institution that may be necessitated by the presence of the non-traditional format.
2.9. The institution recognizes and promotes appropriate linkages among scholarship, teaching, student learning and service.	E. <u>Student Development</u> Each institution must provide a variety of appropriate student services that will effectively support the educational purpose – services that enhance the educational, social, spiritual, moral, and physical development of the student. In order to achieve this development of the whole person, the institution must have a working plan for this purpose.

Support for Student Learning

Student Development

Criteria for Review (WASC)

Standards and Evaluative Criteria (TRACS)

<p>2.10. Regardless of mode of program delivery, the institution regularly identifies the characteristics of its students and assesses their needs, experiences, and levels of satisfaction. This information is used to help shape a learning-centered environment and to actively promote student success.</p> <p>Guideline: The institution's policy on grading and student evaluation is clearly stated, and provides opportunity for appeal as needed; and periodic analyses of grades and evaluation procedures are conducted to assess the rigor and impact of these policies.</p>	<p>The Student Development plan must <i>be based on the studies needs of its student body</i> – based on a plenary profile of entering and current students.</p> <p>10.3 The curriculum must have as its central focus the education of students. a. Course objectives are written in reference to measurable learning outcomes. b. Course objectives/outcomes are assessed through student achievement and competency. a. Course objectives are written in reference to measurable learning outcomes. b. Course objectives/outcomes are assessed through student achievement and competency. c. The grading system for rewarding and evaluating academic progress is published and designed to provide incentive, reward achievement,, and assist in identifying student problems. C. The grading system is the same throughout the institution and grades are reported numerically (4.0, 3.0, 2.0, 1.0, etc.), by letter (A, B, C, D, etc.), or possible instances for specific courses as P-F.</p>
<p>2.11. Consistent with its purposes, the institution develops and implements co-curricular programs that are integrated with its academic goals and programs, and supports student professional and personal development.</p>	<p>E. <u>Student Development</u> Each institution must provide a variety of appropriate student services that will effectively support the educational purpose – services that enhance the educational, social, spiritual, moral, and physical development of the student. In order to achieve this development of the whole person, the institution must have a working plan for this purpose.</p>
<p>2.12. The institution ensures that all students understand the requirements of their academic programs and receive timely, useful, and regular information and advising about relevant academic requirements.</p> <p>Guideline: Recruiting and admission practices, academic calendars, publications, and advertising are accurate, current, disclosing, and are readily available to support student needs.</p>	<p>17.3 There must be a thorough orientation program for all incoming students that covers major student issues needed by students during registration.</p> <p>17.9 There must be an experienced and competent person(s) to provide academic, career, personal and spiritual counseling to students.</p> <p>8.2 The information in all institutional publications must be consistent, clear, factually accurate, current, and consistent with the institutional purpose and objectives.</p>
<p>2.13. Student support services—including financial aid, registration, advising, career counseling, computer labs, and library and information services—are designed to meet the needs of the specific types of students the institution serves and the curricula it offers.</p>	<p>Although institutions vary, a TRACS accredited institution must provide support services adequate for the prudent development of the student in his or her physical, social, moral, spiritual, and intellectual development. Such student services may include; security and health, housing, food, bookstore, mailroom, computing, intramurals, intercollegiate athletics, student government sponsorship, orientation, financial aid services, academic and other records, code of conduct, counseling (personal, academic, vocational placement, spiritual/moral), and opportunities for spiritual ministry and community service.</p>
<p>2.14. Institutions that serve transfer students assume an obligation to provide clear and accurate information about transfer requirements, ensure equitable treatment for such students with respect to academic policies, and ensure that such students are not unduly disadvantaged by transfer requirements.</p>	<p>10.11 Academic policies, including entrance and exit requirements and student transfer or credits, must be published and disseminated.</p>

Standard 3

Developing and Applying Resources and Organizational Structures to Ensure Sustainability

The institution sustains its operations and supports the achievement of its educational objectives through its investment in human, physical, fiscal, and information resources and through an appropriate and effective set of organizational and decision-making structures. These key resources and organizational structures promote the achievement of institutional purposes and educational objectives and create a high quality environment for learning.

Faculty and Staff

Faculty (and Staff)

Criteria for Review (WASC)

Standards and Evaluative Criteria (TRACS)

<p>3.1. The institution employs personnel sufficient in number and professional qualifications to maintain its operations and to support its academic programs, consistent with its institutional and educational objectives.</p>	<p>7.1 There must be a support staff sufficient in number and competence to adequately support the administration and academic functions of the institution.</p>
<p>3.2. The institution demonstrates that it employs a faculty with substantial and continuing commitment to the institution sufficient in number, professional qualifications, and diversity to achieve its educational objectives, to establish and oversee academic policies, and to ensure the integrity and continuity of its academic programs wherever and however delivered.</p> <p>Guideline: The institution has an instructional staffing plan that includes a sufficient number of full-time faculty with appropriate backgrounds by discipline and degree levels.</p>	<p>D. Faculty The faculty is integral to the educational quality of the institution. Therefore, the institution must employ, develop and support a faculty that is: Sufficient in number to provide for the curricular and student needs of the institution. In agreement with purpose, objectives, and philosophy of the institution. Cognizant of its role and responsibility in total institutional success. Academically qualified for the institution's educational level and goals. The institution must have a rationale for the number of faculty and staff it retains with reference to the size and level of educational program, and its full-time and part-time faculty ratio.</p>
<p>3.3. Faculty and staff recruitment, workload, incentive, and evaluation practices are aligned with institutional purposes and educational objectives. Evaluation processes are systematic, include appropriate peer review, and, for instructional faculty and other teaching staff, involve consideration of evidence of teaching effectiveness, including student evaluations of instruction.</p>	<p>14.15 The institution must have a formal, written procedure for the hiring of faculty.</p> <p>14.8 The institution must have policies regarding faculty appointment, retention, advancement and dismissal.</p> <p>14.10 Policies must be established and published concerning teaching loads, advising, committee assignments and other required assignments.</p> <p>14.12 Policy and procedures must be in evidence and practiced evaluating faculty performance. b. The faculty evaluation process is geared toward development of the faculty member as a professional – and includes the use of a standard form used in evaluation of faculty.</p>
<p>3.4. The institution maintains appropriate and sufficiently supported faculty development activities designed to improve teaching and learning consistent with its educational objectives and institutional purposes.</p>	<p>14.13 Policies and procedures must provide opportunities for the professional and spiritual growth of the faculty.</p>

Fiscal, Physical, and Information Resources Financial Operations

Criteria for Review (WASC)

Standards and Evaluative Criteria (TRACS)

<p>3.5. Fiscal and physical resources are effectively aligned with institutional purposes and educational objectives, and are sufficiently developed to support and maintain the level and kind of educational programs offered both now and for the foreseeable future.</p> <p>Guideline: The institution has a history of financial stability, appropriate independent audits, and realistic plans to eliminate any accumulated deficits and to build sufficient reserves to support long-term viability.</p>	<p>18.4 Finances must adequately support the institutional purpose and programs.</p> <p>18.9 The institution must give evidence that the finances will continue to support the programs for the current students and provide the resources for them to complete their degree programs. a. Long-range plans and contingency plans must reflect positive cash flows and positive budget outcomes. b. The long-range plan must be realistic.</p> <p>18.13 A certified external audit of the financial statements must be provided for each fiscal year.</p>
<p>3.6. The institution holds, or provides access to, information resources sufficient in scope, quality, currency, and kind to support its academic offerings and the scholarship of its members. For on-campus students and students enrolled at a distance, physical and information resources, services, and information technology facilities are sufficient in scope and kind to support and maintain the level and kind of education offered. These resources, services and facilities are consistent with the institution's purposes, and are appropriate, sufficient, and sustainable.</p>	<p>27.4 The institution must use computers in the learning process. a. Students and faculty are encouraged to become computer literate. b. Computers are available for instructional purposes.</p> <p>3.a. <u>Distance Learning Programs</u> 7) Educational Resources c) Computer services necessary for curriculum requirements are available.</p>
<p>3.7. The institution's information technology resources are sufficiently coordinated and supported to fulfill its educational purposes and to provide key academic and administrative functions.</p>	<p>1.3. It is recommended that provisions be made to incorporate use of the computer into the curriculum where it is appropriate. The faculty must be encouraged to use the computer and computer-related equipment where appropriate for instruction. Students must be provided computer access in courses normally requiring computer use. It is also recommended that computer literacy be part of the general education requirements. Equally important is the use of the computer systems for financial and student records. Budgeting for computers must be considered for acquisition, maintenance and replacement.</p>

Organizational Structures and Decision-Making Processes

Organizational Structure

Criteria for Review (WASC)

Standards and Evaluative Criteria (TRACS)

<p>3.8. The institution's organizational structures and decision making processes are clear, consistent with its purposes, and sufficient to support effective decision making.</p> <p>Guideline: The institution has an organization chart that clearly depicts positions, associated responsibilities, and lines of authority.</p>	<p>II.A.2. <u>The Administration</u> An administrative or leadership team must be in place, adequate in number, appropriate by title, function, appropriately degree, and competent to administer the institution effectively and efficiently. There must be a detailed job description for each position which is (a) appropriate to the position, (b) compatible with the purpose/objectives of the institution and the organization chart.</p>
<p>3.9. The institution has an independent governing board or similar authority that, consistent with its legal and fiduciary authority, exercises appropriate oversight over institutional integrity, policies, and ongoing operations, including hiring and</p>	<p>5.1 The institution must have a legally constituted governing board that holds the institution in trust and has final authority in matters of policy, operation and evaluation.</p> <p>5.2 The board must formulate and maintain a written long-</p>

evaluating the chief executive officer.	range plan for the institution. 5.3 The board must approve the institutional purposes, objectives, and philosophy, and must review these regularly to ensure that they are being pursued faithfully. 5.11 The board must appoint and regularly review a chief executive officer.
3.10. The institution has a chief executive whose full-time responsibility is to the institution, together with a cadre of administrators qualified and able to provide effective educational leadership and management at all levels.	II.A.2. The administration must be headed by a full-time chief executive officer who is appointed by the governing board – normally a president. 6.4 There must be other administrative or leadership team members sufficient in number and competence to give direction to the major operational areas of the institution.
3.11. The institution's faculty exercises effective academic leadership and acts consistently to ensure both academic quality and the appropriate maintenance of the institution's educational purposes and character.	D. <u>Faculty</u> The faculty is integral to the educational quality of the institution. Therefore the institution must employ, develop and support faculty that is: Sufficient in number to provide for the curricular and student needs of the institution. In agreement with purpose, objectives, and philosophy of the institution. Cognizant of its role and responsibility in total institutional success. Academically qualified for the institution's educational level and goals.

Creating an Organization Committed to Learning and Improvement

The institution conducts sustained, evidence-based, and participatory discussions about how effectively it is accomplishing its purposes and achieving its educational objectives. These activities inform both institutional planning and systematic evaluations of educational effectiveness. The results of institutional inquiry, research, and data collection are used to establish priorities at different levels of the institution, and to revise institutional purposes, structures, and approaches to teaching, learning, and scholarly work.

Strategic Thinking and Planning

Institutional Effectiveness (Research and Planning)

Criteria for Review (WASC)

Standards and Evaluative Criteria (TRACS)

<p>4.1. The institution periodically engages its multiple constituencies in institutional reflection and planning processes which assess its strategic position; articulate priorities; examine the alignment of its purposes, core functions and resources; and define the future direction of the institution. The institution monitors the effectiveness of the implementation of its plans and revises them as appropriate.</p> <p>Guidelines: A clear charge to planning bodies with a regular schedule and the existence of an understandable and coherent plan for assessing the attainment of educational objectives must be developed. Evidence of the ways the results of planning and evaluation are linked to decision-making is demonstrable.</p>	<p>23.1 An approved strategic planning process must exist and must be in use.</p> <p>23.2 The strategic plan must list goals in priority order for each area of the institution, such as academic, financial, administrative, etc.</p> <p>23.3 The planning process must take into account both income and expenditure categories beyond the current year.</p> <p>23.4 The planning process must take into account both internal and external factors.</p>
4.2. Planning processes at the institution define and, to the	H.1. Research and Planning The strategic

<p>extent possible, align academic, personnel, fiscal, physical, and technological needs with the strategic objectives and priorities of the institution.</p>	<p>planning/assessment process must include short range (1-2 years) and long-range (3-5 years) projections and goal setting. ...the plan will be updated annually. The plan should list goals in all aspects of the institution: administrative, academic, facilities, financial, student affairs, and staff. The process must identify priorities, set time limits with target dates for action, and component and on-going evaluation and assessment. The plan must be consistent with the stated purpose of the institution as well as the institution's financial capabilities.</p>
<p>4.3. Planning processes are informed by appropriately defined and analyzed quantitative and qualitative data, and include consideration of evidence of educational effectiveness, including student learning.</p>	<p>23.5 The latest plan must have been widely distributed. The planning document must have been developed on sound research data by the faculty, staff, and administration. a. Historical data is collected and separated. b. An analysis of the data is reflected in the plan. c. Minutes of departmental and committee meetings are maintained.</p>

Commitment to Learning and Improvement

Evaluation and Outcomes Assessment

Criteria for Review (WASC)

Standards and Evaluative Criteria (TRACS)

<p>4.4. The institution employs a deliberate set of quality assurance processes at each level of institutional functioning, including new curriculum and program approval processes, periodic program review, ongoing evaluation, and data collection. These processes involve assessments of effectiveness, track results over time, and use the results of these assessments to revise and improve structures and processes, curricula, and pedagogy.</p>	<p>24.1 The institution must have developed and implemented a comprehensive assessment plan which includes all aspects of the institution.</p>
<p>4.5. Institutional research addresses strategic data needs, is disseminated in a timely manner, and is incorporated in institutional review and decision-making processes. Included among the priorities of the institutional research function is the identification of indicators and the collection of appropriate data to support the assessment of student learning consistent with the institution's purposes and educational objectives. Periodic reviews of institutional research and data collection are conducted to develop more effective indicators of performance and to assure the suitability and usefulness of data.</p> <p>Guidelines: The institution exhibits existence of clear institutional research capacities with appropriate reporting lines and support appropriate to the institution's size and scope. Institutional research or equivalent databases are developed that are sufficient to meet all external reporting needs (e.g. IPEDS), and there are appropriate ways to access or disseminate this information through publications, reports, or widely-accessible databases.</p>	<p>23.6 The planning document must have been developed on sound research data by the faculty, staff, and administration. a. Historical data is collected and separated. b. An analysis of the data is reflected in the plan.</p> <p>24.2 The assessment plan must provide a systematic evaluation of student learning outcomes, development and program outcomes</p>
<p>4.6. Leadership at all levels is committed to improvement based on the results of the processes of inquiry, evaluation and assessment used throughout the institution. The faculty takes responsibility for evaluating the effectiveness of the teaching and learning process and uses the results for improvement. Assessments of the campus environment in support of academic and co-curricular objectives are also</p>	<p>H.2. <u>Evaluation and Outcomes Assessment</u> One of the most crucial responsibilities of any institution is to determine how well its mission is being accomplished and to ensure that each phase of its operation is optimally effective and efficient. While there are many partial, imprecise ways of assessing performance levels, by far the most productive is a comprehensive, systematic, continuous evaluation of the</p>

<p>undertaken and used, and are incorporated into institutional planning.</p> <p>Guideline: The institution has clear, well established policies and practices for gathering and analyzing information that leads to a culture of evidence and improvement.</p>	<p>entire institution – resources, administration, financial management, student development, faculty, academic programs and student learning.</p>
<p>4.7. The institution, with significant faculty involvement, engages in ongoing inquiry into the processes of teaching and learning, as well as into the conditions and practices that promote the kinds and levels of learning intended by the institution. The outcomes of such inquiries are applied to the design of curricula, the design and practice of pedagogy, and to the improvement of evaluation means and methodology.</p>	<p>24.3 The assessment plan must provide a systematic evaluation of student learning outcomes, development and program outcomes. a. The process includes graduation rates, job placement rates, student success rates on state and other licensing exams, and overall institutional and program retention rates. b. The process includes the assessment of student learning outcomes at the major/program level.</p> <p>24.4 The assessment plan must provide for a systematic evaluation of the curriculum. b. The process indicates how the analysis of the data will be linked to strategic planning and budget planning.</p>
<p>4.8. Appropriate stakeholders, including alumni, employers, practitioners, and others defined by the institution, are involved in the assessment of the effectiveness of educational programs.</p>	<p>H.2.d. In addition to the assessment of learning outcomes, there are other data that should be collected and analyzed. These include graduation rates, job placement, and further graduate education. Follow-up studies will indicate how an institution is achieving its objectives. Graduates are an especially strategic group in outcomes studies.</p>

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To: Policy and Advocacy Committee **Date:** January 9, 2008
From: Christy Berger **Telephone:** (916) 574-7834
MNSA Coordinator
Subject: **Discussion and Possible Action Regarding Rules for Supervision of Marriage and Family Therapist Interns and Associate Clinical Social Workers who have Qualified for Examination**

Issue

The law requires Marriage and Family Therapist (MFT) Interns and Associate Clinical Social Workers (ASW) who have met experience requirements for licensure and are still practicing to remain under supervision. However, what type and how much supervision is not consistent or clear.

Current Supervision/Experience Requirements for Licensure

Persons 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 upon application for examination. Supervision may be provided by a Licensed Clinical Social Worker, Marriage and Family Therapist, Psychologist, or 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. MFT interns and ASWs also must average one unit of supervision per 10 hours of client contact.

Discussion

The law is fairly clear that MFT Interns and ASWs who have already earned the required hours of experience must remain under supervision. The law pertaining to ASWs also requires them to receive one hour of supervision each week per work setting. The law does not specify how much supervision MFT Interns must continue to receive, although staff advises one hour per week. Any other existing requirements regarding supervision only pertain to persons gaining hours of experience toward licensure.

It is likely that a number of registrants continue to receive supervision as if they were still gaining hours of experience toward licensure. Staff strongly recommends this to people who have

already qualified for examination as a precautionary measure. This permits the use of those hours should a person's application ever become abandoned and he or she has to reapply, because hours may only be counted within the six years prior to the date the board receives the application. Applications become abandoned when the applicant does not take the examination within one year after applying or does not retake an examination within one year.

Questions for Consideration

At a minimum, the statutes need some clarification. It seems reasonable that persons who have met the qualifications for examination should remain under some type of supervision. Therefore, should the committee develop a legislative proposal that would:

- Strengthen the law that requires people who have qualified for the exam to remain under supervision?
- Clarify how much and what type of supervision should be required for such persons?

In developing such a proposal, the following should be taken into consideration:

1. The average applicant takes about 1.8 years after qualifying for examination to obtain licensure, however this time frame ranges from 36 days to 17 years. It can be assumed that most people continue to work as a mental health professional during that time.
2. The Board has no way to monitor or to know how much supervision a person is receiving if those hours are not being submitted for qualification for examination.
3. Some people have to pay for supervision (approximately 5%).
4. There is a shortage of supervisors in some locations and areas of practice. If the board required persons who have already qualified for examination to receive a certain amount of supervision, this may reduce the supervision available for those who are earning hours of experience toward licensure.
5. These registrants have already gained 3,000 or more hours of supervised experience.
6. The Board's supervision survey indicated that about 71% of registrants are working in exempt settings. Those working in an exempt setting would be exempt from any requirement for supervision for those who are no longer gaining hours of experience.

Attachments

1. Related MFT Statutes
2. Related LCSW Statutes

Related MFT Statutes

§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 of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons.

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

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

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

(B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

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

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

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

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

(B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

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

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

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

shareholder of the private practice. Alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements of this section.

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

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

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

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

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

(j) Trainees, interns, or applicants who provide volunteered services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

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

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Related LCSW Statutes

§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: January 9, 2008

From: Sean O'Connor
Outreach Coordinator

Telephone: (916) 574-7830

Subject: **Supervision Guides for ASWs and MFT Trainees and Interns**

Background

Staff has recently drafted two new brochures targeting Associate Clinical Social Workers (ASW) and Marriage and Family Therapist (MFT) Trainees and Interns. These brochures provide supervisees with strategies and tips on how to develop a productive relationship with their supervisors.

Once finalized, these brochures will be available on the Board's Web site, by request from the Board's office, and at outreach events. Currently, the Board has no publications dealing with this subject matter.

Requested Action

Please review the attached brochures and provide comments.

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An Introduction to the Value of Supervision

If you are interested in earning a license to independently practice clinical social work in California, you have an interest in supervision. The law requires at least two years worth of post-graduate supervised experience for you to be qualified to take your licensing examinations; however, the value of the relationship with your supervisor goes further than merely qualifying you to sit for your licensing examinations.

The value of clinical supervision to your development as a professional cannot be emphasized enough. Clinical supervision allows new professionals in the field to benefit from the experience and knowledge of licensed mental health professionals. Clinical supervision represents an opportunity for you to learn and mature into an experienced mental health professional.

Considering the importance of your clinical supervision relationship, the Board of Behavioral Sciences has developed this brochure to assist students and registrants in selecting and/or developing a positive working relationship and supervision experience with their clinical supervisors. Whether you are selecting a clinical supervisor or working in an environment where a supervisor is assigned, you should be aware of the responsibilities and expectations of you (the supervisee) and those of the clinical supervisor.

Develop a Working, Productive Relationship with Your Supervisor

Depending on your setting, workload, and type of supervision (individual vs. group), you probably spend between 1-4 hours of your week in supervision. The time you spend working in the field outweighs the amount of time you spend with your supervisor. The Board would like to offer several strategies to

help you better maximize the time you spend in supervision:

- Spend some time at the beginning of your supervisory relationship going over goals and objectives. Also, set aside some time in future meetings to revisit these goals and objectives.
- Be proactive with your supervisor. Make sure you are getting the value that you expected from supervision. Supervision should be a collaborative experience.
- Take a moment to thoroughly read the *Responsibility Statement for Supervisors of an Associate Clinical Social Worker*. This form outlines some basic expectations from the supervisor.

Don't Be Afraid to Ask Questions

Whether you are personally selecting your supervisor or meeting your employer-assigned supervisor for the first time, you should ask some questions to better understand the professional background of your supervisor and his or her knowledge base. Questions to consider asking include:

- What type of license do you possess?
- When were you licensed?
- Have you completed the mandatory supervision course?
- Have you ever provided supervision to an Associate Clinical Social Worker before, and if so, how many?

- What is your practice background (private practice, agency, school, etc.)?
- Do you practice from a particular theoretical orientation, and if so, will other theoretical orientations be discussed?
- Do you have any specialty areas of practice?

Using Clinical Supervision to Prepare for the Licensing Examinations

Effective clinical supervision should prepare you to pass your licensing examinations. Some future licensees choose to wait until 6 months before their examination to begin studying. A more effective strategy would be to use the content tested on the examination to frame your supervised experience.

Consider reviewing the examination content outlines located in the LCSW Standard and Written Clinical Vignette Candidate Handbooks (available in the "Forms and Publications" section of the Board's Web site). Once you have reviewed the content outline, take it to your supervisor and discuss how your current work is preparing you for the examination. Revisit this practice on a bi-monthly or quarterly basis to ensure your supervision and experience supports your goal of licensure.

Also, ask your supervisor if he or she can provide you with any insight into exam preparation strategies. Supervisors have often supervised and mentored a number of "licensees-to-be," so they might have some useful advice on examination preparation.

Stay on Top of Your Required Supervised Experience

You are most likely not the only person gaining hours under your supervisor. Supervisors often supervise multiple individuals working towards different professional licenses, all with different experience and supervision requirements. You would be well served to familiarize yourself with your experience and supervision requirements. Here are some resources available to you to help you understand the requirements relating to your hours of required supervise experience:

- The Board's Web site's "Applicant/Registrant" section
- *Frequently Asked Questions Relating to Associate Clinical Social Workers* (available via the Web site in "Forms and Publications")
- Current and past issues of *BBS News* (available via the Web site in "Forms and Publications")

Another helpful feature on the Web site is the Experience Calculator. This calculator uses a spreadsheet to help you track how close you are to finishing your supervised experience requirement. This feature is available for free at www.bbs.ca.gov/app-reg/exp_calc.shtml.

Other Important Facts About Supervision

- The status of your supervisor's license affects your ability to claim hours. Visit the "Online License Verification" section of the Web site to verify your supervisor's status.
- The status of your registration is important too. Renew your registration

early to ensure no hours are lost due to a delinquent renewal.

- As an Associate Clinical Social Worker, you are required to gain a minimum of 1,700 hours of experience under an LCSW.

Who to Contact for Questions

If you or your supervisor has questions relating to your required hours of experience or any other topics explored in this brochure, please contact the Board.

Social Work Evaluator – (916) 574 – 7851
Social Work Evaluator – (916) 574 – 7852

Email: BBSWebmaster@bbs.ca.gov

Stay Updated

Sign up for the Board's free email subscriber list to receive updates regarding law changes, enforcement actions, meetings, and more.

www.bbs.ca.gov/quick_links/subscribe.shtml

A Guide to Supervision For Associate Clinical Social Workers



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An Introduction to the Value of Supervision

If you are interested in earning a license to independently practice marriage and family therapy in California, you have an interest in supervision. The law requires at least two years worth of supervised experience for you to be qualified to take your licensing examinations; however, the value of the relationship with your supervisor goes further than merely qualifying you to sit for your licensing examinations.

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offer several strategies to help you better maximize the time you spend in supervision:

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- Be proactive with your supervisor. Make sure you are getting the value that you expected from supervision. Supervision should be a collaborative experience.
- Take a moment to thoroughly read the *Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern*. This form outlines some basic expectations from the supervisor.

Don't Be Afraid to Ask Questions

Whether you are personally selecting your supervisor or meeting your assigned supervisor for the first time, you should ask some questions to better understand the professional background of your supervisor and his or her knowledge base. Questions to consider asking include:

- What type of license do you possess?
- When were you licensed?
- Have you completed the mandatory supervision course?
- Have you ever provided supervision to a Marriage and Family Therapist (MFT) Intern or Trainee before, and if so, how many?

- What is your practice background (private practice, agency, school, etc.)?
- Do you practice from a particular theoretical orientation, and if so, will other theoretical orientations be discussed?
- Do you have any specialty areas of practice?

Using Clinical Supervision to Prepare for the Licensing Examinations

Effective clinical supervision should prepare you to pass your licensing examinations. Some future licensees choose to wait until 6 months before their examination to begin studying. A more effective strategy would be to use the content tested on the examination to frame your supervised experience.

Consider reviewing the examination content outlines located in the MFT Standard and Written Clinical Vignette Candidate Handbooks (available in the "Forms and Publications" section of the Board's Web site). Once you have reviewed the content outline, take it to your supervisor and discuss how your current work is preparing you for the examination. Revisit this practice on a bi-monthly or quarterly basis to ensure your supervision and experience supports your goal of licensure.

Also, ask your supervisor if he or she can provide you with any insight into exam preparation strategies. Supervisors have often supervised and mentored a number of "licensees-to-be," so they might have some useful advice on examination preparation.

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- Current and past issues of *BBS News* (available via the Web site in "Forms and Publications")

Another helpful feature on the Web site is the Experience Calculator. This calculator uses a spreadsheet to help you track how close you are to finishing your supervised experience requirement. This feature is available for free at www.bbs.ca.gov/app-reg/exp_calc.shtml.

Other Important Facts About Supervision

- The status of your supervisor's license affects your ability to claim hours. Visit the "Online License Verification" section of the Web site to verify your supervisor's status.
- Once you are an MFT Intern registered with the Board, the status of your

registration is important too. Renew your registration early to ensure no hours are lost due to a delinquent renewal.

Who to Contact for Questions

If you or your supervisor has questions relating to your required hours of experience or any other topics explored in this brochure, please contact the Board.

The Board's MFT Evaluators are available to answer questions relating to licensing requirements. You are assigned an evaluator based on the first initial of your last name.

MFT Evaluator (A-K) – (916) 574 – 7854
MFT Evaluator (L-Z) – (916) 574 – 7853

Email: BBSWebmaster@bbs.ca.gov

Stay Updated

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A Guide to Supervision For MFT Interns and Trainees



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To: Policy and Advocacy Committee **Date:** January 9, 2008
From: Christy Berger
 MHTA Coordinator **Telephone:** (916) 574-7834
Subject: **Review and Possible Action on Current Legislation**

BOARD-SPONSORED LEGISLATION

The Board expects to pursue all of the following proposals during 2008:

- *Supervision via Videoconferencing*
This proposal would permit marriage and family therapist (MFT) interns and associate clinical social workers (ASWs) to gain a portion of the required supervision via teleconferencing.
- *Technical Changes and Repeal Outdated Sections*
This proposal would provide minor technical clean-up of the Board's statutes.
- *Group Supervision*
This proposal would permit group supervision for ASWs, MFT trainees and MFT interns to be provided in one-hour increments (rather than two-hour increments), as long as both hours are provided in the same week as the experience claimed.
- *Retired License Status*
This proposal would permit licensees to have a retired status available to them. This proposal also includes provisions to allow a retired licensee to reactivate their license within a reasonable period of time.
- *Regional Accreditation*
This proposal would permit the Board to accept degrees from schools accredited by regional accrediting bodies that are equivalent to Western Association of Schools and Colleges (WASC) for MFT intern registration or for MFT licensure.
- *Client Centered Advocacy*
This proposal would allow applicants to count experience for performing "client centered advocacy" activities toward licensure as a MFT.
- *Verification of Employment Documents*
This proposal would require applicants for MFT licensure to submit W-2 forms and verification of volunteer employment for each setting in which the applicant gained experience.
- *MFT Education*

This proposal would make major changes to the educational requirements for MFT intern registration or for MFT licensure for persons who begin graduate study on or after August 1, 2012.

BILLS MONITORED BY THE BOARD

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. This bill is currently on inactive status.

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 797 (Ridley-Thomas) *Unprofessional Conduct; Statute of Limitations*

This bill would permit the board to discipline a licensee or deny a license for certain sexual acts with a minor that occurred prior to the person being licensed. 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. This legislation would correct this problem in cases where sexual misconduct with a minor is alleged, and only when there is corroborating evidence. This bill also would create a different statute of limitations for these types of complaints, and would require the board to file an accusation within three years. This bill also proposes a number of substantive and technical changes pertaining to programs and boards in the Department of Consumer Affairs.

SB 823 (Perata) *Private, Postsecondary and Vocational Education*

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.

SB 963 (Ridley-Thomas) *Oversight of DCA Boards and Bureaus*

This bill would create a new oversight mechanism for the boards and bureaus under DCA and would eliminate sunset dates for DCA boards and bureaus, establish the Office of the Consumer Advocate with the DCA with a range of powers, including serving as the “independent monitor” of boards reconstituted by the Legislature, establishing a “Consumer

Participation Program,” hold hearings, subpoena witnesses, take testimony, compel production of documents and evidence, participate as an amicus curiae in disciplinary matters, and charge each board an annual pro-rata share of its operating costs. It would also enact broad new reporting requirements for boards and bureaus within the DCA, subject the appointment of board executive officers to the approval of the DCA Director and Senate confirmation, and establish criteria for reviewing board/bureau evaluations. The Board has not taken a position on this legislation, but decided, at its November 2007 meeting, to develop recommendations regarding this legislation.

OTHER

AB 14 (Kehoe and Kuehl) *Civil Rights Act of 2007- Signed on 10/12/07, takes effect 01/01/08*

BBS licensees are currently subject to disciplinary action for refusing, or aiding or inciting another licensee to refuse to perform licensed services because of the prospective recipient's race, color, sex, religion, ancestry, disability, marital status, or national origin. Existing law also creates an exception to that prohibition for healing arts practitioners if the licensed activity sought would pose a direct threat to the health or safety of others.

This legislation adds “medical condition,” “marital status,” and “sexual orientation” to the list of reasons a licensee cannot refuse, or aid or incite another licensee to refuse to perform licensed services. This bill also establishes that these requirements do not prohibit a licensee from taking into consideration those characteristics for purposes of diagnosis or treatment. Additionally, this bill does not require any healing arts practitioner to perform a licensed activity for which he or she is not qualified. This bill also makes a number of other changes not directly related to BBS licensees. The Board did not take a position on this legislation.

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To: Policy and Advocacy Committee

Date: January 7, 2008

From: Christy Berger
MHSA Coordinator

Telephone: (916) 574-7834

Subject: Rulemaking Update

APPROVED REGULATORY PROPOSALS

Title 16, CCR Sections 1805, 1806, 1816, 1816.1, 1816.2, 1816.4, 1833.3, 1854, 1855, 1856, 1857, and 1858, Abandonment of Application Files, Fees, and Technical Cleanup

This proposal: establishes a 180-day waiting period between examinations for any applicant retaking an examination in order to ensure that the applicant take a different version of the examination; provides all candidates with a one-year period in which to take an examination to avoid abandonment of their application; sets forth non-substantive changes that restructure the regulations and make text revisions in order to provide clarity, improve structure and order, provide consistency across the practice acts, and removes duplicative, outdated, or unnecessary language; and implements technical and/or editorial changes in line with statutory changes proposed under SB 1475 (Statutes of 2007). **This proposal took effect on December 30, 2007.**

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. This proposal would also 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. **This proposal takes effect on January 26, 2008.**

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. This proposal would also provide protections to licensees who take a course from a PCE whose approval has expired. **This proposal takes effect on January 26, 2008.**

PENDING REGULATORY PROPOSALS

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. This proposal would increase the self-study course limitation to one-half of the total required CE hours. **The rulemaking file was forwarded to the Department for final approval on November 13, 2007 and is currently awaiting the Director’s signature.**

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

This regulation sets forth continuing education (CE) exception criteria for MFT and LCSW license renewals. This proposal would amend the language in order to clarify and better facilitate the request for exception from the CE requirement. **The Board approved the originally proposed text at its meeting on May 31, 2007. No further action has been taken due to staff workload considerations, but will be soon due to the hiring of a new regulation coordinator who started on January 2, 2008.**

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. **The Board approved the originally proposed text at its meeting on May 31, 2007. No further action has been taken due to staff workload considerations, but will be soon due to the hiring of a new regulation coordinator who started on January 2, 2008.**

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. **The Board approved the originally proposed text at its meeting on May 31, 2007. No further action has been taken due to staff workload considerations, but will be soon due to the hiring of a new regulation coordinator who started on January 2, 2008.**

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.**