Board of Behavioral Sciences

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MEETING NOTICE
October 10, 2008

Sheraton Pasadena
303 East Cordova
Pasadena, CA 91101
(626) 449-4000

By Teleconference From:

1615 E. 17th Street, Suite 100
Santa Ana, CA 92705

12 Clear Creek
Irvine, CA 92620

1304 W. Center
Visalia, CA 93291

1601 Alhambra Blvd.
Sacramento, CA 95816

Friday, October 10
2:30 p.m.

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

I. Introductions

II. Approval of May 29-30, 2008 Board Meeting Minutes

III. Discussion and Possible Action To Adopt California Code of Regulations Title 16, Section 1832.5 Regarding Acceptance of Degrees Conferred by Schools Approved by the Bureau for Private Postsecondary and Vocational Education

IV. Public Comment for Items Not on the Agenda

V. Suggestions for Future Agenda Items

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

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

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

Arnold Schwarzenegger
Governor

State of California

State and Consumer Services Agency

Department of Consumer Affairs

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Arnold Schwarzenegger, *Governor*
State of California
State and Consumer Services Agency
Department of Consumer Affairs

DRAFT BOARD MEETING MINUTES

May 29, 2008

Department of Consumer Affairs
1625 N. Market Blvd., Hearing Room
Sacramento, CA 95834
(916) 574-7830

Visions Unlimited
7000 Franklin Boulevard, Suite 1230
Sacramento, CA 95823
(916) 394-2010

May 30, 2008

Quinn Cottages
Chatfield/Mercy Room (Pavilion)
1500 North A Street
Sacramento, CA 95811
(916) 492-9065

Thursday, May 29

Members Present
Ian Russ, Chair, MFT Member
Joan Walmsley, Vice Chair, LCSW Member
Gordonna DiGiorgio, Public Member
Elise Froistad, MFT Member
Judy Johnson, LEP Member
D'Karla Leach, Public Member
Renee Lonner, LCSW Member
Victor Perez, Public Member
Karen Roye, Public Member

Staff Present
Paul Riches, Executive Officer
Mona Maggio, Assistant Executive Officer
Christy Berger, MHSA Coordinator
Tracy Rhine, Legislation Analyst
Sean O'Connor, Outreach Coordinator
Kristy Schieldge, Legal Counsel
Christina Kitamura, Administrative Assistant

Members Absent
Victor Law, Public Member
Rita Cameron Wedding, Public Member

Guest List
On file

FULL BOARD OPEN SESSION

Ian Russ called the meeting to order at 8:38 a.m. Christina Kitamura called role. A quorum was established.

FULL BOARD CLOSED SESSION

I. Pursuant to Government Code Section 11126(c)(1) Regarding Administration of Licensing Examinations for Licensed Clinical Social Workers.

Dr. Russ closed the meeting to the public at 8:40 a.m. to discuss the audit findings of the Association of Social Work Board's examination.

FULL BOARD OPEN SESSION

II. Introductions

Dr. Russ reopened the meeting at 9:50 a.m. Audience members introduced themselves. BBS staff was introduced and applauded by the Board. Dr. Russ commended staff stating that they receive excellent remarks from the public and the professional organizations. Judy Johnson added that licensed educational psychologists have commented that staff is efficient and friendly. Ms. Johnson thanked staff on behalf of the professionals in her field. The Board commended their work and thanked staff for their commitment.

III. Approval of February 21-22, 2008 Board Meeting Minutes

Kristy Schieldge noted a correction to the last paragraph on page 18, which should read: *Kristy Schieldge warned of board related discussions when at the events, as it violates the Open Meeting Act.*

Dr. Russ noted a correction for clarity on the first full paragraph on page 11, which should read: *One of the things left unresolved is that the MFT requirements do not demand supervised meetings with families.*

Renee Lonner moved to approve the February 21-22, 2008 board meeting minutes as amended. Donna DiGiorgio seconded. The Board voted unanimously (9-0) to pass the motion.

IV. Discussion and Possible Action Related to the Association of Social Work Boards Examination for Licensure as a Clinical Social Worker

Tracy Montez, Applied Measurement Services, was introduced. Dr. Montez was retained as the psychometrician for BBS. She performed an audit of the ASWB licensed clinical social worker exam plan.

Dr. Montez reviewed her findings based on the audit. She explained that there were two primary parts of this project: 1) to evaluate the clinical social worker exam program and determine whether it was valid and defensible, and 2) to compare the California licensed clinical social worker exam plan and that of the ASWB exam plan and determine whether the same competencies were being measured.

Dr. Montez explained that there were two documents that guided this assessment: 1) Standards for Educational and Psychological Testing, and 2) California Business and Professions Code, Section 139.

In evaluating the exam program, the first component was to evaluate their practice analysis, or the occupational analysis. ASWB was looking at the tasks that are performed at the national level in the profession requiring knowledge, skills, and abilities. The methodology used to

conduct the practice analysis is valid and legally defensible; however, the issue of concern overall is that it is a substantial process.

The next component was a look at the exam development, which utilizes a product from the occupational analysis that is an exam plan or test blueprint. This is used as a guide providing test items or questions. The exam development is consistent with professional guidelines and technical standards. There were a couple issues of concern, but overall, it is a strong exam development program.

The next component was passing scores, which is a score that divides those individuals who are competent to practice from those who are not competent to practice. They utilize the Modified Angoff Approach. Overall, the methodology is strong. A couple of concerns were noted with regards to participants. It was found to demonstrate a sufficient degree of validity, meeting professional guidelines and technical standards.

The next phase was test administration. ASWB uses a primarily computer based testing, they have sites available nationally, and the procedures in place were found defensible. A couple of concerns were noted in the conclusion.

The next component was exam performance, which is evaluating individual item data and overall exam data in terms of functioning as it is intended to. The protocol in place was very good. The steps taken to evaluate exam performance met professional guidelines and technical standards, and there were no areas of weaknesses noted in this component.

The next component was information available to candidates. The standards show that ASWB presented as much information as possible without compromising the exam itself. The ASWBs information provided to candidates and on their website is comprehensive and meets professional guidelines.

The next component was test security. ASWB had a detailed manual that articulated the security measures that are implemented. There was a concern noted. Overall, the policies and procedures outlined in their manual met professional guidelines and technical standards.

The second portion of the assessment was to compare the California exam to ASWBs exam and determine if the critical competencies were being measured. A group of subject matter experts (SME) were recruited, and took them through the process of knowledge and skills and comparisons. A comparison of the documents show that California's exam has a greater detail, depth in specificity to where the ASWB's exam did not. The California exam plan and the ASWB exam content outline differ. Dr. Montez stated that it would be inappropriate at this time to use the ASWB exam in California.

Overall conclusions of the strengths of the program were: 1) comprehensive passing score study, 2) use of the Item Response Theory, 3) Use of the Differential Item Functioning, 4) readability studies, 5) partnership with ACT, and 6) ongoing research. The issues or weaknesses include: 1) discrepant information, 2) role of Examination Committee members and Board of Directors, 3) multiple use of test centers, 4) availability and confidentiality of clinical exam data, and 5) differences between the LCSW exam plan and clinical exam content outline.

If the Board chooses to adopt the ASWB program, Dr. Montez's recommended negotiating the following points: 1) update ASWB materials, 2) use more SMEs, 3) explore, and implement as

needed, additional securities measures at test centers, 4) involve California in the ASWB occupational analysis, 5) development and use of task and knowledge statements, and 6) availability of examination data.

Janlee Wong, National Association of Social Workers (NASW) California Division, asked Dr. Montez if the results were shared with ASWB, and if so, what was their response. Dr. Montez responded that a copy of the report was publicized through the board meeting, but a copy was not provided to ASWB.

Paul Riches added that a package will be provided to ASWB with a copy of the report. The issues raised in the report are not raised for the first time. There was extensive discussion between Dr. Montez, ASWB and ACT in the context of performing the audit. ASWB expressed to Mr. Riches an interest in soliciting California's participation in the newest version of their occupational analysis.

Mr. Wong asked if the SMEs used in the study were from all over the country. Dr. Montez responded yes.

Mr. Wong asked for clarification of Dr. Montez's statement in regards to utilizing more SMEs. Dr. Montez explained that ASWB should use more SMEs to participate in various stages of the practice analysis and exam development. ASWB tends to use a core group.

Mr. Wong asked if they used California SMEs. Dr. Montez responded that she could not answer that in terms of their item writers. In terms of their practice analysis and their committee, it does not appear that they were from California.

Mr. Wong asked if ASWB used any responses from Californians in their occupational survey, and if so, what was the quantity. Dr. Montez responded that ASWB used a small sample; however, under confidentiality of the ASWB, she could not disclose information regarding the quantity.

Dr. Russ outlined the three positions to consider: 1) adopt the ASWB exam, 2) have more discussions regarding the ASWB exam, or 3) do not adopt the ASWB exam.

Kristy Schieldge stated that the Board needs to be aware of the fact that it is currently under contract with a vendor until the year of 2010 with the option to renew for another couple of years. The Board is in a good place to make decisions for the future going forward. She stated that the Board may not want to put itself in a position where it may be in conflict with a current contract. Dr. Russ agreed stating that this is a good time to discuss and make decisions since changes would require time to implement.

Ms. Lonner stated that it could take a few years to take a look at this and for ASWB to complete their occupational analysis. If the Board participates in the analysis and also provides feedback to the current vendor, the Exam Review Committee could take this on.

Mr. Riches stated that staff recommendations parallel what Dr. Montez presented. The Board is about to review its own examination programs. Some decisions are going to be made regarding the Board's examination program going forward. The essential findings of the audit are that ASWB has a valid and legally defensible exam program in the jurisdictions in which it is used. There are a lot of policy considerations; some significant issues need to be addressed before taking the next steps. Staff recommends several ideas: 1) to actively

participate with ASWB to get a significant representative sample in their next occupational analysis, 2) to direct the Examination Review Committee to consider the ASWB exam in its work as it relates to licensure for clinical social work, 3) to direct staff to engage ASWB in discussions regarding the items identified in the audit report as recommendations to negotiate.

Joan Walmsley expressed that the Board should not adopt the ASWB exam. She has been involved with the examination process for 21 years, and feels that the California exam does not impede individuals from out of state to come into California. California's exam stands alone, and the integrity of the exams sets California social workers apart from the rest in a very positive way.

Geri Esposito, California Society for Clinical Social Work (CSCSW), provided a brief history. Back in 1987, CSCSW proposed that BBS explore cooperating with ASWB on the delivery of the national exam. CSCSW agreed with the Board when it decided to discontinue using the national exam for the reasons shown. Ms. Esposito disagreed with Ms. Walmsley regarding the aspects on the disadvantage to the profession. She stated that ASWB may perhaps work with BBS to address the weaknesses, and the Board should look into this opportunity. The idea of reciprocity, contrasted with the extreme workforce deficits that exist makes it necessary to move in that direction.

Ms. Walmsley responded that she does not believe that social workers are not moving to California due to the fact that California does not have reciprocity.

Mr. Wong asked if Dr. Montez's analysis determined that California is far more superior in terms of quality to licensed clinical social workers outside of California. Dr. Montez responded that that the evaluation did not include that.

Mr. Wong stated that the Board has two issues that should be considered. The technical issue that the exam is valid and defensible: this gives BBS the opportunity to work out the technical issues with ASWB. The policy issues: they must be weighed very carefully. Mr. Wong stated that we are at a critical stage in California regarding clinical social workers. As a policy board, the board has a right to address how to bring social workers to California. Regarding issues of out-of-state social workers, the biggest reason that social workers were not coming to California is the exam. ASWB tests for minimum competency standards, not the maximum. The purpose of the exam is not to test for maximum competency, or to create the most difficult exam to pass.

Dr. Russ stated that the Board may have a possibility to talk to ASWB and discuss the issues of importance to the Board. California should afford itself that possibility and continue negotiating with ASWB.

Ms. Walmsley stated that if ASWB is willing to come up with the standards that the Board is requesting, there is no reason to not adopt the exam.

Dr. Russ stated that there is a bigger picture in regards to the need for more social workers in this state, reciprocity, and federal loan repayment programs tied into this exam. These issues need to be discovered because many social workers in California are disadvantaged.

Jane Middleton, President of NASW and Director of Social Work Program at California State University Fresno, stated that it is important to link the educational piece to the licensure piece. There are standardized methods of educating social workers across the country. To

be dismissive of social workers who are from other states, to say that they are inadequate, diminishes the profession in the long run.

Dr. Russ reminded the guests that when the Board talks about licensing, the Board is talking about private practice.

Mr. Riches stated that the practice act validates Dr. Russ' statement. The challenge is that numerous other statutes have been enacted for state-funded programs requiring licensed practitioners to provide services. While those requirements are not a function of the licensing act, they are functional requirements. There are a few exempt settings where people can practice without a license. The reality is that to do this work in California, one needs a license.

Victor Perez stated that it is premature to take a stand on this issue. There is an audit of BBS exam being performed, and the Board will need to review that information and compare it to the assessment of the ASWB exam. The Board needs to determine the best system to be utilized for the state of California. Ultimately, the Board is responsible to the people of the state of California, and social workers need to serve those people to the best of their abilities. What exam mechanism is used will be determined in the future. The Board needs to agree to keep the communication lines open, continue to discuss the possibility to rejoin ASWB. Collectively, the Board should only decide if we want to have that dialogue.

Betty Garcia, professor at California State University Fresno and California representative to the NASW national board in Washington D.C., expressed her support regarding the workforce issues in the future. She stated that anything to help facilitate workforce is welcomed. She asked what areas of negotiation with ASWB did not have enough depth to satisfy California's standards.

Mr. Riches responded that there were some issues pointed out by Dr. Montez. In addition to securing greater California participation in the occupational analysis, there were some inconsistencies in the materials provided to exam candidates. There is also a core issue about the manner in the variety of the SME's involved in various phases of the exam development process. Based on BBS practice, there could be a broader participation of SMEs in the exam development process. There are issues with exam security with the exam test sites. Their sites are utilized in a different manner than BBS test sites. As for task and knowledge statements, ASWBs statements are generally written compared to those written by BBS. Gaps in the content outlines cannot be identified due to their generality. There are issues regarding information sharing, particularly exam forms information. There are issues regarding aspects of their program that in California are public information, and that they do not regard as public information. Other issues include BBS's contractual obligations based on the current exam program, administrative issues, and cost issues.

Renee Lonner moved to adopt staff recommendations to 1) direct staff to work with ASWB to ensure that a significant sample of California LCSWs participate in the ASWB occupational analysis process, 2) direct the Examination Review Committee to consider the ASWB examination in its work as it relates to licensure for clinical social work, and 3) direct staff to engage ASWB in discussions regarding the items identified in the audit report. Joan Walmsley seconded. The Board voted unanimously (9-0) to pass the motion.

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

Michelle L. Lawson from the Department of Mental Health gave a presentation on the Mental Health Services Act (MHSA) Prevention and Early Intervention (PEI) Component, the First Wave of Implementation.

Ms. Lawson gave a brief overview of the MHSA. It was passed in November 2004 after voters passed Proposition 63. It takes 1% from the taxable income from those who make over a million dollars in a year, and gives is back to mental health services. There are 5 components of the MHSA:

- Community Services and Supports, which are services for the seriously mentally ill
- Education and Training
- Capital and Technology, which provides housing, infrastructure, and technology needs
- Prevention and Early Intervention (PEI)
- Innovation

The MHSA transformation principles include:

- Community Collaboration
- Cultural Competence
- Individual and family-driven programs and interventions, with specific attention to individuals from underserved communities
- Wellness focus, which includes the concepts of resilience and recovery
- Integrated service experience for individuals and their families
- Outcomes-based program design. This principle is important in terms of mental health services because evaluation is not usually funded. An effort is being made on how PEI is funded so that results can be seen. The results from PEI expenditures are going to form positions for MHSA and for all mental health programs in the community.

Reasons to invest in PEI:

- It's a positive, proactive approach
- It is cost-effective. It's been shown to reduce cost for more extensive services such as mental health treatment, special education, and welfare supports.
- It improves school readiness, academic achievement, and health status
- It reduces future negative outcomes

Ms. Lawson explained that although the MHSA provides a lot of opportunities, there is a struggle because there is not enough funding to do everything. The Oversight and Accountability Commission, which provides oversight of the MHSA, developed a PEI Committee. Along with the public, they developed the PEI framework. The major components of the framework are: (1) key community mental health needs, (2) priority populations, (3) priority age requirement, and (4) PEI definitions.

The PEI Committee identified 5 key community mental health needs. When counties submit their plans to the Department of Mental Health for PEI funding, they must identify one of these key mental health needs to receive funding:

- Disparities in access to mental health services
- Psycho-social impact of trauma
- At-risk children, youth, and young adult populations
- Stigma and discrimination

- Suicide risk

The PEI Committee identified the priority populations:

- Underserved cultural populations - those who are less likely to seek mental health services because of stigma, lack of knowledge, or barriers.
- Individuals experiencing onset of serious psychiatric illness.
- Children and youth in stressed families. Parental conditions place children at high risk for behavioral and mental problems. Some examples of those parental conditions are parents with mental illness, serious mental health conditions, substance abuse, domestic violence, and incarceration.
- Trauma-exposed individuals.
- Children and youth at risk for school failure due to unaddressed emotional and behavioral problems. Early school failure is one of the main indicators for future anti-social behavior.
- Children and youth at risk of or experiencing juvenile justice involvement and have signs of a behavioral or emotional issue.

PEI projects for each county must address all age groups, including adults and older adults. However, a minimum of 51% of the overall PEI budget must be dedicated to individuals who are between the ages of 0 to 25, small counties excluded. This is because research done by that National Institute of Mental Health (NIMH) found that 50% of all lifetime mental health disorders start by age 14 and 75% start by age 24.

PEI defined *Prevention*:

- Involves reducing risk factors and stressors
- Building protective factors and skills
- Promotes positive cognitive, social and emotional development

PEI defined *Early Intervention:*

- Addresses a condition early in its manifestation
- Is of relatively low intensity
- Is a relatively short duration, usually less than one year
- Has the goal of supporting well-being in major life domains and avoiding the need for more extensive mental health services

PEI receives 20% of the MHSA fund, which is about $307 million for January 2008 through June 2009.

Community Program Planning has begun. The purpose of this program is outreach and engagement. Counties can request funds for their community program planning, and they must involve the following required sectors:

- Underserved communities
- Individuals with serious mental illness and/or their families
- Providers of mental health services
- Education
- Health
- Social services
- Law enforcement

Counties must:

- Identify and select their key community mental health needs
- Assess their community capacity and strengths
- Select PEI programs to achieve desired outcomes
- Develop PEI projects with timeframes, staffing, and budgets
- Implement accountability, evaluation and program improvement activities

To date, PEI received and approved 38 requests for Community Program Planning. Three PEI Component Plans have been received and are being reviewed.

Ms. Lonner asked if there were any programs for mothers and infants. Ms. Lawson responded that only 3 plans have been received so far, but there are some specific programs in the resource materials.

Ms. DiGiorgio asked if the PEI includes alcohol and drug addiction issues. Ms. Lawson responded that the PEI Committee specifically selected individuals with alcohol and drug addictions as a priority population; however, if they fell into another population, they would be served in that area. But that is not a specific category that counties could select.

Ms. DiGiorgio asked if there would be any education or outreach concerning stigma. Ms. Lawson responded that one of the statewide projects is for stigma discrimination. This is currently under development and is one idea under consideration for public education.

Mr. Perez asked if foster children are included under the priority population of youth at risk of or experiencing juvenile justice involvement. Ms. Lawson responded that she was not sure and would have to research this. Mr. Perez stated that services are most needed when foster children are released from care. Ms. Lawson stated that foster children are targeted for some of the programs, but she did not have specific details.

Ms. Froistad responded to Mr. Perez's question by stating that there is money set aside for the teen to 25 year old individuals. Those are services that are continued for kids in foster care specifically and they can stay in the children and youth services if they are receiving care. Mental health programs transfers them into adult mental health for an extended period of time to continue with services if they choose to take advantage of that.

Mr. Wong suggested that the board invite the counties to present their plans after they are approved.

VI. Chairperson's Report

A. Future Board & Committee Meetings

Dr. Russ briefly reviewed the future board meeting dates for 2008:

- August 21-22, 2008 - North Coast
- November 18, 2008 - Los Angeles

B. Approval of Board Self Assessment Survey

The Board Self-Assessment is a tool in which the Board will evaluate itself each quarter, at the end of a board meeting.

Dr. Russ recommended adding a statement clarifying that this is a quarterly review.

Ms. Johnson explained that when the Planning Committee and staff were developing this, staff recommended placing a higher value on enforcement votes than what was originally decided. Staff is looking at a timely response to mail in the ballots. The Planning Committee listened to staff and appreciated staff's wishes. The Planning Committee and staff added more value to the outreach participation because it demonstrates who the board members are and why the Board is effective.

Donna DiGiorgio moved to approve the Board Self-Assessment as amended. Elise Froistad seconded. The Board voted unanimously (9-0) to approve motion.

VII. Executive Officer's Report

A. Budget Update

Mr. Riches reported on the budget update. BBS is doing well for the current year. The expenditure report indicates that staff is projecting a year-end balance of $120,000, which is a comfortable level. Attorney General expenditures are above projection, and exam administration costs are below projections; therefore, they are washing each other out.

For the 2008-2009 fiscal year, both houses' budget committees approved three budget change proposals. If all goes normal, those will be in the final budget act, and BBS will receive additional funding for those positions.

It is expected that the state budget will be signed very late this year; BBS will be operating without a budget. Staff will be paid, but supplies will not be purchased as of July 1st. Board member travel reimbursements will not be paid until the budget is signed.

The Governor proposed, and the Assembly Budget Committee approved, another $3 million loan from the BBS to the state general fund, which brings that outstanding balance to $9 million. That loan was about half of the fund balance and takes BBS down to a six-month operating reserve. That is an ample operating reserve. That does have some impact on policy issues, which will be discussed under the legislative report.

The MHSA expenditure report is now included in the budget report. Christy Berger's position is funded by the MHSA fund to work on aligning the BBS programs with the MHSA policy and programs.

Ms. Roye asked if the operational reserve will impact moving forward with the strategic plan. Mr. Riches responded that it will not be affected at this time; the reserves are still healthy.

B. Licensing Statistics

Mr. Riches reported briefly on licensing statistics. He stated that there was an inexplicable growth in MFT applications, which slowed production. There is a vacancy in the licensing unit of the social work program

C. Personnel Update

Mr. Riches referred to the personnel update in the meeting materials for personnel activities relating to new hires, departures, vacancies, and training.

D. Mental Health Services Act Coordinator's Report

Mr. Riches reported that Ms. Berger, MHSA Coordinator, has coordinated field trips for board members and staff to attend as part of the board meetings. The field trips have been positive experiences.

Ms. Berger reported that she attended the Interagency Partners meeting at the Department of Mental Health. This was a meeting among the various staff of different agencies, funded by the MHSA. Some of the agencies represented were the Department of Social Services, Department of Rehabilitation, Department of Alcohol and Drug Programs, and Department of Aging. Ms. Berger expressed that this is going to be an incredible resource for the BBS. Dr. Russ commended Ms. Berger in her role and for a job well done.

E. Discussion and Approval of Comment on Proposed California Department of Education Regulations

Mr. Riches stated that a letter was written and mailed to the Board of Education earlier this year. The Board proposed regulations regarding the services provided by BBS licensees in non-public school settings. Board staff became aware of regulations proposed by the California State Board of Education that would, among other things, significantly restrict the roles and functions of licensed clinical social workers (LCSW), marriage and family therapists (MFT) and licensed educational psychologists (LEP) in private schools. The period for public comment precluded bringing the issue to the full board, and the impact of the proposed regulations was significant enough that staff felt the need to provide comment independent of any Board action. Tracy Rhine and Kristy Schieldge drafted a very comprehensive letter to the Department of Education. Staff is requesting that the Board approve the comment letter.

Dr. Russ clarified that Mr. Riches discussed this issue with him, and Dr. Russ directed Mr. Riches to move forward and draft the letter.

Mary Riemersma, California Association of Marriage and Family Therapists (CAMFT), and Ms. Esposito thanked staff and commended staff on their response to the Department of Education.

Olivia Loewy, American Association for Marriage and Family Therapy, also thanked staff and asked if there was anything more that stakeholders can do at this point. Mr. Riches stated that the 45-day public comment period has been closed. Staff has been monitoring the Board of Education's website and their agendas to see if the items were removed. At this point, staff has not received feedback.

Mr. Wong thanked the Board and staff. He asked how this originated. Mr. Riches responded that he does not have first-hand knowledge regarding why this came about.

Ms. Johnson stated that the timing on this is consistent with the American Psychological Association and the adoption of its Model Act for state licensure of psychologists.

Donna DiGiorgio moved to approve the draft letter. Karen Roye seconded. The Board voted unanimously (9-0) to pass the motion.

F. Discussion and Possible Action on 2008 Legislation:

1. Senate Bill 1779

Mr. Riches reported that SB 1779 is the Omnibus Bill. There is a provision in the current bill that is sponsored by CAMFT. The language contains that citations and fines issued by this board for under $1,500 will not remain on the board's website for more than five years. This information is available through the Public Records Act. These citations and fines are overwhelmingly continuing education violations and occasional business card violations. Staff's recommendation was to take no position.

Ms. Riemersma expressed appreciation to staff for their willingness to advocate for CAMFT's position to get this into the committee bill.

No action required. No Board comments.

2. Proposed Technical Statutory Changes for 2008 Legislation

Ms. Rhine reported on minor technical statutory changes for the 2008 legislation. The first is to add the Marriage and Family Therapy Act title added to statute. Currently, licensing laws regulating the practice of LCSWs and LEPs begin each respective chapter with a section noting the title of the Act. The Marriage and Family Therapy licensing law has no such code section and therefore no codified language by which to cite the licensing law as a whole.

The second issue is the LCSW licensure eligibility for applicants licensed in another state. There if a contradiction in the use of terms in two provisions of the statute. One provision states that an application must ***hold*** a license in another state. Another provision states that they must ***have held*** a license. The intent is for the applicant to currently hold an active license in another state.

The third issue is to delete obsolete language that represents the 1991 Budget Act.

Ben Caldwell, Alliant International University, asked if the title referring to the Marriage and Family Therapy Act is mentioned in any other sections of the law. Mr. Riches responded that because it is not a named act, any other statutory reference would be to the chapter, which is the organizational level in which the act exists. Having a named act makes it more straightforward to refer to as opposed to the chapter reference.

Mrs. Riemersma recommended for consistency that the title be the Marriage and Family *Therapist* Act as opposed to the Marriage and Family *Therapy* Act. Dr. Russ agreed and asked Ms. Rhine if she agreed with the recommendation. Ms. Rhine agreed.

Victor Perez moved to adopt recommendations as amended to make technical changes and corrections to the statutes. Judy Johnson seconded. Board voted unanimously (9-0) to pass the motion.

G. Review and Possible Action on Draft Community Assessment Survey

Mr. Riches briefly explained the community assessment of the Board, which is the second evaluation tool of the Board. This survey will be conducted on a quarterly basis and will be sent to individuals who attended two or more board meetings over the prior years.

Mr. Wong stated that instrument is a good first start. He requested that the Board looks at getting more public, licensees, and consumers involved in the meetings. He also suggested involving more technologies to involve more public participation.

Ms. Esposito asked if the Board used more technology for board meetings would there be problems regarding meeting minutes. Mr. Riches responded that it could cause slight issues, but records of the meetings are required. The larger problems are the meeting act issues and the limitations and availability of the technology.

H. Enforcement Statistics

Enforcement statistics were provided in the meeting materials for reference.

Ms. Roye asked why there were more complaints against MFTs than LCSWs. Mr. Riches responded that the license base is estimated to be 60% MFTs, 35% LCSWs, and 5% LEPs. Ms. Roye pointed out the percentage of licensees is higher. Ms. Riemersma responded that has consistently been the case over time. It is possibly due to the fact that MFTs have largely been in private practice.

Mr. Wong suggested that when BBS has more resources and staff, that it should conduct a study on this. Ms. Roye agreed.

The Board adjourned for lunch at 12:11 p.m. and reconvened at 12:51 p.m.

VIII. Discussion and Possible Action on Assembly Bill 239 Relating to Drug and Alcohol Counselors

Mr. Riches explained that AB 239 proposes a licensing act administered by BBS for Drug and Alcohol Abuse Counselors (ADAC). The Policy and Advocacy Committee had a lengthy discussion regarding this bill in January. That bill did not survive the legislative process in January. Subsequent to that, this bill has been amended to contain those similar provisions. The amendments were not made in time to take it up at the last Policy and Advocacy Committee meeting, so the bill was brought to the full board today.

Ms. Rhine made a correction on the analysis provided, correcting the version date from January 11, 2008 to May 5, 2008. The bill was amended again on May 20th. The amendments were substantive, but there were only a couple of amendments. One of the amendments made on May 20th added a provision that adds a misdemeanor for any violation of the act, which makes it consistent with the BBS license acts.

Ms. Rhine explained that the ADAC I is a supervised position and the ADAC II could practice within a private practice. The grandparented ADAC I has less educational requirements than the ADAC II.

Mr. Perez expressed his concern regarding how this bill will affect peer counselors or other individuals who provide services based on their life experiences. Ms. Rhine stated that this will impact them, but there are exemptions in the bill for peer groups. Sherry Daley from the California Association of Alcoholism and Drug Abuse Counselors (CAADAC) responded that there are several levels of certification that these individuals acquire. Folks who are receiving the higher certifications can grandfather in the ADAC I.

Willie Guerrero, CAADAC lobbyist, stated that CAADAC has taken suggestions, advice, and a host of amendments. Over the months, CAADAC has worked with the opposition taking amendments. MFTs and social workers have not only removed their opposition, but have joined in support of the bill. Psychologists who were opposed are now neutral. The author is interested in addressing stakeholders and their issues, and to make this workable. Mr. Guerrero added CAADAC incorporated 19 of the 20 amendments that BBS requested at the Policy and Advocacy Committee meeting in January.

Ms. DiGiorgio agreed with Mr. Perez's concerns that this bill may eliminate a field of people who are currently serving folks with addiction. She explained that the private residential treatment program where she is employed has MFTs and a psychologist working there who are in recovery and practically volunteering their time. Ms. DiGiorgio explained that when clients received services from licensed professions who were not in recovery, they did not get the services they needed. A lot of these people cannot afford to go to school, take this coursework, put the time into the internship hours, and then work for very little money. There may be a large workforce that is going to be invalidated.

Mr. Guerrero stated that there are a number of folks from different backgrounds and approach this in different manners. CAADAC wants to make sure that this bill does not negatively impact any particular point of view or type of service. The best practices of the other states are incorporated into this bill. The grandfather clause is to recognize that there is an existing workforce and CAADAC does not want to unnecessarily put them back into school. At the request of the Board, CAADAC limited the grandfathering period from two years to one year. Currently, there is nothing that prevents anyone from practicing, and there is no oversight or recourse. This bill addresses that problem. CAADAC is open to working with any stakeholders, and does not want to undermine the current workforce. There are a number of exemptions including individuals in self-help environments and clergy members. Mr. Guerrero stated that CAADAC is willing to look at other bodies or individuals that exemptions should apply to.

Shara Perkins, legislative aide to Assembly Member DeSaulnier, addressed salary concerns. She stated that all public facilities that are licensed or certified are not required to hire licensed individuals. The problem that California has opposed to other states is there is not a professional license, which can be required in this profession that raises that end of the salary tier so that people can continue to invest in this career. Ninety percent (90%) of CAADAC counselors are in recovery, and the other 10% has been impacted by some type of substance abuse that led them to choose this career goal.

Dr. Russ asked if this were to become a license, by definition, does it mean that folks who do not have a license could not practice. Mr. Riches responded that as he understands it, individuals would be required to have the license when working in a private practice requirement. Broad exemptions have been written into the bill, such as 12-step programs, self-help oriented programs, and state funded programs or any governmentally funded programs.

Dr. Russ asked for clarification, that once a person is grandparented, they do not have to meet the final qualifications. Mr. Guerrero responded yes, that is purposeful so that this would acknowledge the current workforce and include those individuals who have years of experience, but little education.

Dr. Russ asked the CAADAC representatives to describe the difference between the psychotherapy licenses and the ADAC licenses and describe how ADAC would licensees handle issues of dual diagnosis.

Ms. Daley responded that they looked at the 12 core functions, which are defined in federal regulation. They tried to write the scope of practice that was comfortable to other professions. In addition, they included referral within 14 days of admission of the client. CAADAC understands that most clients with addiction have co-morbidities. CAADAC has always had a very clear scope of the 12 core functions and a very strong education system that teaches referral. The licensure act supports referral.

Ms. Walmsley asked how would referrals be monitored to ensure that referrals are done appropriately. Ms. Daley responded it is difficult to write code defining a violation, which is why they came to the board.

Ms. Froistad asked if this will this eliminate opportunities down the road beyond the grandfathering period for individuals who are in recovery and do not have a master's degree. Ms. Daley responded that a majority of those folks will be working unlicensed in certified facilities where a certification is the level that is required. CAADAC hopes that the public will ask for higher standards. The standards in ADP facilities are unacceptable right now. CAADAC is hoping that this will push for higher standards for better treatment outcomes. With the demand for these services and the exemptions offered, CAADAC does not believe it will cut anyone out.

David Peters, California Association of Addiction Recovery Resources (CAARR), stated that CAARR is a statewide association, made up of approximately 200 members. The membership includes non-profit, private sector, and residential treatment facilities. CAARR offers outpatient treatment. CAARR also operates a counselor training program, which is one of 9 counselor training programs that is accredited by ADP. Mr. Peters detailed the issues that CAARR has regarding the bill:

- In statute, ADP has sole authority to regulate all licensing and certification of counselors and everything within the alcohol-related and drug-related field. ADP was specifically created to consolidate all of the interested state agencies and programs. CAARR disagrees in taking some of ADP's jurisdiction and putting it into another state government agency. CAARR has discussed the issue with the authors and sponsors, and feels that the parties cannot come to an agreement on this.
- What is the basic need for this bill? Currently, ADP licenses outpatient facilities and certifies outpatient facilities. There is no real definition of *private practice* in this bill, and could not locate the definition in the Business and Professions Code. Mr. Peters stated that he fails to see the difference between the general concept of private practice and the general concept of an ADP certified outpatient treatment program.

If the bill were to move forward;

- CAARR does not agree with grandfathering individuals with only high school diplomas or equivalent.
- CAARR has issues with the exam and reciprocity. The bill stipulates that the board shall evaluate the IC and RC exam and may decide to develop its own. Mr. Peters would like to see reciprocity on the table for discussion.
- Mr. Peters questions the intent and definition of *referral,* asking if it means the patient is given a name, address and phone number, or does it mean the patient is required to go?

Mr. Peters stated that CAARR agrees that there are people doing this work who are unregulated and there is no oversight. However, there is one provision in the bill that states that an individual cannot practice without a license issued by BBS. CAARR would support a provision in the Health and Safety Code giving ADP the authority to state that an individual cannot call himself/herself an alcohol and drug counselor without being regulated by ADP. This can be done without creating a licensing program.

Ms. Perkins responded that there is nothing in statute giving ADP authority or requests them to do anything regarding individuals. They have statutory authority over licensed facilities only. ADP does not have any authority over individuals – BBS is the correct entity to license and oversee the qualifications of individuals. With the methamphetamine epidemic in this state, every resource needs to be put into this.

Dr. Russ asked if ADP supports the bill. Ms. Perkins responded that ADP does not have a position as of yet. CAADAC is working with them because ADP is currently revising their very low certification standards so that their top tier will fit nicely with CAADAC's bottom tier.

Mr. Guerrero stated that in regards to the certification standards, only 30% of individuals practicing in public facilities need to be certified by 2010. Only 3 out of 10 will have to meet the minimum standards. When ADP promulgated the regulations, they had the authority and opportunity to expand those to the private arena as well, but they did not do that.

Mr. Wong stated that NASW does not have a position on this bill. The CSCSW has a position of support for this bill. Mr. Wong read a statement from former BBS board chair and LCSW Peter Manoleas, who serves on the clinical faculty of UC Berkeley and holds a CAADAC certification.

> "AB 239 essentially creates a license to treat one diagnosis only; two, if you consider abuse and dependency. In order to do this, one must have the skill set to competently do differential diagnosis, to know what is outside the scope of practice. The proposed license does not require this skill set. The potential for unlawful practice of an LCSW and MFT is therefore high and likely to be encouraged by this new license."

Mr. Wong stated that NASW agrees with Mr. Manoleas' comments. He requested statistical analysis and data supporting the need for the license, and stated that the definition of a *professional* is questioned. The license is to provide a single treatment for a single license in an LCSW's opinion because LCSWs look at people holistically. MFTs, LCSWs, and psychologists can provide alcohol and drug treatment with training and certification. The second element of this bill is to create a master's level license. Mr. Wong inquired if one is going to school to get a master's degree, why not become a whole, comprehensive professional? Do we know how many current licensees of BBS provide alcohol and drug treatment? To create a license in order to put more attention on this and get more money in the field is not the correct way to go about this. Instead, the focus should be the dire need and lack of money in treatment.

Dr. Russ asked Mr. Wong to respond to the comment that there is a group of people with unique experiences, understanding and effectiveness who know how to provide treatment to people with addictions, far better than a professional with the only training. Mr. Wong responded that social work encompasses that entire world. There are people who are paraprofessionals with high school degrees working in social settings and providing valuable

services. He referred to the social work hearings conducted by former Assembly member Aroner, stating that social work has a career ladder. The career ladder anticipates high school to doctoral level degrees. Once new licenses are created and a population of counselors does not have those licenses or are precluded from getting those licenses, then the career ladder concept is turned around. Mr. Wong added that a professional is one who goes to college and learns critical thinking, judgment, and ethics. He also stated that the scope of practice is not very clear. This legislation is narrow and limited. NASW would like to work with CAADAC; however, CAADAC have never approached NASW regarding this.

Ms. Riemersma expressed support for the legislation stating that this issue is about public protection. Currently, there are people independently providing alcohol and drug abuse treatment without a license or credentials, and in some cases working beyond their scopes of practice and competence. This bill will help to assure that people are working within their scope of competence, and that there will be a mechanism to make sure that the public is protected. CAMFT was originally in opposition to this bill. CAADAC worked with CAMFT and accommodated CAMFT's concerns. It is a step in the right direction to make sure that those who are practicing independently are doing so in the best interest of public protection.

Mr. Riches stated that this bill proposes a startup cost with a loan from the BBS reserve. As discussed earlier, the reserve is now $3 million lighter, which is now a factor. The start up figure is close to $1 million. The Board needs to consider the financial position in any deliberation of this bill.

Heather Halperin, USC School of Social Work, addressed two concerns: (1) Grandfathering people who have not had a lot of teaching in ethics and boundary issues that arise out of that, (2) Co-occurring disorders and the recovery model are strongly looked at as conjoint treatment. Working in private practice and treating one component of a joint issue seems as though we're moving apart instead of joining together.

Mr. Guerrero responded to Mr. Riches' statement regarding the financial position. The provision stated that the startup costs would be through a loan. There is an addition provision stating that if the Board were not in a financial position to grant the loan, the dates would be pushed back accordingly until the loan is made for the startup costs.

Ms. Johnson reported that she and some BBS staff recently visited Serenity Knolls, a residential co-occurring treatment center. She reported that this center is arguably the best that she has seen in the state. What makes it better is the family systems model, the community systems model, and the collaboration of people working together for the common good. Ms. Johnson asked Ms. DiGiorgio for her opinion, and what kind of effect this would have.

Ms. DiGiorgio responded that she chose to work at Serenity Knolls because it is a co-occurring disorder residential treatment program. Treatment has to be done simultaneously, which is why they have MFTs and psychologists on staff that are in recovery as well, so they can differentiate what is an addictive behavior and what is a psychological issue. What needs to change in this state is the way the disease of addiction is handled. Until insurance companies recognize this as a mental health issue, and are willing to paying for the treatment, it's not going to get better. Ms. DiGiorgio stated that she has worked in the field for 24 years, and knows a lot from a personal level and from a professional level. She doesn't know that licensure is going to make a difference in the bottom line. Her oversight is her boss and the people she helps. Upon leaving the program, residents have asked to continue seeing

Ms. DiGiorgio one-on-one, which she continues to do so as an Alcoholics Anonymous sponsor only.

Dr. Russ stated that he does not have enough information and would like to hear from the ADP.

Ms. Johnson recommended that CAADAC begin a dialogue with NASW.

Joan Walmsley moved to take no action at this time. Elise Froistad seconded. The Board voted unanimously (9-0) to pass motion.

IX. Report of the LCSW Education Committee

Ms. Berger reported that the LCSW Education Committee was appointed in February. The Committee held its first meeting on May 5th in Sacramento, where the committee reviewed sources of information and key stakeholders, and asked the audience for feedback. The LCSW occupational analysis was discussed briefly, and Robin Carter, Chair of the graduate social work division at California State University, Sacramento (CSUS) presented information about CSUS' program and social work accreditation in general and answered questions. Representatives from CSU Chico and the University of Southern California also provided information and answered questions.

The next meeting will be held on June 23rd in Long Beach. A representative from the California Social Work Education Center (CalSWEC) regarding schools' level of adoption of CalSWEC's mental health curriculum competencies, and how this ties in with the mental health stipend program. The Committee will also take a closer look at demographics. Chad Costello, MSW from Mental Health America will present on recovery-oriented care.

Future meetings will be held on September 15th in the bay area and on December 8th in Los Angeles. Staff anticipates having a presentation from the Council on Social Work Education (CSWE) about accreditation standards and process.

Ms. Lonner reported that one of the most valuable things that came out of the meeting was the identification of a diverse group of stakeholders that will be invited to future meetings. She commended Ms. Berger for the start up of the LCSW Education Committee.

X. Election of Officers

Mr. Perez inquired on the status of Victor Law's term on the Board. Mr. Riches responded that Mr. Law is an appointee of the Legislature; therefore his grace period is one year after the expiration of his term. Mr. Law is currently serving his grace period, which expires on June 1, 2008.

Mr. Perez inquired on the status of Rita Cameron Wedding's term on the Board. Mr. Riches responded that she was appointed by the Senate. Staff has been in touch with Ms. Wedding but has been unable to clear meeting dates with her.

Nominations were opened for Board Chair.

D'Karla Leach nominated Ian Russ for Chair. Renee Lonner seconded the nomination. No further nominations were made. Dr. Russ accepted the nomination. The Board voted unanimously (9-0) to elect Ian Russ as the Board Chair.

Nominations were opened for Board Vice Chair.

Donna DiGiorgio nominated Joan Walmsley. Renee Lonner seconded the nomination. Ms. Walmsley accepted the nomination. The Board voted unanimously (9-0) to elect Joan Walmsley as the Board Vice Chair.

The Board meeting adjourned at 2:15 p.m.

BOARD COMMITTEE MEETING

XI. Planning Committee

Members Present	Members Absent
Judy Johnson, Chair	None
D'Karla Leach	

Judy Johnson, Committee Chair, called the Planning Committee meeting to order at 2:15 p.m. Christina Kitamura called roll, and a quorum was established.

A. Review and Approval of October 24, 2007 Meeting Minutes

D'Karla Leach moved to approve the October 24, 2007 Planning Committee meeting minutes. Judy Johnson seconded. The Committee voted unanimously (2-0) to approve the minutes.

The Planning Committee adjourned at 2:17 p.m.

FULL BOARD OPEN SESSION

The Board reconvened at 2:45 p.m. at Visions Unlimited.

XII. Presentation Regarding Visions Unlimited Programs by Visions Unlimited Staff
XIII. Discussion with Visions Unlimited Staff and Tour of Facility

Visions Unlimited staff provided an overview of their adult and children's mental health treatment programs, answered questions, and provided a tour of their facility.

The meeting adjourned at approximately 5:15 p.m.

Friday, May 30

Quinn Cottages
Chatfield/Mercy Room (Pavilion)
1500 North A Street
Sacramento, CA 95811
(916) 492-9065

Members Present
Ian Russ, Chair, MFT Member
Gordonna DiGiorgio, Public Member
Elise Froistad, MFT Member
Judy Johnson, LEP Member
D'Karla Leach, Public Member
Renee Lonner, LCSW Member
Victor Perez, Public Member
Karen Roye, Public Member

Staff Present
Paul Riches, Executive Officer
Christy Berger, MHSA Coordinator
Tracy Rhine, Legislation Analyst
Kristy Schieldge, Legal Counsel
Sean O'Connor, Outreach Coordinator
Christina Kitamura, Administrative Assistant

Members Absent
Joan Walmsley, Vice Chair, LCSW Member
Victor Law, Public Member
Rita Cameron Wedding, Public Member

Guest List
On file

FULL BOARD OPEN SESSION

Ian Russ called the meeting to order at 8:42 a.m. A quorum was not established, and the Board began the meeting as a subcommittee. Dr. Russ called to move forward with agenda item XIV.

Dr. Russ called the meeting to order as a full board at 9:13 a.m., between agenda item XIV and XV. Christina Kitamura called roll, and a quorum was established.

XIV. Presentation By California Victims of Crime Program

Robin Foemmel Bie, LCSW, from the Victims of Crime (VOC) Program provided an overview of the Victims of Crime program, presented a video, and answered questions regarding the Victim Compensation Program.

XV. Policy and Advocacy Committee Report

A. Recommendation #1 – Sponsor Legislation to Clarify Unprofessional Conduct Statutes

Ms. Rhine reported that there are three different issues that the Committee is recommending the Board to sponsor legislation to rectify the issues. The first issue is that subversion of the exam process is not stipulated as an act of unprofessional conduct. Currently, Business and Professions Code (BPC) section 123 makes it a misdemeanor for any person to engage in any conduct, which subverts or attempts to subvert any licensing examination or the administration of an examination. However, the licensing acts do not include subversion of the exam as unprofessional conduct. Staff recommends adding a provision to the unprofessional conduct statutes of each of the

practice acts specifying that the acts contained in BPC section 123 represent unprofessional conduct, and are cause for disciplinary action by the Board.

The second issue is an inconsistent provision relating to convictions and our unprofessional conduct statutes. The unprofessional conduct statutes for all three licensing categories contain provisions stipulating that the board may deny a license or may suspend or revoke a license of a licensee if he or she has been guilty of unprofessional conduct. There are two provisions describing unprofessional conduct:

(1) Conviction of a crime substantially related to the qualifications, functions and duties of the licensee or registrant

(2) Administering to himself or herself a controlled substance or using any of the dangerous drug as defined or an alcoholic beverage to the extent, or in a manner injurious to himself or herself or to any other person or to the public or to the extent that the use impairs his in her ability to safely perform the functions authorized by the license.

Another provision of unprofessional conduct contained in the practice acts allows the board to deny licensure or to revoke or suspend licensure if a licensee has a conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of controlled substance, dangerous drug, as defined, or alcoholic beverage.

Ms. Rhine explained that this is a conflict because it is already unprofessional conduct; however, the board is allowing one conviction for that conduct. The Committee recommends that the unprofessional conduct provisions for all licensing categories be amended to make them comprehensible and consistent.

The third issue is the unprofessional conduct for failure to comply with statutes relating to telemedicine. The LCSW and MFT licensing acts have a provision stating that it is unprofessional conduct for failure to comply with statutes related to telemedicine. The LEP licensing act does not include the same provision. The Committee recommends including the provision in the LEP licensing act for consistency.

Donna DiGiorgio moved to sponsor legislation to amend the unprofessional conduct statutes. Victor Perez seconded. The Board voted unanimously (8-0) to pass motion.

B. Recommendation #2 – Support Assembly Bill 164

Ms. Rhine presented AB 164, sponsored by CAMFT. This bill has been passed by both Houses and on its way to the Governor. This bill provides qualified immunity for persons who communicate with MFT schools, when the communication is intended to aid in the evaluation of the qualifications, fitness, character or insurability of the healing arts practitioner. The Committee recommends a position of support.

Donna DiGiorgio moved to support AB 164. Judy Johnson seconded. The Board voted unanimously (8-0) to pass motion.

C. Recommendation #3 – Support Assembly Bill 1486 If Amended

Mr. Riches presented AB 1486, the Licensed Professional Counselor (LPC) licensure bill. The Board has supported this bill in the past. Staff recommended that the curriculum requirements for the LPC should contain elements consistent with those that are

proposed to be added to the MFT curriculum requirements. The Committee recommends a position of support if amended. The sponsors have amended most of the language to include those elements.

Dr. Russ asked if this would require a start up loan. Mr. Riches responded that this would require a start up loan from the BBS reserve.

Ms. Johnson stated that it is important to move this through because it is important; these people are needed in the field.

Dr. Russ asked if the bill passes, and the start up costs are borrowed from the reserve, will the integrity of the board and its functions threatened. Mr. Riches responded that it would not be threatened in the first year. Revenues would generate from the grandparenting period to backfill. The projections show that by year two, there would be a lot of revenue generated from grandparenting. Year three would drop because grandparenting period passes. Renewal revenue is what will keep the program funded and operating. Mr. Riches added that a $1 million dollar loan to start up the program would decrease the 6-month reserve to a 4-month reserve.

Jan Osborne, the American Association for Marriage and Family Therapy (AAMFT), stated that AAMFT opposes the bill unless there are amendments regarding the language stating that counselors do not have to do any psychotherapy to get a license and amendments to the grandparenting language.

Judy Johnson moved to support AB 1486 if amended. Karen Roye seconded. The Board voted unanimously (8-0) to pass the motion.

D. Recommendation #4 – Support Assembly Bill 1887

Ms. Rhine presented AB 1887, the mental health parity bill. This bill requires health care service plan contracts which provide hospital, medical, or surgical coverage, and health insurance policies issued, amended or renewed on or after January 1, 2009 to provide coverage for the diagnosis and treatment of a mental illness of a person of any age under the same terms and conditions applied to other medical conditions. The Committee recommends a position of support.

Ms. Osborne stated that AAMFT supports the bill.

Donna DiGiorgio moved to support the AB 1887. Elise Froistad seconded. The Board voted unanimously (8-0) to pass the motion.

E. Recommendation #5 – Support Assembly Bill 1922

Ms. Rhine presented AB 1922, sponsored by CAMFT. This bill has been passed by both Houses and is on its way to the Governor. This bill adds MFTs to the list of healing arts practitioners defined as "licentiates" under peer review statutes relating to notice of final proposed action. Amendments to the bill on May 14th also added LCSWs. The Committee recommends a position of support.

There were no comments or discussion.

Renee Lonner moved to support AB 1922. Donna DiGiorgio seconded. The Board voted unanimously to pass motion.

F. Recommendation #6 – Oppose Assembly Bill 1925 Unless Amended

Ms. Rhine presented AB 1925. The analysis provided was written prior to the amendment on May 23rd. The bill allows the Franchise Tax Board to suspend licenses for folks that have outstanding tax liabilities. The Committee recommends a position of oppose unless amended. The discussion was to amend the bill to the model currently in place for outstanding liabilities for family support. The current model provides for communication with county agencies and allows the Board to take action against its licensees.

Renee Lonner moved to oppose AB 1925 unless amended. Judy Johnson seconded. The Board voted unanimously (8-0) to pass motion.

G. Recommendation #7 – Oppose Assembly Bill 1951

Ms. Rhine presented AB 1951. This bill mandates that before the year 2010, BBS licensees take 6 hours of coursework in suicide prevention during their first renewal period. After the year of 2010, the 6-hour course would be incorporated in the coursework prior to licensure. The Committee recommends a position of oppose. The Committee stated that ongoing education relating to suicide prevention is important, but expressed that the board already mandates many specific coursework requirements and continuing education (CE), and suicide prevention is already included in the coursework.

Ms. Riemersma, CAMFT, initially supported this bill. Currently, CAMFT opposes the bill because of the CE requirement.

Ms. Berger stated that the Department of Mental Health has a new Office of Suicide Prevention. There is a task force appointed to develop a suicide prevention plan that is awaiting signature by the Governor. The plan includes workforce pieces.

Donna DiGiorgio moved to continue to oppose AB 1951. Renee Lonner seconded. The Board voted unanimously (8-0) to pass motion.

H. Recommendation #8 – Support Assembly Bill 2652

Ms. Rhine reported that AB 2652 is no longer viable; the bill did not pass the Appropriations Committee. No action was required.

I. Recommendation #9 – Consider Senate Bill 1415

Ms. Rhine reported that SB 1415 was amended and no longer applies to BBS licensees. No action was required.

J. Recommendation #10 – Support Assembly Bill 2543 If Amended

Ms. Rhine presented AB 2543, the Geriatric and Gerontology Workforce Expansion Act. The bill provides a program for loan repayment assistance to BBS licenses that commit to working in specified geriatric settings for three years. The funds are provided by a $10 surcharge to BBS licensees upon initial issuance of license and renewal. This is very similar to the program that BBS already has in place that provides loan repayment assistance for licensees that work in underserved areas. There are technical issues with the bill because there are two separate programs set up in this bill that deal with the same population. Amendments were made on May 23rd in Appropriations Committee; however, it was a fiscal amendment, and it did not address the Committee's issues. The suggestion was to use the program that BBS already has in place, but specify that funds

coming in be funneled to the applicants that work in geriatric settings and not create a whole new program. The Committee recommends a position of support if amended.

Judy Johnson moved to support the AB 2543 if amended. Karen Roye seconded. The Board voted unanimously (8-0) to pass the motion.

K. Legislation Update

Mr. Riches reported on SB 1505, sponsored by the board. This bill proposed a reduction of renewal fees by $20 and an increase of the surcharge by $20. At this point, the board does not have a fund condition that would support this. Board staff spoke with Senator Yee's office this week and gave him two options: (1) to delay implementation and put the appropriate language in the bill, or (2) to drop the bill and revisit later. Staff's expectation is that this bill will be dropped.

Mr. Riches reported on AB 1897, sponsored by the board. The bill passed the Assembly, but in a different form. The bill now provides for continuing the board's ability to take degrees from the Bureau for Private Postsecondary and Vocational Education (BPPVE) approved programs through the end of 2011 and addresses the issues of regional accreditation bodies that the board wants to recognize. However, it also states that if the Legislature passes a new bureau act this year, this bill will no longer exist. Currently, this bill is in the Senate Business and Professions Committee. The parties still appear to be at complete impasse. The Senate Business and Professions Committee will have discussions with the interested parties to come up with a solution to take the students and schools out of harms way. It is not clear if that is at all possible. Senator Perata's office is taking the lead from a legislative side in resolving this issue. They have articulated that they do not want a resolution that is not part of the whole resolution.

Mr. Riches explained that this situation has been complicated. Until now, the board has had a constructive relationship with the approved programs in trying to come to a resolution. Last week, the University of Phoenix and Argosy University have announced their opposition to this bill and to SB 1218, which contains the MFT curriculum revisions. They oppose both the bills on the grounds that the bills do not address their need as it relates to the recognition to other regional accrediting bodies. The Board and staff have attempted through the course of the year to keep SB 1218 and the curriculum revisions, which have nothing to do with the bureau. At this point, we are no longer able to do that. The Board took a vote to recognize degrees issued by institutions accredited by their approved regional accrediting bodies. On several occasions, we have attempted to put that legislation through. On every occasion, the legislation was rebuffed by Senator Perata's office. When those bills arrive in the Senate with the institutions' language, they will not be allowed to pass. These institutions have well-established lobbyists.

Ms. Johnson asked who to talk to at these institutions. Dr. Russ stated that he would meet with representatives of those institutions. Ms. Johnson offered to join Dr. Russ when meeting with the institutions.

Dr. Russ stated that he has understands the opinions of the institutions because they are at risk of losing students and money. Dr. Russ requested more support from the community.

Niel Cobrin, California Graduate Institute, asked what the board's authority is versus the legislative process. Mr. Riches explained the statute regarding acceptable accrediting

bodies and the current situation that the board faces with the sunset of BPPVE. Mr. Riches explained what the board is attempting to do to address the issue and the rulemaking process. Mr. Riches stated that the two institutions are acting upon their own personal interests. At this moment, he doesn't know what to do and asked the community for assistance.

Dr. Russ stated that Steve Arthur from Ryokan University was expected to attend the board meeting, but has not arrived. He has spoken to Mr. Arthur who wanted a voice at this meeting.

Mr. Cobrin stated that people need to understand that the board is the best vehicle at this point for something positive to occur for these schools. He stated that he is not sure whether Mr. Arthur maintains or understands that position. Dr. Russ responded that Mr. Arthur does not believe that the board if supportive.

Mr. Cobrin stated that he ran one of those schools in the past, they were not exempted from BPPVE; they were treated as any other state-approved school. They argued that since they were regionally accredited, they should be exempted. By interpretation, not by law, the school gave in. Legally, there was never a change. Technically, they still operate as a state-approved school. He doesn't know if those schools understand that AB 1897 extends that approval. Mr. Riches responded that those schools do understand that.

Ms. Schieldge explained that post-secondary education law in California from 1998 forward only allowed exemptions from state oversight if the school was a degree-only school accredited by the Western Association of Schools and Colleges (WASC). The Reform Act did not recognize any of other regional accrediting agencies. Therefore, if a school was accredited by WASC and was not a degree-only school, the school had to be approved by the state entity. For more than 6 years, they did have to get state approval. About three years ago, there was a change in law through the SB 967 (Burton) that gave a lot of exemptions to the regional accrediting agencies. Schools from other states received more preferential treatment than in-state schools. With respect to the Board statutes, up until 1999, the Board had the authority to decide which schools it would accept through regulation. That authority was struck from the statute, and the Board could only accept WASC or BPPVE approved schools. Now the Board is trying to get back to where it was in 1999 so the Board does not have to rely on the legislature, and this is where the Board is getting resistance.

Mr. Riches stated that the positions being adopted by the two organizations at this point are putting their proprietary policy interests as it relates to regional accreditation recognition ahead of the benefit of the consumers and the profession that is represented by the curriculum changes.

Dr. Russ asked if anyone in the audience knows people in these institutions who can speak to the Board. Jennifer Frei, chair of the counseling program at the University of Phoenix in Sacramento, responded that she will take this conversation back to her campus.

Ms. Riemersma stated that she will also provide assistance and attend meetings with interested individuals.

Mr. Riches informed the audience that the bill will be heard on June 17th.

L. Regulation Update

Mr. Riches stated that there was nothing new to report.

XVI. Update and Possible Action on Board Activity, Proposed Legislation, and Proposed Regulations Regarding Acceptance of Degrees Granted by Institutions Approved by the Bureau for Private Postsecondary and Vocational Education

Dr. Russ stated for the record that staff had been in contact with Steve Arthur to participate in the meeting; however, Mr. Arthur did not appear at the meeting as promised. During the meeting, staff attempted to contact Mr. Arthur to include him in the discussion. Staff was not successful in contacting Mr. Arthur.

Mr. Riches reported that at its February 2007 meeting, the Board took action to: 1) sponsor legislation allowing the board to recognize equivalent accrediting agencies by regulation, and extend the board's ability to accept degrees from BPPVE approved programs through December 31, 2011; and 2) begin a rulemaking process to recognize approvals granted by the Bureau for Private Postsecondary and Vocational Education (BPPVE) for a period of four years and to continue acceptance of those degrees beyond the four-year period if the program was in the process of obtaining accreditation. The Board elected option two. However, it is clear that any policy-making activity that involves accreditation is regarded with hostility. Staff recommended that the Board give new direction to pursue a regulation containing only the four-year extension provision.

Mr. Riches noted a correction to the date in last sentence of the proposed language, changing it to 2009.

Renee Lonner moved to rescind the Board's November 8, 2007 order directing staff to initiate the formal rulemaking process to adopt proposed regulations at 16 CCR Section 1832.5 based upon text drafted by staff under option number 2 of the prior proposal. Judy Johnson seconded. The Board voted unanimously (8-0) to pass the motion.

Elise Froistad moved to direct staff to initiate the formal rulemaking process to adopt proposed regulations at 16 CCR Section 1832.5 based upon this proposed language with the amendment that January 1, 2008 should be replaced with January 1, 2009 in subdivision (b) of this proposal, and authorize the executive officer to make any non-substantive changes to the rulemaking package and set the proposed regulations for a hearing. Victor Perez seconded, and the Board voted unanimously (8-0) to pass the motion.

Dr. Russ explained that one of the concerns Mr. Arthur had was regarding the response that students receive when they contact the board. Mr. Riches presented the script that is on the BBS website and given to all BBS staff to use in response to inquiries regarding this issue. If callers request more details beyond the information provided in the script, those callers are referred to management.

Audience and board members were asked to review the script and provide feedback and suggestions.

Mr. Cobrin stated that several students have called the board and claimed that a particular staff person specifically recommended to the student to not attend an unaccredited school. Mr. Riches responded that if anyone is hearing something different than what is heard at a meeting, to inform him so that it can ensure that there is an accurate flow of information.

Mr. Perez stated that school administrators and other public members attend the meetings to complain, but why aren't they doing anything? He suggested that these individuals go to the hearing and get the media involved. This issue is not in the newspapers. Schools have thousands of students who can fill the room at the hearing.

Mr. Cobrin responded that those 400,000 students are students of mostly nationally accredited vocational schools who fall under the state licensure law. The number of students who are concerned about what the new bureau regulations are going to be and the impact of those regulations on how those schools function has nothing to do with this Board. He stated that his school does not even have 2,000 students; but there has been an attempt by the student body and the schools to plead this case.

Mr. Perez responded that even 1,000 people in the room would bring exposure to this issue. Dr. Russ added that there are 21 schools affected.

Ms. Roye asked if these schools have come together to meet about these issues. Mr. Cobrin responded that Steve Arthur is trying to do that now.

Mr. Riches stated that on June 9th at approximately 1:30 p.m., AB 1897 will be heard by the Senate Business and Professions Committee. On Tuesday June 17th at approximately 9:00 a.m., SB 1218 will be heard by the Assembly Business and Professions Committee. Both of these bills are in jeopardy. Mr. Riches requested getting people to show up to these hearings so their voices can be heard.

XVII. Public Comment for Items Not on the Agenda

Ms. Roye thanked Mr. Riches and staff for creating opportunities for Board members to learn during the Board meetings this year.

XVIII. Suggestions for Future Agenda Items

No suggestions were made for future agenda items.

XIX. Presentation Regarding Programs by Quinn Cottages Staff
XX. Tour of Facility and Client Visits with Quinn Cottages Staff

Quinn Cottages staff provided an overview of their program and provided a site tour.

The Board meeting adjourned at approximately 2:30 p.m.

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Board of Behavioral Sciences

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

Memo

To: Policy and Advocacy Committee **Date:** October 2, 2008

From: Tracy Rhine
Legislative Analyst **Telephone:** (916) 574-7847

Subject: Discussion and Possible Action to Adopt 16 CCR Section 1832.5 Rulemaking

---

Attached for review and possible action is the final rulemaking package proposing changes to California Code of Regulations Title 16, Section 1832.5, relating to acceptance of degrees conferred by schools approved by the Bureau for Private Postsecondary and Vocational Education.

At its May 30, 2008 meeting the Board passed a motion to direct staff to initiate the rulemaking process.

Recommendation: Upon review and discussion of the attached, staff recommends that the board adopt the final rulemaking package.

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STATE OF CALIFORNIA–OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-08)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2008-0603-03		

For use by Office of Administrative Law (OAL) only

RECEIVED FOR FILING JUN 03 2008 JUN 13 2008 Office of Administrative Law

NOTICE PUBLICATION DATE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Acceptance of Degrees from Approved Institutions	16	1832.5	June 13, 2008

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
[X] Notice re Proposed Regulatory Action [ ] Other	Tracy Rhine	(916) 574-7847	(916) 574-8625

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	[ ] Approved as Submitted [ ] Approved as Modified [ ] Disapproved/ Withdrawn		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) **(Including title 26, if toxics related)**

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)

ADOPT

AMEND

TITLE(S)

REPEAL

3. TYPE OF FILING

- [ ] Regular Rulemaking (Gov. Code §11346)
- [ ] Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- [ ] Emergency (Gov. Code, §11346.1(b))
- [ ] Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- [ ] Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- [ ] Emergency Readopt (Gov. Code, §11346.1(h))
- [ ] File & Print
- [ ] Other (Specify) _____
- [ ] Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- [ ] Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- [ ] Effective 30th day after filing with Secretary of State
- [ ] Effective on filing with Secretary of State
- [ ] §100 Changes Without Regulatory Effect
- [ ] Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- [ ] Department of Finance (Form STD. 399) (SAM §6660)
- [ ] Fair Political Practices Commission
- [ ] State Fire Marshal
- [ ] Other (Specify) _____

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

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BOARD OF BEHAVIORAL SCIENCES

Order of Adoption

The Board of Behavioral Sciences of the Department of Consumer Affairs hereby amends and adopts regulations in Division 18 of Title 16 of the California Code of Regulations, as follows:

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

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

(b) This Section will become inoperative if legislation reenacts the Private Postsecondary and Vocational Education Reform Act of 1989, Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of the Education Code and the Bureau for Private Postsecondary and Vocational Education, or if legislation provides for a successor agency to the Bureau for Private Postsecondary and Vocational Education and that agency commences operations on or after January 1, 2009.

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

Dated: October 11, 2008

PAUL RICHES
Executive Officer

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DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BEHAVIORAL SCIENCES
Proposed Language

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

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

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

(b) This Section will become inoperative if legislation reenacts the Private Postsecondary and Vocational Education Reform Act of 1989, Chapter 7 (commencing with Section 94700) of Part 59 of Division 10 of the Education Code and the Bureau for Private Postsecondary and Vocational Education, or if legislation provides for a successor agency to the Bureau for Private Postsecondary and Vocational Education and that agency commences operations on or after January 1, 2009.

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

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

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 1625 North Market, El Dorado Room, Sacramento, California, at 9:00 a.m., on August 4, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 28, 2008 or must be received by the Board of Behavioral Sciences at the hearing.

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

Authority and Reference: Pursuant to the authority vested by Sections 4990.20 of the Business and Professions Code, and to implement, interpret, or make specific Sections 4980.40 and 4980.44 of the Business and Professions Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

The Board proposes to add Section 1832.5 to Title 16 of the California Code of Regulations. This section pertains to the requirements for degrees from educational institutions approved by the Bureau for Private Postsecondary and Vocational Education (BPPVE).

Existing law authorizes the Board to regulate Marriage and Family Therapist (MFT) licensure and MFT intern registration and specifies the requirements for licensure and registration. Existing law also confers upon the Board the authority to make the final determination whether a degree meets all of the Board's requirements for licensure or registration. Business and Professions Code section 4980.40 requires applicants for MFT licensure to possess a doctor's degree or master's degree from a school, college, or university accredited by the Western Association of Schools and Colleges (WASC), or approved by the BPPVE or the Commission on Accreditation of Marriage and Family Therapy Education (COAMFTE). Business and Professions Code section 4980.44 (a)(1) imposes the same requirements to qualify for an MFT intern registration.

This proposal would permit the Board to recognize applicants for MFT licensure and MFT intern registration who obtain a degree from a BPPVE-approved school between January 1, 2009 and June 30, 2012 to continue to qualify for licensure and registration, as long as the school held an approval to operate as of June 30, 2007. This proposal will only authorize the Board to recognize these degrees from these BPPVE-approved schools until either legislation reenacts the Private Postsecondary and Vocational Education Reform Act and the BPPVE or until legislation provides for a successor agency to BPPVE.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

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

AND

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

There would be no costs to businesses or individuals to comply with this regulation, and there are no other economic costs anticipated. This proposal would benefit the 21 school programs offering degrees required for MFT intern registration and MFT licensure. The economic impact of the proposal to individuals is to avoid the loss of income that could occur for graduates between January 2, 2009, and June 30, 2012, as a result of their schools not being recognized by the Board. The Board estimates that an average of 358 students graduate from approved MFT programs per year. To businesses, the economic impact of this proposal is to avoid the potential loss of revenue from these students who may decide not to enroll in a formerly-approved BPPVE school that issues degrees that are no longer recognized by the Board.

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

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. This proposal will continue the current practice of recognizing qualifying degrees conferred upon applicants from BPPVE-approved schools.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in

carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

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

CONTACT PERSON

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

Name:	Tracy Rhine
Address:	1625 North Market Blvd., Suite S200 Sacramento, CA 95834
Telephone:	916-574-7847
Fax:	916-574-8625
Email:	tracy_rhine@dca.ca.gov

OR

Name:	Christy Berger
Address:	1625 North Market Blvd., Suite S200 Sacramento, CA 95834
Telephone:	916-574-7834
Fax:	916-574-8625
Email:	christy_berger@dca.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL AND AVAILABILITY OF MODIFIED TEXT

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

If the regulations adopted by the Board differ from and are substantially related to the action proposed, the text of the proposed regulations with changes clearly indicated will be made available to the public for 15 days prior to the date of adoption.

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

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

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

WEBSITE ACCESS

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

BOARD OF BEHAVIORAL SCIENCES
INITIAL STATEMENT OF REASONS

Hearing Date: August 4, 2008

Subject Matter of Proposed Regulations: Recognition of Degrees from Schools Approved by the Bureau for Private Postsecondary and Vocational Education.

Section(s) Affected: Adopt Section 1832.5 in Division 18 of Title 16 of the California Code of Regulations.

Specific Purpose of each adoption, amendment, or repeal:

Business and Professions Code section 4980.40 requires applicants for MFT licensure to possess a doctor's degree or master's degree from a school, college, or university accredited by the Western Association of Schools and Colleges (WASC), or approved by the BPPVE or the Commission on Accreditation of Marriage and Family Therapy Education (COAMFTE). Business and Professions Code section 4980.44 (a)(1) imposes the same requirements to qualify for an MFT intern registration.

The board has the authority pursuant to subdivision (a) of Business and Professions Code section 4980.40 to make the "final determination" as to whether a degree meets all requirements for licensure, regardless of accreditation or approval. This proposal would clarify that authority by specifically permitting the board to recognize degrees that were conferred between January 1, 2009 and June 30, 2012 by schools that were approved by the Bureau for Private Postsecondary and Vocational Education (BPPVE) as of June 30, 2007.

Specifically, the regulation would:

- permit the Board to recognize applicants for MFT licensure and MFT intern registration who obtain a degree from a BPPVE-approved school between January 1, 2009 and June 30, 2012 to continue to qualify for licensure and registration, as long as the school held an approval to operate as of June 30, 2007;and,

- authorize the Board to recognize these degrees from these BPPVE-approved schools until either legislation reenacts the Private Postsecondary and Vocational Education Reform Act and the BPPVE or until legislation provides for a successor agency to BPPVE.

Factual Basis/Necessity

The former Bureau for Private Postsecondary and Vocational Education (BPPVE) issued approvals to schools operating in California that had no Western Association of Schools and Colleges (WASC) accreditation and conferred MFT degrees upon persons qualifying for licensure as a Marriage and Family Therapist (MFT), and registration as an MFT Intern with the Board of Behavioral Sciences (Board). The BPPVE became inoperative July 1, 2007 and its authority repealed January 1, 2008. The sunset of this legislation had the effect of repealing both the BPPVE and the underlying statutes that govern the approval of thousands of educational institutions including 21 school programs offering degrees required for MFT intern registration and MFT licensure.

Subsequently, in 2007, the Governor signed two legislative proposals to address the sunset of the BPPVE, Assembly Bill 1525 (Cook) and Senate Bill 45 (Perata).

AB 1525 temporarily extended school approvals formerly issued by the BPPVE until July 1, 2008 for schools that had a valid approval to operate as of June 30, 2007. This legislation was intended to allow schools to retain their approvals for the purpose of interpreting laws that require graduation from a BPPVE-approved school as a qualification for registration or licensure. This bill was to serve as a stop-gap measure until legislation reinstating BPPVE could be signed into law.

SB 45 extended by six months (until January 1, 2009), institutional approvals necessary to preserve student ability to sit for licensing exams. This bill extended the provisions of AB 1525 and established a Bureau for Private Postsecondary Education in the Department of Consumer Affairs that had a limited function, intended to serve as another bridge measure until a larger reform bill was passed. As a result of this legislation, qualifying degrees conferred upon persons who graduated from these BPPVE-approved schools will continue to be recognized by the Board through January 1, 2009. A legislative proposal has been introduced to establish a new administrative entity to succeed the BPPVE (SB 823), but it is unclear whether or not this proposal will pass.

Absent further legislative or regulatory action, the Board will be unable to accept degrees conferred by these 21 programs after January 1, 2009, preventing new applicants from obtaining a MFT intern registration. These proposed regulations would provide the Board with the authority to continue recognition of qualifying degrees conferred by schools that have retained approvals from the BPPVE after January 1, 2009 (the expiration date of SB 45), provided that the degree is awarded on or before June 30, 2012.

This proposed rulemaking will clarify in regulation which degrees meet the requirements

set forth in statute. Currently the board has the authority to make the final determination as to whether a degree meets all the requirements regardless of accreditation or approval (Business and Professions Code section 4980.40(a)). Additionally, pursuant to Business and Professions Code section 4980.60(a) the board may adopt rules and regulations necessary to enable it to carry into effect the provisions set forth in Chapter 13 of the Business and Professions Code, the chapter of law that provides for the licensing and regulation of MFTs. This regulation is necessary to clarify the board's authority to continue recognizing degrees conferred by BPPVE approved schools.

Without BPPVE approvals, one of the major pathways for MFT internship would be blocked. California consumers would be denied services that could be provided by these new licensees and registrants. Additionally, as a result of the Mental Health Services Act, county agencies are expected to add approximately 3,525 new positions for direct service providers. MFT Interns are an important source of employees for these agencies, especially given that workforce needs and challenges identified by county agencies are language proficiency, cultural competency and representative diversity. A recent demographic survey by the Board indicated that MFT Interns are much more diverse than MFT licensees are. These regulations are necessary to clarify that the Board still has authority to recognize degrees from applicants graduating from BPPVE-approved schools after January 1, 2009.

Underlying Data

None

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts or evidence/documents/testimony:

There would be no costs to businesses or individuals to comply with this regulation, and there are no other economic costs anticipated. This proposal would benefit the 21 school programs offering degrees required for MFT intern registration and MFT licensure. The economic impact of the proposal to individuals is to avoid the loss of income that could occur for graduates between January 2, 2009, and June 30, 2012, as a result of their schools not being recognized by the Board. The Board estimates that an average of 358 students graduate from approved MFT programs per year. To businesses, the economic impact of this proposal is to avoid the potential loss of revenue from these students who may decide not to enroll in a formerly-approved BPPVE school that issues degrees that are no longer recognized by the Board.

Specific Technologies or Equipment

___**X**__ This regulation does not mandate the use of specific technologies or equipment.

_____ This regulation mandates the use of specific technologies or equipment. Such mandates or prescriptive standards are required for the following reasons:

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

STATEMENT OF SERVICE BY MAIL

I certify that the Board of Behavioral Sciences has complied with the requirements of Government Code Section 11346.4(a)(1) through (4) and that the notice was mailed on July 29, 2008.

DATED: 7-29-08

Tracy Rhine
Tracy Rhine
Regulations Coordinator

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BOARD OF BEHAVIORAL SCIENCES

FINAL STATEMENT OF REASONS

Hearing Dates: August 4, 2008 and September 8, 2008

Section(s) Affected: Title 16, California Code of Regulations Section 1832.5.

Updated Information

The Initial Statement of Reasons is included in the file (Tab II). There were no changes to the proposed regulations.

Objections or Recommendations/Responses

No objections were made to this proposal, either in writing or orally, during the comment period.

Consideration of Alternatives

The Board has determined that no reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be either more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Local Mandate

The proposed regulation does not impose any mandate on local agencies or school districts.

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PROPOSED RULEMAKING HEARING

Title 16 of California Code of Regulation Section 1832.5

August 4, 2008

<u>Minutes</u>

Christy Berger, MHSA coordinator, opened the hearing with the following:

"The purpose of this meeting is to conduct a public hearing of proposed regulations brought forth by the Board of Behavioral Sciences.

Today is Monday August 4, 2008, the time is 9:04 a.m., and this hearing is being conducted in Sacramento, California.

The regulation proposal was filed with the Office of Administrative Law and has been duly noticed. Copies of the proposed regulation have been sent to interested parties.**"**

"This regulation proposal would add Title 16, California Code of Regulations Section 1832.5, which will allow the board, through June 30, 2012, to recognize degrees conferred by educational institutions approved by the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007."

"If any written comments have been received on the proposal, they will be made a part of the permanent record.

Does anyone in the audience wish to testify?**"**

Two individuals from California Sothern University were present and noted that they wished to make a comment on the record regarding this proposed rulemaking.

Ms. Berger outlined the rules for public comment as follows:

"Those persons interested in testifying today will be called to testify in the order of sign-in. When you testify:

1) Please clearly identify yourself and any organization you represent.

2) Speak loudly enough so that your testimony can be heard and recorded by the tape recorder.

3) It is not necessary to repeat the testimony of previous witnesses. It is sufficient to merely indicate that you agree with what the previous witness has said.

4) When you testify, please identify the specific portion of the regulation you are addressing.

5) If you have submitted written comments, please do not repeat them.**"**

Dr. Robert Weathers, Director of clinical training at California Southern University and Dr. Barbara Grimes, Dean of the School of Behavioral Sciences, stated that they, along with Dr. Carol Ryan submitted letter relating to this proposed rulemaking but would like to also make some comments at this hearing.

Dr. Weathers stated that his university wants to support legislation that will continue to cover students already in the system.

Dr. Weathers noted that they spoke to Dr. Ian Russ about school approval and accreditation. Currently California Southern University is proceeding with national accreditation with two national bodies as an immediate goal and long term goal. Board members have commented that they were concerned that some schools were or could be passive about accreditation. California Southern University is highly concerned about approval and accreditation.

Dr. Weathers explained that his program is radically different than others accredited – mostly distance learning format. The university wants to be as rigorous as possible and is doing a lot of consulting along the way. Because the program is mostly distance learning the accreditation is more difficult. Dr. Weathers wants the board to know that the school is highly motivated to become accredited.

Ms. Berger closed the hearing.

****

PROPOSED RULEMAKING HEARING

Title 16 of California Code of Regulation Section 1832.5

September 8, 2008

<u>Minutes</u>

Tracy Rhine, board legislative analyst, opened the hearing with the following:

"The purpose of this meeting is to conduct a public hearing of proposed regulations brought forth by the Board of Behavioral Sciences.

Today is Thursday, September 8, 2008, the time is 9:00 a.m., and this hearing is being conducted in Sacramento, California.

The regulation proposal was filed with the Office of Administrative Law and has been duly noticed. Copies of the proposed regulation have been sent to interested parties.**"**

"This regulation proposal would add Title 16, California Code of Regulations Section 1832.5, which will allow the board, through June 30, 2012, to recognize degrees conferred by educational institutions approved by the Bureau for Private Postsecondary and Vocational Education as of June 30, 2007."

"If any written comments have been received on the proposal, they will be made a part of the permanent record.

Does anyone in the audience wish to testify?**"**

NO WITNESSES PRESENTS.

The hearing remained open until 9:20 a.m. at which time, with no witnesses present to testify on the proposed rulemaking Ms. Rhine formally closed the hearing.

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BBS Board of Behavioral Sciences

1625 North Market Blvd., Suite S-200, Sacramento, CA 95834
(916) 574-7830, (916) 332-1700 TDD, (916) 574-8625 Fax
www.bbs.ca.gov

Arnold Schwarzenegger, *Governor*
State of California
State and Consumer Services Agency
Department of Consumer Affairs

SIGN-IN SHEET

Board of Behavioral Sciences
REGULATORY HEARING
Title 16, California Code of Regulations Section 1832.5
August 4, 2008

Signing is voluntary and all persons may attend the hearing regardless of whether a person signs; however, if you wish to be added to the Board's mailing list, please include your mailing address.

NAME / E-MAIL ADDRESS	ORGANIZATION / ADDRESS
Name: Barbara Grimm, Ph.D. E-Mail: bgrimese calsouthern.edu	California Southern University 1840 E. 17th St. #240 Santa Ana, CA. 92705
Name: Robert Weathers, Ph.D. E-Mail: rweathers@calsouthern.edu	California Southern University 1840 E. 17th St. #240 Santa Ana, CA [redacted] 92705
Name: K. Demos E-Mail: Katherine_demos@dca.ca.gov	DCA Leg / Policy Review
Name: E-Mail:	
Name: E-Mail:	
Name: E-Mail:	

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IRVINE METROPOLITAN CAMPUS

Please FAX to: 916-574-8625

August 20, 2008

Mr. Paul Riches, Executive Director
Board of Behavioral Sciences
State of California

SUBJ.: AB 1897 and the BBS Proposal to extend the recognition of approved schools until 2012

Dear Mr. Riches:

I am writing this letter as executive director of Webster University in Irvine CA. Webster University is a Non-WASC, but regionally accredited university. Webster is a non-profit, private university that was founded in 1915; and, Webster has been **continuously accredited since 1925**. Additionally, all of our academic programs were reapproved by BPPVE in 2006 for a full 5 years prior to the Bureau's sunset in 2007. Because our regional accreditation is "Non-WASC", our counseling MFT (Marriage & Family Therapy) students are again **"at risk"** of not being recognized by the BBS and the State of California.

As such, we support the Governor's signing of AB 1897 that was recently passed by the State Legislature. AB 1897 provides immediate relief for our Counseling MFT students and allows them to meet California licensing guidelines for educational programs. Further, we support the BBS initiative to extend the recognition by the BBS recognition of approved schools until 2012.

Respectfully Submitted,

Harry J. Schuler, Ph.D.
Executive Director

32 DISCOVERY • SUITE 250 • IRVINE, CA 92618 • USA • 949-450-9066 • FAX 949-450-9004

INTERNATIONAL: *Austria • Bermuda • England • People's Republic of China • Switzerland • Thailand • The Netherlands*
USA: *Arizona • California • Colorado • Florida • Illinois • Indiana • Kansas • Missouri • Nevada • New Mexico*
North Carolina • Oklahoma • South Carolina • Texas • Utah • Washington • Washington, D.C.

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WESTERN INSTITUTE
FOR SOCIAL RESEARCH

3220 Sacramento, Berkeley, CA 94702 (510) 655-2830

August 19, 2008

Tracy Rhine and Christy Berger
Board of Behavioral Sciences
625 North Market Blvd., Suite S-200
Sacramento, CA 95834

Re: Extending Recognition to June 30, 2012 of Graduates of MFT Programs from those Schools Approved as of June 30, 2007

Dear Tracy Rhine and Christy Berger:

This letter is in strong support of the above BBS proposal. As President of the Western Institute for Social Research (WISR) in Berkeley, I would like to outline some of the reasons why this proposed rule is both important and sound.

In the case of WISR, which has been State Approved continuously (until the recent gap in legislation) since April 1977, we have been offering high quality MFT education and training to a small and very capable and responsible group of adult learners. We are a non-profit educational institution which has kept our tuition very affordable (currently $6,600/year) to provide maximum access to working adults with modest incomes and family responsibilities. Rather than enrolling large numbers of students, we have chosen to provide intense, personalized and small seminar instruction to adults of widely varying ages (late 20s through 60s, usually in their 30s, 40s and 50s) and from varying ethnic and cultural backgrounds.

Surveys by CAMFT from the past ten or so years indicate that only about 7% of California's MFTs are from backgrounds other than European-American. By contrast, historically, our MFT students and alumni have been from much more diverse backgrounds. This is due in large part to WISR's explicit institutional mission of creating a multicultural learning community (for more information, go to our website: www.wisr.edu). In the past year, for example, from among our 13 MFT students, only six were from European-American backgrounds.

In addition, a very high percentage of our alumni pursue professional work in public agencies or in non-profit, community-based agencies. Not surprisingly, given WISR's institutional mission, a very high percentage of our alumni focus on serving multicultural client populations and/or populations who are disenfranchised in important ways (e.g., youth in foster care, low-income people, homeless citizens, inner-city youth).

The proposed BBS rule to extend recognition to our graduates is important to WISR's ongoing vitality. WISR's continued existence and vitality is important in providing the MFT profession with well-educated, well-prepared interns and MFTs who provide much needed diversity to the profession—not only in ethnic and cultural background, but also in terms of commitment to serving populations who are very much in need of quality assistance.

Furthermore, since many of our students take three or four years to complete their programs at WISR, the BBS proposal to extend recognition to students of approved schools is important to the fair treatment of those students enrolling in 2008, while new legislation is being drafted,

negotiated and approved. Because of financial and time constraints, the mature adults who enroll at WISR do not typically complete the MFT program in two years. Also, because of WISR's thorough-going approach to MFT education, we tell *all* entering MFT students that two years is the absolute minimum length of time to complete the degree, and that almost three years is a more realistic goal. People with especially significant work and family commitments may take longer, of course.

I am enclosing with this letter, for your information, the most recent "School Performance Fact Sheet (February 2007)" that we hand out to prospective MFT students. Here are the highlights of the findings from our 2007 survey:

- Over the past 11 years, through June 30, 2006, 59 students have enrolled in our MFT program, and 25 have completed it, and 8 are still continuing (one is on leave) with plans to finish. Six decided to pursue and complete the regular MA in Psychology and not to seek the MFT license. Twenty students did not finish—since we enroll mature adults, the main reasons for not completing were finances, moving out of State and changes in career plans. A few students were enrolled for only a few months before deciding to withdraw when they came to realize that WISR's learner-centered approach to education was not what they were looking for.
- We have graduated 34 MFT (or MFCC) students since we first offered this option in 1977, but this program has only begun to enroll more than a couple of students since 1988 or so. Of these 34 alumni, here is what we know about them:
    - Licensed: 12
    - Working to get hours or preparing for exam to obtain the license: 11
    - Moved out of State: 5 (all are working in the field or related fields, two became licensed in other states)
    - Obtained PhD in Clinical Psychology (then lost contact): 1
    - Changed to Related Field (Pastoral Counseling): 1
    - Changed Fields: 2
    - Deceased (was pursuing hours toward license): 1
    - Lost Contact: 1
- Of the twelve students graduating between 2000 and 2007, eleven obtained their intern number within a couple of months after graduating, and the other one obtained the intern number a couple of years later.
- From previous surveys, we know that, prior to 2004: the vast majority of our alumni passed the written exam the first time, and over half of our alumni passed the oral exam on the first try. Most importantly, so far, all of our alumni who take the exams pass them eventually and become licensed.
- In the recent survey, the nine of the twelve alumni graduating since 2000 have not yet taken the State Exams. Two of the nine plan to take their first exam in the next few months. Two of the alumni are now licensed, and both of them successfully passed the written exam and the clinical vignettes exam on their first tries. Another alumnus failed the written exam on the first try, but passed it on the second try. Then, this person failed the clinical vignettes exam on the first try and is now preparing to soon take it again.

In conclusion, I strongly support your efforts to pass the proposed rule-change, which will:

- **treat MFT students fairly who are working adults with family commitments, and who therefore often need three or four years to complete their degree programs;**
- **support non-traditional institutions, like WISR, that enroll ethnically and culturally diverse MFT student populations, and that enroll high percentages of MFT students committed to serving client populations, having limited finances and great needs--usually in public agencies or non-profit community-based agencies; and**
- **by making quality MFT education accessible to a diverse population of working adults, which makes for a more diverse, stronger MFT profession, capable of meeting the growing needs of the many, varied segments of the communities and people in California.**

I very much appreciate the Board's efforts on this matter, and would be most willing to provide additional information or testimony, if needed.

Sincerely,

John Bilorusky, PhD
President and Faculty Member
Western Institute for Social Research
3220 Sacramento Street
Berkeley, CA 94702
(510) 655-2830

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SCHOOL PERFORMANCE FACT SHEET
FOR WISR'S MFT STUDENTS AND ALUMNI
(February 2007)

Rate of Completion of Students in WISR's MFT Program

Here are facts about the numbers of students enrolling in WISR's MFT Program (previously known as MFCC Program) since 1995-96, and their success in completing the program.

Of the 10 students enrolling during the fiscal year, 1995-96, six have completed the program, one decided to complete a "regular" MA in Psychology at WISR (not leading to the MFT license), and three did not finish, two of whom did not continue due to changes in career plans.

Of the 10 students first enrolling in 1996-97, six completed the program, two others completed the "regular" MA in Psychology at WISR, and four did not finish. Of these four, two had changes in career plans, one had personal/financial reasons for withdrawing, and one was dissatisfied with WISR.

Of the three students first enrolling in 1997-98, two completed the program and one withdrew because she was dissatisfied with WISR.

Of the four students first enrolling in 1998-99, one completed the program, and after an extended break, one is nearing completion of the "regular" MA in Psychology at WISR, and two did not finish. Of these two, one had a change in career plans and one had personal/financial reasons for withdrawing.

Of the four students first enrolling in 1999-2000, three completed the program, and one did not finish due to pregnancy and giving birth to her child.

Of the one student first enrolling in 2000-01, he withdrew from the program for financial reasons.

Of the five students first enrolling in 2001-02, three completed WISR's MFT program, one is nearing completion, and one has taken a leave of absence but plans to re-enroll soon and pursue a MA in Human Services and Community Development at WISR.

Of the ten students first enrolling in 2002-03, three finished the program, three are continuing their studies and making good progress, one has taken an extended leave with plans to eventually re-enroll, and three did not finish (one because of money, one because of dissatisfaction with the program and one because of a change in career plans).

Of the five students first enrolling 2003-04, one has finished, two are continuing and making good progress, one decided to complete the regular MA in Psychology and not pursue an MFT license, and two did not finish (one was enrolled for only two months and the other had financial difficulties).

Only one student began the MFT program in 2004-05, and she had to withdraw because of financial difficulties after a short while.

Three students enrolled in 2005-06, one of those is continuing in the program and making good progress, and two did not finish because they moved out of State.

Over the past 11 years, through June 30, 2006, 59 students have enrolled in our MFT program, and 25 have completed it, and 8 are still continuing (one is on leave) with plans to finish. **Six decided to pursue and complete the regular MA in Psychology** and not to seek the MFT license. Twenty students did not finish—since we enroll mature adults, the main reasons for not completing were finances, moving out of State and changes in career plans. A few students were enrolled for only a few months before deciding to withdraw when they came to realize that WISR's learner-centered approach to education was not what they were looking for.

How WISR's MFT Alumni Fare After Graduation—Licensing and Employment

Because we are a small institution, the majority of our alumni stay in touch with us and they give us regular updates on their professional status and accomplishments. Periodically, we survey our alumni to find out how they are doing and to get feedback from them about our program. **We have graduated 34 MFT (or MFCC) students** since we first offered this option in 1977, but this program has only begun to enroll more than a couple of students since 1988 or so.

Of these 34 alumni, here is what we know about them:

Licensed: 12
Working to get hours or preparing for exam to obtain the license: 11
Moved out of State: 5 (all are working in the field or related fields, two became licensed in other states)
Obtained PhD in Clinical Psychology (then lost contact): 1
Changed to Related Field (Pastoral Counseling): 1
Changed Fields: 2
Deceased (was pursuing hours toward license): 1
Lost Contact: 1

Therefore, one can see that **the vast majority of our alumni have either obtained the license or their intern number and are working toward the license.**

Survey of Most Recent Alumni

We recently conducted a survey of those 15 alumni who have completed our MFT program since July 2000. Three of the 15 alumni are currently living out of state, and did not immediately respond to our survey. (We have a current address for only one of the three—although we know that one of the three will probably move back to California and take the MFT exam, since she has completed almost all of her 3,000 hours. The other two alumni indicated before leaving that they would continue in the counseling field, but we cannot confirm this.) The results reported below are for the 12 alumni who still reside in California, all of whom responded to our survey.

Eleven of the twelve obtained their intern number within a couple of months after graduating, and the other one obtained the intern number a couple of years later (for awhile he wasn't sure he was going to pursue hours toward the license even though he was working in the field full-time).

Work in the Field:

Here is what each of the eleven alumni residing in California said about their work in the field since graduating:

#1: For the past year and a half, this person has been working in a paid position 10 hours per week in a community agency obtaining hours toward the license.

#2: For about nine months, this person has been working full-time in a paid position working for a public agency and obtaining hours toward the license.

#3: For about over six months, this person has been working five hours per week in a paid position with a community agency and obtaining hours toward the license. (This person works full-time in a related field.)

#4: This person worked full-time for about three years in a paid position obtaining hours toward the license—first in one non-profit agency (for several months) and then in another agency for over two years. After that time, she had enough hours for the license and she has been studying for her exams (has passed the first).

#5: For six years, this person worked half-time in a community agency obtaining her hours toward the license, and for the last five years she was paid for her work. (Throughout the six year period she also worked three-quarters time in the job in the field she is transitioning out of.)

#6: For two years, this person worked 25 hours per week doing paid private therapy (as an intern under the supervision of a licensed therapist). For the past six months, since obtaining the license, this person has been working in private practice seeing clients about 20 hours per week.

#7: For the past year and a half, this person has been working in paid positions with two non-profit agencies, obtaining her hours toward the license. She has been working about 20 hours per week on average.

#8: For two years after to graduation, this person was working in a community agency in a paid position 25 hours per week, and for almost a year he has been working in a paid position 30 hours per week in another agency, and in both he was obtaining some hours toward the license.

#9: This person intends to work toward her hours for the license in another three years after she is eligible for retirement benefits from her current job in an unrelated field.

#10: This person has continued for the past two (plus) years in the full-time paid position in a community agency that she had as a graduate student trainee—she is obtaining her hours toward the license.

#11: This person is working toward the required hours for licensure in full-time paid positions--for two years in one health agency and for the past year in a community agency.

#12: This person was supervised and paid as an "apprentice" in a licensed therapist's private practice for 15 hours/ work for the first four years after graduating. Concurrently, this person volunteered 8 hours per week and obtained additional hours toward the license in a medical clinic.

Pass Rates on State Exams

From previous surveys, we know that, prior to 2004: the vast majority of our alumni pass the written exam the first time, and over half of our alumni pass the oral exam on the first try. Most importantly, so far, all of our alumni who take the exams pass them eventually and become licensed.

In the recent survey, the nine of the twelve alumni graduating since 2000 have not yet taken the State Exams. Two of the nine plan to take their first exam in the next few months. **Two of the alumni are now licensed, and both of them successfully passed the written exam and the clinical vignettes exam on their first tries.** Another alumnus failed the written exam on the first try, but passed it on the second try. Then, this person failed the clinical vignettes exam on the first try and is now preparing to soon take it again.

Salaries

At WISR we do not make any claims to students and prospective students about salaries. Our previous surveys of alumni indicate that almost all are very pleased with

what they are earning. For those working full-time in the field, the range is from a low of $30,000 per year to a high of over $100,000 per year. Very often our students will gradually transition out of jobs in other fields as they gain more hours and higher earnings in jobs in the counseling field.

Here is what the recent group of 11 alumni said about their salaries:

#1: Not in the field, but employed full-time, and plans to entering the MFT field in three years and then begin working toward the necessary supervised hours.

#2 - # 5: Working full-time in the field with annual salaries of about $53k, $44k, $42k, and $45k-$60k.

#6: Working in the field 30 hours per week, annual salary of $34k.

#7: Working in the field 20 hours per week, annual salary of $60k.

#8: Working 20 hours per week @$15/hour in the field (has another ¾ time job)

#9: Working 5 hours per week @ $15/hour (has another full-time job)

#10: Working 23 hours per week @$10/hour

#11: Working 8 hours per week, for an annual salary of $20k

#12: Working for an unspecified modest wage 10 hours/week.

For More Information about the Experiences of WISR's Alumni:

Prospective students and others who wish to learn more about the experiences of WISR's alumni, while enrolled at WISR and in their careers and community involvements after graduation, may request information on how to contact some of our alumni to talk with them directly. Most of our alumni are happy to be contacted by people who wish to learn more about their learning and professional experiences and about WISR.

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July 25, 2008

Board of Behavioral Sciences
ATTN: Tracy Rhine
Policy and Advocacy Committee Members
1625 N. Market Boulevard, Suite S-200
Sacramento, CA 95834

Dear Committee Members,

We, as representatives of California Southern University, wish to thank you for your diligence in serving the community of statewide psychotherapists across several disciplines. It is apparent to us how deep your commitment is to excellence and integrity.

California Southern University would like to express our support for Assembly Bill 1897 (Emmerson) which will extend the Board's ability to accept degrees from BPPVE approved universities. Such legislation will protect students who are training to become therapists. It is unfortunate that these students have had to experience such uncertainty and anxiety due to the failure of the California legislature to arrive at a satisfactory replacement for the Bureau. It is imperative that these students be protected during this time of transition. It is simply a matter of time until a new Bureau is established.

In the meantime, universities such as CalSouthern continue to operate with the same high level of integrity and diligence to provide quality education to future psychotherapists. Assembly Bill 1897 respects the integrity of the approved institutions that have been providing education and training for so many years.

We support Assembly Bill 1897. It provides continuity between the current state of affairs and new initiatives. We invite continued dialogue with the Board regarding this matter and are happy to provide any assistance needed.

Sincerely,

Caroll Ryan, Ph. D. President
Barbara Grimes, Ph.D. Dean, School of Behavioral Sciences
Robert Weathers, Ph.D., Director of Clinical Training

Cc: Paul Riches, Executive Officer
Ian Russ, Board Chair

T: 714 480 0800 / 800 477 2254 / F: 714 480 0834 / 1840 East Seventeenth Street, Santa Ana, California 92705

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SOUTHERN CALIFORNIA
Seminary 2075 East Madison Avenue El Cajon, CA 92019

July 10, 2008

Mr. Paul Riches, Executive Officer
Board of Behavioral Sciences
1625 N Market Blvd., Suite S-200
Sacramento, CA 95834

Re: Proposed changes to Division 18 of Title 16 of the California Code of Regulations (CCR)

Dear Mr. Riches,

We would like to add our support regarding the proposal to permit the Board to recognize applicants for MFT licensure and MFT intern registration who obtain a degree from a BPPVE-approved school between January 1, 2009 and June 30, 2012 to continue to qualify for licensure and registration, as long as the school held an approval to operate as of June 30, 2007.

The problem for students and schools who are attempting to operate under the uncertainty of whether or not the degrees would count for licensure has been distressing. Many schools, ours included, have been devastated by the significant drop in new student enrollments, as well as the fear that our current students would not be able to graduate.

Your substantive and important change in the regulation would give previously approved schools time to seek additional accreditation and to assure students that they may finish their education for which they have already invested considerable time, effort and money. Currently, other competent and accomplished regionally and nationally accredited schools are not allowed to educate MFT students within our state for the purpose of licensure.

We wish to praise the work of the Board as well as your staff for your assiduous efforts to protect the interests of the public. We are pleased that this care extends to those California students who are attempting to become ethical and competent professionals in this important field of Marriage and Family Therapy.

Sincerely,

Barry Lord, Psy.D.
Dean, Behavioral Science Department
Southern California Seminary

Albert Letting III, Ed.D.
Vice President of Academics
Southern California Seminary

Phone : (619) 442 • 9841 **Fax** : (619) 442 • 4510 **Email** : info@socalsem.edu **www**.socalsem.edu

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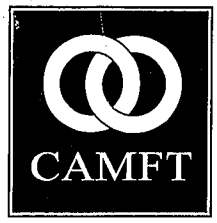

We're here for You!

July 21, 2008

Christy Berger
1625 North Market Blvd., Suite S200
Sacramento, CA 95834

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

RE: Title 16. California Code of Regulations
Division 18. Board of Behavioral Sciences
Article 4. Marriage and Family Therapists
Section. 1832.5

Dear Ms. Berger:

On behalf of the 30,000 members of the California Association of Marriage and Family Therapists ("CAMFT"), we wish to express our support of proposed Regulation §1832.5. The regulation serves to recognize specific degrees from schools formally approved by the Bureau for Private Postsecondary and Vocational Education ("BPPVE").

This regulation would permit the Board of Behavioral Sciences ("BBS") to recognize degrees that were conferred between January 1, 2009 and June 30, 2012 from schools that were approved by the BPPVE as of June 30, 2007. Absent legislative or regulatory action, the BBS will be unable to accept degrees conferred by affected programs after January 1, 2009. Without this protection, numerous marriage and family therapist ("MFT") trainees/graduates, who have already commenced their education/hours towards their MFT licensure, will be disenfranchised and be unable to gain their MFT intern registration.

We wish to voice our support of this regulation and look forward to its approval.

Sincerely,

Catherine L. Atkins
Staff Counsel

Mary Riemersma
Executive Director

cc: Tim Shannon, Shannon Government Relations

California Association of Marriage and Family Therapists

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

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Paul Riches/BBS/DCANotes
08/02/2008 08:34 AM

To "Tracy Rhine" <tracy_rhine@dca.ca.gov>
cc
bcc
Subject Fw:

Paul Riches, Executive Officer
Board of Behavioral Sciences
(916) 574-7840

Sent from my BlackBerry Wireless Handheld

----- Original Message -----
From: nkobrin
Sent: 08/01/2008 04:02 PM
To: paul_riches@dca.ca.gov (Paul Riches)

Dear Mr. Riches,

This email is intended to show support for the proposed addition of section 1832.5 to Title 16 of the California Code of Regulations. Continuing to recognize applicants for MFT licensure and MFT intern registration from schools that have held prior BPPVE approval is not only wise but just.

Thank you for your support and the support of the Board regarding this proposed addition.

Neil S. Kobrin, PhD
California Graduate Institute

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STATE OF CALIFORNIA

ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)

STD. 399 (Rev. 2-98)

See SAM Sections 6600 - 6680 for Instructions and Code Citations

DEPARTMENT NAME	CONTACT PERSON	TELEPHONE NUMBER
Consumer Affairs/Bd of Behavioral Sciences	Tracy Rhine	574-7847
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400		NOTICE FILE NUMBER
Recognition of Degrees from MFT Schools Approved by the Bureau for Private, Postsecondary and Vocational Education (Section 1832.5)		

ECONOMIC IMPACT STATEMENT

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *(include calculations and assumptions in the rulemaking record.)*

1. Check the appropriate box(es) below to indicate whether this regulation:

☒ a. Impacts businesses and/or employees

☐ b. Impacts small businesses

☐ c. Impacts jobs or occupations

☐ d. Impacts California competitiveness

☐ e. Imposes reporting requirements

☐ f. Imposes prescriptive instead of performance standards

☒ g. Impacts individuals

☐ h. None of the above *(Explain below. Complete the Fiscal Impact Statement as appropriate.)*

h. (cont.) See attached.

(If any box items 1 a through g is checked, complete this Economic Impact Statement.)

2. Enter the total number of businesses impacted: (See Attached) Describe the types of businesses (Include nonprofits): (See Attached)

Enter the number or percentage of total businesses impacted that are small businesses: 0

3. Enter the number of businesses that will be created: 0 eliminated: 0

Explain: N/A

4. Indicate the geographic extent of impacts: ☒ Statewide ☐ Local or regional (list areas)

5. Enter the number of jobs created: 0 or eliminated: 0 Describe the types of jobs or occupations impacted:

6. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here?

☐ Yes ☒ No If yes, explain briefly: N/A

B. ESTIMATED COSTS *(Include calculations and assumptions in the rulemaking record.)*

1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? $ (See Attached)

a. Initial cost for a small business: $ (See Attached) Annual ongoing cost: $ (See Attached) Years: (See Attached)

b. Initial cost for a typical business: $ (See Attached) Annual ongoing cost: $ (See Attached) Years: (See Attached)

c. Initial cost for an individual: $ (See Attached) Annual ongoing cost: $ (See Attached) Years (See Attached) N/A

d. Describe other economic costs that may occur: (See Attached)

2. If multiple industries are impacted, enter the share of total costs for each industry: N/A

3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements. *(Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted.):* $ N/A

4. Will this regulation directly impact housing costs? ☐ Yes ☒ No If yes, enter the annual dollar cost per housing unit: $ 0 and the number of units: 0

5. Are there comparable Federal Regulations? ☐ Yes ☒ No Explain the need for State regulation given the existence or absence of Federal regulations: This area of law is regulated at the state level

   Enter any additional costs to businesses and/or individuals that may be due to State – Federal differences: $ 0

C. ESTIMATED BENEFITS *(Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)*

1. Briefly summarize the benefits that may result from this regulation and who will benefit: Persons who graduate from approved MFT schools will benefit because they will continue to be able to qualify for MFT Intern registration, an important qualification for jobs in that field. Existing licensees will not be impacted as these approved MFT schools are not used for Continuing Education.

2. Are the benefits the result of: ☐ specific statutory requirements, or ☒ goals developed by the agency based on broad statutory authority?

   Explain: Business and Professions Code Sections 4980.40(a) and 4980.44(a)(1)

3. What are the total statewide benefits from this regulation over its lifetime? $ (See Attached)

D. ALTERNATIVES TO THE REGULATION *(Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.)*

1. List alternatives considered and describe them below. If no alternatives were considered, explain why not: (See Attached)

2. Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation	Benefit: $ (See Attached)	Cost: $ (See Attached)
Alternative 1:	Benefit: $ (See Attached)	Cost: $ (See Attached)
Alternative 2:	Benefit: $ (See Attached)	Cost: $ (See Attached)
Alternative 3:	Benefit: $ 0	Cost: $ 0

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: N/A

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ Yes ☒ No

   Explain: N/A

ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)*

E. MAJOR REGULATIONS *(Include calculations and assumptions in the rulemaking record.)*
Cal/EPA boards, offices and departments are subject to the following additional requirements per Health and Safety Code section 57005.

1. Will the estimated costs of this regulation to California business enterprises exceed $10 million? ☐ Yes ☒ No (*If No, skip the rest of this section)*

2. Briefly describe each equally as effective alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:
   Alternative 1: N/A
   Alternative 2: N/A

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation:	$ 0	Cost-effectiveness ratio:	N/A
Alternative 1:	$ 0	Cost-effectiveness ratio:	N/A
Alternative 2:	$ 0	Cost-effectiveness ratio:	N/A

FISCAL IMPACT STATEMENT

A. FISCAL EFFECT ON LOCAL GOVERNMENT *(Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years)*

☐ 1. Additional expenditures of approximately $ _____ In the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code. Funding for this reimbursement:
   ☐ a. is provided in (Item _____ Budget Act of _____ or (Chapter _____ Statutes of _____
   ☐ b. will be requested in the _____ (FISCALYEAR) Governor's Budget for appropriation in Budget Act of _____

☐ 2. Additional expenditures of approximately $ _____ in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation:
   ☐ a. implements the Federal mandate contained in _____
   ☐ b. implements the court mandate set forth by the _____ court in the case of _____ vs. _____
   ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____ at the _____ (DATE) election;
   ☐ d. is issued only in response to a specific request from the _____ which is/are the local entity(s) affected;
   ☐ e. will be fully financed from the _____ (FEES, REVENUE, ETC.) authorized by Section _____ of the _____ Code;
   ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each unit.

☐ 3. Savings of approximately $ _____ annually.

☐ 4. No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current laws and regulations.

☒ 5. No fiscal impact exists because the regulation does not affect any local entity or program.

☐ 6. Other (See Attached)

ECONOMIC AND FISCAL IMPACT STATEMENT *cont. (STD. 399, Rev. 2-98)*

B. FISCAL EFFECT ON STATE GOVERNMENT *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent fiscal years.)*

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year. It is anticipated that State agencies will:

☐ a. be able to absorb these additional costs within their existing budgets and resources.

☐ b. request an increase in the currently authorized budget level for the _____ fiscal year.

☐ 2. Savings of approximately $ _____ in the current State Fiscal Year.

☒ 3. No fiscal impact exists because this regulation does not affect any State agency or program.

☐ 4. Other _____

C. FISCAL EFFECT OF FEDERAL FUNDING OF STATE PROGRAMS *(Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent fiscal years.)*

☐ 1. Additional expenditures of approximately $ _____ in the current State Fiscal Year.

☐ 2. Savings of approximately $ _____ in the current Fiscal State Year.

☒ 3. No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

☐ 4. Other _____

SIGNATURE		TITLE Paul Riches, Executive Officer
AGENCY SECRETARY[1] APPROVAL/CONCURRENCE		DATE
DEPARTMENT OF FINANCE[2] APPROVAL/CONCURRENCE	PROGRAM BUDGET MANAGER	DATE

1. *The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6600-6680, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.*

2. *Finance approval and signature is required when SAM sections 6600-6670 require completion of the Fiscal Impact Statement in the STD. 399.*

Recognition of Degrees from MFT Schools Approved by the Bureau for Private, Postsecondary and Vocational Education (Section 1832.5)

Economic Impact Statement

Section A

A.1.
The former Bureau for Private Postsecondary and Vocational Education (BPPVE) issued approvals to schools operating in California that lacked Western Association of Schools and Colleges (WASC) accreditation and conferred degrees upon persons qualifying for licensure as a Marriage and Family Therapist (MFT), and registration as an MFT Intern with the Board of Behavioral Sciences (Board). The BPPVE became inoperative July 1, 2007 and its authority repealed January 1, 2008. Recent legislation, SB 45 (Perata), Chapter 635, Statutes of 2007, extended the viability of the approvals issued by the BPPVE to schools that had been issued approvals as of June 30, 2007. As a result, qualifying degrees conferred upon persons who graduated from these BPPVE-approved schools will continue to be recognized by the Board through January 1, 2009.

These proposed regulations would provide the Board with the authority to continue recognition of qualifying degrees conferred by schools that have retained approvals from the BPPVE after January 1, 2009 (the expiration date of SB 45), provided that the degree is awarded on or before June 30, 2012. A legislative proposal has been introduced to establish a new administrative entity to succeed the BPPVE (SB 823), but it is unclear whether this proposal will be signed into law.

Impact on Individuals: There would be no costs to individuals associated with this regulation, only benefits. This regulation would continue the Board's present authority to recognize degrees conferred by BPPVE-approved schools. This regulation is intended to ensure that students who have enrolled prior to January 1, 2008 (the date of the repeal of the BPPVE's laws) would still be able to qualify for licensure or registration with the Board after SB 45's provisions expire on January 2, 2009, and if subsequent legislation has not passed. This would benefit students who may otherwise be unable to obtain work as MFT Interns after graduation, as described in Section C3 below.

Impact on businesses: This proposal would benefit the 21 school programs offering degrees required for MFT intern registration and MFT licensure. The economic impact of this proposal is to avoid potential loss of revenue from these students who may decide not to enroll in a formerly-approved BPPVE school that issues degrees that are no longer recognized by the Board. See Section C3 on this attachment for information and calculations regarding benefits.

A.2.
This proposal would benefit the 21 school programs offering degrees required for MFT intern registration and MFT licensure. The economic impact of this proposal is to avoid potential loss of revenue from these students who may decide not to enroll in a formerly-approved BPPVE school that issues degrees that are no longer recognized by the Board. See Section C3 on this attachment for information and calculations regarding benefits.

Section B

B.1.
There would be no costs to businesses or individuals to comply with this regulation, and there are no other economic costs anticipated. This proposal would benefit the 21 school programs offering degrees required for MFT intern registration and MFT licensure. The economic impact of the proposal to individuals is to avoid the loss of income that could occur for graduates between January 2, 2009, and June 30, 2012, as a result of their schools not being recognized by the Board. The Board estimates that an average of 358 students graduate from approved MFT programs per year. To businesses, the economic impact of this proposal is to avoid potential loss of revenue from these students who may

decide not to enroll in a formerly-approved BPPVE school that issues degrees that are no longer recognized by the Board. See Section C3 on this attachment for information and calculations regarding benefits.

Section C

C.3.
This proposal would benefit recent MFT graduates because it would ensure that degrees from persons graduating from MFT programs at approved schools between January 1, 2009 and June 30, 2012, would still be legally acceptable to the Board. Recent graduates typically seek work as an MFT Intern to begin earning hours of experience toward licensure as an MFT, and at the same time provide mental health services to the public. By allowing the Board to recognize degrees from BPPVE-approved schools and thereby allowing those otherwise qualified individuals to become an MFT Intern registrants, students graduating between January 1, 2009, and June 30, 2012 would benefit by possibly being able to earn approximately $25,187,512 in MFT Intern income over the three and a half year period that is covered by these proposed regulations. Without this proposal these individuals would be prevented from earning this income due to the sunset of BPPVE. The calculations used to make this estimate are as follows:

The Board estimates that an average of 358 students graduate from approved MFT programs per year:

After graduation, 25% (89) will work in a private practice setting making an average of $40,320/yr and 75% (269) will be employed in other settings (e.g., county, nonprofit) making an average of $49,818/yr.

89 students x $40,320 average pay private practice = $3,588,480
269 students x $49,818 average pay other practice settings = $13,401,042

Students would be expected to have other employment opportunities should they be unable to obtain a MFT Intern registration, and be paid an average of $27,355/yr.

358 students x $27,355 = $9,793,090

$13,401,042 average pay other setting (county, non-profit) over one year statewide
+$3,588,480 average pay private practice over one year statewide
$16,989,494 total average pay as an MFT Intern over one year statewide

($9,793,090) average pay as a non-MFT Intern over one year statewide
$7,196,432 estimated additional income in one year

$7,196,432 x 3.5 years = $25,187,512 total estimated additional income for the life of the proposed regulation (benefit).

This proposal would also benefit county and local mental health agencies, as well as those who are recipients of their services. With the Mental Health Services Act recently in place, there has been the realization of greater mental health workforce needs, especially for those providers who can positively affect the language and cultural diversity that has created barriers to care. MFT Interns as the more recent graduates, and newer to the mental health field, have been found to be a good resource to providing care on our diverse climate. It is essential to ensure these graduates continue to have a pathway to become registered to fill the needed positions.

This proposal would benefit the 21 school programs offering degrees required for MFT intern registration and MFT licensure. While existing students may not opt to leave the program, there may be a loss of business from new students entering these programs as they hear of the loss of the recognition of the BPPVE's approvals that allow the Board's acceptance of the degrees conferred by

these schools. Without this proposal, there could be an economic impact to the BPPVE-approved schools via the loss of new students who will be forced to find other schools that are accredited.

Section D

D.1.
These regulations would ensure that BPPVE approved schools continue to be recognized without interruption as such, so the graduates will not be denied registration as MFT Interns. With these regulations in place, the Board would continue to be allowed to accept the degrees conferred by one of the 21 programs approved by BPPVE, thereby ensuring continued MFT Intern employment in the marketplace.

Regulation: These proposed regulations would ensure that MFT Interns do not lose approximately $25,187,512 in income of the three and a half year period covered by these proposed regulations.

Alternative #1: Propose legislation to extend the Board's ability to accept MFT degrees from approved schools. Such legislation has been introduced, but has no guarantee of passing, and therefore there is no guarantee of protecting students and providing for the greater workforce needs and challenges as identified by county agencies.

Alternative #2: Do nothing. This is not acceptable, as it does not protect students to ensure that their degrees would be accepted and thus provide for the graduates or the growing workforce needs. This alternative would result in the loss of income noted above.

D.2.
See Section C.3. on this attachment for calculations.

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